

August 8, 2013

Minutes of the **Planning and Zoning meeting with Public Hearing** conducted on August 8, 2013 in the courthouse, Florence County, WI.

Chairperson Bomberg called the meeting to order at 7:00 P.M. and took roll call.

Members present: Supervisors' Jeanette Bomberg, Sherry Johnson, Gary Steber, Holly Stratton

Members absent: Ron Erickson

Others present: Gene Levenburg, Tim Bomberg, Fred Hedmark, Dan Steeno, Ryan Steeno, A. Jean Nowak, Robert Lemke, Craig Paque, Kathy Paque, Christine Beilfuss, Timothy Beilfuss, Cheryl Miller, Dean Miller, Bob Manninen, Cary Anderson, Gary Van Bellinger, Annette Seibold, Mike Lemanski, Carolyn Lemanski, Rich Wolosyn, Trish Kelly

Chairperson Bomberg asked for a motion to approve the agenda, **motion by Supervisor Johnson to approve the agenda, second by Supervisor Stratton vote four (4) ayes, zero (0) nays, motion carried.**

Chairperson Bomberg asked for a motion on the minutes of the meeting and public hearing conducted on July 3, 2013. **Motion by Supervisor Johnson to approve the minutes of the meeting and public hearing conducted on July 3, 2013, second by Supervisor Steber, vote four (4) ayes, zero (0) nays, motion carried.**

There were no persons wishing to address the committee on other zoning related concerns.

The current bills were reviewed as presented and recommended to the Audit and Budget Committee for approval. **Motion by Supervisor Stratton to approve the bills and recommend to Audit and Budget for approval, second by Supervisor Johnson, vote four (4) ayes, zero (0) nays, motion carried.**

Chairperson Bomberg announced **Public Hearing 2013-ZA-2**, on the proposed amendment, Amending Chapter 10, Subchapter 1: Florence County Zoning Ordinance, By Which the County Board will amend the existing County Zoning Ordinances, Section 3.15 G. Conditional Uses (15) adding Vacation Rental By Owner (VRBO) to the Open Forest Zone.

Wolosyn noted when the zoning amendment was prepared, the residential zone was considered, in the hearing packet this is Section 3.23 G., which has been withdrawn and is not part of this hearing.

Correspondence was then read from Craig and Kathy Paque who stated in their letter they do not want strangers/vacationers rotating in and out of their neighborhood. The negative impact would bring large groups, neighborhood congestion, parking concerns, noise, garbage problems, security problems, junk, debris and the list goes on. The Paques want to preserve their property value, the quality of life they enjoy and the beauty of the open forest and the lake. (Letter on file in zoning office.)

Correspondence was also read from Audrey and Lonnie Nowak who are strongly opposed to these changes. The only protection the lakes and rivers have in the open forest is the county zoning ordinances. The changes being proposed are not in the best interest for the protection of the lakes and rivers. (Letter on file in zoning office.)

A letter from the Florence County Lakes and Rivers Association was read. At their August 6<sup>th</sup> meeting, and after much discussion, it was determined by unanimous vote to block the proposed amendment to the County Zoning Ordinance referenced above. (Letter on file in zoning office.)

Wolosyn made note this is not a rezone, this is zoning amendment to add Vacation Rental By Owner (VRBO) as a conditional use permit, so there is control. There is no spot zoning or no rezoning required. A conditional use permit is a permitted activity that allows the zoning committee to place conditions on the permit. Vacation Rentals by Owner is not new, however it is somewhat new to Florence County. This activity has been practiced in other counties. Wolosyn went on to explain how each county handles VRBO's. After much research prior to preparing this amendment, Wolosyn feels by adding this amendment to the ordinance, there would be control and conditions could be placed on individuals renting their property. This will help take away some of the fear the neighbors may have of something going wrong. If those conditions are not met or any violation occurs, the zoning committee may terminate the conditional use permit. Currently, there are rentals going on in the county where there is exchange of cash for service, there is no benefit or no sales or income tax being paid and there is no control.

Kathy Paque asked why the petition was not read. Wolosyn answered, the petition was addressed to Public Hearing 2013-CU-9 Conditional Use Permit. He will read the petition when that hearing is opened. Chairperson Bomberg went on to explain the difference between the two public hearings. There was further input from concerned citizens against the amendment, in favor of, or just wanted more information regarding VRBO's. Supervisor Stratton asked why the VRBO is only being proposed in the open forest zone, when a lot of the cottages and cabins are zoned residential. Wolosyn responded VRBO's are not allowed in the residential zone as they are generally smaller lots, for instance, the lakes in the Spread Eagle chain. There is a town ordinance adopted by the county in 1986 which restricts this type of activity around the chain of lakes. **On a motion by Supervisor Johnson to approve Zoning Amendment 2013-ZA-2 and forward to full County Board for final approval, second by Supervisor Steber, vote four (4) ayes, zero (0) nays, motion carried.**

Chairperson Bomberg announced **Public Hearing 2013-ZA-3**, Florence County Zoning Ordinance, Small Demolition Waste Landfill Ordinance, Chapter 18, Section 7.0 Responsibilities of Owner/Operator (5), adding: *An option to the escrow account agreement requirement of this section is: provide the Florence County Clerk; documentation the owner/operator meets the Long Term Care requirements of the Department of Natural Resources. The owner/operator may request the Florence County Board of Supervisors release Florence County's involvement on the escrow account and the accrued interest on the account providing, the Department of Natural Resources is named on the account and a copy of the agreement is filed with the Florence County Clerk.*

Wolosyn reported this has come up with the change in the administrative code handling small demolition waste landfills. There is only one active landfill open in the county at this time. They are looking to follow the guidelines of the Department of Natural Resources (DNR.) The county's current ordinance for financial surety is at \$15,000. The DNR is increasing their financial surety to \$40,000. This amendment will give the opportunity for the existing landfill owner, and if there are new landfills that open, the opportunity to take the choice to go with the County or the DNR for long term care financial surety. Supervisor Stratton asked if an owner chooses to go with the DNR, and the laws are changed, the county could end up holding the bag with something toxic years down the road. The county does not have the money and the DNR says they are not liable. Wolosyn explained the money is escrowed for that property for the long term care, if the DNR is holding the money they need to put that money up whenever it is due. Supervisor Stratton also expressed concern with the State of Wisconsin location being removed from the ordinance as a bank or financial institution for the escrow account. Wolosyn explained he removed 'located within the State of Wisconsin' as within the last year the county released escrow money for Demolition Disposal of Aurora. They transferred the money into Michigan, this is no longer in the State of Wisconsin, however, the money remains under Florence County. Chairperson Bomberg stated nothing can be released without the County Chair and the County Clerk signing off, along with the involvement of the Zoning Administrator. **Motion by Supervisor Steber to approve Zoning Amendment 2013-ZA-3 and forward to full County Board for final approval, second by Supervisor Schomer, vote four (4) ayes, zero (0) nays, motion carried.**

Chairperson Bomberg announced *Public Hearing 2013-CU-7*, request an After-The-Fact Conditional Use Permit to fill approximately 4,320 square feet of wetland to create an easement road for access to property. The fill is located on part of the SE ¼, of the SW ¼, Section 20, Township 40 North, Range 18 East, Town of Florence, Florence County WI. Parcel number 010-01724-0000. Property is NE ¼, SW ¼, Section 20, Township 40 North, Range 18 East, Town of Florence, Florence County, WI. Request submitted by Michael Lemanski.

There was no written or oral correspondence received. Wolosyn noted the applicant moved a road to gain access to his property. The applicant did receive DNR and Army Corps of Engineers permits. Wolosyn said this is paper work to cover everything and make the project legal and binding. **Motion by Supervisor Steber to approve Public Hearing 2013-CU-7, second by Supervisor Stratton, vote four (4) ayes, zero (0) nays, motion carried.**

Chairperson Bomberg announced *Public Hearing 2013-CU-8*, request a Conditional Use Permit under the Florence County Shoreland & Wetland Zoning Ordinance Chapter 10, Sub-Chapter 2, Section 9.2 to grade approximately 8,050 square feet within 300 feet landward of the Ordinary High-Water Mark of navigable water. The project consists of the removal of an existing dwelling 33 feet from the Ordinary High-Water Mark, restore the vegetative protection area and prepare for a home site 75 feet from the Ordinary High-Water Mark. Property is W ½ of Lot 1, except 15' along North line, & North Easterly 25' of Lot 2 of Bjorkman's 2<sup>nd</sup> Addition to Spread Eagle, Section 5, Township 39 North, Range 19 East, Town of Florence, Florence County, WI. Property address is 4616 Tall Pines Road. Request submitted by Ryan Steeno.

There was no written or oral correspondence. The application and the scope of work listed is what the applicant is requesting. Mr. Steeno had no further information to add. **Motion by Supervisor Steber to approve Conditional Use Permit 2013-CU-8, second by Supervisor Johnson, vote four (4) ayes, zero (0) nays, motion carried**

Chairperson Bomberg announced *Public Hearing 2013-CU-9*, request a Conditional Use Permit to operate a Vacation Rental by Owner (VRBO) for a period not to exceed three (3) years. Property is part of GL 5 & 6, AKA part of Lot 1-C of Lucky 7 Unrecorded Subdivision, Section 21, Township 39 North, Range 15 East, Town of Long Lake, Florence County, WI. Property address is 11086 East Halsey Lake Road. Request submitted by Gary Krueger and Sherry Andersen Krueger.

Correspondence was read from the applicant requesting they be allowed to rent their home for a period of three years. After that time they would be residing there full time. They also noted they have been renting their home for the last three years without incident, until this year. They sent e-mail letters of support they received as well as a letter they sent to all the Halsey Lake Association members along with five pages from their VRBO web site. They asked that the committee take this information into consideration. The e-mail letters of support were read from Aggie, Don & Erik Kammann, Greg and Nancy Fanning, Dave Loch, and Jerry Hennes. (Letters on file in zoning office.)

Letters of correspondence was then read from those opposing the request, Audrey Nowak, Frank and Sue Ann Bevsek, Craig and Kathy Paque, and the Florence County Lakes and Rivers Association. A petition was read from thirty-seven property owners requesting that the permit be denied for various reasons. (Letters and petition on file in zoning office.)

There was lengthy discussion. Wolosyn would recommend granting the request with the following conditions clearly stated, no more than six individuals stay at one time, three day or more rental no less than three days, twelve foot boat be the only watercraft offered, no additional dwelling units brought to property, the permit can be reviewed daily or on a weekly base, the full extent of the permit is for three years and any concerns brought forth will be reviewed by the Planning and Zoning committee.

**On a motion by Supervisor Johnson to grant Conditional Use Permit 2013-CU-9 with the conditions as stated by the Zoning Administrator, no more than six individuals stay at one time, three day or more rental no less than three days, twelve foot boat be the only watercraft offered, no additional dwelling units brought to property, the permit can be reviewed daily or on a weekly base, the full extent of the of the permit is for three years and any concerns brought forth will be reviewed by the Planning and Zoning committee, this was seconded by Supervisor Steber, vote three (3) ayes, one (1) nay, motion carried. Chairperson Bomberg was opposed.**

Chairperson Bomberg announced *Public Hearing 2013-CU-10*, request Conditional Use Permit under the Florence County Shoreland and Wetland Zoning Ordinance, Section 9.2.1 (1), to grade approximately 2,100 square feet on slopes of more than 20 percent to improve and extend an existing trail to the lake. Property is part of GL 1 & 4 AKA Parcel C & North ½ of B of Sundance Survey Map, Section 5, Township 39 North, Range 19 East, Town of Florence, Florence County, WI. Property address is 4588 Tall Pines Road. Request submitted by Eugene Levenburg.

There was no written or oral correspondence received. The applicant would like to improve an existing roadway and extend the roadway so he has access to the lake. Due to a disability, the steep slope makes it hard for the applicant to get up and down the hill. The requirements of the shoreland zone must be met by allowing the 35 foot vegetative protection area to come back naturally. Mr. Levenburg said he would like to use a golf cart or ATV to get down to the lake. There was concern that an ATV will tear up the ground and lead to erosion into the lake. Wolosyn noted this is up to the owner to maintain the roadway and keep it stable so there are no erodible soils entering the lake. **Motion by Supervisor Steber to approve Conditional Use Permit 2013-CU-10, second by Supervisor Johnson, vote four (4) ayes, zero (0) nays, motion carried.**

Chairperson Bomberg announced *Public Hearing 2013-CU-11*, request an After-The-Fact Conditional Use Permit to place an 11' x 18' house boat in the Open Forest Zone and use as a one room bunk house. Property is Part of GL 5 & 10, Section 7, Township 39 North, Range 18 East, Town of Commonwealth, Florence County, WI. Property address is 4664 CTH D. Request submitted by Dean Miller.

Wolosyn received a phone call from one of the persons notified of the public hearing that a wrong date was sent out in the original packet. This was corrected and a follow up correction was sent out to all involved. The applicant noted the size of the boathouse is 8' x 20' and not 11' x 18' as noted in the hearing packet. Chairperson Steber said the Commonwealth Town Board did not have concern with one of the boathouses to remain, however, the other two, absolutely not. Wolosyn asked the applicant if this fall was a reasonable amount of time to have them removed from the property. The applicant responded that next year would be reasonable and would allow them more time to restore the houseboats for resale. Wolosyn asked that the committee set a date for removal of the other two. The committee agreed that by August 1, 2014 the two boathouses be removed from the property. The one boathouse 8' x 20' is permitted to remain. Supervisor Stratton asked if we were setting a bad precedence as the county is picky about trailers and their size and age, is this not smaller than what we would allow if it were a trailer. She felt there should consistency. **Motion by Supervisor Steber to approve Conditional Use Permit 2013-CU-11 with the stipulation that the 8' x 20' boathouse remain and the other two be removed by August 1, 2014, second by Supervisor Johnson, vote three (3) ayes, one (1) nay, motion carried. Supervisor Stratton was opposed.**

***Under discussion/action regarding GCS Permit Tracking (Network) with Form Designer and base to maintain sanitary/land use permits.*** Due to state mandates involving all septic systems be identified and put on a three year maintenance plan. This program will allow contractors to report the inspection and maintenance of sanitary systems as they are serviced and will provide more timely and accurate reporting. Seven ipads will be purchased through Land Information grant monies and be loaned out to each contractor with a \$5.00 per entry charge for each inspection or maintenance entered. A loan contract for the ipads will be drawn up for the contractors. As we move toward the electronic age, this is a good venue. The county will also generate some revenue. **Motion by Supervisor Stratton to approve the subscription for licensed software updates and technical support services with GCS Software Inc., second by Supervisor Johnson, vote four (4) ayes, zero (0) nays, motion carried.**

**Discussion/action regarding updates to the Florence County Emergency Services Atlas.** Wolosyn reported part of the project is loaded up on the GIS Land Information advanced site and he is impressed with all the data we have available. There is a little clean up to be done with regard to the some of the data points collected in relation to the house, this is being done by Florence Utility.

**Discussion/action regarding Road Naming and Addressing in Florence County.** Wolosyn reported he is waiting for the Town of Commonwealth to name some private roads. Supervisor Steber said two of the four roads are done and working on the other two. Other than that the program is going good.

**Under committee reports.** Trish Kelly responded to the comments and observations made by the auditor regarding the timeliness of deposits. Kelly informed the committee she had made 48 deposits in 2012. Three of those deposits were for a two week period. She noted she was approached by the auditor back in 2009 with the recommendation she make weekly deposits and has tried to adhere to this request. Chairperson Bomberg suggested she put a letter together of her findings for the Audit & Budget committee to enter into the record.

**Under administrator reports.** Wolosyn reported that the office policy regarding deposits be made on a Monday, if at all practicable. This is policy the zoning office has set and if we need to change office policy to reflect deposits to be made any day of the week, we will do that. In 1999, he set up the quick book program for deposits, and we have every entry in quick books of revenue that the zoning office has taken in.

The 701 Investments non-metallic mining site in Spread Eagle will reclaim two acres by the end of October.

The wetland delineation at the crossroads project has been completed and paid for through the Land Information grant program.

Wolosyn reported that he was very disappointed in Yvonne VanPembrook's comments made at the Land Conservation committee meeting on Monday night August 5, 2013. The comments she made regarding "Rich, you don't do that to a municipality". He did not know for sure what she was referring to; however, he believed it could only be directed toward the Homestead-Aurora Cemetery public hearing from last month, regarding the 250 foot setback to the property line which was recommended by Wolosyn, along with zoning committee approval. The attorney for the cemetery association also made the comment in his letter, that a 250 foot setback from a habitable dwelling was reasonable. Wolosyn applied the 250 foot setback to the property line. That property took up 40 feet of the property that was purchased for the cemetery. Yvonne was on county board and several different committees, one of those committees was the Board of Adjustment, she knows the procedure, if she feels anyone was aggrieved there is the process to file an appeal. He felt her approach was very unprofessional.

**Motion made by Supervisor Johnson to adjourn, second by Supervisor Stratton, vote four (4) ayes, zero (0) nays, motion carried.**

Respectfully submitted,

Rich Wolosyn  
Zoning Administrator

RW/tk