

**TOWN & VILLAGE OF WESTON
JOINT EXTRA-TERRITORIAL ZONING COMMITTEE MINUTES
5500 SCHOFIELD AVENUE
WESTON, WI 54476**

MONDAY, OCTOBER 25, 2006 - 6:00 P.M.

I. CALL TO ORDER

Town of Weston Chairman Milt Olson, called the meeting to order at 6:00 p.m. Randy Christiansen, Mark Thompson, also representing the Town of Weston, were present. Mark Strobel and Mary Hancock, representing Village of Weston, were present. George Oberlander was excused. Village Community Development Director, Jennifer Higgins, Director of Public Works, Keith Donner, and Recording Secretary, Valerie Parker were present. Kirk Skoog, of MSA Professional Services, was also present.

II. CONSIDERATION OF MINUTES FROM SEPTEMBER 27, 2006

Thompson questioned Page 2, bottom of Section 6, the last line stating "Thompson stated that we could set it at 20 acres...". He said that though he agrees with that statement, it was the consultants who actually made that statement.

****M/S/P Thompson/Strobel: to approve as corrected September 27, 2006, Joint Extra-Territorial Zoning Meeting Minutes.***

III. DISCUSSION OF WELLHEAD PROTECTION DISTRICT (DONNER)

Donner stated that he is present to answer questions on the wellhead protection overlay that would be associated with the new municipal well that the Village is constructing at 5001 Rippling Creek Drive. He explained the various handouts which showed the Town and Village of Weston and the recharge areas in the Village. He explained the process of getting the recommended pumping rate for the new well. He stated that the extent of the recharge area, or area affected within 1 year and 5 years, is determined then. We do not know yet the ultimate overlay area of the protection zone.

Donner explained to Olson that we have six wells, but only five are within our main distribution system that serves the Village.

Donner explained the implication of being in a wellhead protection zone. He read from the Wisconsin Administrative Code, Subchapter III – Source Development Groundwater, NR 811.16 Wells (3) (d). He pointed out that non-metallic mines are not included in the list of minimum separation distances between a well and potential contamination sources. He stated that at the time the proposed asphalt plant was being discussed, there was about 2,000 feet that separates the well site from the working surface of the mine. Our next step when applying to operate this permanent well is to adopt a wellhead protection plan for that well. They will include in there the areas that would be included in the 1-year and 5-year time of travel boundaries. Donner stated that it was brought to his attention that the language in the Village and Town's zoning code under Wellhead Protection District are the same. Donner stated that there were prior discussions about being more restrictive on the 1-year, and less restrictive in that area between the 1-year and 5-year time of travel. Donner explained that 110 feet is the proposal on the design for the depth of Well #6.

Higgins explained to Skoog that this will not prohibit residential uses in the Town. There were discussions of possible underground tanks in the Town, which it was stated that no tanks were found. Higgins stated that when she did the groundwater plan for the County a few tanks showed up, she thought possibly on the Pauls' site.

Donner stated that anytime there is a proposed development, or zoning, that it would need to comply with the wellhead protection ordinance. There was discussion on houses and private wells being in the recharge areas. There was discussion on if the Village ever updates their wellhead protection ordinance, the Town should be notified. There was discussion on a wellhead protection plan, as described in the Wisconsin Administrative Code, Subchapter III – Source Development Groundwater, NR 811.16 Wells (5) (a)-(i).

There was discussion of the soil type (sandy soil) in the Sandy Meadow Subdivision. It was stated that the pit is within the 5-year time of travel. It was discussed that it would be good to do the zoning and the wellhead protection district at the same time. Higgins stated that a majority of the future land use for the Town is residential and agriculture.

IV. UPDATE & DISCUSSION ON VILLAGE/TOWN ATTORNEY LEGAL OPINION ON TOWN/VILLAGE BOUNDARY AGREEMENT WITH CITY OF WAUSAU (HIGGINS)

Higgins stated that Walter John Chilsen had previously brought up the boundary agreement with the City of Wausau. Weber told Higgins that though it was not a legal binding document, that it was a gentleman's agreement, that we have a moral obligation to stay in it until the time runs out in 2013. Olson stated that the only thing the agreement does is prohibits the Village from annexing the area from the City. Thompson discussed the development of the agreement at the time Greenwood Hills was being developed and the Town was seeking incorporation. It was stated that if the City comes requesting extraterritorial review, we should let them. Higgins stated we can still plan for all of the areas in the Town, but keep in mind what may go to the City.

Strobel questioned if it would benefit us to ask the City to release it? There is nothing really that will come up in that area in the next 6-7 years. Thompson stated that there may be businesses looking at going in along the CTH-X corridor and Northwestern Avenue. Donner explained the water and sewer survey that went out to the Yellow Banks park area, public service is not really planned. Olson feels if sewer & water goes there, it may go north. Nothing will probably go through for the next seven years.

V. UPDATE & DISCUSSION ON TOWN CONSERVATION SUBDIVISION – COUNTY APPROVAL (HIGGINS)

Higgins stated that the County does not have record of the Town conservation subdivision ordinance being approved. Olson stated he gave a copy to the Zoning office at the County, who will forward to Register of Deeds. Higgins stated it will go through County zoning then.

VI. CONFLICTS BETWEEN SUBDIVISION ORDINANCE AND CONSERVATION SUBDIVISION ORDINANCE (THOMPSON)

Thompson stated this discussion is on whether their Chapter 16 had any negative impacts to the conservation subdivision ordinance or not. He stated that Chapter 16 is more procedural on how to do a plat, there really are no performance standards in Chapter 16 that would conflict with doing a conservation subdivision through Chapter 17. It was stated that the only performance standards in Chapter 16 are related to the road width, right-of-way, etc., regardless of the zoning it may be in. He stated that the only issue is that the conservation subdivision ordinance is more elaborate than any of the other district descriptions. There are processes in there for the pre-preliminary meetings and not in other zoning district descriptions, other than the OPD. If Chapter 16 is re-written there may be an opportunity to put in that section when we bring this conservation subdivision approval back in the platting process. Olson stated that when we revise the zoning code, this can be taken care of at that time. Skoog discussed his past experience with this topic and stated that what we got out of this discussion is that the code needs to be updated.

VII. UPDATE AND DISCUSSION OF LOT SIZE OPTIONS FOR TOWN ZONING CODE & MAP (MSA)

Skoog discussed the October 10th Town Board meeting. At that meeting there was discussion on what has been discussed at these meetings. He stated that at that meeting, the Town Board members were in agreement on where they would like to see conservation subdivisions and were in agreement on possible 20-acre minimums on the southeast section of the Town and possible 10-acre minimums on the north. Olson stated doing something similar to the Village. Thompson stated that he is not sure what size would be best and most affective. Higgins stated developers could bring in a concept plan showing the 2.7-acre minimum, then rezone & plat the area. They discussed other communities' minimum lot sizes. Olson questioned if they should freeze CSM's (put on a moratorium in place). He is afraid that once news gets out that everyone will try to split their parcels before the new minimum lot sizes become affective. Higgins clarified a moratorium on land divisions would be a policy that the Town Board would have to put into place.

Christiansen stated that while he agrees with subdividers having to come in with a plan, if he wants to sell 5 acres of his property now, he would have to rezone first. He is not in agreement with having the large parcels. He also discussed with the 2.7 minimum lot size that people can't maintain the entire lot, so you see a lot of wasteland. Olson questioned what minimum lot size will it take to make somebody stop and think about their future plans there before they split. The consensus of the residents of the Town (based on last survey) is to preserve the rural character of the Town.

Strobel clarified the 20 acre minimum would be for large parcels available for conservation subdivisions. It was stated that the 2.7-acre lots would create too much urban sprawl and not enough rural character. It was discussed that if the minimum lot size was 20 acres and you have a parcel that is 17 acres, they would be grand-fathered in and considered a legal non-conforming and would have to have to be rezoned sometime in the future.

Higgins gave an example of a Village parcel that consists of 16 acres where the owners want to split. They can't split this without rezoning first because of a stream that runs through the middle, which causes 2 lots here. She discussed the holding districts. Skoog stated would be a good plan to promote rezoning. They would then turn in a plat. Skoog explained the process to subdivide. If 20-acre minimum goes through and someone wants a conservation subdivision. A rezone would occur at this level (Extraterritorial Review board) and the subdivision review would occur here also. Then it will go to the Village Board for their action.

Skoog stated administering the area that is left in the Town (not included in the Joint Extraterritorial review). If the Town feels it would not be a good use for them to have a Planning Commission just for the remaining areas of the Town, they can set it up for the Village to administer that area as if in this Extraterritorial area. Any areas dealing with the extraterritorial review is reviewed here and then goes to the Village for final action. Other areas of the Town could first be reviewed here and recommendations made to the Town Board. The Town Board members agreed to replace their Planning Commission with this committee. It was also stated that the current zoning ordinance can be replaced by the Extraterritorial Review ordinance.

Olson questioned the ideal lot size for the Town – 10 or 20 acres? The conservation subdivision minimum lot size is 10 acres. Olson stated to come up with suggestions in December or January and hold a hearing in April or May. Higgins explained options available. They can at least work on the ordinance. It was suggested that they create a district in between. Thompson stated 10 acres will make people think before they split their land. The Town Board Members went into further discussion about hobby farms and number of animals allowed in AG and RR zoning districts. There was discussion on minimum lot sizes for conservation subdivisions. Christiansen stated that he is not in favor of changing the lot size. He is also not in favor of putting on a moratorium on CSM's. Higgins stated that 20-acre minimum is already there. Thompson stated that by changing the minimum lot sizes you might mess with allowed uses. Higgins stated this would be lot size change not their uses. Higgins stated they can keep their same use but with a different lot size. Thompson discussed what happened in 1992. There was discussion on livestock changes where in 20+ acres, they can have as many animals as they want.

Olson stated that it appears the consensus is to change RR from 2.7 to 10 acres minimum, but not to change the uses. It was discussed that the Town still needs all the same zoning district categories as the Village. Anything existing would be grandfathered in and people can still build houses on them. Higgins stated they could create another district and keep the non-conforming parcels as RR. Olson suggested changing the AG to 10 acres minimum and keeping the RR at 2.7 acres. There was lengthy discussion on special situations of old farms that may want to split in the future.

Skoog stated that now it sounds as though the members agree to change the minimum lot size in the AG district from 20 to 10 acres and to rezone some of the RR properties to AG. The other is to look at is the administration on left over land in the Town. Land in the extraterritorial areas we control here and forward to Village Board (unless denied, then issue dies at this committee), and anything outside of the extraterritorial area the Town Board ultimately controls.

****M/S/P Thompson/Strobel: to develop language and statutory procedure to allow this extraterritorial review committee to function in the northeast and northwest quadrants of the Town, that are not included the ETZ area. With the understanding that the areas not in the ETZ goes to the Town Board, and issues in areas in the ETZ goes to the Village Board.***

VIII. SET NEXT MEETING AGENDA TOPICS

Olson stated he wants an official road map done in the near future. Higgins stated this can be done in a separate meeting with Village Planning Commission. In the meantime while Skoog is putting together the draft, we can review a possible official map. Higgins stated she will have Nathan Crowe, Village's GIS Technician, do a color coded Town map based on the lot sizes. North from Sandy Meadows to County Highway N, and from Clearview Lane to Cty. Road J.

It was stated that the Town wants to get pretty close to the Village ordinances. Higgins questioned the flood plain ordinance, which the Town is regulated by the County. Olson brought up the parkland dedication fee.

IX. SET NEXT MEETING DATE

The next meeting is scheduled for November 29, at 6:00 p.m., and Olson will invite the Town Planning Commission members to attend. Higgins will get the parcel map which will show the different lot sizes in the Town. They also set a meeting date for December 13th, 6:00 p.m., to be held if needed.

X. ADJOURN

****M/S/P Thompson/Strobel: to adjourn at 8:25 p.m.***

Respectfully,

Valerie R. Parker
Recording Secretary