

MEMO

To: TPC, TB

From: Jen; ZA

Date: 8-29-08

Re: TPC Ordinance Revision – ZA eview for 9-3-08 PH

I have reviewed the Zoning Ordinance revision proposed by the TPC for the 9-3-08 Public Hearing (PH). I have reviewed the revision for compatibility with Ashland County Zoning regulations, the Town of La Pointe Smart Growth Plan Policy Document, applicable State Statutes and the current Zoning Ordinance Sections not proposed to change.

My comments are inserted and highlighted in gray (green on the original) and are in bold capital print. I have been as thorough as I am able at this very busy time of the permitting season.

I am concerned about the process the TPC has followed to revise the Zoning Ordinance. I have suggested following the procedure of a "COMPREHENSIVE REVISION" for "NUMEROUS and SUBSTANTIAL" (statute) changes proposed by the Commission since February 11, 2008. I have sent correspondences to the TPC and TB with supporting documentation expressing my concern.

TPC agendas since Commissioner Broberg has been Chair of the Town Plan Commission have changed the agenda item "General Code" to read "General Code Project/Ordinance Revision". The Public Hearing notification also includes the term "revision" on two line items with the others enumerate additions and deletions to the Ordinance. This only solidifies the Town's need to follow the procedure of a COMPREHENSIVE REVISION.

I am also very concerned that the revision proposed by the TPC has no corresponding map even though the TPC is proposing a map change. I have expressed this concern numerous times with supporting documentation.

Two major problems stem from this:

- The public has not been duly informed of changes in their property's or surrounding properties' use and/or boundaries by description on the map portion of the Zoning Ordinance therefore cannot offer informed comment at this public hearing
- The public has not been duly notified to the change in their property's or surrounding properties' use and/or boundaries by mailing and therefore may not be aware of the changes.
- Enforcement of the text changes is impossible with the text portion of the Ordinance conflicting with the Map section of the ordinance.

The Town Plan Commission has separated these current changes from the Codification Project and has recommended “adoption of these changes forthwith” to the TB. Other numerous and substantial changes to the Zoning Ordinance are under discussion and will be proposed by the Commission in the near future. I advise the Commission at this time to receive public comment on the revision at the September 3 PH but not to act on any of the changes until a full and final draft of the revised zoning ordinance is complete (in its entirety) and the COMPREHENSIVE REVISION process has been followed. This will require several public hearings, mailings and Class II postings. I do not recommend “fast-tracking” any of the revision – it only presents confusion, conflict, and question.

Concern also arises when Commissioner Broberg drafts all Town records concerning this Public Hearing on his home computer, then does not respond to or fill my written requests for records – including this Public Hearing Agenda and final draft Ordinance Sections - in electronic format. Summer residents may not be on the Island during this time and as Custodian of Public Records I have been unable to offer them the official public hearing notification in electronic format as they request. Open Records and Open Meetings are undoubtedly the most important functions of our government.

As I have informed the Commission several times, there are grant funds available through the WI Coastal Management Program. The WCMP has expressed interest in funding 50% of the Town of La Pointe’s COMPREHENSIVE REVISION process. The WCMP is ready and willing to help preserve the balance between development and preservation in our valuable and unique coastal community. I hope the TPC will respond to my recommendation to apply for the grant before the application deadline ends.

Concerning the content of the current ordinance revision, please refer to Zoning Ordinance Section 13.1 TOWN PLAN COMMISSION ESTABLISHMENT:

“THERE IS HEREBY ESTABLISHED A TOWN PLAN COMMISSION FOR THE TOWN OF LA POINTE, ASHLAND COUNTY, WISCONSIN FOR THE PURPOSE OF PROMOTING COMPATIBLE DEVELOPMENT, ESTHETICS, STABILITY OF PROPERTY VALUES AND TO PREVENT IMPAIRMENT OR DEPRECIATION OF EXISTING DEVELOPMENTS.”

