

**SAUK COUNTY BOARD OF SUPERVISORS
PLANNING, ZONING AND LAND RECORDS COMMITTEE
Tuesday, February 28, 2012 – County Board Room, West Square Building**

Planning, Zoning, & Land Records (PZLR) Committee members present: J. Ashford, J. Gaalswyk, F. Halfen, G. Lehman, D. Nobs

Others present: M. Beisbier, L. Borleske, R. Churchill, B. Cunningham, J. Fish, P. Dederich, M. Galloway, R. Johansen, M. Krueger, T. Liebman, K. Margovsky, K. Mead, B. Michalek, W. Moeller, P. Murray, T. Novy, P. Pohle, K. Schauf, J. Seering, B. Simmert, F. Strutz, B. Vaillancourt

At 9:03 a.m. Chair Lehman called the Planning, Zoning and Land Records Committee to order and certified to be in compliance with the Open Meetings Law.

Adopt agenda: Motion by Halfen/Gaalswyk to adopt the agenda. Motion carried, all in favor.

Adopt minutes of previous meeting: Motion by Ashford/Nobs to adopt the minutes of the January 24 meeting. Motion carried, all members in favor.

Public comment: None.

Communications: None.

Land Records Modernization:

- a. Department Report: None.
- b. Review and approval of vouchers: None.

Surveyor Department:

- a. Department Report: None.
- b. Review and approval of vouchers: Motion by Ashford/Halfen to approve vouchers in the amount of \$4,420.00 for December vouchers and \$1,980.00 for January vouchers. Motion carried, all members in favor.

Discussion and possible action on formalizing responsibilities of the County Surveyor: Liebman noted that Corporation Counsel was tasked to address this issue. The salary needs to be established for routine duties and an hourly rate for additional duties by the Finance Committee. The current duties of the Surveyor were distributed along with a rough draft of the ordinance. Most of the language is directly out of the statute. Basically additional work would be surveys requested by the county or the court; those are truly additional tasks that you cannot anticipate or budget. The position is a four-year term and the election will be in November. Need to have the ordinance done before the County Board elections and to the March 20 County Board meeting. Motion by Ashford/Gaalswyk to develop an ordinance with Dederich, Liebman, and county administration with a draft coming before the PZLR Committee on March 8. Motion carried, all in favor.

Discussion and possible action on a conditional use permit for a 5-acre more or less Planned Unit Development-Cluster Lot S25, T.12N.R.7E, Town of Greenfield, Sauk County by Richard Biech in accordance with the provisions contained in Section 7.12 of the Sauk County Code of Ordinances: Simmert informed the committee that this permit had a public hearing, and the Town of Greenfield approved it on February 14. Motion by Ashford/Nobs to approve the continual use permit for Richard Biech. Motion carried, all members in favor.

Register of Deeds Department:

- a. Department Report: Bailey presented his monthly report and noted the training dates for the Tri Min software conversion are set and will go live on May 10.
- b. Review and approval of vouchers: Motion by Halfen/Gaaslyk to approve vouchers in the amount of \$3,352.97. Motion carried, all members in favor.

Public Hearing: To begin at approximately 10:00 a.m. (Committee to consider and take possible action at the conclusion of the respective hearing)

a. Petition #3-2012 Moratorium. A petition to consider imposing a moratorium on the development of land affected by a Dam Breach Analysis of the Lake Redstone Dam. Lands to be affected are located in the towns of LaValle, Winfield, and Reedsburg, County of Sauk, Wisconsin and are further described on a floodway map dated July 29, 2010 and titled, "Lake Redstone Breach Flood Zone."

Lehman called the public hearing to order at approximately 10:00 a.m. He explained the procedures for the public hearing and introduced the committee members.

Michalek appeared and presented a staff report and background on the process. The Lake Redstone Dam is a noncompliant high hazard dam. Between the December County Board meeting and the meeting in February with DNR, solutions were discussed. The DNR will accept a temporary moratorium and defer the adoption of the dam failure analysis and associated zoning to allow FEMA maps to be finalized and be adopted as part of Sauk County's Floodplain Zoning Ordinance, and at that time, the county may adopt the dam failure analysis and associated zoning thereby bringing the county into compliance. Those individuals with permits in place would be allowed. This idea was brought to the County Board and to this committee on February 9. It was agreed that it should be discussed and explored. As a result, Corporation Counsel and CPZ drafted the moratorium. Notification was sent to affected individuals. DNR is in attendance today and will attend the March 20 County Board meeting. We are proceeding with the proper notification. The moratorium will take effect immediately if approved by the County Board.

Meg Galloway, DNR Section Chief of Dams and Floodplain Section, provided background on why all these steps are happening. Sauk County owns the Lake Redstone Dam. The rules that apply to dams went into effect after the construction of the Lake Redstone Dam. We are slowly trying to get them into compliance. It is a lengthy process to supersede the ordinance. The county did some repairs to the dam and grant funds were awarded (90 percent of grant award was received amounting to around \$50,000 and the last 10 percent is being withheld due to the zoning not being approved). The county would need to repay the 90 percent if not brought into compliance. Will get an administrative order to get into compliance or will be asked to remove

the dam. As an interim step, the moratorium allows the county to go through one adoption process (FEMA floodplain maps and the dam break analysis).

It was discussed that the cost for DNR to supersede the ordinance is unknown since one has not been done since 1987.

There was also discussion why the City of Reedsburg does not need to adopt this and the dam breach analysis needs to be approved. There is a distinction for rural areas; they need to adopt the hydraulic shadow. The thought is that it is more difficult to get out notifications to rural areas. If restrictions are not placed on rural locations, there are a lot more areas to develop versus urban areas.

Questions on takings arose since zoning is not a taking. Todd Liebman stated that the county is not concerned about potential lawsuits.

There are some flood control grants available and opportunities continually become available.

The DNR is willing to meet with people individually to find solutions for their properties. There are state laws that require the DNR to enforce this. To change the statutes for this situation is unlikely since statutes need to take the entire state into account.

Marty Krueger, Chair of Sauk County Board of Supervisors, discussed the process that has been going on to work through this and noted that the final decision is the duty of the current County Board whose representatives will change in April. The moratorium allows the FEMA flood maps to be adopted. Noted the willingness of the DNR to meet with individual property owners to discuss options and solutions. There is an opportunity to not make this punitive. We are not going to lower Lake Redstone.

Robert Johansen, appearing in opposition. Questioned if there has been an actively managed wake on the lake. There is a big gap between the present and future property values. Comfortable with the Lake Redstone Dam. He was not contacted as part of the Emergency Management. Lawsuits are an option. Could grandfather the owners and the properties, eliminate the 50 percent option, condemn properties and pay full value now. Questioned the high hazard dam rating versus a significant hazard rating.

Fred Strutz, appearing in opposition. Expressed concerns about the restrictions being put on properties. Do not change the current decision of not adopting the study; but if it is changed, grandfather in the property owners involved. Why aren't they looking at how to prevent the dam from going? There could be a plan, start letting some of the water out slowly. If you have a good warning, what is the difference if we rebuild? Reedsburg is going to take a lot more than what happens to us.

There was discussion on when allowed to rebuild (flood, fire, etc.) The CPZ has pamphlets available explaining living in the floodplain/floodway. The moratorium will allow time for each property to be looked at as each is unique.

Joe Fish, appearing in opposition, did not wish to speak.

Linda Borleske, appearing as interest may appear. She is a County Board Supervisor but spoke on behalf of herself. Not totally against the dam break analysis; it is a very important tool, and great for EMBS to know who to contact in the event of a dam failure. Need to take away the 50 percent regulation and put in no new construction allowed. Need to be looked at

statewide. Because there is no compensation being given to the landowners, grandfathering properties could be an option. Asked how the county is going to make landowners aware of what to follow. Seems ironic that if a fire takes the property then I could rebuild when there is no new construction. There is concern that it will cost the county \$50,000, it is going to cost me personally \$80,000. Need to work on a compromise.

Bev Vaillancourt, appearing as interest may appear. Appreciates the DNR's work on this. We need to work together. Provided the list of questions from October and the resolution that incorporates these questions. Willing to work with the Town of Winfield. We are talking about an emergency situation. Would like to see the properties grandfathered in. When we talk about saving life, we are also talking about economic life. Think the DNR should look at ways to prevent water going into the lake. Noted it would have been more appropriate to hold this public hearing in the evening or on a weekend.

Kurt Mead, appearing as interest may appear, but did not wish to speak.

Michael Beisbier, has a farm in the area being affected.

Margovsky from the DNR explained that both the total volume and the surge are being taken into consideration. The new FEMA maps shows the flood on the Baraboo River is just as bad as the dam failure.

Tim Novy, registering in opposition, did not wish to speak.

Peter Murray, registering as interest may appear, did not wish to speak.

Ron Churchill, appearing in opposition. Does not have property involved in this floodplain. Questioned if this is the first one of these that the DNR has done.

Galloway stated this is not the first dam failure analysis. They are done all over the state.

Pohle read into the record correspondence from William Gade who was unable to appear today. He wrote that most of the people, farms, and businesses were here long before Lake Redstone was built. Listed two options: 1) Lower the water level in Lake Redstone, 2) Continue raising South Dewey in the City of Reedsburg to or near the Baraboo River. This would be a levee and roadway to use and protect all of the areas to the east of roadway.

Seeing no one else wished to appear, Lehman closed the public hearing portion of the meeting at 11:28 a.m.

There was discussion about being able to grandfather in properties and the 50 percent due to limitations by state statutes and federal regulations.

Cunningham provided clarification regarding being able to rebuild as regulated under two different district (floodway and flood district) regulations.

Motion by Gaalswyk/Ashford to approve the moratorium.

There was discussion on how the county does not have an option but to approve this and expressed their concerns for the property owners. Need to get the word out that people need to get their permits in now. The DNR's cooperation in working with landowners is a step in the right direction.

Krueger commented that the issue is to recommend that this moratorium be put in place since the County Board did not adopt the dam breach analysis. The key element here is that the DNR has agreed to put this in place. Best interest of everyone (county and property owners) to put this moratorium in place. If the Board votes this down, the process by the DNR to supersede will continue. The future board will need to deal with the dam breach.

Vaillancourt appealed that a public information meeting be held before the March County Board meeting to talk about the permitting process. She offered the La Valle Town Hall for the open house meeting.

The original motion to approve the moratorium was amended by Lehman/Halfen to change the effective date on the moratorium from December 2012 to January 2013 and that staff hold an informational evening meeting in the Town of LaValle. All PZLR members in favor of the amendment except Gaalswyk.

Vote on original motion to approve the moratorium as amended. Ashford, Halfen, Gaalswyk in favor; Lehman and Nobs opposed.

The CPZ staff will hold an evening open house meeting within the next few weeks before the March 20 County Board meeting.

Motion by Ashford/Halfen to adjourn the meeting at 11:53 a.m. Motion carried with all members in favor.

Respectfully submitted,

Joel Gaalswyk, Secretary