

ORDINANCE NO. 34

**AN ORDINANCE AMENDING THE TOWN OF BURNETT ZONING
ORDINANCE AND MAP TO MORE CLOSELY FOLLOW THE
TOWN OF BURNETT COMPREHENSIVE PLAN AND THE NEW
WORKING LANDS INITIATIVE (FARMLAND PRESERVATION)**

WHEREAS the Town of Burnett adopted its Year 2030 Comprehensive Plan on April 10, 2006

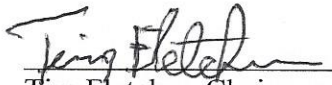
WHEREAS the Town Zoning Ordinance needs to be revised to more closely follow the Comprehensive Plan

WHEREAS the Town of Burnett Zoning Update Committee has reviewed and made recommendations for revisions and a Public Hearing on these revisions was held on February 7, 2011

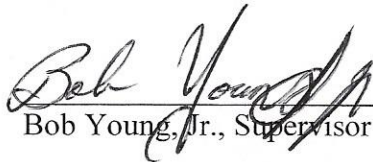
WHEREAS the Wisconsin Department of Agriculture Trade and Consumer Protection (DATCP) has certified that these changes comply with farmland preservation zoning standards and is consistent with the County Farmland Preservation Plan

The Town Board of the Town of Burnett, Dodge County, Wisconsin, does ordain the recommended comprehensive revisions to the Town of Burnett Zoning Ordinance and map. Ordinance and map are attached.

Adopted this 13th September, 2011



Tim Fletcher, Chairman



Bob Young, Jr., Supervisor



Gerald Beier, Supervisor



Debra Waldvogel, Clerk/Treasurer

RESOLUTION # 91311

TO THE HONORABLE BOARD OF SUPERVISORS OF DODGE COUNTY, WISCONSIN

MEMBERS:

WHEREAS, Dodge County, a Body Corporate under the laws of the State of Wisconsin, had adopted a comprehensive zoning ordinance which is in full force and effect, and

WHEREAS, the Town Board of the Town of Burnett has adopted a Town Zoning Ordinance for said town, the power to adopt a Town Zoning Ordinance having been granted by a referendum vote of the electors of the Town of Burnett held at the time of a regular annual town meeting, and

WHEREAS, pursuant to Section 60.62(3) of the Wisconsin Statutes adoption and amendment of a town zoning ordinance by a town board is subject to approval of the county board in counties having a zoning ordinance in force and effect, and

WHEREAS, a public hearing as to the proposed amendments to the Town Zoning Ordinance of the Town of Burnett was held by the Town Plan Commission of the Town of Burnett on February 7, 2011, and the proposed amendments to the zoning ordinance of the Town of Burnett having been adopted by the Town Board of the Town of Burnett on Sept. 13, 2011,

THEREFORE BE IT RESOLVED, that the amendments to the Town Zoning Ordinance of the Town of Burnett as represented by "Exhibit A" attached to and made a part of this resolution be and hereby are approved, by the Board of Supervisors of Dodge County, Wisconsin.

All of which is respectfully submitted this ____ day of _____, 2011.

, Supervisor



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary

July 7, 2011

Dean Perlick, Manager of Planning and Economic Development
Dodge County Land Resources and Parks Department
127 E. Oak Street
Juneau, WI 53039

Dear Dean:

Re: Farmland Preservation Zoning Ordinance for the Town of Burnett

Attached is a department order certifying the Town of Burnett's revised farmland preservation zoning ordinance text and map under s. 91.36, Wis. Stats. through 2021. We appreciate your patience as we implement major legislative changes to the farmland preservation program.

The department is certifying the revised zoning ordinance based on the department's review and determination that the zoning ordinance meets applicable certification requirements, including the town's and the county's certification that the zoning ordinance is consistent with the county farmland preservation plan. The certification is contingent upon the town adopting the zoning ordinance in the form certified, dated June 2011 (map) and June 15, 2011 (text).

Please send a letter confirming the town board adoption of the certified ordinance, along with a copy of the ordinance so adopted.

In our final review of the ordinance text, we noted one typo that resulted from the deletion of the CO – Conservancy district. Correcting this typo will not be considered a change from the certified ordinance draft of June 15, 2011. On page 22, change the reference from Section 3.3 (2)(B) to 3.3.1.B.

Thanks again for your cooperation. We look forward to working with you in the future on farmland preservation in the Town of Burnett. If you have any questions, feel free to contact me.

Sincerely,

Alison Volk
Land Management Section
608-224-4634

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**STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION**

TOWN OF BURNETT (DODGE COUNTY) FARMLAND PRESERVATION ZONING ORDINANCE (TEXT AND MAP)	DOCKET NO. 11-F-07-14-OTM (ARM Division Docket No. 11-18-14-006-O) ORDER CERTIFYING ORDINANCE THROUGH DECEMBER 31, 2021
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INTRODUCTION

The Town of Burnett in Dodge County has asked the Department of Agriculture, Trade and Consumer Protection ("DATCP") to certify a proposed revision of the town's currently certified farmland preservation ordinance text, pursuant to s. 91.36, Wis. Stats. DATCP has considered the request and adopts the following decision:

FINDINGS OF FACT

(1) DATCP is an agency of the State of Wisconsin, and is responsible for administering Wisconsin's farmland preservation law under ch. 91, Wis. Stats., as repealed and recreated by 2009 Wis. Act 28 ("new law").

(2) The Town of Burnett is a town in Dodge County, Wisconsin. The Town of Burnett is a political subdivision that is authorized to adopt a farmland preservation zoning ordinance under s. 91.30, Wis. Stats.

(3) Under s. 91.36, Wis. Stats., DATCP may certify a farmland preservation zoning ordinance or ordinance amendment for compliance with statutory standards. Certification allows farmers covered by the ordinance to claim farmland preservation tax credits under subch. IX of ch. 71, Wis. Stats.

(4) A political subdivision may ask DATCP to certify a farmland preservation zoning ordinance or ordinance amendment. The political subdivision must submit an application under s. 91.40, Wis. Stats. As part of the application, the political subdivision must certify that the ordinance or amendment meets applicable statutory standards under s. 91.38, Wis. Stats. Among other things, the ordinance or amendment must be consistent with the county's certified farmland preservation plan.

(5) DATCP may certify a farmland preservation zoning ordinance or amendment if the ordinance or amendment meets applicable statutory standards under s. 91.38, Wis. Stats. DATCP may certify based on the representations contained in the political subdivision's application, but DATCP may conduct its own review and verification as it deems appropriate.

(6) DATCP may make its certification contingent upon the political subdivision's adoption of the certified ordinance or amendment, in the form certified. DATCP may also withdraw its certification at any time if, as a result of subsequent changes to the ordinance or the county's certified farmland preservation plan, the ordinance no longer meets minimum certification standards under s. 91.38, Wis. Stats.

(7) The Town of Burnett currently has a certified farmland preservation zoning ordinance. The ordinance is currently certified through December 31, 2013.

(8) Dodge County has a certified farmland preservation plan. This plan is currently certified through December 31, 2021.

(9) On April 4, 2011, DATCP received an application from the Town of Burnett, in which the town asked DATCP to certify revisions to the town's currently-certified farmland preservation ordinance. The Town of Burnett submitted the application in the form required under s. 91.40, Wis. Stats. The application included the representations required under ss. 91.40(3) and (4), Wis. Stats.

(10) On April 6, 2011, DATCP confirmed by letter that the Town of Burnett's certification application was complete, and that DATCP would proceed to review the complete application.

(11) In subsequent email and telephone communications, the Town of Burnett asked or agreed to make certain technical changes to the proposed ordinance revision. This certification decision applies to the proposed ordinance *text dated June 15, 2011 (as that text was submitted to DATCP) and map dated June 2011 (as that map was submitted to DATCP)*.

(12) DATCP may certify a farmland preservation ordinance for a period of time specified in the certification order. Certification of an *amendment* to a certified ordinance must normally expire on the same date that the *existing ordinance certification* expires (in this case, December 31, 2013), except that DATCP may elect to certify a *comprehensive* ordinance amendment for a longer period of up to 10 years. See s. 91.36(2)(b), Wis. Stats.

(13) The proposed ordinance revisions may or may not qualify as a *comprehensive ordinance amendment*, within the meaning of ss. 59.69(5)(d) and 91.36(2)(b), Wis. Stats., for which certification could be extended for up to 10 years. Regardless of whether the proposed amendment qualifies as a *comprehensive ordinance amendment*, DATCP elects to certify the ordinance until December 31, 2021, to coordinate with the expiration of the certified Dodge County farmland preservation *plan*, which is scheduled to expire on December 31, 2021.

CONCLUSIONS OF LAW

(1) Based on the representations made by the Town of Burnett in its application for certification of a revised farmland preservation ordinance, DATCP concludes as follows:

(a) The proposed Town of Burnett farmland preservation ordinance, consisting of a proposed ordinance text dated June 15, 2011, and map dated June 2011, meets certification requirements under s. 91.38, Wis. Stats.

(b) DATCP may certify the proposed ordinance pursuant to s. 91.36, Wis. Stats.

(2) Pursuant to s. 91.36(2)(b), Wis. Stats., DATCP should certify the proposed ordinance through December 31, 2021.

(3) Pursuant to s. 91.36(6), Wis. Stats., DATCP should certify the proposed ordinance contingent upon the Town of Burnett adopting the ordinance, in the form certified (other than correction of one noted minor typographical error), before December 31, 2011.

(4) Pursuant to s. 91.36(7), Wis. Stats., the effective date of the certification should be the date on which the certified and adopted ordinance takes effect.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

(1) The proposed Town of Burnett farmland preservation ordinance, consisting of the proposed ordinance text dated June 15, 2011, and map dated June 2011 is hereby certified under s. 91.36, Wis. Stats.

(2) The certified farmland preservation zoning district for the Town of Burnett is the A-1 Prime Agricultural District.

(3) This certification is contingent upon the Town of Burnett adopting the certified ordinance, in the form certified (allowing for the noted correction), before December 31, 2011.

(4) This certification takes effect on the date on which the certified and adopted ordinance takes effect.

(5) This certification expires at the end of the day on December 31, 2021.

Dated this 19th day of July, 2011

STATE OF WISCONSIN,
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By Ben Brancel
Ben Brancel, Secretary

Parties for purposes of review under s. 227.53, Wis. Stats.:

Town of Burnett

Copies to:

Dean Perlick, Manager of Planning and Economic Development
Dodge County Land Resources and Parks Department
127 E. Oak Street
Juneau, WI 53039

DATCP Agricultural Resource Management Division

Copies to:

Kathy F. Pielsticker, Director, Bureau of Land and Water Resources
Keith Foye, Chief, Farmland Preservation Section

Capital Newspapers Proof of Publication Affidavit

Ad #: 1709617 Price: \$76.84 Ad ID: board & zoning committee

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Deb Waldvogel
N7416 COUNTY RD I
JUNEAU, WI 53039

STATE OF WISCONSIN }
Dodge County

ss.

PDAC

Rosalie Kramer

being duly sworn, doth depose and say that
he (she) is an authorized representative of
Capital Newspapers, publishers of

Daily Citizen

a newspaper, in the city of Beaver Dam, in said County and State,
and that an advertisement of which the annexed is a true
copy, taken from said paper, was published therein on
January 24th, 2011
January 31st, 2011

(Signed)

Rosalie A Kramer

Principal Clerk

Subscribed and sworn to before me on

1/31/2011

Nancy Schaefer

Notary Public, , Wisconsin

My Commission expires February 17th, 2013

HEARING NOTICE TOWN OF BURNETT

Notice is hereby given that a Public Hearing of the Town of Burnett board & Zoning Update Committee will be held on Monday, February 7, 2011 at 7p.m. at the Burnett Town Hall. The purpose of the Hearing is to review the proposed amendments to the Town Zoning Ordinance to more closely follow The Town of Burnett Comprehensive Plan and the new Working Lands Initiative (Farmland Preservation). The Zoning Update Committee may make their recommendation for further action on this proposed amended ordinance. An electronic copy of the proposed ordinance may be obtained by calling the Town Clerk/Treasurer at 920-885-5529.

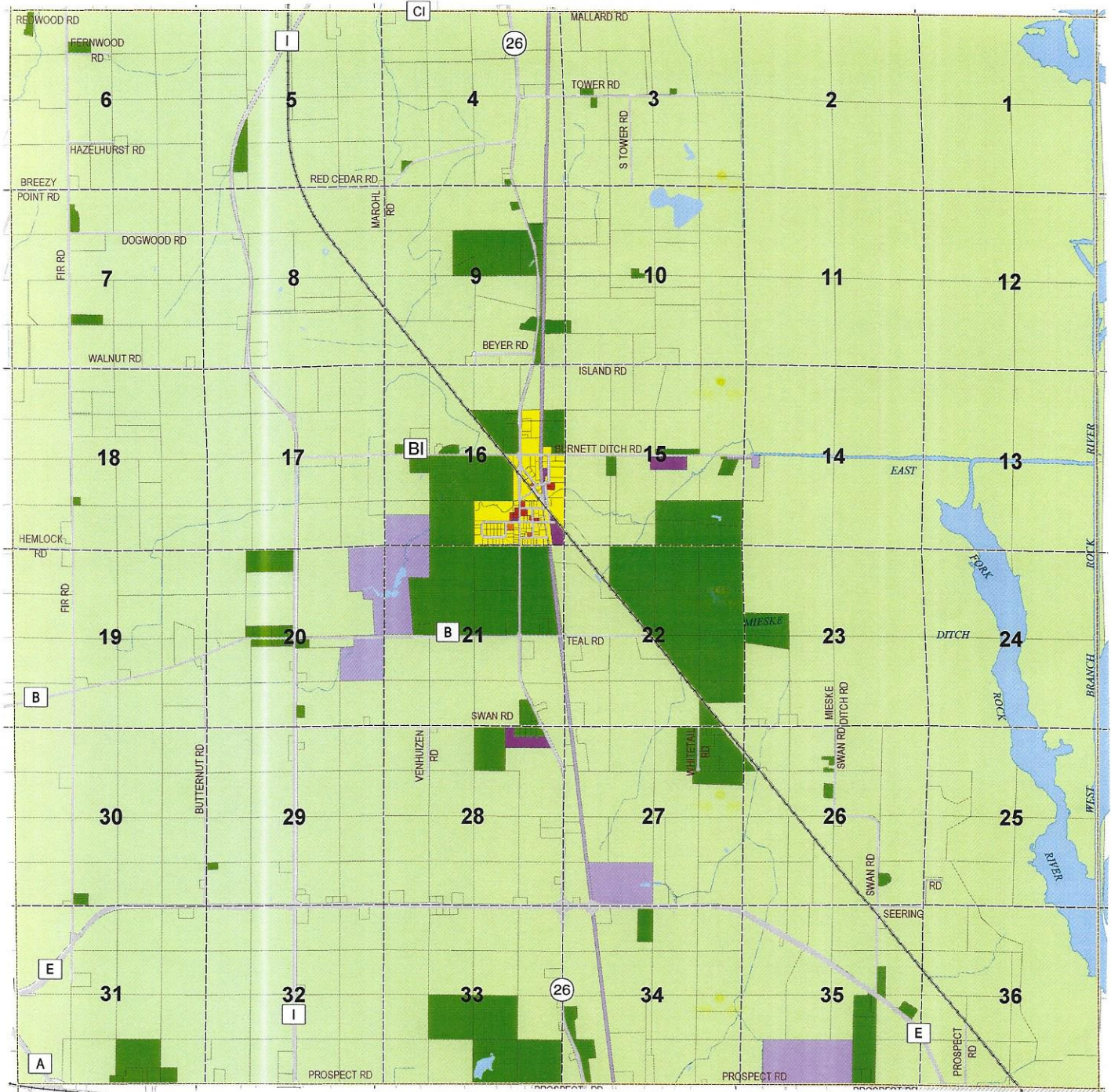
/s/ Debra Waldvogel, Clerk/Treasurer

Publish Daily Citizen January 24 & 31, 2011

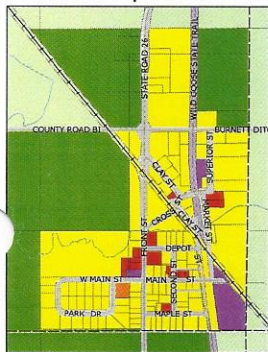
1709617

WNAXLP

Town of Burnett Farmland Preservation Zoning Map Dodge County, Wisconsin



Inset Unincorporated Burnett



1 inch = 900 feet

Legend

- U.S. Highway
- State Highway
- County Highway
- Town Road
- Railroad
- Town Boundary
- Section Line
- Tax Parcel Boundary
- Rivers and Streams
- Intermittent Stream

Zoning

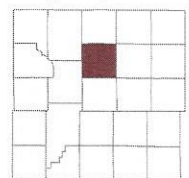
- A-1 Prime Agricultural
- A-2 General Agricultural
- C-1 Commercial
- RC Recreational
- I-1 Industrial
- R-1 Single Family Residential
- R-2 General Residential
- Road Right-of-Way
- Waterbody

THIS IS TO CERTIFY THAT THIS MAP IS A CERTIFIED COPY OF THE OFFICIAL ZONING MAP ADOPTED AND APPROVED WITH THE ZONING ORDINANCE, TOWN OF BURNETT, DODGE COUNTY, WISCONSIN ON _____ BY THE TOWN BOARD OF THE TOWN OF BURNETT. (COUNTY BOARD APPROVED _____)



Dodge County
Land Resources and Parks
Department

Dodge County Wisconsin



Town of Burnett

Source: Dodge County Land Resources and Parks Department, June 2011

Feet
0 2,300 4,600 6,900 9,200



Dodge County Land Resources and Parks Department

127 East Oak Street · Juneau, WI 53039-1329
PHONE: (920) 386-3700 · FAX: (920) 386-3979
EMAIL: landresources@co.dodge.wi.us

October 19, 2011

Town of Burnett – Clerk
Debra Waldvogel
N7416 County Road I
Juneau, WI 53039

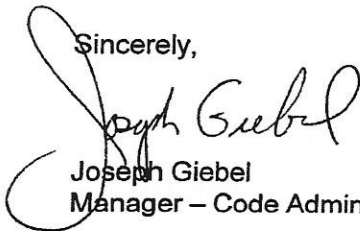
RE: County Board Resolution – Zoning Ordinance Text Amendment

On October 18, 2011 the Dodge County Board of Supervisors took up the Town's resolution to amend the Town's Zoning Ordinance.

This letter is to inform you the Dodge County Board voted to approve the Town's Zoning Ordinance Amendment resolution.

If you have any questions regarding the approval, feel free to contact this office at any time so that we may be of assistance.

Sincerely,



Joseph Giebel
Manager – Code Administration