

**PLAN COMMISSION MEETING MINUTES
JUNE 16, 2016**

1. Call to order & roll call: Meeting called to order by Chairman Krause at 5:30 p.m. Commission members present: Kris Krause, Terry Martindale, Jack Pfister, Bob Robbins, James Bechen, Tom Marx. Absent (excused): Ron Smith. Also present: Larry & Mary Kay Fry, John Singer, Jim Grothman (Grothman Surveying)

Pfister/Marx motion to address agenda item #3 before #2.

2. Certified Survey Map to create an 11.03-acre parcel and an 11.09-acre parcel from current 22.41-acre Parcel 11022-517-01 located on CTH J, owned by Donald L. Anderson & Beth A. Kalscheur-Anderson: Krause – for years (decades +) we’ve been dealing with the Anderson property on the north side of CTH J. At one time that also included this property on the south of CTH J, but that muddled plans, so we dealt with only the land on the north side. That land is now taken care of, so time to address the south side. Grothman – a lot has happened in this area recently. We have the 10-lot Pleasant Valley (Ness) Plat, which would never have made it this far in the past due to the City of Lodi’s extra-territorial jurisdiction ordinance. Anderson and I met with the City for the subdivision Anderson had planned for the north side of the road, and at that time we got absolutely nowhere. We will be addressing the property on the north side (under other owners) again soon due to the law change that states that municipalities can no longer have extra-territorial jurisdiction restricting what can be done on a property in an adjacent municipality. What the City did now is create a \$100 per acre impact fee for development in what was the extra-territorial area – that fee to be paid to the City.

Grothman – this south side property does include a lot of wetland. We had to find approvable areas on each lot for mound-system septic. There is also a drainage way going through this property. So I have hired MSA to do a stormwater and flood analysis to determine what water would go through the box culvert under CTH J, and whether that could affect the building envelopes. There are proposed septic system and building envelopes shown on each parcel in this CSM. There are also proposed shared driveway access to serve both parcels, preliminarily given the nod of approval by the County. Bechen – I see issues with that access due to the curve of CTH V from the left as you come out of the driveway onto CTH J. Krause – how does the county feel about 2 driveways right across from each other on CTH J. Grothman – the county was okay with it years ago when we were dealing with Anderson’s original plans that included his properties on both sides of CTH J. Krause – the safety issue was discussed back with Anderson’s first proposed plat, and it’s still an issue that needs to be addressed. Robbins – the building envelopes, are they based on soils or slopes? Grothman – both. Robbins – both building envelopes are quite small. Krause – is there location for an alternate septic system? Grothman – with mound systems an alternate area is not required. Krause – I know mound systems foul because people don’t follow the recommendations they’re given of what to do and not to do, such as no garbage disposal. Krause – I think it can be done (the mound systems), but because of my expertise on these I always look for an alternate septic location. Grothman – what happens with alternate sites for septic systems is that someone parks heavy vehicles on those areas or decides they like the area for a garage or shed. Krause – how often and how much does this property flood? Grothman – the area I have identified as wetland is from the county’s maps, which aren’t totally reliable. That’s why I’ve kept any building, septic, driveway away from that area.

Following is the review by Town Engineer John Lichtenheld, a copy was given to Jim Grothman this evening:

“Memorandum from: John Lichtenheld P. E., AICP; Date: June 15, 2016 Project No.27-0163; Re: Anderson CSM Review: We have reviewed the CSM submittal for a 2 Lot CSM on CTH J by Don and Beth Anderson in the Town of Lodi. The following are our comments:

1. Access: The proposed joint driveway is on a curve and may have sight distance issues. Since this is on a county road (CTH J), Columbia County needs to review and approve the access location.

2. *Zoning: The property is currently Zoned R-1 Single Family. The Town's comprehensive plan shows the area as Ag, Environmental Corridor, and limited R-1 Single Family. This conflict will require a change to the comprehensive plan.*
3. *Environmental Corridor: A portion of this property is designated and zoned as an environmental corridor (PZD). It also has a mapped wetland (WI DNR). It does not show up as a mapped floodplain area. This area is obviously low given the wetland designation on most of the property. These areas and designations should be shown on the CSM.*
4. *Wetland Area: The CSM shows the wetland area and indicates that a wetland boundary will be field verified. The CSM refers to a "resource conservancy easement". I am not sure what that means or if it is in the covenants that are referred to on the CSM.*
5. *Environmental Checklist: Based on the Town ordinance (10.04), the subdivider is required to fill out and submit an Environmental Checklist.*
6. *Covenants and Restriction: The CSM refers to "Covenants and Restrictions" I have not reviewed these but they should be reviewed prior to approval.*
7. *Existing Waterway: The capacity of the 50-foot waterway (drainage) easement shown on the plat should be vetted to insure that it is of adequate depth and width to safely pass the upstream storm events. The ownership and maintenance of these easement also needs to be determined.*
8. *Conservancy Area Public Access: Does the public desire or have access to the conservancy area? As it is shown on the CSM, the conservancy area is privately held and does not have public*

Robbins – are there any restrictions to either land owner filling in order to put a building up? Grothman – any accessory building would be limited to no larger than the size of the home, but could be built outside the building envelope.

Krause – when this property was possibly going to be a town hall site we talked about being able to control the wetlands. Now as you have this drawn up is each property owner would have control of the wetland that is in their parcel. Does anyone have a problem with that? Bechen – I have no problem with that. Are the adjacent properties with wetland also privately owned? Grothman – yes.

Krause – regarding the waterway, I think the question that comes to mind – I would ask your stormwater engineer if a 50' wide drainage easement on this south side property is big enough considering the property on the north side and potential development there and the water that could come from that. Grothman – I will have our same stormwater engineer we're using for the north side property look at this also. It makes sense to coordinate stormwater runoff for both properties.

Bechen – my biggest concern is the CTH J access for the shared driveway. It's a very dangerous situation. Grothman – I will have it looked at. Bechen – I'd like to see county approval on this. Robbins – I'd like to see if the north and south side accesses are directly across from each other. Grothman – we're trying to place them that way.

Krause – on the CSM it states "50' wide stormwater easement 'wetland area' see covenants and restrictions". Bring those covenants and restrictions to our next meeting.

Bechen – are there any issues with shared driveways? Krause – what we like to see is the agreements relating to it. Bechen – if you look at the building envelopes they're quite close to the curve on CTH J, which affects what can be seen by drivers and those coming in/out of this shared driveway, so this adds to this dangerous area. Krause – the county may decide to lower the speed limit in this area due to new development density.

3. Certified Survey Map to create a 0.25-acre outlot, a 0.08-acre outlot, and a 0.11-acre outlot from current .44-acre Parcel 11022-293.OL1 located on CTH V (Okee), owned by Larry & Mary Kay Fry:

Krause – I’ve been talking to the county about this outlot for 4-5 years, since before Roger Wetzel sold it to the Fry’s. It’s a thin narrow water-front parcel that if it wasn’t on the water it wouldn’t be worth anything and it’s totally unbuildable. Larry Fry – Outlot 1 would go to John & Jackie Singer, who own property across CTH V, Outlot 2 would go to Tim Escher, who owns property across CTH V, and Outlot 3 would stay with us. Krause – what we’ve done in the past we’ve tied those outlots to the parcels they’re going to be used by so that they can’t be sold separately from the main parcels. Larry – John Bluemke of CCP&Z (Columbia County Planning & Zoning Dept.) has told us they want them too, and we have no problem with that. Grothman – that is a legal document, and what needs to be done is a deed restriction should be put on the outlots that they have to stay with the properties that they are going to be used by. Krause – there is some amount of risk and the other property owners who’d own outlots in that there is uncertainty with the county’s plans for CTH V. You could end up losing your outlot if the county decides it needs it to widen CTH V to a legal width. Krause – the discussion from before the Fry’s purchased it was whether that outlot was even sellable because it’s non-conforming parcel. But it was allowed to be sold because it can stay an outlot until such time as the county changes that, if it does. Grothman – when I was originally contacted by Chris Hardy of the CCHD (Commissioner - Columbia County Highway Department) and John Bluemke several years ago, because the county was looking at obtaining additional road right-of-way. At that time, they said that stairs would be allowed to be built on this outlot, and the county was going to obtain the outlot and still allow the stairs. Larry – we were going to dedicate a strip of this outlot to the county for highway right-of-way in exchange for the county allowing us to continue to use the outlot. But when it came down to it the county wouldn’t agree to that in a legal document. Krause – so John B contacted me about this, and we discussed tying the 3 outlots to 3 particular parcels. And with a legally binding document the risk to the Fry’s, Escher’s and Singers remains. Fry – you state the county could restrict our access. The county road right-of-way doesn’t consist of the entire outlot, there is outlot still beyond the county road right-of-way. Krause – but if the county changes the roadbed itself towards the water, then the road right-of-way would end up being all of the land in this/these outlots. Fry – the consensus, when I last talked to Chris Hardy of CCHD, is that if they change the CTH V roadbed it won’t be towards the water because there are already driveways to homes on that side that are all or mostly all in the road right-of-way. Marx – when I talked to Hardy last week is that in 2017 the county will rebuild CTH V from Rapp/Summerville to Shamrock, so it doesn’t include the area this outlot is in. Pfister – did you (Fry) say that this property could be sold to someone other than the 3 owners that are across the road. Fry – the wording Bluemke said we should have would limit to selling any of the 3 outlots to only those 3 across-the-road parcel owners, but possibly could also be sold to the property owners adjacent to the outlots on the same side of the road. Bechen – so Escher Outlot 1 could be sold to Roger & Donna Wetzel, does that mean Wetzel could divide that outlot into 2 smaller outlots? Krause – not without coming before the Plan Commission & Town Board and getting approval. Grothman – piers and easements no longer work, and state law has changed to acknowledge that. It used to be an owner could grant an easement allowing others to use his waterfront. But with current law those easements for piers are no longer allowed. Piers with easements prior to the law change are grandfathered in, but not newer piers. Robbins – are there any limits to how many piers could be on each outlot? Grothman – the DNR regulates how many slips you can have per each 50’ of waterfront. Fry – by getting approval of these 3 outlots the town is gaining more control to the # of boat slips can be on this property. If the 1 current outlot was sold to just someone who wanted it, that person could put in 8 boat slips and rent them out. Pfister – not delighted with this, but it’s life. Krause – the town attorney stated (emailed dated 06/13/16 @ 4:11 PM): *“This is an odd one, to say the least – converting one undevelopable lot into three undevelopable lots. The stairs already there are curious. It seems like the Frys already are allowing (leasing?) lake access points to property owners who don’t have any, and now has a plan to sell these mini-outlots to the other owners. I’ve seen similar stuff in ancient plats from around Lake Mendota and Lake Waubesa – that is, subdivisions not abutting on the lake with lots of 10 foot wide lots abutting on the lake so people have access, though of dubious value. I think some serious inquiries are required. Having said that, without checking, I don’t see any particular concerns with this. Surely won’t need any covenants to tell any buyers they can’t build there. I do wonder whether*

this wouldn't be a perfect time for Columbia County to insist on the dedication of this part of CTH V. After all, the paved surface occupies a significant portion of the lots, and it would be more helpful to be conveying only the lands outside of the highway easement." Marx – if we did as the attorney suggested, only convey the portion of the land outside of the county road right-of-way, what happens if the roadbed changes towards the water? Krause – I've been talking for years with the owners about what could and should be done with this outlot. If you tie the outlots to lots across the road on CTH V you are making sure there'd be no vehicles/trailers parked in that narrow area because the owners would be right across the road. Atty. Bechler has always said we shouldn't approve a CSM with conditions. The applicant can just file the CSM with the conditions on it and it's not enforceable. What we can do is approve the CSM with covenants or restrictions on the outlots. Grothman – a separate legal document that would go in perpetuity with the properties each outlot is tied to. Pfister – I'd tie the 3 outlots to the 3 parcels stated above/across CTH V from each, but not allow any of them to be sold to either of the adjacent property owners. Krause – we need to see the language from you (Fry, Grothman...) before we can approve the CSM. If we'd approve it tonight with conditions, then you'd have to come back again anyway. Fry – I thought the legal document would be right on the survey? Grothman – what I have routinely done is file a covenant with the CSM at the same time so that they are filed together and follow together in the future. What if we condition the approval of the CSM with the agreement that the town attorney approve the conditions before it goes to the Town Board for action? Krause – the next Town Board meeting is June 28th, so there is a time limit to get all those done. Grothman – if it can be done by the 28th then we'd appear before the board then. If not, then it'd go before the Town Board at the July meeting. Pfister – I don't like pre-approvals. Krause – Pfister and Martindale have stated they'd like to be able to review the legal document before they approve the CSM. Marx – the information for the board meeting has to be received by the Clerk by the Thursday before the meeting, which this month would be June 23rd so that it can go out to the board members Friday morning, June 24th. Fry – I think John B. just wants to see that the 3 outlots are tied in perpetuity to the 3 lots across the street. Krause – I agree that I don't like to approve things piecemeal, it's best to approve it when everything is complete. Marx – what are the problems with approving it contingent upon approval by the town attorney before the board receives it? Krause – because this is not how the Plan Commission likes to do things. Mary Kay – but if the town attorney approves something can the Plan Commission not approve it? Robbins – I've disagreed with the attorney in the past. Fry – are we in agreement that we tie the 3 outlots to the 3 parcels across the road from each, and that we come back with completed documentation. Marx – is there any negative impact on those 3 property owners if this doesn't make it before the town board until the July meeting? Fry – we've waited 2 years, and of course we'd like to finally wrap it up, but we can wait another month. Bechen – and after you go to the Plan Commission and the Town Board, you go to the county and they are the final decision.

Bechen/Pfister motion to table this until our next Plan Commission meeting contingent upon the applicants providing us covenant language; MC 6-0.

Grothman – can we include in the covenant that one of the outlot owners can sell their outlot to an adjacent owner upon review and approval of the Town Board? Krause – I'm not sure we have jurisdiction on covenants in our ordinances. Why encumber the CSM, if the 3 current owners are happy tying a particular outlot to each their 3 parcels, then that's ok for now. If they want to change that in the future it'd have to come back to the town. Just get the wording to us, our attorney, myself, and then come back before us at our next meeting.

4. Minutes of April 6, 2016 meeting: *Bechen/Martindale motion to approve as prepared/presented; MC 5-0-1 (Pfister abstained, not present at that meeting).*

5. Next meeting date: Most likely will be the 3rd Thursday in July, which would be July 21st.

Krause – the Town Board approved the transfer of monies (Goeske: from the Undesignated Fund to the 2016 budget) for legal and engineering expenses to update the town’s very outdated Code of Ordinances. Pfister – and we need to review and make sure there’s nothing missed.

Pfister – where will our zoning enforcement be from? Krause – we currently are under Columbia County Zoning ordinance jurisdiction. Pfister – but there was talk at an annual meeting of the town taking over its own zoning enforcement. Krause – all I’m saying is that our ordinances are out-of-date with the County Zoning ordinances that we adopted, and need to be updated, which we will have review authority over. Enforcement of zoning ordinances is another issue that we can talk to the county about the issue why they’re not enforcing many possible violations.

The final plat for Pleasant Valley (Ness) Plat came in today. Mike Ryan has talked to me about putting a single family home on land he has that is zoned Commercial, changing it to Ag so that he could build his own single-family home and still operate his business from the property. Havens may be back with a re-request for their property that has been denied in the past. And Zeman will be coming in with a proposal relating to the property he recently purchased just down from the town hall.

6. Adjourn: *Bechen/Robbins motion to adjourn at 7:30 p.m.; MC 6-0.*

April D. Goeske
Clerk-Treasurer