

TOWN OF HULL

PLAN COMMISSION PUBLIC HEARING /MEETING

Town of Hull Municipal Building, 4550 Wojcik Memorial Drive, Stevens Point, WI 54482

Tuesday, May 25, 2010

- 1. CALL THE MEETING TO ORDER:** The Town of Hull Plan Commission Meeting was called to order by Chairperson John Holdridge at 7:00 P.M. at the Town of Hull Municipal Building, 4550 Wojcik Memorial Drive, Stevens Point, WI 54482.

Present: John Holdridge, LaVerne Syens, Bob Bowen, Shelley Binder and Secretary Patty Amman.

Also present: Chuck Lucht, Associate Planner of Portage County Planning and Zoning and Town Supervisors: Dave Wilz, Dave Pederson. Citizens: Stan Klismith, Brad & Andrea Cisewski, Jacki & Clarence Cisewski

Absent / Excused: Bob Enright

General Announcements:

Holdridge On June 23rd there will be a property tax discussion that will be held at the Lincoln Center. Kate Lawton of the U.W. Extension, who is well informed on the property tax issue, will be giving the presentation on it. They're going to invite government and school boards officials. I don't know where this is going to go, but it's clear that we need to start informing the people of the different aspects of property taxes. We know that the state doesn't have any money and in almost any government function, if the state can't fund it, then it's going to come back to the property taxes. I don't think there is any limit on property taxing. They used to have a limit on how far you can go up on the property taxes.

Bowen I just know that Midstate Technical Institute has the power to tax according to their needs. In the newspaper they said enrollment is up and their income is down so they have to raise their rate which will be in 2010 I suppose.

Holdridge Any user of the tax can say the same thing. We have great needs. Right? 80 miles of roads to plow and so forth.

Bowen What are you doing about the membership on the Hull Plan Commission? We've have one resignation and one person no longer with us.

Holdridge Right. In June we'll have appointments. We have a vacancy on the Town Board. The Board will have to decide at the next meeting whether they want to fill it through an appointment or leave it open, we could exist with 4 members

Binder When would Bob Brilowski's term have expired?

Holdridge In April 2011, it will be for 9 months. So those are the options. The appointment for that is made up of the 4 Board members plus the Town Clerk who gets a vote in that. That is part of the law. So there are those 5 members who vote on who is going to replace Bob.

A general discussion ensued when John Holdridge informed members about a recent meeting here at Hull regarding a Metro Fire Dept. and the potential advantages and issues surrounding that. Currently the Villages of Plover and Whiting are part of the metro fire district with Stevens Point considering it and it being suggested to the Town of Hull to consider joining as well. The idea being to provide more service for less money by combining forces in fire fighting.

2. PUBLIC HEARING REGARDING REQUEST OF CLARENCE & JACALYN CISEWSKI, OWNERS / BRAD CISEWSKI INTERESTED PARTY TO CHANGE LAND USE DESIGNATION ON FUTURE LAND USE MAP 8.4 FOR PARCEL 020-24-0805-05 FROM NATURAL AREAS – LIMITED TO L-3 LIMITED AG/MIXED USE. CLOSE PUBLIC HEARING.

Holdridge Is there anybody that wants to comment on that change? Because it's a land use change, we have to give a 30 day notice, it has to be in the paper and then we have this public hearing. Is there anybody here that wants to say anything? *John showed everyone where the property is located on the map.* Are there any comments? Are the Cisewski's here? Good. One of the things we discovered when this was first proposed was that Brad didn't own the land. We can't change land use and zoning by people that don't own the land so that's why we had to get the parents involved.

Lucht Would you like me to explain a little about the land use?

Holdridge Yes, you can.

Lucht Presently this land is zoned conservancy, but parts of the land are actually in natural areas protected for land use and natural areas limited. The limited being the category that, way back in the comp planning process, you had some area that you wanted to keep in the natural state that couldn't be used for certain things. Presently the Town of Hull set that land use for limited, natural limited 5 acres. So the equivalent zoning to allow a house there would be A-3 or 5 acre zoning, which is what the limited is supposed to be.

Holdridge Let's not get into that yet. We have a public hearing and that's on the land use. Then we'll go to the zoning and you can talk about the zoning.

Motion to close the public hearing for the land use was made by LaVerne Syens and seconded by Bob Bowen, motion passed with voice vote.

**3. PUBLIC HEARING REGARDING REQUEST OF CLARENCE & JACALYN OWNERS / BRAD CISEWSKI, INTERESTED PARTY TO CHANGE ZONING OF PARCELS 020-24-0805-05 FROM CONSERVANCY TO A-3, LOW DENSITY AGRICULTURE DISTRICT.
CLOSE PUBLIC HEARING.**

Holdridge So based on our ordinance, not only do we need to have a public hearing for the land use, but also for the zoning, it's two steps. In order to change the zoning, the Town of Hull has an ordinance that we also need to have a public hearing, so we notified all the neighbors around there. Obviously nobody objects and you may have talked with some of the neighbors too. But that's all part of the process. Chuck, do you want to talk about going from conservancy to A-3 low density ag?

Lucht As I was saying, it's going to be a similar idea going to A-3, it puts the Town of Hull in the lot size the same as they envision for the future. We can't create a parcel that doesn't actually attach to a right of way. The one flag that came up with this piece of property is the fact that we didn't know, at the county, where the road bed actually lies. We've done the research on the certified survey maps up and down that road and the road is wider and narrower at parts depending upon the survey. So we had them contact the Town of Dewey. The Town of Dewey has told them a similar thing which is that road access will not be an issue. We'll grant you that, it's no problem. Just be sure your property abuts the road at some point so that you have access to it. He said that they are going to get it surveyed. That will be a condition. If we get a positive recommendation that comes forward from the Town of Hull, that will be a recommendation that has to happen before we send it on to the County Board.

Holdridge You explained that, but after we act, then the Town Board has to act on this, then it goes to Portage County Planning and Zoning. They will hold another public hearing and if it passes there, then it goes to the County Board. So you are going through 4 public bodies.

Lucht Right and like I said, the only real flag issue that comes up that anybody might make any real issue of is that we need to make sure we have a certified survey map that shows that the property access that road.

Holdridge There is a letter. You folks got a copy of Maurice King's letter. Anybody want to comment on the zoning?

Pederson What was the original rationale of the Plan Commission when they zoned it conservancy?

Holdridge Does anybody know that? It may have been a misread. We have areas that unless you get out there and walk them, you might assume that would be suitable for conservancy. When you start looking at it now and get down to specific parcels, that changes things. It's basically a 5 acre parcel, so if we pass this and it goes through the County Board, they'll also have to deal with any setbacks. As far as we can determine at this point, it's buildable. We may have other areas that may be a similar sort of situation if they get spotted out. But for the most part, I think it's pretty accurate.

Pederson This doesn't fall under spot zoning?

Holdridge I don't even know what spot zoning is. What is spot zoning?

Lucht Spot zoning is when you have a very localized rationale for why you've made something a certain zone. In this case, you can't build a house in conservancy. For whatever reason, land use wise, there are areas that have been identified as, yes you might be able to build or no, you can't build. This is a one to one exchange saying, we understand that there is that mix. In this case, it's a zoning exchange that's being extended to do what was done in I-39 West area and one other case last year where there was one of these cases further east in the Town. It may have been the same situation where they had the zoning in conservancy and we had to switch it to A-3 because they had the same mix.

A motion to close the public hearing on zoning was made by LaVerne Syens and seconded by Shelley Binder. Motion passed by voice vote.

4. ACTION ON REQUEST OF CLARENCE & JACALYN CISEWSKI, OWNERS / BRAD CISEWSKI, INTERESTED PARTY TO CHANGE LAND USE DESIGNATION ON FUTURE LAND USE MAP 8.4 FOR PARCEL 020-24-0805-05 FROM NATURAL AREAS – LIMITED TO L-3 LIMITED AG/MIXED USE.

Holdridge This is the formal action in which we change the land use.

A motion was made by LaVerne Syens to approve this request seconded by Bob Bowen. Motion passed with voice vote.

5. ACTION ON REQUEST OF CLARENCE & JACALYN OWNERS OWNERS / BRAD CISEWSKI, INTERESTED PARTY TO CHANGE ZONING OF PARCELS 020-24-0805-05 FROM CONSERVANCY TO A-3, LOW DENSITY AGRICULTURE DISTRICT.

Holdridge So now we're changing the zoning. Are there 3 zoning classifications under that land use Chuck?

Lucht Without seeing the chart, I don't know which one that is, but I know A-3 is one of them.

Holdridge That A-3 is 5 acre minimum right?

Lucht Right.

Bowen What extent does the Corp of Engineers get involved?

Lucht They walk part of that site. If you are asking for 5 acres to be changed, they're not going to walk the whole 40 with you but they'll walk that 5 acres and say this is in and this is out. The parcel is 5 acres but he'll have at least enough land above the wetland elevations so that he can have a septic system, house and access drive.

Holdridge But he still has the responsibility to go through the building permit process to locate the house where setbacks aren't a problem.

Bowen What's confusing to me is how you take the wetland out of conservancy and put it into A-3.

Holdridge How much wetland was there?

Lucht It's a mix.

Brad C. In the actual 5 acres she walked, there is no wetland.

Bowen Oh, there isn't.

Brad C. No. She came out and I gave her the exact map. She walked the border with me and the e-mail she sent to Steve Brazzale is that there is no wetland in that 5 acre parcel.

Bowen It says they must state the wetland areas and that was my question.

Holdridge Did you guys get that from her? Steve Brazzale did an analysis back in December I think and then as Brad wanted to get it on the agenda and get it moving, Janet and I looked at it and discovered he didn't own the land. We're not going to start rezoning somebody else's land. That's where the parents got involved. You signed off on it and Steve signed off on it. We assume at this level that if there is a wetland question, that's part of your initial interviewing.

Lucht It came up and one of the zoners looked at it. We know that some parts may have been wetland and other parts weren't.

Holdridge What is the name of the person from the Corp of Engineers?

Brad C. Simone E. Kolb, this is one where she e-mailed me. (*He gave us a copy of the e-mail for our records and binder*). She said there are no wetlands in the yellow boxed area. I asked her twice about that and so she sent me the e-mail to confirm that. I asked Steve Brazzale what I needed to do and he said just take the map with you and walk the area with her and she will e-mail him and myself stating there is no wetland.

Clarence C. Out of that whole 40 there's maybe 3 or 4 acres you could consider wetlands. I think the rest is farmland.

Lucht From the standpoint of agriculture versus a conservancy district, in the future, when we get our two conservancy districts sorted out, there will be nothing to prevent the Town

from designating that to limited as with the parcel further east that was taken out and put into A-3 as well. Especially since that seemed to be the original intent and this is a work-around method.

Holdridge Any other questions? If not, is there a motion?

A motion was made by Bob Bowen to approve the change of zoning from conservancy to A-3 low density agriculture and seconded by LaVerne Syens. Motion passed by voice vote.

Holdridge Now what do you need from us, copies of the minutes for your Planning and Zoning Committee?

Lucht Yes, and a formal recommendation of the Plan Commission. It's got to go through your Town Board. Once the Board approves it, you send up a recommendation along with the minutes, recommendations from both the Plan Commission and the Town Board.

Holdridge Okay, very good. Yes ma'am?

Jacki C. Now what do we have to do?

Brad C. My question is that it goes from here to the Town Board?

Holdridge It goes to the Town Board and we'll be meeting on June 7th. This will be on the agenda and once we approve it (*the Town Board*), it will be forwarded to the County Planning and Zoning.

Lucht You can come in ahead of time and get signed up on the agenda so that you can time it so you can get on the June Planning and Zoning Committee. This has been done in the past. You can do that anytime between now and then but we'll ask that it be done before we move it on to the County Board.

Holdridge Good, we thank you folks for coming.

6. APPROVAL OF PLAN COMMISSION MINUTES OF JANUARY 26 AND MARCH 23, 2010 MEETINGS.

Motion to approve the minutes of the meeting of January 26, 2010 was made by LaVerne Syens and seconded by Shelley Binder. Motion passed. A motion to approve the minutes from the Public Hearing at SPASH on March 23, 2010 was made by LaVerne Syens, second by Bob Bowen. Motion carried by voice vote.

7. JORDAN VILLAGE PLAT - DARREN KRZANOWSKI LAND SURVEYOR FOR JEAN FOX OWNER OF SEVERAL LOTS. DISCUSSION ONLY. NO FORMAL ACTION.

Holdridge Is there anybody here from Jordan Village Plat other than Stan Klismith? We sent notices to the land surveyor and he's the one that wanted it on the agenda. Darren Krzanowski, he's the land surveyor and Jean Fox is the one who owns the land and I sent this to Chuck Lucht so that he would be here. They haven't shown up but Stan knows quite a bit about it. He called me today. The Jordan Plat, and there is a map attached, is off Brilowski Road, and you can get to it from Hwy 66. Jean Fox has owned this land for a long time. Didn't you farm it at one time Stan? The plot is laid out. When Steve Brazzale was the director at the County, he wrote an e-mail to us on it.

Lucht We know Steve was working on it. What we have is shown as updated land owned by others. The old plat has not been combined, nor have those lots been wiped out to the best of our knowledge. All those lots that are 82.5' wide x 132' deep are still there. Theoretically, somebody can build on those, put a house and septic on them if they want. The plats are shown as combined into a larger parcel on all our maps. They are an amalgamation of lots by owner in that case, so all those little lots are still in existence.

Holdridge The reason why they can still be built on is because they are all a "lot of record", right?

Lucht Correct. This was a case where everybody was afraid of a "lot of record". Well, here it is coming back and you are seeing what that means. You can put 8 or 12, it's numbered strange, in essence, they are in zone C for wellhead protection area. That means we would normally require that they have at least a 2 acre lot to build on. The whole area that they are looking at wanting to combine into slightly bigger parcels to get around the rule of 2 acres, is less than 2 acres. It's like 1.9 acres or something like that. So it really shouldn't be built upon. A couple of parcels like the top two that run next to Hwy. 66, if you apply setbacks to them, you have a strip 7' wide x 264' long which would take up 2 of those parcels for any intents and purposes for building.

Holdridge Chuck, you have a "lot of record" and my understanding is that those lots go back how long?

Stan K. 1850

Holdridge Before the Civil War, you would say those were old lots.

Stan K. That used to be the Village of Jordan. They has 22 homes there, a hotel, sawmill and a feed mill.

Holdridge Now that is a fact. How does that interact with the county's requirement of this 2 acre minimum lot because it is in a wellhead protection area? Does that trump the "lot of record"?

Lucht No. They can build on those lots as long as they meet all the setback requirements.

Holdridge But if they change the lots, and that is the issue here, don't they want to enlarge the lots?

Lucht They would like to combine 2 of them at a time, then no.

Holdridge Make one lot?

Lucht We're going to tell them, you keep the lots that you've got. Which to be honest, when we look at it, those lots are larger than lots you find in the city.

Holdridge Let me go back to this wellhead protection issue. According to the land surveyor, they would like it combined, some lots, but those lots aren't 2 acre lots. If they combine them, that means that the protection of the "lot of record" is gone, because they are changing that. If they change it, then they've got to conform with the wellhead protection, is that right?

Lucht Correct.

Holdridge Plus, the Town of Hull had in their subdivision ordinance a requirement of 35,000 s.f. as a buildable lot. But I think the more telling one is the county's position, right?

Lucht Correct.

Holdridge So now what is the County's position on this?

Lucht The County's position is that we won't support the combination of these lots into anything smaller than all the lots they have there because it's substandard, all of them together.

Bowen The whole thing is 1.97 acres. If they applied for a variance, would you give it to them?

Lucht Yes. We're not going to stop them from using the lot as a singular lot. Right now, we have it as 2 lots.

Holdridge So you could actually over-ride the 2 acre minimum requirement in the wellhead protection area through the variance Board of Adjustment.

Lucht It's best used as a singular parcel now, but that gets you nearly within the measurement error of the tools for having it surveyed.

Holdridge So if we take the position that we don't have a problem if they're going to use the existing lots as long as they meet setback requirements and are buildable, right? They can still do that?

Lucht They can use every last one.

Holdridge If they want to enlarge it, they've got to get it awful close to 2 acres. Absent that, then it's not going to fly.

Lucht Correct.

Holdridge They would have to get a variance to do that.

Lucht They are going to run into issues with driveway access.

Bowen Explain to me why you would approve them building on all of the lots as they are, but you would prefer that it is one lot? That's confusing to me. You're really on both sides of the fence. You are trying to protect with the latter for the wellhead protection area.

Lucht But they don't want to combine it into just one lot. Instead of having 8 small lots, they want to make 4 substandard small lots. Then they'll need variations for driveway access and some of those other issues like that.

Holdridge What if they use the "lot of record"? Actually, you don't have an option on the "lot of record", right?

Lucht We don't have an option on the "lot of record".

Holdridge Because they have that right.

Lucht They have that right.

Holdridge So if they build on those lots and the lots are less than 2 acres, do they have driveway access and so forth?

Lucht That would depend. The number of driveway access issues could limit the number of parcels they could combine.

Holdridge So even though they have the "lot of record" and have the lots, there are other things that might come in here that create a difference.

Lucht Correct.

Bowen But Chuck, you're speaking very liberally about all of the lots. Which raises the question, what good is the wellhead protection? Why do we have it?

Lucht These were certified in 1850.

Bowen I know that. But we realized we needed to protect the water supply and we developed this big wellhead protection area. Now you're saying the 2 acre minimum lot size, which we adopted to help the wellhead protection area, is not standing up.

Lucht We would like it to, but we don't have a legal basis to prevent anything from happening on the smaller lots. Our ability to limit the size of or number of units that go in out there, land wise, are issues like driveway access. At this point, we don't have a good reason why we should combine 2 lots into a parcel and let that happened as opposed to combining all of them.

Bowen Well I do. It would make sense to me that you're trying to comply with wellhead protection and so that's why I find it odd that you would accept the fact that they might build 5 structures or residences on that, right? Or build 6 or 7 lots. Is that right?

Lucht Sounds about right.

Bowen You don't think there is a risk in that?

Holdridge I don't think it's in their hands. This is the "lot of record". Remember when we had Schuler out here about the "lot of record" and the Butkes were constantly raising that and Jeff said that it's a "lot of record" and you have rights because of that?

Bowen I'm just speaking on the way it comes across to me. It sounds like a "shoot yourself in the foot" philosophy.

Lucht You have a case where we don't have any other rationale other than that they think that lot is small and won't sell, so they are hoping they can combine a few of them so they can make extra money rather than just selling it as one parcel.

Holdridge I think that is the owner's perspective and the land surveyor's.

Lucht Our rationale is that this parcel shouldn't be sold separately. It doesn't make the minimum lot size.

Stan K. If Jean Fox had one more lot, she'd have 4 acres. I have 8 lots and I've got 4 acres. I could see you putting 2 homes on that, but no more than that.

Bowen But she has the right to put one on each lot.

Holdridge If she doesn't want to change the lot size, and she can get by some of these hurdles like driveway access and that, then she could put one on each lot.

Lucht Off the top of my head, I can't quote the distance between driveways.

Holdridge Jean Fox lives in Racine, doesn't she?

Stan K. Yes, on Bruce Drive, if she's still there. I talk to her maybe once a year.

Holdridge My guess is that we support what Portage County does and the wellhead protection issue. If she wants to do something with the existing lots, the "lots of record", then she's got every right to do that provided she can get through the various hurdles there might be. Short of that, I think it's back in their ballpark. Right?

Lucht Right.

Stan K. I've got one question. I've got 8 lots. If I wanted to build a home on mine and use 3 acres and leave my existing house on one acre, I can't do that can I?

Lucht No.

Stan K. I could use 2 acres though?

Lucht You could do 2 and 2.

Stan K. Yes, 4 lots.

Lucht That's no problem, 2 and 2 are fine.

Holdridge You're existing house in on one acre?

Stan K. It's on a corner lot.

Holdridge The other 3 acres, why couldn't you put one house on 3 acres?

Stan K. I would be using up more lots. Four for one and 4 for the other.

Holdridge Yes, but your house is already on one acre and you've got 3 other acres. Why can't somebody build a house on 3 acres? What's the prohibition on that?

Lucht We're giving people ideas.

Holdridge Well, let's get it out there.

Stan K. My wife told me to ask that question, she couldn't make it tonight.

Holdridge There isn't any reason he couldn't do that is there? You've got to have a 2 acre minimum lot size and he's got it.

Lucht If he's in the same situation, he could put a double wide on both of them on each one. Like I said, these lots are comparable, if not larger than many lots in the City of Stevens Point.

Holdridge Yes, but he's talking about 3 acres and there's no reason why he can't build on 3 acres, right?

Lucht No.

Holdridge There you go, you've got a new construction.

Stan K. I'll tell the wife.

Holdridge The minimum he'd need to have, at least by the wellhead protection, is 2 acres, right?

Lucht Under normal conditions, yes. He is saying he has X number of lots in the same old Jordan Village Plat that were never legally combined away from the original plat. In other words, his name is on 8 lots. It's a technicality that caught us and there is nothing we can do about it because that's the way it is with existing "lots of record". This has been an on-going issue for a year at least. Apparently as Jean Fox gets older, she is looking at doing something with these lots.

Holdridge Let's get back to this so we can resolve this. What are the thoughts of the group here? I think we have to make a decision.

Binder What is the request?

Lucht The request is to sell lots or combine lots in less than 2 acre increments but greater than the singular lots she has now.

Holdridge The argument is that she has "lots of record" which are small and she has a right to use those if she can meet driveway access, setbacks and so forth. These may be stumbling blocks if she wants to do that. But she can go through that process. But if she decides to combine these and they are not 2 acre lots, these new lots would fall under the wellhead protection area which took effect in the mid 1990's. I think there are 3 rings in this area and it requires a 2 acre lot minimum. So all of a sudden, with a newly formed lot, she would fall into another category.

Lucht We would be happy to combine all the parcels into one so that it would be close to a 2 acre parcel. We would be happy with that. That is also the way it shows up now in our system.

Bowen I don't see that there is any basis for any objection to her doing what she wants to do. This is a vote for citizens' rights.

Stan K. How many houses does she want to put on there?

Lucht She doesn't state that. She states that she wants more than one lot.

Holdridge We ought to explain the option that she can go through the variance process. This thing has been floating around. The land contractor keeps calling me. I know he's called Jeff Schuler. He's probably called you, Chuck.

Bowen Another side of this is our concern for the adjacent landowners who have residential property there. If they have their own water supply and their own septic system, this could be a problem. I think she has every right to do that, but in so doing, by approving her right to do that, we may be jeopardizing the welfare of the surrounding property owners in terms of their water supply and their sewage disposal.

Holdridge Our problem with that is that it is a "lot of record" and whatever she decides to do with those lots, these issues are going to be coming up.

Bowen I'm surprised there aren't other people here talking about this because if I lived next to that and there was a possibility of her putting in 7 homes because she has the right to do that, I would be pretty concerned.

Stan K. They probably didn't send letters out.

Holdridge No. This was a public hearing. You (*Stan*) saw it in the paper. What happens now Chuck? How is that treated if she comes in and says she has 6 or 7 lots and wants to build on each one of those? What is the process?

Lucht She has to meet all the setback requirements. She has to meet driveway separation requirements as well as requirements for the septic system. Everything that I've talked with Chris about, as far as if these lots would have enough space for septic and wells. He feels that they would probably meet that.

Bowen Probably, but he's not sure.

Lucht We'd have to find out if they're going to put any houses forward on the lot or down the middle.

Bowen There are a lot of variables involved there.

Holdridge How does this become a public issue? How would Stan Klismith and Dennis and Brzezinski and others around there know this?

Lucht The only way it becomes a public issue is if she tries to combine 2 of those lots and then sells them off as a combined sort of lot.

Holdridge How would the citizens know if she's going to combine lots there? Does that trigger something in the zoning ordinance or what?

Lucht If she were going to come in for a building permit and start building or putting in manufactured homes, they would know the day construction starts.

Holdridge But that would be after the fact. It's too late.

Lucht These are "lots of record". All that is needed is a building permit.

Bowen It still sounds like a public health issue to me.

(LaVerne Syens said something that could not be made out on the tape because of several people talking at once.)

Holdridge What Laverne is saying is if you combine it, then you're in a different category, right? You're somewhere between the 2 acre lot minimum and the "lot of record". How does the public know that? Bob Bowen raises a great question. All of a sudden, we've potentially got septic and wells there and that could be a concern. But it is possible that it would never get to a public aspect of this?

Lucht It's possible.

Pederson Wouldn't it have to go to the Board of Adjustment to do that?

Lucht No. It is a "lot of record".

Pederson Well, a "lot of record", but if they combine some of them, it would need a variance.

Holdridge Yes, that would be the only thing that would trigger it.

Lucht Correct, but they would have to prove that there is some sort of hardship. To get the variance, they have to have some sort of hardship they didn't create themselves. To say that, "Well, the surveyor didn't make the lots the way I wanted them way back in 1850", that is not a hardship.

Holdridge They didn't create the wellhead protection area.

Lucht But that is not a hardship. That applies to everybody.

Holdridge It's a hardship for them.

Pederson Do current setbacks and driveway codes apply to a "lot of record" that was created in 1850?

Lucht Yes.

Pederson It's part of retroactive legislation.

Binder You have to meet current standards.

Pederson If you're going to build something, then you have to meet current standards.

Syens This decision would be a whole lot easier to make if we knew what Jean Fox was intending to do here. Whether or not she was trying to combine these 7 lots into 3 lots or 2 lots.

Bowen Then when or if she decides to do that, she has to come back, right? So we would still have a second shot at it.

Syens My initial thought on this is that if we look at trying to protect groundwater, septic tank and this type of thing right now, if she can get approved testing, she could put 7 wells, 7 septic tanks right there. So what is the lesser of 2 evils, reducing it down to perhaps 3 versus 7, or again, I go back to the opening statement that it would be a whole lot easier to make this decision if we knew what she intends to do with those lots.

Binder I don't think we can do anything because they are "lots of record". How come we have the one map with the 7 lots and on one we have 2 highlighted in green? Why are there 2 there?

Holdridge Because Brazzale talked about a block.

Lucht It looks to me that the one with the green highlighting is the proposed certified survey that they might use for splitting it up if she got two lots.

Binder Okay.

Lucht For instance, lot 1 and lot 12 are at the top. If you applied setbacks, lot 1 and lot 12 would have a strip 7 ½' wide that would be used right down the middle. It would be 50' from the Hwy. 66 right of way and 25' to the property just south of it. That would leave you with a 7 ½' strip. So that takes care of 2 lots.

Stan K. From Hwy. 66 there is a service road.

Lucht It might be in the right of way.

Stan K. That service road they use that for a snowmobile trail.

Lucht It might be in the right of way.

Stan K. Your right of way?

Lucht No, in the Hwy. 66 right of way.

Stan K. That is in the Jordan Pond.

Lucht It's confusing in there.

Holdridge Do we want to pass a sense of the final thoughts saying here's the options? We recognize that it is a "lot of record" and she has use of that lot. She has some hurdles because you have setback requirements. She is further complicated if she wants to expand that and combine lots. She needs to have 2 acres because she would be creating a new lot and it is in the wellhead protection area. If she can't make the 2 acre threshold, then she has the option of going for a variance before the Board of Adjustment. That's about where we are at on this, right?

Bowen Apparently, she wants to go with the "lot of record".

Holdridge But I think it is useful for us to state that we understand the "lot of record" and it has some real standing.

Bowen Right. My decision would be based on the "lot of record" aspect and not on the contingency that there would be a variance.

Holdridge I'm trying to say, give the land surveyor and Jean Fox what their options are. If they want to do something, they should put it in writing and tell us what they want to do. Show up at the meeting and we'd be happy to react to it.

Binder So right now, every lot is a little more than an 8th of an acre? Or a little less than a quarter of an acre?

Holdridge Now if I make that in the form of a motion, what I just said, and somebody seconds it, then it give us something to move this thing along.

Amman Is that considered a formal action?

Holdridge Yes.

Amman You can't do that.

Holdridge What?

Amman According to this (*agenda*), it's just discussion only, no formal action.

Holdridge You're right. We're just to discuss it. That's a good point.

Bowen Thank you.

Binder That's why we have Patty down there. She's reading the notes.

Holdridge That's where we've got somebody on the ball. Maybe we record that in the minutes and send that to them, our discussion. I don't know what else we can do. So with no action, we just table this as an item.

Bowen What would have to happen to bring it back to the table?

Holdridge It is back in their corner, Jean Fox and the land surveyor. We've discussed it.

Binder I guess we'll hear about it when somebody wants to build on one of them if she sells any of them.

Bowen Is it appropriate to respond in writing to this gentleman (*surveyor*) and tell him that it would be helpful to us in making a decision if we knew the property owner's intention?

Holdridge Yes, that would be good. We could do that.

Bowen Because right now, it's a shot in the dark.

Holdridge We discussed it. We took no action but now she has to decide what she wants.

Bowen You can put on there, "Are you planning on building 7 houses out there or going to the County and have one lot of standard size?" It's as simple as that.

Holdridge And we took no action so it's up to them. Then do you want to table this?

Bowen Yes, we should table it until we receive further information.

Bowen moved to table the discussion, seconded by Syens. Motion passed with voice vote.

8. HULL CURRENT SUBDIVISION ORDINANCE (REVIEW AND REVISIONS)

Holdridge I send out a copy of the current subdivision ordinance. You'll note that it goes back to 1978-79.

Bowen That first sentence is very interesting in light of the discussion we just had. This a point that I made. "The purpose of this ordinance is to promote the public health, safety and general welfare..."

Holdridge I think that is what someone is supposed to do.

Bowen Right. If she builds 7 houses, that's a mini subdivision.

Holdridge On page 4, #5, general, where it says 35,000 s.f., that is what you need to have as a lot size. They talk about preliminary plot, final plot, obviously it's pretty old and there are concerns about any new ordinance reserving land for the parks, recreation and a host of other things. I thought what should be done at the next meeting; the county has a model subdivision ordinance, right Chuck?

Lucht I'm sure we have access to one.

Holdridge I think you have one, I think we might have it. The Town's Association has model one so I think what we should do is pull those together and having a working draft and then put this on the agenda and get something developed. We said we were going to do that after we got through with the I-39 West situation. Are there any questions about that as you look it over? There were some amendments made around 1979 but that just looks like an affirmation of the square footage. Any other comments? Do we all agree that we need to update our subdivision ordinance?

Stan K. How are you going to handle less than one acre?

Holdridge I'm not sure. As you look at this, the county has a model that they came out with recently. Then the Wisconsin Town's Association also has a new subdivision ordinance. What we need to do is to take what we have here and look at those and add and subtract. This goes back to the 1970's and that's a long time ago. Some will get changed or deleted.

Lucht Ours is more restrictive.

Holdridge He's talking about the acreage. Here we've got 35,000 s.f. I live on a ¾ acre lot. A lot of people do. What did you say was the county's new one is?

Lucht You can make a subdivision ordinance that is more restrictive than the county ordinance but not less restrictive. So I believe that the 35,000 s.f. minimum would now default back to our 2 acre minimum.

Bowen But that has to be serviced by a sewer utility.

Holdridge What is the subdivision where Jim Mendyke lives? That conservation subdivision, what are the lot sizes there?

Amman Patrician Pines.

Holdridge Patrician Pines, that's right.

Lucht Their lot sizes are going to be smaller even though there are special subdivision ordinances that cover that.

Holdridge When they started that, weren't they 2 acres and some of the acreage went to the common areas?

Lucht Right. They are denser in some areas and there are open areas so it evens out.

Holdridge I think when they started that, the original design was 2 acres.

Binder I make a suggestion that we get a copy of the Portage County subdivision ordinance model and the Town's Association model that you mentioned so that we can review them before the next meeting.

Holdridge Yes, we'll get those out to you.

Binder I think I have a county one. I think we got that with the I-39 West project. I can look for it.

Holdridge I think we need to focus in on it and get that subdivision ordinance up and running. That's pretty crucial. Okay, everybody agree with that?

A motion was made by LaVerne Syens to look at the Portage County and Town's Association subdivision ordinance and then at the next meeting we'll have them as an example to work off of. Motion was seconded by Bob Bowen. Motion passed with voice vote.

9. FUTURE MEETING DATES OF HULL PLAN COMMISSION, SUMMER AND SEPTEMBER 2010.

The Commission reviewed John Holdridge's memo regarding having the next 4 Plan Commission meetings on the 3rd Tuesday of each month for June through September at 7:00 p.m. The Commission agreed to the dates of June 15, July 20, August 17 and September 21 for the meetings. LaVerne Syens is excused from the August 17th meeting. A motion was made by Bob Bowen and seconded by LaVerne Syens to approve the meeting schedule as presented. Motion passed with voice vote.

Date of future meeting. *The next Plan Commission meeting will be held on Tuesday, June 15, 2010 at 7:00 p.m.*

10. ADJOURNMENT

Motion made by Bob Bowen to adjourn meeting, seconded by LaVerne Syens. Motion carried by voice vote. Meeting closed at 8:26 p.m.

Respectfully submitted,

Patty Amman, Plan Commission Secretary
Town of Hull, Portage County