

County of Buffalo
Alma, Wisconsin
Notice of Public Meeting

AGENDA

Committee: Land Use Committee
Date: April 30, 2021
Time: 9:00 a.m.
Location: 3rd Floor County Board Room
Buffalo County Courthouse
407 S. 2nd Street
Alma, Wisconsin 54610

Remote Access:

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the committee may convene in closed session. The following matters may be considered and acted upon at the meeting:

1. Call to Order
2. Public comment regarding any matters that will be taken up by the Committee at this meeting.
3. Review/Discussion/Action ~ Minutes of Previous Meeting
4. Review/Discussion/Action ~ Buffalo County Land Division Ordinance
5. Review/Discussion/Action ~ Zoning Department 2020 Annual Report
6. Review/Discussion ~ Zoning Administrator Report
7. Review/Discussion/Action ~ Re-monumentation Project – Town of Milton
8. Review/Discussion/Action ~ Re-monumentation Project – Next Township Plan
9. Review/Discussion/Action ~ Land Information Office Staffing and Project Updates
10. Review/Discussion/Action ~ Surveyor Report
11. Review/Discussion ~ Mapping Presentation by Tina Anibas
12. Review/Discussion ~ Overview of Register of Deeds by Carol Burmeister
13. Review/Discussion ~ Interim Land Information Officer Report
14. Review/Discussion ~ Committee Chair Report
15. Review/Discussion ~ Department Manager Report
16. Review/Discussion/Action ~ Next Meeting Date and Time
17. Public Comment Not Related to Agenda Items
18. Adjournment

Date: April 21, 2021

Max Weiss, Chairman

By: Anissa Glaus

Anissa Glaus, Administrative Assistant

Board Members: If unable to attend or wish to attend remotely, please contact the Chair. If the Chair is unavailable, please contact the County Clerk's Office at 608-685-6209. If the Chair and the County Clerk are not available, please call the Administrative Coordinator at 608-685-6234.

Persons with Disabilities: Buffalo County shall attempt to provide reasonable accommodations to the public for access to its public meetings, provided reasonable notice of special need is given. If you require special accommodations to attend this meeting, please contact the County Clerk's Office at 608-685-6209.

Public Access to the Courthouse: The South Entrance will be the only access to the building after 4:30 p.m.

Persons who are members of another governmental body, but who are not members of this committee, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended, and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

BUFFALO COUNTY MINUTES

Committee of the Board:

Land Use Committee

Date of the Meeting:

March 5, 2021

Chair Mr. Max Weiss called the meeting to order at 9:15 a.m. in the third floor County Board meeting room, Buffalo County Courthouse, Alma, Wisconsin.

Board Members Present: Mr. Max Weiss, Mr. Dwight Ruff, Mr. Steven Nelson, and Ms. Mary Anne McMillan Urell appeared in person and Mr. David Danzinger appeared remotely.

Others Present for All or Parts of the Meeting: Administrative Coordinator

Ms. Sonya Hansen, County Surveyor Mr. Ron Jasperson, Register of Deeds Ms. Carol Burmeister, County Treasurer Ms. Tina Anibas, Chief Deputy Sheriff Lee Engfer, Citizen Member Mr. John Ebert, Zoning Assistant Ms. Anissa Glaus, Zoning Administrator Mr. Michael Owecke, Corporation Counsel Tom Bilski appeared in person. Real Property Lister Ms. Margo Traun, Grant Administrator from State of Wisconsin Mr. Peter Herreid, Professor Mr. Thomas Kazmierczak, and Ms. Ana Wells appeared remotely.

Public Hearing:

Presentation of the proposed ‘Buffalo County Land Division Ordinance’: Mr. Michael Owecke presented and explained the ordinance. Ms. Tina Anibas presented examples of a certified survey map, as well as L maps and S maps and briefly explained each.

Mr. Ron Jasperson explained the reasoning for CSM maps and how they clean up boundary issues. parcel. He also stated that there would be a review process that would take place so any errors would be corrected before going to the Register of Deeds.

Public Testimony:

Rick Reiter, Town of Waumandee Chairman expressed a few concerns from the Board for the Town of Waumandee. Due to the wording in parts of the ordinance, they interpret it to mean that the Town and property owner would have to comply with the County Comprehensive Zoning Ordinance that they opted out of, should someone parcel off their land under this Subdivision Ordinance. They would like to be opted out of this ordinance or to have this wording changed to make it clear that they will not fall under the County Comprehensive Zoning Ordinance.

James Ellis, Town of Montana Chairman expressed the same concerns and that he feels there are too many gray areas and misinterpretations that can be done with this ordinance. He would also like to see the wording done differently before they approve this ordinance.

John Sendelbach, resident of Town of Waumandee, explained that he doesn't have a problem with the maps, just areas that he would like to see the wording changed to make it clear that they don't have to abide by this ordinance if they chose to opt out of County Zoning and create their own ordinance or to change the wording to make it more apparent that if a township opted out

and someone sold a parcel of land under this Subdivision Ordinance that they would not fall under the County Comprehensive Zoning Ordinance.

Correspondence: There was no additional correspondence received.

Mr. Dwight Ruff made a motion to adjourn at 10: 15 a.m. Seconded by Ms. Mary Anne McMillan Urell. Motion Carried.

Public Meeting:

Board Members Present: Mr. Max Weiss, Mr. Dwight Ruff, Mr. Steven Nelson, and Ms. Mary Anne McMillan Urell appeared in person and Mr. David Danzinger appeared remotely.

Others Present for All or Parts of the Meeting: Administrative Coordinator Ms. Sonya Hansen, County Surveyor Mr. Ron Jasperson, Register of Deeds Ms. Carol Burmeister, County Treasurer Ms. Tina Anibas, Chief Deputy Sheriff Lee Engfer, Citizen Member Mr. John Ebert, Zoning Assistant Ms. Anissa Glaus, Zoning Administrator Mr. Michael Owecke, Corporation Counsel Tom Bilski appeared in person. Real Property Lister Ms. Margo Traun, Grant Administrator from State of Wisconsin Mr. Peter Herreid, Professor Mr. Thomas Kazmierczak, and Ms. Ana Wells appeared remotely.

Public Meeting was called to order at 10:17 a.m.

Public Comments Regarding Agenda Items: There were no public comments.

Review/Discussion/Action - Regarding Minutes of the Previous Meeting: A motion was made by Mr. Dwight Ruff seconded by Ms. Mary Anne McMillan Urell to approve the minutes of the previous meeting as sent. Roll Call vote: Mr. Max Weiss – yes, Mr. David Danzinger – yes, Mr. Dwight Ruff – yes, Mr. Steven Nelson – yes and Ms. Mary Anne McMillan Urell – yes. Motion Carried.

Review/Discussion/Action – Ordinance to Adopt the ‘Buffalo County Land Division Ordinance’: A motion was made by Ms. Mary Anne McMillan Urell seconded by Mr. Steven Nelson to amend the ordinance to include language that this ordinance is not intended to bring those townships who do not have county zoning to now fall under the County Zoning Ordinance and also to make changes to any reference to Buffalo County Zoning Ordinance on page 6 number 3 and on page 7 number 6 and 8. Roll Call vote: Mr. Steven Nelson – yes, Mr. David Danzinger – yes, Mr. Dwight Ruff – yes, Mr. Max Weiss – yes and Ms. Mary Anne McMillan Urell – yes. Motion Carried.

A motion was made by Mr. Dwight Ruff seconded by Mr. Steven Nelson to table this ordinance until the April meeting and to send out a revised copy to the towns for review and additional comment. Roll Call Vote: Ms. Mary Anne McMillan Urell – yes, Mr. David Danzinger – yes, Mr. Max Weiss – yes, Mr. Dwight Ruff – yes and Mr. Steven Nelson – yes. Motion Carried.

Review/Discussion/Action – A Resolution to Establish the Certified Survey Map Review and Application Fee: A motion was made by Ms. Mary Anne McMillan Urell seconded by Mr. Dwight Ruff to approve the resolution as presented. Roll Call Vote: Mr. David Danzinger – yes, Ms. Mary Anne McMillan Urell – yes, Mr. Dwight Ruff – yes, Mr. Steven Nelson – yes and Mr. Max Weiss – yes. Motion Carried.

Review/Discussion/Action – Zoning Administrator Report: Mr. Michael Owecke indicated that he had nothing additional to report.

Review/Discussion/Action – Recruit and Fill Duties of Vacant Land Records

Coordinator/Land Information Officer Position: Ms. Sonya Hansen and Mr. John Ebert reviewed the status of the progress being made in locating the files and data layers in the Land Records Department. Mr. John Ebert indicated that he was working closely with Ms. Greta Poser as she was familiar with some of the projects. Ms. Hansen explained that the current need for the County would be a technician with the ability to expand the position in the future. She stated that the Committee of the Board recommended that the Land Use Committee consider a restructure so that this department would be incorporated with other departments so that there could be some depth and not be a stand-alone department. A motion was made by Ms. Mary McMillan Urell seconded by Mr. Dwight Ruff to fill the current vacancy with a technician and that the technician would report to the Administrative Coordinator until any restructure plan is approved. Roll Call Vote: Mr. Dwight Ruff – yes, Mr. Max Weiss – yes, Mr. David Danzinger – yes, Ms. Mary Anne McMillan Urell – yes and Mr. Steven Nelson – yes. Motion Carried.

Review/Discussion/Action – Jason Poser Recognition for Years of Service:

Ms. Sonya Hansen read the certificate to recognize Mr. Jason Poser for his years of service to the residents of Buffalo County. The Chair instructed Ms. Hansen to prepare a resolution to be presented to the full County Board at a future meeting.

Review/Discussion/Action – Land Information/GIS Report: Ms. Sonya Hansen stated that the State has been a great partner and offered assistance to Buffalo County with the transmission of data to meet grant requirements. She clarified that the orthoimagery project has a portion of the grant being set aside for this project to be completed in 2024. She informed the committee that the boundary data had been submitted to the State with their assistance. Ms. Hansen clarified with the State that the Lidar project was not a State mandate unless the grant application specifically had designated funding for this project. The State clarified that the 2020 grant funding had to be spent by December 31, 2021 on the projects listed in the grant application or the County would need to request an amendment. Ms. Hansen indicated that she would coordinate a call with the State, Mr. John Ebert, Ms. Greta Poser, and herself to discuss how to submit the March 31st data.

Review/Discussion/Action – Surveyor’s Report: Mr. Ron Jasperson reviewed the status of the Belvidere re-monumentation project and that it is currently on target to be finished by early Summer. Chair Max Weiss requested that Ms. Sonya Hansen contact the Town of Milton to see if they are willing to proceed with re-monumentation after the Town of Belvidere is completed.

Review/Discussion – Land Use Chair Report: The Chair had nothing further to report to the Committee. Committee member Mr. Dwight Ruff inquired as to the status of the culvert inventory and Mr. John Ebert stated that they had located a file but had not yet had the opportunity to review it. Ms. Sonya Hansen indicated that the computer had been ordered for the Zoning Department to be available for land record use that would handle the software required for the ArcGIS and spacial data programs.

Review/Discussion/Action – Next Meeting Date and Time: April 16, 2021 at 9:00 a.m. was set for the next meeting date.

Public Comments: There were no other public comments.

Adjourned: Mr. Dwight Ruff made a motion to adjourn at 11:30 a.m., seconded by Mr. Steven Nelson. Motion Carried.

Respectfully submitted,

Sonya J. Hansen
Recording Secretary

BUFFALO COUNTY LAND DIVISION ORDINANCE

Adopted by the Board of Supervisors of Buffalo County

Ordinance no. 21-04-01 April 00, 2021

FINAL DRAFT



TABLE OF CONTENTS

	<u>Page No.</u>
Chapter 1: Title; Authority, General Provisions	3
<u>Section:</u>	
1. Title	3
2. Authority	3
3. Purpose	3
4. Abrogation and Greater Restrictions	3
5. Interpretation.....	4
6. Severability	4
7. Effective Date	4
 Chapter 2: Definitions	 4
 Chapter 3: Jurisdiction	 5
 Chapter 4: Applicability	 6
 Chapter 5: Administration	 8
 Chapter 6: Enforcement, Prosecution, Penalties.....	 9
<u>Section:</u>	
1. Enforcement	9
2. Prosecution	9
3. Penalties	9

CHAPTER 1
TITLE, AUTHORITY, GENERAL PROVISIONS

The Board of Supervisors of Buffalo County, Wisconsin does so ordain as follows:

1. Title.

This ordinance shall be known, cited and referred to as the Buffalo County Land Division Ordinance.

2. Authority.

The provisions of this ordinance are adopted by the Buffalo County Board of Supervisors pursuant to the authority granted in Sections 16.967, 59.51(2), and 236.45 of the Wisconsin Statutes.

3. Purpose.

A. This ordinance is adopted for the purpose of implementing the declaration of legislative intent under section 236.45(1), Wis. Stats., and to meet the following, express objectives:

1. To promote the public health, safety and general welfare.
2. Provide for the orderly development of Buffalo County and facilitate the orderly development of land by encouraging well designed land divisions.
3. Provide for an orderly, precise and consistent means of preparing descriptions in real estate conveyance records.
4. Ensure accurate legal descriptions of subdivided land and adequate records of land titles.
5. Ensure the proper monumenting of subdivided, combined or reconfigured parcels.
6. To provide accurate and uniform land records for inclusion in the Buffalo County Geographic Information System.
7. Ensure that future development is consistent with the Buffalo County Zoning Ordinance (**Where Applicable**), Floodplain Ordinance, Shoreland Ordinance and other ordinances, where applicable

4. Abrogation and Greater Restrictions.

It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances, or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater

restrictions, the provisions of this ordinance shall govern.

5. Interpretation.

The provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of this ordinance and Buffalo County and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes.

6. Severability.

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby. This ordinance shall not create liability on the part of, or cause action against, Buffalo County or any office or employee thereof for any damages that may result from reliance on this ordinance.

7. Effective Date.

This ordinance shall be effective upon adoption by the Buffalo County Board of Supervisors and shall take effect on the day of adoption.

**CHAPTER 2
DEFINITIONS**

1. Definitions.

A. For the purpose of this ordinance, the following definitions shall be used:

1. “Certified Survey Map” means a map of land division or combination prepared in accord with Section 236.34, Wis. Stats. In this ordinance it may be referred to as either a Certified Survey Map or a CSM.
2. “Land Division” means the act of creating at least one but not more than four separately described parcels of 20 acres or less in size, consisting of lots or outlots, either through a single division or successive divisions by either the same or subsequent owners within a five year period.
3. “Lot” means a parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use which shall meet all criteria of an applicable zoning code, including but not limited to minimum size, lot width, lot frontage, lot area, yard, parking area and other open space provisions.
4. “Municipality” means a village or city.
5. “Parcel” means an individual unit, division or portion of land, contained within a single legal description, set forth in a deed, CSM plat, including but not limited to lots and outlots in plats or CSMs, each capable of being separately owned and conveyed.

6. "Person" means any natural person, proprietorship, partnership, corporation or other legal entity.
7. "Plat" means a map of a land division for the purpose of sale, lease, or building development.
8. "Remonumentation" means all land surveying activities have been achieved and verified in order to perpetuate a previously monumented original Public Land Survey corner and protracted Public Land Survey Corner.

Towns that have been 'remonumented' have all Tie Sheets, Section Data Sheets, and Town maps completed, verified, approved and submitted to the Buffalo County Surveyors office and to the respective Town.

An officially remonumented congressional Town shall be a Town for which final documentation is complete and the Land Use Committee has approved the County Surveyor's final re-monumentation report.

9. "Surveyor" means a land surveyor duly registered in the State of Wisconsin.
10. "Zoning Department" means that Department of Buffalo County which has administrative responsibilities for county zoning.

CHAPTER 3 JURISDICTION

1. Jurisdiction.

- A. Jurisdiction of this ordinance and these regulations shall include all areas of Buffalo County, outside the incorporated areas of municipalities, that have been completely remonumented.

The provisions of this ordinance shall not apply to:

1. Transfers of interest in land by will or pursuant to court order or operation of law.
2. Leases for a term not to exceed 10 years, mortgages or easements.
3. Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required and meet all applicable zoning or other regulations.
4. Cemetery plats made under Sec. 157.07, Wis. Stats.

5. Assessor's plats made under Sec. 70.27, Wis. Stats., but such assessor's plats shall comply with Secs. 236.15(2)(a) to (g) and 236.20(1) and (2)(a) to (e), Wis. Stats.
6. Towns in Buffalo County where complete remonumentation has not been attained.
7. A parcel created by virtue of any exemption under this ordinance is not exempt from other applicable regulations. Any parcel that does not satisfy the standards of any regulation or law as to performance standards such as; parcel size or dimension, road frontage, standards governing waste disposal, or the like, shall not be eligible for relief from such standards by variance.

CHAPTER 4 APPLICABILITY

1. Applicability.

A. The combining or dividing of parcels of land within the unincorporated area of Buffalo County shall comply with the provisions of this ordinance, Ch.236, and including but not limited to the following:

1. All applicable provisions of Ch. 236, Wis. Stats.
2. Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street.
3. ~~The Buffalo County Zoning Ordinance and~~ All ~~other~~ applicable county ordinances.
4. In addition to complying with statutory requirements for Certified Survey Maps (CSM), a CSM shall be prepared and approved of for all land divisions creating parcels of twenty (20) acres or less in size, including street or highway rights-of-way. This shall include property transferred as a result of the resolution of property line disputes.
5. A CSM shall be required for the combining of two or more parcels into one to four parcels when the parcel(s) is less than twenty (20) acres in size.

B. The CSM requirement does not apply if the land division meets one or more of the following criteria:

1. Remonumentaion of the congressional Town, within which the parcel is located, has not been completed.
2. The parcels created are classified as a subdivision under Ch. 236, Wis. Stats. and the

Buffalo County Subdivision Ordinance.

3. The land division is of an existing, undivided quarter/quarter section and the quarter/quarter section is divided in half.

C. Certified Survey Map Specifications:

1. Certified Survey Maps along with the applicable review fee shall be submitted to the Zoning Department. A CSM shall show clearly on its face the date the map was prepared.

2. A CSM shall evidence on its face any adjoining, previously recorded CSMs and their accompanying document number, CSM number, volume and page numbers, together with any previous CSMs which are being replaced in part or in whole by a new CSM, together with the Section, Town and Range in which the parcel or parcels of land subject to said CSM are located.

3. A CSM shall be printed on one side only of 8 1/2" x 14" durable white media with a nonfading black image. Paper media shall be acid free and a minimum of 24 lb. with 25% ragstock.

4. On all pages of the final CSM document an area in the upper right corner, at least 3 inches by 3 inches, shall be left blank for official recording purposes.

5. Street or highway dedications shall evidence the minimum right-of-way width required by each affected municipality or by the county or state.

6. For lots that are to be developed, **with the exception of lots in those Towns not under the general zoning authority of Buffalo County**, area and dimension of lots shall conform to the requirements of the Buffalo County Zoning Ordinance. Minimum lot size is exclusive of any right-of-way.

7. For lots that are to be developed, the applicant shall submit a permit or statement issued by the appropriate Town, County or State agency approving driveway access to the lot.

8. For lots that are to be developed, **with the exception of lots in those Towns not under the general zoning authority of Buffalo County**, a separate drawing at the same scale as the CSM shall be submitted designating portions of the lot that have slopes of 12% or greater.

9. For lots that are to be developed, the regulatory floodplain boundary and elevation shall be field delineated by the surveyor and shown on the CSM, along with the date of the field verification. The FEMA FIRM map number shall be identified on the CSM.

10. If approved, an approval certificate/stamp from the Zoning Department shall be included on the face of the CSM which reads as follows:

“This CSM complies with the Buffalo County Land Division Ordinance.”

Buffalo County Zoning Department

Date

11. If rejected, the applicant shall be notified in writing of the reasons for rejection.

12. All Certified Survey Maps shall be reviewed and approved by the County Surveyor, Register of Deeds, and the Zoning Department before being recorded in the Register of Deeds office. Once the Department has determined that the CSM meets statutory and ordinance requirements each CSM shall be recorded in the Register of Deeds office within six months of the date of approval. Failure to do so shall require that the CSM be resubmitted to the Zoning Department for review and approval.

13. Approved Certified Survey Maps shall be filed for recording with the Buffalo County Register of Deeds prior to transferring ownership of any parcels created by a land division or land combining, as provided in 236.34(2) Wis. Stats.

14. No map or survey purporting to create divisions of land or intending to clarify metes and bounds descriptions may be recorded except as provided by this ordinance.

15. Subdivision plats, replats, assessor’s plats and cemetery plats must be reviewed and approved by the Buffalo County Land Use Committee and the Buffalo County Board of Supervisors before being recorded in the Register of Deeds office.

2. Fees

A. Submittal of a CSM for review and approval shall be accompanied by a review fee and other fees as established by the County Board of Supervisors and as stated on the Zoning Department Fee Schedule.

**CHAPTER 5
ADMINISTRATION**

1. Administration.

A. The administration and enforcement of the provisions of this Ordinance shall be the responsibility of the Buffalo County Zoning Department and, in the event of appeals, the Buffalo County Land Use Committee.

2. Appeals.

A. Any persons aggrieved by an objection or failure to approve a CSM may appeal therefrom in the following manner:

1. Decisions of the Zoning Department shall be appealed to the Land Use Committee. Such appeal shall be made within 30 days of the decision being appealed.

2. Where the Land Use Committee finds that undue hardship will result from the strict compliance with the terms of this Ordinance or better design will result, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such ordinance exception will not have the effect of nullifying the intent and purpose of this Ordinance.

3. A majority vote of the entire membership of the Land Use Committee shall be required to grant any ordinance exception to these regulations. Any ordinance exception thus granted shall be entered into the minutes of the Committee, setting forth the reasons which, in the judgement of the Committee, justified the ordinance exception.

2. Actions of the Land Use Committee shall be appealed as provided in 236.13(5) Wis. Stats.

CHAPTER 6 ENFORCEMENT, PROSECUTION, PENALTIES

1. Enforcement

It shall be the duty of Buffalo County Zoning Department to enforce the provisions of this Ordinance and investigate complaints and violations of said Ordinance.

2. Prosecution

Prosecution for violations of this Ordinance shall proceed as defined in the Buffalo County Zoning Ordinance, Chapter 5, Section 3.

3. Penalties

Any person who shall violate any provisions of this Ordinance shall be subject to penalty(s) as provided in the Buffalo County Zoning Ordinance, Chapter 5, Section 4.



Buffalo County Zoning Department

Annual Report

2020

Michael Owecke – Zoning Administrator
Briar Golden – Zoning Specialist
Anissa Glaus – Administrative Assistant

Land Use Committee

Max Weiss, chair Dwight Ruff
David Danzinger Steven Nelson
Mary Anne McMillan Urell

Zoning is the most common method of land use control used by local governments. Zoning refers to the use of the public regulatory power, or police power, to specify how land may be used and developed. The intent of zoning is to balance individual property rights with the rights of the general public to ensure a healthy, safe and orderly living environment. State statutes provide authority and procedures for zoning to protect public health, safety, and general well-being.

Zoning Department – Summary.

The mission of the Zoning Department is to administer and enforce the land use and regulatory ordinances that have been adopted by Buffalo County to protect and enhance the health, safety and well-being of county residents. Regulated, planned, and orderly development succeeds in protecting and preserving the natural resources and natural features of the County as well as protecting property values and promoting economic stability.

The Zoning Department is responsible for the administration of ten individual ordinances which establish the parameters for land use and development within all unincorporated areas of the County. The principal ordinance is the Buffalo County Zoning Ordinance which establishes zoning districts and the types and density of development permitted within each district.

Wisconsin state statutes mandate that all counties are responsible for the adoption and enforcement of both Floodplain and Shoreland Zoning Ordinances. Floodplains and Shorelands are areas where development may have local as well as more far reaching influences. The State imposes an additional (unfunded) mandate that requires counties to adopt and administer a sanitary ordinance which regulates the installation of new sanitary systems and which specifies system maintenance requirements. Buffalo County reviews all soil evaluations and site plans for new sanitary systems and inspects all new Private Onsite Wastewater Treatment System (POWTS) installations and tracks the on-going maintenance of some 4,105 systems.

One of the larger responsibilities of a zoning department is to administer the county's Board of Adjustments (BOA). The BOA acts in the same manner as a court of law and has the responsibility of being the decision-making entity with regard to more controversial and higher impact land uses. The BOA conducts public hearings and issues decisions regarding; Conditional Use Permit, Variance, and Administrative Appeal Applications. The Zoning Department provides detailed staff reports evaluating all facets of development proposals aiming to define land use implications and identify potential impacts and conflicts with existing or planned development. In addition, the BOA is provided a list of suggested conditions to be placed on proposed developments which will minimize or prevent potential negative impacts. Staff guidance is intended to assure that all property owners, existing land uses, critical natural resources and natural features are identified, evaluated and protected.

2020 YEAR IN REVIEW

UNIFORM ADDRESSING PROJECT

The address sign replacement and road renaming project was initiated and coordinated by the Zoning and GIS Departments. The addressing project consisted of two distinct phases:

Phase I of the addressing project involved the installation of approximately 3,500 new address signs and posts.

Phase II of the project included the installation of:

- New town road signs for 19 town roads requiring renaming due to road name duplication.
- Private drive signs for 52 newly established and named private drives.
- New Addresses and signs for the 314 address changes necessitated by the first two line items above along with sending the numerous notifications associated with each address change.
- Installation of new road signs replacing the numerous town roads that were numbered instead of named, as in Town Rd. 27, (only state highways are numbered).
- Installation of new town road signs in those towns that chose to order replacement signs in response to the county's offer of the opportunity to participate in the project pricing.
- Install new address signs in the municipalities of Alma and Fountain City, those cities that accepted the county's offer to also participate in the addressing project.
- Install some 350 additional addresses signs that required review and could not therefore be included in the Phase I order and installation.

Due to unforeseen circumstances, experienced by the company contracted to complete the sign installation project, a large portion of the Phase I installation was left unfinished at the end of 2019 when completion was expected. The Zoning Department staff were able to install all Phase II address signs before winter freeze-up which was critical as these residences had their addresses changed due to road renaming or being named as a private drive.

As the new address sign installation was of high importance in assuring the health, safety and well-being of Buffalo County residents, the Zoning Department organized and supervised a county crew consisting of two seasonal highway department employees to complete the Phase I installation. The Zoning Department coordinated the numerous utility locations required to be performed by several utilities ahead of the crew as they worked thru southern sections of the county. The crew performed efficiently and accurately the task of installing some 1,360 address signs to largely bring the project to completion. A comprehensive inventory of all installs and hardware was compiled by the Zoning Specialist, Briar Golden who coordinated with the Towns to complete a final address inventory and billing statements.

GROUNDWATER QUALITY & WELL SAMPLING PROGRAM

The Health Department, in partnership with Zoning, Land Conservation and UW Extension held numerous meetings in 2019 to determine the most beneficial approach for Buffalo County to respond to region wide developments and concerns regarding the integrity of groundwater resources and the correlation to the health of our drinking water sources. The working group concluded, with expert guidance from UW Stevens Point's Center for Watershed Science, that the best approach is to undertake a comprehensive well water sampling program in Buffalo County based on efforts and sampling programs that several other counties have undertaken or are in the process of implementing.

The sampling program will involve taking a well water sample within each 2 mile x 2 mile grid section of the County. The sampling would be conducted by two interns with Health Dept. oversight. Results would be compiled and analyzed by UW Stevens Point and presented in a professional and unbiased compilation. A Resolution that was brought to the Finance Committee seeking full funding of the project (\$43,320) with funds coming from the CAPX 2020 fund.

County Board Supervisors chose not to act on this important project that seeks to assess and establish a firm baseline understanding of the quality of our groundwater resources. Numerous potential sources of outside funding were contacted and informed of the sampling program and its importance, unfortunately the effort was of no avail. Since the resolution was brought forward both the Public Health Officer (project lead) and the County Conservationist have resigned their positions with the County and the working group has ceased meeting until position replacements are hired.

The DNR and DATCP have reported that nitrate is the most widespread groundwater contaminant in Wisconsin, and that the nitrate problem is increasing both in extent and severity. In 2018 a very limited well testing effort was undertaken in Buffalo County with ½ price well sampling kits made available to residents. Test results showed nitrate levels ranging from 0-33 ppm. Current health guidelines state that nitrate levels over 10 ppm are not safe for human consumption. The 'safe' level is being further evaluated and questioned.

A 2016 survey from the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) and the Wisconsin Field Office of the National Agricultural Statistics Service (NASS) sampled 400 private drinking wells in Wisconsin and found 41.7% contained a pesticide or pesticide metabolite. This was up from 33.5% in the 2007.

The well sampling project is mentioned here with the intent of keeping the project alive and in the awareness of Buffalo County supervisors, staff, and residents. It is this very type of initiative and project that is the essence of what local government is supposed to be about, working to protect and preserve the health, safety, and well-being of residents. In conclusion, the efforts and programs to assess and assure the health and safety of county residents should not be contingent on securing outside sources of funding. This important project should be fully funded and executed in the earliest possible timeframe.

LAND DIVISION ORDINANCE

At the behest of the Land Use Committee and the Register of Deeds Office the Zoning Department drafted a Land Division Ordinance that would govern the subdivision or creation of 1- 4 parcels of land of 20 acres or less in size. The proposed new Ordinance requires a Certified Survey Map (CSM) to be created and submitted to the Department for review whenever the combining or dividing of property creates 1 – 4 parcels of 20 acres or less.

Currently Buffalo County lacks protocol for the formatting of survey maps or for verifying the accuracy of survey maps which are not reviewed prior to being recorded in the Register of Deeds Office. The twelve counties surrounding Buffalo County, if not all other Wisconsin counties, require a CSM for the subdivision/creation of new parcels of land.

The specific guidelines for constructing Certified Survey Maps are defined within State Statute, Section 236.34. By requiring adherence to state adopted survey map standards the County will achieve the overall goal of requiring accuracy and consistency in recorded land division documents and in the defining and incorporating new parcels into the parcel mapping GIS layer.

The Zoning Department will administer the Land Division Ordinance and will accept CSM's for review thru an application process. Upon receipt a CSM will be reviewed for accuracy by the Zoning Department, the County Surveyor, and the Register of Deeds before final approval for recording is granted.

As of the drafting of this report a final draft of the Ordinance has been approved and distributed to the 17 Towns of Buffalo County for review. A public hearing has been noticed and scheduled for the Land Use Committee to receive public comments concerning the Ordinance prior to the Committee voting to send it to the Board of Supervisors for final approval and adoption. A resolution has been drafted to establish the CSM review/application fee schedule, also to be approved by the Board. In addition, a CSM review application has been created to be used by the Department in its administration of the Ordinance.

POWTS

74 **Sanitary Permits** were issued for the construction of new or replacement sanitary systems in 2020, just short of the six-year average of 77 permits.

Maintenance / Enforcement. Wis. Admin. Code requires that every **Private On-Site Wastewater Treatment System (POWTS)** be pumped/inspected by a licensed pumper a minimum of once every three years. Regular maintenance supports the proper functioning of POWTS and extends their lifespan. It is also through the State mandated inspection/pumping requirement that failing and noncompliant sanitary systems are identified. In the spring of every year the Department mails maintenance notices to

1/3 of the total POWTS owners in the County. When failing systems are identified the Department begins the process of enforcement to bring those systems into compliance through repair or replacement. Noncompliant sanitary systems in the County are a threat to groundwater resources and drinking water. The goal of the maintenance program is to ensure that all systems in the County are compliant and effectively treating all wastewater generated from sources not connected to a municipal treatment system.

2020 was an exemplary year for the maintenance program with 97% of the systems being pumped/inspected in response to the maintenance notices. In addition, 75% of those households that were delinquent from the previous year had their systems properly maintained.

WI Fund. In 2020 the Department assisted several households in applying for financial assistance through the WI Fund. The Fund provides grant money to qualifying low-income applicants for the replacement of POWTS determined to be failing systems. Two applicants qualified for a total of \$4,700 in financial assistance. Since its inception in 1990 the Fund has granted over \$800,000 to 296 Buffalo County households to help cover the cost of replacing failing sanitary systems. No applications were accepted for 2021 as the Legislature allowed the Fund to expire. Governor Evers has reinstated the Fund in his 2021 budget which will hopefully find legislative support.

A BUFFALO FIRST

One Energy Development LLC was granted a conditional use permit to construct the first commercial solar energy system in Buffalo County. The system will consist of 9,300 solar panels located on 25 acres of land in the Town of Milton and will generate 3 megawatts of electricity, enough to power the Fountain City and Alma municipalities combined. The system is scheduled to be constructed in 2021 with the electric power generated contracted to be sold to Riverland Energy. The location of the system was found to be largely ideal due to being classified as marginal farmland that will require only minimal grading and having no conflict with Shoreland/Wetland or Floodplain zoning. An additional favorable aspect being that only two residences lie within 3,000 feet of the solar array.

NOTEWORTHY

In 2020 the Zoning Department hired its fourth Zoning Specialist in the span of five years, an unfortunate and trying repetitive occurrence. A new Administrative Assistant joined the Department in June following the retirement of Julie Lindstrom who served the county for 26 years. It is also noteworthy that, due to initiative and ability, Administrative Assistant Anissa Glaus began serving the Conservation Department 1/3 time in an administrative capacity.

PERMITTED DEVELOPMENT 2020

In 2020 a total of 310 applications for development were processed by the Zoning Department. A few of the categories for which Zoning Permits issued are itemized as follows:

<u>Category</u>	<u>2020</u>	<u>6 Year Average</u>
Dwellings	24	32
Accessory Structures	37	31
Additions	11	15
Commercial / Ind.	7	11
Driveways	12	11
Ag Structures	28	35

In the **Agricultural** structures permit category 2017 saw the near term high in ag structure permitting with 47 permits issued which included the construction of 13 poultry barns (36,000 sq. ft.). In 2018 just one poultry barn was permitted and in 2019 and 2020 no applications were received. The decline is attributed to the achievement of full capacity in the processing sector with a consequent curtailing of grower expansion.

The 2017 high in ag building activity reversed to a near term low in 2018 when only 25 total structures were permitted. The agricultural sector in 2019 and 2020 saw a modest rebound in building development.

2019 saw the largest number of **Commercial** permits issued since tracking was initiated primarily due to activity in the wireless communications sector. Bug Tussel Wireless has now completed the permitting process and construction of most of the 17 communication towers distributed throughout Buffalo County.

Bug Tussel is rapidly advancing to its end goal of establishing an extensive communications network in Buffalo County. AT&T is a primary driver of the project as it was awarded the federal contract to create 'First Net', a first responder network that will allow for inter-agency emergency response communications. The federal goal is to have the network cover 95% of rural areas. AT&T has also collocated mobile cellular communications equipment and is now live on 15 Bug Tussel towers providing commercial mobile cell coverage.

2020 saw the lowest number of new **Dwellings** permitted (24) since tracking began in 2015. The primary cause of the unexpected decline is the arrival of the corona virus which caused a temporary, or longer, interruption of development and construction plans due to the overbearing uncertainty of the situation.

BOARD OF ADJUSTMENTS.

Dale Klopp, Chair Ron Kazmierczak Barry Drazkowski

The Board of Adjustments convened for four public hearings in 2020 to rule on the following petitions.

- Conditional Use Permit to allow a Ground Mounted 3-Megawatt Grid Intertie Solar Electric System, to be located in the Residential zoning district, Town of Milton, granted.
- Variance to allow a structure setback of 3 feet from a side yard property line instead of the minimum required set back of 10 feet in the Residential zoning district, Town of Belvidere, granted.
- Variance to allow a structure setback of 10 feet from a side yard property line instead of the minimum required set back of 20 feet in the ANR-40 zoning district, Town of Nelson, granted.
- Conditional Use Permit to allow a Home Based Business consisting of the seasonal retail sale of fireworks in the Residential zoning district, Town of Buffalo, granted. Permit subsequently revoked by the Zoning Department due to noncompliance.

ORDINANCE ENFORCEMENT

While the Department typically initiates several enforcement actions annually, in 2020 the Department brought to conclusion three inordinately significant ordinance violations.

- I. A larger cooperative effort between Buffalo County Zoning and WI DOT regarding a property upon which some five decades of salvage material had been accumulated. While the accumulation was a violation of the Zoning Ordinance it was also a violation of a Scenic Easement, along STH 35 a National Scenic Byway (Town of Belvidere), easement held by the State of Wisconsin and administered by DOT. In the cooperative effort the Zoning Department provided enforcement and oversight of the salvage removal while DOT provided the funding.

The salvage removal effort, which encompassed material that extended onto three acres of a neighboring property owners land, was estimated to take four weeks by the contractor hired by the Department for the removal. Removal ended up taking three months due to the underestimation of the extent of material on adjoining property and prolonged heavy rain events that prevented operation on steeper slopes for several weeks. An estimated 700,000 lbs. of salvage was removed from the property which had erosion control measures installed upon completion.

- II. Another Town of Belvidere enforcement effort was initiated in response to a complaint regarding a cabin and storage shed that were constructed without permits and were in violation of Buffalo County Floodplain and Shoreland Zoning Ordinances. The cabin was constructed in the floodway of the Mississippi River within which no type of development is allowed. In addition, the cabin was located at the water's edge when the minimum structure setback to any navigable waterway is 75 feet. The landowner complied with the removal order deadline.
- III. The third enforcement action of significance was first initiated in 2018, again in response to a complaint filed with the Department. Investigation found that the landowner had contracted for the construction of a road of which 650 feet crossed a high-quality Floodplain Forest and Fresh Wet Meadow wetland system located adjacent to the Trempealeau River, Town of Cross. In addition, the road crossed two streams over which two concrete bridges had been constructed, both streams were determined to be navigable waters of the State.

A Notice of Noncompliance was issued to the landowner including an order for the removal of all fill material and both bridges. The road construction fill material that impacted .34 acres of wetland, within a large wetland complex, was in violation of the Shoreland Zoning Ordinance in that all wetlands within 300 feet of navigable water are protected. The bridges also were in violation in that no structures are allowed within 75 feet of any navigable water. The fill material and bridges were also in violation of the Floodplain Ordinance in that no fill material may be placed in a Zone A unstudied floodplain.

The DNR also initiated enforcement which induced the landowner to enlist the services of a legal team and an environmental consulting firm. The landowner's attorneys filed an after-the-fact wetland fill permit application with the DNR and an after-the-fact application to rezone the footprint of the road out of Buffalo County Shoreland Zoning. It was agreed by all parties that the shoreland rezone petition would not proceed until the wetland fill permit application with the State was adjudicated.

The DNR denied the wetland fill permit, the decision was appealed which culminated in a 3 ½ day trial before an administrative law judge. The Zoning Department was meaningfully involved in the trial presenting supportive evidence and discovery. The judge found that due to the availability of practicable alternatives that would not impact wetlands and due to the substantial evidence of significant adverse impact to wetland functional values the wetland permit denial was upheld.

As of the drafting of this report the landowner has 30 days to seek a judicial review of the decision. If they do, the case will go before the Trempealeau County Circuit Court and the Department of Justice will defend DNR's decision.

PLANNING

Short Term Goals – Calendar Year 2021

- Comprehensive Shoreland Zoning Ordinance Revision. With the passage of several legislative amendments; Acts 44, 167, and 391 which limit county authority, the State has directed that all counties complete a comprehensive revision of their shoreland zoning ordinance to be in compliance with Ch. NR115 and Wis. Stats. 59.692.
- Comprehensive revision of the Sanitary Ordinance.

Long Term Goals – 2021 – 2024

- Comprehensive revision of the Subdivision Ordinance.
- Plan and initiate digital reporting and submittal of POWTS maintenance forms.
- Comprehensive revision of the Floodplain Ordinance.
- Develop Sediment and Erosion Control Ordinance.
- Develop Wetlands Protection Ordinance.
- Edit and reorganization of the Department's digital files and records.
- Digitize all Department paper files and records. This is anticipated to be a multi-year process with the end result being full public access via the Zoning Department webpage.

\$\$\$ 2020 BUDGET \$\$\$

The Zoning Department ended the year **under budget by \$19,863** which was returned to the general fund. The under-budget amount resulted from department revenue being \$13,405 under the projected amount and the expenses being \$33, 268.20 less than projected.

Revenue History:

2015 --- \$59,170
 2016 --- \$85,480
 2017 --- \$77,130
 2018 --- \$88,224
 2019---\$120,835
 2020 --- \$81,260

2020 Zoning Department Budget

Revenues		Budgeted	Actual	Difference
	County (Tax) Levy	\$135,552.00	\$135,552.00	0.00
	Zoning Permit Fees	\$30,000.00	\$24,100.00	-\$5,900.00
	Conditional Use Permit Fee	\$3,600.00	\$600.00	-\$3,000.00
	Variance Request Fee	\$1,200.00	\$2,400.00	+\$1,200.00
	Maintenance Tracking Fees	\$18,000.00	\$17,760.00	-\$240.00
	Uniform Dwelling Code Permit	\$700.00	\$525.00	-\$175.00
	Sanitary Program	\$30,000.00	\$24,950.00	-\$5050.00
	Driveway Access Permits	\$1,300.00	\$1,560.00	+\$260.00
	Uniform Numbering/Addressing Permits	\$3,900.00	\$3,550.00	-\$350.00
	Zoning Miscellaneous Revenue	0.00	0.00	0.00
	Soil & Site Evaluation Filing Fees	\$4,500.00	\$4350.00	-\$150.00
	Total Revenues	\$228,752.00	\$215,347.00	-\$13,405.00
Expenditures				
	Salaries	\$149,717.00	\$145,110.62	-\$4606.38
	Per Diem	\$3,000.00	\$1,770.00	-\$1,230
	Fringe Benefits	\$64,215.00	\$39,358.52	-\$24856.48
	Contractual Services	\$1,625.00	\$1,624.50	-\$.50
	Vehicle Repair & Maintenance	\$400.00	\$912.88	+512.88
	Office Supplies	\$150.00	\$149.99	-.01
	Postage	\$1,500.00	\$1,087.24	-\$412.76
	Office Stationery & Forms	\$500.00	\$328.85	-\$171.15
	Office Equipment	0.00	0.00	0.00
	Publications, Subscriptions, Books	\$200.00	\$146.63	-\$53.37
	Advertising & Printing	\$1,500.00	\$735.12	-\$64.88

	Photocopies	\$50.00	0.00	-\$50.00
	Membership Dues & Licenses	\$540.00	\$791.73	+\$251.73
	Registration Fees & Tuition	\$50.00	0.00	-\$50.00
	Employee Education & Training	\$1,160.00	\$237.20	-\$922.80
	Mileage	\$100.00	0.00	-\$100.00
	Board Mileage	\$1,100.00	\$657.73	-\$442.27
	Meals	\$100.00	\$39.83	-\$60.17
	Lodging	\$560.00	\$164.00	-\$396.00
	Other Supplies & Expense	\$100.00	0.00	-\$100.00
	Field Small Tools	\$100.00	0.00	-\$100.00
	Sign Parts & Supplies	\$1,400.00	\$1,783.96	+\$383.96
	Sanitary Permit Review – Remittance to State	\$6,500.00	\$6,400.00	-\$100.00
	Total Expenses	\$234,567.00	\$201,298.80	-\$33,268.20 (under budget)
	Ending Budget Balance (balance back to general fund)			\$19,863.20

Zoning Permit Activity in 2020

	# of Permits	Total Revenue
New Single-Family Dwellings	24	\$6,480
Additions	11	\$1,430
Commercial /Industrial	7	\$2,580
Accessory Structure	37	\$4,810
Agricultural Structure – 150 – 1,000 sq. ft.	6	\$400
Agricultural Structure – 1,001 – 2,000 sq. ft.	8	\$1,040
Agricultural Structure – 2,001 – 4,000 sq. ft.	6	\$1,620
Agricultural Structure - > 4,000 sq. ft.	8	\$4,000
Land Alteration	2	\$540
RV Siting	0	0
Rezone	2	\$1,200
Total		\$24,100

Driveway Permits

	# of Permits	Total Revenue
Driveway Permits Issued	12	\$1,560

Sanitary Permits

	# of Permits	Total Revenue
State Permits	78	\$26,830
County Permits		
Non-plumbing & Reconnect	10	\$1,250
Soil & Site Evaluations	61	\$4,575
Maintenance – Tracking Fees		\$17,760
Total		\$50,415

Address Numbers Issued

	# of Permits	Total Revenue
New Address	22	\$2,860

Unified Dwelling Code (UDC) Administrative Fee

	# of Permits	Total Revenue
Uniform Dwelling Code Fees	21	\$525

Conditional Use Permits

	# of Permits	Total Revenue
Conditional Use Permits	3	\$3,700
Transfer to Law Enforcement Department – E911	0	-\$3,100
Total		\$600

Variances

	# of Permits	Total Revenue
Variances	2	\$1,200