

Buffalo County Minutes

Committee/Board: Zoning Committee

Date of Meeting: June 7, 2018

Electronic and Hardcopy Filing Date: May 16, 2018

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

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. Others may have been there that did not sign in.

Minutes are summarized as follows:

Public Comments Relating to the Agenda: There were no public comments relating to the agenda.

Meeting Minutes. Motion by Mr. Danzinger, seconded by Mr. Bork to approve the minutes from the May 10, 2018 Zoning Committee meeting as mailed. All in favor. Carried.

Zoning Department Annual Report. The 2017 Annual Report was mailed to all Zoning Committee members to review prior to the meeting. Mr. Owecke stated the copy of the Annual Report that was mailed to the Zoning Committee was only a draft and some language changes have been made since it was mailed. Mr. Danzinger questioned the number of total private sanitary systems versus the address numbering system. Mr. Owecke explained that 542 private septic systems were added to the data base showing in the annual report a total of 4,105 Private Onsite Wastewater Treatment Systems (POWTS) in the county. Mr. Bollinger stated in a conversation about the addressing project with Jason Poser, Land Records Coordinator/Land Information Officer in Buffalo County, there are about 6,700 address numbers in the county. Mr. Owecke explained the zoning department got assessor reports for the Towns and these reports identify if a well or septic system exist for a property. Septic systems were added in the data base were our records showed no system currently existed for that property. Mr. Owecke continued by saying it has been a state requirement since 1990 to get your POWTS either inspected or pumped every three years, and prior to doing this inventory, the Department did not have an accurate log of all the systems in the county. Annual report review continued. Mr. Owecke stated that Towns are still requesting changes to the Zoning Ordinance maps. Mr. Owecke stated that in 2016 an official enforcement of the Sanitary Ordinance for pumping and or inspecting of septic systems started. Mr. Danzinger questioned and Mr. Owecke explained that when a property owner does get a court date for non-compliance of the sanitary ordinance it is because the system was not inspected and/or pumped, not that the system is failing. Mr. Bork questioned holding tanks and Mr. Bollinger explained that holding tanks do not fall in the same requirement as other systems with the routine, every 3 year inspection/pumping, they generally need to be pumped more often than three years depending on how much a holding tank is used. Mr. Owecke stated that the Wisconsin Fund has provided some \$770,000 to 287 Buffalo County households to help cover the cost of replacing failed sanitary systems since its inception in 1990. Mr. Owecke talked about permitted development in 2017 by permits issued for various uses and stated that 13 permits were issued for poultry barn construction and the impact that has on land use; equivalent to 10.7 acres and the comparison to animal units as determined by the state and equivalent to 4 new CAFO's (concentrated animal feeding operations) in Buffalo County. Mr. Owecke stated there currently are 95 poultry barns in the county. A map was available that showed where all the poultry barns are located

in the county as well as location of all the CAFO's in the county. Board of Adjustment public hearings were reviewed, showing eleven (11) conditional use permits approved in 2017. Short term and long term goals were reviewed as part of the strategic planning exercise each department was required to complete in early 2017. Mr. Owecke explained that as part of the short term goals, in August, he will be bringing to the Zoning Committee a proposed fee schedule change for all of the permit applications in the Zoning Department; this is part of a directive from the County Finance Committee for departments to capture one half of the cost of the department operating expenses from permit application fees and in recognition that our fees be more in line with fees from counties doing the same work as Buffalo County Zoning staff. This fall, 2018, the Zoning Committee will be reviewing the County Shoreland Zoning Ordinance revision; this is a result of several legislative amendments that have required changes to shoreland state statute. Mr. Bork questioned whether it was directed toward lakes, streams and Mr. Owecke stated that it is pretty much any navigable water, rivers, lakes, streams, creeks, anything that is navigable. Mr. Danzinger questioned the definition of navigable and Mr. Owecke stated that right now we are using the state of Wisconsin definition and in a lot of cases it has not been determined whether a water body is navigable. Mr. Owecke continued by saying that in a lot of cases, DNR has come to the site to make a determination of whether the water is navigable or not. Mr. Owecke stated that it is a little cumbersome and may suggest that we have our own definition of navigability. Mr. Owecke stated that DNR assessment of navigability can be kind of arbitrary. Mr. Owecke suggested that navigability should be defined as any waterbody that has steady flow. Mr. Owecke stated that DNR can show that any point in a year you could float down a waterbody, in a one-person kayak, it is navigable; this means that a large rainfall event or spring runoff could allow a kayak to float a particular stream would be navigable. Mr. Owecke is suggesting that if a waterbody has continual flow it is navigable; continual flow is easy to determine. Mr. Bork expressed concern for setbacks from navigable waterbodies and the inability to farm/spread manure within so many feet of a waterbody. Mr. Owecke stated that additional Long-term goals will include comprehensive revision of the Sanitary Ordinance immediately after the Shoreland Ordinance revision, followed by a Comprehensive revision of the Floodplain Ordinance. Mr. Owecke stated that a good ordinance to implement would be an Erosion Control Ordinance and Wetland Protection Ordinance. Mr. Brunkow questioned and Mr. Owecke stated there is language in state statute about erosion control and wetland protection, but it is not a mandate. Floodplain, Sanitary and Shoreland ordinances are state mandated. Mr. Owecke stated that it would be good to have an inventory of all the nonconforming structures located in floodplain zoning, continuing of digitizing of all department files, which is a three year process and development of a digital field evaluation system of POWTS system installments. Mr. Owecke stated that "Interesting Statistic" was included in the Annual Report and Ms. Hansen asked the Zoning Committee to make a decision on keeping it part of the report and if it is appropriate to have it in the annual report. Mr. Owecke stated that he thinks this is a big deal, because of the turnover of staff in recent years. Mr. Taylor stated that he thinks it is a good idea to keep it in the report because the county is reviewing salaries again this year. Mr. Bork stated that there has been a lot of change in this department, but there has been a lot of turnover in other departments also. Mr. Brunkow stated that the last three technicians that have left the Zoning Department have gone to other counties. Mr. Owecke stated that when Adam Adank left Buffalo County to take a like position in Pierce County he started with a salary larger than the highest salary in the scale here in Buffalo County. Mr. Bork stated that it is not just the Zoning Department, it is the county as a whole, we just don't have the money to pay what we need to pay. Mr. Danzinger commented and Mr. Owecke reiterated and stated that the cost of training is at about thirty-five percent of a salary, which is a huge cost when you are looking at the turnover in the last few years. Mr. Bork stated that he was not against anyone getting a fair wage, but asked where the money would come from to pay higher salaries in an effort to retain employees. Mr. Taylor stated that we are spending the money for training, but we need the money upfront to offer a larger salary. Mr. Owecke stated that fees should be charged to the people using the service. Fees were changed in 2015 and they are being looked at again, now in 2018. Mr. Brunkow questioned and Mr. Owecke felt that fees should be looked at every five years for adjustment; Mr. Brunkow stated that he thought maybe more like every three years. Mr. Bork suggested that we will need to keep our

fees, so that people will continue to build and not hinder building because of the high fees for a permit application. Mr. Owecke stated that he does not think the permit application fees will hinder anyone from building a structure; they are not that high. Mr. Owecke continued by saying that he thinks the fees will still be reasonable even if they are increased. Mr. Owecke stated that the department was under budget by a little over twenty-four thousand. Mr. Danzinger suggested that it be put into perspective at ten percent; dollar amounts can be deceiving when you compare under budget dollars to total budgeted operating costs as a percentage. Mr. Owecke explained that the 2017 Annual Report will be going to the County Board in August and at the same time, the Department would bring the new fee schedule to the Board. Driveway permit was discussed and Mr. Owecke stated that the Highway Commissioner gives approval/denial for location of driveways on county roads. This ended the review of the 2017 Zoning Department Annual Report.

Zoning Administrator Comments. Mr. Owecke reported as follows: The informational session for the Towns and County Board Supervisors about their decision to remain part of County Zoning is scheduled for Monday, July 9, 2018. Ms. Hansen, County Administrative Coordinator, put together the session. Mr. Owecke continued by saying that Becky Roberts from UW-Extension, Stevens Point will be giving a presentation on Zoning options for Towns followed by a panel discussion that includes the Zoning Administrators from Dunn County and Pepin County and the Director of Land Management from Trempealeau County; that will be a question and answer discussion. The meeting will not focus on language in the Zoning Ordinance revision. The informational session is open to the public. Mr. Brunkow stated that he is hopeful the Towns that attend will have a better understanding of what the Zoning Committee/Department is actually trying to do. Mr. Brunkow continued by saying that there was not a whole lot of people attending the public hearing and not a lot of people spoke and what they did say, was already heard by the committee and possibly already addressed.

Chairperson had no additional comments.
There were no public comments not relating to the agenda.

The next meeting was scheduled for August 2, 2018 at 9:00 a.m.

Motion by Mr. Bork, seconded by Mr. Danzinger to adjourn. All in favor. Carried. The meeting was adjourned at 10:05 a.m.

Respectfully Submitted,

Julie Lindstrom
Zoning Administrative Assistant