



## **Buffalo County Zoning Department**

### **Annual Report**

**2019**

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#### Zoning Committee

Michael Taylor, chair      Dwight Ruff  
David Danzinger          Max Weiss  
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*Zoning is the most common method of land use control used by local governments. Zoning refers to the use of the public regulatory power, or police power, to specify how land may be used and developed. The intent of zoning is to balance individual property rights with the rights of the general public to ensure a healthy, safe and orderly living environment. State statutes provide authority and procedures for zoning to protect public health, safety, and general well-being.*

## **Zoning Department – Summary.**

The mission of the Zoning Department is to administer and enforce the land use and regulatory ordinances adopted by Buffalo County to protect and enhancing the health, safety and well-being of county residents. Regulated, planned and orderly development succeeds in protecting and preserving the natural features and natural resources of the County as well as protecting property values and economic stability.

The Zoning Department is responsible for the administration of ten individual ordinances which establish the parameters for land use and development within all unincorporated areas of the County. The principal ordinance is the Buffalo County Zoning Ordinance which establishes zoning districts and the types and density of development that is permitted within each district.

State statute mandates that all counties are responsible for the adoption and enforcement of both Floodplain and Shoreland Zoning Ordinances. Floodplains and Shorelands are areas where development has local as well as more far reaching influences. The State imposes an additional (unfunded) mandate that requires counties to adopt and administer a sanitary ordinance which regulates new sanitary system installations, and which specifies system maintenance requirements. The Buffalo County reviews all soil and site plans for new sanitary systems and inspects all new Private Onsite Wastewater Treatment System (POWTS) installations and tracks the on-going maintenance of some 4,105 systems.

One of the larger responsibilities of a zoning department is to administer the county's Board of Adjustments (BOA). The BOA acts in the same manner as a court of law and has the responsibility of being the decision-making entity with regard to more controversial and higher impact land uses. The BOA conducts public hearings and issues decisions regarding; Conditional Use Permit, Variance, and Administrative Appeal applications. The Zoning Department provides detailed staff reports examining and evaluating all facets of petitions aiming to define land use implications and potential impacts and conflicts with existing or planned development. In addition, the BOA is provided a suggested list of conditions to be placed on proposed developments to minimize or prevent possible negative impacts. Staff guidance is intended to assure that all property owners, existing land uses, critical natural resources and natural features are identified and protected.

## **2019 YEAR IN REVIEW**

### **UNIFORM ADDRESSING ORDINANCE REVISION**

With the County Board electing to replace the existing thirty-year-old address signs in Buffalo County it became the Department and Zoning Committee's immediate priority to replace the one page addressing ordinance with a comprehensive ordinance that alleviates shortcomings of the county's 'grid' based addressing system. The working group on the ordinance revision consisted of individuals from five

departments in county government: Zoning, GIS, Administration, Emergency Management, and Law Enforcement/E911.

The Uniform Addressing Ordinance revision accomplishes the following goals:

1. Meets the objectives as stated in the Comprehensive Land Use Plan: ***“Establish a Sustainable Rural Addressing Program”*** with the program designed to ***“Identify short comings in the current addressing program and develop long term maintenance measures to ensure the future success of the system.”***
  2. States unequivocally that the overriding purpose of an addressing system is to provide the means for the most rapid location of those in need of emergency and first responder services.
  3. Defines the system used and the step by step process of assigning address numbers and the notifications required.
  4. Designates responsibility for maintaining the uniform addressing database and the Master Street Address Guide along with the E911 mapping system.
  4. One of the larger addressing and emergency response issues was identified as multiple dwellings on private driveways which necessitated assigning those dwellings identical addresses followed by an A, B, C, etc. To alleviate this confusing situation, it was adopted that all private drives having three or more addressed principal structures are required to be named and signed, with addresses assigned corresponding to the named private drive, as they would be if adjacent a named public road.
- A second significant issue was town roads having identical names, a clear deterrent to rapid emergency first response. To alleviate this unsafe situation the town road with the fewest addresses was required to be renamed and readdressed which necessitated the fewest address changes. Driveways over ½ mile in length and serving two dwellings must also be named and signed.
5. Defines address and road sign specifications, installation protocol, and road naming criteria.

## UNIFORM ADDRESSING PROJECT

Coordination of the address sign replacement and road renaming project was accomplished by the Zoning and GIS Departments. All residents on new private drives were mailed detailed notifications and forms upon which they could select the name of their private drive, within the parameters of the Uniform Addressing Ordinance. All new town road names replacing duplicates and new private drive names were reviewed and approved by the Zoning Department.

Phase I of the addressing project involved the installation of approximately 3,500 new address signs and posts.

Phase II of the project included the installation of:

- New town road signs for 19 town roads requiring renaming due to duplication
- Private drive signs for 52 newly established named private drives
- Address signs for the 314 address changes necessitated by the first two items above

- Installation of new road signs replacing the numerous town roads that were numbered instead of named, as in Town Rd. 27, (only state highways are numbered).
- Installation of new town road signs in those towns that chose to order replacement signs in response to the county's offer to participate in the project pricing opportunity.
- Install new address signs in the municipalities of Alma and Fountain City, those cities that accepted the county's offer to also participate in the addressing project.
- Install some 350 addresses signs that required review and could not therefore be included in the Phase I order and installation.

### **Resolutions**

In addition to the Addressing Ordinance #19-01-01 adopted in January of 2019, two additional addressing project resolutions presented by the Zoning Department were adopted by the County Board in March of 2019.

Resolution #19-04-03 approved the expenditure of CAPX funds to cover sign hardware costs and the installation of all newly required private drive signs and new town road signs where duplication existed.

Resolution #19-04-04 established the application/user fee for new private drive signs, as may be required with future development.

### **ZONING ORDINANCE AMENDMENTS**

The Zoning Department submitted the newly established ANR-40, Farmland Preservation Zoning District, to DATCP for review and certification. Certification was approved thru 2028 provided specific revisions were made to the ordinance.

An Ordinance was drafted to establish the revisions to the ANR-40 Zoning District as required by DATCP. In addition, a new section of ordinance establishing Structure Height Requirements was drafted to be added to Chapter 8.

In concurrence with the Zoning Committee, it was undertaken to review with the intent to relax the Poultry Barns-Specific Use section with the intent of encouraging the two Towns that opted out of county zoning to rejoin the other 15 Towns that have approved county zoning oversight. It had been expressed to the Committee that the primary reason for those two towns to withdraw from zoning was the complex and burdensome requirements placed on the construction of new poultry barns.

The poultry barn requirements originally adopted in the Ordinance are virtually identical to those of Trempealeau County and to the requirements in place in the whole of the State of Minnesota.

In the construction of cohesive soil floors, the primary factor distinguishing acceptable cohesive soils for floor construction was the 'Plasticity Index'. Collaboration with NRCS found the soils data to be

advanced and includes the plasticity index for all soil types in Buffalo County. This data availability allowed for eliminating the need to have a professional soils scientist test and verify local soil adequacy for barn floor construction.

Site development plan requirements were also significantly reduced by eliminating the requirement that plans be designed by a licensed engineer. Site plans are also reviewed by the DNR in the WPDES stormwater permitting process which was deemed to be sufficient. In addition, several other soils testing requisites were eliminated along with the requirement to plant vegetative screening for barns built adjacent to federal and state highways.

The above described amendments to the poultry barn specific use results in significantly less stringent construction requirements and may encourage the future development of poultry barns in Buffalo County. As of yet the amendment has not induced the Town of Waumandee or Montana to rejoin county zoning.

The Zoning Ordinance Amendments listed above were approved by Committee and adopted by the Board of Supervisors in August of 2019.

## **GROUNDWATER QUALITY & WELL SAMPLING PROGRAM**

The Health Department, in partnership with Zoning, Land Conservation and UW Extension held numerous meetings in 2019 to ascertain the most beneficial approach for Buffalo County to respond to region wide developments and concerns regarding the integrity of groundwater resources and the correlation to the health of our drinking water sources and human health. The working group concluded, with expert guidance from UW Stevens Point's Center for Watershed Science, that the best approach is to undertake a comprehensive well water sampling program in Buffalo County based on efforts and sampling programs that several other counties have undertaken or are in the process of implementing.

A resolution that was brought to the Finance Committee seeking full funding of the project (\$43,320) with funds coming from the CAPX 2020 fund. The sampling program will involve taking a well water sample within each 2 mile x 2 mile grid section of the County. The sampling would be conducted by two interns with Health Dept. oversight. Results would be compiled and analyzed by UW Stevens Point and presented in a professional and unbiased compilation. The committee supported the program, however declined the resolution stating that outside funding sources should be pursued as a cost-share match prior to committing CAPX funds.

The working group has identified and is reaching out to over a dozen potential supporters of the Well Sampling Program. In addition, we are also reaching out to those towns that receive CAPX funds to request their support of this important program which seeks to assess and establish a firm baseline understanding of the quality of our groundwater resources.

## PERMITTED DEVELOPMENT 2019

In 2019 a total of 333 applications for development were processed by the Zoning Department. A few of the categories of Zoning Permits issued are itemized as follows:

<u>Category</u>	<u>2019</u>	<u>5 Year Average</u>
<b>Dwellings</b>	<b>35</b>	<b>34</b>
<b>Accessory Structures</b>	<b>26</b>	<b>30</b>
<b>Additions</b>	<b>15</b>	<b>15</b>
<b>Commercial / Ind.</b>	<b>23</b>	<b>9</b>
<b>Driveways</b>	<b>18</b>	<b>10</b>
<b>Ag Structures</b>	<b>32</b>	<b>38</b>

The **Agricultural Structures** permit category saw a nearly 50% decline in activity in 2018 from the previous two years. In 2019 the ag sector saw a respectable rebound in building development with permits for ag structures in the over 4,000 sq. ft. category increasing substantially from 5 in 2018 to 11 in 2019. All other ag development sectors remained subdued with activity nearly identical to the lows of the previous year.

In 2017 permits were issued allowing the construction of thirteen 36,000 sq. ft. poultry barns. In 2018 just one poultry barn was permitted and in 2019 no applications were submitted. The decline is attributed to achieving full capacity in the processing sector with a consequent curtailing of the grower expansion recently observed.

In contrast, 2019 saw the largest number of **Commercial permits** issued since tracking was initiated. The increase in the commercial sector was primarily due to activity in the wireless communication sector. Bug Tussel Wireless was issued 13 permits for commercial structures in 2019.

Bug Tussel is rapidly advancing to its end goal of establishing an extensive communications network in Buffalo County. Bug Tussel, a wireless internet provider out of Green Bay, WI, is the entity responsible for the construction of the communication tower network. AT&T is a primary driver of the project as it was awarded the federal contract to create 'FirstNet', a first responder network that will allow for inter-agency communication in emergency situations. The federal goal is to have the network cover 95% of rural areas. It is understood that AT&T will be collocating mobile cellular communications equipment on each Bug Tussel tower for commercial mobile cell coverage.

The Bug Tussel tower network is rapidly developing with the construction of four towers completed and several foundations complete and ready for tower construction. In total the Zoning Department has permitted sixteen Bug Tussel towers throughout Buffalo County. The current understanding is that the majority, if not all, of the permitted towers will be stacked and brought online in 2020.

## POWTS

Only 56 **Sanitary Permits** were issued for the construction of sanitary systems in 2019. This is a 33% reduction from the five-year average of 83. The reduced trend started in 2018, due largely to overly abundant summer rainfall resulting in soil conditions that prevent system installations.

**Maintenance / Enforcement.** Wis. Admin. Code requires that every Private On-Site Wastewater Treatment System (POWTS) be pumped/inspected by a certified contractor a minimum of once every three years. In the spring of every year the Department mails maintenance notices to 1/3 of the total POWTS owners in the County, approx. 1,370 notices. It is through the State mandated inspection/pumping requirement that failing and noncompliant sanitary systems are identified. Once identified the Department begins the process of enforcement to bring those systems into compliance or cause them to be replaced. As noncompliant sanitary systems in the County are a threat to groundwater resources, the goal of the maintenance program is to have all systems in the County compliant, and effectively treating all wastewater generated from all sources not connected to a municipal treatment system.

**WI Fund.** In 2019 the Department assisted several households in applying for financial assistance through the WI Fund. The Fund provides grant money to qualifying low-income applicants for the replacement of POWTS determined to be failing systems. Applicants qualified for a total of \$12,343 in financial assistance. Since its inception in 1990 the Fund has granted some \$800,000 to 294 Buffalo County households to help cover the cost of replacing failing sanitary systems.

## NOTEWORTHY

The Zoning Department experienced another internally challenging year with the resignation of the Zoning Specialist in the middle of the construction season. The Department has now hired its fourth specialist in the span of just five years. Responding to this repetitive occurrence has been trying and wearing. Options for improving retention have been thoroughly examined and exhausted.

## BOARD OF ADJUSTMENTS.

Dale Klopp, Chair      Ron Kazmierczak      Barry Drazkowski

**The Board of Adjustment convened for eight public hearings in 2018 to rule on the following petitions.**

- Mobile Communications Towers: Bug Tussel Wireless was granted Conditional Use Permits (CUP) to erect thirteen communications towers. The typical tower is a guyed lattice structure 300 feet in height. Towers are constructed on a 100' x 100' leased tract of land and within a 40' x 40' fenced secure compound. All plans and sites are reviewed to assure erosion control and stormwater management measures are adequate and that surface water and wetlands are protected.

One tower site located in the Town of Alma adjacent to Buena Vista Park was contested by the Zoning Department while an additional siting in the Town of Mondovi was contested by a neighboring landowner. In both instances Bug Tussel readily agreed to secure other less intrusive locations while still meeting their range and coverage requirements.

- CUP modification application to allow the expansion of an existing permitted salvage yard, Town of Milton, granted.
- CUP application to allow the construction of an Industrial structure, to be utilized for the production of cheese, to be located in the Agricultural Zoning District, Town of Gilmanton, granted.
- CUP application to allow a Land Alteration over one acre in area for non-agricultural purposes in the ANR-40 Zoning District, Town of Naples, granted
- CUP application to allow a Campground with 20 sites or less in the ANR-40 Zoning District, Town of Naples, granted.
- CUP application to allow a Home or Farm Based Business in the ANR-40 Zoning District, Town of Naples, denied.
- Variance to allow a structure setback of 15 feet from a side yard property line instead of the minimum required set back of 20 feet in the ANR-40 Zoning District, Town of Belvidere, granted.
- Variance to allow a structure setback of 10 feet from a side yard property line instead of the minimum required set back of 20 feet in the ANR-40 Zoning District, Town of Naples, granted

## STRATEGIC PLANNING

### Short Term Goals – Calendar Year 2020

- Complete training of Zoning Specialist so that individual is fully licensed and certified for the 2020 construction season.
- Comprehensive Shoreland Zoning Ordinance Revision. With the passage of several legislative amendments; Acts 44, 167, and 391 which limit county authority, the State has directed that all counties complete a comprehensive revision of their shoreland zoning ordinance to be in compliance with Ch. NR115 and Wis. Stats. 59.692.
- Comprehensive revision of the Sanitary Ordinance.

### Long Term Goals – 2019 – 2021

- Comprehensive revision of the Subdivision Ordinance.
- Plan and initiate digital reporting and submittal of POWTS maintenance forms.
- Comprehensive revision of the Floodplain Ordinance.
- Develop Sediment and Erosion Control Ordinance.
- Develop Wetlands Protection Ordinance.
- Edit and reorganization of the Department's digital files and records.
- Inventory of all nonconforming structures located in floodplain zoning.
- Digitize all Department paper files and records. This is anticipated to be a multi-year process with the end result being full public access via the Zoning Department webpage.

## \$\$\$ 2019 BUDGET \$\$\$

The Zoning Department ended the year **under-budget by \$62,473** which was returned to the general fund. The under-budget amount resulted from Department revenue being \$39,310 over the projected amount and expenses being \$23,163 less than projected.

### Revenue History:

2014 --- \$47,225  
 2015 --- \$59,170  
 2016 --- \$85,480  
 2017 --- \$77,130  
 2018 --- \$88,224  
 2019 --- \$120,835

### 2019 Zoning Department Budget

<b>Revenues</b>		<b>Budgeted</b>	<b>Actual</b>	<b>Difference</b>
	County (Tax) Levy	136,208.22	136,208.22	0.00
	Zoning Permit Fees	25,000.00	37,115.00	+12,115.
	Conditional Use Permit Fee	2,700.00	31,000.	+28,300.
	Variance Request Fee	1,000.00	1,200.00	+200.00
	Maintenance Tracking Fees	18,000.00	18,000.00	0.00
	Uniform Dwelling Code Permit	625.00	775.00	+150.00
	Sanitary Program	30,000.00	24,325.00	-5,675.00
	Driveway Access Permits	1,200.00	2,340.00	+1,140.00
	Uniform Numbering/Addressing Permits	3,000.00	6,080.00	+3,080.00
	Zoning Miscellaneous Revenue	0.00	0.00	0.00
	<b>Total Revenues</b>	<b>217,733.22</b>	<b>257,043.22</b>	<b>+39,310.00</b>
<b>Expenditures</b>				
	Salaries	144,781.08	125,083.34	-19,697.74
	Per Diem	3,460.00	2,300.00	-1,160.00
	Fringe Benefits	51,437.14	48,366.95	-3,070.19
	Contractual Services	1,625.00	1,624.50	-.50
	Vehicle Repair & Maintenance	500.00	999.42	+499.42
	Office Supplies	150.00	0.00	-150.00
	Postage	1,500.00	1,815.35	+315.35
	Office Stationary & Forms	0.00	224.92	+224.92
	Office Equipment	250.00	266.31	+16.31
	Publications, Subscriptions, Books	200.00	230.00	+30.00

Advertising & Printing	1,500.00	3,983.65	+2,483.65
Photocopies	100.00	0.00	-100.00
Membership Dues & Licenses	300.00	150.00	-150.00
Registration Fees & Tuition	100.00	0.00	-100.00
Employee Education & Training	1,350.00	752.83	-597.17
Mileage	100.00	0.00	-100.00
Board Mileage	1,200.00	752.10	-447.90
Meals	100.00	28.79	-71.21
Lodging	480.00	82.00	-398.00
Other Supplies & Expense	100.00	95.00	-5.00
Field Small Tools	100.00	277.32	+177.32
Sign Parts & Supplies	1,400.00	1,937.61	+537.61
Sanitary Permit Review – Remittance to State	7,000.00	5,600.00	-1,400.00
<b>Total Expenses</b>	<b>217,733.22</b>	<b>194,570.09</b>	<b>-23,163.13</b> (under budget)
<b>Ending Budget Balance</b> (balance back to general fund)			<b>+62,473.13</b>

### Zoning Permit Activity in 2019

	# of Permits	Total Revenue
New Single Family Dwellings	35	10,055.
Additions	15	1,785.
Commercial /Industrial/Municipal	23	10,500.
Accessory Structure	26	3,120.
Agricultural Structure – 150 – 1,000 sq. ft.	4	300.
Agricultural Structure – 1,001 – 2,000 sq. ft.	7	685.
Agricultural Structure – 2,001 – 4,000 sq. ft.	10	2,295.
Agricultural Structure - > 4,000 sq. ft.	11	4,500.
Substantial Land Alteration	4	800.
RV Siting	1	75.
Rezone	1	3,000.
<b>Total</b>	<b>137</b>	<b>37,115.</b>

### Driveway Permits

	# of Permits	Total Revenue
Driveway Permits Issued	18	2,340.

**Sanitary Permits**

	<b># of Permits</b>	<b>Total Revenue</b>
<b>State Permits</b>	53	19,250.
<b>County Permits</b>		
Non-plumbing & Reconnect	7	875.
<b>Soil &amp; Site Evaluations</b>	56	4,200.
<b>Maintenance – Tracking Fees</b>		18,000.

**Address Numbers Issued**

	<b># of Permits</b>	<b>Total Revenue</b>
New Address	<b>48</b>	<b>6,080.</b>

**Unified Dwelling Code (UDC) Administrative Fee**

	<b># of Permits</b>	<b>Total Revenue</b>
Uniform Dwelling Code Fees	<b>31</b>	<b>775.</b>

**Conditional Use Permits**

	<b># of Permits</b>	<b>Total Revenue</b>
Conditional Use Permits	16	33,400.
Transfer to Law Enforcement Department – E911	0	-2,400.
<b>Total</b>	<b>16</b>	<b>31,000.</b>

**Variances**

	<b># of Permits</b>	<b>Total Revenue</b>
Variances	<b>2</b>	<b>1,200.</b>