

**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 1st 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:

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:

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,


Secretary

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