

**DODGE COUNTY PLANNING, DEVELOPMENT AND PARKS COMMITTEE  
MINUTES  
February 19, 2018**

The Dodge County Planning, Development and Parks Committee met on February 19, 2018 at 7:00 p.m. on the 1<sup>st</sup> Floor of the Administration Building, Juneau, Wisconsin.

Chairman Schaefer called the meeting to order. Roll Call was taken. Members present were Tom Schaefer, Allen Behl, William Muche, Joseph Marsik and Janice Bobholz. The staff present at the request of the Chairman were Bill Ehlenbeck and Joseph Giebel.

The Chairman asked the staff to confirm compliance with the open meeting laws and the public hearing notice requirements. Mr. Giebel noted that the meeting was properly noticed in accord with the open meeting law and noted that the required notices for the public hearings listed on the agenda were posted, mailed and published in accord with the statute and code requirements.

The agenda was reviewed.

Motion by William Muche to approve the agenda and allow the Chairperson to go out of order as needed to efficiently conduct the meeting. Second: Joseph Marsik Motion carried.

**TOWN REZONING REQUESTS**

**Gary Loeffler** – Lot 1, CSM 1031 in V8 P144, being part of the NW ¼ of the NW ¼, Section 29 and part of the NE ¼ of the NE ¼, Section 30, Town of Portland, the site address being N855 County Road T. Petition to rezone 38.12-acres of land under the Town of Portland Zoning Ordinance, from the A-1 Farmland Preservation Zoning District to the A-2 General Agricultural Zoning District has been submitted by the Town of Portland Town Board to the Dodge County Board of Supervisors for approval. Committee review and recommendation to the County Board.

Motion by Allen Behl to submit a favorable recommendation on the petition to rezone 38.12-acres of land under the Town of Portland Zoning Ordinance, from the A-1 Farmland Preservation Zoning District to the A-2 General Agricultural Zoning District

Second by William Muche Vote 4-0 Motion carried.

**The hearing procedures were read into the record.**

**PUBLIC HEARING**

**Duffy Rental Properties LLC** – Request for a Conditional Use Permit under the Shoreland Protection Ordinance, Dodge County, Wisconsin to allow filling and grading within 300 feet of a navigable waterway associated with a landscaping project on this site. The property is known as Lot 6 & that part of Lot 5 Blk 9 Birdsey & Inglasge's addition located in part of the NW ¼ of the SW ¼, Section 18, Town of Elba, the site address being W12395 State Road 16 & 60.

Motion by Joseph Marsik to approve the conditional use permit application to allow filling and grading within 300 feet of a navigable waterway associated with a landscaping project on this site subject to the following conditions:

1. It shall be the responsibility of the applicant to obtain all other permits or approvals that

- may be required (e.g., Wisconsin Department of Natural Resources and/or U.S. Army Corps of Engineers) for the proposed project.
2. All disturbed areas shall be leveled and graded (as needed) and seeded to permanent vegetation as soon as possible to prevent erosion of silt/sediment into the waterway.
  3. All spoil piles shall be seeded to permanent vegetation as soon as possible to prevent erosion of silt/sediment into the waterway.
  4. The proposed project shall not obstruct flow and shall not increase the regional flood height.
  5. All erosion control measures required by the applicable Federal, State, County and Local codes shall be in place and shall be maintained throughout the duration of the project in accordance with Best Management Practices.
  6. All work shall be done in accord with the plans and specifications submitted on September 11, 2017.
  7. The decision of the Committee is valid for one year.

Second by William Muche    Vote 5-0    Motion carried.

**PUBLIC HEARING**

**New Frontier Land Surveying, agent for Mary and John Braker** - Request for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin to allow for the creation of an approximate 1.8-acre nonfarm single family residential lot within the A-1 Prime Agricultural Zoning District. The property is located in part of the NE ¼ of the NE ¼ and part of the NW ¼ of the NE ¼, Section 5, Town of Calamus, the site address being W11337 County Road FW.

Motion by Janice Bobholz to approve the conditional use permit to allow for the creation of an approximate 1.8-acre nonfarm single family residential lot within the A-1 Prime Agricultural Zoning District at this location subject to the following conditions:

1. The applicant shall obtain the required land division approvals for the proposed lot from the County and local municipalities if required, prior to the creation of these lots;
2. The proposed non-farm residential lot shall not exceed 2.38-acres in area unless the lot is successfully rezoned out of the A-1 Prime Agricultural Zoning District;
3. Only one single family residential unit may be located on the proposed non-farm residential lot unless this lot is successfully rezoned into a zoning district which allows additional residential units;
4. The acreage of the proposed non-farm residential lot shall count towards the total non-farm residential acreage that can be created from the base farm tract for this property;
5. A "Notice of Zoning Limitations" document shall be recorded with the Dodge County Register of Deeds Office for the following parcels which make up the "base farm tract" which notifies the potential buyers of these parcels that there may be limitations as to the number of new lots that can be created from this base farm tract:
  - 008-1113-0511-001 and 008-1113-0512-002.
6. The owner and subsequent owners of this non-farm residential lot hereby agree to comply with Subsection 9.2, Right to Farm provisions of the Dodge County Land Use Code and that they will not cause unnecessary interference with adjoining farming operations producing agricultural products and using generally accepted agricultural practices, including access to active farming operations;
7. The decision of the Committee is valid for one year.

Second by Joseph Marsik    Vote 5-0    Motion carried.

## **ADMINISTRATIVE BUSINESS**

### Planning and Development

1. Discuss transfer of conditional use permit #2005-0162 to new owners – Wind Energy Systems Turbine Facilities - Forward Energy LLC/Invenergy LLC. Towns of Leroy and Lomira.

Mr. Giebel informed the committee that the Forward Energy LLC Wind Energy Turbine Facilities in the Towns of Leroy and Lomira are being sold to a public utility company. The new buyers would like a resolution from the County Board that states that the conditional use permit conditions will transfer to the new owners and that the existing facilities can continue in operation without any changes to the CUP. Mr. Giebel informed the Committee that a Letter of Credit to cover the cost of decommissioning the towers would need to be updated for the new owners and indicated that the Department is working with the Corporation Counsel to work out the details of the resolution. This proposed resolution will be brought back to the Committee for review and action at the March 5, 2018 meeting.

2. Discuss and consider Land Information Committee consolidation proposal.

Bill Ehlenbeck informed the Committee that the Executive Committee is reviewing the County Board Rules and will be proposing some changes and updates for County Board approval in March. The elimination of the Land Information Committee and rolling their duties into the Planning, Development and Parks Committee duties is one of the proposals. Bill provided the Committee with a brief overview of the Land Information Committee duties. The Land Information Committee is not mandated by Statute, however the Land Information Council is required and would report to the Planning, Development and Parks Committee. Bill stated that he has not received any comments against the proposal. The Committee discussed the idea and were generally in favor. Bill suggested the Committee name should change to Land Resources and Parks Committee to match the Department. The Register of Deeds would also report to the Committee.

### Parks

1. Discuss, consider and take action on request for wedding use of Harnischfeger Park north barn area;

Bill Ehlenbeck reviewed a proposed special use permit request to use the north barn area at Harnischfeger Park for a wedding ceremony. The request includes the rental of the clubhouse for the reception and they would like to use the area near the north barn for the wedding ceremony. Bill reviewed a copy of a permit request with the Committee and discussed the proposed conditions that would be placed on the permit. Bill stated this is the first request of this nature, but is likely to lead to more in the future. Staff would monitor the event to determine if there would be any adverse impacts on the neighbors with this type of an event in the future.

Motion by Joseph Marsik to approve the special use permit with the conditions as proposed.

Second by Allen Behl      Vote: 5-0      Motion carried

2. Gold Star Memorial Trail Status update.

Bill Ehlenbeck provided the committee with a brief update on the status of the Gold Star Memorial Trail support of the funding resolution that will be going to the County Board on Wednesday.

**OTHER BUSINESS**

1. Review, consider and act on the petition to amend the Dodge County Floodplain Zoning Ordinance.

Mr. Giebel informed the Committee that the proposed petition to amend the Floodplain Zoning Ordinance will incorporate the results of a 2017 Dam Failure analysis that was completed by MSA Professional Services for the Upper Beaver Dam River Dam located in Section 4, City of Beaver Dam. The proposed amendment request is to adopt the 2017 revised dam failure analysis, the Dam Failure Map Panels 1 through 7, the Dam Failure Profile Panels 1 through 4 and the Dam Failure Floodway Data Table for those portions of the floodplain that cover lands located outside of the City limits of the City of Beaver Dam for the Upper Beaver Dam River Dam located in Section 4, City of Beaver Dam. The analysis was prepared by MSA Professional Services dated April 6, 2017 and was approved by the Wisconsin Department of Natural Resources on April 10, 2017.

The proposed amendment also includes two text changes to Section 1.5 (1) (a) of the ordinance that are necessary in order to comply with recently amended Wisconsin State Statutes (2017 Wis. Act 115). According to the statute changes, the provisions of the Floodplain Zoning Ordinance would not apply to lands adjacent to farm drainage ditches under certain circumstances. If the Committee approves the petition, a public hearing will be set up for the proposed amendment.

Motion by Joseph Marsik to sign the petition to amend the Dodge County Floodplain Zoning Ordinance and set up a public hearing and review by the Committee.

Second by William Muche            Vote: 5-0            Motion carried.

2. Review consider and act on the petition to amend the Dodge County Shoreland Protection Ordinance;

Mr. Giebel informed the Committee that several Acts were passed into law in 2017 which affect the Shoreland Protection Ordinance and the proposed amendments are necessary in order to bring the County's regulations into compliance with the recently enacted laws.

The petition includes amendments related to the public hearing notice requirements, the criteria for issuing a conditional use permit, the criteria for establishing conditions for a conditional use permit and the expiration date for a conditional use permit. The petition also includes amendments related to the clarification of the standards for granting certain variances, the burden of proof standards for the applicant and the expiration date for variance decisions. Additionally, the petition includes amendments related to the repair, rebuilding, and maintenance of certain nonconforming structures and the clarification of the regulations dealing with the enforcement of shoreland related violations that have been in place for more than 10 years. The proposed changes are necessary in order to comply with

the recently amended Wisconsin State Statutes (2017 Acts 67 & 68). If the Committee approves the petition, a public hearing will be set up for the proposed amendment.

Motion by Janice Bobholz to sign the petition to amend the Dodge County Shoreland Ordinance and set up a public hearing and review by the Committee.

Second by Allen Behl    Vote: 5-0                      Motion carried.

3. Review consider and act on the petition to amend the Dodge County Land Use Code

Joe Giebel informed the Committee that several Acts were passed into law in 2017 which affect the County Zoning Code. The proposed amendments to the Dodge County Land Use Code are necessary in order to bring the County's regulations into compliance with the recently enacted laws.

The proposed amendments to the Code include changes to the conditional use permit, non-conforming structure, variance, substandard lot and lot merger provisions of the Code. The amendments also include changes to the certified survey map and plat submission provisions of the Code and a series of miscellaneous housekeeping changes that are necessary in order to clarify certain uses that are allowed in the code, to clarify the filling, grading, dredging, ditching, tiling and excavation regulations allowed under the Code, to clarify the provisions relating to the accommodations that are allowed for the disabled, to remove the Administrative Adjustment provisions of the Code and to clarify certain definitions used in the Code. If the Committee approves the petition, a public hearing will be set up for the proposed amendment.

Motion by Allen Behl to sign the petition to amend the Dodge County Land Use Code and set up a public hearing and review by the Committee.

Second by Joseph Marsik                      Vote: 5-0                      Motion carried.

4. The minutes from the February 5, 2018 meeting were reviewed by the Committee.

Motion by Joseph Marsik to approve the minutes as written.

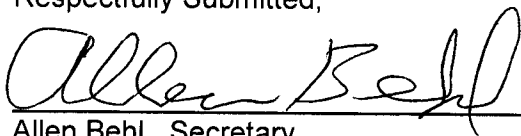
Second by William Muche                      Vote: 4-0 (Bobholz abstained)                      Motion carried.

5. No Committee Member Reports

6. No Additional Per Diems

Motion by order of the Chairman to adjourn the meeting. Motion carried. Meeting adjourned at 8:15 p.m.

Respectfully Submitted,



Allen Behl, Secretary

Disclaimer: The above minutes may be approved, amended or corrected at the next committee meeting.