

TOWN OF HULL

PLAN COMMISSION MEETING

June 10, 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, Bob Enright, and Secretary Patty Amman.

Also present: Chuck Lucht, Associate Planner of Portage County Planning and Zoning and Town Supervisors, Dave Pederson and Dave Wilz.

Citizens: Jocelyn Reid, Anna Haines of UW-Extension, Mike Dombeck

General Announcements:

Holdridge I want to introduce Jocelyn Reid who is a candidate for the Hull Plan Commission. She lives in Meadow Manor and has been a resident of Hull for 23 years.

Here is a copy of a letter to Ron Gollon, Pete Klismith and other haulers principally up in the I-39 West area. The Town Board has put a 7 ½ ton weight limit on the road from Sawmill to Casimir, Granite Ridge Road – that cut off. The reason for that is because last year, we spent about \$50,000 double seal coating most of the road from Casimir to Shady Lane and it's deteriorated from the heavy truck traffic and some soil problems there. Next week Scott Construction will be back and put a single seal coating on that and we'll pay half the cost and he'll pay the other half of the cost. We want to protect the road and we've got to make sure these truckers who have a way to get over to the Casimir Interchange go over the X over pass and down North 2nd. We are putting that on and tomorrow a couple of us will be meeting with Bob Konkol, our attorney, to make sure that these ordinances are followed. We've got one particular problem and we'll deal with it. That will go into effect probably the first part of next week. We have to publish it and then post it. That will stay on until September. That's pretty essential or the road over there will get all tore up and we'd have more expenses.

I want to hand out a copy of this letter to Dan Schlutter who is the president of the Village of Plover and Jerry Walters who is the president of the Village of Whiting. Those 2 staff members had gotten together and are trying to develop a metro fire dept. We had a presentation out here in May by Fire Chiefs Tim Kluck of Plover, Dan Kontos of Whiting, John Zinda of Stevens Point and Mark Kluck of the Town of Hull. They made a presentation on the merits of a metro fire dept. and they have combined those 2 villages and now want to expand it. One of the areas they are expanding it to very soon is the City of Stevens Point. Stevens Point has a full time fire dept. and these other 2 have either volunteers or pain-on-call staff. The City has 10 firemen and they also provide EMT services so the City is looking for additional assistance. I think it's a good development. There are lots of concerns about the cost of fire services not only in this community but all over the state. We are interested in getting involved in that and it's possible that at some point, we may be going along with it.

This is a letter I wrote to the land surveyor about the Jordan Plat situation. The agenda for the next meeting on July 20th, those folks from the Jordan Plat area, Jordan Village area out by Jordan Park, they'll be here at that meeting.

2. CITIZENS WISHING TO ADDRESS THE COMMISSION ON NON-AGENDA ITEMS. AGENDA ITEMS ARE FOR DISCUSSION AND POSSIBLE ACTION:

None.

3. APPROVAL OF MINUTES OF May 25, 2010 PUBLIC HEARING/Meeting:

Motion to approve the minutes of the Public Hearing/Meeting on –May 25, 2010- by Bob Bowen, second by LaVerne Syens. Motion carried by voice vote.

4. SUBDIVISION ORDINANCE: Wisconsin Town's Association, Portage County

Holdridge Back in January 2009 we sent out a letter including the subdivision ordinances from the Wisconsin Towns Association, and also the Portage County subdivision ordinances. I spent most of the afternoon going through the County subdivision ordinances. Maybe we should just take a look at that. This is effective for 16 towns under County zoning?

Lucht I don't know off the top of my head.

Holdridge 16 out of the 17?

Lucht Yes, there are 1 or 2 that are not in there.

Holdridge As I looked at it, it covers all the bases. In terms of procedure, that would be effective in the towns unless we have something that is more restrictive. Is that accurate?

Lucht Right.

Holdridge One of the things about the County model ordinance is the definitions. I've never seen the definitions as they are in here. It's a pretty complete list. They talk about a county plat, final plat, etc. It's very comprehensive in that sense. The difference between a major subdivision and a minor subdivision. It takes up about the first 3 pages with just definitions. They have a compliance section. On page 5 under 7.4.2.3 the ordinance shows not requiring approval or being subject to disapproval by any town or town board. So this is effective in the town largely because we are under County zoning.

Lucht Correct.

Holdridge Over on page 6 there are dedications and reservations, they talk about roadways. On page 7, there are design standards and they talk about the lots. On page 8, there is a whole section, about 2 ½ pages, 7.4.52 on lot averaging. We went through that with the I-39 situation and I don't think most of us understand that yet. It's really never been implemented, right?

Lucht We've had a few people that wanted to use it but for one reason or another, it just didn't work out.

Holdridge On page 12 there is public and private roads. On page 13 under e.1 it says, "Minimum distance between adjacent access points". That became an issue with that Jordan Plat, the points between the roads.

Lucht Yes.

Holdridge That is all covered in here, right, this is where you'd go to find that?

Lucht Well, for the Jordan Plat, you have to find out whether the Town ever vacated that road or not that goes into it. Theoretically, there is a road that is not someone's driveway. It's an actual town road, maybe. It's platted as a town road. Between 1880 and now, did the Town of Hull ever vacate that road? If not, you have a brand new section of road to deal with.

Holdridge That has to be resolved?

Lucht That has to be resolved in that area, yes.

Holdridge Down in that same section (3), "Preexisting Lots of Record", here is what it says because that came up last time, "These standards shall not be enforced in such a way as to deny access to lots of record which are in existence prior to the adoption of this ordinance. However, any new access to such lots shall be in compliance with the access separation standards of this section." That is one of the questions about the lot of record, right?

Lucht Right.

Holdridge There is a substantial section on groundwater management, water supply facilities starting on page 14. Then it talks about monuments to mark the land. Then on page 16 is the storm water management construction site erosion control. On page 17 there is a section on sanitary sewage, private septic systems, setbacks and so on. Surface water management is on page 19. All of these are pretty well detailed. On page 18 at the bottom there is a whole section on preliminary plats. There is preliminary consultation; that is when these people come into your office and you write up that one pager, right?

Lucht Right.

Holdridge Then you go to preliminary plat or sketch sometimes, right?

Lucht Right.

Holdridge There is a whole standard for the preliminary plat. Then you get to the final plat. When you get to the final plat, that's pretty well done, you've been through all these steps and you are pretty well there by then. On page 20 there is a procedure for County plat review. This ordinance is very current. It was revised on June 17, 2008. Any additions since that time Chuck?

Lucht I don't know. There are a whole bunch of changes working their way through the system right now for zoning.

Holdridge But this really pertains to subdivisions right?

Lucht Subdivision ordinances are the very specific nuts and bolts of very specific things. Zoning is where these are the uses that will be allowed in a given area. Specific uses, not where the land use plan is this big over arching thing on what we'd like the land to look like in 20 years. Zoning is what we'll let in there right now and the subdivision ordinance is how you put your driveway in, how you do your surveying, how things are split. It's a specific layer below the zoning so it takes care of extra details.

Holdridge Are there any comments or questions about this? It's pretty comprehensive.

Lucht Are you thinking of going with the County's then?

Holdridge I would say possibly. Maybe with some modifications based upon the situations we have here in Hull. I don't see us re-inventing these kinds of subdivision ordinances. We're really under your County zoning anyway. We may want to modify it. You folks enforce it anyway with your staff.

Lucht The important thing about having your own subdivision ordinance is that when someone comes to you and says, "I want to do this project", the Town is the one that is responsible for digging through their subdivision ordinance to make sure they catch the nitpicky things. Your subdivision ordinance would affect our decision making.

Holdridge We don't want to create a staff to do that.

Enright As I was reading through it, I felt we should have an ordinance to cover certain items because it codifies it, has a procedure for how you do it. But then I thought I really wouldn't know how to make up one for Hull on my own unless someone helped us along and said you should think about these different things. So do you think this is comprehensive enough that we could review this and say this looks good, but maybe we ought to alter this? Or are there things not even in this that we need specific to the Town of Hull that we should think of adding?

Lucht As a base model, it's a good thing. If there are specific issues that Hull has that the County doesn't because our subdivision ordinance covers the whole County and so that's a pretty big difference in decision making between Carson and Eau Plaine, Alban and way down in the southern part of the County. The southern towns are very different in geology and geography. A county is a big area and so we may not cover everything in our subdivision ordinance that you may feel is needed or required.

Enright How would you recommend that we go about that and then also, given we've made some decisions like the I-39 West issue, because this would be the whole Town?

Lucht The way I would go at it first would be to discuss between yourselves and brainstorm what are the issues that are really important in Hull, that you would like to have more control over. Forget about what the County has and just find out the needs that you feel Hull has that should be addressed. Then you read through the County subdivision ordinances and find out if that will address your needs and those things that the County subdivision ordinances addresses are then things you don't need to create in your own. That leaves you with just those few things that the County subdivision ordinances doesn't have. Does that make sense? Then you will find things that are fine but you don't have any need for right now, so it would be just extra writing. By subtraction, you would find out what you really need to work on.

Holdridge We had a letter from Patty Drier, the county executive. She wanted to know what we saw the role of the County to be. She was talking about herself as executive head of the County. One of the points I made was that I see the County as an intermediary government. We've got State, County then we've got all these little local governments. We see the County providing services to the town. Just like this zoning, but there are a host of other ones that they provide. About 13% of the local tax levy goes to the town and we don't have the resources, so we have to get the County at that intermediary level. One of the examples I use is the problem we've had with outdoor wood boilers. Somebody that can monitor those, the air, I couldn't get any reaction from the human service dept. I talked with the DNR and there's nobody that does that. Are we supposed to go out and buy our own monitoring equipment or contract with somebody in Minneapolis? We need the intermediary government to provide those services. If we start taking them over, we're going to pay for those. We already send 28% of our taxes to Portage County. So I think that is something we have to think about as a real issue for us. Utilizing the expertise that is at that level. That is true in terms of the sheriff's dept. or solid waste dept. I think Chuck is right, we certainly want to add and subtract some of this. I don't know that we want to get into this lot averaging with our experience with I-39. It's never been done and nobody understood it.

Lucht We understand it but it just hasn't been used yet.

Holdridge We couldn't understand what you were presenting, that was the problem. I thought I understood it at one meeting and I didn't have it right. I don't think people have come to grips with that. It looks great on paper but when we tried to identify it and say how does it apply, it is a different story. I'm sure there are things we could take from ours. Ours was adopted in 1971 so if you look at this after looking at the County's, the terminology is different. This has some good things that are more relevant to Hull. Let me go to the Wisconsin Town Association's. This is the boilerplate for all 1,700 towns in Wisconsin. Again, they go into the definitions and one of the definitions that would be important to have in ours is Certified Survey, page 2 B under Certified Survey or Certified Survey Map. It describes it, what it is and how it is used. One the next page, it talks about Conservation Subdivisions. We have a conservation subdivision in Hull; Patrician Pines. I noticed, Chuck, that wasn't in your model ordinance. It's not in this ordinance.

Lucht That's because the open space design is its own separate ordinance outside of that. We are going to address, sometime in the next year, the open space ordinance and lot averaging and see if we can combine those two somehow. That's a ways down the road yet.

Holdridge On page 9 there is what is called Cluster Developments in section 8. That is a different development style.

Lucht It is where you put homes or dwellings closer together and you keep a larger area around it as a common open space. It's usually geared towards larger developers. Usually the density is more and that is why they can afford to leave the open space.

5. TOWN OF HULL SUBDIVISION ORDINANCES: Current and Revised.

Holdridge There are some aspects of this that we may want to use (*of the Towns Association*) to put together and modify ours. The last handout is our Town subdivision ordinance; it has some things that are just outdated so it has to be revised. It was passed on May 26, 1971.

Lucht When you start looking at the subdivision ordinances for your Town, pay attention to how your comprehensive plan policies interact with your subdivision ordinances because if your subdivision ordinances are not properly structured, what happens is that we see your subdivision ordinances and we see your comprehensive plan and we say these things don't match, and that's not good. Then you have a crisis of which one actually controls. This is how the comprehensive plan stays relevant. It makes sure that your goals and objectives match what you are actually trying to do in the subdivision ordinances. If you say you want to build a garage, you're saying the garage is going to look exactly like this and the goal was that you could not see the garage. That is how you say you've got to put your garage behind the back of the house instead of the front.

Holdridge I noticed the Town model ordinance referred much more back to the comprehensive plan than the County's did. There clearly is a tie in there with the comprehensive plan. What are the thoughts? Where do we go from here? We know we have to update ours.

Binder Like you said, we probably know of a few issues off the top of our head that we should address and start from there. So I'd say that's how we'd start. Just going through the old one, our current one, it looks like the lot sizes don't meet our current criteria, they are too small, in just looking at the back page. There are things like that, it was 1979 so it's 30 years old. For our area, lot sizes, commercial development, these are a few topics that we've been hammering through for 3 years so that is what needs to go in general terms into our subdivision ordinance which we didn't need to worry about years ago.

Bowen John, how have the subdivisions that have developed in the Town of Hull since this was adopted been in compliance? Have we had any issues?

Holdridge We've had some groundwater management issues. That is a fairly new law that was put through by the DNR. I remember the one off of north Jordan. Steve Brazzale was heavily involved in that. That was a real challenge. That is all part of the requirement now from the changes in the state law. Otherwise we relied on Portage County. They'll write up a report and work very closely on developing these. As I read this, there were a lot of things that I didn't

know about. I'm always trying to figure out the process and finally we get a description of the process. We've never really looked much at this. We went with ours and you used some terminology and we'd have to try to catch up on the terminology.

Lucht Yes. It works that way.

Holdridge Generally, I think it has worked pretty well. The County defers to us as the Town for our input. I don't think we've had any snags.

Bowen Chuck, where do the developers generally start their process?

Lucht The same way everybody else does. They'll walk in and talk with you then you send it to us. If they come to us first, we talk to them, get the information and get back to you and give you a description of what is going on. Then we start the process from there. There is some back and forth and the more involved the project, the longer it may take. The process for a big developer is the same as the process for someone wanting to split 2 lots.

Holdridge Minor subdivision.

Lucht Right. The process is the same.

Holdridge They have a regular form, a one pager they go through and check that off and note problems in there and we get a copy.

Lucht There are issues that our subdivision and zoning don't deal well with. Condominiums for instance, you cannot discriminate and say you cannot do condominiums. However, how you deal with condominiums is the same as you would deal with a house. Density for them can be the same as density for a house. You're not outlawing an ownership but it's a little tricky with condominiums. We're still working our own way through that minefield of state statues. The thing about a subdivision ordinance is like the comprehensive plan. It's not a static thing. It's supposed to change and you're supposed to keep it updated so that it is relevant. If you sit on something too long, technology and time move on and it no longer functions the way it's supposed to.

Enright If we developed one of these, would we really be using it or would it be more like John says, these issues haven't come up? I think that if we are going to need this, we should put in the time. But when is it likely to come up?

Lucht That's where you sit and brainstorm to determine what the big issues for Hull are that really need your own special twist. The County can't identify that. That needs to come from you. Since it is important, it's going to be on your mind. Once it ceases to be important and everybody forgets about it, that means you haven't kept up on what is going on. It's either no longer important to you or it took care of itself or it's not being enforced. Subdivision ordinances can be very helpful to you if they are tailored to your needs. Exactly what you are trying to have some control over. If the goal is to cover everything, you're going to have a thick document and somebody better know what's in it.

Enright Since it's supposed to be consistent with the comprehensive plan and we haven't looked at this a lot in detail lately, just going through the plan to see which goals and objectives would suggest that we need something written in the ordinance.

Lucht That would be a very good place to start.

Enright Brainstorming is good too but this might be more systematic because otherwise you might miss something. Then the question might be, if that issue has already been addressed somewhere in the County's plan, if someone from your staff said that it is in there already, this is how that's dealt with.

Lucht That's not how we would deal with a subdivision ordinance. We would say, you've identified these things as goals, objectives and policies that you want to do. Your subdivision ordinance says exactly how you want to do it. Shelley brought up commercial; if everybody in Hull had a dislike for neon signs for example, as long as you apply it evenly, you can regulate neon signage. They do it with flashing signs which would have been a better example. The LED lights that flash really bothers some towns and so they create part of their subdivision ordinance that has the sign regulation in it and they don't allow it to flash. It says you can't change it more than once every 10 seconds or once every minute. That would be an example of a policy to have more control over businesses. That would be considered an objective. Part of the subdivision ordinance could be sign regulation and inside of that, you would say this is how we're going to regulate that.

Holdridge I can count the number of businesses we have in Hull on one hand. The last big business issue we had was when the Plan Commission and the Town Board would not permit commercial development at I-39 and Casimir.

Lucht Yes. I just used that as an example. You could say that you only want signs no higher than 50 feet at roadside gas stations. It would limit it so that they couldn't put one 150 feet up in the air.

Holdridge That was a big fear, that they were going to put a truck stop there.

Lucht That would be a legitimate thing saying that you want to control signage.

Holdridge One of the items that came up on that I-39 thing was the question of condominiums; somebody trying to develop condominiums somewhere on the river bottom area. We went through that and you folks at the County were wrestling with that question and apparently you still are.

Lucht We had a proposal from someone that was trying to put way too many residences on a lot that was commercial. There were a lot of issues going on with that. It might not be a bad proposal even though it's a lot more than the density would allow. So it's not always an easy question to resolve.

Holdridge I wonder if a useful approach would be, for the Plan Commission on an individual basis, to just go through the current ordinance and circle things that would be useful to stay in an updated ordinance and use the County's as a model. If we're under County zoning and you've got this ordinance, we're subject to it anyway, aren't we? We can have a more restrictive one. If we don't address something in ours and it's in here, we're still subject to the County's, correct?

Lucht It's a zoner question so I'm struggling with it. I'm not sure.

Holdridge That's the way we've been told. We have to follow what's in here but we can have more restrictive ordinances. There may be provisions in here that we want to strengthen or add to based on what ordinances we have. I can see a couple of things that I would pull out of the Towns Association's subdivision ordinances. The towns keep going back to the comprehensive plan and the authority of the town which is the lobbying group. Does that make sense?

Enright It does, but I'm also thinking that there might be a few things that were in the land use plan that were not in this because of the times when they were written. One example I can think of is that we identified a couple of areas that were special land use areas that didn't fit easily into the other ones. There were areas that were adjacent to the City and could we write into the subdivision ordinances rules about what takes place in those?

Lucht Subdivision ordinances are rules that would apply town-wide. So it's not really specific to any particular land. It's supposed to apply to properties town-wide.

Enright Couldn't you have subdivision ordinances that said the rules are this way in this kind of situation and that in another kind?

Lucht Yes.

Holdridge Do you remember what those were?

Enright The ones I'm thinking about are 3 different areas. One, it's not the land use but I-39, but that's a little different.

Lucht If you address a specific area like I-39 West, identify clear boundaries and have a section just on that area. As long as it applies to everyone in that area, you can do that.

Enright The other ones were ones that were on the east side of town. One of them is adjacent to Old Hwy. 18 near Brilowski Road. The other one is the one near the east side Cops.

Lucht I don't really know how to address those.

Enright I think we put those in as special land use areas and then we were going to come back to them to talk about how development would occur but we haven't gotten that far yet.

Lucht That is a zoner question. They are the guys that actually enforce the ordinance day by day. It would be nice to have one of them along now.

Holdridge We'll revisit that. Is that reasonable? That we individually look at our own Town subdivision ordinances, sort out those areas that we really need to continue to use?

Enright And look at land usage?

Holdridge Yes, and land use plan, comprehensive plan, then I'll go through that too and look at the County's and the Town Association's and maybe for the July meeting, we'll try to put this all together and come back with a draft of a subdivision ordinance and move on, right? So there will be some cutting and pasting. Is that appropriate then?

Bob Enright moved to have the Plan Commission members look at the subdivision ordinance as John suggested above marking items that would be good to keep or change so that a draft could be put together for the July Plan Commission meeting. Motion was seconded by LaVerne Syens. Motion passed with voice vote.

Holdridge We'll get that out a week or so before the July 20th meeting.

6. SUSTAINABLE COMMUNITIES (discussion, no action).

Two visitors present to contribute to this were Mike Dombeck and Anna Haines. Mike had provided a handout on Sustainable Communities Public Policy Forum and Anna is an associate professor with the UW-Extension that also works with this project. A general discussion followed on what "sustainable" really means and some of the ways it might be applied or in some cases, is already being applied in our area. It was noted that energy efficiency, "going green", recycling, alternative energy are all important topics right now. Our Town Building Committee is trying to incorporate energy efficient and alternative energies in its plan process.

7. NEXT MEETING TOPICS.

To be included for the next Plan Commission Meeting on July 20th will be a further discussion and review of a possible draft of an update of the Hull Subdivision Ordinance. Another item for the agenda will be a further review and clarification on the Jean Fox request to consolidate lots of record in the Jordan Plat area.

8. DATE OF FUTURE MEETING. *The next Plan Commission meeting is July 20, 2010.*

9. ADJOURNMENT *Motion made by Shelley Binder to adjourn meeting, seconded by Bob Bowen. Motion carried by voice vote. Meeting closed at 8:20 p.m.*

Respectfully submitted,

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