

# Land Resources and Parks Department Staff Report

**County Rezoning Petition # 2023-0176**

**Filing Date: March 10, 2023**

**Hearing Date: April 10, 2023**

**Applicant (Agent):**

Cheryl Bergmann  
Daryl Hundt  
507 Gould St  
Beaver Dam, WI 53916

**Owner:**

Cheryl Bergmann, Daryl Hundt, Rhonda Hundt and Terry Hundt

**Location**

PIN# 024-1016-1334-000; 024-1016-1331-000

Part of the SE ¼ of the SW ¼, Section 13, Town of Hustisford, the site address being W3066 State Road 60.

**Applicants Request**

A rezoning petition has been submitted by the applicant in order they be allowed to rezone approximately 5.27 acres of land from the A-1 Prime Agricultural zoning district to the A-2 General Agricultural zoning district under the Dodge County Land Use Code in order to allow for the creation of a non-farm residential lot. The proposed 5.27-acre lot will contain an existing residence and accessory buildings. The remaining approximate 42.38-acres will remain in agricultural use.

**Land Use Code Provisions**

1. Subsections 2.3.4.A through 2.3.4.J of the Land Use Code details procedural matters, the approval criteria and the form for the petition. The Committee must hold a public hearing and report to the County Board. The role of the Town boards in the process is also outlined in this section.
2. Subsection 2.3.4.B states that a petition for rezoning may be made by any property owner in the area to be affected by the rezoning.

**Purpose Statements**

The purpose of the A-1 Prime Agricultural Zoning District is to promote areas for uses of a generally exclusive agricultural nature in order to protect farmland, allow participation in the state's farmland preservation program, and accommodate changing practices in the agricultural industry, subject to appropriate standards.

The purpose of the A-2 General Agricultural Zoning District is to promote areas for agriculture which are transitional, allowing for expansion of urban areas limited to rural residential development, and the conversion of agricultural land to other related uses, subject to appropriate standards.

**Physical Features of Site**

**The features of the proposed construction and property that relate to the rezoning request are as follows:**

The County has Zoning Jurisdiction over this site as the Town of Hustisford has adopted the County's Land Use Code. The site is located within the A-1 Prime Agricultural Zoning District.

The proposed lots are not located within the County's Shoreland jurisdiction.

The proposed lots are not located within the County's Floodplain jurisdiction.

The topography of the site is rolling with slopes ranging from 0 to 12%;

Land Use, Site: Residential and agricultural

Land Use, Area: Agricultural with scattered residences along STH 60.

Designated Archaeological Site:    Yes             No

Density Standards

The base farm tract for this property contains 47.65-acres within the A-1 Prime Agriculture Zoning District. The Code would allow a maximum of 2.27-acres for non-farm residential use under the conditional use permit process. Therefore, in this case, rezoning is required to allow for the creation of a 5.13-acre nonfarm residential lot at this location.

The proposal is consistent with the Dodge County Comprehensive Plan and Farmland Preservation Plan:

- The site is designated as agricultural according to the County's Future Land Use Map which can include a limited amount of residential development, but where the predominant land use would be agricultural in nature.

Town Recommendation

A recommendation on the rezoning petition has not been forwarded to the Department regarding this petition as of March 30, 2023. The town has approved the proposed land division.

**STAFF ADVISORY:**

***This staff advisory is only advice to the Land Resources and Parks Committee. The Committee may or may not consider the advice of the staff and decision making authority is vested in the Committee only.***

The staff has reviewed the petition for compliance with the approval criteria listed in Section 2.3.4.I of the Code with Chapter 91.48 of the Wisconsin State Statutes. The staff comments are listed in Exhibit A for the Committee review.

The staff believes that the committee can make the findings necessary under Section 2.3.4.I of the code and Chapter 91.48 of the Wisconsin State Statutes in order to submit a favorable recommendation to the County Board for this proposal.

## Exhibit A

### 2.3.4.I Approval Criteria

In acting on a rezoning petition, the County Board of Supervisors shall consider the stated purpose of the proposed zoning district and shall approve the rezoning petition only if it finds that:

**2.3.4.I.1** Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;

- The proposed area to be rezoned contains an existing residence with public facilities, therefore it is the staff's position that there are adequate public facilities and services to serve the proposed lots;

**2.3.4.I.2** Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them;

- It is the staff's position that the creation of a new lot which contains an existing residence, will not place an unreasonable burden on the ability of the Town to provide adequate public facilities or services;

**2.3.4.I.3** The proposed development will not result in significant adverse impacts upon surrounding properties or the natural environment, including air, water, noise, stormwater management, soils, wildlife, and vegetation;

- It is the staff's position the creation of a separate lot with an existing residence will not have an unreasonable adverse effect on surrounding properties or the environment;

**2.3.4.I.4** The land proposed for rezoning is suitable for development and will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas;

- It is the staff's position that the area to be rezoned is suitable for development and if the land is developed in accord with the land use code provisions, the project will not cause unreasonable soil erosion;

**2.3.4.I.5** The proposed rezoning is consistent with the Dodge County Comprehensive Plan and Farmland Preservation Plan and the stated purposes of this Code;

- It is the staff's position that the proposal is consistent with the Dodge County Comprehensive Plan as the site is designated as agricultural according to the County's Future Land Use Map which can include a limited amount of residential development, but where the predominant land use would be agricultural in nature.
- It is the staff position that the proposal is consistent with the Farmland Preservation Plan

**2.3.4.I.6** The proposed rezoning will not be used to legitimize, or "spot zone," a nonconforming use or structure;

- It is the staff's position that the proposed rezoning is consistent with the County's Future Land Use Map as this site is designated as agriculture. Therefore it is the staff's position that the proposed rezoning will not result in spot rezoning.

**2.3.4.1.7** The proposed rezoning is the minimum action necessary to accomplish the intent of the petition, and an administrative adjustment, variance, or Conditional Use Permit could not be used to achieve the same result.

- It is the staff's position that the proposed rezoning is the minimum action necessary to accomplish the intent of the petition;

**2.3.4.1.8** For all proposed rezoning petitions that will remove land from the A-1 Prime Agricultural Zoning District, the following additional findings shall be made:

**2.3.4.1.8.a** The land is better suited for a use not allowed in the A-1 Prime Agricultural Zoning District;

- It is the staff's position that the land is better suited for residential use.

**2.3.4.1.8.b** The rezoning is substantially consistent with the Dodge County Comprehensive Plan and Farmland Preservation Plan;

- The property is designated as agriculture according to the County's Future Land Use Map and therefore it is the staff's position that the proposed rezoning is substantially consistent with the Dodge County Comprehensive Plan and the Farmland Preservation plan;

**2.3.4.1.8.c** The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use;

- It is the staff's position that the proposed rezoning will not substantially impair or limit the current or future agricultural use of the adjacent parcels;

**2.3.4.J Approval by Affected Town Boards**

Approval of rezoning petitions by affected town boards shall occur pursuant to the procedures set forth in Section 2.2.15.

- A recommendation has not been forwarded to the Department regarding this petition as of March 30, 2023.

**Dodge County Planning, Development and Parks Committee Decision**

**County Rezoning Petition # 2023-0176**

**Filing Date: March 10, 2023**

**Hearing Date: April 10, 2023**

**Applicant (Agent):**

Cheryl Bergmann  
Daryl Hundt  
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**Applicants Request**

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**CONCLUSIONS OF LAW**

**Based upon the facts presented in the application and at the public hearing the committee concludes that:**

**2.3.4.I Approval Criteria**

**2.3.4.I.1** Are there adequate public facilities and services available to serve the subject property while maintaining adequate levels of service to existing development? (sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable)

(Yes / No / N/A);

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2.3.4.I.2** Will the provision of public facilities to this project place an unreasonable burden on the ability of affected local units of government to provide them?

(Yes / No / N/A);

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2.3.4.1.3** Will the proposed development result in significant adverse impacts upon surrounding properties or the natural environment? (air, water, noise, stormwater management, soils, wildlife, and vegetation)

(Yes / No / N/A);

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2.3.4.1.4** Will the development of this land cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas?

(Yes / No / N/A);

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2.3.4.1.5** Is the proposal consistent with the Dodge County Comprehensive Plan and Farmland Preservation Plan and the stated purposes of this Code?

(Yes / No / N/A);

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2.3.4.1.6** Will the proposed rezoning be used to legitimize, or “spot zone,” a nonconforming use or structure?

(Yes / No / N/A);

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2.3.4.1.7** Is the proposed rezoning the minimum action necessary to accomplish the intent of the petition?

(Yes / No / N/A);

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2.3.4.1.8** For all proposed rezoning petitions that will remove land from the A-1 Prime Agricultural Zoning District, the following additional findings shall be made:

**2.3.4.1.8.a** Does the Committee believe that the land to be rezoned is better suited for residential use or for agricultural use?

(Residential / Agricultural )

If the land to be rezoned is better suited for agricultural use, are there other areas on this property that would be better suited for the proposed residential use?

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2.3.4.I.8.b** Is the rezoning petition substantially consistent with the Dodge County Comprehensive Plan and Farmland Preservation Plan;

(Yes / No / N/A);

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2.3.4.I.8.c** Will the rezoning substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use;

(Yes / No / N/A);

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2.3.4.J Approval by Affected Town Boards**

Has the Town submitted a recommendation regarding this request?

( Yes / No )

Comments \_\_\_\_\_  
\_\_\_\_\_

**Does the application contain sufficient information necessary to make a decision on the rezoning petition?**

Yes;

No - the following additional information is needed before a decision can be made:

\_\_\_\_\_  
\_\_\_\_\_

**Committee Action**

**Based upon the facts presented in the application and at the public hearing, does the committee believe that the criteria in Section 2.3.4.I can be met for this proposal?**

( Yes / No )

Motion by \_\_\_\_\_ to submit a (favorable / unfavorable) recommendation to the County Board of Supervisors on the rezoning petition as proposed.

Motion second \_\_\_\_\_

**Vote**

Dale Macheel	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Donna Maly	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Ben Priesgen	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Dan Siegmann	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Mary Bobholz – Chair	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present

**Motion (Carried / Denied)**

**ORDER AND DETERMINATION – REZONING PETITION**

On the basis of the above findings of fact, conclusions of law and the record in this rezoning matter, the committee:

- shall provide a favorable recommendation to the County Board on the rezoning petition as proposed. An ordinance shall also be drafted effectuating the recommendation of the committee and said ordinance shall be submitted to the Board for approval;
- shall provide a favorable recommendation to the County Board on the proposed rezoning petition as modified by the committee. An ordinance shall also be drafted effectuating the recommendation of the committee and said ordinance shall be submitted to the Board for approval;
- shall provide an unfavorable recommendation to the County Board on the rezoning petition as proposed;
- shall provide a “No Recommendation” to the County Board on the proposed rezoning petition as proposed;

Dodge County Land Resources and Parks Committee

Signed \_\_\_\_\_ Attest \_\_\_\_\_  
Chairperson Secretary

Dated: \_\_\_\_\_

Filed: \_\_\_\_\_





**DODGE COUNTY**  
**LAND RESOURCES & PARKS DEPARTMENT**  
 127 E. OAK STREET • JUNEAU, WI 53039  
 PHONE: (920) 386-3700 X2 • FAX: (920) 386-3979  
 E-MAIL: landresources@co.dodge.wi.us

## REZONING PETITION

THIS AREA FOR OFFICE USE ONLY	
<b>Activity No.</b>	<b>Application Date:</b>
<b>230176</b>	3/10/2023
	<b>Receipt #:</b>
	6785-0006

Petition Fee: \$350 (Payable to Dodge County)

NAMES & MAILING ADDRESSES	PROPERTY DESCRIPTION
<b>Petitioner (Agent)</b> Cheryl Bergmann	<b>Parcel Identification Number (PIN)</b> 024-1016-1334-000 024-1016-1331-000
<b>Street Address</b> 507 Gould St	<b>Town</b> Hustisford
<b>City • State • ZipCode</b> Beaver Dam WI 53916	<b>Town</b> N R E 10 16
<b>Property Owner (if different from petitioner)</b>	<b>Section</b> 1/4 1/4 <b>Acreage</b> <b>Lot (Block)</b> 13 SE SW 27.389
<b>Street Address</b>	<b>Subdivision or CSM (Volume/Page/Lot)</b> Hwy Desc V350 P139 Ex CSM 6383 V43 P130
<b>City • State • ZipCode</b>	<b>Address Of Property (DO NOT include City/State/ZipCode)</b> W3066 Hwy 60
	<b>Is this property connected to public sewer?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

CONTACT PERSON
Name and daytime phone number (include area code) of a person we can contact if we have any questions about your petition.
Name <u>Daryl Hunt</u> Daytime Phone <u>(920) 285-2479</u>

PROPOSED REZONING	
<b>Current Zoning District</b> <u>A-1 district</u>	<b>Proposed Zoning District</b> <u>A-2 district</u>

**Reason For Rezoning**

Due to our father passing away we would like to retain the home + buildings + wooded area consisting of approximately 5.27 acres to remain in our family to be purchased by our brother + his wife Terry + Dawn Hunt to live on premises.

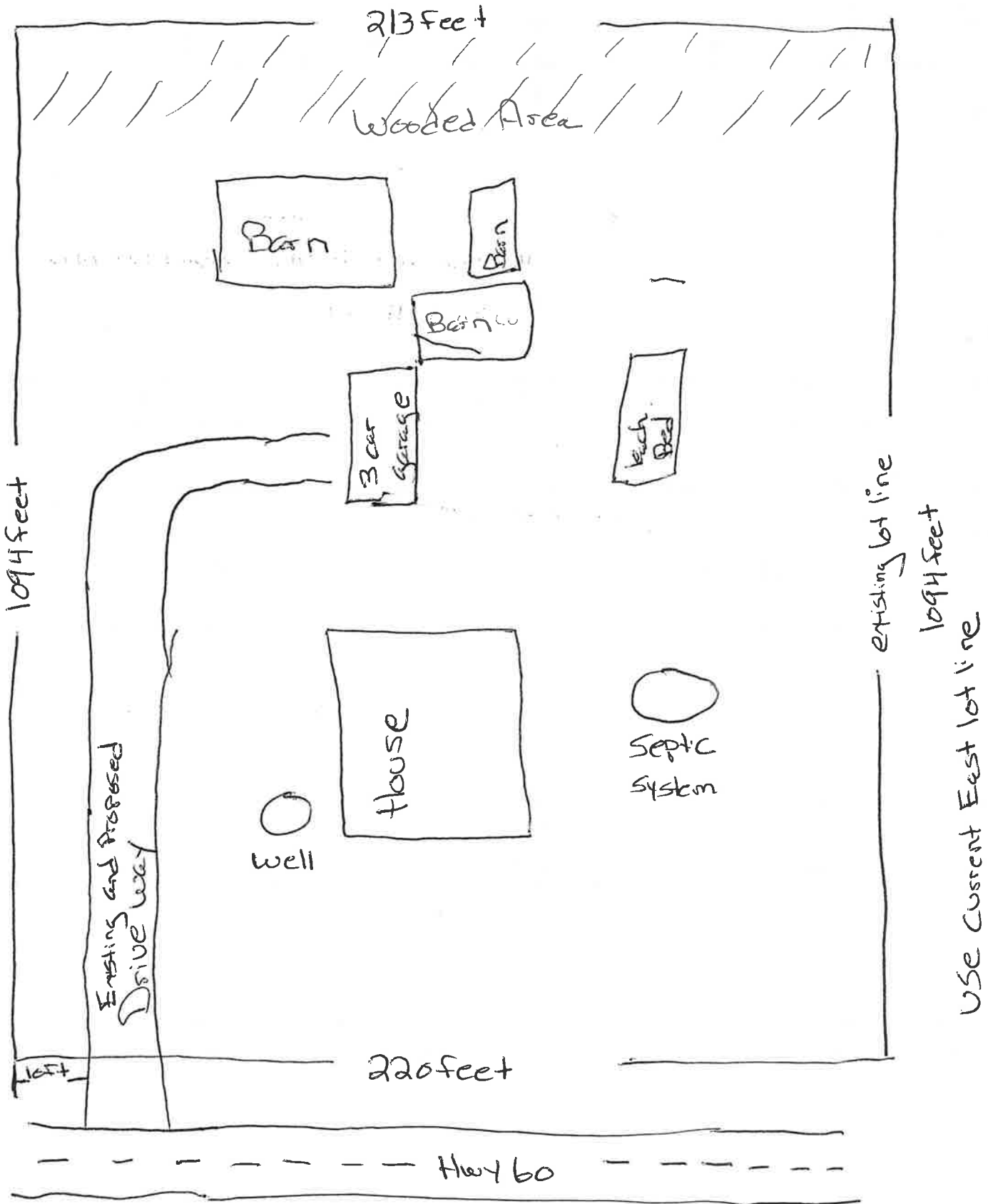
*Please complete the site map on the reverse side of this sheet.*

CERTIFICATE
I, the undersigned, hereby petition to rezone the aforementioned property and certify that all the information both above and attached is true and correct to the best of my knowledge.
Signature <u>Cheryl Bergmann</u> Date <u>3/10/23</u>
Daytime Contact Number <u>(920) 960-1885</u>

◆ AREA BELOW THIS LINE FOR OFFICE USE ONLY ◆


↑ North

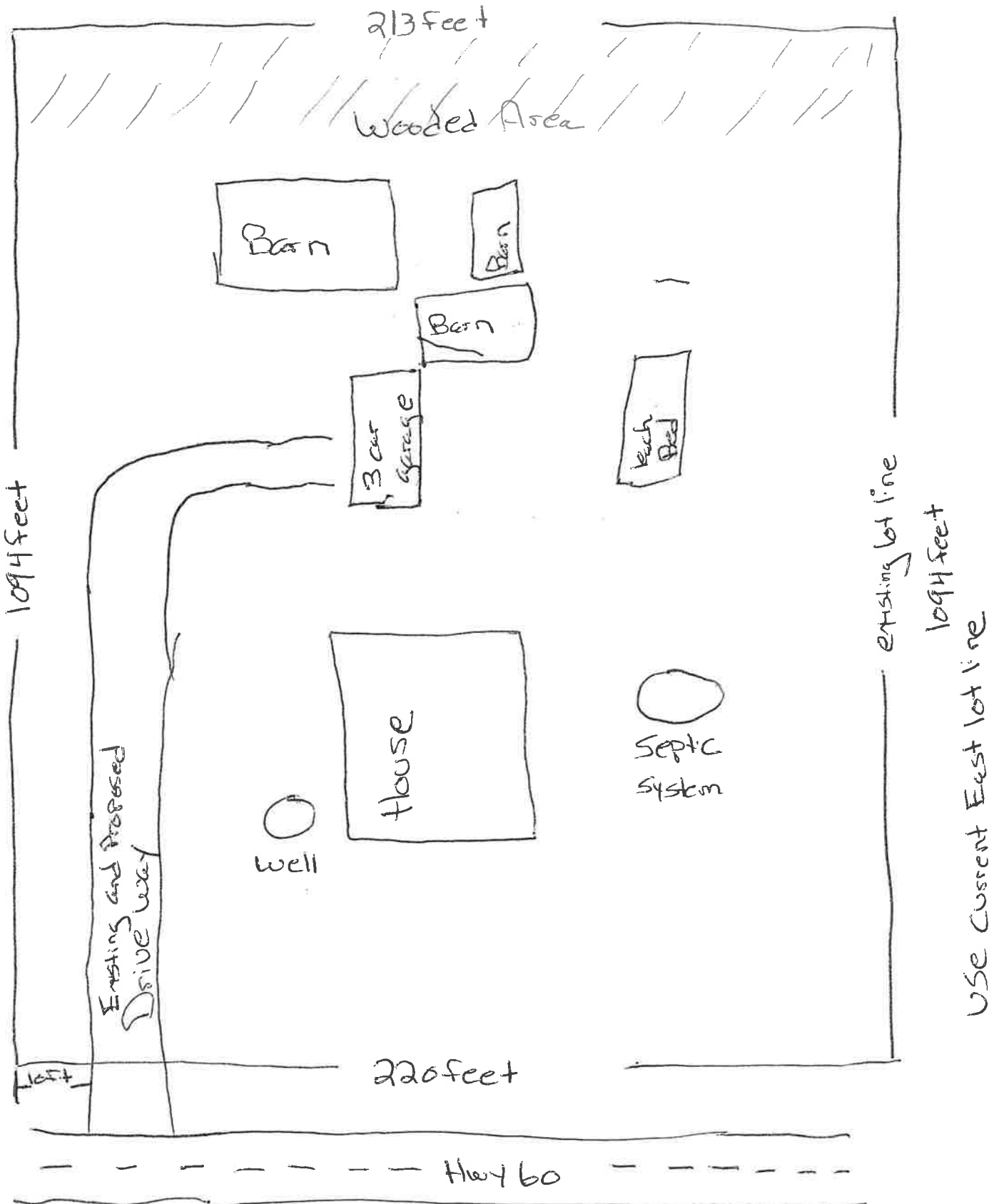
Proposed Area to be rezoned approximately 5.27 Acres



Access to all farm land would be from Lehman Rd @ current Land Access drive. already approved by Hurlstford Town board 3/2/23

↑ North

Proposed Area to be rezoned approximately 5.27 Acres



Access to all farm land would be from Lehman Rd @ current Land Access drive.  
Already approved by Haverford Town board 3/2/23

'isconsin, AC +/-



Proposed Rezoning Area From A1 to R2 is outlined in white dotted line!

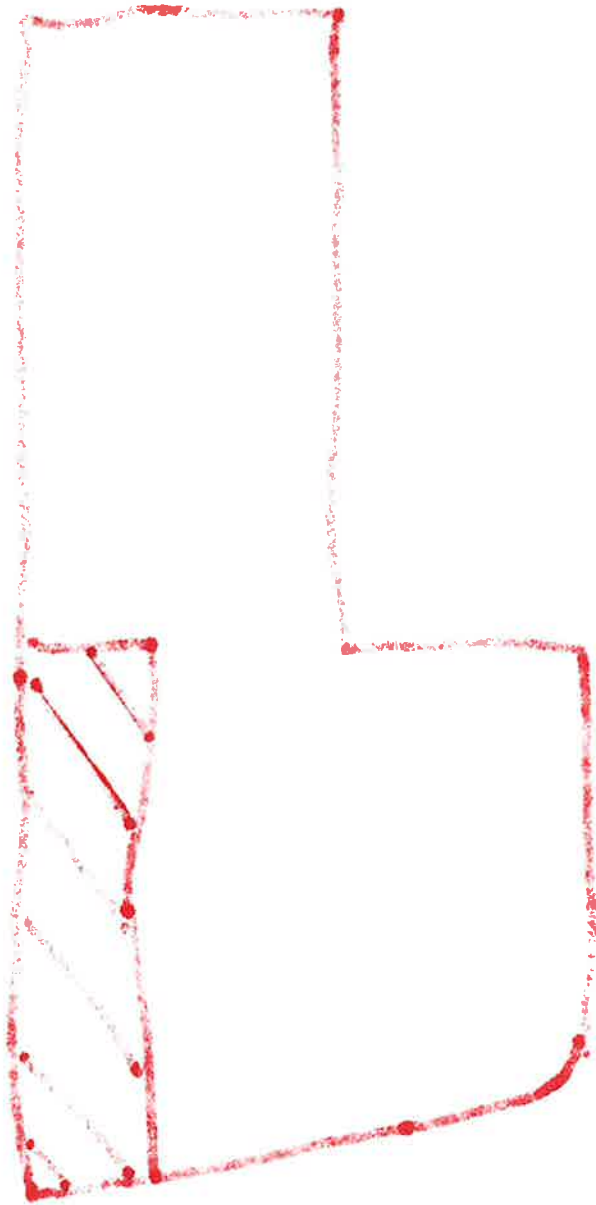
win Raether

The information contained herein was obtained from sources deemed to be reliable.

The data used to create this map is a compilation of records, information, and data from various city, county, and state offices, and other sources. This map is only advisory, does not replace a survey, and may not be used for any legal purpose. Dodge County assumes no liability for any use or misuse of this information.

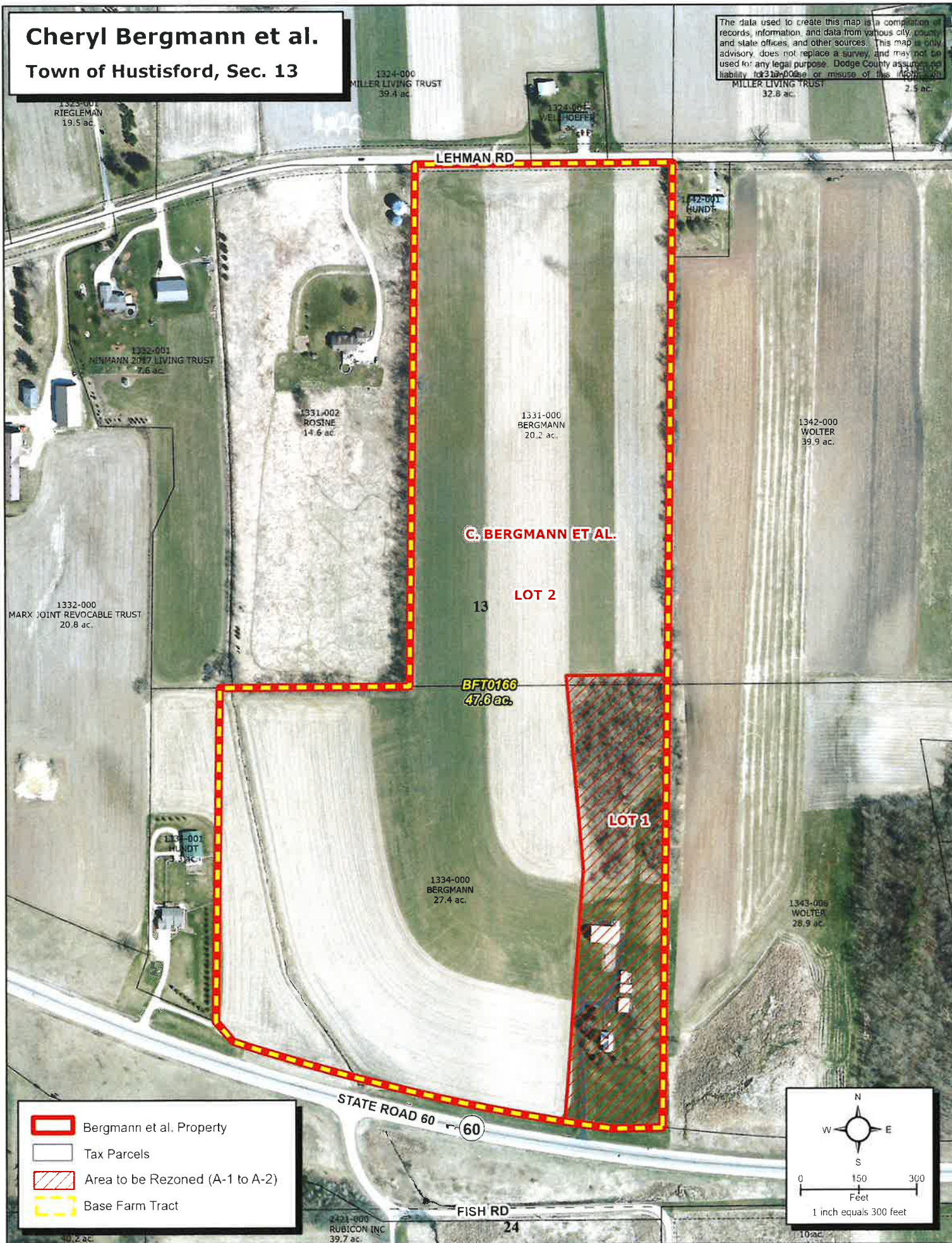


<p><b>General</b></p> <ul style="list-style-type: none"> <li>Urbanized Roads</li> <li>Soils</li> <li>Airport Ordinance 3-Mile Buffer</li> <li>Sewer Service Areas</li> <li>Highly Developed Shoreline</li> <li>Elevation Contours</li> </ul>	<p><b>WI Historical Society</b></p> <ul style="list-style-type: none"> <li>Historic Structures</li> <li>Archaeological Sites</li> <li>Survey Areas</li> </ul> <p><b>Non-Metallic Mining</b></p> <ul style="list-style-type: none"> <li>Active Mining Area</li> <li>Approved Mining Area</li> <li>Mine Property Boundaries</li> </ul>	<p><b>Floodplain / Wetland</b></p> <ul style="list-style-type: none"> <li>FEMA Floodplain/Storage/Dam Shadow</li> <li>DNR Wetland Areas/Points</li> </ul> <p><b>Shoreland Zoning</b></p> <ul style="list-style-type: none"> <li>Shoreland Zoning Buffer</li> <li>Lakes/Ponds/Sloughs</li> <li>Rivers/Streams/Creeks</li> </ul>	<p><b>County Zoning</b></p> <ul style="list-style-type: none"> <li>Planned Unit Development</li> <li>Hartford Extraterritorial</li> <li>General Agricultural</li> <li>Prime Agricultural</li> <li>One Family Residential</li> <li>Two Family Residential</li> <li>Multi-Family Residential</li> <li>General Commercial</li> <li>Extensive Commercial</li> <li>Light Industrial</li> <li>Industrial</li> <li>Waterbody</li> <li>ROW/City/Village</li> </ul>
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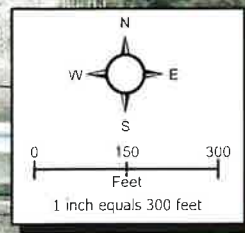


**Cheryl Bergmann et al.**  
**Town of Hustisford, Sec. 13**

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- Bergmann et al. Property
- Tax Parcels
- Area to be Rezoned (A-1 to A-2)
- Base Farm Tract



## Dodge County Land Use Code Setback Requirements

### 5.0 INTENSITY AND DIMENSIONAL STANDARDS

All development shall be subject to the intensity and dimensional standards set forth in this Chapter. These intensity and dimensional standards may be further limited or modified by other applicable sections of this Code.

(Note: Section 1.7.1 Dodge County Land Use Code - When the provisions of this Code are inconsistent with one another or when the provisions of this Code conflict with provisions found in other adopted ordinances or regulations, the more restrictive provision shall govern unless the terms of the provisions specify otherwise.)

### 5.1. DWELLINGS AND OTHER PRINCIPAL STRUCTURES

#### 5.1.1 Street/highway/road/front yard setback for dwellings and other principal structures

Highway, street, road and front yard setbacks are measured from the centerline of the highway, street or road and/or from the highway, street and road right-of-ways whichever is greater.

Minimum setback distances for dwellings and other principal structures are provided in Table 5.1-1.

Table 5.1-1: Minimum Setback Distances

Type of Abutting Roadway	Minimum Setback Distances (feet)	
	From Centerline	From Right-of-Way
Streets and Town Roads (designated) (See appendix 1)	60	27
Streets and Town Roads (undesignated)	75	42
Federal, State, and County Trunk Highways	100	67
Expressways and Freeways		
- Residential Uses	---	200
- Nonresidential Uses	---	67

#### Exceptions:

##### Essential Service Facilities and Private On-Site Waste Treatment Systems

Surface, overhead, and underground essential service facilities and private on-site waste treatment systems (POWTS), but not including any buildings, towers, or antennas, may be located within any required setback on the condition that the owner of such facilities within any setback that abuts a street shall remove all construction, additions, and replacements of these facilities at the owner's expense, when necessary for the improvement of the road, street, or highway.

**Underground structures** not capable of being used as foundations for prohibited above-ground structures may be located within setback lines, provided a setback agreement document requiring such structures to be removed at the owner's expense when required by road improvements is recorded with the Register of Deeds Office.

**C-1 General Commercial Zoning District:** Within the C-1 General Commercial Zoning District, in existing platted areas that are or previously have been in commercial use, interior lots served by public sanitary sewer shall have no minimum front or street yard. Corner lots shall have no minimum front or



street yard on the yard facing the principal street and shall have a minimum 10 foot front or street yard on the yard facing the non-principal street (as the principal street is determined by the Land Use Administrator).

**Access or service highways** constructed according to plans as approved by the County Highway Committee may be located within highway setback lines. In giving such approval, the County Highway Committee shall consider highway safety and maximum sight distances.

**Small Wireless Facilities** may be located within the road right-of-way or within the required setback on the condition that the owner of such facilities shall remove all construction, additions, and replacements of these facilities at the owner's expense, when necessary for the improvement of the road, street, or highway and on condition the owner of these facilities obtains all applicable road, street or highway permits that are necessary to authorize work within the road, street and highway right-of-way.

### 5.1.2 Side-yard setback for dwellings and other principal structures

The minimum setback for a dwelling or other principal structure to a side lot line shall be 8 feet.

**Exceptions:**

**Uncovered stairs, ramps, landings, elevators, and fire escapes** may project into any yard, but not to exceed 6 foot by 6 foot and shall not be closer than 3 feet to any lot line.

**Architectural projections**, such as chimney flues, sills, eaves, bay windows, belt courses, and ornaments, may project into any required yard, but such projections shall not exceed 2 feet.

**Structures to be used for the housing of animals** shall be located a distance equal to not less than  $\frac{1}{2}$  the structure height from the side lot lines.

**C-1 General Commercial Zoning District:** Within the C-1 General Commercial Zoning District, in areas served by public sewer, there shall be no minimum side-yard setback, except where the lot is a corner lot, in which case a minimum side-yard of 8 feet shall be required on that side yard not connected with the principal street yard.

**Manure storage structures** - Manure storage structures shall meet the minimum requirements of DATCP 51.12 Wis. Adm. Code.

### 5.1.3 Rear-yard setback for dwellings and other principal structures

The minimum rear-yard setback for a dwelling or other principal structure shall be 25 feet.

**Exceptions:**

**Uncovered stairs, ramps, landings, elevators, and fire escapes** may project into any yard, but not to exceed 6 foot by 6 foot and shall not be closer than 3 feet to any lot line.

**C-1 General Commercial Zoning District:** Within the C-1 General Commercial Zoning District the minimum rear-yard setback is 10 feet.

**Structures to be used for the housing of animals** shall be located a distance equal to not less than  $\frac{1}{2}$  the structure height from the rear lot lines.

**Manure storage structures** - Manure storage structures shall meet the minimum requirements of DATCP 51.12 Wis. Adm. Code.

#### **5.1.4 Railroad Setback for dwellings and other principal structures**

**Residential and Agricultural Zoning Districts** - The minimum setback to a rail road right-of-way line within the Residential and Agricultural Zoning Districts for a dwelling or other principal structure shall be 25 feet.

**Commercial Zoning Districts** - The minimum setback to a rail road right-of-way line within the Commercial Zoning Districts for a dwelling or other principal structure shall be 10 feet.

**Industrial Zoning Districts** - The minimum setback to a rail road right-of-way line within the Industrial Zoning Districts for a dwelling or other principal structure shall be 0 feet.

**Intersections** - At railroad grade crossings the setback lines shall be not less than 330 feet from the intersection of the centerlines of the highway and railroad right-of-ways.

#### **5.1.5 Water Setback for dwellings and other principal structures**

Unless exempt under Section 6.1(1) of the Dodge County Shoreland Protection Ordinance or reduced under Section 6.1 of the Dodge County Shoreland Protection Ordinance, all structures shall be located a minimum of 75 feet from the Ordinary Highwater Mark of any navigable waters to the nearest part of a building or structure.

#### **5.1.6 Height Requirements for dwellings and other principal structures**

**R-1, R-2, A-1 and A-2 Zoning Districts** - The maximum height of a dwelling or other principal structure located within the R-1, R-2, A-1 and A-2 Zoning Districts shall be 40 feet.

**R-3, C-1, C-2, I-1 and I-2 Zoning Districts** - The maximum height of a dwelling or other principal structure located within the R-3, C-1, C-2, I-1 and I-2 Zoning Districts shall be 65 feet.

**Airport Zoning Ordinance** - Principal structures that are located within the jurisdictional boundaries of the Dodge County Airport Zoning Ordinance, shall not exceed the maximum airport height regulations.

## 5.2. ACCESSORY STRUCTURES

### 5.2.1 Street/highway/road/front yard setback for accessory structures

Highway, street, road and front yard setbacks are measured from the centerline of the highway, street or road and/or from the highway, street and road right-of-ways whichever is greater.

Minimum setback distances for accessory structures are provided in Table 5.1-1.

**Table 5.1-1: Minimum Setback Distances**

Type of Abutting Roadway	Minimum Setback Distances (feet)	
	From Centerline	From Right-of-Way
Streets and Town Roads (designated) (See appendix 1)	60	27
Streets and Town Roads (undesignated)	75	42
Federal, State, and County Trunk Highways	100	67
Expressways and Freeways		
- Residential Uses	---	200
- Nonresidential Uses	---	67

#### **Alley Line:**

Accessory structures shall not be closer than 5 feet to any alley line.

#### **Exceptions:**

##### **Essential Service Facilities and Private On-Site Waste Treatment Systems**

Surface, overhead, and underground essential service facilities and private on-site waste treatment systems (POWTS), but not including any buildings, towers, or antennas, may be located within any required setback on the condition that the owner of such facilities within any setback that abuts a street shall remove all construction, additions, and replacements of these facilities at the owner's expense, when necessary for the improvement of the road, street, or highway.

**Underground structures** not capable of being used as foundations for prohibited above-ground structures may be located within setback lines, provided a setback agreement document requiring such structures to be removed at the owner's expense when required by road improvements is recorded with the Register of Deeds Office.

**Any fence or gate** or fence or gate supports constructed of concrete, mortar or stone shall comply with the minimum setback distances listed in Table 5.1-1.

**Residential fences** are permitted on property lines, but shall not in any case exceed a height of 4 feet in the front or street yard setback, and shall not be closer than 2 feet to any public right-of-way.

**Security fences** are permitted on the property lines in non-residential zoning districts but shall not exceed 10 feet in height, shall be of an open, non-opaque type similar to woven wire or wrought iron fencing, and shall not be closer than 2 feet to any public right-of-way.

**C-1 General Commercial Zoning District:** Within the C-1 General Commercial Zoning District, in existing platted areas that are or previously have been in commercial use, interior lots served by public sanitary sewer shall have no minimum front or street yard. Corner lots shall have no minimum front or

street yard on the yard facing the principal street and shall have a minimum 10 foot front or street yard on the yard facing the non-principal street (as the principal street is determined by the Land Use Administrator).

### 5.2.2 Side-yard setback for accessory structures

The minimum setback for an accessory structure to the side property line shall be 3 feet.

The minimum setback between an accessory structure and a dwelling or other principal structure shall be 10 feet.

There are no minimum setback requirements between accessory structures.

The minimum setback between an accessory structure and any alley line shall be 5 feet.

#### Exceptions:

**Architectural projections**, such as chimney flues, sills, eaves, bay windows, belt courses, and ornaments, may project into any required yard, but such projections shall not exceed 2 feet.

**Residential fences** are permitted on property lines, but shall not in any case exceed a height of 6 feet, shall not exceed a height of 4 feet in the front or street yard setback, and shall not be closer than 2 feet to any public right-of-way.

**Security fences** are permitted on the property lines in non-residential zoning districts but shall not exceed 10 feet in height, shall be of an open, non-opaque type similar to woven wire or wrought iron fencing, and shall not be closer than 2 feet to any public right-of-way.

**Any fence or gate** or fence or gate supports constructed of concrete, mortar or stone shall comply with the minimum setback distances listed in Table 5.1-1.

**Accessory structures to be used for the housing of animals** shall be located a distance equal to not less than ½ the structure height from the side lot lines.

**Accessory structures that are located within the Agricultural Zoning Districts** and that are more than 20 feet in height but less than 40 feet shall be located a minimum of 8 feet from the side lot lines.

**Agricultural Structures** that are located within the Agricultural Zoning Districts and that are 40 feet in height or greater, shall be required to be located a distance equal to not less than ½ the structure height from the nearest lot line.

**Landscaping:** Trees, shrubs, flowers, hedges, and other landscape features, and field crops may be located within any required setback, subject to any vision triangle clearance and applicable highway clear sight regulations.

**C-1 General Commercial District:** Within the C-1 General Commercial District, in areas served by public sanitary sewer, there shall be no minimum side yard, except where the lot is a corner lot, in which case a minimum side yard of 8 feet shall be required on that side yard not connected with the principal street yard.

**Manure storage structures** - Manure storage structures shall meet the minimum requirements of DATCP 51.12 Wis. Adm. Code.

### 5.2.3 Rear-yard Setback for accessory structures

The minimum setback for an accessory structure to the rear lot line shall be 3 feet.

#### **Exceptions:**

Accessory structures to be used for the housing of animals shall be located a distance equal to not less than ½ the structure height from the rear lot line.

Accessory structures that are located within the A-1 Prime Agriculture and A-2 General Agriculture Zoning District and that exceed 20 feet in height shall be located a minimum 25 feet from the rear lot line.

**Residential fences** are permitted on property lines, but shall not in any case exceed a height of 4 feet in the front or street yard setback, and shall not be closer than 2 feet to any public right-of-way.

**Security fences** are permitted on the property lines in non-residential zoning districts but shall not exceed 10 feet in height, shall be of an open, non-opaque type similar to woven wire or wrought iron fencing, and shall not be closer than 2 feet to any public right-of-way.

**Manure storage structures** - Manure storage structures shall meet the minimum requirements of DATCP 51.12 Wis. Adm. Code.

### 5.2.4 Rail Road Setback for accessory structures

**Residential and Agricultural Zoning Districts** - The minimum setback to a rail road right-of-way line within the Residential and Agricultural Zoning Districts for an accessory structure shall be 25 feet.

**Commercial Zoning Districts** - The minimum setback to a rail road right-of-way line within the Commercial Zoning Districts for an accessory structure shall be 10 feet.

**Industrial Zoning Districts** - The minimum setback to a rail road right-of-way line within the Industrial Zoning Districts for an accessory structure shall be 0 feet.

**Intersections** - At railroad grade crossings the setback lines shall be not less than 330 feet from the intersection of the centerlines of the highway and railroad right-of-ways.

### 5.2.5 Water setback for accessory structures

Unless exempt under Section 6.1(1) of the Dodge County Shoreland Protection Ordinance or reduced under Section 6.1 of the Dodge County Shoreland Protection Ordinance, all accessory structures shall be located a minimum of 75 feet from the Ordinary Highwater Mark of any navigable waters to the nearest part of a building or structure.

## 5.2.6 Height Requirements for Accessory Structures

**Residential Zoning Districts** - The maximum height of an accessory structure within the Residential Zoning Districts shall be 20 feet.

**Commercial and Industrial Zoning Districts** - The maximum height of an accessory structure within the Commercial and Industrial Zoning Districts shall be 65 feet.

**Agricultural Zoning Districts** - The maximum height of an accessory structure within the Agricultural Zoning Districts shall be 40 feet.

**Accessory structures that are located within the jurisdictional boundaries of the Dodge County Airport Zoning Ordinance**, shall not exceed the maximum airport height regulations.

### Exceptions:

**Architectural projections** - Zoning District Height limits do not apply to architectural projections, such as belfries, cupolas, spires, domes, monuments, chimneys, or chimney flues.

**Special structures** - Zoning District Height limits special structures, such as elevator penthouses, gas tanks, grain elevators, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, smoke stacks, and flag poles.

**Essential services** - Zoning District Height limits essential services, including utilities, water towers, electric power and communication transmission lines.

**Residential fences** are permitted on property lines, but shall not in any case exceed a height of 6 feet, shall not exceed a height of 4 feet in the front or street yard setback, and shall not be closer than 2 feet to any public right-of-way.

**Security fences** are permitted on the property lines in non-residential zoning districts but shall not exceed 10 feet in height, shall be of an open, non-opaque type similar to woven wire or wrought iron fencing, and shall not be closer than 2 feet to any public right-of-way.

**Towers, Mobile Service Support Structures, Communication Support Structures and Aerial Projections** Towers, mobile service support structures, communication structures and any aerial projections attached to a tower, mobile service support structure or a communication support structure, including but not limited to personal communication service towers, radio and television transmission and relay towers, microwave towers, common-carrier towers, mobile service support structures, cellular telephone towers, alternative tower structures, aeriels, and observation towers, are exempt from the zoning district height requirements; however, said structures and any projecting aerial attached to said structures shall not exceed 500 feet in height. These structures shall be located a minimum distance equal to 1/3 the structure height, including the height of any projecting aerial attached to said structures from the side and rear lot line and shall be located in accordance with the minimum setback distances required in Table 5.1-1 for roads. These structures shall be located a minimum distance equal to the height of the structure including the height of any aerial projections attached to the structure from any residential structure. In addition, said structures and any aerial projections attached to said structures that are located within the jurisdictional boundaries of the Dodge County Airport Zoning Ordinance shall not exceed the maximum airport height regulations.

**Guy wires and accessory facilities** must satisfy all applicable setback requirements for an accessory structure.

**Engineered fall zone areas** - If an applicant provides the Department with an engineering certification showing that a tower, mobile service support structure, communication support structure, radio and television transmission and relay tower, microwave tower or any other common-carrier tower is designed to collapse within a smaller fall zone area than the setback required in the Code, the smaller fall zone setback area shall be used as the setback requirement unless the Department provides the applicant with substantial evidence that the engineering certification is flawed.

**Agricultural Structures**

Silos, grain bins, grain dryers and grain elevators are exempt from the zoning district height requirements within the A-1 Prime Agriculture and A-2 General Agriculture Zoning Districts, however, if these agricultural structures exceed 40 feet in height, they shall be required to be located a distance equal to not less than ½ the structure height from the nearest lot line. In addition, if said structures are located within the jurisdictional boundaries of the Dodge County Airport Zoning Ordinance, the structures shall not exceed the maximum airport height regulations.

**Public or Semi-Public Facilities**

Public or semi-public facilities, such as schools, churches, hospitals, monuments, sanitariums, governmental offices and stations, may be erected to a height of 65 feet, provided all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height distance.

**Wind Energy Systems**

Wind Energy systems are exempt from the zoning district height requirements of this Code; However: Wind Energy systems shall comply with the applicable height restrictions in PSC 128.13 Wisconsin Administrative Code and small wind energy systems shall comply with the applicable height restrictions in PSC 128.61 Wisconsin Administrative Code.

Personal wind energy systems shall be restricted to a maximum height of 75 feet.

## **5.6. HOW TO MEASURE SETBACKS, HEIGHT, AREA**

### **5.6.1 Measurement**

Setbacks shall be measured as the minimum horizontal distance between the corresponding lot or property line, the road, street or highway centerline or the road right-of-way line and a line parallel thereto through the nearest point of a building or structure. Where no minimum front, street, side or rear yards are specified, the setback line shall be coterminous with the corresponding lot line. Allowable projections into setback areas shall not be utilized for measurement of setbacks.

For the purposes of this section, the centerline of a road, street or highway shall be the center of the existing surface or pavement, or if there is no pavement, the midpoint between the existing fences or other road, street or highway right-of-way markers indicating the boundaries of the opposite sides of the above.

### **5.6.2 Front or Street Yard Setback**

A yard extending across the full width of a lot, the depth of which shall be measured as the minimum horizontal distance between the existing or proposed street, road or highway centerline and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards. The street yard on a double frontage lot shall be the yard on which the principal structure faces and/or is addressed.

At intersections where the intersecting highways are connected with pavement or surfacing constructed on a curve, the setback distance along the curve shall be measured from the centerline of the curved section.

At intersections provided with transitional widening of right-of-way, such transitional widening shall be considered as additional width, and the setback line on the side that is widened shall be increased by an amount equal to the width of the additional right-of-way, or not less than 10 feet, whichever is greater.

### **5.6.3 Rear Yard Setback**

A yard extending across the full width of the lot, the depth of which shall be measured as the minimum horizontal distance between the rear property or lot line and a line parallel thereto through the nearest point of the principal structure. A corner lot will have two side yard setbacks and no rear yard setback. The rear yard on a double frontage lot shall be the yard that is opposite the street yard on which the principal structure faces and/or is addressed.

### **5.6.4 Side Yard Setback**

A yard extending from the street yard to the rear yard of the lot, the width of which shall be measured as the minimum horizontal distance between the nearest point of the principal structure and the corresponding side lot or property line. A corner lot will have two side yard setbacks and no rear yard setback.

### **5.6.5 Water/River/Stream Setbacks**

The setback from any body of water shall be measured as the minimum horizontal distance between the nearest point of the structure in question and the ordinary highwater mark of the water body.

### **5.6.6 Railroad Grade Setbacks**

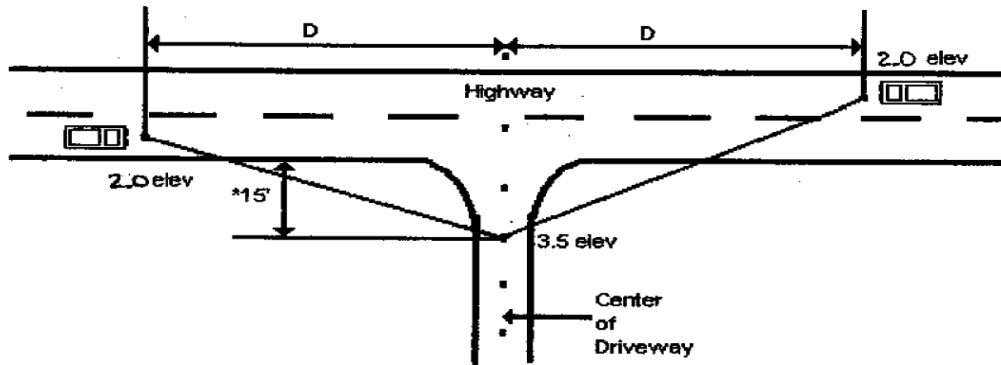
At railroad grade crossings the setback lines shall be not less than 330 feet from the intersection of the centerlines of the highway and railroad right-of-ways.



**5.6.7 Vision Triangles**

Vision triangles providing unobstructed views in both directions perpendicular to the line of sight shall be maintained at all intersections in accord with Chapter 7.08 of the Dodge County Code of Ordinances as shown in the following vision corner diagram. In no case shall the setback from the vision triangle boundary be less than the minimum required highway setback distance required under Table 5.1-1

Chapter 7.08 Dodge County Code of Ordinances (1-23-2019)



DRAWINGS NOT TO SCALE

Vision Corner Diagram

Distance D (ft)	Posted Speed Limit (MPH)
155	25
250	35
360	45
495	55

FIGURE 2

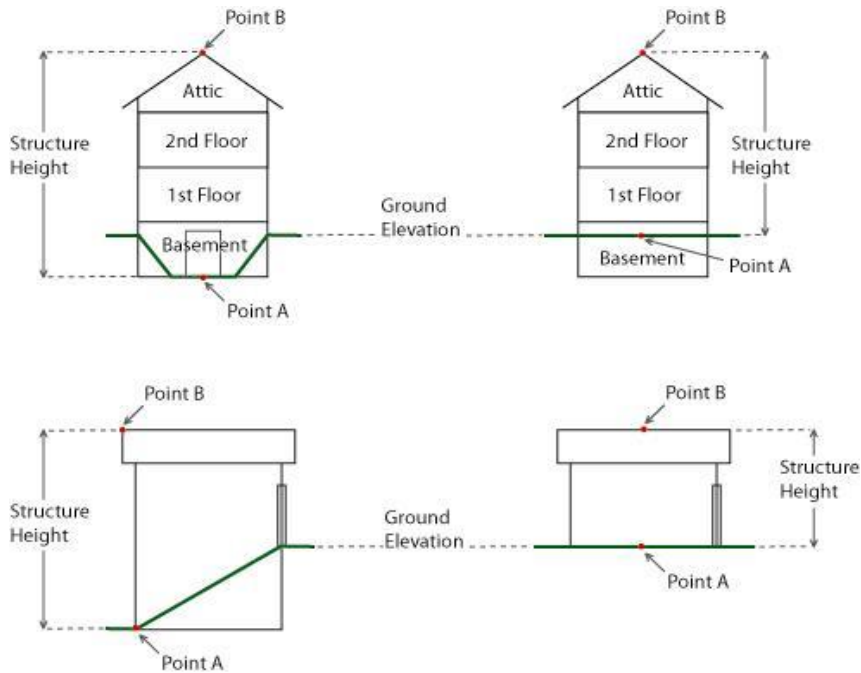
- 5.6.7.a Distances may be adjusted to fit site conditions to provide the operator of a vehicle on the Major Highway an extra field of view and time to alter the vehicle's speed as necessary in the event a vehicle approaching the intersection on the minor road fails to stop.
- 5.6.7.b These requirements may not satisfy sight distance requirements at the intersection due to vertical or horizontal curves.
- 5.6.7.c The vision triangle shall be free of all obstructions including any cut slopes unless approved by the Dodge County Highway Department. If such approval is granted by the Highway Department, a Variance Agreement shall be required and/or a statement regarding any restrictions on the proposed obstruction shall be provided on the plat or certified survey.
- 5.6.7.d The minimum setback distance from a vision triangle boundary shall be 10 feet. In no case shall the setback from the vision triangle boundary be less than the minimum required highway setback distance required under Table 5.1-1.

**5.6.8 Landscaping**

Trees, shrubs, flowers, hedges, and other landscape features, and field crops may be located within any required setback, subject to any vision triangle clearance clear sight regulations.

### 5.6.9 Height Measurement

Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and its intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this code.



## 5.6 ACCOMMODATIONS FOR THE DISABLED

The Committee or the Land Use Administrator may issue a Land Use Permit that waives specified Land Use Code requirements, if the Committee or Land Use Administrator determines that both of the following conditions have been met:

- 5.7.1 The requested accommodation (i.e. the requested waiver of land use code provisions), or other less-extensive accommodation is necessary to afford persons with disabilities equal access to public accommodations and the minimum accommodations that will give the persons with disabilities adequate relief.
- 5.7.2 The accommodation will not unreasonably undermine the basic purposes the Land Use Code seeks to achieve.
- 5.7.3 **Waiver Conditions** - In granting a waiver to specified land use code requirements under this provision, the Committee or the Land Use Administrator may require that the modifications granted to accommodate the disabilities shall be removed after no longer necessary.
- 5.7.4 **Affidavit Requirements** - If a waiver is granted under this provision, the applicant shall be required to sign and record an affidavit with the Dodge County Register of Deeds office outlining the conditions and removal procedures associated with allowing accommodations for the disabled.

## **Additional Land Use Code Overlay Zoning District Regulations – Setback Standards**

### **4.1 GENERAL**

The overlay zoning districts of this chapter are intended to apply in combination with the underlying base zoning districts to impose regulations and standards in addition to those required by the base districts. The requirements of an overlay district shall apply whenever they are in conflict with and are more stringent than those in the base district. The following overlay districts are hereby created:

### **4.2.3.C STANDARDS FOR ISSUANCE OF LICENSE FOR AN ADULT ORIENTED ESTABLISHMENT**

### **4.2.4 LOCATION**

- (1) No adult oriented establishment shall be located:
  - (a) Within 1,000 feet of an existing residential zoning district as defined in the Dodge County Land Use Code.
  - (b) Within 500 feet of an existing adult oriented establishment.
  - (c) Within 1,000 feet of any pre-existing school, church, park, playground, or day care center.
  - (d) Within 500 feet of any pre-existing establishment licensed to sell or dispense fermented malt beverages or intoxicating liquor.
- (2) For purposes of this section, distances are to be measured in a straight line, without regard to intervening structures or objects, from the property line of the adult oriented establishment, to the nearest property line of another adult oriented establishment, school, place of worship, park, playground, day care center or residential zoning district or establishment selling or dispensing fermented malt beverages or intoxicating liquor.

## **4.9 MOBILE TOWER SITING AND RADIO BROADCAST SERVICE FACILITY OVERLAY DISTRICT REGULATIONS**

### **4.9.1.C Applicability and Exemptions**

**4.9.1.C.1** The requirements of the Mobile Tower Siting and Radio Broadcast Services Overlay District Regulations shall apply to all towers, antennas, and other communication facilities in unincorporated parts of those towns which have adopted the Dodge County Land Use Code in accordance with the authority granted by Section 59.69 of the Wisconsin Statutes.

**4.9.1.C.2** Towers and antennas that are under 70 feet in height and are owned and operated by federally-licensed amateur radio station operators or are receive-only antennas shall be exempt from these regulations.

**4.9.1.C.3** Towers and antennas for which a permit has been properly issued by the County or a town with zoning jurisdiction prior to the effective date of this Code shall not be required to meet the requirements of this Code.

**4.9.1.C.4** These overlay district regulations are not intended to regulate residential satellite dishes or residential television antennas that are used privately. Additionally, the regulations in this overlay district are not intended

to regulate satellite dishes or antennas whose regulation is prohibited by Section 59.69(4d) or its successor sections of the Wisconsin State Statutes or as permitted by Federal Law.

**4.9.1.C.5** Mobile services providing public information coverage of news events of a temporary or emergency nature are exempt from these regulations.

4.9.1.C.6 These overlay district regulations are not intended to regulate small wireless facilities as defined in 66.0414 (1)(u) Wis. Stats.

#### **4.9.1.D Principal or Accessory Use**

Towers and antennas may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with zoning regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas that are installed in accordance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use or structure.

#### **4.9.1.E Definitions**

All definitions contained within s. 66.0404(1), 66.0406(1) and 66.0414(1) Wisconsin Statutes are hereby incorporated in this Overlay District by reference.

### **4.9.3 Development Standards**

**4.9.3.A.6** No tower shall exceed 500 feet in height.

#### **4.9.3.B Federal Requirements**

All towers shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas.

#### **4.9.3.D Setbacks and Separation**

The following setbacks and separation requirements shall apply to all towers and antennas for which a permit is required; provided, however, that the Committee may reduce the standard setbacks and separation requirements if the intent of this section would be better served thereby.

**4.9.3.D.1** Communication towers and projecting aerials shall be located a minimum distance equal to the height of the tower from any residential structure.

**4.9.3.D.2** Communication towers, including but not limited to radio and television transmission and relay towers, aerials, and observation towers, are exempt from the zoning district height requirements, however, no tower or any projecting aerial attached to the tower shall exceed 500 feet in height.

**4.9.3.D.3** Guy wires, and accessory facilities must satisfy all applicable setback requirements of Chapter 5 of this Code.

**4.9.3.D.4** Communication towers and projecting aerials shall be located a minimum distance equal to 1/3 the structure height from the side and rear lot line.

**4.9.3.D.5** Communication towers and projecting aerials shall be located in accordance with the minimum setback distances required in Section 5.1.2.E for roads.

**4.9.3.D.6** Communication towers that are located within the jurisdictional boundaries of the Dodge County Airport Zoning Ordinance shall not exceed the maximum airport height regulations.

**4.9.3.D.7 Setback Exception: Application of Set Back Fall Zone.**

If an applicant provides the Department with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller fall zone area than the setback required in the Code, the smaller fall zone setback area shall be used as the setback requirement unless the Department provides the applicant with substantial evidence that the engineering certification is flawed.

**4.9.3.H Limitations (In accord with 66.0404 Wis. Stats)**

With regard to an activity described in this Overlay District, the County may not do any of the following:

**4.9.3.H.1** Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.

**4.9.3.H.2** Enact an ordinance imposing a moratorium on the permitting, construction, or approval of any such activities.

**4.9.3.H.3** Enact an ordinance prohibiting the placement of a mobile service structure in particular locations within the County.

**4.9.3.H.4** Charge a mobile radio service provider any recurring fee for an activity described in Section 4.9.2.B or 4.9.2.C.

**4.9.3.H.5** Permit 3<sup>rd</sup> party consultants to charge the applicant for any travel expenses incurred in the consultant's review of mobile service permits or applications.

**4.9.3.H.6** Disapprove an application to conduct an activity described under Section 4.9.2.B based solely on aesthetic concerns.

**4.9.3.H.7** Disapprove an application to conduct a Class 2 collocation on aesthetic concerns.

**4.9.3.H.8** Enact an ordinance related to radio frequency signal strength or the adequacy of mobile service quality.

**4.9.3.H.9** Impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the County which fall into disuse. There is a rebuttable presumption that a surety requirement of \$20,000.00 or less complies with this paragraph.

**4.9.3.H.10** Prohibit the placement of emergency power systems.

**4.9.3.H.11** Require the mobile service support structure be placed on property owned by the County.

**4.9.3.H.12** Disapprove an application based solely on the height of the mobile service structure or on whether the structure requires lighting.

**4.9.3.H.13** Condition approval of such activities on the agreement of the structure or mobile service facility to provide space on or near the structure for the use of or by the County at less than the market rate, or to provide the County with other services via the structure or facilities at less than the market rate.

**4.9.3.H.14** Limit the duration of any permit that is granted under this Overlay District.

**4.9.3.H.15** Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in collocation.

**4.9.3.H.16** Disapprove an application based on an assessment by the County of the suitability of other locations for conduction the activity.

**4.9.3.H.17** Require that a mobile service support structure, existing structure, or mobile service facilities have or be connected to backup battery power.

**4.9.3.H.18** Consider an activity a substantial modification if a greater height is necessary to avoid interference with an existing antenna.

**4.9.3.H.19** Consider an activity a substantial modification if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by Cable.

**4.9.3.H.20** Limit the height of a mobile service support structure to under 200 feet.

**4.9.3.H.21** Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the County in connection with the County's exercise of its authority to approve the application.

**4.9.3.H.22** Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the County to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, a County or an entity in which a County has governance, competitive, economic, financial or other interest.

#### **Additional State Statute Requirements -**

#### **66.0404 Mobile tower siting regulations.**

**(4) LIMITATIONS.** With regard to an activity described in sub. (2) (a) or a class 2 collocation, a political subdivision may not do any of the following:

- (a) Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.
- (b) Enact an ordinance imposing a moratorium on the permitting, construction, or approval of any such activities.
- (c) Enact an ordinance prohibiting the placement of a mobile service support structure in particular locations within the political subdivision.
- (d) Charge a mobile radio service provider a fee in excess of one of the following amounts:
  - 1. For a permit for a class 2 collocation, the lesser of \$500 or the amount charged by a political subdivision for a building permit for any other type of commercial development or land use development.
  - 2. For a permit for an activity described in sub. (2) (a), \$3,000.
- (e) Charge a mobile radio service provider any recurring fee for an activity described in sub. (2) (a) or a class 2 collocation.
- (f) Permit 3rd party consultants to charge the applicant for any travel expenses incurred in the consultant's review of mobile service permits or applications.
- (g) Disapprove an application to conduct an activity described under sub. (2) (a) based solely on aesthetic concerns.
- (gm) Disapprove an application to conduct a class 2 collocation on aesthetic concerns.
- (h) Enact or enforce an ordinance related to radio frequency signal strength or the adequacy of mobile service quality.
- (i) Impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the political subdivision which fall into disuse. There is a rebuttable presumption that a surety requirement of \$20,000 or less complies with this paragraph.

- (j) Prohibit the placement of emergency power systems.
- (k) Require that a mobile service support structure be placed on property owned by the political subdivision.
- (L) Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.
- (m) Condition approval of such activities on the agreement of the structure or mobile service facility owner to provide space on or near the structure for the use of or by the political subdivision at less than the market rate, or to provide the political subdivision other services via the structure or facilities at less than the market rate.
- (n) Limit the duration of any permit that is granted.
- (o) Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in collocation.
- (p) Disapprove an application based on an assessment by the political subdivision of the suitability of other locations for conducting the activity.
- (q) Require that a mobile service support structure, existing structure, or mobile service facilities have or be connected to backup battery power.
- (r) Impose a setback or fall zone requirement for a mobile service support structure that is different from a requirement that is imposed on other types of commercial structures.
- (s) Consider an activity a substantial modification under sub. [\(1\) \(s\) 1.](#) or [2.](#) if a greater height is necessary to avoid interference with an existing antenna.
- (t) Consider an activity a substantial modification under sub. [\(1\) \(s\) 3.](#) if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.
- (u) Limit the height of a mobile service support structure to under 200 feet.
- (v) Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the political subdivision in connection with the political subdivision's exercise of its authority to approve the application.
- (w) Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the political subdivision to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, a political subdivision or an entity in which a political subdivision has a governance, competitive, economic, financial or other interest.

**(4e) SETBACK REQUIREMENTS.**

- (a) Notwithstanding sub. [\(4\) \(r\)](#), and subject to the provisions of this subsection, a political subdivision may enact an ordinance imposing setback requirements related to the placement of a mobile service support structure that applies to new construction or the substantial modification of facilities and support structures, as described in sub. [\(2\)](#).
- (b) A setback requirement may apply only to a mobile service support structure that is constructed on or adjacent to a parcel of land that is subject to a zoning ordinance that permits single-family residential use on that parcel. A setback requirement does not apply to an existing or new utility pole, or wireless support structure in a right-of-way that supports a small wireless facility, if the pole or facility meets the height limitations in s. [66.0414 \(2\) \(e\) 2.](#) and [3.](#)
- (c) The setback requirement under par. [\(b\)](#) for a mobile service support structure on a parcel shall be measured from the lot lines of other adjacent and nonadjacent parcels for which single-family residential use is a permitted use under a zoning ordinance.
- (d) A setback requirement must be based on the height of the proposed mobile service support structure, and the setback requirement may not be a distance that is greater than the height of the proposed structure.
- (5) APPLICABILITY. If a county enacts an ordinance as described under sub. [\(2\)](#) the ordinance applies only in the unincorporated parts of the county, except that if a town enacts an ordinance as described under sub. [\(2\)](#) after a county has so acted, the county ordinance does not apply, and may not be enforced, in the town, except that if the town later repeals its ordinance, the county ordinance applies in that town.

History: [2013 a. 20, 173](#); [2019 a. 14](#).

An ordinance that prohibits a mobile service support structure where the structure is not compatible with the adjacent land's current use does not violate sub. (4) (c). *Eco-Site, LLC v. Town of Cedarburg*, [2019 WI App 42](#), [388 Wis. 2d 375](#), [933 N.W.2d 179](#), [18-0580](#).

Denial of a conditional use permit on the basis of lost property values and the detrimental effect on public health and safety and general welfare does not equate to a denial based on aesthetic concerns, which is prohibited by sub. (4) (g) if it is the sole reason. *Eco-Site, LLC v. Town of Cedarburg*, [2019 WI App 42](#), [388 Wis. 2d 375](#), [933 N.W.2d 179](#), [18-0580](#).



## **4.11 WIND ENERGY SYSTEM OVERLAY DISTRICT**

### **4.11.3. Requirements**

**4.11.3.A** All wind energy systems shall meet or exceed the applicable rules, regulations and laws as set forth in the Wisconsin State Statutes, Sections 66.0401 and 66.0403, the Wisconsin Administrative Code, Chapter PSC 128, the Federal Aviation Administration (FAA) regulations and any other applicable Federal, State and County regulations.

**4.11.3.B** In accord with the authority granted under Section 66.0401(4)(f)(2), Wisconsin Statutes, the County may deny an application for a wind energy system, that has a nominal capacity of at least one megawatt, if the proposed site of the wind energy system is located in an area primarily designated for future residential or commercial development as shown on the County's Future Land Use Map which was adopted as part of the County's comprehensive plan.

### **Additional State Statutes regulating Wind Energy and Solar Systems**

#### **66.0401 Regulation relating to solar and wind energy systems.**

**(1m)** AUTHORITY TO RESTRICT SYSTEMS LIMITED. No political subdivision may place any restriction, either directly or in effect, on the installation or use of a wind energy system that is more restrictive than the rules promulgated by the commission under s. [196.378 \(4g\) \(b\)](#). No political subdivision may place any restriction, either directly or in effect, on the installation or use of a solar energy system, as defined in s. [13.48 \(2\) \(h\) 1. g.](#), or a wind energy system, unless the restriction satisfies one of the following conditions:

- (a)** Serves to preserve or protect the public health or safety.
- (b)** Does not significantly increase the cost of the system or significantly decrease its efficiency.
- (c)** Allows for an alternative system of comparable cost and efficiency.

#### **66.0401(4)(f) Local Procedure**

1. Except as provided in subd. [2.](#), a political subdivision may not deny or impose a restriction on an application for approval unless the political subdivision enacts an ordinance that is no more restrictive than the rules the commission promulgates under s. [196.378 \(4g\) \(b\)](#).
  2. A political subdivision may deny an application for approval if the proposed site of the wind energy system is in an area primarily designated for future residential or commercial development, as shown in a map that is adopted, as part of a comprehensive plan, under s. [66.1001 \(2\) \(b\)](#) and [\(f\)](#), before June 2, 2009, or as shown in such maps after December 31, 2015, as part of a comprehensive plan that is updated as required under s. [66.1001 \(2\) \(i\)](#). This subdivision applies to a wind energy system that has a nominal capacity of at least one megawatt.
- (g)** A political subdivision that chooses to regulate wind energy systems shall enact an ordinance, subject to sub. [\(6\) \(b\)](#), that is no more restrictive than the applicable standards established by the commission in rules promulgated under s. [196.378 \(4g\)](#).


### **Additional Wisconsin Administrative Code requirements – Wind Energy System**

**PSC 128.03 Political subdivision authority.** A political subdivision may not place any restriction, either directly or in effect, on the installation or use of a wind energy system except by adopting an ordinance that complies with this chapter and s. [66.0401](#), Stats., and is not more restrictive than this chapter.

**History:** [CR 10-057](#); cr. [Register February 2011 No. 662](#), eff. 3-1-11.

### **PSC 128.13 Siting criteria.**

#### **(1) SETBACK DISTANCE AND HEIGHT REQUIREMENTS.**

- (a) An owner shall design and construct a wind energy system using the wind turbine setback distances shown in Table 1. - [See PDF for table](#) 
- (b) An owner shall measure wind turbine setback distances as a straight line from the vertical centerline of the wind turbine tower to the nearest point on the permanent foundation of a building or residence or to the nearest point on the property line or feature, as applicable.
- (c) An owner shall work with a political subdivision and owners of participating and nonparticipating properties to site wind turbines to minimize individual hardships.
- (d) The owner of a nonparticipating residence or occupied community building may waive the applicable wind turbine setback distances in Table 1 for those structures to a minimum setback distance of 1.1 times the maximum blade tip height. The owner of a nonparticipating property may waive the applicable wind turbine setback distance in Table 1 from a nonparticipating property line.

#### **(2) POLITICAL SUBDIVISION CRITERIA.**

- (a) A political subdivision may not establish long-term land use planning requirements or practices that preclude the construction of a particular type, or any type, of wind turbine or wind energy system within the political subdivision's jurisdiction, except as provided in s. [66.0401 \(4\) \(f\) 2.](#), Stats.
- (b) A political subdivision may not set height or setback distance limitations for a wind turbine near a public use airport or heliport that are more restrictive than existing airport and airport approach protection provisions under ss. [114.135](#) and [114.136](#), Stats. If no provisions have been established for public use airports or heliports under s. [114.135](#) or [114.136](#), Stats., the political subdivision may adopt wind turbine height or setback distance provisions that are based on, but not more restrictive than, the federal aviation administration obstruction standards in [14 CFR Part 77](#).
- (c) A political subdivision may set height or setback distance limitations for wind turbines near a private heliport at a medical facility used for air ambulance service that are based on, but not more restrictive than, federal aviation administration obstruction standards that apply to public use heliports.
- (d) A political subdivision may not set height or setback distance limitations for a wind turbine near a private use airport or heliport except as provided in par. [\(c\)](#).

History: [CR 10-057](#); cr. [Register February 2011 No. 662](#), eff. 3-1-11.

### **PSC 128.16 Signal interference.**

#### **(1) PLANNING.**

- (a) Except as provided in sub. [\(4\)](#), the signal interference requirements in this section apply to commercial communications and personal communications in use when the wind energy system begins operation.
- (b) A owner shall use reasonable efforts to avoid causing interference with commercial communications and personal communications to the extent practicable.
- (c) An owner may not construct wind energy system facilities within existing line-of-sight communication paths that are used by government or military entities to provide services essential to protect public safety. A political subdivision may require an owner to provide information showing that wind turbines and other wind energy system facilities will be in compliance with this paragraph.

- (2) **COMMERCIAL COMMUNICATIONS INTERFERENCE MITIGATION.** An owner shall use reasonable and commercially available technology to mitigate interference caused by a wind energy system with commercial communications in use when a wind energy system begins operation. Before implementing mitigation measures, the owner shall consult with affected parties regarding the preferred mitigation solution for commercial communications interference problems. Except as provided in sub. [\(4\)](#), an owner shall mitigate commercial communications interference caused by the wind energy system by making the affected party's preferred reasonable mitigation solution effective until either the wind energy system is decommissioned or the communication is no longer in use, whichever is earlier.

#### **(3) PERSONAL COMMUNICATIONS INTERFERENCE MITIGATION.**

- (a) An owner shall use reasonable and commercially available technology to mitigate interference with personal communications in use when a wind energy system begins operation caused by a wind energy system. A political subdivision may require an owner to use reasonable and commercially available technology to mitigate interference with personal communications that were not in use when the wind energy system began commercial operation, if a wind energy system is causing the interference and the interference occurs at a location at least 0.5 mile from a wind turbine.
  - (b) Before implementing mitigation measures, the owner shall consult with affected parties regarding the preferred mitigation solution for personal communications interference problems. Except as provided in sub. (4), an owner shall mitigate personal communications interference caused by the wind energy system by making the affected party's preferred reasonable mitigation solution effective until either the wind energy system is decommissioned or the communication is no longer in use, whichever is earlier.
  - (4) MITIGATION PROTOCOL. A political subdivision may, under a protocol established under s. [PSC 128.50 \(2\)](#), require an owner to implement a new mitigation solution that becomes commercially available before the wind energy system is decommissioned to address interference for which mitigation is required under sub. (2) or (3) and for which the original mitigation solution implemented is only partially effective.
- History:** [CR 10-057](#); cr. [Register February 2011 No. 662](#), eff. 3-1-11; correction in (1) (a) made under s. [13.92 \(4\) \(b\) 7.](#), Stats., [Register February 2011 No. 662](#).

**[PSC 128.17](#) PSC 128.17 Stray voltage.**

- (1) TESTING REQUIRED.
    - (a) An owner shall work with the local electric distribution company to test for stray voltage at all dairy and confined animal operations within 0.5 mile of a wind energy system facility pursuant to the stray voltage protocol established by the commission before any wind energy system construction activity that may interfere with testing commences and again after construction of the wind energy system is completed, except as otherwise specified by commission staff under par. (b).
    - (b) Before any testing under par. (a) begins, an owner shall work with commission staff to determine the manner in which stray voltage testing will be conducted and on which properties. The electric distribution company serving a dairy or confined animal operation where testing is required under par. (a) shall conduct or arrange to conduct all required testing at the expense of the owner.
  - (2) RESULTS OF TESTING. An owner and the electric distribution company shall provide to commission staff the results of all stray voltage testing in writing.
  - (3) REQUIREMENT TO RECTIFY PROBLEMS. An owner shall work with the electric distribution company and farm owner to rectify any stray voltage problems attributable to the construction and operation of the wind energy system, in compliance with the commission's stray voltage protocol.
- History:** [CR 10-057](#); cr. [Register February 2011 No. 662](#), eff. 3-1-11.

**DODGE COUNTY LAND RESOURCES AND PARKS COMMITTEE  
MINUTES  
March 27, 2023**

The Dodge County Land Resources and Parks Committee met on **March 27, 2023** at 7:00 p.m. on the 1<sup>st</sup> Floor of the Administration Building, Juneau, Wisconsin.

**Call to Order:** Chair Mary Bobholz called the meeting to order at 7:00 PM.

**Members present:** Mary Bobholz, Dale Macheel, Benjamin Priesgen and Dan Siegmann.

**Members absent:** Donna Maly

Other County Board members in attendance requesting a per diem: **None**

**Staff present:** Bill Ehlenbeck - Director, Joseph Giebel – Manager of Code Administration, Jason Roy – Parks Supervisor

Others present: County Administrator – Cameron Clapper, Members of the public for the public hearings.

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.

**Committee Review of Pending Rezoning Petition**

**Brian Stegner, agent for Donna Stegner** – Request to rezone approximately 3.5-acres of land from the A-1 Prime Agricultural Zoning District to the A-2 General Agricultural zoning district to allow for the creation of a non-farm residential lot. The site is located in part of the NW ¼ of the NW ¼, Section 1, Town of Calamus, the site address being W10048 County Road DE.

Motion by Mary Bobholz to submit a favorable recommendation on the request to rezone 3.5-acres of land from the A-1 Prime Agricultural Zoning District to the A-2 General Agricultural zoning district to allow for the creation of a non-farm residential lot at this location as proposed.

Second by Dale Macheel     Vote   4-0     Motion carried.

On the basis of the above findings of fact, conclusions of law and the record in this rezoning matter, the committee shall provide a favorable recommendation to the County Board on the rezoning petition as proposed. An ordinance shall also be drafted effectuating the recommendation of the committee and said ordinance shall be submitted to the Board for approval;

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

**PUBLIC HEARING**

**Mike Huizenga – GSS Inc., agent for US Cellular and Thomas and Julie Evans** – Request for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin to allow the construction of 190' tall self-support telecommunications tower and associated facilities located in part of the NE ¼ of the NE ¼, Section 27, Town of Leroy, the site address being N10441 County Road Y.

Motion by Mary Bobholz to approve the conditional use permit to allow the construction of 190' tall self-support telecommunications tower and associated facilities on this site subject to the following conditions:

1. The proposed tower shall meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the Federal Government with the authority to regulate towers and antennas.
2. The design of the buildings and related structures at this tower site shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment per 4.9.3.A.2.
3. The tower shall be lighted, in accord with the applicable FAA and other regulations.
4. Accessory facilities must satisfy all applicable setback requirements of Chapter 5 of this Code.
5. The tower and antennas shall not be used for any advertising.
6. The tower shall be designed, structurally, electrically and in all respects to accommodate co-location of both the applicant's antenna(s) and comparable antenna(s) for at least three additional users and shall make access to the tower and tower site for additional users at a fair and reasonable price.
7. The site shall be landscaped to satisfy the requirements of Section 4.9.3.F of the Code.
8. Any change and/or expansion of the tower site, including any change in height of the tower and antennas above 194.5' may require that a new Conditional Use Permit be obtained.
9. A County Land Use Permit for the construction of the tower shall be obtained by the applicant prior to beginning construction.
10. The applicant shall submit a copy of a signed agreement to the Department between the property owner and the owner of the tower and supporting equipment and buildings detailing requirements for the abandonment and subsequent removal based on the provisions of Section 4.9.3.G.1 of the Code. This agreement shall contain provisions binding said agreement in future property owners and future owners of a tower, antennae and all supporting equipment and buildings prior to the issuance of the land use permit;
11. The decision of the Committee shall expire one year after the decision is filed with the Department unless construction has been diligently pursued, a Certificate of Zoning Compliance has been issued, the use is established, or the Conditional Use Permit is renewed, for a period not to exceed one year.
12. The Conditional Use Permit shall also expire upon termination of a project or if the rights granted by the permit are discontinued for 180 consecutive days.

Second by Ben Priesgen      Vote 2(Bobholz, Macheel) 2 (Priesgen, Siegmann) Motion failed.

On the basis of the above findings of fact, conclusions of law and the record in this matter the committee denied the conditional use permit request as proposed. The Committee finds that the proposal does not meet the following approval criteria of the code:

Motion by Dan Siegmann to reconsider failed decision  
Second by Mary Bobholz     Vote 4-0     Motion carried.

Motion by Dan Siegmann to approve the conditional use permit to allow the construction of 190' tall self-support telecommunications tower and associated facilities on this site subject to the following conditions:

1. The proposed tower shall meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the Federal Government with the authority to regulate towers and antennas.
2. The design of the buildings and related structures at this tower site shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment per 4.9.3.A.2.
3. The tower shall be lighted, in accord with the applicable FAA and other regulations.
4. Accessory facilities must satisfy all applicable setback requirements of Chapter 5 of this Code.
5. The tower and antennas shall not be used for any advertising.
6. The tower shall be designed, structurally, electrically and in all respects to accommodate co-location of both the applicant's antenna(s) and comparable antenna(s) for at least three additional users and shall make access to the tower and tower site for additional users at a fair and reasonable price.
7. The site shall be landscaped to satisfy the requirements of Section 4.9.3.F of the Code.
8. Any change and/or expansion of the tower site, including any change in height of the tower and antennas above 194.5' may require that a new Conditional Use Permit be obtained.
9. A County Land Use Permit for the construction of the tower shall be obtained by the applicant prior to beginning construction.
10. The applicant shall submit a copy of a signed agreement to the Department between the property owner and the owner of the tower and supporting equipment and buildings detailing requirements for the abandonment and subsequent removal based on the provisions of Section 4.9.3.G.1 of the Code. This agreement shall contain provisions binding said agreement in future property owners and future owners of a tower, antennae and all supporting equipment and buildings prior to the issuance of the land use permit;
11. The decision of the Committee shall expire one year after the decision is filed with the Department unless construction has been diligently pursued, a Certificate of Zoning Compliance has been issued, the use is established, or the Conditional Use Permit is renewed, for a period not to exceed one year.
12. The Conditional Use Permit shall also expire upon termination of a project or if the rights granted by the permit are discontinued for 180 consecutive days.

Second by Mary Bobholz     Vote 4-0     Motion carried

On the basis of the above findings of fact, conclusions of law and the record in this matter the committee granted preliminary approval of the conditional use permit subject to the conditions

listed above and the Land Use Administrator is directed to issue a conditional use permit incorporating the decision of this Committee.

**PUBLIC HEARING**

**LuckyCase LLC** - Request for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin to allow for the establishment and construction of a two-unit commercial business office facility for potential use as a contractor's office and storage yard, a professional office and/or a service and repair type business. The site is located in part of the SE ¼ of the NE ¼, Section 22, Town of Rubicon, the site address being N3545 County Road P.

Motion by Mary Bobholz to approve the conditional use permit to allow for the establishment and construction of a two-unit commercial business office facility for potential use as a contractor's office and storage yard, a professional office and/or a service and repair type business subject to the following conditions:

- 1 The business operation shall be conducted without offensive noise, vibration, dust, smoke, odor, glare or the risk of fire, explosion or other accident and shall not be detrimental to the public health, safety or general welfare of the immediate neighborhood;
- 2 It shall be the responsibility of the applicant to obtain all other Federal, State and/or local municipality permits and approvals that may be required for the proposed business operation on this site.
- 3 The business shall be operated in accord with the business narrative submitted with the Conditional Use Permit application and in accord with the operational standards in Section 8.5 of the of the Code;
- 4 There shall be no outside storage of materials, parts, hazardous waste, equipment, machinery or vehicles associated with the business operation on this site;
- 5 There shall be no motor vehicle sales or rentals on this site;
- 6 The business shall have adequate and code-compliant sanitary accommodations to serve the employees;
- 7 The applicant shall obtain a County Land Use permit for all construction projects for this site;
- 8 The construction or placement of signs on this lot shall require a Dodge County Land Use permit and said signs shall be designed in compliance with Subsection 8.9 of the Dodge County Land Use Code.
- 9 All exterior lighting shall meet the functional and security needs of the proposed development without adversely affecting adjacent properties;
- 10 All hazardous wastes used in the operation of the proposed business shall be disposed of in accord with the applicable regulations;
- 11 Any change in owner/operator/tenant or expansion of the business operation and/or of its facilities shall require review by the Dodge County Land Resources and Parks, and may require that a new Conditional Use Permit be obtained.
- 12 The decision of the Committee shall expire one year after the decision is filed with the Department unless construction has been diligently pursued, a Certificate of Zoning Compliance has been issued, the use is established, or the Conditional Use Permit is renewed, for a period not to exceed one year. The Conditional Use Permit shall also expire upon termination of a project or if the rights granted by the permit are discontinued for 180 consecutive days

Second by Dan Siegmann

Vote 4-0

Motion carried.

On the basis of the above findings of fact, conclusions of law and the record in this matter the committee granted preliminary approval of the conditional use permit subject to the conditions

listed above and the Land Use Administrator is directed to issue a conditional use permit incorporating the decision of this Committee.

**PUBLIC HEARING**

**Garret Mittelstadt** - 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 SE ¼ of the SW ¼, Section 4, Town of Leroy, the site address being W3940 State Road 49.

Motion by Dan Siegmann to approve the conditional use permit request to allow for the creation of an approximate 1.8-acre nonfarm single family residential lot within the A-1 Prime Agricultural Zoning District 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 1.92-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: 028-1316-0434-000
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 shall expire one year after the decision is filed with the Department unless construction has been diligently pursued, a Certificate of Zoning Compliance has been issued, the use is established, or the Conditional Use Permit is renewed, for a period not to exceed one year.
8. The Conditional Use Permit shall also expire upon termination of a project or if the rights granted by the permit are discontinued for 180 consecutive days.

Second by Dale Macheel      Vote 4-0      Motion carried.

On the basis of the above findings of fact, conclusions of law and the record in this matter the committee granted preliminary approval of the conditional use permit subject to the conditions listed above and the Land Use Administrator is directed to issue a conditional use permit incorporating the decision of this Committee.



**PARK SYSTEM BUSINESS**

**ATV and Snowmobile Grant Resolutions for the 2023-2024 Season**

Jason Roy provided the Committee with an update on the proposed resolutions for 2023-2024 outdoor recreation aids.

**RESOLUTION FOR OUTDOOR RECREATION AIDS**

**DODGE COUNTY ATV TRAIL SYSTEM:  
Acquisition and Maintenance**

**RESOLUTION #2023-3.27-100P**

WHEREAS, Dodge County is interested in acquiring and maintaining 20 miles of certified Dodge County ATV Trail System for public outdoor recreation purposes as described in the application; and

WHEREAS, financial aid in an amount of \$100 per mile or a total of \$2,000 is required for seasonal acquisition and maintenance of the trail.

WHEREAS, Dodge County will maintain, update or replace culverts and bridges on the Wild Goose State Trail as needed; and

WHEREAS, the Dodge County ATV Trail Program is necessary to continue providing quality winter recreational opportunities in Dodge County.

THEREFORE, BE IT RESOLVED, that Dodge County will budget a sum sufficient to acquire and maintain the Dodge County ATV Trail System to the levels of State funding received, and

HEREBY AUTHORIZES, Jason Roy, Parks Superintendent to act on behalf of Dodge County to:

- Submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available;
- Submit reimbursement claims along with necessary supporting documentation within 6 months of project completion date;
- Submit signed documents; and
- Take the necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED that Dodge County will comply with State or Federal rules for the program; may perform force account work; will maintain the trail system in an attractive, inviting and safe manner, and will keep the trail open at reasonable times for the general public.

Adopted this 27th day of March, 2023.

*I hereby certify that the foregoing resolution was duly adopted by the Dodge County Land Resources and Parks Committee of the Dodge County Board at a legal meeting held on the 27th day of March, 2023.*

Authorized Signature:

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MARY BOBHOLZ, CHAIRMAN  
Dodge County Land Resources & Parks Committee

## **RESOLUTION FOR OUTDOOR RECREATION AIDS**

### **Dodge County Snowmobile Trail Program Trail Maintenance, Acquisition, Development and Rehabilitation**

#### **RESOLUTION #2023-3.27-200P**

WHEREAS, Dodge County is interested in acquiring and maintaining 380.3 miles of certified Dodge County Snowmobile Trail System for public outdoor recreation purposes as described in the application; and

WHEREAS, financial aid in an amount of \$300 per mile or a total of \$114,090.00 is required for seasonal acquisition and maintenance of the trail; and

WHEREAS, Dodge County is interested in acquiring and maintaining additional new trail sections based upon recommendations of the Dodge County Snowmobile Association.

WHEREAS, Dodge County will maintain, update or replace culverts and bridges on the Wild Goose State Trail as needed; and

WHEREAS, the Dodge County Snowmobile Trail Program is necessary to continue providing quality winter recreational opportunities in Dodge County.

THEREFORE, BE IT RESOLVED, that Dodge County will budget a sum sufficient to acquire and maintain the Dodge County Snowmobile Trail System to the levels of State funding received, and

HEREBY AUTHORIZES, Jason Roy, Parks Superintendent to act on behalf of Dodge County to:

- Submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available;
- Submit reimbursement claims along with necessary supporting documentation within 6 months of project completion date;
- Submit signed documents; and

- Take the necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED that Dodge County will comply with State or Federal rules for the program; may perform force account work; will maintain the trail system in an attractive, inviting and safe manner and will keep the trail open at reasonable times for the general public.

Adopted this 27th day of March, 2023.

*I hereby certify that the foregoing resolution was duly adopted by the Dodge County Land Resources and Parks Committee of the Dodge County Board at a legal meeting held on the 27th day of March, 2023.*

Authorized Signature:

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MARY BOBHOLZ, CHAIRMAN  
Dodge County Land Resources & Parks Committee

Motion by Mary Bobholz to approve both resolutions as proposed.

Second by Dan Siegmann                      Vote: 4-0                      Motion carried.

**OTHER BUSINESS**

1. Discuss Department Role in County Board Strategic Plan

Bill Ehlenbeck provided the Committee with a handout on the Dodge County Board of Supervisors Strategic Plan Components strategy, goals and project priorities involving the Department. Staff will be working through these 7 strategies/goals and providing information and potential ideas to Committee for consideration. This topic will be placed on future agendas for further discussion.

2. The minutes from the March 13, 2023 meeting were reviewed by the Committee.

Motion by Ben Priesgen to approve the minutes as written.

Second by Dale Macheel                      Vote: 4-0                      Motion carried.

3. No Committee Member Reports
4. No Additional Per Diems.

Motion by order of the Chair to adjourn the meeting.

Meeting adjourned at 9:06 p.m.

Respectfully Submitted,

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Secretary

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