

**PROCEEDINGS OF THE BROWN COUNTY
PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE**

Pursuant to Section 19.84 Wis. Stats., a special meeting of the **Brown County Planning, Development & Transportation Committee** was held on Tuesday, June 30, 2009 in Room 200 – Northern Building, 305 E Walnut Street, Green Bay, WI.

Present: Norb Dantinne, Bernie Erickson, Mike Fleck, Dave Kaster.
Excused: Dan Haefs.
Also Present: Bill Bosiacki, Matt Heyroth, Chuck Lamine.
Frank Otto, Ron DeGrand, Irv Saharsky, Merle Kalhanek, Dave Chrouser, and Other Interested Parties.

I. **Call Meeting to Order:**
Meeting called to order by Chairman Bernie Erickson at 5:30 p.m.

II. **Approve/Modify Agenda:**

Motion made by Supervisor Fleck and seconded by Supervisor Dantinne to approve the agenda. MOTION APPROVED UNANIMOUSLY.

Public Hearing: No one wanted to speak at this time.

(Supervisor Kaster arrived at 5:33 p.m.)

1. **Approval of Proposed Amendments and Map Revisions to Chapter 23 of the Brown County Code of Ordinances:**
Bill Bosiacki, Zoning Administrator, stated that the purpose of this is to present the new mapping. Mr. Bosiacki, along with Matt Heyroth, Assistant Zoning Administrator, displayed computer-generated maps of flood plain areas for which Brown County is responsible. Mr. Bosiacki stated that there are more flood plains mapped by the Federal government than those shown in the 1982 maps.

Maps of several areas in Brown County were displayed and discussed at length.

Supervisor Dantinne asked Mr. Bosiacki to outline the ramifications for not adopting this proposal. Mr. Bosiacki stated that the State could charge the County for not doing this. He continued by saying, "potentially if someone without being in the NFIP (National Flood Insurance Program) if someone

attempted to build in a flood plain area...and they needed a loan to do it, a lending institution probably wouldn't make them a loan; because they would not be entitled to get flood insurance."

After additional discussion, Mr. Bosiacki concluded by saying he thinks this is a much better map and hopes that the Committee would adopt this. He reminded the Committee that changes can be made after it is adopted, although there would be a cost involved.

Mr. Heyroth added that this will be forwarded to the County Board for the meeting on July 22; and, depending upon the outcome of that meeting, this would be immediately published in the newspaper and forwarded to the local DNR (Department of Natural Resources). DNR would forward this to FEMA (Federal Emergency Management Agency) for final acceptance. He stated that this must all happen before August 18.

Motion made by Supervisor Dantine and seconded by Supervisor Fleck to open the floor to the public. MOTION APPROVED UNANIMOUSLY.

Dave Chrouser, Mau & Associates, 400 Security Blvd. stated that "there are ramifications that go both ways by adopting them and not adopting them." He explained that there are some who will be in the flood plain now; however, provided the maps are done correctly, they were always in the flood plain and just not documented as such. He indicated that he knows of property shown in the flood plain on some maps that should not be shown in the flood plain; and because of the cut-off date of June, 2007, for submitting LOMA's (Letters of Map Amendment) no additional data was accepted. So potential buyers identify the property as being in the flood plain, which means sellers are unable to sell their property.

Mr. Chrouser continued by saying that he has cases wherein property owners are paying flood insurance, and the properties are not in the flood plain. FEMA won't allow submission of LOMA's until the maps have been approved, so "we are stuck in a Catch 22." Flood insurance payments for about the past 2 years amount to thousands of dollars.

Mr. Chrouser said that after having worked with FEMA maps for many years, he is very happy to work with these; because the detail of these new maps is so much better. He stated that they are not perfect and will never be, but the comparison is phenomenal and provides something that can be used. He continued by saying that without adopting these, there is nothing he can do to help those people and change the flood plain status of their properties.

Motion made by Supervisor Dantine and seconded by Supervisor Fleck to return to regular order of business. MOTION APPROVED UNANIMOUSLY.

Motion made by Supervisor Fleck and seconded by Supervisor Dantine to approve the proposed amendments and map revision to Chapter 23 of the Brown County Code of Ordinances. MOTION APPROVED UNANIMOUSLY.

2. **Resolution re: Authorizing an application for a Wisconsin Community Development Block Grant for Economic Development from the Wisconsin Department of Commerce:**

Motion made by Supervisor Dantine and seconded by Supervisor Fleck to approve. No vote taken.

After discussion, motion was amended.

Motion made by Supervisor Dantine and seconded by Supervisor Fleck to approve for Salm Partners for an amount of \$1,000,000. MOTION APPROVED UNANIMOUSLY.

Motion made by Supervisor Dantine and seconded by Supervisor Fleck to adjourn at 6:39 p.m. MOTION APPROVED UNANIMOUSLY.

Respectfully submitted,

Lisa M. Alexander
Recording Secretary

July 22, 2009

AN ORDINANCE AMENDING CHAPTER 23 OF THE
BROWN COUNTY CODE ENTITLED " FLOODPLAINS"

THE BROWN COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1 - Sec. 23.06 and 23.06 (1) of the Brown County Code is hereby amended to read as follows:

23.06 OFFICIAL MAPS & REVISIONS. The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the Brown County Floodplains Ordinance Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Brown County Zoning Administrator. If more than one map or revision is referenced, the most restrictive current approved information shall apply. ~~Digital flood information and preliminary maps may be used as best available information.~~

Official maps: Based on the FIS

(1) Community: *Unincorporated Areas, Brown County, Wisconsin*

Community Number: 550020

Flood Insurance Rate Map Panels Affected: 55009C0036F, 55009C0040F, 55009C0045F, 55009C0114F, 55009C0118F, 55009C0119F, 55009C0130F, 55009C0135F, 55009C0182F, 55009C0183F, 55009C0184F, 55009C0191F, 55009C0194F, 55009C0201F, 55009C0202F, 55009C0215F, 55009C0234F, 55009C0239F, 55009C0242F, 55009C0243F, 55009C0244F, 55009C0251F, 55009C0253F, 55009C0254F, 55009C0261F, 55009C0262F, 55009C0263F, 55009C0264F, 55009C0266F, 55009C0267F, 55009C0268F, 55009C0282F, 55009C0284F, 55009C0286F, 55009C0287F, 55009C0295F, 55009C0305F, 55009C0315F, 55009C0320F, 55009C0329F, 55009C0331F, 55009C0332F, 55009C0333F, 55009C0334F, 55009C0341F, 55009C0345F, 55009C0351F, 55009C0352F, 55009C0353F, 55009C0354F, 55009C0360F, 55009C0365F, 55009C0370F, 55009C0380F, 55009C0387F, 55009C0389F, 55009C0393F, 55009C0405F, 55009C0406F, 55009C0407F, 55009C0408F, 55009C0409F, 55009C0435F, 55009C0455F, 55009C0485F

FIRM Effective Date: 08/18/2009

FIS: 55009CV001A, 55009CV002A, 55009CV003A,

FIS Effective Date: 08/18/2009

~~All lands as inundated by the Intermediate Regional Flood described in the U.S. Army Corps of Engineers Report Floodplain Information, East River Tributaries, March 1972; the F.E.M.A. Flood Boundary and Floodway maps, dated April 17, 1978, the F.E.M.A. Flood Insurance Rate Maps, dated February 19, 1982, November 4, 1992 and the accompanying flood study; and other data collected from the following sources: United States Army Corps of Engineers, Wisconsin State Department of Transportation, Green Bay Metropolitan Sewerage District, Natural Resource Conservation Service and the Wisconsin Department of Natural Resources, all as amended from time to time by the Brown County Board of Supervisors. In the event of any existing conflicts in the data, the more restrictive data shall apply. Best available information pertaining to floodplains may be used in all areas. The reports and associated profiles are adopted by reference and are made a part of this ordinance, and other maps also listed in this chapter.~~

Approved by: The DNR and FEMA

Official maps: Based on other studies

Section 2 - Sec. 23.11 of the Brown County Code is hereby amended to read as follows:

23.11 MUNICIPALITIES AND STATE AGENCIES REGULATED. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.12(4)(a)30.2022, Stats., applies.

Section 3 - Sec. 23.28 (2)(b) and 23.28 (3)(a)(b) of the Brown County Code is hereby amended to read as follows:

- (b) All new construction and substantial improvements of structures with basements within A-zones and other identified floodplains shall be designed so that any basement area, together with attendant utilities and sanitary facilities below the floodproofed design level, is watertight with walls that are impermeable to the passage of water without human intervention. Basement walls (including sealed structural glass block windows) shall be built with the capacity to resist hydrostatic and hydrodynamic loads and the effects of buoyancy resulting from flooding which is two feet above the 100-year frequency flood, and shall be designed so that minimal structural damage will occur if this design is exceeded. The finished floor elevation of a basement or crawlway shall be no more than 5 feet below the regional flood elevation for residential and commercial structures. Under this provision, the bottom of the lowest basement openings, such as doors and non-sealed windows, must be placed at least two feet above the 100-year regional flood elevation. ~~Brown County received a countywide exemption in regard to construction below the flood level for flood-proofed basements from FEMA in 1978.~~
- (3) ~~Accessory structures or uses: An accessory structure or use not connected to a principal structure shall be constructed with its lowest floor no lower than the regional flood~~

elevation, subject to flood velocities of no more than two feet per second, and shall meet all the provisions of ss. 23.24(2)(a), (b), (c), (d), and sub. (6) below.

(3) Accessory structures or uses:

- (a) Except as provided in par.(b), an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.
- (b) An accessory structure which is not connected to the principal structure and which is less than 600 square feet in size and valued at less than \$10,000 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per second and it meets all of the provisions of ss. 23.24(2)(a), (b), (c), (d), and sub. (6) below.

Section 4 - Sec. 23.33(2)(d) and 23.33(2)(e)1 of the Brown County Code is hereby amended to read as follows:

- (d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 23.28(2). The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- (e) Destroyed or substantially damaged structures:
 - 1. Except as provided in subd. 2., if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

Section 5 - Sec. 23.35(3)(c) of the Brown County Code is hereby amended to read as follows:

- (c) In combination with other previous modifications or additions to the building, does not equal or exceed 50% of the present equalized assessed value of the building.

Section 6 - Sec. 23.38(2)(g) and 23.38(2)(h) of the Brown County Code is hereby amended to read as follows:

- (g) The elevation of the lowest floor of proposed buildings and any fill using North American Vertical Datum (NAVD 88) ~~National Geodetic and Vertical Datum (NGVD);~~

- (h) Data sufficient to determine the regional flood elevation in NAVD 88 NGVD at the location of the development and to determine whether or not the requirements of s. 23.22 through 23.28 are met; and

Section 7 - Sec. 23.48(8), 23.48(42), and 23.48(44) of the Brown County Code is hereby amended to read as follows:

- (8) "CAMPING UNIT" - Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck or tent or other mobile recreational vehicle.
- (42) "MOBILE RECREATIONAL VEHICLE" - A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
- (44) "NAVD" or "NORTH AMERICAN VERTICAL DATUM" – Elevations referenced to mean sea level datum, 1988 adjustment.

~~"NGVD" or "NATIONAL GEODETIC VERTICAL DATUM" – Elevations referenced to mean sea level datum, 1929 adjustment.~~

Section 8 - This ordinance shall become effective upon passage and publication.

Respectfully submitted,

PLANNING, DEVELOPMENT AND
TRANSPORTATION COMMITTEE

Approved By:

COUNTY EXECUTIVE (Date)

COUNTY CLERK (Date)

COUNTY BOARD CHAIR (Date)

Final Draft Approved by Corporation Counsel

Fiscal Impact: Not Applicable

BOARD OF SUPERVISORS ROLL CALL # _____

Motion made by Supervisor _____

Seconded by Supervisor _____

SUPERVISOR NAMES	DIST. #	AYES	NAYS	ABSTAIN
WARPINSKI	1			
DE WANE	2			
NICHOLSON	3			
THEISEN	4			
KRUEGER	5			
HAEFS	6			
ERICKSON	7			
BRUNETTE	8			
ZIMA	9			
EVANS	10			
VANDER LEEST	11			
JOHNSON	12			
DANTINNE, JR	13			

SUPERVISOR NAMES	DIST. #	AYES	NAYS	ABSTAIN
LA VIOLETTE	14			
ANDREWS	15			
KASTER	16			
KNIER	17			
WILLIAMS	18			
FLECK	19			
CLANCY	20			
WETZEL	21			
MOYNIHAN	22			
SCRAY	23			
HOEFT	24			
LUND	25			
FEWELL	26			

Total Votes Cast _____

Motion: Adopted Defeated Tabled _____