

APRIL 21, 2009 SESSION
OF THE
WALWORTH COUNTY BOARD OF SUPERVISORS
COMMITTEE OF THE WHOLE

The Walworth County Board Committee of the Whole meeting was called to order by Chair Russell at 5: 05 p.m. in the County Board Room at the Walworth County Government Center, 100 W. Walworth Street, Elkhorn, Wisconsin.

Roll Call

Roll call was conducted: Supervisors Present: 10 - F. Mark Bromley, Vice-Chair Jerry A. Grant, Randy D. Hawkins, Claudia J. Holst, Kathy Ingersoll, Daniel G. Kilkenny, Rick Stacey, Jim Van Dreser, David A. Weber, and Chair Nancy Russell; Supervisors Absent: 1 - Joe Schaefer.

- **Comprehensive “Smart Growth” Plan**
County Ordinance Re-draft and Associated Impacts

Michael Cotter said that he was asked to give an update on the Smart Growth process, how that relates to the comprehensive revision of the zoning code, and timelines. He said he was given direction by the County Board to develop a plan for towns to opt out of County zoning. Cotter said that on December 14, 2004 he presented a report to the County Board and all townships. There have not been any changes as far as State statues or any of the zoning statues. He said that on May 10, 2005 the County Board voted to conduct a comprehensive revision of the Walworth County Zoning Ordinance allowing towns to opt out of countywide zoning via the Smart Growth planning process and this was to be completed by 2009. He said we are now into 2009 and are quickly approaching the end of the comprehensive planning process. Cotter said that a Summary of his remarks tonight would be distributed at the end of the meeting.

Cotter said he was directed to come up with the comprehensive revision at the conclusion of Smart Growth. One concern was that he had thought there would be many more changes to the Code and in fact he is now concerned that there may not be enough changes to constitute a comprehensive revision. The Smart Growth Technical Advisory Committee has been meeting and discussing the comprehensive planning effort and there hasn't been a great debate to change zoning classifications. The Technical Advisory Committee is dominated by townships and they have not called for the creation of new zoning districts as a result of their debate and public hearings. The smart growth process did not yield major changes as the County anticipated back in 2004.

He suggested that the County Board send a letter to all 16 townships and ask them if they want to opt out of County zoning. He said that Bloomfield and Linn have made it clear that they want to opt out of County zoning. Cotter said we have to be sure who wants to opt out and who wants to stay in County zoning.

Cotter said that the County Board put the townships on notice in 2004 so they have had time to consider all the changes they have to make to opt out of County zoning such as hiring staff, etc. He said he was concerned about how to administer the old code while the townships are deciding what to do. Cotter said he spoke with Brian Ohm, UW Extension, regarding enforcement and he suggested that the County enforce the old ordinance until the town adopts the new revision or a new town ordinance is approved.

There will be changes to the zoning code in regard to changing text and other modifications to the Code based upon the direction of the Walworth County Zoning Agency, however, the department with conditional uses, etc., and the County Zoning Agency will guide us, keeping the Technical Advisory Committee in the loop.

Regarding the timeline for completion, Cotter said that the Smart Growth Technical Advisory Committee and SEWRPC hope to be done with the Comprehensive Plan, with County Board adoption by November 2009. He said using that as the Smart Growth Plan completion date it would make sense to have the comprehensive revision to the zoning code by November. The public hearing on the ordinance revisions would occur in September, County Zoning Agency adoption would occur in October, with County Board approval in November. He said that the adoption by the Board would repeal the existing ordinance and put into effect the new ordinance with a January 1, 2010 start date. That will give the towns a period of one year to either re-sign on with the new code or complete their own zoning ordinance if they want to opt out. The County would enforce the old code while the towns are deciding. He said this is the only change from the comprehensive report that he presented in December 2004. Cotter said that in that report he recommended that the old zoning code be enforced by the County only under an intergovernmental agreement. He said the zoning department would be ready to enforce the old code for the year 2010.

Cotter said it is important for the towns to remember that if the new zoning code is not adopted or a new township zoning code created, with approval by the County Board, by January 1, 2011, the town will not have zoning regulations.

Cotter summarized the list of responsibilities which the County would retain if townships opt out of County zoning, and also the list of non-shoreland responsibilities the towns would have if opting out. He said it is important to remember that the State of Wisconsin mandates that all counties control shoreland zoning in unincorporated areas of the County.

Cotter said that towns opting out of County-wide zoning will need to receive copies of the County files related to the non-shoreland parcels. The zoning department will need to copy the files and provide these copies to the township. The County will charge for the cost of copying the files. County staff will assist opting out townships via intergovernmental agreements. The County staff will not have time to assist town consultants. He said questions remain over the maintenance of the County GIS system.

Cotter said that the County Board allocated a great deal of money to improve the department's filing system and it is a very good system. He said volunteers were used to get the system up

and running and every tax parcel has a file. If towns opt out, we would copy the non-shoreland files and charge for the cost of copying back to the towns.

In conclusion, Cotter said again that he is concerned that the comprehensive revision is not comprehensive enough. The Smart Growth Committee developed a comprehensive plan and it will be ready by 2010. Cotter said that it is very important that the County Board sends a letter to find out if the townships really want to get out of County zoning. Supervisor Kilkenny asked that Cotter draft a letter for the Board.

The hand-out regarding the Comprehensive Revision of the Walworth County Zoning Ordinance was distributed to Supervisors and members of the public in attendance.

Cotter said that townships should call his department if they have questions.

Adjournment

On motion by Supervisor Grant, seconded by Supervisor Weber, the Committee of the Whole adjourned at 5:55 p.m.

Kimberly S. Bushey
County Clerk

STATE OF WISCONSIN)
)SS
COUNTY OF WALWORTH)

I, Kimberly S. Bushey, County Clerk in and for the County aforesaid, do hereby certify that the foregoing is a true and correct copy of the proceedings of the County Board of Supervisors Committee of the Whole for the April 21, 2009 meeting.