

**TOWN OF ST. GERMAIN
P. O. BOX 7
ST. GERMAIN, WI 54558**

**Minutes, Zoning Committee
October 04, 2023**

1. **Call to order, roll call:** Meeting called to order at 5:30pm. Ted Ritter conducted the meeting from Room 4 of the Community Center with a virtual attendance option. Committee members physically present in Room 4: Jimmy Vogel, Ted Ritter, Bob Schell, Beverly Przybylski, Brian Cooper (arrived late due to ambulance call), and non-voting member – Zoning Administrator June Vogel (hereinafter referred to as ZA Vogel).
2. **Public comments:** None
3. **Zoning Administrator updates:** Two letters of alleged violations of Chapter 1 have recently been sent. All others have been resolved without issuing citations.
4. **Discussion/action topics:**
 - a. **Take final action on Fulton CUP application deferred from 09/26/23 CUP hearing:** Upon reviewing Mr. Fulton's revised site plan, motion Schell, second Przybylski to approve the Fulton CUP application with three conditions:
 1. Gutters to be installed on SW side of building to control rainwater runoff away from neighbor's property.
 2. Size of structure not to exceed 1,792 square feet, and placement on the parcel is to be as described on the revised site plan accompanying this CUP application.
 3. This permit does not allow the building to be used as a dwelling or place of business.Motion passed by unanimous voice vote.
 - b. **Take final action on Stevens CUP application deferred from 09/26/23 CUP hearing:** Upon reviewing Mr. Stevens's revised site plan, motion Schell, second Cooper to approve the Fulton CUP application with two conditions:
 1. Size of structure not to exceed 1,112 square feet, and placement on the parcel is to be as described on the revised site plan accompanying this CUP application.
 2. This permit does not allow the building to be used as a dwelling or place of business.Motion passed by unanimous voice vote.
 - c. **Approve minutes of 08/30/23 and 09/26/23 meetings:** Motion Cooper, second Schell to approve as presented. Motion passed by unanimous voice vote.
 - d. **Finalize amendments to 1.304, 1.305 and 1.306 lot area requirements and review/amend buffer requirements throughout Chapter 1:** After lengthy discussion, numerous revisions were agreed to by consensus, but without a motion and vote. All discussed revisions will be included in the Town Board review of proposed amendments on October 9, 2023.

- e. Approve correction to Chapter 1 fees for condo approvals not agreeing with fees stated in Chapter 5:** The Committee reviewed Przybylski's two pages of findings following her exhaustive research into this discrepancy (*findings included as part of these minutes*). Motion Schell, second Cooper to follow Przybylski's recommendation to amend section 5.16 of Chapter 5 – Division of Land, Platting of Condominiums to agree with the Chapter 1 fees schedule of "\$200 up to 3 units + \$50 each additional unit". Motion passed by unanimous voice vote.
- f. Assist Zoning Administrator with Zoning Permit Application decisions:** Discussions with no actions taken.
- g. Discuss findings re highway signage for local zoning:** Cooper reported he had been informed by Wisconsin DOT that such signs offer no public benefit and are therefore prohibited on State highways. No action taken.
- h. Discuss size restrictions for attached garages:** After a brief discussion concluding that this topic is likely not unique to St. Germain, Schell agreed to contact the UWSP-Extension-Land Use staff to determine how other communities are addressing this topic or if there might be state legislation being developed. No action taken.
- i. Review all pending ordinance amendments before forwarding to Town Board for consideration:** All proposed amendments to Chapters 1 and 5 were reviewed and given final approval by consensus.
- j. Discuss Ritter conversation with County Zoning regarding possible role of Town Zoning in helping permit applicants proceed with projects in a manner that does not cause potential future problems for either the Town or the project owner (i.e. building at too low an elevation resulting in water runoff problems from Town roads):** No report from Ritter, no action taken.
- k. Approve September monthly Zoning Administrator compensation:** Motion Cooper, second Schell to approve compensation in the amount of \$708.20. Motion passed by unanimous voice vote.
- l. Committee concerns for future agendas:**
1. Consider revising maximum CUP approvable size of accessory buildings on parcels less than 1.5 acres to 1,500 square feet.
 2. Consider adding a definition of "Private Club House" to Chapter 1 definitions.
- 8. Adjourn:** Ritter adjourned meeting at 7:42pm.

Minutes prepared by Chairman Ritter

Prepared by Bev Przbylski, October 2023

Currently there is a fee discrepancy listed in two documents, the State of Wisconsin, Town of Saint Germain, Vilas County Code of Ordinances Chapter 5: Division of Land-Platting of Condominiums (Adopted May 10, 2021) and the Town of St. Germain, Vilas County Code of Ordinances, Chapter 1-Zoning Appendix A (1) Zoning Fees (amended January 26, 2023). In efforts to figure out when or how these discrepancies occurred, I reviewed the St. Germain Zoning Committee Meeting Minutes and most of the St. Germain Town Board Meeting Minutes available on-line. Zoning Meeting Minutes were not posted on-line very often during 2014 & 2015.

The following information was found in Zoning Meeting Minutes unless otherwise shown by TB=Town Board Meeting Minutes.

Somewhere around 8/21/06, the fees were to be increased for section 5.16 (A) (1) The subdivider, owner or agent shall pay a fee of \$200 plus \$50 for each lot, or parcel within the preliminary plat or certified survey map, at the time the application is filed; and 5.16 (A) (2) The condominium declarant or agent shall pay of fee of \$200 plus \$50 for each unit at the time the condominium plat review is present for review. There was a public hearing on 10/9/06 of which in part this recommendation was presented. The TB of St. Germain approved this change on 11/13/06 and was sent to Vilas County for approval in December. At the Vilas County's January 2007 meeting they approved these changes and at the 2/19/07 St. Germain Zoning Meeting these changes were posted and in effect. However, the Zoning Administrator, at the time, only posted the fees changes in the 3 posting areas in town and this was not changed in the SG-1997-9-2. This fee was also not listed in Zoning Code Ordinance SG-92 & SG-92-2, under 1.68 Permit fees (Schedule) listed on page 27 and it appears that Chapter 1 Appendix A (1) did not exist at that time.

All of St. Germain's ordinances were to be retyped after 8/19/07. The private party doing the typing had difficulty organizing and combining the old ordinances with the several new amendments approved but never included in the ordinances. The typing was completed 13 months later. Additionally, proof reading, numbering within the ordinances, clarifications, and corrections needed to be completed. The finished project was handed out at the 4/19/10 Zoning Meeting. On 12/6/10, the documents were sent to Vilas County Courthouse to again be formatted to emulate Vilas County's ordinances. One and half years later (6/14/12), almost all St. Germain's ordinances had been reformatted.

One year later (6/5/13), Eagle Landmark/National Finance Subdivision was charged \$25 plus \$1 for each lot, which was an old fee rate. On 7/23/13, this was confirmed by the Zoning Administer at the time. It was reported on 1/9/14, that the clerk was to remove all ordinances on the web site and say these were "under construction", however the fees, maps and forms were still on the site.

The meeting minutes of 6/1/16 said the website version of ordinances was old and that the 10/1/02 version prepared by Madison Law Firm was the most accurate. However, this electronic version was not editable and needed to be compared to the MS Word Document that did exist. Chapter 1 was thought to be ok, but Chapters 3 about Mobile Homes and Chapter 4 regarding Travelways needed to be redrafted. Chapter 5 was to be reviewed following changes Vilas County could make following a public hearing. At the 9/7/16 Zoning Meeting, it was pointed out that not all zoning related fees were listed in the fee schedule. The earliest Appendix A (1) I found was dated 6/21/17.

On 8/16/17, the TB was to conduct a first review of the separation of the document SG-1997-9-2 Division of Land, into Chapter 5, Land Division and Chapter 6, Condominiums. I could not find any

documentation that this occurred. Listed in the St. Germain TB Meeting Minutes of 12/18/18, Board Members were to review all St. Germain's ordinances and at the 1/7/19 TB Meeting, it was decided, several policies were no long in effect and were removed from the website. At the 8/19/19 TB Meeting amendments to Chapters 2, 3, 4, 7, 8, 9, 11, 12, 13, 14, 15, 16, & 30 were approved by the Board. No mention of Chapter 5.

At the 10/14/20 Zoning Meeting, the Committee Chair suggested the entire fee schedule be reviewed without further action. On 11/4/20 North Resort Condominiums was assessed a fee of \$25 plus \$1 for each added unit (\$49 total) based on section XVII of ordinance SG-1997-9-2. It was said in the minutes, the Zoning Committee had begun to update this ordinance years ago but got interrupted.

At the 3/3/21 Zoning Meeting, a reformatted & updated draft version (Chapter 5) of SG 1997-9-2 was to be sent to the Town Board with changes to 5.16 about fees and 5.17 about forfeitures and request to rescind SG 1997-9-2. The TB approved the revisions to Chapter 5 and rescinded the earlier version on 4/12/21.

At the Zoning Meeting on 11/3/21, it was discovered that the zoning ordinance makes no mention of payment of permit fee being needed as part of each permit. Drafted provision of 1.605 (A) (1) (I) requiring payment of fee as prescribed in Appendix A (1).

For the Zoning Meeting of 8/3/22, consider amending 5.16 fees was listed with the minutes stating: Following committee discussion of the ordinance interpretation, no action taken. I have no idea what the intention was.

In conclusion, the error could have been made as far back as 2007 with the first retyping/formatting of the St. Germain Ordinances, or sequential retyping/formatting of the ordinances. Not having access to the various copies, I am unable to be precise with the time of when the error occurred. Given the following facts arrived from meeting minutes and active ordinances:

- 8/21/06- fees of \$200 plus \$50 for each lot/unit was approved by both the St. Germain Town Board and Vilas County. The TB approved these fees again on 4/12/21.
- These fees were listed on Chapter 1 Appendix A (1) as far back as 6/21/17.
- 1.605 (A) (1) (I) Payment of the applicable permit application fee as prescribed in Appendix A of this Chapter. (Exception: Permitted projects on Town property are exempt from permit fees) is currently approved in Chapter 1: Zoning (adopted April 27,2023)

I feel these fees are current and should replace those listed in the current Chapter 5: Division of Land-Platting of Condominiums Adopted May 10, 2021, under 5.16 (A) (1) and (2), so that they match Chapter 1 Appendix A (1).