

- Agenda -



Sauk County Board Of Supervisors Annual Meeting

WEDNESDAY, November 12, 2008

6:00 p.m.

West Square Building, 505 Broadway, Rm. #326
Baraboo, Wisconsin 53913

- Special Meetings:

Highway and Parks Committee @ 5:45 p.m., in the Gallery of County Board Room, #326A, West Square Building, 505 Broadway, Baraboo, Wisconsin, to consider:

1.) A resolution supporting long-term capital plan for strategic investments in publicly-owned railroad infrastructure in Wisconsin.

Pursuant to §65.90 of the Wisconsin Statutes, a Public Hearing on the Proposed 2009 Sauk County Budget will be held at 6:00 p. m. in Room #326 (County Board Room) of the West Square Building for the purpose of soliciting comments from the public regarding the 2009 Sauk County Budget for County Operations.

- **Convene Public Hearing:** Marty Krueger, County Board Chair
- **Budget Presentation:** Kathryn Schauf, Administrative Coordinator
- **Public Comment: Public Hearing Registration forms** are located on the table in the Gallery of the Board room. Interested parties wishing to speak regarding the **proposed 2009 Sauk County Budget**, are asked to limit comments to not more than 3 minutes.
- **Adjourn Public Hearing:** Marty Krueger, County Board Chair
- **The November Annual Session of the Sauk County Board of Supervisors will be called to order immediately following the Public Hearing.**
- **Call to order, and certify compliance with Open Meeting Law.**
- **Roll call.**
- **Invocation and pledge of allegiance.**
- **Adoption of agenda.**
- **Approval of minutes of previous meeting.**
- **Scheduled appearances.**
- **Public comment.**

***AMENDED** Tuesday, November 11, 2008 @ 3:45 p.m.

- **Communications:**

Letter from Monica Liegel, Chair of the Reedsburg Historic Commission, in support of preservation of the four small buildings and nearby pauper cemetery located to the southwest of the current Sauk County Health Care Center. **(page 5)**

E-mail from Bill Lueders, President of Wisconsin Freedom of Information Council, requesting that the Sauk County Board rescind the increase on fees for copies of records from the Sauk County Sheriff's Department. **(pages 6 & 7)**

***(e-mail attachment letter pages 4a & 4b)**

Village of Prairie du Sac resolution petitioning for the Village of Prairie du Sac's membership on the Pink Lady Rail Transit Commission for the Sauk County Board's consideration. **(pages 7a - 7c)**

- **Bills & referrals.**

- **Claims.**

- **Appointments:**

Sauk County Child Support Director: Thomas Fandry

Revolving Loan Fund Committee, 2 year staggered terms:

Citizen members:

Attorney Myron La Rowe, Reedsburg, term expires April 21, 2009

Julie Alibrando, LaValle/Reedsburg area, term expires April 21, 2009

Thomas Fleming, Baraboo, term expires April 21, 2009

John "Jack" Schluter, Plain, term expires April 20, 2010

Leslie Bruner, Sauk Prairie, term expires April 20, 2010

Ex-officio members - serve Committee in advisory role:

Karna Hanna, Sauk County Development Corporation Executive Director, and

Kathryn Schauf, Sauk County Administrative Coordinator

- **Unfinished Business.**

- **Reports** (informational - no action required):

1. Beverly J. Mielke, Sauk County Clerk, rezoning petitions received per Wisconsin State Statutes 59.69(5)(e): None.
2. Sauk County Quarterly Financial Report. **(pages 8 - 11)**
3. Supervisor Endres, Chair, Sauk County Health Care Center Building Committee.
4. Supervisor Endres, Vice-Chair, Executive & Legislative Committee.
5. Marty Krueger, County Board Chair
6. Kathryn Schauf, Administrative Coordinator

- **Consent Agenda:** None

• **Resolutions & Ordinances:**

- Page #** **COMMITTEE:**
- 12 & 13 **ECONOMIC DEVELOPMENT and HIGHWAY & PARKS:**
Resolution 117-08 Supporting Long-Term Capital Plan For Strategic Investments In Publicly-Owned Railroad Infrastructure In Wisconsin.
- EXECUTIVE & LEGISLATIVE COMMITTEE:**
- *4c *Resolution 117A-08 Reimbursement For Attendance At The Working Lands Conference.
- 14 & 15 **HIGHWAY & PARKS:**
Resolution 118-08 County Aide For Bridge Construction Under S.82.08 Of The State Statutes.
- 16 & 17 **LAW ENFORCEMENT & JUDICIARY and FINANCE:**
Resolution 119-08 Authorization to Purchase 2009 Ford Crown Victoria Replacement Squad Car Under Emergency Procedures and Amend the 2008 Budget For This Purchase.
- PERSONNEL:**
- *4d - 4f n/a Resolution 120-08 Establishing the 2009 Health Insurance Program for Sauk County. ~~*(Copy not available.)~~
- 18 - 21 Resolution 121-08 Ratifying The 2009 - 2011 Collective Bargaining Agreement Between Sauk County and Wisconsin Professional Police Association, Clerical Unit.
- *PLANNING, ZONING & LAND RECORDS:**
- *4g - 4y *Ordinance 121A-08 Approving the Rezoning of Lands in the Town of Winfield Out of the Shoreland-Wetland District Filed Upon Michael Wilson, Applicant/Agent (Petition 13-2008).
- *4z - 4zf *Possible Ordinance 121B-08 Approving the Rezoning of Lands in the Town of Reedsburg From an Exclusive Agricultural to an Agricultural Zoning District Filed Upon Lawrence & Bridget Mundth (Petition 12-2008).
- 22 & 23 **PROPERTY & RESOURCE:**
Resolution 122-08 Approving Liability, Property and Workers Compensation Insurance Coverage, Carriers and Premiums For Sauk County From January 1, 2009 to January 1, 2010.
- 24 - 29 **PUBLIC HEALTH BOARD:**
Resolution 123-08 Approving A Memorandum Of Understanding Between Sauk County and The City Of Baraboo Related To The "Baraboo River Redevelopment Project" Grant from the Environmental Protection Agency.

***AMENDED** Tuesday, November 11, 2008 @ 3:45 p.m.

FINANCE COMMITTEE:

30 Ordinance No. 124-08 Establishing Taxes to be Levied in Sauk County for Year 2009.

- Adjournment to a date certain.

Respectfully submitted,



Marty Krueger
County Board Chair

*✓ **County Board members, County staff:** RSVP for Sauk County Board of Supervisors Holiday Party on Thursday, December 11, 2008 is due to the office of the County Clerk by Friday, December 05, 2008.

✓ **County Board members, County staff, & public:**

Materials handed out at Sauk County Board of Supervisors meetings are required to be on file with the official records of the Proceedings of the Sauk County Board of Supervisors. **Provide the County Clerk a copy of:**

- 1.) informational handouts distributed to Board members; and
- 2.) original letters/communications presented to the Board.

✓ **County Board members:** Stop in the Office of the County Clerk prior to each Board meeting to sign original resolutions/ordinances.

Any person who has a qualifying disability that requires the meeting or materials at the meeting to be in an accessible location or format should contact Sauk County at 608.355.3269, or TTY at 608.355.3490, between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday, exclusive of legal holidays, at least 48 hours in advance of the meeting so that reasonable arrangements can be made to accommodate each request.

www.co.sauk.wi.us

Agenda mail date via United States Postal Service: Wednesday, November 5, 2008

*Amended Tuesday, November 11, 2008 @ 3:45 p.m.

Agenda preparation: Marty Krueger, County Board Chair, with the assistance of Kathryn Schauf, Administrative Coordinator, and Beverly J. Mielke, County Clerk
s:/everyone/admin/2008/ag11208annual.lwp



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

J.B. VAN HOLLEN
ATTORNEY GENERAL

Raymond P. Taffora
Deputy Attorney General

17 W. Main Street
P.O. Box 7857
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www.doj.state.wi.us

Alan Lee
Assistant Attorney General
leeam@doj.state.wi.us
608/266-0020
FAX 608/267-2223

October 16, 2008

Mr. Robert Shear
Post Office Box 154
Nekoosa, WI 54457

Dear Mr. Shear:

Attorney General J.B. Van Hollen has asked me to respond to your e-mail of September 10, 2008 raising two questions under the public records law.

You first state that you made a records request to the school district for the 2006-07 annual reconciliation report in a PDF file burned to a CD. The district responded that the district could charge you \$.25 per page and a cost of \$35.64 for the business manager's time to print the 37 page report. In *WIREdata, Inc. v. Village of Sussex*, 2008 WI 69, ___ Wis. 2d ___, 751 N.W.2d 736, the Wisconsin Supreme Court left open the question concerning the degree to which a requester can specify the precise electronic format that will satisfy a record request. Our office recommends that a custodian who denies a request that records be provided in a particular electronic format state a legally sufficient reason for denying access to a copy of a record in the particular format requested.

A charge of \$35.64 for printing a 37 page report would not seem to be reasonable. Under section 19.35(3) of the Wisconsin Statutes, copy fees are limited to the actual, necessary, and direct costs of reproduction, unless a fee is otherwise specifically established or authorized to be established by law. It has long been the policy of this office that copy fees should be around \$.15 per page and that anything in excess of \$.25 may be suspect. We generally assume that such a per page charge would include not only the costs of paper but overhead costs as well, including the amount of employee time actually, necessarily, and directly involved in making the copies. It would seem that there should be no fee involved in printing from a PDF file other than the cost of the paper. I note that the record custodian has the burden of proving that copy charges are within the statutory limits. The district, therefore, should justify the business manager's time spent printing the report.

COPY

Mr. Robert Shear
October 16, 2008
Page 2

You state that the school district used a corporation to disperse payment of invoices directly related to a referendum. You ask whether you can request records of the invoices submitted by the Nekoosa School District to Hoffman Corporation for payment. The invoices should be public records and you should be able to obtain them for the cost of copying.

Thank you for contacting the Wisconsin Department of Justice. If you have further questions, do not hesitate to write.

Sincerely,



Alan Lee
Assistant Attorney General

AL:kh

lccam\mt\shear, robert.doc
080915014

RESOLUTION NO. 117A - 08

REIMBURSEMENT FOR ATTENDANCE AT THE WORKING LANDS CONFERENCE

WHEREAS, on December 08, 2008 the Wisconsin Towns Association and the Wisconsin Counties Association will be hosting an informational session on working lands; and,

WHEREAS, the County Board as part of the their strategic planning process has identified, "Investigate conservation practices that provide for a sustainable future", as a goal; and,

WHEREAS, this informative session will allow policy makers an opportunity to learn about a variety of preservation tools that are designed to preserve Wisconsin's working lands; and,

WHEREAS, the Rules of the Board stipulate that attendance at a school, institute or meeting which is not a part of regular committee meetings requires approval by the County Board of Supervisors (Rule V. A. of the Rules of the Sauk County Board of Supervisors.).

NOW, THEREFORE, BE IT RESOLVED, that the Sauk County Board of Supervisors hereby approves compensating and reimbursing expenses of County Board Supervisors for attendance at the Working Lands Conference at the Kalahari in Lake Delton, WI on December 08, 2008.

For consideration by the Sauk County Board of Supervisors on November 12, 2008.

Respectfully submitted,

EXECUTIVE AND LEGISLATIVE COMMITTEE

MARTY KRUEGER, Chair

PAUL ENDRES

JOAN FORDHAM

DONALD C. STEVENS

WILLIAM F. WENZEL

COPY

Fiscal Note: Price per Supervisor will vary depending upon mileage. Registration is \$35 per person or \$1,085 for all 31 County Board members to attend. Per diem is \$50.00, \$2,260 in per diems. Estimated mileage if all supervisors attend is \$387.

KPB

RESOLUTION NO. 120-08

RESOLUTION ESTABLISHING THE
2009 HEALTH INSURANCE PROGRAM FOR SAUK COUNTY

WHEREAS, the present Sauk County health insurance program consists of three plan design options which are offered to eligible individuals of each group; and

WHEREAS, pursuant to collective bargaining agreements Sauk County's contribution toward health insurance is fixed at 90% for "Category 1" employees, 67.5% for "Category 2" employees and 45% for "Category 3" employees of the least expensive of any plan that offers "coverage as good as, or superior to", current coverage as defined in said agreement; and

WHEREAS, under the Dean Health Plan contract language, regulated by the Insurance Commissioner, the employer contributions cannot be less than 50% for single and 40% for family coverage for each employee; and

WHEREAS, in accordance with the Municipal Employee Relations Act, all represented employee benefits must be bargained; and

WHEREAS, your Personnel Committee has reviewed the proposals submitted for the 2009 coverage by Dean Health Plan, consisting of a full HMO, a \$15 CoPay HMO and a Point of Enrollment, offering rates as follows:

PLAN DESIGN CHANGE RATES (235 EMPLOYEES):

DEAN HMO: (7.9% increase) with \$5.00/\$15.00 (GENERIC/BRAND NAME) drug co-pay; \$75 ER co-pay:

Single.....	\$512.18	2 Over 65.....	\$973.14
Family.....	\$1,331.66	1 Over/1 Under 65.....	\$998.75
1 over 65.....	\$486.57		

DEAN HMO Copay: (7.9% increase) with \$5.00/\$15.00(GENERIC/BRAND NAME) drug co-pay; \$75 ER co-pay \$15 office visit copay:

Single.....	\$491.83	2 Over 65.....	\$934.47
Family.....	\$1,278.75	1 Over/ 1 Under 65.	\$959.06
1 Over 65	\$467.23		

DEAN HEALTH PLAN POINT OF ENROLLMENT (\$200/\$600 ded.)Plan Providers \$15 co-pay, \$5.00/\$15.00 (GENERIC/BRAND NAME) Non Plan Providers 80% after deductible, 50% drug co-pay

Single	\$ 610.60	2 Over 65.....	\$1,160.14
Family.....	\$1,587.57	1 Over/1Under 65.....	\$1,190.67
1 Over 65.....	\$ 580.07		

COPY

RESOLUTION NO. 120-08

WITHOUT PLAN DESIGN CHANGE (330 EMPLOYEES):

DEAN HMO: (9.9% increase) with \$6.00/\$10.00 (GENERIC/BRAND NAME) drug co-pay:

Single.....\$533.09	2 Over 65.....\$1,012.87
Family.....\$1,386.03	1 Over/1 Under 65.....\$1,039.52
1 Over 65.....\$506.43	

DEAN HMO Copay: (9.9% increase) with \$6.00/\$10.00(GENERIC/BRAND NAME) drug co-pay, \$15 office visit copay:

Single.....\$496.04	2 Over 65.....\$942.48
Family.....\$1,289.71	1 Over/ 1 Under 65.\$967.28
1 Over 65\$471.24	

DEAN HEALTH PLAN POINT OF ENROLLMENT (\$200/\$600 ded.)Plan Providers \$15 CoPay-, \$6.00/\$10.00 (GENERIC/BRAND NAME) Non Plan Providers 80% after deductible, 50% drug Co-Pay

Single\$ 615.66	2 Over 65.....\$1,169.76
Family.....\$1,600.72	1 Over/1Under 65.....\$1,200.54
1 Over 65.....\$ 584.88	

WHEREAS, under the existing Personnel Ordinance and collective bargaining agreements, Sauk County's monthly contributions toward health insurance for employees would be as follows:

PLAN DESIGN CHANGE:

	90%	67.5%	50%
SINGLE	\$460.96	\$345.72	\$256.09
FAMILY	\$1,198.49	\$898.87	\$665.83

WITHOUT PLAN DESIGN CHANGE:

	90%	67.5%	50%
SINGLE	\$479.78	\$359.84	\$266.55
FAMILY	\$1,147.43	\$935.57	\$693.02

NOW, THEREFORE BE IT RESOLVED, by the Sauk County Board of Supervisors, met in regular session, that the Sauk County Health Insurance Program for 2009 be adopted and shall consist of the above mentioned proposals.

For consideration by the Sauk County Board of Supervisors on November 12, 2008.

RESOLUTION NO. 120-08

Respectfully submitted,


SAUK COUNTY PERSONNEL COMMITTEE:



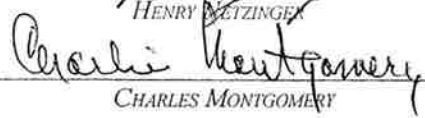
 TIM MEISTER - CHAIR



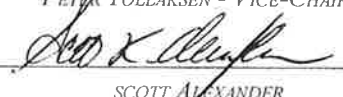
 HENRY METZINGER



 PETER TOLLAKSEN - VICE-CHAIR



 CHARLES MONTGOMERY



 SCOTT ALEXANDER

FISCAL NOTE:

KPB

*Plan Design Change							
2009 PROJECTED HEALTH INSURANCE COSTS*							
	2008 Cost/mo	2009 Cost/mo	Difference	# emp	Annual 2008 Cost	Annual 2009 Cost	Difference
50% Fam	\$624.25	\$665.83	\$41.58	1	\$7,491.00	\$7,989.96	\$498.96
50% Sngl	\$235.57	\$256.09	\$20.52	1	\$2,826.84	\$3,073.08	\$246.24
67.5% Fam	\$842.73	\$898.87	\$56.14	3	\$30,338.28	\$32,359.32	\$2,021.04
67.5% Sngl	\$318.01	\$345.72	\$27.71	2	\$7,632.24	\$8,297.28	\$665.04
90% Fam	\$1,123.64	\$1,198.49	\$74.85	191	\$2,575,382.88	\$2,746,939.08	\$171,556.20
90% Sngl	\$424.02	\$460.96	\$36.94	37	\$188,264.88	\$204,666.24	\$16,401.36
				235	\$2,811,936.12	\$3,003,324.96	\$191,388.84

*Without plan design change							
2009 PROJECTED HEALTH INSURANCE COSTS*							
	2008 Cost/mo	2009 Cost/mo	Difference	# emp	Annual 2008 Cost	Annual 2009 Cost	Difference
50% Fam	\$624.25	\$683.51	\$59.26	0	\$0.00	\$0.00	\$0.00
50% Sngl	\$235.57	\$266.54	\$30.97	0	\$0.00	\$0.00	\$0.00
67.5% Fam	\$842.73	\$935.57	\$92.84	1	\$10,112.76	\$11,226.84	\$1,114.08
67.5% Sngl	\$318.01	\$359.84	\$41.83	1	\$3,816.12	\$4,318.08	\$501.96
90% Fam	\$1,123.64	\$1,247.44	\$123.80	231	\$3,114,730.08	\$3,457,892.59	\$343,162.51
90% Sngl	\$424.02	\$479.78	\$55.76	97	\$493,559.28	\$558,463.92	\$64,904.64
				330	\$3,622,218.24	\$4,031,901.43	\$409,683.19
				Total Employees		Grand Total	\$601,072.03

121A
ORDINANCE NO. _____-2008

PETITION 13-2008. APPROVING THE REZONING OF LANDS IN THE TOWN OF WINFIELD
OUT OF THE SHORELAND-WETLAND DISTRICT FILED UPON MICHAEL WILSON,
APPLICANT/AGENT.

WHEREAS, a public hearing was held by the Planning, Zoning & Land Records Committee on October 28, 2008, upon petition 13-2008 as filed by Michael Wilson for a rezoning of certain lands out of the Shoreland-Wetland District as defined under Section 8.10 Shoreland-Wetland District, Sauk County Shoreland Protection Ordinance; and

WHEREAS, the Planning, Zoning and Land Records Committee reviewed and discussed the request as described in petition 13-2008; and

WHEREAS, the Town of Winfield Town Board did not formally take action on the proposed rezone out of the Shoreland-Wetland District; and

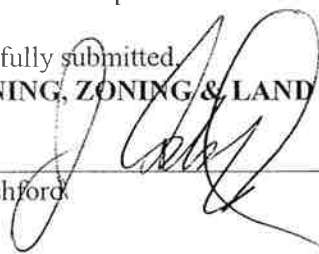
WHEREAS, your Committee, based upon the facts of the request, does recommend that the petition be APPROVED.

NOW, THEREFORE, BE IT ORDAINED, by the Sauk County Board of Supervisors met in regular session, that the rezoning of the aforementioned lands, more particularly described in petition 13-2008, as filed with the Sauk County Clerk, under the Sauk County Zoning Ordinance, Chapter 7 SCCO, be Approved.

12

For consideration by the Sauk County Board of Supervisors on November 18, 2008.

Respectfully submitted,
PLANNING, ZONING & LAND RECORDS




Judy Ashford

Robert Cassity



Joel Gaalswyk



Gerald Lehman

Fiscal Note:

No fiscal impact

KPB

Henry Netzinger

COPY

OFFICE OF
SAUK COUNTY PLANNING AND ZONING

SAUK COUNTY WEST SQUARE BUILDING
505 BROADWAY
BARABOO, WI 53913
Telephone: (608) 355-3285

NOTICE

PLEASE TAKE NOTICE, that the Planning, Zoning and Land Records Committee of the Sauk County Board of Supervisors will hold a public hearing on October 28, 2008, at 9:30 a.m., or as soon thereafter as the matter may be heard, in the County Board Room at the Sauk County West Square Building in the City of Baraboo to consider:

- I. A. Petition 13-2008 Rezone. A petition to rezone certain lands in the Town of Winfield, County of Sauk, Wisconsin, out of the Shoreland-Wetland District.
- Lands to be affected by the proposed rezone are located in Section 10, T13N, R4E, Town of Winfield, Sauk County, Wisconsin.
- B. Testimony of persons to appear at the public hearing; any person so desiring will be given a reasonable opportunity to express their opinions on the matter before the Committee.
- II. A. The purpose of the proposed rezone is to remove land designated under the Shoreland-Wetland District in accordance with Section 8.10(5) Sauk County Shoreland Protection Ordinance to accommodate an existing upgraded driveway access to a single family home.
- B. Any person desiring more information may contact the Sauk County Planning and Zoning Office, Brian Simmert at the Sauk County West Square Building (Telephone 608/355-3285).

Date: October 6, 2008

SAUK COUNTY PLANNING, ZONING AND LAND RECORDS COMMITTEE

BY: BRIAN SIMMERT
Sauk County Department of Planning and Zoning
505 Broadway Street
Sauk County West Square Building
Baraboo, WI 53913

To be published October 13, 2008 and October 20, 2008
For office use only: Pet. No. 13-2008
If you have a disability and need help, reasonable accommodation that a 48 hour notice is given. Please call 608-355-3285 or TDD.

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See Reverse for Instructions	



Staff Report

Petition 13-2008

Sauk County Planning, Zoning
and Land Records Committee

October 28, 2008

Applicant:

Michael Wilson
S590 Hirst Road
Reedsburg, WI 53959

Property Location:

Town of Winfield
Section 10
T. 13 N. - R. 4 E.



Map By: Sauk County Department of Planning and Zoning

0 150 300 600 900 1,200 Feet

PLANNING, ZONING & LAND RECORDS COMMITTEE STAFF REPORT

Petition # 13-2008 Proposed Rezone out of the Shoreland-Wetland District by Michael Wilson, applicant/agent.

Public Hearing Scheduled for: October 28, 2008

1. Request

Petition 13-2008 is a request by Michael Wilson to rezone lands out of the Shoreland-Wetland District according to *Section 8.10 Shoreland-Wetland District (5) Rezoning of lands in the Shoreland-Wetland District*. The land affected by the rezone includes:

A parcel of land being a portion of Lot 1 CSM 5569, located in the NE ¼ –NW ¼ of Section 10, T13N, R4E, Town of Winfield, Sauk County, Wisconsin, described as follows: Commencing at the north one-quarter corner of said Section 10; thence S36°23'28"W, a distance of 1190.84 feet to the point of beginning; thence S07°43'45"W, a distance of 45.07 feet; thence S32°39'10"W, a distance of 35.88 feet; thence N76°41'37"W, a distance of 66.16 feet; thence N54°02'33", a distance of 19.71 feet; thence N40°49'52"E, a distance of 19.71 feet; thence N03° 07'35"E, a distance of 29.95 feet; thence N55°52'24"E, a distance of 17.94 feet; thence S06°20'24"E, a distance of 36.68 feet to the point of beginning. Said parcel contains 0.10 acres more or less.

See also Appendix A for a map of the area requested to be rezoned.

2. History/Information

According to the rezone application submitted by the Wilson's, the request to rezone out of the shoreland-wetlands district is to accommodate an already constructed upgraded driveway crossing. In the application the applicant states, "Project was done because of massive flooding to the property" and "Project had to be completed immediately due to gaining access to our home."

Based on *Section 8.10 of the Shoreland-Wetland District*, all mapped wetlands, which are shown on the *Wisconsin Wetland Inventory Maps* and all shoreland areas meeting the wetland definition in the Shoreland Ordinance are (automatically) included in the wetland district. Therefore, prior to commencement of any activity that changes the state of these identified wetlands such that they no longer meet the definition of a wetland, first requires a rezone out of a wetland district. For informational purposes, the definition of a wetland according to the *Shoreland Protection Ordinance* is as follows:

Wetlands. Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, or which has soils indicative of wet conditions.

Since the Wilson's took ownership of their property, they applied to the Sauk County Planning & Zoning Department for a Land Use Permit to construct a house. Issued in 2006, three conditions were added to the permit regarding the driveway, that upon signing, the Wilson's agreed to. These conditions are as follows:

1. No fill in the wetlands
2. No expansion of the existing crossing which is 11 feet by 6 inches
3. Use existing culvert, which is 24 inches in diameter and 11 feet 6 inches.

These three conditions essentially recognized that that Wilson's will be utilizing an existing agricultural driveway to access their new home site and that they can maintain the current size and location of the crossing to access their home.

On July 10, 2008, the Planning & Zoning Department noted that the Wilson's violated the conditions of the 2006 permit by adding fill and an additional culvert to the driveway. A letter was sent to the Wilson's requesting that action be taken to correct the violation in the form of applying for a rezone out of the Shoreland-Wetlands District or returning the driveway to the original footprint while restoring the wetlands that have been filled. By virtue of the petition, the Wilson's are choosing to request a rezone out of the Shoreland-Wetlands District.

Before a rezone out of the Shoreland-Wetland District can occur, the property owner is required to seek approval from the Wisconsin DNR in the form of a General Permit (to fill wetlands). This permit has been issued by the DNR. Please see Appendix B.

The Town of Winfield submitted correspondence to the Planning & Zoning Department on July 21, 2008 indicating that they will agree with the recommendation of the Wisconsin DNR and the Sauk County Planning & Zoning Department. See Appendix C for a copy of this correspondence.

3. Issues

According to *Section 8.10(5)(b) of the Sauk County Shoreland Protection Ordinance*, a wetland, or portion thereof, in the Shoreland-Wetland District shall not be rezoned if the proposed rezoning may result in a significant adverse impact on the following items 1 through 7. These impacts, along with a response to each impact as provided by the applicants' consultant are located in Appendix D.

1. Storm and floodwater storage capacity
2. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or flow of groundwater through a wetland.
3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain the navigable waters.
4. Shoreline protection against soil erosion.
5. Fish spawning, breeding, nursery or feeding grounds.
6. Wildlife habitat.
7. Areas of special recreational, scenic or scientific interest, including scarce wetland types.

4. Evaluating rezones out of a Shoreland-Wetland District

It may be important to consider historical rezones out of the Shoreland-Wetland District to get a sense about how past decisions to rezone have been made. Since the adoption of the *Shoreland Protection Ordinance* in 1986, there has only been one rezone out of a Shoreland-Wetlands District. This rezone, under petition 18-2006, provided for the construction of a new town road for access to a proposed subdivision. The impetus that led to the filing of petition 11-2006 was to provide a secondary access to a new subdivision that would provide ready access for emergency personal in addition to physically connecting the subdivision to existing developed areas.

Under Petition 18-2006, the applicant was required to respond to the aforementioned 'seven items' noted in the previous section and prove that the wetland filling would not have any significant impacts. As such, the applicant was required to complete a hydraulics and hydrology study for items 1 & 2, submitted a stormwater and erosion control plan that addressed items 3 and 4 and finally worked with County and

State staff to address items 5-7 which led to a requirement that that applicant mitigate wetlands on another part of the site to compensate for the filled area.

While this information is not suggesting that the Wilson's complete this level of assessment as the project is less in scale as compared to a new town road, it does suggest that Sauk County did fully evaluate the potential impacts of wetland filling, and first and foremost the need to fill the wetlands in the first place. In the case of Petition 18-2006, the need was clear from a zoning perspective, which is to provide for the health, safety and welfare of residents in the proposed subdivision by providing a second town road access to the development for emergency and related purposes.

5. Consistency with local development plans and ordinances

The consistency requirement for this type of rezone is not readily recognized in the *Town of Winfield Comprehensive Plan* or the *Sauk County 20/20 Development Plan* as the rezone does not represent a traditional change in land use such as a rezone from Agricultural to Commercial. However, it is important to note that both plans place a value on the protection of natural resources including water resources.

Another Plan, the *Land & Water Resource Management Plan (LWRM)*, developed by the Sauk County Land Conservation Department and adopted by the Sauk County Board of Supervisors, sets forth goals and objectives to meet the natural resource concerns of today and tomorrow. The plan indicates various areas of conservation, preservation and restoration throughout the County. These areas include native prairie, oak savannah and agricultural fields. The plan also addresses the management of wetland areas. The LWRM Plan states the importance of wetlands:

"They protect shorelines, shelter rare and endangered species of plants and animals, and remove nutrients and pesticides from surface water and groundwater. Some wetlands filter out sediment before it reaches the surface waters of the County. Many wetlands slow the overland flow of water and thus reduce flooding and soil erosion downstream."

The LWRM Plan also states that, "currently, wetlands comprise approximately 1 percent of the land area in Sauk County. During early settlement times, wetlands encompassed an estimated 20 percent of the County." This translates to a loss of 95% of Sauk County's wetlands since the settlement of European immigrants. The LWRM Plan goes on to state that, "special emphasis needs to be placed on this disappearing and ecologically vital County resource," and "because there are so many wetlands in need of protection or restoration, prioritization is necessary."

The destruction or alteration of further wetlands is not consistent with the *Sauk County Land and Water Resource Management Plan*. However, the area under request for a rezone out of Shoreland Wetland District, although a wetland, is considered highly degraded. The apparent value of maintaining this wetland area is negligible. In addition, the Wilson's have proceeded in repairing and upgrading the culvert and access to their property. In doing so, some of the wetland area has been disturbed, creating further deterioration of the resource. While the destruction of wetlands is not consistent with Sauk County LWRM Plan, the wetlands in this instance are degraded, and the value of further preserving the resource is in question.

6. Recommendation

In summary, the proposed rezone out of the Shoreland-Wetlands District represents an after-the-fact petition as the filling of wetlands has already taken place. In 2006, a Land Use Permit was issued for the construction of a new house utilizing an existing agricultural driveway with conditions that the owner not impact wetlands at a specified stream crossing. In 2008, after a flooding event, the owners filled wetlands at the stream crossing and installed a new culvert. Sauk County adopted the *Shoreland Protection*

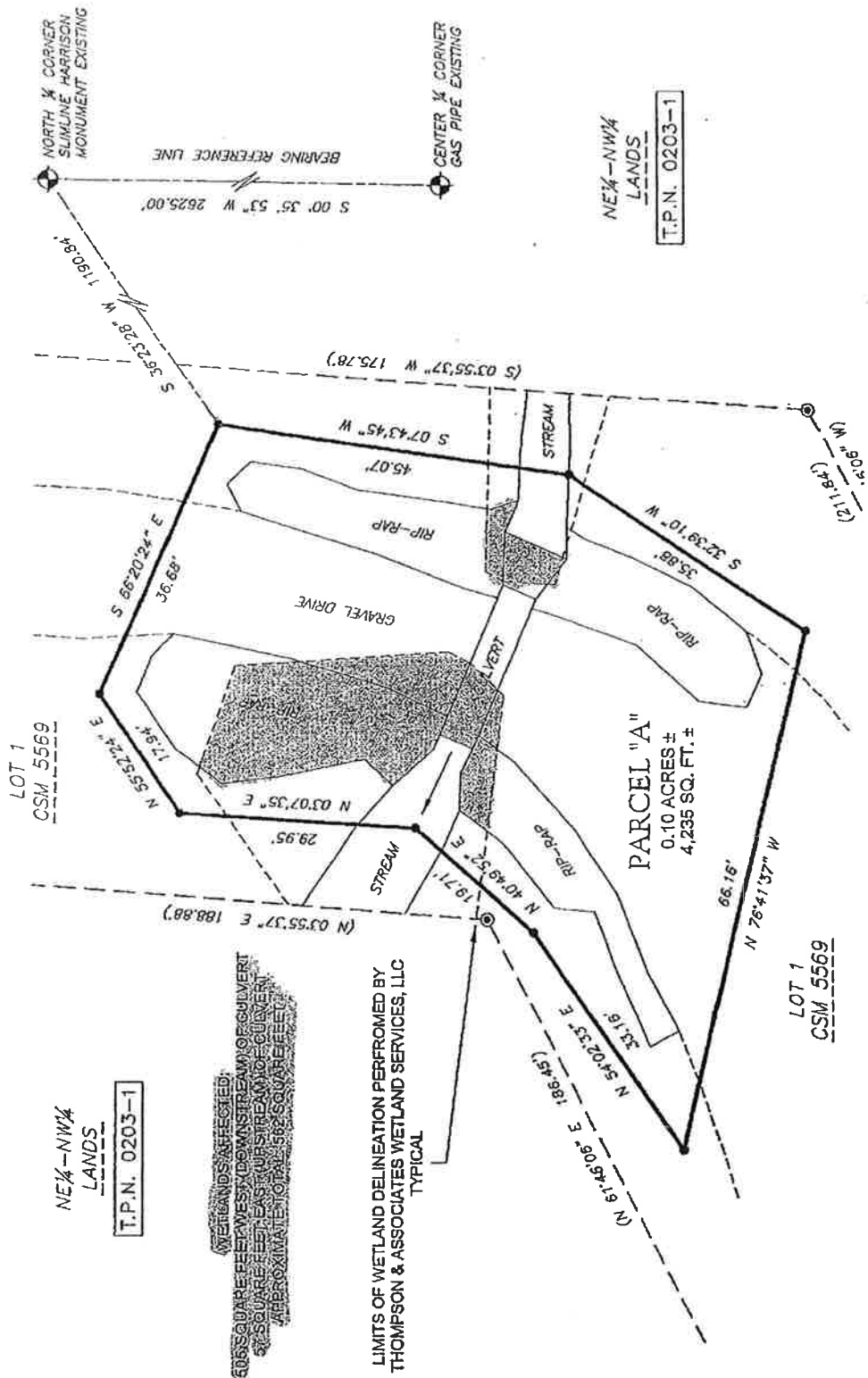
Ordinance in 1986 and since that time has permitted only one rezone out of the Shoreland-Wetland District. This rezone was granted after careful study relative to providing a safe and second access point to a new subdivision and as part of approval, required the mitigation of wetlands to compensate for the loss. Under this Petition, the Wilson's were presented with two options to correct the filling violation; apply and be granted a rezone out of the Shoreland-Wetlands District or return the driveway to the original state as specified in the 2006 Land Use Permit. The wetlands in question are degraded and the value of returning the wetlands to their original state before filling is in question. As part of their decision, the PZLR Committee should consider the following:

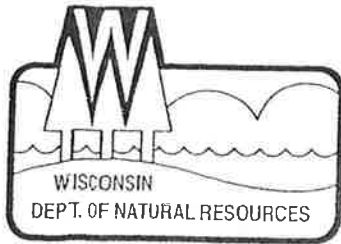
1. Has the applicant adequately addressed Section 8.10(5)(b), items 1-7 for the Committee to make an informed decision?
2. Is the decision consistent with the general values expressed in both the *Sauk County 20/20 Plan* and the *Town of Winfield Comprehensive Plan* relative to protecting natural resources, including water resources. Conversely, is the decision consistent with the *Land & Water Resource Management Plan*?
3. From a zoning perspective, would a rezone advance the concept of protecting human health, safety and welfare or would returning the driveway to the previous state before the filling also adequately address this concept?
4. Will the approval of a rezone of this nature have any impacts on future efforts to protect wetlands?

After consideration of the information provided in this staff report, testimony provided at the public hearing and any other information provided under Petition 13-2008, the PZLR Committee may elect to approve or deny the rezone out of the Shoreland-Wetland District or upon identifying the need for additional information may postpone to a date certain.

Report submitted by Brian Simmert, Sauk County Planner

Appendix A





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
Lloyd L. Eagan, Regional Director

South Central Region Headquarters
3911 Fish Hatchery Road
Fitchburg, Wisconsin 53711-5397
Telephone 608-275-3266
FAX 608-275-3338
TTY Access via relay - 711

08/06/2008

GP-SC-2008-57-69050

Michael Wilson
S590 Hirst Rd
Reedsburg, WI 53959

Appendix B

Dear Mr. Wilson:

We have reviewed your application to construct a culvert on a tributary to Twin Creek, located in the Town of Winfield, Sauk County. You will be pleased to know your project qualified for a General Permit.

Attached is a copy of your General Permit which lists the conditions you must follow. You must construct the project according to your submitted project plans except where limited by the permit conditions. A copy of the permit must be posted for reference at the project site. Please read your permit carefully so that you are fully aware of what is expected of you.

Be sure to contact your local zoning office and U.S. Army Corps of Engineers for any local or federal permits that may be required for your project.

If you have any questions about your permit, please call me at (608) 275-3228.

Sincerely,

Jeff Schure
Water Management Specialist

cc: Bruce Norton, Project Manager, (507) 895-8059, La Crescent, MN U.S. Army Corps of Engineers
Sauk County Zoning Administrator
Conservation Warden

Notice: This application form is required under Section 30.206, Wis. Stats. and ch. NR 310, Wis. Adm. Code. Failure to submit a complete application to the Department at least 35 days prior to the date of proposed construction may result in dismissal of your application, forfeitures or other enforcement. Personally identifiable information included on this form will be used to contact you and is not intended to be used for other purposes. It may be made available to requesters under Wisconsin's Open Records law [ss. 19.31-19.39, Wis. Stats.].

Section I: Landowner Information

Name Michael R Wilson			Contact Person same		
Mailing Address 5590 Hirst Road			Email Address kathy@sawktitle.com		
City Reedsburg	State WI	Zip 53959	Phone (608) 524-1789	Fax (608) 356-0447	

Section II: Activity

Check the box next to the type of general permit you are requesting with this application

- | | | | |
|---|---|--|--|
| <input type="checkbox"/> Biological Shore Erosion Control | <input type="checkbox"/> Dry Fire Hydrant | <input type="checkbox"/> Pilings | <input type="checkbox"/> Seawall Replacement |
| <input type="checkbox"/> Boat Ramp | <input type="checkbox"/> Fish Habitat Structure | <input type="checkbox"/> Pond - Landscape | <input type="checkbox"/> Seawall - Replace with Riprap |
| <input type="checkbox"/> Clear Span Bridge | <input type="checkbox"/> Ford | <input type="checkbox"/> Pond - Stormwater | <input type="checkbox"/> Temporary In-Stream Crossing |
| <input checked="" type="checkbox"/> Culvert | <input type="checkbox"/> Grading - Less Than One Acre | <input type="checkbox"/> Pond - Wildlife | <input type="checkbox"/> Weed Rake |
| <input type="checkbox"/> Dredging - Drainage District | <input type="checkbox"/> Grading - One Acre or More | <input type="checkbox"/> Riprap | <input type="checkbox"/> Wildlife Habitat Structure |
| <input type="checkbox"/> Dredging - Utility Crossings | <input type="checkbox"/> Intake/Outfall Structure | <input type="checkbox"/> Riprap Repair / Replacement | <input type="checkbox"/> Other: |

Section III: Agent Information

Check one <input type="checkbox"/> Consultant <input type="checkbox"/> Authorized Representative	<input type="checkbox"/> Contractor <input type="checkbox"/> Not Applicable	Contact Person			
Mailing Address			E-mail Address		
City	State	Zip	Phone ()	Fax ()	

Section IV: Site Information

Project Address 5590 Hirst Road				Waterway Name Twin Creek		
1/4 / 1/4 NE NW	1/4 10	Section 13 N	Township 4 E	Range EW	Check one <input type="checkbox"/> City <input checked="" type="checkbox"/> Town <input type="checkbox"/> Village of	County Sawk
Project Start Date (Month/Day/Year) June 9 th , 2008			Approximate Project End Date (Month/Day/Year) June 10 th , 2008			

Will this project effect wetlands? Yes No Unsure

How did you arrive at this conclusion? removed the old culvert and put a replacement in.

Standards Summary

This sheet generally describes the standards & conditions that you must follow when you have received eligibility for a general permit. All of our general permits have specific standards for construction and location contained in law. By acting on this permit you certify that your plans comply and that you will follow the standards and laws pertaining to the general permit program.

- The culvert cannot be placed in a lake system.
- Culvert placement may not occur in a public rights feature.
- On trout streams and perennial tributaries to trout streams, placement, repair, and removal of a culvert is prohibited between September 15 and May 15 of any calendar year.
- On non-trout streams north of State Highway 29, placement, repair, and removal of a culvert is prohibited between April 1 and June 1 of any calendar year.
- On non-trout streams south of State Highway 29, placement, repair, and removal of a culvert is prohibited between March 15 and May 15 of any calendar year.
- Grading, excavation and land disturbances may not exceed 10,000 square feet. Limit grading, excavation and land disturbances to the minimum area necessary for the placement, repair or removal of a culvert.
- Follow department-approved erosion control technical standards to prevent soil erosion and sedimentation. Technical standards can be found at <http://dnr.wi.gov/water/wm/nps/stormwater/techstds.htm>.
- Immediately seed and mulch any areas disturbed during the placement, repair or removal of a culvert.
- Remove all temporary erosion control measures when the site is stabilized. Restore any areas disturbed by the removal of the temporary erosion control measures.
- Minimize removal of trees, shrubs and other vegetation during placement, repair and removal of a culvert.
- Approach fill may not exceed 1 foot in depth. Approach fill may not be placed more than 15 feet from the bank. Geotextile fabric shall be placed under approach fill.
- If greater than 1 foot of height is needed for an approach, an open ramp that does not impede flood flows may be used for the approach.
- Place the culvert to mimic the natural streambed upstream and downstream of the culvert. Bury both ends of the culvert 4 to 8 inches below the streambed for round culverts or 6 inches for pipe arch culverts.
- If multiple culverts are required, place one culvert to mimic the natural streambed and place additional culverts 4 to 8 inches higher than the first.
- Limit dredging to the volume necessary to bury the culvert. Dredging is allowed in the area underneath the culvert and within 2 feet of the culvert.
- Compact clean fill around the culvert. For multiple culverts, allow a minimum of 2 feet clearance between adjacent culverts to facilitate compaction of fill.
- Extend culvert ends at least 1 foot beyond road fill.
- Install riprap around the culvert ends for at least 2 times the culvert diameter. Installation of riprap shall include a filter layer or filter fabric, as illustrated in the attached Culvert Sample Drawing.
- Regularly remove accumulated brush, debris, and other obstructions from the culvert.
- Capping culvert ends is prohibited, except for beaver control.
- Use equipment properly sized for the project.

If the department determines that a proposal submitted under this section has the potential to impact an endangered or threatened species in accordance with s. 29.604, Stats., the application is incomplete. The department may not issue a general permit until the applicant submits information to demonstrate one of the following:

- a. that the project either avoids impacts to the threatened or endangered species or
- b. that the project has received an incidental take authorization under 29.602, Stats.
- c. if the project is modified, the applicant must submit the revised plan before the application can consider the application complete or issue a general permit.

General Permit Worksheet Culvert Placement on Navigable Waterways

This worksheet should be completed and accompany all application materials (Waterway General Permit Application and Approval - Form 3500-108) and any other additional support documents.

Project Start Date (mm/dd/yy): June 9th 2008

Be aware of the construction season prohibitions:
(A construction waiver must be approved by the local fisheries biologist)

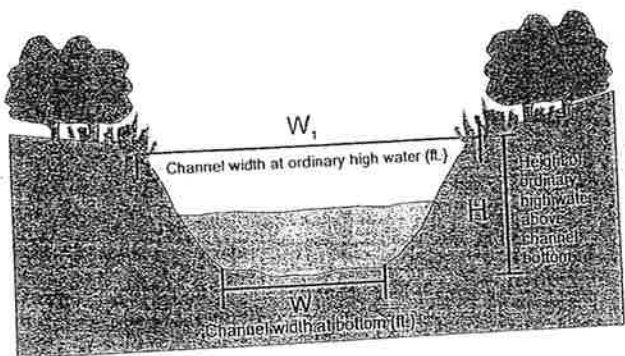
Trout waters and their tributaries: 9/15 - 5/15
Warmwater streams North of Hwy 29: 4/1 - 6/1
Warmwater streams South of Hwy 29: 3/15 - 5/15

Will the proposed project affect the navigational use of the waterbody? Yes No

If "Yes", the following portage will be provided (describe portage): _____

CULVERT SIZING

To be eligible for a general permit without a professionally engineered culvert design, the required culvert area may not exceed 20 square feet. To be eligible for a general permit with a professionally engineered culvert design, the required culvert area may not exceed 40 square feet.



Calculating Culvert area

To determine the required culvert area, 3 measurements should be made: channel width of the stream in feet at the ordinary high water mark (W_1), channel width of the stream in feet at the stream bottom (W_2), and the height in feet of the ordinary high water above the stream bottom (H) (see diagram). These 3 measurements are made at each of 3 locations or transects along the stream: the location of the proposed crossing, 100 feet upstream from the crossing, and 100 feet downstream from the crossing. The individual measurements of W_1 , W_2 , and H are averaged to derive the final W_1 , W_2 , and H values. The required culvert area is then calculated with the following equation:

$$\text{Required Culvert area (square feet)} = H \times (W_1, W_2)$$

Height: * W_1 + W_2 = Culvert Area (square feet)

Culvert area and corresponding round culvert size

Culvert area (sq ft)	Culvert diameter (in.)	Culvert area (sq ft)	Culvert diameter (in.)
1.80	18	3.10	24
4.90	30	7.10	36
9.60	42	12.60	48
15.90	54	19.60	60
23.80	66		

The following erosion control measures will be employed:

- Silt fence Erosion Mat Other _____
- Seeding/Mulch Riprap

Section V: Permit Conditions

1. The permit does not authorize any work other than what is specifically described in the application and plans dated as listed above and as limited by the conditions of the permit. A permittee shall obtain prior written approval of modifications from the department before modifying a project or amending permit conditions.
2. The permittee shall notify the department at telephone number listed above before starting construction and again not more than 5 days after the project is complete.
3. The permittee shall post a copy of this permit at a conspicuous location on the project site visible from the waterway, beginning at least 5 days prior to construction and remaining at least 5 days after construction. The permittee shall also have a copy of the permit and approved plan available at the project site at all times until the project is complete.
4. Upon reasonable notice, the permittee shall allow access to the project site during reasonable hours to any department employee who is investigating the project's construction, operation, maintenance or permit compliance.
5. The permittee shall complete the project on or before the expiration date listed above. If the project is not completed by the expiration date, the permittee shall submit to the department a written request for an extension prior to the expiration date of the permit. The request shall identify the requested extension date and the reason for the extension. The department may grant a permit extension for good cause shown. The permittee may not begin or continue construction after the original permit expiration date unless the department grants a new permit or permit extension in writing.
6. The permittee shall submit a series of photographs to the department within one week of placing the culvert, and if the culvert is removed, within one week of stabilizing areas disturbed by removal of the culvert. The photographs shall be taken from different vantage points and depict all work authorized by the permit.
7. The permittee shall maintain the project in good condition and in compliance with the terms and conditions of the permit, this chapter and s. 30.206, Stats.
8. The department may modify or revoke the permit if the project is not completed according to the terms of the permit or if the department subsequently determines the activity is detrimental to the public interest.
9. Acceptance of a general permit and efforts to begin work on the activity authorized by the general permit signifies that the permittee has read, understood, and agreed to follow all conditions of the general permit.
10. This project shall comply with all conditions identified in the following Wisconsin Administrative Code, and identified in the Instructions for the General Permit application.

FOR DNR USE
Date of Project Plans
7/6/08

Phone
(608) 275-3228

Project Expiration Date

WI Adm. Code
NR 320

WI Adm. Code
NR 320

WI Adm. Code
NR 320

Section VI: Findings of Fact

1. The department has determined that the project site and project plans meet the standards in s. 30.206, Stats. and the following Wisconsin Administrative Code, to qualify for this General Permit.
2. The proposed project will not injure public rights or interests, cause environmental pollution as defined in s. 299.01(4), Wis. Stats., or result in material injury to the rights of any riparian owner, if constructed in accordance with this permit.
3. The department and the applicant have completed all procedural requirements, and the project as permitted will comply with all applicable requirements of Section 30.206, Wis. Stats., and Chapters NR 102, 103, 150, 299, 310 and the following Wisconsin Administrative Code.

Section VII: Conclusions of Law

1. The department has authority under ch. 30, Wis. Stats., and applicable Wisconsin Administrative Codes, to issue a permit for the construction and maintenance of this project.
2. The department has complied with s. 1.11, Wis. Stats.

Section VIII: Certification and Permission

I am the owner of the riparian property or am the duly authorized representative and may sign this application on behalf of the owner(s) of said property. I hereby certify that the information contained herein is true and accurate. I have read and understand all of the conditions listed in this permit and in the instructions. I have designed the project to comply with the conditions, and I will construct the above-mentioned project in compliance with all such conditions. I hereby give the Department permission to enter and inspect the site at reasonable times, to evaluate this application and to monitor compliance with any resulting permit. I understand that failure to comply with any or all of the provisions of the permit renders the authorization contained herein null and void and may result in a fine and/or imprisonment or forfeiture under the provisions of ch. 30, Wis. Stats.

Landowner or Agent Name (please print)	
Landowner or Agent Signature <i>Michael R. Walton</i>	Date Signed <i>7-6-08</i>

Mail this signed, completed form, along with all the information shown on our check lists, including three copies and the appropriate fee to the Department of Natural Resources office in the region where the project is located. See the instructions for regional office addresses.

This permit application is approved when it is signed and dated below by an authorized Department of Natural Resources employee.

Section IX: Permit Approval

DNR USE ONLY

Date Application Received <i>07/04/08</i>	Docket# <i>GP-SC-2008-57-69050</i>	Date Application Completed	Fee Received <i>\$ 300⁰⁰</i>
NHI Checked? <input checked="" type="checkbox"/> Yes	Historic Checked? <input checked="" type="checkbox"/> Yes	ASNRI? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PRF? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
State of Wisconsin Department of Natural Resources for the Secretary		Title <i>WMS</i>	PNW? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Issued by <i>[Signature]</i>		Date Signed <i>8/6/08</i>	
Copies of this permit sent to:			
<input type="checkbox"/> Conservation Warden <input type="checkbox"/> U.S. Army Corps of Engineers <input type="checkbox"/> Zoning Administrator <input type="checkbox"/> Town Clerk <input type="checkbox"/> Other			

FEE INFORMATION

Information about Fees for Applications to Alter Lakes, Streams or Wetlands

State law requires that the Department charge a fee for processing your request to make changes to public waters and wetlands. The Department begins review of each application for completeness only after the correct fee is received. Please review the application information for the activity you are applying for in order to determine the correct fee. This information is available on the Department's web site at www.dnr.wi.gov under the topic Waterway and Wetland Permits.

*** Please see Page 8 of this Application for Applicable Fees ***

*** COMPLETE BOTH SIDES OF THIS FORM AND SUBMIT WITH YOUR APPLICATION ***

For purposes of determining permit application fees, a "single project" is defined as an activity that affects a single waterway, waterbody or wetland within a single county. **After exemption determinations and general permit deadlines are met, individual applications are reviewed on a first in - first out basis.**

An optional **expedited decision process** is available for a supplemental fee of \$2000. The expedited permit review guarantees a decision by a mutually agreed-upon date between the applicant and the Department. If you wish to request an expedited permit review, submit a letter with your application describing the time frame that will meet your needs, along with a check for the applicable permit fee and a separate check for the supplemental fee. Supplemental fees are based on county boundaries. If your project involves alterations to the landscape in 2 separate counties your supplemental fee will be \$4,000. (The supplemental fee funds permit reviewers specifically designated for expedited decision-making). Within twenty days we will respond in writing, specifying any additional information needed for an expedited decision on your proposal, and the date by which we can make a decision once the application is complete.

After-the-fact applications, for permits or approvals submitted after work has been commenced or completed, require twice the usual fee. Projects started or completed without obtaining the appropriate permits are subject to enforcement actions (e.g. monetary forfeitures, mandatory abatement, mandatory restoration).

Refunds of standard fees are made only if the applicant withdraws their application and requests a refund before we determine that the application is complete.

Note: Personally identifiable information on this form is not used for any other purpose than filing of this application but it may be made available to requesters under Wisconsin's open records law [s. 19.31-19.39, Wis. Stats.].

Activity Applied for <i>General Permit New Culvert</i>	Amount Enclosed \$ <u>300.00</u> Make checks payable to "Wisconsin DNR"
---	---

LEAVE BLANK - DEPARTMENT OF NATURAL RESOURCES USE ONLY		
Fee Received <i>300.00</i>	<input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order	Check/Order Number <i>9099</i>
Received by: <i>Donna Sefton</i>		Docket Number: <i>GP-SC-2008-57-69050</i>

Town of Winfield

E6274 Bass Road
Reedsburg, WI 53959
(608) 524-6654

July 21, 2008

To Whom it May Concern:

This is to confirm that the town board of the Town of Winfield was informed of the rezoning request presented by Mike Wilson. This issue was discussed at a town board meeting on July 15, 2008.

The town board will agree with the recommendations presented by Sauk County Planning and Zoning and the Department of Natural Resources.

Sincerely,

TOWN OF WINFIELD



Paul G. Rasmussen
Chairman

VIERBICHER ASSOCIATES, INC.

Appendix D

October 22, 2008

Mr. Brian Simmert
Sauk County Planner
Department of Planning and Zoning
505 Broadway
Baraboo, WI 53913

Dear Mr. Simmert,

Mr. Wilson recently contracted with Vierbicher Associates, Inc. to address wetland impacts associated with a new culvert crossing. We were asked to assist him with obtaining a rezoning of the shoreland-wetland district on his property. Mr. Wilson constructed a driveway and stream crossing to his new home site at S590 Hirst Road in the Town of Winfield, Sauk County, Wisconsin, in 2005. His construction activity was supported by permits issued from the local township, Sauk County, the Wisconsin Department of Natural Resources (WDNR), and the US Army Corps of Engineers (USACOE). In June 2008, after an extremely large flood, Mr. Wilson's driveway and stream crossing were washed away. To regain access his new home site Mr. Wilson replaced the stream crossing; however, a larger culvert was used because no smaller size was available and this resulted in a slightly wider driveway. As a result there was an increase in the wetland fill of about 562 square feet at this site (see attached survey). This small amount of fill is far less than that typically associated with a water crossing driveway. Water Management Specialists at the WDNR and USACOE commonly become concerned when wetland fills are greater than 4,356 square feet or 0.1 acres.

In response to constructing this new driveway additional permits were requested and issued by the township, the WDNR, and USACOE. However, a rezoning of the Shoreland-Wetland District has been requested by Sauk County to permit the emergency filling of wetlands associated with the installation of the larger culvert. The specific criteria required by the County's Shoreland Protection Ordinance to allow a rezoning of the Shoreland-Wetland District are described below.

▼ 400 VIKING DRIVE
P.O. BOX 379
REEDSBURG, WI 53959
(608) 524-6468
Fax (608) 524-8218

▼ 999 FOURIER DRIVE, SUITE 201
MADISON, WI 53717
(608) 826-0532
Fax (608) 826-0530

▼ 126 WEST BLACKHAWK AVENUE
P.O. BOX 542
PRAIRIE DU CHIEN, WI 53821-0542
(608) 326-1051
Fax (608) 326-1052

▼ www.vierbicher.com

RECEIVED

OCT 23 2008

**SAUK COUNTY DEPARTMENT
OF PLANNING & ZONING**

8.10 Shoreland-Wetland District.

(5) Rezoning of Land in the Shoreland-Wetland District

(b) A wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

1) Storm and flood water storage capacity.

Erosion of the channel and banks as a result of the flood of June 2008 increased the flow carrying capacity of the stream. The larger sized culvert installed by Mr. Wilson was in response to the flood induced stream geometry changes. However, the increased flow capacity of the stream channel and the new culvert, do not significantly alter the storm or flood water storage capacity of the existing wetlands. The existing wetlands extend along the stream corridor and into the adjoining flood plain upstream and downstream from the culvert crossing. The minor increase in fill associated with the new culvert, about 526 square feet, will have little or no effect on wetlands storm or flood water storage capacity.

2) Maintenance of dry season stream flow, the discharge of groundwater to the wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland.

The rate of groundwater flow near the existing wetlands will not be altered in any way by the increased fill associated with the larger culvert installed by Mr. Wilson. The minor surface alterations created by the placement of stone and a corrugated pipe will not increase, decrease or impede groundwater flow, alter groundwater recharge, or effect groundwater infiltration. The areas dry season stream flow, the discharge of groundwater to the wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland will not be altered by the placement of this new culvert crossing.

3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.

The movement of sediment or the movement of associated contaminants adhered to sediments will not be altered by the placement of this new culvert crossing. No substantial change in ground cover or vegetation resulted from this activity which would change how sediment, nutrient, heavy metals or organic compounds movement is controlled in the area. The increase in wetland fill at this site is primarily provided by the placement of stone on the stream banks which helps to protect them from erosion and as a result would reduce adverse effects of sediment movement. The filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters from the existing wetlands in this area will not be changed by the placement of this new culvert crossing.

4) Shoreline protection against soil erosion.

The shoreline area affected by the placement of this new culvert crossing is better protected from soil erosion as a result of the placement of stone and the increased conveyance of larger stream flows. As a result there are no adverse impacts on shoreline protection, in-fact there are substantial benefits to soil erosion.

October 22, 2008

Page 3 of 3

5) Fish spawning, breeding, nursery or feeding grounds.

Fish spawning, breeding, nursery or feeding grounds are very limited in the area of the culvert crossing and the alterations resulting from the new culvert installation do not have a significant adverse impact on fish habitat. The culvert crossing installed by Mr. Wilson is in an area where a previous culvert was located and there is little or no change to fish habitat from the previous installation.

6) Wildlife habitat.

Existing wildlife habitat is essentially unaltered by the culvert crossing installation.


7) Areas of special recreational, scenic or scientific interest, including scarce wetland types.

There are no areas of special recreational, scenic or scientific interest, including scarce wetland types present by the new culvert crossing.

Because the criteria for Rezoning of Land in the Shoreland-Wetland District are all satisfied, Mr. Wilson should be granted his request for rezoning. Furthermore, the installation of the larger culvert was a one-time occurrence, required after a large flood and it was constructed under emergency repair conditions where rezoning prior to construction was impossible. Finally, given my qualifications as a professional engineer and my extensive experience with similar crossings, this site should be rezoned because it results in an improvement to the environmental setting, it creates a more stable crossing, and its impacts are minimal.

Should you have any questions or need clarification I can be reached at (608) 393-2101. I trust after reading this letter you will be recommending for approval the rezoning at the October 28 meeting.

Sincerely,
VIERBICHER ASSOCIATES INC.



Joseph M. Dorava, PE
Water Resources Engineer

Enclosures

R:\Wilson 033044820 Town of Winfield Culvert\Wilson Shoreland-Wetland.doc

121B
ORDINANCE NO. _____-2008

PETITION 12-2008. APPROVING THE REZONING OF LANDS IN THE TOWN OF REEDSBURG FROM AN EXCLUSIVE AGRICULTURAL TO AN AGRICULTURAL ZONING DISTRICT FILED UPON LAWRENCE & BRIDGET MUNDTH.

WHEREAS, a public hearing was held by the Planning, Zoning & Land Records Committee on October 28, 2008, upon petition 12-2008 as filed by Lawrence & Bridget Mundth for a change in the zoning of certain lands from an Exclusive Agricultural to an Agricultural Zoning District; and

WHEREAS, the Planning, Zoning and Land Records Committee reviewed and discussed the request as described in petition 12-2008; and

WHEREAS, the Town of Reedsburg Town Board approved the rezone to an Agricultural Zoning District on November 12, 2008; and

WHEREAS, your Committee, based upon the facts of the request, does recommend that the petition be APPROVED.

NOW, THEREFORE, BE IT ORDAINED, by the Sauk County Board of Supervisors met in regular session, that the rezoning of the aforementioned lands, more particularly described in petition 12-2008, as filed with the Sauk County Clerk, under the Sauk County Zoning Ordinance, Chapter 7 SCCO, be Approved.


12

For consideration by the Sauk County Board of Supervisors on November 18, 2008.

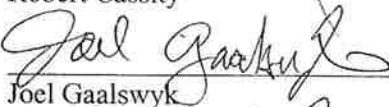
Respectfully submitted,
PLANNING, ZONING & LAND RECORDS



Judy Ashford



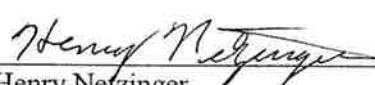
Robert Cassity



Joel Gaalswyk



Gerald Lehman



Henry Netzinger

Fiscal Note:
No fiscal impact
KPB

COPY

OFFICE OF
SAUK COUNTY PLANNING AND ZONING
 SAUK COUNTY WEST SQUARE BUILDING
 505 BROADWAY
 BARABOO, WI 53913
 Telephone: (608) 355-3285

NOTICE

PLEASE TAKE NOTICE, that the Planning, Zoning and Land Records Committee of the Sauk County Board of Supervisors will hold a public hearing on October 28, 2008, at 9:30 a.m., or as soon thereafter as the matter may be heard, in the County Board Room at the Sauk County West Square Building in the City of Baraboo to consider:

- I. A. Petition 12-2008 Rezone. A petition to rezone certain lands in the Town of Reedsburg, County of Sauk, Wisconsin, from an Exclusive Agricultural to an Agricultural Zoning District.

Lands to be affected by the proposed rezone are located in Section 29, T12N, R4E, Town of Reedsburg, Sauk County, Wisconsin. Said parcel affected by the rezone includes 1.41 acres of which ¼ acres more or less will be rezoned.
- B. Testimony of persons to appear at the public hearing; any person so desiring will be given a reasonable opportunity to express their opinions on the matter before the Committee.
- II. A. The purpose of the proposed rezone is to create and expand a lot to accommodate an existing duplex and related septic system..
- B. Any person desiring more information may contact the Sauk County Planning and Zoning Office, Brian Simmert at the Sauk County West Square Building (Telephone 608/355-3285).

Date: October 6, 2008

SAUK COUNTY PLANNING, ZONING AND LAND RECORDS COMMITTEE

BY: BRIAN SIMMERT
 Sauk County Department of Planning and Zoning
 505 Broadway Street
 Sauk County West Square Building
 Baraboo, WI 53913

To be published October 13, 2008 and October 20, 2008

For office use only: Pet. No. 12-2008

If you have a disability and need help, reasonable accommodation that a 48 hour notice is given. Please call 608-355-3285 or TDD

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Staff Report

Petition 12-2008

Sauk County Planning, Zoning
and Land Records Committee

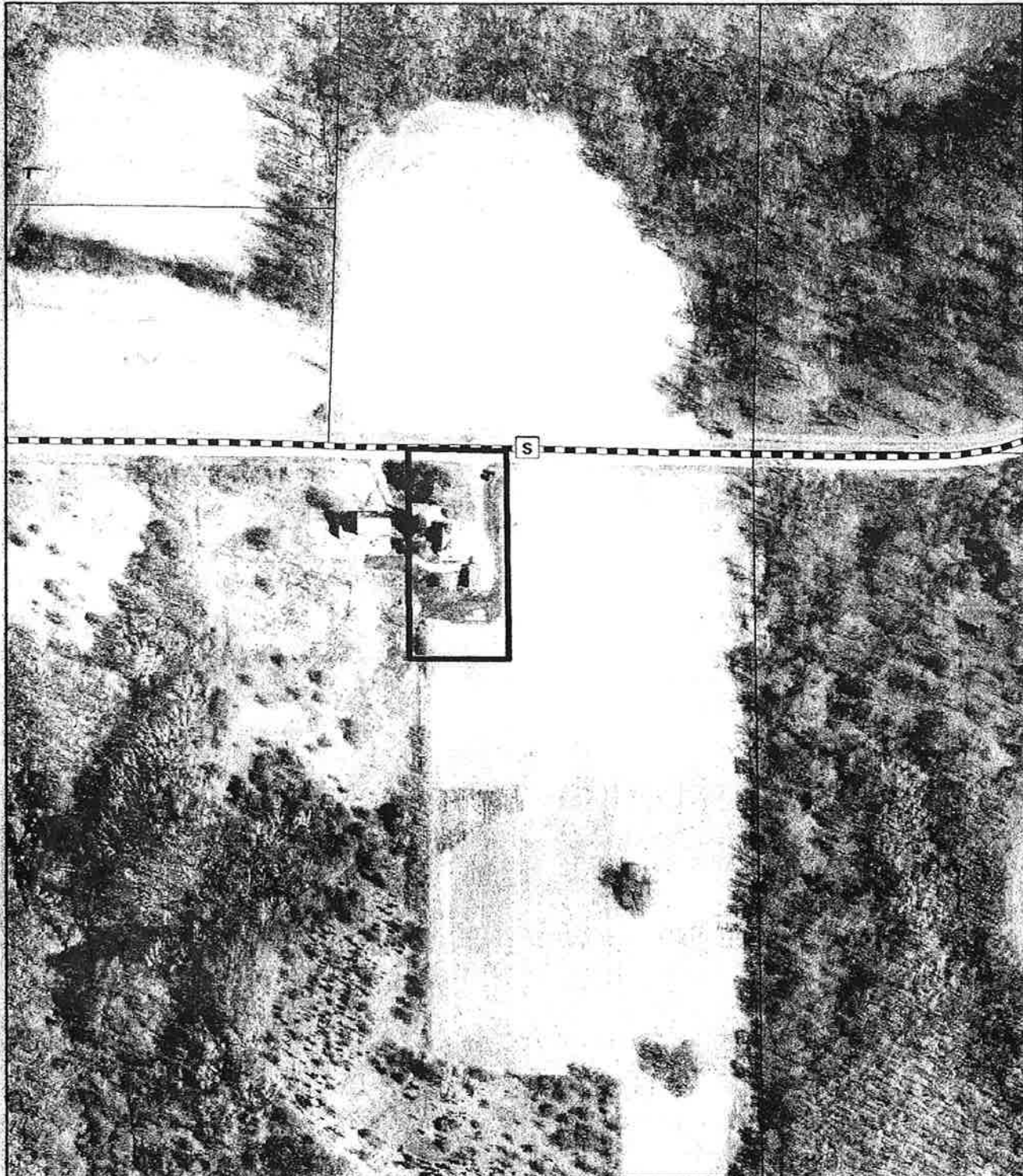
October 28, 2008

Applicant:

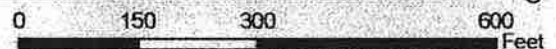
Lawrence & Bridget Mundth
S4340 County Road S
Reedsburg, WI 53959

Property Location:

Town of Reedsburg
Section 29
T. 12 N. - R. 4 E.



Map By: Sauk County Department of Planning and Zoning



PLANNING, ZONING & LAND RECORDS COMMITTEE STAFF REPORT

Petition # 12-2008 Proposed Agricultural Rezone by Lawrence & Bridget Mundth, applicant/agent.

Public Hearing Scheduled for: October 28, 2008

1. Request

Petition 12-2008 is a request by Lawrence & Bridget Mundth to change the zoning of property from an Exclusive Agricultural to an Agricultural Zoning District for the purpose of creating and expanding a lot to accommodate an existing duplex and related septic system. Following the rezone, the Mundth's intend to create a Certified Survey Map that conforms to the boundaries of the Agricultural zoning for the purpose of selling the duplex. The land affected by the rezone includes:

A parcel of land located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 29, T12N, R4E, Town of Reedsburg, Sauk County, Wisconsin bounded by the following described line: Commencing at the W $\frac{1}{4}$ corner of said Section 29; thence S89°28'E, 796.00 feet to the point of beginning; thence 89°28'E, 185.00 feet; thence S0°32'W, 333.00 feet; thence N89°28'W, 185.00 feet; thence N0°32'E, 333.00 feet to the point of beginning. Containing 1.41 acres more or less.

See also Appendix A depicting the proposed Certified Survey Map with the same legal description

2. History/Information

In the Spring of 2005, the applicant was granted a rezone of an existing duplex and outbuildings from an Exclusive Agricultural to an Agricultural Zoning District. At the time of the 2005 rezone, the purpose was to bring the existing duplex into compliance with the Sauk County Zoning ordinance. According to Section 7.05 Agricultural District (2) Uses (k) 15, duplexes are permitted after the location of each has been approved by the Sauk County Board of Adjustment. In 2005, the applicant also received approval from the Sauk County Board of Adjustment for a duplex.

Following approvals for the duplex (rezone and Board of Adjustment), the Mundth's installed a new septic system in 2008. This system was in part located on land zoned Exclusive Agricultural. At the time of installation, the Mundth's owned the duplex and surrounding lands, so locating the septic in an area zoned Exclusive Agricultural did not present any problems respective to compliance with county ordinances.

At this time, the Mundth's wish to sell the duplex on a separate lot and wish to include the septic system for the duplex on the same lot, which is on land zoned Exclusive Agricultural. To ensure that the new lot has consistent zoning, (and not a mix of Agricultural and Exclusive Agricultural) the Mundth's are petitioning to have the land within the proposed CSM that is zoned Exclusive Agricultural to Agricultural. Appendix A also shows the location of lands zoned Exclusive Agricultural.

The Town of Reedsburg will consider the rezone at their November Plan Commission and Town Board meetings.

3. Issues

When reviewing a rezone proposal and change in land use, staff looks at several criteria, including how the proposed use fits into the surrounding area, whether there are any constraints to development at the proposed site and if the proposed use is consistent with local and county development plans and ordinances.

- **Present adjacent land uses and zoning**

First, the existing land uses and zoning designations in the surrounding area are reviewed to determine the proposal's compatibility and appropriateness. It is important that the proposed use and zoning be compatible and appropriate, so that future land use conflicts do not occur and so that there is not an inappropriate mix of uses.

Adjacent Land Uses and Zoning

Direction	Land Use	Zoning
Site	Duplex	Agricultural
North	Cropland	Exclusive Agricultural
South	Cropland	Exclusive Agricultural
East	Cropland	Exclusive Agricultural
West	Cropland	Exclusive Agricultural

- **Physical constraints to development**

Second, it must be determined if there are any special physical constraints to development at the property. These include:

- Floodplain: None
- Wetlands: None
- Steep Slopes: None
- Septic Suitability: Not Applicable

4. Consistency with local development plans and ordinances

The consistency requirement for this rezone can be referenced under petition 2-2005. The rezone simply adjusts the area zoned Agricultural to ensure consistent zoning on the proposed CSM lot.

5. Findings for Rezoning out of Exclusive Agriculture

According to *Wis. Stat §91.77(1)* and *SCCO 7.05b(5)*, the following findings must be made before a rezone out of the Exclusive Agricultural Zoning District can be granted.

Wis. Stat §91.77(1) and *SCCO 7.05b(5)2*

- a. *Adequate public facilities to accommodate development either exist or will be provided within a reasonable amount of time.*

The proposed rezone is for the purpose of providing consistent zoning on a proposed CSM. As such, the need for public facilities to serve the existing duplex will not change.

- b. *Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local unit of government to provide them.*

See response to item 'a' above.

- c. *The land proposed for rezoning is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion, or have an unreasonable adverse effect on rare or irreplaceable natural areas.*

The area to be rezoned is already developed.

According to *SCCO 7.05b(5)*, the following ADDITIONAL findings must be made before a rezone out of the Exclusive Agricultural Zoning District can be granted.

SCCO 7.05b(5)2

d. Potential conflict with remaining agricultural land uses in the area.

The current use is unlikely to have any impact on or be in conflict with nearby agricultural uses.

e. Need for the proposed development in the location specified.

The use currently exists.

f. Availability of alternative locations.

The duplex currently exists.

g. Productivity of the agricultural lands that are involved or affected.

The land affected by the rezone is currently utilized for residential purposes.

h. Whether the development as proposed is located to minimize the amount of land converted.

Land affected by the rezone has already been converted to residential use.

The proposed rezone and subsequent Special Exception permit meets the requirements of *Wis. Stat §91.77(1)* and *SCCO 7.05b(5)*.

6. Recommendation

In summary, the proposed rezone adjusts the area zoned Agricultural to ensure consistent zoning on a proposed CSM lot. The proposed rezone also satisfies the findings for rezoning lands out of Exclusive Agricultural Zoning. The Town of Reedsburg has not yet considered the rezone, but will likely do so in November. Given this analysis and recognizing that the Town of Reedsburg has not had an opportunity to take action, staff recommends that the Planning, Zoning and Land Records Committee postpone action on Petition #4-2008 until the Town of Reedsburg has had an opportunity to consider the matter.

Report submitted by Brian Simmert, Sauk County Planner

Sheet 1 of 2 sheets

**SAUK COUNTY CERTIFIED
SURVEY MAP No. _____**

Located in NW1/4-SW1/4, Section 29, T12N, R4E,
Town of Reedsburg, Sauk County, Wisconsin.

Client: Larry Mundth, S4340 C. T. H. S, Reedsburg, WI, 53959

Carlson Surveying, a Div. of General Engineering,
P O Box 340, Portage, WI 53901
Phone: (608) 742-2169

Bearings are referenced to west line of SW1/4 of
Section 29 and made to bear N01°49'W.

