

**TOWN OF LODI  
PLAN COMMISSION MEETING MINUTES  
MAY 8, 2018**

**1. Call to order & roll call: Plan Commission members present:** Tom Marx (acting as Chairman), James Bechen, James Layne, Robert Robbins, Terry Martindale, Jack Pfister. Absent: Kris Krause. Also present: Town Attorney Lawrence Bechler, Town Engineer Katie MacDonald, Scott Hewitt (Grothman Surveying), Vernon & Joni Greiber, Roberta Arnold.

**2. Certified Survey Map to divide 1.04-acre Parcel 11022-267.03\* dividing into 2 parcels, 0.31-acre Lot 1 with cottage and 0.73-acre Lot 2 with home, and Variance to request a waiver of access to allow the proposed lots to have indirect access to CTH V over an existing joint driveway agreement and easement. Located in Section 8 @ W11517 & W11527 County Road V. Owned by Tony Gallagher:**

Marx – the 05/04/18 Staff Report’s (see Attachment A at end of these minutes) recommendations have to be met before the Town Board will take action on the CSM and Variance. Hewitt – we’ve identified that the garage on the cottage lot does not encroach across the shared lot line between it and Roger/Donna Wetzel. Pfister – I visited the site and saw no stakes/markings so could not tell if the garage encroaches on that lot line. Hewitt – I have shown on the revised CSM that the garage is 3/10ths of a foot from that lot line. The assessment records show this building was built back in 1966. Bechler – it just seems an odd place to put the lot line now with the building so close to the lot line. Hewitt – this is not a new lot line, it’s been in this location for many, many years. All the properties currently owned by Gallagher, Roger & Donna Wetzel, Martin & Mary Wetzel used to be 1 large lot. In 1965 the Wetzel’s divided the parcel into several lots, still all owned by Wetzel’s (including Virgil & Wanda Wetzel, former owners of what Gallagher has purchased), before there were any ordinances regarding how far buildings had to be from shared lot lines. Bechler – when it was only various Wetzel family members always owning these lots there weren’t issues, but now that there are non-family members owning these 2 lots it is important to make sure all documents, etc. are cleared. Marx – the correct ordinance should be WSS 236.34, not 236(3)(4)(5) stated in the Staff Report. Bechler – the other thing that bothers me is that these 2 lots are going to share a driveway off the current shared driveway that there is an agreement for these 2 properties and all the other lots in this area. Hewitt – we understand we have to either extend the current shared driveway agreement to include this shared driveway, or a separate shared driveway agreement for just these shared driveway to these 2 lots; and also a shared well agreement for these 2 lots.

Bechen – I think the owner needs to give us an extension to the 60-days to take action on a CSM and Variance, since they filed on April 14<sup>th</sup>. Goeske – they didn’t pay the fees until April 25<sup>th</sup>, so the application wasn’t complete until the fees were received.

Pfister – I have concerns about the grades on these 2 parcels, and future development. The cottage is a disaster. Hewitt – they don’t intend to tear down the cottage, they plan on fixing it up. I’ve talked to CCP&Z staff and they state that Gallagher is dividing this property properly so that each is a single-family residence on its own lot.

Bechler – do we have any other places where there are 6 separate properties sharing a driveway? Goeske – no. But I don’t know if our ordinance limits how many on a shared driveway. Currently there are 4 homes that are/would be using this shared driveway (Roger/Donna Wetzel rental home, Gallagher home, Gallagher cottage, and Roger/Donna Wetzel home; Martin/Kay Wetzel don’t use this as their driveway, they have their own separate driveway coming off of CTH V next to the Mr. Zip’s store). Hewitt – these properties have been using this shared driveway for many, many years, we’re not asking for anything more than what already is.

Robbins – we went over these issues when we discussed the Virgil/Wanda Wetzel CSM last year relating to these properties. The driveway's not ideal, but it's existed for many years and been used by 4+ families all that time.

Marx – if we approve this CSM with a narrow shared driveway serving 4 homes does the town have any liability if emergency vehicles can't get to any of them. Bechler – not likely, that'd be pretty far fetched. Goeske – I know that emergency vehicles have been up to all these homes; they're able to turn around with the "Y" that is created between Roger/Donna Wetzel's driveway and the now-Gallagher driveway.

Robbins – I think an extension to the 60 days is a good idea.

Bechen/Pfister motion to table this until the June Plan Commission meeting so that Gallagher/attorney/surveyor can come back with ALL documents finalized and ready for review, including but not limited to: joint driveway agreement for this 2-shared driveway, proof of sewer access, shared well agreement, showing whether the roof overhang of the garage on the cottage lot hangs over the lot line; MC 6-0.

**3. Rezone of 0.6-acre Parcel 11022-294\* from C-2 General Commercial to R-1 Residential for construction of new home. Located in Section 8, located at what was W11641 CTH V. Owned by Vernon & Joni Greiber:**

Marx – I understand that the 2009 Comprehensive Plan Map shows, somehow, that the 2 parcels now owned by the Greibers got changed from R-1 Residential to Institutional and C-2 Commercial to Institutional. Vernon

Arnold – the Greibers have owned the parcel 11022-1532 on the water for 20+ years which was zoned R-1 when they bought it, and somehow for some reason was changed to Institutional/Public with the adoption of the 2009 Comprehensive Plan Map. Then in 2011 the Greibers bought parcel 11022-294 which was believed to be zoned C-2. But it too had been changed to Institutional/Public with the adoption of the 2009 Comprehensive Plan Map; and then the Town amended the Comprehensive Plan in 2017 to make that parcel 11022-294 zoned C-2. BUT, the County didn't do the amendments (Town of Lodi Plan Commission Resolution 2017-01 and Town Board Resolution 2017-03) to the Comprehensive Plan in 2017, so they're requiring the Greibers to go by the 2009 Comprehensive Plan Map, and therefore go through 2 rezones (at the County level) of Parcel 294, the first from Institutional/Public back to the original zoning of C-2 Commercial, and then the C-2 Commercial to R-1 Residential.

Bechler – if a City or Village amends their Comp Plan it is done. But when a Town amends their Comp Plan the County has to take action on those amendments and decide whether they like it or not and whether to approve the changes or not. It seems that most counties still believe they have supreme approval over Town Comp Plans. What the County is doing is an miscarriage of justice to the Town (and the Greibers), and it depends upon how much we want to fight the County. Bechen – we have a letter from the Randy Thompson stating that if the Town approves the rezone of Parcel 294 to R-1 then they can approve our 2017 Comp Plan amendments and the rezone at one meeting.

Marx – do we have to take any action if the 2017 amendment to the Comp Plan shows that the town changed it from Institutional to R-1 Single Family Residential at that time? And therefore, should they have to pay a fee to the Town? Bechler – no, the Town already rezoned it to R-1 in 2017 with the Comp Plan amendment.

*Bechen/Robbins motion to refund the \$300 rezone fee paid by Greibers; MC 6-0.*

Marx – I will have Atty. Bechler draft a letter to the County regarding the fact that both Parcel 1532 and Parcel 294 owned by Greiber's were changed from Institutional to R-1 back in May 2017. Will CC: to Greiber's.

**4. Ordinance 2018-02 "An Ordinance to Update and Modernize the Lodi Erosion Control Ordinance":** MacDonald – the Town has an existing Erosion and Stormwater Control Ordinance, with no longer complies with State and County ordinances. In working with Atty. Bechler it was asked if we could come up with a comparison chart comparing our ordinance with neighboring towns, villages, cities and the county.

*Note: Clerk out of room making correct copies of red-line version of Ordinance 2018-02 and 2018-03.*

Marx – whether we’re working with 15%, 20%, etc... slope are we going to have an Engineer determine these slopes exactly? Pfister – do we care how fast storm water is running off a property – of course yes. Bechler – remember that Storm Water Management and Storm Water Control are different. Pfister – what are we going to do with the slopes? MacDonald – we’re going to make both ordinances state 15% for consistency. (Page 8).  
Minimization of \_\_\_\_\_ (bottom of page 8, item 3) 27C3

MacDonald – when it comes to single family homes it falls under State Building Codes, so these 2 ordinances don’t pertain to single family homes, the slope is covered under building codes.

Robbins – (to MacDonald) – after putting the Comparison Chart together do you see any glaring things that need addressing. Just have to make sure

Bechen – something I brought up previously is that when a developer has a development that includes a retention pond or ponds, we need to make sure that the Town doesn’t end up paying for these ponds to be cleaned up. An example is the 2 retention ponds for Arbor Valley are owned by the Town and there is no provision to rebill the property owners on Arbor Valley for the cost. Goeske – but when Pleasant Valley was approved there is an agreement that says the Town can rebill the property owners on that road for the costs to dredge the pond. Bechen – that’s what needs to be in this ordinance. Bechler – it would be in next Storm Water Management ordinance. Bechen – why. Bechler – Storm Water Management is permanent, as are the ponds. Storm Water Management IS affected by Erosion Control, but the ponds fall under Storm Water Management.

Pfister – I don’t see anything that says the developer “must” or “shall” regarding surety bonds included in these ordinances, it only says “may” and that’s not strong enough. MacDonald – is a surety bond what you want? I believe you did for the Pleasant Valley Plat. Marx – outside of the public improvements, can there be a surety bond required for other items the town may require? Bechler – yes. MacDonald – the ordinance does say the town has the option of doing the work to bring the development up to standard and charge a special assessment to the property owners in the development. Bechen – so we leave the current wording at “may” require rather than “shall require” (on page 10, item 4).

Pfister - another thing in your Maximum Extent Practical it says it “may” appeal, again not strong enough. It doesn’t say who appeals, who hears the appeal (the Town Board, the Plan Commission, ???...). Bechler – with appeals it always says “may” appeal. Pfister – but it doesn’t say who they appeal to and who hears the appeal. I believe it does give steps in appealing in the ordinances.

MacDonald – after putting together the comparison chart I find that your current Erosion Control Ordinance is pretty close to the same as adjacent municipalities.

Pfister – is the 20 days for review of an Erosion Control plan, in this Ordinance 2018-02, reasonable? MacDonald - your current ordinance gives about 2 months for the review to be done. 20 days is pretty standard.

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

MacDonald – Storm Water Management has a lot more nuance to it. Your current ordinance does not comply with State or County minimum standards. The State kicks in at 1 acre of disturbance, the County kicks in at 1 acre or 20% slopes. This includes detention ponds, storm sewers, swales, rain gardens, etc... Ordinance 2018-03 takes information from the State's ordinance and the County's ordinance; this Ordinance is pretty much rewritten because your current ordinance is so far out of sync with required standards. The question is what is the minimum you want your ordinance to kick in.

Bechen – an acre is a lot of land to set the start-up for Storm Water Management on. I think that we should lower that to 22,000 sq.ft. (around ½ acre). Pfister – I think for small lots we use a percentage, on larger lots base it on amount of impervious surface. Marx – 22,000 sq.ft. on a lot 1-acre and above? Robbins – I like less than 1 acre disturbance and greater than 30% impervious surface (as in the Town of Dekorra). Marx – is everyone ok with that? MacDonald – so you want something similar to the Town of Dekorra on the comparison charge with 22,000 sq.ft. of impervious surface.. and 30% impervious surface for lots less than 1 acre.

Goeske – with the slope issues for the 3 currently proposed plats would they fall under our current ordinance or a new one? Bechler – with the slope issues on these they'd fall under either one, old or new.

MacDonald – Pages 4-8 (c) Definitions: Pfister – are you satisfied with the rainfall average set by Madison? MacDonald – the State has 4 areas that it uses for averages, and Madison is the closest to Lodi. MacDonald – State Standard for “infill” and large cities have less regulation of infill. Do you want to include “infill” in your ordinance? Marx – you're suggesting we eliminate this definition? MacDonald – yes, I don't think it applies to the Town of Lodi.

Marx – how long do you (MacDonald) do you feel we need to completely review these ordinances, to carry to another meeting? MacDonald – there's still a lot of work that needs to be done on these ordinances before they are ready to final approval.

Bechen – (to Bechler) – is it possible that we put a moratorium on approving any plats until we have these 2 ordinances finalized and adopted. Bechler – if we do, it should be a short moratorium such as 90 days, it can be done as a Town Ordinance. *Special Town Board Meeting, Monday, May 14<sup>th</sup> @ 6:00 p.m.*

Marx - Page 6 (8) Maximum Extent Practicable ... add “MEP” to that.

MacDonald – Page 8 (46) Redevelopment – removing.

Pfister – Page 10 (f) Applicability of Maximum Extent Practicable: the comparison chart says “may”. Bechen – the definition on Page 10 says “shall”.

MacDonald – Page 11: Infill Development and Redevelopment will be removed from Table 1. TSS Reduction Standards. Also on that Table 1 – TSS reduction is 80%, which is fine filtration, but you can go more strict. Going to 85% is difficult when it comes to design.

MacDonald – Page 11 (B) Peak Discharge: when it comes to large storms you don't control the volume you control the rate. Our existing ordinance says the peak rate of runoff will not be greater than what would have run off the site in its natural state, which is pretty strict wording. The Town has to maintain the BMP rates for the 1

year/24 hour, 2 year/24 hour and 10 year/24-hour event. Bechen – I’m fine with that. Pfister and Robbins – fine also.

Start with Page 12 on next meeting.

6. **Minutes of April 10, 2018 meeting:** Pfister/Bechen motion to table until next meeting so Krause can review/edit; MC 6-0.

7. **Next meeting date is Tuesday, June 12, 2018 @ 6:00 p.m.** Goeske – this is the same date as Special Election for Assembly District 42; if PC meeting still held on this date will have to use Conference Room or Okee School. Concensus – will hold the meeting at the school.

8. **Adjourn:** Bechen/Pfister motion to adjourn at 8:40 p.m.; MC 6-0.

April D. Goeske  
Clerk-Treasurer

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**ATTACHMENT A**

**STAFF REPORT**

5/4/2018

Municipality: Town of Lodi, WI  
Staff Contact: Town of Lodi Plan Commission  
Applicant: Tony (Thomas) and Amy Gallagher  
Application: CSM and variance application received on 4/25/2018; CSM dated 4/14/2018

**Background**

The purpose of this CSM is to divide the existing 1.04-acre parcel 11022-267-03 into two parcels in the Town of Lodi. Proposed Lot 1 would be a 0.73-acre lot with an existing home and proposed Lot 2 would be a 0.31-acre lot with an existing cottage.

The purpose of the variance is to request a waiver of access to allow for the proposed Lots to have indirect access to CTH V over an existing joint driveway agreement and easement. This request must adhere to Town Ordinance 10.12.

These parcels, located in the Town of Lodi with access from CTH V, are currently zoned R-1 (Single-Family Residence) and identified for future land use as single-family residential in the town’s Comprehensive Plan. An existing access and utility easement provides access to these proposed Lots. These proposed Lots are located within the Okee Sanitary District, which provides public sanitary service to properties within the district. A 23’ wide permanent sewer easement runs adjacent to the existing access and utility easement on the east side of the existing asphalt driveway but appears to end at proposed Lot 1.

## **Recommendation**

The Town Attorney, Lawrence E. Bechler, and the Town Engineer, Ayres Associates, have reviewed the rezone and CSM application received on 4/25/2018. It is our recommendation that the Town Plan Commission motion to recommend a deferred effective date for Town Board approval of this CSM and variance with the following conditions:

### **CSM**

- 1) Supply a separate joint driveway agreement between the owners of Lot 1 and Lot 2 of this CSM.
- 2) Supply a joint well agreement to permit the owner of proposed Lot 2 to connect to proposed Lot 1's well.
- 3) The "garage" on proposed Lot 2 encroaches on the Roger & Donna Wetzel parcel. The lot line should either be moved so there is no encroachment or the granting of an express easement by the Wetzel's to allow the encroachment to continue should be supplied.
- 4) Proposed Lot 2 includes an existing cabin. If this cabin is to be permitted as a year-round home, the extension of the sewer and existing sewer easement may be required.
- 5) The final CSM shall be fully compliant with Chapter 236.345, Wis. Stats., Columbia County Land Division and Subdivision Ordinance and the Town of Lodi Ordinance.

### **Variance**

- 1) Responses to the following questions:
  - How many separate lots are now being served by this joint driveway?
  - Who has what rights and obligations?
  - When do the number of users of a joint driveway necessitate improving the joint driveway to handle a larger amount of traffic?