



Meeting: Village Board
Meeting Date: 3/11/13
Agenda Item: 5d

Mission Statement

Delivering quality services in a courteous, cost-effective and efficient manner.

VILLAGE BOARD MEETING STAFF REPORT

REPORT TO: Burt R. McIntyre, President
Village Board of Trustees

REPORT FROM: Paul F. Evert, Village Administrator

AGENDA ITEM: 5d — Discussion of wetland impacted lots in the Windjammer subdivision and the request to waive the public fire protection fee on those lots

ACTION REQUESTED: __Ordinance __Resolution __Motion __Receive/File

POLICY ISSUE

Should the Village Board consider any action regarding the wetland impacted lots in the Windjammer subdivision?

BACKGROUND INFORMATION

Windjammer Estates was platted in 1979. The original developer experienced financial difficulties and more than half of the original platted subdivision was sold under foreclosure. Leon Calewarts, one of the partners in the investment group that bought lots at the foreclosure, approached the Village Board at its last meeting during Public Appearances. He asked the Board for some kind of relief, especially as it pertains to the Fire Protection Fee now charged to all lots in the village.

There are approximately 55 single-family lots in the portion of the Windjammer subdivision of which Mr. Calewarts is part owner. Many years ago he was successful in getting the land rezoned by the village out of earlier zoning designation of Wetland. However, since then, federal and state rules have become more stringent. His investment group paid for a wetland delineation in 2005 that shows most of the lots under this group's ownership are in wetland and therefore are unbuildable.

The single-family lots have been assessed by the Village Assessor at \$900 per lot due to the lack of public improvements and the wetland delineation. The ownership group has continued to pay the real estate taxes in hopes of receiving some relief from wetland regulations. The changes enacted by the Governor last year have not been as helpful to this kind of situation as the ownership group had hoped.

Staff believes there are some limited outcomes in regards to this property.

Outcome 1:

The developers could try to salvage some lots from the development. The 2005 wetland delineation shows a few locations with flag lots are not in wetland. These lots may still be in flood plain, meaning any future owner would need to bring in fill to elevate the home. Also, there would need to be another wetland delineation done at the developers' expense and the installation of public improvements. Staff believes that if the 2005 wetland delineation remains accurate, five lots could be created, and that the public improvements to serve these lots would cost approximately \$25,000

per lot. The remaining unbuildable lots could then be recombined in a retracement CSM, greatly reducing the Fire Protection Fee to the charge for one lot, not 55. With the current market conditions, it is difficult to see how this investment would be anything but very risky.

Outcome 2:

The developers could pay for a retracement CSM, essentially eliminating the current lot lines and again reducing the Fire Protection Fee to the fee for one lot.

Outcome 3:

The developer could stop paying real estate taxes and the Fire Protection Fee. Ultimately the County would have to decide if it wanted to foreclose on the properties. The Village would then be offered the opportunity to purchase the property from the County.

Outcome 4:

The Village Board could exempt from the Fire Protection Fee lots it defines as unbuildable. That definition could include lots completely contained in the DNR wetland maps.

Outcome 5:

The Village could acquire the property. This could be done by donation or the Village Board could direct staff to seek grant funds or use park funds to obtain the property.

PRIOR ACTION/REVIEW

The Board asked to have this placed in this agenda after the last Board meeting.

FISCAL IMPACT:

- | | |
|------------------------------|----------------|
| 1. Is There A Fiscal Impact? | <u>Yes</u> |
| 2. Is it Currently Budgeted? | <u>Yes</u> |
| 3. If Budgeted, Which Line? | <u>Capital</u> |

RECOMMENDED ACTION

Village staff recommends the Village Board consider some outcome that would allow the property to come into public ownership at minimal cost or even as a donation to the Village. A boardwalk trail could be established on the property that could serve the neighborhood and be incorporated with a larger trail system leading to the Mountain Bay Trail. Since the wetlands limit the ability to develop active park space, this might be an appropriate site to try to obtain state stewardship money for the acquisition.

Staff is requesting some sort of informal, but majority, direction on how to proceed.

POLICY ALTERNATIVE(S)

The Village Board could take the following actions:

- Direct staff to discuss with Mr. Calewarts Options 1, 2 or 3 above
- Direct staff to return with a definition of unbuildable property that would provide relief in situations such as Windjammer Estates where property is not buildable because they are heavily impacted by wetlands (Option 4)
- Direct staff to seek grant funds with which to obtain the property or use park funds to obtain the property (Option 5)
- Take no action
- Table the item and request more information

ATTACHED INFORMATION

- I. Letter from Leon Calewarts
- II. Maps of Windjammer Estates

Re: Windjammer Estates.

Feb. 25, 2013

To: Burt Mc Intrye, President
and Village of Howard Board Members.

After purchasing the subdivision in 1976 and each lot being taxed with its own Parcel number, it is at this time we still cannot sell these lots as the DNR has designated them to be wetlands.

The recent charges for fire protection is a considerable burden, as there are ~~iii~~ 56 lots. The total cost would be \$3,265.92 per year. These lots are currently unimproved. It remains one large wooded parcel.

If these monthly fees could be deleted or be charged as one parcel it would alleviate the ongoing expenses we have incurred for so many years.

Thank you for your consideration,

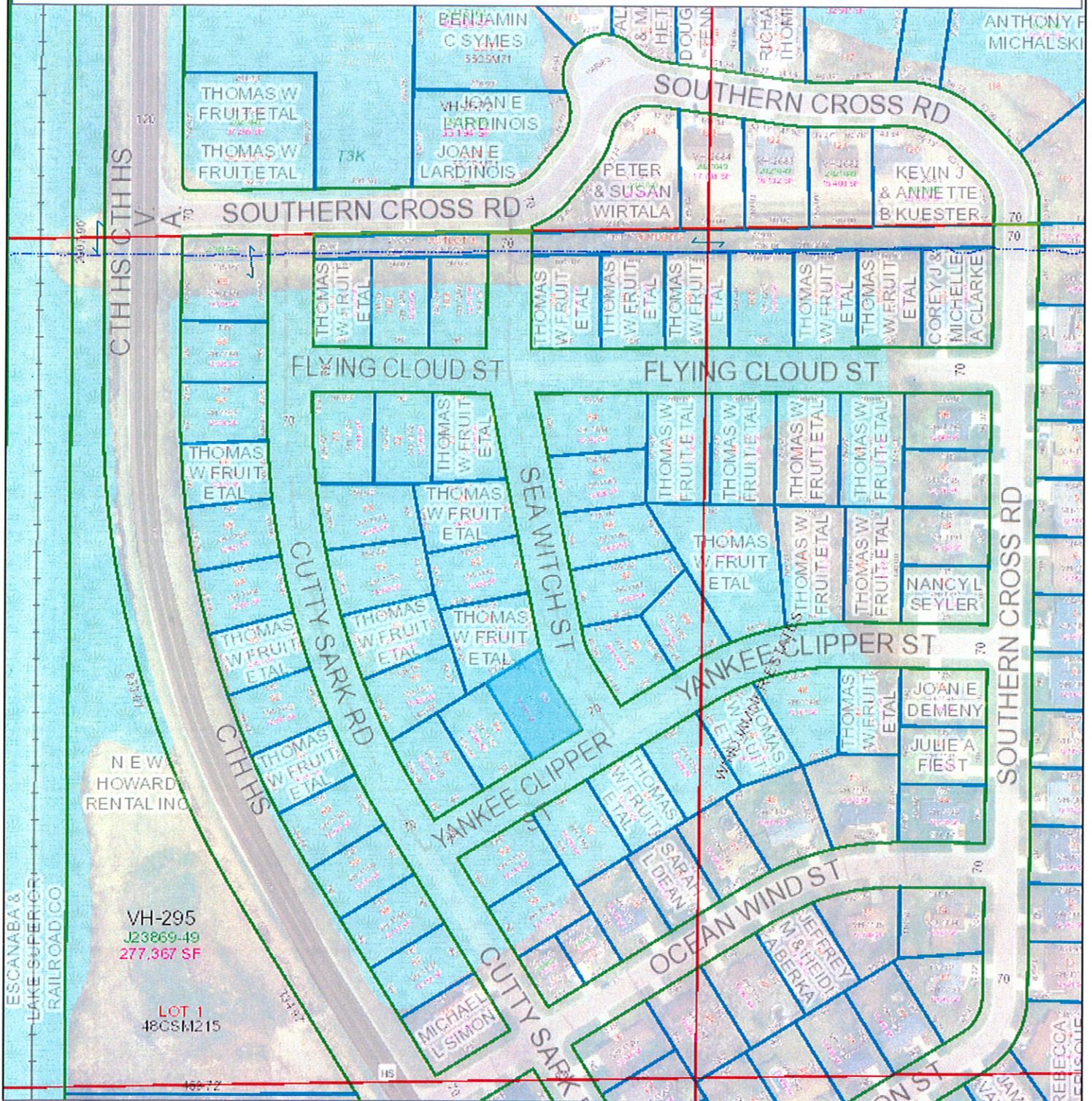
Leon J. Calewarts (Gladys)

Leon J. Calewarts - Gladys

Thomas W. Fruit (Alice)

Marvin Waeghe (Patricia)

<Title>



Map provided by the Brown County Planning & Land Services Department - Land Information Office (LIO)

A map key (legend) and other information about this map is available at: maps.gis.co.brown.wi.us

This map is intended for advisory purposes only. It is based on sources believed to be reliable, but Brown County distributes this information on an "As Is" basis. No warranties are implied. Boundaries shown on this map are general representations only and should not be used for legal documentation, boundary survey determinations, or other property boundary issues.

03/08/2013
Scale 1:2400



Part Of Brown County Wisconsin

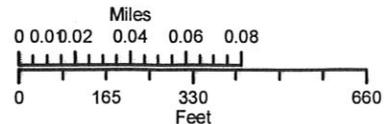
A map symbol legend is available at:
www.gis.co.brown.wi.us

SPECIAL NOTICE IF YOU ARE VIEWING THE FLOOD MAP LAYER:
 *The Flood Map layer is FEMA's PRELIMINARY flood map (September 2007).
 The flood map's published scale is 1 inch = 500 feet. "Zooming In" to a map scale larger than this is not recommended.

Aerial Photo
 date & resolution
 Wave Run-up Zone (June 2007 preliminary)
 April 2005 - 6 inch

Flood Hazard Areas-June 29 2007 preliminary FEMA map

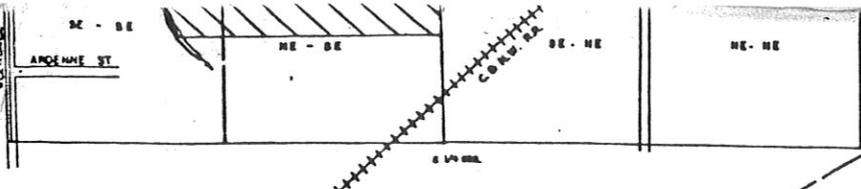
-  Wave Run-up Zone (June 2007 preliminary)
-  Zone A (100 year floodplain, No Base Flood elevation determined)
-  Zone AE (100 year floodplain with Base Flood Elevation determined)
-  Floodway Areas in Zone AE
-  500 year floodplain (0.2 PCT ANNUAL CHANCE)



This map created using "Layers" from various dates and sources.
 Some layers such as parcels are updated often, while other layers like aerial photos may be older. Please check the help / metadata for details.

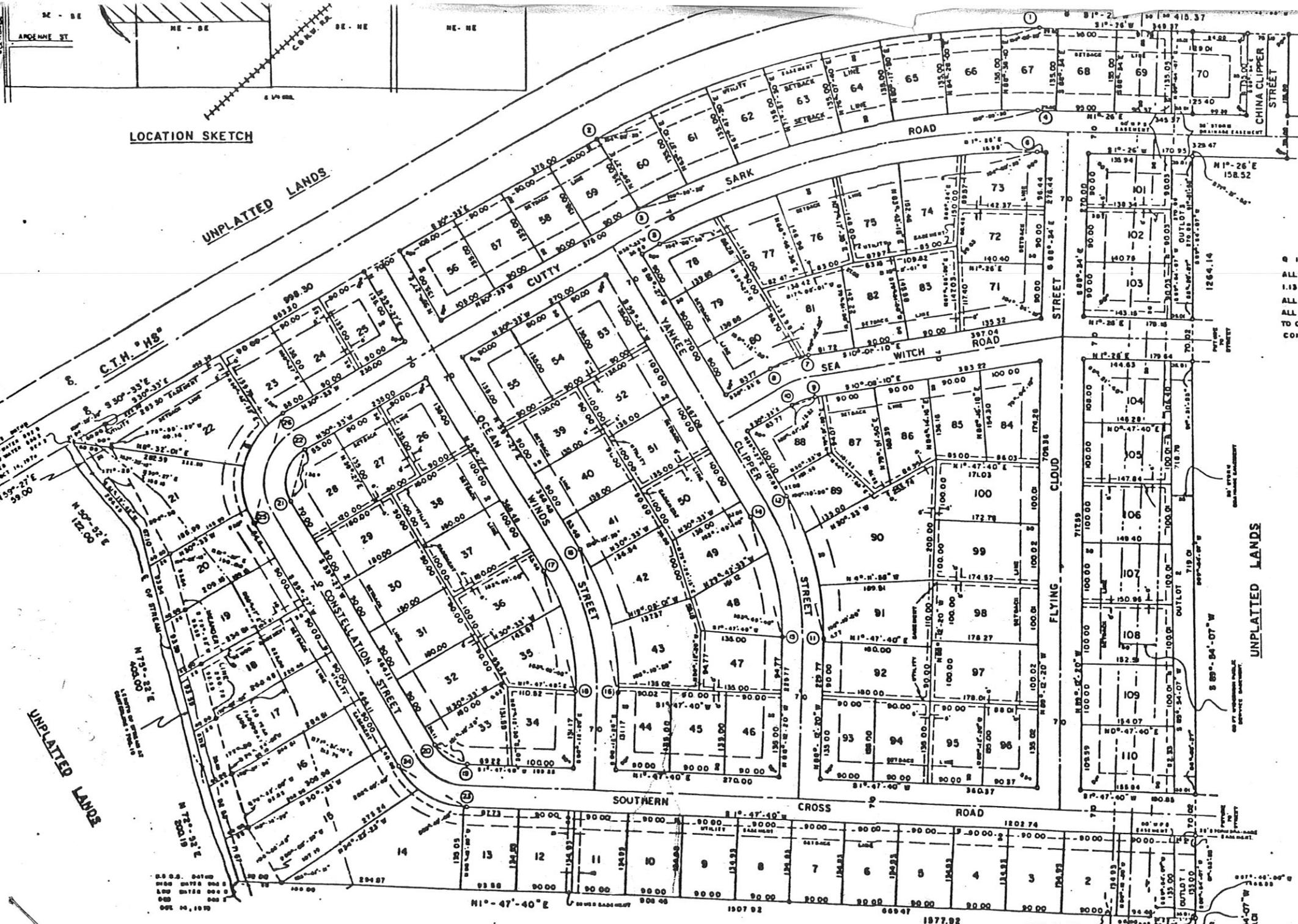
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Map compilation by Brown County Planning & Land Services Department. Many data sources including local, state, and federal government agencies.



LOCATION SKETCH

UNPLATTED LANDS



UNPLATTED LANDS

UNPLATTED LANDS

LEGEND & NOTES

Q INDICATES 2" X 30" IRON PIPE WEIGHING 3.66 LBS./LIN. FT. MINIMUM.
 ALL OTHER LOT CORNERS ARE STAKED WITH 1" X 24" IRON PIPES WEIGHING 1.13 LBS./LIN. FT. MINIMUM.
 ALL MEASUREMENTS ARE CORRECT TO THE NEAREST 0.01 FEET.
 ALL ANGULAR MEASUREMENTS ARE CORRECT TO 20 SECONDS AND COMPUTED TO ONE SECOND.
 CONTAINS 49.63 ACRES

UNPLATTED LANDS

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21 (1) and (2), Statutes.
 Certified this 12th day of July 1979.
Robert J. Chittenden
 Department of Local Affairs & Development



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**WETLAND BOUNDARY LOCATION MAP
 WETLAND DELINEATION
 WINDJAMMER ESTATES
 HOWARD, WISCONSIN**

Drawn: JMR 05/23/2005

Checked: LDK 05/23/2005

Approved:

PROJECT NUMBER 4-29600

FIGURE NUMBER 2

NOTE: 1. WETLAND BOUNDARIES ARE INTERPOLATED BETWEEN FLAG LOCATIONS FOR GRAPHIC REPRESENTATION PURPOSES. ACTUAL BOUNDARIES MAY VARY IN THE FIELD.

2. A FIELD REVIEW OF THE BOUNDARIES DELINEATED BY STS WAS COMPLETED BY LINDA KURTZ OF U.S. ARMY CORP OF ENGINEERS ON JUNE 2, 2005.

KEY

- x BOUNDARY FLAG LOCATION.
- DELINEATED WETLAND BOUNDARY
- PLOT 3 UP DETERMINATION PLOT LOCATION

