

DODGE COUNTY PLANNING, DEVELOPMENT AND PARKS COMMITTEE
MINUTES
May 1, 2017

The Dodge County Planning, Development and Parks Committee met on May 1, 2017 at 7:00 p.m. on the 1st Floor of the Administration Building, Juneau, Wisconsin.

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

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

The agenda was reviewed.

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

ADMINISTRATION

- Discuss, Consider and Take Action on Resolution to Abolish Manager Planning & Economic Development and Senior Planner positions and Create Planning and Economic Development Administrator position to better meet Department needs.
- Discuss, Consider and Take Action on Resolution to Fund Existing, Vacant Land Use/Sanitarian Specialist position to better need Department need.

Joyce Fiacco provided the Committee with an update on the proposed staffing changes for the Department. In order to augment the planning and economic development operations, it has been determined that the Senior Planner and the Manager of Planning and Economic Development positions should be merged into one position, thereby creating a full-time benefited position to be titled Planning and Economic Development Administrator, in Labor Grade 10 of the Dodge County Wage Schedule. A proposed resolution was presented to the Committee requesting the abolishment of the two current positions and the creation of the proposed combined position. The job descriptions were attached to the resolution for the Committee's review. The funding is available in the 2017 Budget to fund the proposed Planning and Economic Development position.

Fiacco also reviewed a resolution to fund an existing vacant Land Use/Sanitation Specialist position in the Department. The Code Administration Division has been experiencing a significant increase in workload due to the recent adoption of the County Land Use Code by the Towns of Elba, Fox Lake and Hustisford, an increase in the number of applications throughout the County due to improving economic conditions, and due to an increase in the additional responsibilities due to the changes to the Shoreland Ordinance. Additionally, the Code staff will take over the enforcement of the Non-Metallic Mining Ordinance as a result of the merger of the two planning positions.

The Department has an existing, vacant, full-time Land Use/Sanitation Specialist Position that was not funded in the 2017 Department budget and at this time the Department is requesting the vacant position be filled for the remainder of the year to help accommodate the increased workloads. The job descriptions were provided to the Committee.

According to Fiacco, it is anticipated that there will be monies available in the 2017 Department budget to fund an existing, vacant, full-time position of Land Use/Sanitation Specialist during the time period commencing on July 5, 2017 and ending on December 31, 2017 due to the expected reduction in employee costs as a result of a recent retirement and the merger of other funded positions in the Department. A resolution was reviewed with the Committee to authorize the filling of the position at the appropriate level as discussed.

Motion by Joseph Marsik to approve both resolutions as proposed.
Second by William Muche Motion carried. 4-0

The hearing procedures were read into the record.

PUBLIC HEARING

Richard Wondra - Request for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin to allow for the creation of an approximate 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 SE ¼, Section 27, Town of Leroy.

Motion by William Muche to approve the conditional use permit request to allow for the creation of an approximate 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 12.6-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:
 - 028-1316-2724-000; 2732-000; 2731-000; 2742-000; 2743-000; 2744-000; 3412-000;
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 is valid for one year.

Second by Allen Behl Vote 4-0 Motion carried.

PUBLIC HEARING

Scott and Carrie Erdmann- Petition to rezone approximately 3.28-acres of land from the A-1 Prime Agricultural Zoning District to the A-2 General Agricultural Zoning District, and on the application for a Conditional Use Permit application under the Land Use Code, Dodge County, Wisconsin to allow the establishment of an indoor storage facility business at this location. The site is located in part of the SE ¼ of the SE ¼, Section 9, Town of Elba, the site address being N4194 County Road TT.

Motion by Allen Behl to lay over a decision on the rezoning petition and conditional use permit request of Scott and Carrie Erdmann to the May 15, 2017 Committee meeting in order to allow the Town of Elba Town Board additional time to review the requests and to provide a recommendation to the Committee on said applications.

Second by Joseph Marsik Vote 4-0 Motion carried.

OTHER BUSINESS

1. Review and sign petition to amend the sign provision of the Dodge County Land Use Code;

According to Mr. Giebel, the United States Supreme Court's June 2015 decision in *Reed v. Town of Gilbert*, 576 U.S. (2015) significantly changed the way in which local governments can regulate signs. In *Reed*, a unanimous Supreme Court struck down a local government's sign ordinance as a violation of the freedom of Speech guaranteed by the First Amendment because it embodies content discrimination that is subject to strict scrutiny by courts. As a result of the decision, sign codes that are based on the "content of the sign" will most likely be considered to be content-based and will be subject to challenge.

The proposed changes to the sign provisions of the Dodge County Land Use Code are intended to remove the content based regulations from the Code and to bring the sign provisions into compliance with the Supreme Court Decision.

The proposed changes to the sign provisions include the following changes:

Under the proposed amendments, each zoning district will be allotted a certain square footage for permanent signs. Permanent signs will require a County Land Use Permit. Each district will also be allotted a certain square footage for "temporary" signs and banners. Temporary signs will not require a permit and may be displayed no longer than ninety (90) days per calendar year. The content of the sign will not be regulated under the code.

All signs will be required to comply with the development standards for signs including height, setback, number, construction materials etc.

Any sign placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by the Code is prohibited. Any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle, truck, trailer, or other vehicle is to advertise a product, service, business, or other activity is prohibited. This provision shall permit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.

Electronic Message Centers: EMC's are prohibited within the R-1, R-2, and R-3 districts. They will be allowed within the agricultural, commercial and industrial districts.

Motion by Joseph Marsik to sign the petition to amend the sign provisions of the Code

Second by William Muche Vote: 4-0 Motion carried.

2. Review and sign petition to amend the Non-Metallic Mining Reclamation provisions of the Dodge County Land Use Code.

The intent of the petition before the committee is to remove the Non-Metallic Mining Reclamation Overlay District Provisions from the Land Use Code and to create a separate stand-alone Non-Metallic Mining Reclamation Ordinance. The creation of a separate stand-alone Ordinance is being done at this time in order bring the County Non-Metallic Mining Reclamation regulations into compliance with the minimum standards that are required by the Wisconsin State Statutes and the Wisconsin Administrative Code and to create a more user friendly document for the public.

The Non-Metallic Mining Reclamation Ordinance is being adopted in accord with Section 295.13 Wisconsin Statutes and Section NR 135.32(1) of the Wisconsin Administrative Code and applies to all operators of nonmetallic mining sites within Dodge County operating on or after August 1, 2001 except for nonmetallic mining sites located in a city, village or town within Dodge County that has adopted an ordinance pursuant to Section 295.14 Wisconsin Statutes and NR 135.32(2) Wisconsin Administrative Code.

Motion by Allen Behl to sign the petition to remove the Non-Metallic Mining Reclamation Overlay District Provisions from the Land Use Code and to create a separate stand-alone Non-Metallic Mining Reclamation Ordinance.

Second by Joseph Marsik Vote: 4-0 Motion carried.

3. The minutes from the April 17, 2017, meeting were reviewed by the Committee.

Motion by Joseph Marsik to approve the minutes as written.

Second by William Muche Vote: 4-0 Motion carried.

4. No Committee Member Reports
5. No additional Per Diems.

Motion by order of the Chair to adjourn the meeting.

Meeting adjourned at 7:45 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Allen Behl". The signature is written in black ink and is positioned above a horizontal line.

Allen Behl, Secretary

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