Buffalo County Minutes

Committee/Board: Zoning Committee

Date of Meeting: January 6, 2016

Electronic and Hardcopy Filing Date: January 18, 2015

The meeting was called to order at 5:00 p.m. by chairperson Nettie Rosenow. Roll Call showed that Nettie Rosenow, John Kriesel, Lou Anne Roby, Dennis Youngbauer were all present.

Others present for all or part of the public meeting include Mike Owecke, Zoning Administrator, Adam Adank, Zoning Specialist, Julie Lindstrom, Zoning Administrative Assistant, Peter Fletcher from Mississippi River Regional Planning, Carrie Olson, County Conservationist, Dave Brommerich media. No one signed in for the meeting; others may have been there that did not sign in.

Minutes are summarized as follows:
Minutes from the December 10, 2015 Public Meeting. Motion by Mr. Kriesel, seconded by Mr. Youngbauer to approve the minutes from the December 10, 2015 Zoning Committee meeting as presented. All in favor. Carried.

Public Comments Regarding Posted Agenda Items. There were no public comments.

Comprehensive Revision of the Buffalo County Zoning Ordinance. Peter Fletcher with Mississippi River Regional Planning was in attendance for this discussion.

Discussion was held from a handout of "Draft – Zoning Districts", which was completed by Mr. Fletcher and mailed to the committee members for their review prior to the meeting. Mr. Fletcher explained that he talked with Scott Karel working with WI DATCP in Farmland Preservation. Mr. Fletcher stated that DATCP does not necessarily follow DATCP's model ordinance when they complete the certification of a Zoning District for Farmland Preservation. Mr. Fletcher continued by saying that DATCP is wide open to considering different things for the Farmland Preservation certified Zoning district.

Zoning Districts as follows were discussed:
Agricultural/Forest – 35 (this would be the district that would or could be certified as a farmland preservation zoning district eligible for Farmland Preservation Tax Credits); Agricultural/Forest – 20; Agricultural/Forest – 10; Rural Residential – 5; Residential; Residential Public Utilities; Institutional; Conservation; Commercial; Commercial Public Utilities; Industrial; Industrial Public Utilities. Discussion included proposed permitted and conditional uses in each of the proposed districts.

Discussion was held on the Agricultural/Forest – 35 as follows:

- Ms. Rosenow questioned whether the current language in the Agricultural/Forest – 35 district is certifiable.

- Mr. Fletcher stated no; the density would meet the requirement; one thing that DATCP is sticking to is, even though DATCP has the density requirement, they cap the number of dwelling units at 4 or 5, whether you own 800 acres or 100 acres.
- Mr. Owecke questioned whether it would still apply if the county uses a density approach.
- Mr. Fletcher stated that he questioned Mr. Karel and DATCP would still want to keep the same number of home limit.
- Mr. Fletcher continued by saying that he believes the dwelling provision would need to apply to the district for it to be certified.
- Mr. Owecke expressed concern over the restriction of number of dwellings in the Farmland Preservation certified zoning district because there would be two different criteria to follow in that district.
- Mr. Fletcher stated that the best thing to do is to take the proposal to the Towns and learn what their level of interest is in the farmland preservation district.
- Ms. Rosenow felt the language in the farmland preservation zoning district should be certifiable by DATCP when it goes to the Towns for review; she would be more in favor of being able to tell the Towns, this is what DATCP requires to be a farmland preservation certified zoning district.

Discussion was held on limitations with the farmland preservation district and other agricultural zoning districts with more flexibility for housing in the other agricultural districts.

- Mr. Fletcher mentioned the Town Land Use maps and the requirement for the farmland preservation maps to have 80% of the land in the farmland preservation zoning district; a certified ordinance requires that 80% of the farmland area on a Town land use map needs to be in the certified farmland reservation zoning district.
- Mr. Rosenow state their could potentially be exclusions from the 80% requirement.

This ended the discussion on Agricultural/Forest – 35 zoning district.

Discussion was held on the additional proposed zoning districts.

- Mr. Fletcher stated that there is a lot of flexibility in options for zoning districts.
- Mr. Fletcher explained that in regard to uses in the proposed district, permitted and conditional uses have been identified; there can be prohibited uses, however when a use is not specifically listed it is considered a prohibited use.
- Mr. Fletcher stated that in the case of a prohibited use, the ordinance would need to be changed to allow a particular land use in a zoning district.
- Ms. Rosenow stated their should be language to be able to rezone land out of the farmland preservation certified zoning district because that is an option
- Mr. Fletcher stated there is and has been for years, pretty standard language for a re-zone out of the farmland preservation district

Nonmetallic mining and industrial sand mining were discussed. Discussion concluded with it being the consensus of the committee to propose to allow an industrial sand mine as a conditional use in the industrial district. Mr. Fletcher stated that non-metallic mining would be defined different than industrial sand mining.

Mr. Fletcher reminded the committee, through the revision process, the zoning ordinance will be a "draft" and will go through a public review process.

Rural Residential-5 was discussed in detail. It was the consensus of the committee to allow flexibility of specific land uses related to small agriculture, to change this district to Agricultural/Forest – 5 and not have Rural Residential-5 zoning district.

Institutional District was briefly discussed.
Adult entertainment was briefly discussed and what zoning district these establishments would fall in. It was the consensus of the committee to address adult entertainment as needed.

Discussion was held on permitted uses versus conditional uses and how a land use may be permitted in one zoning district and a conditional use in another zoning district.

Discussion was held on minimum lot size and density.

- Mr. Fletcher stated that it would be up to the zoning committee/county to decide what minimum lot size they want to use
- Mr. Owecke stated the one thing the should be considered, especially in the agricultural zoning district is to avoid conflict between residential uses and agricultural uses suggesting a larger minimum lot size, of maybe 5 acres in the farmland preservation district or even the next Agricultural/Forest district to try and reduce those conflicts because you will have residential use in an agricultural district.

Discussion was held in regard to lot sizes in the farmland preservation zoning district.

Brief discussion was held on non-conforming uses when the ordinance revision is complete.

- Mr. Fletcher stated that language in the ordinance will address non-conforming uses and when the use stops and a new use comes in, it must meet the guidelines in place at that time. As long as a non-conforming use continues, the use will be able to keep doing what they are doing. Non-conforming uses can continue.

Mr. Owecke suggested that the names of the districts be changed from Agricultural/Forest to Agricultural/Natural Resource in all zoning district cases.

Mr. Owecke also suggest that the Agricultural/Forest – 35 be change from 35 to 40 acres because 40 acres is a ¼ - ¼ section; would allow 1 (one) dwelling per 40 acres or ¼, ¼ section; may be easier to understand.

Mr. Owecke also suggested that there be a statement of purpose for each zoning district, which would reflect some of the intention of the proposed district, especially with the agricultural districts reference to the County Comprehensive Plan; use language to show that the creation of a specific district is keeping up with the directives of the County Comprehensive Plan in protecting prime farmland.

Mr. Owecke stated that he would spend some time working on the purpose statement and have ready for future review.

Brief discussion was held on land uses in each district.

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Institutional District was briefly discussed again. Mr. Owecke suggested that this district be deleted. This district may complicate things. Land uses proposed in this district were reviewed and discussed and it was the consensus of the committee to delete the Institutional District and move all land uses to other districts as permitted or conditional uses.

- Mr. Fletcher suggested that when the proposed zoning districts are reviewed at the Towns meetings, to not necessarily include the land uses in each district; Towns need to focus more on what zoning districts will be used and where they will be located on the Town maps; want to eliminate spending a lot of time on specific land uses at this time; this will be decided later.
- Ms. Rosenow stated that the Towns should have already completed "Future Land Use" maps.
- Mr. Fletcher stated that the existing Town Future Land Use maps will be a starting point and the Zoning Committee will be looking for Town input to locate the new proposed zoning districts on the existing maps.
- Ms. Rosenow questioned the next step.
- Mr. Fletcher stated that he will make the necessary modification and bring it back to the Zoning Committee for review with hope that it is close to ready to go out to the Towns and talk with them, end of February/March or at least get them information to start looking at the proposed zoning districts.
- Ms. Rosenow stated that Ms. Olson, Mr. Owecke and Mr. Duley, UW-Ext. Agricultural Agent met and talked about a survey for Farmland Preservation.
- Ms. Olson explained that the survey would be to get feedback from local citizens if they want to see a certified Farmland Preservation Zoning District because Farmland Preservation agreements are going to be expiring.
- Ms. Olson continued by saying that Mr. Duley found an email list of Farm Bureau members and some postal mailing addresses. The plan is to put the survey in the next Farm Bureau newsletter to get an idea of interest from farmers in Buffalo County for participation in Farmland Preservation state program and the interest in a certified farmland preservation zoning district; the Farm Bureau newsletter would go out in two weeks from the date of the meeting.
- Ms. Rosenow is hopeful that those currently enrolled in Farmland Preservation Program would receive the survey with the opportunity to provide input.
- Ms. Olson stated that the members currently enrolled could be mailed a survey to complete.
- Ms. Rosenow suggested that their needs to be a better understanding of the Farmland Preservation Program with the landowners in the county.
- Ms. Roby suggested that the County Fair may be a way to provide input to the county landowners even though the fair in not held until August.
- Ms. Roby suggested also using the Farmers Union organization as a way to get input from the landowners.
- Ms. Olson questioned and Ms. Roby stated that she would get a Farmers Union contact person for Ms. Olson.
- Ms. Rosenow stated that both Farm Bureau and Farmers Union in their policy, support farmland preservation.
- Ms. Roby stated it is about getting the message out to everyone
- Mr. Fletcher questioned whether the survey questions were general or requirements of the program and whether housing density would be mentioned because that will be a big restriction.

- Ms. Olson stated that she gave her input on the questions to Mr. Duley and maybe he could add some language to address housing density.
- Ms. Rosenow questioned why housing density would be such a negative impact if not enough homes are being built to exceed the density requirement.
- Mr. Fletcher stated that it has to do with property rights and landowners should be able to do what they want to do with their land when the time comes.
- Mr. Owecke stated that maybe what Mr. Fletcher is trying to say is that it doesn't matter what kind of limitations you are looking at placing on people, landowners are going to be against it; people don't like to have controls over their land use.

Brief discussion was held on regulation/restrictions where zoning is involved.

- Ms. Rosenow stated that it is also a protection for people when something is happening that you don't like; rules are there to help protect from a potential/unknown bad land use choice.
- Ms. Rosenow stated that she would like Farmland Preservation certified zoning district to be presented to the Towns as a positive idea, rather than negative.
- Mr. fletcher stated that you need to get honest feedback with information that will help you.
- Mr. Owecke stated that Ms. Olson has volunteered to attend all Towns meetings.
- Mr. Owecke stated that the good thing about the Farmland Preservation Zoning District is implementation of nutrient management planning and conservation practices as part of the district requirements; all the things that should be done, may get done.

The next Zoning Committee meeting was scheduled for February 3, 2016 at 4:00 p.m.
Mr. Fletcher left the meeting at 6:30 p.m.

Ms. Roby and Mr. Kriesel also left the meeting at approximately this time as well. No committee quorum at this time.

<u>Zoning Administrator Comments/Report</u>. Mr. Owecke provided an handout of permit applications received by month for 2015. Brief discussion was held.

Mr. Owecke mentioned Uniform Addressing and updated the committee by telling them that Ms. Hansen, County Administrative Coordinator, talked with Mr. Kane, County Board Chairman about bringing this discussion forward. Mr. Kane indicated that he would like the discussion to come to the Finance Committee first as a resolution from one of the committees, Zoning or Law Enforcement. Mr. Kane also indicated that if no committee is willing to bring a resolution forward, he felt the issue is big enough that he will bring it to the County Board himself for discussion without a resolution. Mr. Owecke continued by suggesting to have a resolution drafted and look at it and possibly act on it at the next Zoning Committee meeting.

- Ms. Rosenow stated that her understanding in talking to Mr. Kane, is there is supposed to be financial data.
- Mr. Owecke stated that they do have that, meaning financial data
- Ms. Rosenow stated that she has not seen the financial data. She continued by saying that she is not going to send something to the Finance Committee without seeing the financial data.
- Mr. Youngbauer stated that the first thing the Finance Committee members are going to ask is how much will it cost.

- Mr. Owecke state they have been working with the Finance Committee and the county has two complete bids.
- Ms. Rosenow asked for clarity.
- Mr. Owecke stated he is not asking, he is suggesting that the Zoning Committee do it, because it is going to the County Board for discussion one way or another.
- Ms. Rosenow stated that she does not want to see it come from the Zoning Committee; she does not think that it belongs in Zoning; maybe belongs in Law Enforcement.
- Mr. Owecke stated that Uniform Address Numbering Ordinance is administered in the Zoning Department.
- Ms. Rosenow stated that the ordinance only addresses new address numbers; that is the only thing zoning does.
- Mr. Youngbauer stated that he would suggest to Mary Anne McMillan Urell, chair of Law Enforcement Committee; it is an issue with Law Enforcement and a lot of their volunteer committees and organizations.
- Mr. Owecke stated that he would contact Ms. McMillan Urell as well.

Brief discussion was held on where the funds would come from to cover the cost.

Chairperson Comments/Report. Ms. Rosenow had nothing additional to report.

Public Comments not Relating to the Agenda. There were no comments.

The meeting was adjourned at 6:35 p.m.

Recording Secretary
Julie Lindstrom
Buffalo County Zoning

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