

**SPECIAL JOINT MEETING WITH
CALEDONIA VILLAGE BOARD
AND CALEDONIA PLAN COMMISSION
March 16, 2020**

Board Present: Trustee Weatherston, Trustee Stillman, Trustee Wanggaard, Trustee Martin, Trustee Prott, Trustee Wishau and President Dobbs

Plan Present: (President Jim Dobbs, Trustee Kevin Wanggaard), Thomas Knitter, and Jonathan Schattner

Absent: Duane Michalski, Bill Folk and Joe Minorik

Staff/Others: Village Administrator Tom Christensen, HR Director/Assistant Administrator Toni Muise, Public Works Director Tom Lazcano, Development Director Peter Wagner. Also present was Attorney Elaine Ekes

1. Call the meeting to order

President Dobbs called the meeting to order at 6:00 p.m., at Village Hall, located at 5043 Chester Lane, Racine, Wisconsin.

2. Presentation by WisDOT, Dan Dedrick – Intersection Options at STH 38- and 4-Mile Rd

This item was laid over.

3. Possible Recommendation by Plan Commission and Reading and Possible Action by Village Board regarding Ordinance 2020-04 – An Ordinance To Create Section 16-1-1(A)(8) Of The Code Of Ordinances Of The Village Of Caledonia, Racine County, Wisconsin, Relating To The SSO Structural Setback Overlay District Under The Zoning Code

Wagner presented Plan Commission members expressed the following concerns/questions:

1) Why was the original setback 200 feet recommended?

Staff contacted SEWRPC regarding the 200' setback recommendation. Their response was that the 200' setback was to be utilized when no revetment is proposed. The SEWRPC representative stated that SEWRPC would support a 100' setback from the stable slope if revetments were included as part of a development project. Included with this memo is a diagram showing what neighboring communities use for shoreland setbacks. Currently, Caledonia has the most conservative setback of all the communities. In addition, a 100' setback from the stable slope point is far greater than what the Wisconsin Administrative Rules require under NR 115.05(1)(b) which is 75 feet from the ordinary high-water mark, which is the minimum distance required for counties and which carried over in application at the time the Village incorporated. In effect, the Racine County ordinance was more restrictive.

2) Will the Village be liable for any destruction to property by reducing the setback 100'.

The engineering firm conducting the analysis would be responsible for the design of the revetment project and the determination of the stable slope setback. As with any revetment project, future maintenance is required and would be the responsibility of the property owner. It is unlikely that the Village would be liable in such a situation, however, there is always the possibility of a property owner suing the Village for compensation. Legal counsel will address this issue further for the committee.

3) What does Mount Pleasant use for a setback?

Currently, Mount Pleasant utilizes the SEWRPC 200' setback recommendation similar to Caledonia. However, Mount Pleasant is proposing a new regulation that would require any development to be a minimum of 75' from the ordinary high-water mark which would not take into account a revetment area. Caledonia's proposed change is a 100-foot minimum facility setback distance in addition to the stable slope calculation (revetment area), which in effect is a far greater set back than a 75-foot setback from the ordinary high-water mark.

4) Why can't a developer utilize the "Modification" section of the code to reduce the setback requirement?

By reducing the setback, the Village provides more certainty as to the area that will be allowed to be developed along shoreland areas. This change would provide a level of assurance as to what will be allowed to develop and reduce the number of approvals needed to proceed with a development. In addition, the Village is working hard to eliminate unnecessary regulations in the Village's code and based on the research, this regulation is overly restrictive in its application.

He also explained that there is already a distance from the top of the bluff. Meaning it is not from the top of the bluff that the 100 ft. starts from. This doesn't mean a developer couldn't go back further. Lazcano said a 3 to 1 slope was a recommendation from an outside experienced engineer which is less than this proposal.

Schattner thought it was too close to the top of the bank and he would rather see it 200 ft. There was discussion regarding the need to trust the expert's opinion.

Plan Commission: Motion by Tom Knitter to adopt Ordinance 2020-04 – An Ordinance To Create Section 16-1-1(A)(8) Of The Code Of Ordinances Of The Village Of Caledonia, Racine County, Wisconsin, Relating To The SSO Structural Setback Overlay District Under The Zoning Code. Seconded by Trustee Wanggaard. Motion carried, 3/1.

Village Board: Motion by Trustee Prott to Ordinance 2020-04 – An Ordinance To Create Section 16-1-1(A)(8) Of The Code Of Ordinances Of The Village Of Caledonia, Racine County, Wisconsin, Relating To The SSO Structural Setback Overlay District Under The Zoning Code. Seconded by Trustee Weatherston. Motion carried unanimously.

4. Adjournment

Plan Commission: Motion by Trustee Wanggaard to adjourn. Seconded by Trustee Martin. Motion carried unanimously.

Meeting adjourned at 6:28 p.m.

Respectfully submitted,

Karie Pope, Village Clerk