

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

**Minutes, Zoning Committee
December 06, 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, Brian Cooper, Beverly Przybylski, and non-voting member/ Zoning Administrator June Vogel (hereinafter referred to as ZA Vogel). Several additional people attended in-person and virtually.
2. **Public comments:** None
3. **Zoning Administrator updates:** The previously reported shipping container violation has been resolved without issuance of a citation. There are no other known ordinance violations. There will be no Conditional Use Permit public hearings for the month of December.
4. **Discussion/action topics:**
 - a. **Approve minutes of 11/01/23 meeting:** Motion Schell, second Cooper to approve with two minor typo corrections. Motion passed by unanimous voice vote.
 - b. **Discuss camping in garages:** ZA Vogel reported a permitted home construction where the owners are living in an RV parked inside the garage as the house has not been granted an occupancy permit. Committee discussion concluded that this situation needs to be brought to the attention of the UDC inspector for possible violation of the State dwelling code. In the meantime, section 1.404(c) of the Town zoning ordinance fails to address how long camping may continue after construction of a home is far enough along to satisfy completion of the Town permitted project, yet no occupancy permit has been issued by the UDC inspector. Cooper to prepare a draft amendment for Committee consideration at the January, 2024 meeting.
 - c. **Discuss tree cutting along HWY 155/Found Lake Road:** Ritter explained to the audience that discussion of this topic would be limited to whether or not the Committee should recommend to the Town Board that a citation be issued for non-compliance with section 1.405 of the Town zoning ordinance. No other aspect of the clear-cut area rumored land use would be considered under this agenda topic.
 - i. **Has a violation of 1.405 occurred?** Motion Cooper to table pending further advice from WI Towns Association regarding “constitutionality” of prohibited clear-cutting within 200 feet of the centerline of an adjacent road. Motion failed for lack of a second.
 - ii. **Is a definition of “Logging” and/or “Clear-cutting” needed in 1.111?** Ritter explained to the audience that anyone looking at the 80 acre site would agree it has been clear-cut. However, the Town zoning ordinance fails to provide a definition of clear-cut. A dictionary definition was offered by ZA Vogel which states “*an area from which every tree has been cut down and removed*”. If the Town were to proceed with a citation, the land owner could argue the area had not been clear-cut as numerous small trees remain standing. Perhaps the ordinance also

needs to define at what point after sprouting a living tree qualifies as large enough to be considered a tree.

Additionally, further Committee discussion concluded the 200 feet clear-cut setback from the centerline of an adjacent road could be problematic as the restriction goes far beyond the right of way into private property. When polled by Ritter, Committee members Schell, Vogel, Cooper, and Przybylski favored taking no action on this topic until more information could be obtained regarding an appropriate clear-cut setback distance, and further consideration of how to define clear-cutting. Ritter declared the topic tabled until the January 2024 Committee meeting.

- d. Assist Zoning Administrator with Zoning Permit Application decisions:** Committee discussion of grandfathering existing “temporary” structures when the new revised definition of “structure” is adopted at the December 11, 2023 Town Board meeting. Committee consensus supported ZA Vogel’s favoring of grandfathering of those existing temporary previous structures.
 - e. Discuss/table size restrictions for attached garages:** No discussion or action taken.
 - f. Discuss/table 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 discussion or action taken.
 - g. Approve November monthly Zoning Administrator compensation:** Motiom Schell, second Cooper to approve compensation for the month of November at \$346.75. Motion passed by unanimous voice vote.
 - h. Committee concerns for future agendas:** Consider permit fees for attached vs unattached garages.
- 8. Adjourn:** Ritter declared meeting adjourned at 6:23pm

Minutes prepared by Chairman Ritter