



Jamie Kuhn  
Dane County Executive

# Dane County Planning & Development

## Division of Zoning

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October 2, 2024

Kris Hampton  
Town of Cottage Grove  
4058 County Highway N  
Cottage Grove WI 53527

Viney Acres LLC  
2093 US Highway 12/18  
Cottage Grove WI 53527

RE: Navigability Determination – 3385 N Star Rd, Section 33, Town of Cottage Grove  
DCPWTR-2024-00010  
Parcel: 0711-331-8000-7 & 0711-331-9502-8

The Dane County Zoning Division has processed your request for a navigability determination for a waterway mapped on your property.

Before conducting the site inspection, the County G.I.S., aerial photography, and the Wisconsin Surface Water Data Viewer were used to determine the categorization of the waterway. The map showed an intermittent stream crossing the property from the southwest to the northeast. An intermittent stream is one that has a periodic or recurrent flow.

A site inspection was conducted on September 30, 2024. While the area weather had been free of precipitation, a 3.5” rainfall had occurred a week prior. It was observed that upstream of the culvert under N Star Rd, the stream was a grassed waterway with an approximately 10 foot wide bed and gently sloped banks forming a channel approximately 30 feet wide. The entire channel was vegetated with reed canary grass. The bed of the channel showed no distinct signs of alluvial erosion, but was of softer soil at the lowest elevations near the middle. A bridge was present over the channel allowing access to the structure at 3385 N Star Rd, under the bridge there was a lack of vegetation within the bed and evidence of standing water and a distinct change up-bank to terrestrial vegetation. The grassed waterway continued all the way to US Highway 12/18.

Downstream of the culvert under N Star Road channelized water was observed flowing. There were also pockets of standing water outside of the channelized water. Fish were observed swimming in the channel.

After the site inspection, a 1987 permit for conversion of the stream to a grassed waterway and tiling the adjacent fields was obtained from Dane County Land and Water Resources. The permit

documents did not reference any previous determinations for the waterway or any Chapter 30 permits from the Department of Natural Resources.

A request was made to the Wisconsin DNR for any previous determinations or permitting for this waterway, but the only document found was related to a downstream wetland delineation that mentions the ditch but did not provide any additional determination.

Aerial photos dating back to 1937 were reviewed for evidence of a previously navigable state. Photos showed obvious drainage patterns and later ditching, but did not contain enough evidence to determine the waterway existed much differently than at the time of the site inspection.


After further review of the waterway, it has been determined that the grassed waterway upstream of N Star Rd lacked evidence of enough water to support the floating of a small craft and is therefore non-navigable. A previous determination by this Department determined this waterway non-navigable upstream of US Highway 12/18. This waterway is determined to be non-navigable from its origin to the eastern right of way line of N Star Rd.

This letter serves as notice that the future development that will occur on the above-described lots is NOT within the Shoreland Zoning District, except for those lands within 300 feet of the stream's intersection with the eastern right-of-way line of N Star Rd, as defined under Chapter 11, Dane County Code of Ordinances.

Please note that the entire stream corridor contains wetland indicators in the form of hydric inclusion soils. The combination of hydric soils, a water table at or near the surface, and aquatic plants indicates wetlands exist within this corridor and are subject to shoreland-wetland and inland-wetland regulations of the State and County. A wetland delineation will be required prior to the permitting of any development within these areas.

I hope you find this information helpful. If you have any questions regarding this matter, or if I may be of further assistance, please feel free to contact me directly.

Sincerely,



Hans Hilbert  
Assistant Zoning Administrator

Cc:

Dane County Land & Water Resources

Al Ramming, Wisconsin Department of Natural Resources



