

**DODGE COUNTY PLANNING, DEVELOPMENT AND PARKS COMMITTEE
MINUTES
August 7, 2017**

The Dodge County Planning, Development and Parks Committee met on August 7, 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 was Joseph Giebel.

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

The agenda was reviewed.

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

TOWN REZONING REQUESTS

David Apple Trust – Part of the SE ¼, Section 7, T11N, R14E, Town of Beaver Dam, Dodge County, Wisconsin. A petition to rezone approximately 22.861 acres of land from the A-2 General Agricultural Zoning District to the I-1 Industrial Zoning District and approximately 51.824-acres of land from the A-2 General Agricultural Zoning District to the C-1 Commercial Zoning District under the Town of Beaver Dam Zoning Ordinance has been submitted by the Town of Beaver Dam Town Board to the Dodge County Board of Supervisors for approval in order to allow for the future commercial and industrial development of these lots.

Motion by William Muche to submit a favorable recommendation on the petition for David Apple Trust to rezone approximately 22.861 acres of land from the A-2 General Agricultural Zoning District to the I-1 Industrial Zoning District and to rezone approximately 51.824-acres of land from the A-2 General Agricultural Zoning District to the C-1 Commercial Zoning District under the Town of Beaver Dam Zoning Ordinance as proposed.

Second by Joseph Marsik Vote 4-0 Motion carried.

The hearing procedures were read into the record.

PUBLIC HEARING

Beth Reanee and Sherry Boddie – Petition to rezone approximately 10.5-acres of land from the A-1 Prime Agricultural Zoning District to the A-2 General Agricultural Zoning District, and an application for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin to bring the event facility use of the property into compliance with the Code in order *to allow for the conversion of an existing shed into a gathering and office facility with restrooms*. The site is located in part of the NE ¼ of the NE ¼, Section 22, Town of Elba, the site address being N3677 Roche Road.

Rezoning Petition:

Motion by Joseph Marsik to submit a favorable recommendation to the County Board of Supervisors on the petition to rezone approximately 10.5-acres of land from the A-1 Prime Agricultural Zoning District to the A-2 General Agricultural Zoning District in order to bring the event facility use of the property into compliance with the Code.

Second by Allen Behl Vote 4-0 Motion carried.

Conditional Use Permit Request:

Motion by Joseph Marsik to approve the conditional use permit request to bring the event facility use of the property into compliance with the Code and to allow for the conversion of an existing shed into a gathering and office facility with restrooms subject to the following conditions:

1. The business operation shall be conducted without offensive noise, vibration, dust, smoke, odor, glare, lighting or the risk of fire, explosion or other accident and shall not be detrimental to the public health and safety or general welfare of the immediate neighborhood or community;
2. The facility shall not be open after 12:00 midnight;
3. It shall be the responsibility of the applicant to obtain all Federal, State and/or local municipality permits, licenses and approvals that may be required for the construction and operation of the proposed event facility on this site. The owner shall provide documentation to this Department that the applicable Federal, State and local municipality permits, licenses and approvals have been obtained to operate this facility and to document that the facility meets the required fire and building codes prior to use of the facility for a public event;
4. All exterior lighting shall meet the functional and security needs of the proposed development without adversely affecting adjacent properties.
5. A land use permit shall be obtained by the developer for the proposed construction project and for any signs to be located on said property prior to beginning construction of the project and prior to locating a sign on this property;
6. There shall be no parking within the road right-of-way of STH 60;
7. Any significant change to or expansion of the business operation and/or of its facilities may require that a new Conditional Use Permit be obtained.
8. The decision of the Committee is valid for one year.

Second by William Muche Vote 4-0 Motion carried

PUBLIC HEARING

Eric Langenecker, agent for Kreilkamp Acres LLC – Request for a Conditional Use Permit under the Shoreland Protection Ordinance, Dodge County, Wisconsin to allow filling, grading and excavating within 300 feet of a navigable waterway (Butler Creek) associated with the expansion of an existing non-metallic mining operation. The property is located in part of the N ½ of the NW ¼, Section 13, and part of the NE ¼ of the NE ¼, Section 14, Town of Rubicon.

Motion by William Muche to approve the conditional use permit request to allow filling, grading and excavating within 300 feet of a navigable waterway (Butler Creek) associated with the expansion of an existing non-metallic mining operation subject to the following conditions:

1. It shall be the responsibility of the applicant to obtain all other permits or approvals that may be required (e.g., Wisconsin Department of Natural Resources and/or U.S. Army Corps of Engineers) for the proposed expansion project.
2. All erosion control measures required by the applicable Federal, State, County and Local codes shall be in place and shall be maintained throughout the duration of the project in accordance with Best Management Practices.
3. It shall be the responsibility of the applicant to revise the non-metallic mine reclamation plan if necessary prior to the expansion of the mine into the area located within 300 feet of Butler Creek.
4. All work shall be done in accord with the plans and specifications submitted with the application.

Second by Allen Behl Vote 4-0 Motion carried.

ADMINISTRATIVE BUSINESS

PARK SYSTEM

1. Consider, discuss and take action on request to change seasonal park crew leader position to part-time 20+.

Resolution to reclassify the Parks Crew Leader position from seasonal to Part Time +20. This change would allow the Department to have this person work about 15 hours per week during the winter months. The additional hours would provide improved equipment maintenance, volunteer development, better tree and winter facility maintenance. The total hours for the position would be about 1800. The position will be moved from the Miscellaneous/Seasonal Wage Scale to Grade 5 of the County Compensation Plan Scale. The position currently receives pro-rated health insurance. The change is estimated to add \$12,500 to the 2018 personnel budget.

Motion by Allen Behl to support the resolution to change the seasonal park crew leader position to part-time 20+.

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

2. Consider, discuss and take action on Maintenance Agreement with WI DOT for Gold Star Memorial Trail.

The maintenance agreement is required by DOT for the use of the Highway 28 right-of-way for development, maintenance and operation of the proposed Gold Star Memorial Trail. It is a standard agreement for such paths. We are hoping to have all final approvals/permits in hand by mid to late August and then anticipate bidding the project by the end of August.

Motion by Joseph Marsik to approve the Maintenance Agreement with WI DOT for Gold Star Memorial Trail Park.

Second by Allen Behl Vote: 4-0 Motion carried.

3. No Managers Report

OTHER BUSINESS

1. The minutes from the July 17, 2017 meeting were reviewed by the Committee.

Motion by William Muche to approve the minutes as written.

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

2. No Committee Member Reports

3. No additional Per Diems

Motion by order of the Chairperson to adjourn the meeting.

Motion carried.

Meeting adjourned at 7:52 p.m.

Respectfully Submitted,

Allen Behl, Secretary

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

Land Resources and Parks Department Staff Report

County Rezoning Petition # 2017-0549

Filing Date: July 19, 2017

Hearing Date: August 21, 2017

Applicant (Agent):

Craig and Kelly Youngbeck
N10695 County Road YY
Lomira, WI 53048

Owner:

Phillip Majerus
P.O. Box 100
Lomira, WI 53048

Location

PIN# 028-1316-2312-000

Part of the NW ¼ of the NE ¼, Section 23, Town of Leroy, the site address being W3099 Lomira Drive.

Applicants Request

A rezoning petition has been submitted by the applicant in order they be allowed to rezone approximately 8.21-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 nonfarm residential lot at this location. The 8.21-acre lot is vacant agricultural land which is intended for residential use. The remaining 71.6-acres contain existing agricultural buildings and agricultural land which 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 Leroy has adopted the County's Land Use Code. The site is located within the A-1 Prime Agricultural Zoning District.

A portion of the property is located within the County's Shoreland Jurisdiction as the site is located within 300 feet of a regulated waterway. Portions of the property are designated as wetlands;

The property is not designated as a Floodplain District;

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

Land Use, Site: Agricultural and residential.

Land Use, Area: Agricultural with scattered residences along Lomira Drive.

Designated Archaeological Site: Yes No

Density Standards

The base farm tract for this property contains approximately 155.5-acres within the A-1 Prime Agriculture Zoning District. The Code would allow a maximum of 7.405-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 an 8.2-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 has not been forwarded to the Department regarding this petition.

STAFF ADVISORY:

This staff advisory is only advice to the Planning, Development 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 2.3.4.1 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 will be able to make the findings necessary under Section 2.3.4.1 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;

- It is the staff's position that there are adequate public facilities and services to serve the proposed lot;

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 proposed development project 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 that if the proposed lot is developed in accord with the Land Use Code provisions, the development project 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 Map

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 suited for nonfarm 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.

Dodge County Planning, Development and Parks Committee Decision

County Rezoning Petition # 2017-0549
Filing Date: July 19, 2017
Hearing Date: August 21, 2017

Applicant (Agent):
Craig and Kelly Youngbeck
N10695 County Road YY
Lomira, WI 53048

Owner:
Phillip Majerus
P.O. Box 100
Lomira, WI 53048

Location
PIN# 028-1316-2312-000
Part of the NW ¼ of the NE ¼, Section 23, Town of Leroy, the site address being W3099 Lomira Drive.

Applicants Request
A rezoning petition has been submitted by the applicant in order they be allowed to rezone approximately 8.21-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 nonfarm residential lot at this location. The 8.21-acre lot is vacant agricultural land which is intended for residential use. The remaining 71.6-acres contain existing agricultural buildings and agricultural land which will remain in agricultural use.

CONCLUSIONS OF LAW

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

2.3.4.1 Approval Criteria

2.3.4.1.1 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);
Comments _____

2.3.4.1.2 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);
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);

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);

Comments _____

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

(Yes / No);

Comments _____

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

(Yes / No);

Comments _____

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

(Yes / No)

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 Map;

(Yes / No)

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)

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

Allen Behl	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Janice Bobholz	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
William Muche	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Joseph Marsik	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Tom Schaefer - Chairman	<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 Planning, Development 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 • FAX: (920) 386-3979
 E-MAIL: landresources@co.dodge.wi.us

THIS AREA FOR OFFICE USE ONLY	
Activity No. 170549	Application Date: 7-19-17
	Receipt #: 896103

REZONING PETITION

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

NAMES & MAILING ADDRESSES		PROPERTY DESCRIPTION			
Petitioner (Agent) Craig and Kelli Youngbeck		Parcel Identification Number (PIN) 028-1316-2312-000			
Street Address N10695 County Road Y1		Town Leroy	T 13	N 16	R 16
City • State • ZipCode Lomira WI 53048		Section NW	1/4 NE	1/4 23	Acres 79.849
Property Owner (if different from petitioner) Phillip S. Magerus		Subdivision or CSM (Volume/Page/Lot)			
Street Address PO Box 100		Address Of Property (DO NOT include City/State/ZipCode) W3099 Lomira Drive			
City • State • ZipCode Lomira WI 53048		Is this property connected to public sewer? <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 Craig Youngbeck Daytime Phone (920) 960 - 2901

PROPOSED REZONING

Current Zoning District A-1	Proposed Zoning District A-2
---------------------------------------	--

Reason For Rezoning
Allow creation of a non farm residential lot

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 Craig Youngbeck Date 7-19-17

Daytime Contact Number (920) 960 - 2901

◆ AREA BELOW THIS LINE FOR OFFICE USE ONLY ◆

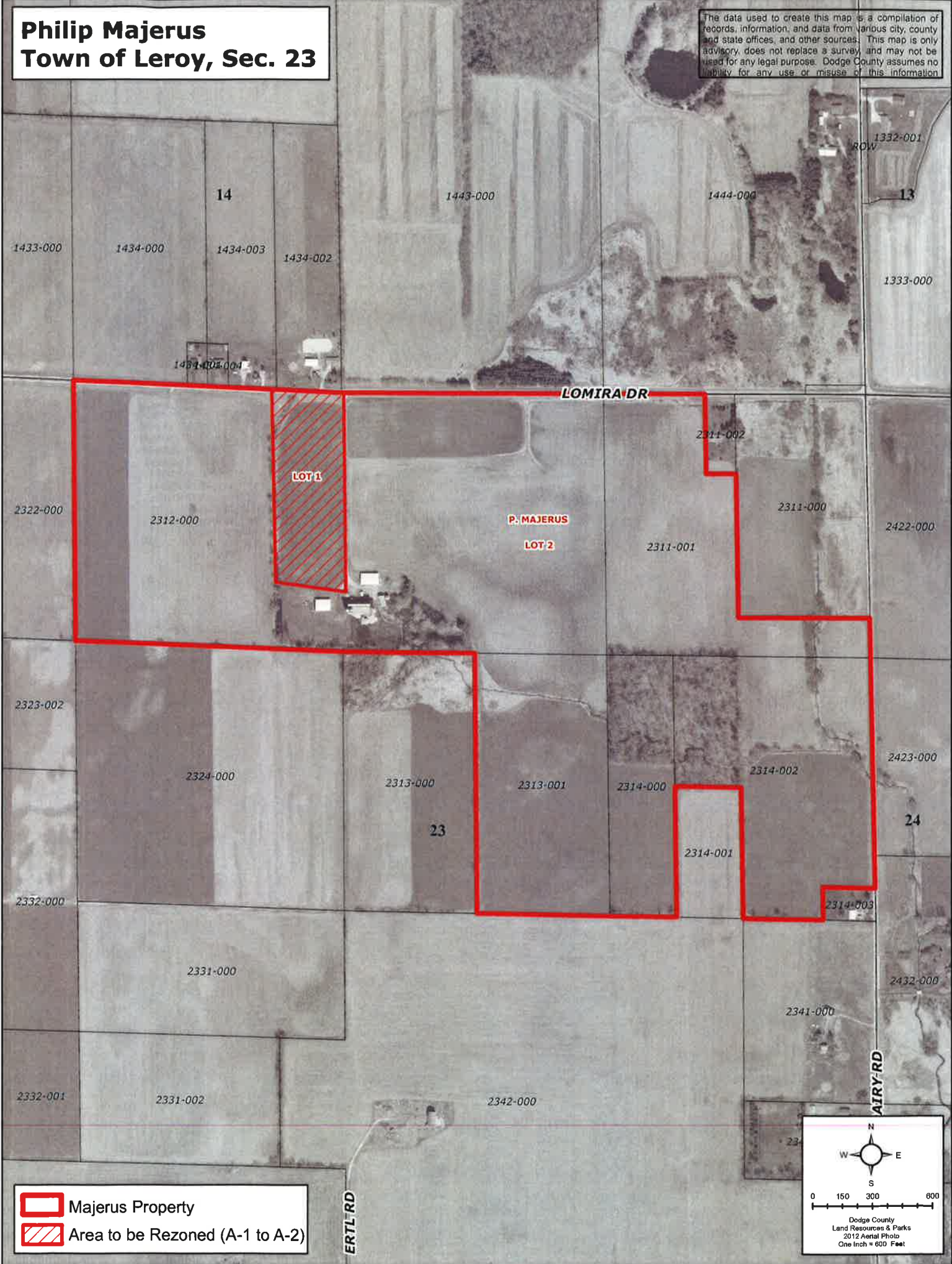




Rezone 8.21 Acres from A-1 Prime Agriculture
to A-2 General Agriculture

7.9 acres

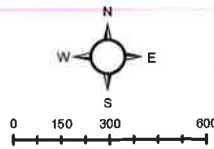
Philip Majerus Town of Leroy, Sec. 23

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.



-  Majerus Property
-  Area to be Rezoned (A-1 to A-2)

0 150 300 600



Dodge County
Land Resources & Parks
2012 Aerial Photo
One Inch = 600 Feet