

**TOWN OF LODI  
PLAN COMMISSION MEETING MINUTES  
MARCH 13, 2018**

**1. Call to order & roll call:**

Meeting called to order at 6 p.m. by Chairman Krause. 5 Commission members present: Kris Krause, Terry Martindale, James Bechen, Tom Marx, Robert Robbins. 2 Absent: Jack Pfister, James Matras. Town Staff present: Atty. Lawrence Bechler, Engineer Dan Schrum, Engineer Katie MacDonald. Also present: Buyers Steve Schilz, Dianne Boedeker (agenda item #2); Representative James Rawson, Buyer Bill Sellner (agenda item #3).

**2. Parcel 11022-201 - Variance to Columbia County Ordinance 16-110-030 (2) Road Setbacks to build a new home and attached garage 22.5' from right-of-way and 37.5' from centerline of Demyneck. Located in Section 5, Town 10N, Range 8E @ W11515 Demyneck Road; owned by William J. & Jacqueline E. Hering II, 9010 E. Cooper St., Tucson, AZ (POA Constance J. Lindholm; Buyer Steve Schilz):**

Schilz - the way we understand it the 75' setback from the water is non-negotiable. So meeting that setback with the building plans we have we ended up not within compliance with the road setback. Atty. Bechler – the law changed in WI about 10 years ago. Prior to that if your property was not in compliance with current setbacks there was nothing much you could do. But under newer law you can build a new home if it's built in exactly the same footprint as the previous home that was destroyed in whatever way it was. But Schilz's plans do not put the home in the same exact footprint. His current plans actually puts the new home further from the road setback and further from the lake than the previous home was, but still requiring a variance to the road setback. Robbins – how does the 22.5' setback for the new garage compare to the neighbors garage setback? The new house/garage will have comparable road setback to others in this area, many of whom have variances to the road setback also. Marx – I would rather see a variance to the road setback than a variance to the water setback. Krause – I agree with Marx. This is comparable to many others in this neighborhood. Bechen – will you (Schilz) be doing any shoreline modifications? Schilz – I was thinking of improving what's there, do I need permits? Krause/Bechler – yes, from the WI DNR.

*Marx/Bechen motion to approve Variance to Columbia County Ordinance 16-110-030 (2) Road Setbacks to build a new home and attached garage 22.5' from right-of-way and 37.5' from centerline of Demyneck; MC 5-0.*

Next step: Lodi Town Board on Tuesday, March 27<sup>th</sup> @ 6 p.m.

**3. Parcel 11022-661 - Certified Survey Map splitting Parcel 11022-661 into 2 parcels, Lot 1 being 39.29 acres and Lot 2 being 26.64 acres. Located in Section 33, Town 10N, Range 8E @ N681 County Road Y; owned by JoEllen Snavelly Revocable Trust Agreement date 1/6/00; c/o James Rawson:**

Rawson – the Snavelly's are only interested at this time in selling the 39.29-acre Lot 1 to Bill Sellner, no other plans regarding the adjacent additional acreage the Snavelly Trust owns (). The home on the 40 acres being sold is in marginal condition. Schrum – in my review the one thing that stood out was that there are some wetlands shown on the WI DNR website in Lot 2, and whether they should be shown on the CSM. Krause – currently the home is on Lot 1 and is zoned Ag-1, as is Lot 2. Sellner – I'm buying this 40 acres to have a little more acres for farming for my family, plus I'm president of the FFA; we may have a few test plots on the land for that. My Dad rented the home for many years, so we want to buy for family remembrance. Bechler – as long as the land remains

Ag-1 there's no need to show the wetlands on the property. But if they should come back to have any of it rezoned Ag-2 then that'd be the time to ask for the wetlands to be shown on the CSM they'd have to revise. Schrum – with the changes in the wetlands on properties in this area any wetlands shown now may not be the same at the time a rezone is requested. Bechler – the Snaveley's have enough land they could still split off more lots. But the Town would have review of that also.

*Bechen/Robbins motion to approve the Certified Survey Map (Grothman & Associates S.C. File/Project/Drawing No. 1217-700 Drafted by T. Kasper) as presented; MC 5-0.*

Next step: Lodi Town Board on March 27<sup>th</sup> @ 6 p.m.

#### **4. Ordinance 2018-02: An Ordinance to Update and Modernize the Lodi Erosion Control Ordinance:**

MacDonald – the changes recommended in the draft you have before you are the bare minimum to comply with changes in the laws since Section 11.15 Storm Water Management was created. Bechler – when I started as Attorney for the Town of Lodi in 1988 the Town had no erosion control ordinance. The Town Chairman at that time said we need one and we need one now. So I took one from another municipality I work for, edited it for the Town, and it was adopted quickly. What you have before you tonight started with work done by previous Town Engineer John Lichtenheld, and has been worked on by Schrum, MacDonald and myself to-date to bring it up to minimum compliance with current laws. MacDonald – in general the Erosion Control Ordinance is for while building is occurring, the Storm Water Management ordinance (Ordinance 2018-03 below) starts once the building is done. Marx – should where it says Lodi Municipal Code throughout this ordinance should it say instead Town of Lodi Municipal Code. Bechler – this is always the way it's been, since action is taken by the Town Board. But I can change it if you wish. Marx – no, that's not necessary. Bechen – I'd had Goeske ask Bechler that question recently, and I was satisfied with Bechler's answer.

Krause – we learn about the importance of an ordinance when we're reviewing an application and find out what review authority we do and do not have. Bechler – MacDonald is correct that erosion control is basically cookie cutter. You build, you control the erosion while building, and then when you're done the erosion control ends. That's when the Storm Water Management needs to kick in.

Marx – I'd like to see the ordinances so that they make key points clear to the reader. Schrum – the ordinances have to conform to what has, is and will happen in the Town. MacDonald – if you don't want builders to have to apply for an Erosion Control Permit for properties less than 1 acre, that's up to you. Krause – the Plan Commission has historically not dealt with Storm Water Management issues. Bechen – how would this new updated ordinance affect a development such as Ness' Pleasant Valley. Bechler – when you're building the after-the-building-is-done Storm Water Management Plan should already be done.

Goeske – on the several erosion and runoff issues the Town has sent you to have you find that the town's current Erosion Control Ordinance doesn't give you enough "teeth" to be able to do anything about the issue? MacDonald – yes, if this proposed ordinance had been in effect we could have done more.

MacDonald – the first few pages are just definitions and nothing much changed there. Page 10 has several yellow-highlighted areas to insert how many business days certain items must be addressed/or completed. Krause – we might want to add at (3)(F) for Preliminary Plats, which would require longer periods.

## **5. Ordinance 2018-03: An Ordinance to Update and Modernize the Lodi Storm Water Management Ordinance:**

MacDonald – the State of WI only does a Storm Water Management Plan review of developments > than 1 acre.  
Marx – we shouldn't adopt an ordinance that is less restrictive than the State of WI or Columbia County.  
MacDonald – the person at CCP&Z stated they don't want town's adopting Storm Water Management Ordinances that are more restrictive than the County's, because then it comes to who is responsible for enforcement. I've reviewed the Storm Water Management ordinances of surrounding town's and found that most of them have ordinances that are stricter than the County's.  
Krause – are there items in this Ordinance 2018-03 that are more restrictive than the County's? MacDonald – no. There are a few items missing from this draft that should be added.  
Bechler – this draft meets the statewide minimum requirements. MacDonald – we can make sure our ordinances is in compliance with the County's. On page 10 it starts talking about Technical Standards.

You could ask for Storm Water Management Plan if you're creating \_\_\_% of impervious surfaces. Another thing related to Storm Water Management is asking that the owner install a device to treat the runoff, and a Maintenance Agreement is recorded with the deed.

Krause – one thing we might want to do is talk to John Lichtenheld and ask if there's anything he might want to add to this ordinance based on his 10+ year knowledge with the Town of Lodi.

Marx – we might want to insert footnotes the County's standards into these ordinances, and find out why some municipalities have applied stricter regulations.

Schrum – page 22 and 23 has some more yellow-highlighted boxes for insertion of days, plus on page 25, and page 26 (insert).

Bechler – just realize that Storm Water Management is full of technical and legal jargon, and isn't meant to be understood by the lay person.

Bechler – at the point of time when you have these ordinances ready, you should have a public hearing (Class 1 or Class 2 notice) probably before the Plan Commission. Do not go straight to the Town Board and bypass the chance for the public to give input.

Bechen – I have issue with us having anything in these 2 ordinances that is stricter than Columbia County's ordinances because then we become liable for enforcing it and litigation relating to our stricture standards.

Marx – but what the County has are just general ordinances, which may not be as strict as some towns may need due to the amount of water frontage, slopes, etc. If we're not going to have anything in our ordinances different than the County's then why have our own ordinance?

Krause (to Bechler) – are there instances where town's have adopted the County's ordinances and not had their own on these 2 subjects? Bechler – not that I know of. Every area has it's own unique issues that sometimes make it necessary for a town to adopt ordinances that are stricter than the County's.  
Bechen – I'm in favor of making changes to our ordinances as long as it is for the good of the town.

Krause – Ayres will get more information and bring this back to us.

*Bechen/Robbins motion to table Ordinances 2018-02 & 2018-03 for further discussion; MC 5-0.*

**6. Minutes of December 7, 2017 and February 8, 2018 meetings:**

*Marx/Martindale motion to approve 12/07/17 minutes as presented; MC 5-0.*

*Bechen/Marx motion to approve 02/08/18 minutes with Krause edits; MC 3-0-2 (Robbins & Bechen abstained as they were not present at the 02/08/18 meeting; but per Atty. Bechler this motion still carries as the 2 abstentions are counted as positive votes).*

**7. Next meeting date:** Tuesday, April 10th @ 6:00 p.m.

**8. Adjourn:** *Bechen/Robbins motion to adjourn at 8:22 p.m.; MC 5-0.*

*April D. Goeske*  
Clerk-Treasurer