



**COMMUNITY
GROWTH
INSTITUTE**

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MEMO

Date: November 7, 2011

To: Alexandria Town Board

From: Ben Oleson, Community Growth Institute
Zoning Administrator, Alexandria Township

Re: Zoning Administrator's Report

The Planning Commission held its regular meeting on October 24, 2011. Two public hearings were scheduled, one of which was cancelled due to the applicant withdrawing their application. No public hearings were scheduled, so the Commission discussed a number of issues regarding potential violations of the zoning ordinance and had a training session on enforcement related issues.

Public Hearing #1:

Application: Conditional use to allow for the placement of approximately 48 cu yds of soil and 18 cu yds of rock rip rap in a shore impact zone.

Applicant: Ronald and Mary Nelson

Background: The conditional use request is to allow the applicants to address damage to their yard due to high water this past summer. The area adjacent to the shoreline was inundated with water for an extended period and did not grow back grass once the water receded (the area is still fairly wet). The proposed shoreland alteration would be to place approximately 48 cubic yards of black dirt in this area and another 18 cubic yards of rock rip rap along a portion of the shoreline to help protect from wave action. A conditional use permit is required to place more than 10 cubic yards of earthen material in a shore impact zone.

Based on the review of the application, Staff offers the following general comments:

- Section V.S of the Zoning Ordinance identifies features considered to be sensitive within the Township. The Township intends that the data be used to provide

additional information to landowners, developers, staff and the Planning Commission so that the sensitive nature of the resources is considered as land is developed and/or altered. Properties where development or alteration is proposed are encouraged to avoid alteration of or impacting sensitive features or to mitigate potential negative impacts on sensitive features as much as is reasonably possible. In reviewing applications where sensitive features may be impacted, the Planning Commission may impose conditions as necessary to protect such features, including requirements to determine exact boundaries, avoidance of sensitive features during development or alteration, or specific practices intended to mitigate potential negative impacts. ***Areas identified as sensitive features are based on the best available data and are general in nature in terms of exact locations and boundaries.*** The site of this proposal identifies the following known sensitive features.

- a. Aquatic Resources: There are no wetlands on the property in the area of the proposed work. The fill area is immediately adjacent to Lake Geneva and the area is listed as having aquatic vegetation in the lake.
- b. Topography: There is a steep slope leading down from the home to the fill area (from topography maps, it does not appear to be a bluff). As of now, the fill area is a shallow depression that holds and infiltrates surface water running down the hill.
- c. Shallow Groundwater: None known.
- d. Upland Habitat: None known.

Planning Commission Recommendation: The Planning Commission recommends this application be approved, with the following conditions of approval:

1. The applicant shall maintain a “depression” between the bottom of the hill and the shoreline so that surface water runoff has a place to infiltrate and/or settle out sediment and pollutants prior to entering Lake Geneva.
2. Temporary erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum wood fiber blanket or an equivalent material that will help prevent soil erosion and sedimentation until vegetation can be properly established in Spring 2012.

Findings of Fact: The Planning Commission adopted the following findings of fact in support of its recommendation:

1. **The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area:**

Yes. The proposal is to bring in fill along lakeshore, which will have no impact on public facilities.

2. **The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land:**

Not applicable. The use of the property will remain the same –

residential. The proposed shoreland alteration should help to improve property values generally in the area by maintaining vegetative cover on near-shore areas - provided it is designed and implemented correctly.

3. **The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties:**

Yes. The appearance of the lot would not be a detriment as a result of the proposed work as it is intended to improve the appearance of the near-shore yard area, prevent erosion and allow surface water runoff to infiltrate before entering the lake.

4. **The use in the opinion of the Town Board is reasonably related to the overall needs of the Township and to the existing land use:**

Yes. The interest of the Township (i.e. the public) in this case is to maintain properties in an attractive condition, prevent soil erosion into area lakes and promote infiltration of water prior to entering area lakes.

5. **The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to located the proposed use:**

Yes. A shoreland alteration intending to address a potential erosion problem and maintain the appearance of a lakeshore property is consistent with various requirements of the ordinance to prevent such erosion problems in the first place – particularly in Shoreland Residential areas, such as how this property is zoned.

The area of the proposed development has been zoned as “Shoreland Residential.” The purpose of this district is:

“To protect and regulate the use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the natural environmental values of shorelands, and provide for the wise use of waters and related land resources.”

6. **The use is in conformance with the Comprehensive Plan of the Township:**

Yes. The comprehensive plan identifies the area of the proposed development in the Future Land Use Map as Urban Residential:

Urban Residential: The purpose of this land use category is to provide opportunities for urban density housing in areas that are most readily served by urban infrastructure and services. This category is intended for areas that are currently served by Alexandria Area Sanitary Sewer District (ALASD) infrastructure or are within the identified future service area of ALASD. Within these areas, new residential development will be reviewed to ensure that the proposed density, dimensions, and layout of lots will allow for the efficient use of public infrastructure and the cost-effective provision of public services. A gross urban density of two to three dwelling units per acre or higher is intended for these areas. Proposed subdivisions that would create oversized lots would be reviewed to allow for a transition to urban densities of housing in an orderly and efficient manner. This may be

accomplished through ghost platting, conservation subdivision designs that cluster homes on urban-sized lots, provision of urban sewer or road infrastructure at the time of development, or by other appropriate means.

Typical “lot-block” or “conservation” subdivision designs are both considered appropriate in these areas. Where sensitive or unique natural or cultural resources, such as wetlands, shoreland, etc. are present, a conservation subdivision design with lower densities that protects these resources may be required. Long-term commercial/Light Industrial uses that are incompatible with residential uses should not be allowed in this district (*Alexandria Township Comprehensive Plan, p. 22*).

7. **The use will not create a traffic hazard or congestion:**

Yes. The proposed work will not create road congestion or hazard beyond what is required to bring excavation equipment on-site during the work. No additional traffic would be generated as the work does not involve the construction of new structures or an increased intensity of use on the lot.

8. **Shoreland Specific Criteria:**

- a. Prevention of Soil Erosion/Pollution: The proposed fill would be about 6 inches in depth and would maintain the fill area as somewhat of a natural “depression” where surface water runoff running down the hill will have a chance to infiltrate and/or settle out any pollutants or sediment before entering the lake.
- b. Limited Visibility of structures from public waters: As there are no structures being constructed as a result of this project, there would be no change to the visibility of structures on the lot from Lake Geneva.
- c. Adequate Water Supply/Sewage Treatment: These properties are already served by a private well and ALASD sewer.
- d. Watercraft Impact on Public Safety: The proposed work will have no impact on watercraft use of the lake. It would not create a significant intensity of use on the lot or lake beyond what is already occurring.

Town Board Direction: The Town Board can accept the recommendation of the Planning Commission, render a modified decision on the application, or send the request back to the Commission for further review if additional information is needed. If the decision is for approval or denial, findings of fact should be cited.

Other Issues:

- **Jack’s Recycling complaint:** At the October 17, 2011 meeting, the Board addressed complaints regarding the operation of Jack’s Family Recycling and compliance with the 2007 conditional use permit and subsequent clarifications of those conditions made at various times over the years. Staff indicated that we had investigated the complaint, driven by the facility several times, viewed the

interior of the property twice, and found that no violation of previous conditional use permit conditions or clarifications of those conditions had occurred. The Board requested a review of previous Town Board minutes that might apply to the situation to verify that no violations were occurring.

The Board was e-mailed a copy of the excerpts from the Town Board minutes on October 19 by Bonnie Fulghum. Staff has reviewed these minutes and finds nothing to indicate that the property is in violation based on the recent complaints summarized below. In short, the area immediately to the west of the drive leading to the rear of the property is allowable for outside storage of materials based on the 2007 conditional use permit. There was a subsequent requirement, when the facility was allowed to construct a new 10 foot fence to be 30-feet to the west of the old "billboard fence", that that 30-foot buffer area be maintained clear of materials. Staff's inspections of the site indicates that the 30-foot area is being kept clear. It appears from aerial photos that the old billboard fence was approximately 10-15 feet west of the driveway and our inspections indicated that the materials that were being stored/parked to the west of the driveway were within that 10-15 foot area.

Background

In August, Staff received a complaint about Jack's Family Recycling. The complaint was a bit vague and we attempted to contact the complainant to determine what exactly they thought the issue was, but didn't hear back right away. Staff assumed the complaint was about materials stored out in front of the fence, near the road. Staff drove by the property and took several photos on 8/23/2011. There were a number of materials stored out front (i.e. a rolloff or two, a pickup, some other scrap material) but all appeared to be within the allowable storage area. The 30-foot buffer area within the fence (along the western fence leading all the way to the rear of the property) appeared to be free of any materials from that viewing, although we didn't drive back into the yard. Staff took another photo on 9/12/2011 which showed more materials being stored out front, but again within the allowable area.

About a month later, we received several pictures from the complainant showing materials out in front of the fence (between the fence and the road), but nothing to the west of the fence in the area that was to be kept free of materials. Staff made a site visit about this time to the property and viewed the rear of the property as well. We took several photos (attached – dated 9/22/2011). The concrete barriers that had been required to be placed in the rear of the property to provide a visual of where materials could be stored or not were in place (although the grass had grown up around some of them – partially hiding them from view). The 30-foot buffer area along the fence appeared free of materials. There were some materials stored along the edge of the road, but these appeared to be outside the 30-foot area.

The complainant's pictures (dropped off at the Township office on 9/20/2011) also showed some materials behind the fence, along the west edge of the drive leading to the rear of the property. The materials were probably within an area of about 10 feet from the edge of the road. In phone conversations with the complainant, it appeared that this was the main concern – more so than anything out in front of the fence. The complainant indicated he felt this was not allowable storage area (behind the fence, along the west side of the drive). Staff explained that there was a 30-foot buffer from the fence that was to be kept clear, but

anything outside of that could be used. Staff indicated that it appeared to us that the 30 foot area was clear and these materials were outside of it.

At this time, Staff does not see a violation of any of the conditions of the CUP that was granted in 2007 or the follow up clarifications that have been made occasionally with the Board's input over the years. We will continue to monitor the site.

As per the recent changes to the Township's ordinance, there are provisions for terminating a previously granted conditional use permit if there are repeated violations. Up to this point on the Jack's Family Recycling site, there has been one violation noted in the file since that ordinance change was adopted. This was in March/April 2011 when there were stacks of 50 gallon barrels located immediately behind the fence nearest the road that were within the 30 foot buffer area. We sent a letter to the business owner at the time and the barrels were moved shortly thereafter. The procedure to terminate a CUP would require at least three separate, documented violations of conditions of the CUP or a pattern of repeated, documented violations. At that point, a public hearing would be scheduled – at which the Township could either revoke a CUP or find another way to help ensure compliance.

- **Fee Schedule update:** At the October 17, 2011 Board meeting, we discussed several areas of the fee schedule that could potentially justify an increase to cover the typical amount of staff time required to process such permits.

Staff was asked to come back with amendments to the fee schedule with increases in those areas where it was felt justified.

A revised fee schedule reflecting these changes is attached.

If you have questions or concerns on the items in this report or any other issues, please do not hesitate to contact us. You can reach me by email at oleson@communitygrowth.net or by phone at 866-900-3064.

ALEXANDRIA TOWNSHIP
~~2010-2011 ZONING & SUBDIVISION~~ FEE SCHEDULE
ALL FEES ARE NON-REFUNDABLE

LAND USE PERMITS

1. Residential

A.	Per 100 square feet of dwelling area.....	\$ 10.00
B.	Deck or Patio	as follows
	Under 100 square feet	\$ 25.00
	101 - 400 square feet	\$ 50.00
	Over 400 square feet	\$100.00
C.	Minimum land use permit fee	\$ 25.00
D.	Accessory Structure	as follows
	under 120 square feet <u>and under</u>	\$25.00
	121 – 750 square feet.....	\$50.00
	751 – 1500 square feet.....	\$75.00
	1501-5000 square feet.....	\$100.00
	5001 or more square feet.....	\$200.00

2. Commercial and Industrial

A.	Per 100 square feet of floor area.....	\$ 15.00
B.	Minimum land use permit fee	\$ 50.00

3. Agricultural Buildings

A.	Agricultural buildings	as follows
	under 120 square feet <u>and under</u>	\$25.00
	121 – 750 square feet.....	\$50.00
	751 – 1500 square feet.....	\$75.00
	1501-5000 square feet.....	\$100.00
	5001 or more square feet.....	\$200.00

4. Miscellaneous (gazebos, boathouses, other miscellaneous structures)

	under 120 square feet <u>and under</u>	\$25.00
	121 – 750 square feet.....	\$50.00
	751 – 1500 square feet.....	\$75.00
	1501-5000 square feet.....	\$100.00
	5001 or more square feet.....	\$200.00

5. Roof Pitch Changes or Roof Replacement (with no additional living space).....\$100.00

6. Towers ~~\$2.00 per \$1,000.00 of Valuation~~ **100.00**

7. Sewer Disposal Permits as follows

Individual Systems	\$260.00
Class V Injection Well or Systems with more than 9 bedrooms	\$560.00
Cluster Systems.....	\$560.00

8. Sign Permits.....\$ ~~75~~100.00

9. Shoreland Alteration/Landscaping Permits as follows

- **Minor Landscaping Permits** (*rip rap, sand beach, above-ground stairways, patios and single-tier retaining wall(s) 18 or fewer inches in height, movement of less than 10 cubic yards of material or other projects as determined by the Zoning Administrator with little or no significant erosion potential or change to existing drainage patterns*)\$ 75.00
- **Standard Landscaping Permits** (*any project within a steep slope or shore/bluff impact zone, single-*

tier retaining walls greater than 18 inches in height, multi-tiered retaining walls, in-ground stairways, movement of more than 10 cubic yards of material and any other project as determined by the Zoning Administrator with potential for significant erosion or changes to existing drainage patterns)..... \$150200.00

- **Major Landscaping Permits** (any project that involves disturbance of more than 1/2 acre of soil or that involves the movement of more than 100 cubic yards of material).....\$300.00
- **After-the-fact Shoreland Alteration/Landscaping Permit**..... \$750.00/Restoration

APPLICATIONS

- 1. Conditional Use Application(s)**~~\$300~~400.00
- 1-2. Interim Use Application(s) (new and renewal)**~~\$400~~.00
- 2-3. Variance Application(s)**~~\$300~~400.00
- 3-4. Plat Fee** (~~preliminary and minor~~major and minor subdivision final plats)
 - Preliminary Plat Application..... \$550 + \$20 per lot
 - Final Plat Application \$300 per lot Douglas County Park Dedication Fee
- 4-5. Re-zoning Application(s)**\$400.00
- 5-6. Planned Unit Development**.....\$500.00
- 6-7. PAC/BOA Application Review**\$200.00
- 7-8. EAW-Environmental Assessment Worksheet**.....\$750.00
- 8. Stormwater Permit Application**.....~~\$100~~.00
- 9. Driveway Permit Application**.....\$100.00

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OTHER FEES

- 1. Common Property line adjustments**~~\$50.00~~100.00
- 2. Metes and Bounds Subdivisions**~~\$50.00~~100.00
- 3. Temporary Mining**.....\$100.00
- 4. "After-the-Fact" Charges (unless otherwise specified)**..... Double the application permit fee + permit fee
 - Minimum "after-the-fact" charge \$500.00 plus permit fee
- 5. Photo Copies**..... \$.25/page
- 6. Hourly Rate to prepare requested documents – Administrative Assistant** \$20.00/hour
- 7. Hourly Rate to prepare requested documents – Zoning Administrator** \$30.00/hour
- 8. Fax**\$2.00 for 1st Page, \$1.00 for every page thereafter
- 9. Land Use Permit List**.....\$5.00/list
- 10. Set OHW - building line/string line/setbacks**.....\$50.00
- 11. Paper Copy of Zoning Ordinance**.....\$15.00
- 12. Paper Copy of Subdivision Ordinance**.....\$5.00
- 13. Non-Sufficient Funds (NSF) Fee**~~\$35~~.00