

**DODGE COUNTY LAND RESOURCES AND PARKS COMMITTEE  
MINUTES  
February 18, 2019**

The Dodge County Land Resources and Parks Committee met on February 18, 2019 at 7:00 p.m. on the 1<sup>st</sup> Floor of the Administration Building, Juneau, Wisconsin.

Chairman Schaefer called the meeting to order. Roll Call was taken. Members present were Joseph Marsik, William Muche, Tom Schaefer, and Larry Schraufnagel. Members excused were Jeff Schmitt. The staff present at the request of the Chairman were Bill Ehlenbeck, Dan Schultz and Joseph Giebel.

Other County Board members in attendance: **None**

1. PARK SYSTEM

A. Discuss ATV Policy on Wild Goose Trail

Bill Ehlenbeck indicated that there has been a request by Committee member William Muche to have a discussion on current ATV Policy for use on the Wild Goose Trail. Bill introduced Dan Schulz, Parks Supervisor and snowmobile and atv trail coordinator for any specific program questions. Bill described the policy for winter ATV/UTV use which runs between December and March when the ground is frozen in order to prevent damage to the trail. This is consistent with other similar winter ATV trails in the state.

Bill provided a brief background on establishment of the Wild Goose State Trail, which was developed through grants and donations from the Friends of the Recreational Trail Group, now known as Friends of Dodge County Parks.

Bill explained that a few times throughout the years, ATV groups have requested the trail be opened up for use in summer for ATV/UTVs. Staff have not been in support and continue to not support ATV/UTV use of the Wild Goose Trail in the summer months. Bill provided a compatibility rating chart from the State Comprehensive Outdoor Recreation Plan 2005-2010 showing "a highly competitive or antagonistic" rating between hiking/biking and ATV riding.

The floor was opened for public comments and questions. Bill Blaska and others spoke representing the ATV/UTV clubs and riders interest in having summer access to the Wild Goose Trail.

The Committee directed staff to get an opinion on summer ATV use of the Wild Goose Trail from the Friends of Dodge County Parks prior to further discussion.

2. ADMINISTRATION

- A. Review proposal to amend certain provisions of the Shoreland Protection Ordinance. The petition includes amendments to the permit requirements for standard filling, grading, dredging and excavation projects, the creation of general standards for filling and grading dredging and excavation projects, the addition of technical standards for the construction of a "rain garden", and a series of miscellaneous housekeeping amendments intended to update outdated section references used in the Shoreland Protection Ordinance.

Joe Giebel reviewed the proposed amendments to the Shoreland Ordinance with the Committee. The petition to amend the shoreland ordinance is intended to streamline and improve the permitting process required for standard filling, grading and excavation projects by changing the conditional use permit requirement for these type of projects to a land use permit requirement. The proposed changes are also intended to establish general standards for shoreline development and rain garden construction projects, to update the Committee name and to update outdated code references used in the Ordinance.

Amendments #1 and 2 are housekeeping changes that will update the code references used in the Ordinance. Amendment #3 changes the conditional use permit requirement for filling, grading and dredging in a navigable waterway to a Land Use Permit. A conditional use permit will still be required for new ponds greater than 2-acres in size and for relocating or creating a new waterway located within a wetland or floodplain designated area. All other filling, grading and dredging maintenance projects located within the shoreland district would require a land use permit. Amendment #4 creates the general standards for filling, grading and ditching projects and amendments #5 through 8 are housekeeping changes that will correct errors in the Ordinance and will clarify the site evaluation and plan certification requirements for subsurface dispersal systems allowed under the Ordinance. Joe indicated that the proposed amendments if approved would eliminate on average 5-8 conditional use permit requests a year and will save the applicant approximately 1 month on processing time for the permit.

Motion by Joseph Marsik to approve the petition to amend the Shoreland Protection Ordinance and directed the staff to set up a public hearing and review of the petition by the Committee.

Second by William Muche      Vote 4-0      Motion carried.

B. Review proposal to amend certain provisions of the Land Use Code. The petition includes a series of miscellaneous housekeeping amendments that will update outdated section references used in the Code, add "Homeless Shelters" to the Use table, amend miscellaneous definitions used in the code and updates the vision corner and street intersection connection standards used in the Code for Town and County Roads. The petition also includes the reorganization and renumbering of Chapter 5 of the code. The existing code standards in Chapter 5 will remain the same but the standards and exemptions allowed by the Code will be reorganized by zoning topic to make the code more user friendly for the public.

Joe Giebel reviewed the proposed code amendments with the Committee. He indicated that the current measurement and dimensional standards found in Chapter 5 of the Land Use Code are not structured for quick and easy navigation or use by the general public. The general standards are listed in Table 5.1.1-1 of the code and the exceptions and exemptions to these standards are currently scattered throughout the chapter which makes it difficult for the user to find the exemptions and exceptions that are allowed under the code. Mr. Giebel indicated that the existing code standards will remain the same with this amendment, but the standards and exemptions allowed by the Code will be reorganized by zoning topic to make the code more user friendly for the public. He also indicated that the petition also includes a series of miscellaneous

housekeeping amendments that will update outdated section references used in the Code, adds "Homeless Shelters" to the Use table, amends miscellaneous definitions used in the code, updates the vision corner and street intersection connection standards used in the Code and will add fencing regulations for swimming pools, spas and hot tubs.

The proposed changes are as follows:

Amendment #1 modifies the "Use Table" to include "*Homeless Shelters*" as an allowed use in the R-3 Multi-family Residential Zoning District and as a conditional use permit within the Commercial and the A-2 General Agricultural Zoning District.

Amendment #2 and 4 updates and corrects code references used in the Code.

Amendment #3 adds the criteria for homeless shelters to Chapter 6, the Use Regulations section.

Amendment #5 updates the intersection spacing and the vision clearance triangle setback requirements for County and Town roads.

Amendment #6 clarifies certain definitions used in the Code.

Amendment #7 deletes Table 5.1-1 from the Code, and reorganizes and renumbers Chapter 5. The existing code standards remain the same but the standards and exemptions allowed by the Code are being reorganized by zoning topic to make the code more user friendly for the public.

Amendment #8 will create fencing requirements for swimming pools, spas and hot tubs.

If the Committee approves the petition, a public hearing will be setup for public input and formal review by the Committee.

Motion by Larry Schraufnagel to approve the petition to amend the Land Use Code and directed the staff to set up a public hearing and review of the petition by the Committee.

Second by Joseph Marsik    Vote 4-0       Motion carried.

- C. Review Department "Boundary Line / Property Line Policy" - Owner's responsibility to locate and mark lot line, lot corner and proposed project location for permitting purposes.

Joe Giebel noted that the location of a property line is a critical piece of information that land owners and permit applicants need to have before erecting a structure or installing a septic system on their property to ensure that the structures or septic systems don't encroach into a neighbor's property. As the quality of the county aerial photos and mapping products increases, the staff has noted an increase in the number of property line and encroachment issues with properties.

The current "unwritten" policy that the Department uses is that the property owner/contractor is responsible to have the property lines and the corners of the proposed project clearly marked when requesting a permit application. The staff then utilizes the best available information (aerial photos, survey maps, plats etc.) to check the location of the property lines before issuance of a permit. If the property line is in question, we will request a plat of survey or other documentation as to the lot line locations.

The staff believes that it would be appropriate to formalize a "written" policy on how the Department will handle property line location issues in the future so that Department can be consistent in how we deal with these issues. The following Boundary Line Policy is being proposed for consideration:

### **Boundary Line Policy**

The property owner is responsible to clearly mark the boundary lines and the boundary corners adjacent to where the proposed construction will take place. Markings shall be clearly visible and accurate prior to, as well as at, the time of inspection. This may be by means of the property owner exposing and marking the boundary line(s) and the boundary corner(s) themselves or having the boundary line and boundary corners surveyed and marked by a registered land surveyor.

Prior to the construction or placement of a structure on a lot that will be located within 10 (ten) feet of the required setback line, the boundary line from which the setback must be measured must be clearly visible from one exposed previously surveyed corner to the other exposed previously surveyed corner or said boundary line shall be marked by a registered land surveyor at the owner's expense. Markings shall be clearly visible and accurate prior to, as well as at, the time of inspection. The owner/applicant also has the option to submit a plat of survey with the application to the Department from a registered land surveyor to document that the proposed project will be located in compliance with the applicable setback requirements.

If the location of the property line(s) shown by the property owner or his/her agent is not consistent with the location of the property line(s) shown on public records or if there is a disagreement by any of the parties involved about the location of the boundary line(s), the Department may require the property line(s) to be surveyed by a registered land surveyor at the owner's expense or the Department may require the owner/applicant to submit a plat of survey from a registered land surveyor at the owners expense to document that the proposed project will be located in compliance with the applicable setback requirements prior to the final review and issuance of the County permit.

Motion by William Muche to approve the Boundary Line Policy as proposed.

Second by Larry Schraufnagel      Vote 4-0      Motion carried.

D. Approval of the Minutes of the January 21, 2019 meeting;

Motion by Larry Schraufnagel to approve the minutes of the January 21, 2019 committee meeting.

Second by William Muche    Vote 4-0    Motion carried.

E. No Committee Member Reports

F. No additional Per Diems

Motion by order of the Chairman to adjourn the meeting.

Motion carried.

Meeting adjourned at 9:20 p.m.

Respectfully Submitted,

*Tom Schaefer*

---

Joseph Marsik, Secretary

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