

## MINUTES

### PLANNING AND DEVELOPMENT

December 2, 2015

Members present: Ken Capelle, Steve Gueths, Marlin Noffke, Gene Hoppe and Tom Kautza

Members absent:

Others present: Zoning Administrator-Robert Jacobson, County Planner-Christa Hoffman, County Surveyor, Dave Yurk, Administrative Coordinator, Brent Miller.

Location & Time: Room A & B, Shawano County Courthouse at 8:30 AM

Chairman Capelle opened the public hearing at 8:30 AM

**Zone Change-7-15:** Donald Fields appeared to request zone change on a .67-acre parcel from RS, Residential Sewered to CG, Commercial General located in Section 26 of the Town of Washington. Fields explained he has adjoining property with storage sheds which is currently zoned commercial and he desires to add approximately 20' of the proposed rezoned parcel to that lot. Fields stated he also has other people interested in purchasing the remainder of the lot provided it has commercial zoning. Questions from the Committee were answered. Robert Jacobson reported the Town has made recommendation for approval. No other correspondence, either oral or written was presented at the public hearing.

**Conditional Use-15-15:** Wilber Yoder appeared to request an After-The-Fact Conditional Use Permit for an alternate cutting within the Shoreland Zone of an unnamed navigable waterway located in Section 11 of the Town of Waukechon. Yoder explained he has a ditch that was plugged and he cut the trees and associated vegetation down on both sides of the ditch to help facilitate drainage for his field. Yoder stated large trees had fallen into the ditch by the culvert which were causing the ditch to overflow into his crop field which was also tiled at the same time he cut the trees from the ditch. Yoder stated he is obligated to procure a permit from the Department of Natural Resources (DNR) because they consider the ditch navigable. Robert Jacobson explained that the Zoning Department uses, as one resource, the DNR Surface Water Data Viewer to aid in determining navigability and in this case the waterbody has a Water Body Indicator Code which means the ditch is navigable. Marlin Noffke expressed concerns about the ditch and whether it really is navigable and feels a landowner should have the right to clean-out a ditch without having to go through such a process of permitting. Questions from the Committee were answered. No other correspondence, either oral or written was presented at the public hearing.

**Conditional Use-16-15:** Brady Johnston, agent for Concordia University, owner, appeared to request conditional use permit for filling and grading on slopes less than 12% within 300' of the ordinary high water mark of Shawano Lake located in Section 14 of the Town of Wescott. Johnston explained the project involves placing a new wood retaining wall water-ward of an existing wall that was installed in the late 1920's and that the work would be done from the shore with associated machinery which will cause the surface disturbance. Johnston stated the work would occur during frozen soil conditions to lessen the change of sediment entering the lake and that over 900 lineal feet of wall would be installed. Questions from the Committee were

answered. Robert Jacobson reported there was no recommendation from the Town. No other correspondence, either oral or written were presented at the public hearing.

Chairman Capelle closed the public hearing at 8:58 AM.

- 1) Chairman Capelle called the meeting to order at 8:59 AM
- 2) Motion by Gene Hoppe, second by Steve Gueths to deviate from order of items listed on agenda if deemed necessary. Motion carried.
- 3) Public comments: None.
- 4) Committee reviewed minutes from the October 29, 2015, November 4, 2015, November 16, 2015 Planning, Development, and Zoning Committee meetings. Motion by Tom Kautza, second by Steve Gueths to recommend approval. Marlin Noffke noted an amendment needs to be made to the November 4, 2015 minutes under agenda item #14 regarding coming out of closed session. Noffke stated a decision was made to approve the Zoning Administrators job evaluation and the minutes should state such. Robert Jacobson will make the amendment to the minutes and forward those to the County Clerk's Office and the County Website. Vote as amended: 5 Yes 0 No. Motion carried.
- 5) Public hearing requests: Committee reviewed, discussed and took action as follows.
  - 1) **Zone Change-7-15:** Motion by Gene Hoppe, second by Tom Kautza to recommend approval and forward to the County Board on December 16, 2015. Vote: 5 Yes 0 No. Motion carried.
  - 2) **Conditional Use-15-15:** Motion by Gene Hoppe, second by Marlin Noffke to recommend approval with conditions. Marlin Noffke, Tom Kautza and Gene Hoppe offered comments on the ditch, navigability determination, County fees and DNR permit fees as being overly burdensome in this circumstance. Motion by Tom Kautza, second by Marlin Noffke to charge the applicant \$1 for the County Public Hearing and refund \$599 to the applicant. Vote: 5 Yes 0 No. Motion carried. Vote as amended: 5 Yes 0 No. Motion carried.

Conditions of approval for CU-15-15

- 1) In lieu of an alternate cutting plan (having to replant vegetation) the existing root systems of the cut vegetation will be allowed to regenerate naturally. Regeneration will be evaluated by the County Zoning Department to assure adequate regrowth occurs. If adequate regrowth fails to occur the owner will be required to supplement vegetation through re-plantings with a plan approved by the County.
- 2) The vegetation protection zone (first 35' inland) from the ordinary high water mark shall be left undisturbed in the future.
- 3) Any fill material placed in adjoining wetlands must be removed.

- 3) **Conditional Use 16-15:** Motion by Steve Gueths, second by Gene Hoppe to recommend approval with conditions. Vote: 5 Yes 0 No. Motion carried.

Conditions of approval for CU-16-15

- 1) Erosion control measures such as silt fencing, straw bales or other approved measures must be implemented and maintained throughout the project to prohibit sedimentation from entering navigable waters.
  - 2) All disturbed ground shall either be seeded and mulched or sodded within 24 hours after final grading activities have been accomplished.
  - 3) Required Department of Natural Resources and Army Corps of Engineers permits must be procured before the start of any construction activities.
- 6) Discuss and take possible action regarding a nonmetallic mining operation for failure to pay fees, file an annual report and submit an undated bond located in Section 2 of the Town of Herman: Robert Jacobson explained the operator was sent a letter inviting him to this meeting as well as the agenda of the meeting and that he has not appeared to speak on his behalf. Jacobson noted this is the third year in a row in which the operator has failed to comply. Motion by Tom Kautza, second by Steve Gueths to have the Zoning Department send a \$500 citation to the owner. Vote: 5 Yes 0 No. Motion carried.
- 7) Review and approval of 2016 Public Hearing and Meeting Dates: Robert Jacobson provided the Committee with the preset dates for the Committee and Board of Adjustment meeting. Motion by Steve Gueths, second by Gene Hoppe to recommend approval. Vote: 5 Yes 0 No. Motion carried.
- 8) Consider refund of Public Hearing Fee for Jeff McFarland in the Town of Wescott: Robert Jacobson explained that McFarland had applied for a Variance to replace an existing concrete sea wall with a block wall along the shoreline of the Wolf River. Jacobson noted McFarland was informed by the Department of Natural Resources that they would likely deny his state permit application. Because of that McFarland pulled his request from the Board of Adjustment docket. Questions from the Committee were answered. Motion by Tom Kautza, second by Gene Hoppe to hold back \$75 of the public hearing fee and refund McFarland \$225. Vote: 5 Yes 0 No. Motion carried.
- 9) Discuss and take possible action on the Surveyor Agreement: Robert Jacobson explained the current agreement expires on December 31, 2015. Jacobson noted some changes need to be made to the agreement such as hours worked per week from 4 per week to 6 per week and the salary from \$15,300 per year to \$24,960 per year. Motion by Gene Hoppe, second by Steve Gueths to recommend approval of a new 3-year contract to run from January 1, 2016 through December 31, 2018 at 6 hours per week at a yearly salary of \$24,960 and that the agreement be reviewed by the Corporation Counsel before procuring signatures. Vote: 5 Yes 0 No. Motion carried.
- 10) Review and take possible action on Job Description Questionnaire and Job Description of the County Zoning Administrator: Administrative Coordinator, Brent Miller explained that Carlson Dettmann Consulting LLC reviewed the job duties of the position to base their determination on what the position should be placed at.

- 11) Discuss and take possible action on Carlson Dettmann Consulting LLC analysis and recommendation regarding the reclassification of the County Zoning Administrator position: Administrative Coordinator, Brent Miller explained that Carlson Dettmann reviewed external comparables based on what the position does to determine the appropriate level of compensation. Miller stated the position is currently at Step M level 3 and is recommended to be moved to Step P level 1. Motion by Gene Hoppe, second by Tom Kautza to support Carlson Dettmann evaluation and analysis of the Zoning Administrator reclassification and to support their findings. Vote: 5 Yes 0 No. Motion carried.
- 12) New business that is requested for upcoming Committee consideration: Review of final surveyor contract and complaint form for the January 6, 2016 agenda.
- 13) Review and approval of accounts payable for the Month of November 2015: Motion by Steve Gueths, second by Marlin Noffke to recommend approval. Vote: 5 Yes 0 No. Motion carried.
- 14) Discuss any operational issues within the Department as needed: County Planner, Christa Hoffman updated the Committee on the next meetings for Shoreland Zoning Ordinance Review scheduled for December 9<sup>th</sup> and December 21<sup>st</sup>.
- 15) Committee comments: Marlin Noffke noted what actions were going to be taken by the Solid Waste Management Board and the enforcement of City Contracts with those municipalities who are not delivering their Municipal Solid Waste to the City/County Landfill. Robert Jacobson noted that is an issue that will need to be undertaken by the City through their legal counsel. Ken Capelle briefed the Committee on the Health, Junk and Environmental Hazard Ordinance complaints in the Town of Washington. Capelle stated he attended a recent Town Board meeting and the Town Board is very pleased with the action taken by the Committee with respect to getting the complaints cleaned up in a satisfactory manner.
- 16) Set next meeting date: Robert Jacobson noted the next regularly scheduled meeting of the Committee is set for January 6, 2016.
- 17) Motion by Gene Hoppe, second by Steve Gueths to adjourn the meeting at 11:10 AM. Motion carried.

Respectively submitted by,

Marlin Noffke, Secretary

Robert Jacobson, Acting

**DRAFT MINUTES PENDING APPROVAL**