

## **Buffalo County Minutes**

**Committee/Board:** Zoning Committee

**Date of Meeting:** May 10, 2018

**Electronic and Hardcopy Filing Date:** May 16, 2018

The meeting was called to order at 10:00 a.m. by Bernard Brunkow, acting Chairperson. Role call was taken, Bernard Brunkow, David Danzinger, Max Weiss, Dennis Bork, Michael Taylor were present.

Others present for all or part of the public meeting include Mike Owecke, Zoning Administrator, Keith Bollinger, Zoning Specialist, Julie Lindstrom, Administrative Assistant in the Zoning Department, Sonya Hansen, County Administrative Coordinator was there for all or part of the meeting. Jeanne Franz signed in and was there for all or part of the meeting. Others may have been there that did not sign in.

Minutes are summarized as follows:

**Public Comments Relating to the Agenda:** Jeanne Franz, resident, Town of Waumandee expressed concerns of the new committee member, stating that she believes that she has background information that Mr. Bork does not believe in Zoning regulation and that is what this committee is all about. She stated that she knows Mr. Bork held “background” meetings prior to elections where he spread inaccuracies about language in the proposed Zoning Ordinance. Ms. Franz continued by saying that she attended her Town Annual Meeting and met her chairman, Rick Reuter, where Mr. Reuter stated that Towns of Glencoe, Montana and Waumandee were all planning not to adopt the new county Comprehensive Zoning Ordinance after it is approved by the County Board; they would prefer to have no local regulation. In talking with a Town of Glencoe Supervisor, Ms. Franz was told by this supervisor that Mr. Bork was heading this up and is really pushing Glencoe and Waumandee Towns to join Montana Town and not be part of county wide zoning. Ms. Franz stated that if a person does not believe in local zoning regulation, why would they want to be on the Zoning Committee; this committee is to advise the county board on zoning in a matter that is consistent to our Comprehensive Land Use Plan and that is what is in the best interest of the whole county and not just one person. Ms. Franz ended by saying that it is unethical and it is not someone she would want to represent her as a county board supervisor; if Mr. Bork chooses to remain on the committee, she would encourage the rest of the committee to not elect him as chair or vice chair of the committee.

Mr. Brunkow commented that we are going to look at the Comprehensive Zoning Ordinance revision again and do some more work on the ordinance; no major changes; we have made several changes already, but he thought there should be more talk with the Towns, so we are not going to jump into this.

Ms. Franz commented that the people in Buffalo County look up to and get advice from County and Town Board members, so when we get answers from them, we expect them to be true.

Mr. Brunkow stated that he has spoken with the new County Board Chairperson at length and there are some things that they want to address and his thinking is there are other people in agreement that we are not going to hurry. Mr. Brunkow continued by saying that the ordinance from 1965 needs to have something done with it, it is not usable and stated that he thinks that when the new ordinance is approved by the County Board those three townships will be on board.

Ms. Franz commented that she does not want to live in a Township with no zoning. Mr. Brunkow indicated that he did not want to live without zoning either. Mr. Brunkow continued by saying that he believes the comprehensive zoning ordinance revision is a well written document, zoning committee has made a lot of changes he thinks the committee is moving in the right direction. Mr. Bork responded by saying that he does not know where Ms. Franz gets her information; she has the right to speak; Mr. Bork stated that he did not believe a lot of it was true. Mr. Brunkow explained that in recent dates, last couple months people would come to his home with questions regarding the ordinance change and he would take time to explain parts of the language in the ordinance where people did not have a clear understanding. Mr. Bork commented that he is being personally attacked and continued by saying that most of this is rumors and he was not going to get into discussing rumors. Mr. Weiss stated there are a lot of concerns with people where he lives by Gilmanton and Dover and the biggest thing he hears about the zoning ordinance is there should be a little more work done on it; a lot of Town members feel it is rushed through; no one knows the whole story yet and there has been a little mis-communication with all the parties involved and that to me has to be addressed. Some people are feeling this has been rammed down their throats and they have no say. Mr. Brunkow stated that is the reason he spoke with Ms. McMillan-Uhrell about this at length; we don't want to rush. Mr. Taylor stated that in defense of the Zoning Committee, we have worked on this document for over a year; yes we can find (was unable to understand from the audio what Mr. Taylor said at this time), but we have worked very, very hard.

Mr. Owecke stated we are going on 3 years of work with the Zoning Ordinance Revision. Mr. Owecke continued by saying that we started this process in May of 2015; this has not been a hurried process; we have taken three years to work on it. The Zoning Department/Committee has taken every attempt to make everything we have done available and transparent. Mr. Owecke stated that the Department/Committee have gone above and beyond what was required in this process and explained that if there was a lot of community concern out there, he would have expected more than seven people speak at the public hearing and when the County Board of Supervisors had a special meeting to review the zoning ordinance revision, there would have been more than 5 people speak. Mr. Owecke ended by saying that he thinks that lack of public comment at the public meetings is a pretty good indication to him that this is a pretty good document and that most people see the value in what is trying to be accomplished.

Mr. Brunkow explained that the people that approached him personally did not know the truth and they were going on what one had told them.

Election of chairperson. Mr. Brunkow called for nominations for chairman. Mr. Danzinger made a motion to nominate Mike Taylor; Mr. Brunkow called for nominations 3 additional times. Hearing none, Mr. Brunkow asked that nominations be closed and cast a unanimous ballot for Mr. Taylor for chairman of the zoning committee. Motion by Mr. Danzinger, seconded by Mr. Bork to close nominations and cast a unanimous ballot for Mr. Taylor for chairman of the zoning committee. All in favor. Carried.

Election of vice chairman. Mr. Taylor called for nominations for vice chairman. Mr. Danzinger made a motion to nominate Bernard Brunkow. Mr. Taylor called for nominations 3 additional times. Hearing none, Mr. Taylor asked that nominations be closed and cast a unanimous ballot for Mr. Brunkow for vice chairman of the zoning committee. Motion by Mr. Danzinger, seconded by Mr. Bork to close nominations and cast a unanimous ballot for Mr. Brunkow for chairman of the zoning committee. All in favor. Carried.

Zoning Administrator Comments. Mr. Owecke reported as follows: The Comprehensive Zoning Ordinance revision was scheduled to go to the County Board on May 21<sup>st</sup>. In talking with the County Board Chair, she would like to; prior to that vote on the ordinance, have a seminar developed by UW-Extension that would be available to the Towns to provide information of what they are looking at as far as responsibilities and

liabilities if they opt out of county-wide zoning. The plan is to schedule the seminar for June and the vote on the Comprehensive Zoning Ordinance revision would not be until the July County Board meeting.

Ms. Sonya Hansen provided an update as follows: the Comprehensive Zoning Ordinance revision will be on the agenda for the County Board meeting on May 21<sup>st</sup> for discussion. Pepin County and Dunn County will be in attendance to talk about how zoning works in their counties. Legal Corporation Counsel will also be at the May meeting to answer any questions the Board of Supervisors would like to ask. The informational seminar for the Towns on the Comprehensive Zoning Ordinance revision is scheduled for June 18<sup>th</sup> at 7:00 p.m.

Mr. Owecke questioned why Pepin County would be coming to the May County Board Meeting because Pepin County does not have a County Zoning Ordinance. Mr. Danzinger stated that Dunn County has county-wide zoning, but there are six townships that do not participate and suggested it would be good to talk about different styles of zoning within a county. Mr. Owecke stated there are very few counties that do not have county-wide zoning and stated that in the case of Pepin county they do not have a general zoning ordinance, but there are Towns in Pepin County that have Town Zoning Ordinances.

Ms. Hansen stated that the meeting on June 18, 2018 will be specifically the duties and responsibilities of a Town when they do not participate in County Zoning and what is the County's responsibility if a Town does not participate. All Towns will be invited to attend the meeting on June 18<sup>th</sup>.

Mr. Owecke provided to the Zoning Committee a copy of the letter that was sent to the Town Boards (chairmen and clerks) to bring them up to date on the changes in the Comprehensive Zoning Ordinance revision. Mr. Owecke continued by saying that he also sent with them a copy of the last ordinance revision before it was signed by the Zoning Committee and passed on to the County Board. Mr. Owecke reviewed those changes as follows: added language to provide ninety additional days after the County Board adopts the ordinance for Towns to make changes to the Zoning District Maps; Chapter 9 will allow for two home businesses; enforcement of inoperable motor vehicles, shipping containers and semi-trailers on properties will be contingent upon Town approval and maximum number of shipping containers and semi trailers was changed from three to four. Last change was in response to Kraemer Company and the Diminishing Asset Rule in regard to non-conforming nonmetallic mines (quarries) in the county. Mr. Weiss questioned and Mr. Owecke explained this just applies to non-conforming and not all of the gravel-rock quarries (mines) are non-conforming. Mr. Weiss questioned reclamation of a mine (quarry) should a lease expire and it is not being reclaimed. Mr. Owecke stated that every mine has to post some form of financial assurance and the mine reclamation program in Buffalo County is administered/has oversight by the County Conservation Program.

Mr. Owecke provided handouts showing permits issued in the Zoning Department from 2015 through April 2018 by month and as a comparison by years. Mr. Owecke explained the difference in 2016 because the County Board approved permitting all agricultural structures that are built in the county. Mr. Owecke had available a large map showing zoning permits issued in the county in 2015 and 2016 and stated that he was not sure you could draw much conclusion from 2 years of data, but definitely should be able to use it as a base line for future years development trends. You can tell there are some towns that have very little development compared to other Towns. Mr. Owecke continued by saying that he is hoping to have by the next month a map showing where all the poultry barns are located and where that development is occurring. Mr. Danzinger asked if that map could include where all the CAFO's (concentrated animal feeding operation) in the county are located; this would show where manure is being spread and that is the reason for spreading chicken barns out; we should compare that to other livestock concentration. Mr. Danzinger suggested there are a couple areas in the county where cattle are ending up. Mr. Owecke stated what he is

trying to show is if you add up all the poultry barns together, how many CAFO's that make up; we have a pretty good handle on how many livestock we have, but the combined number of barns is going to get significant. Mr. Owecke explained that in 2017, thirteen new poultry barns were permitted in Buffalo County. If those were all combined it would be the equivalent of three to four CAFO's based on animal units and if that was livestock that would be a huge deal; people would be taking notice, since these are chickens and they are dispersed nobody is paying as much attention to it. Mr. Owecke stated that no chicken barns in the county are CAFO's. CAFO's are regulated by the DNR.

Mr. Owecke explained the significance of a Zoning Ordinance reflecting what is in a county Comprehensive Land Use Plan by state statute and how it is supposed to be a guiding document for all development within a county. A Comprehensive Land Use Plan has a list of objectives that were met and addressed in the new Zoning Ordinance and has to be reflected in any ordinance that a county adopts. Mr. Owecke explained that in a legal challenge in land use, the court will look at your Zoning Ordinance and your Land Use Plan and if they are not compatible, the court will and or may rule against the county or entity because you don't have those documents in line with each other.

Mr. Owecke provided a hand out on Strategic Planning that each department was required to complete in 2017. Mr. Owecke reviewed short-term and long term goals and stated that most of the short-term goals have been completed; long term goals include revision of existing ordinance. Mr. Owecke stated that basically every ordinance we have needs to be completely revised or re-written. Mr. Danzinger questioned and Mr. Owecke stated that a Sediment and Erosion Control Ordinance would only apply to development sites, not agricultural land.

There were no chairperson comments.

There were no public comments not relating to the agenda.

The next meeting was scheduled for Thursday, June 7, 2018 at 9:00 am.

Motion by Mr. Danzinger, seconded by Mr. Brunkow to adjourn. The meeting was adjourned at 11:00 am.

Respectfully Submitted,

Julie Lindstrom  
Zoning Administrative Assistant