

July 19, 2013

Minutes of the **Planning and Zoning meeting with Public Hearing** conducted on July 3, 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 via telephone

Members absent: Ron Erickson

Others present: Tim Bomberg, Tim Remiker, Holly Remiker, Elinor Trosin, Lee Fisher, Sandy Hedmark, Karl Utzat, Kip Seggelink, Dan Shanahan, Brent Larson, 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 June 5, 2013. **Motion by Supervisor Steber to approve the minutes of the meeting and public hearing conducted on June 5, 2013, second by Supervisor Johnson 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 Johnson to approve the bills and recommend to Audit and Budget for approval, second by Supervisor Steber, vote four (4) ayes, zero (0) nays, motion carried.**

Chairperson Bomberg announced continuation of **Public Hearing 2012-CU-14**, request Conditional Use Permit under the Florence County Comprehensive Zoning Ordinance, Section 3.20 G. (6), for an addition to an existing cemetery. The additional parcel contains approximately 5.17 acres. Property is part of SE ¼, NW ¼, & NE ¼, SW ¼, Lying South of CTH B, Section 17, Township 38 North, Range 19 East, Town of Aurora, Florence County, WI. Request submitted by Homestead-Aurora Cemetery Association, Elinor Trosin, Representative.

Correspondence was read from a letter Elinor Trosin, President/Chairperson of the Homestead-Aurora Cemetery Association sent to the Town's Attorney, Lawrence Wiesneske, in regard to the four questions on which a written opinion was requested by the Florence County Zoning Committee. The questions were referring to State Statute 157.065 (2) (a) (3), 157.064 (3), 157.128 (3) (a), 157.128 (3) (b), 157.129 (1), 440.91 (1) and 157.17 (1). (Letter on file in zoning office.)

Correspondence was then read from the Attorney, Larry J. Wiesneske, who responded to Ms. Trosin's request for a legal opinion on several issues related to the Cemetery Association application for a conditional use permit, relative to adding 5.17 acres to an existing cemetery operated by the Homestead-Aurora Cemetery Association. The letter went on to address the questions that Ms. Trosin had in her letter to the attorney. (Letter on file in zoning office.)

Elinor Trosin summarized the attorney's opinion. She asked that the purchased land continue to be used for agriculture purposes until the site is platted. She also asked that the permit not be allowed to expire because of other circumstances, such as the letter regarding the Pearson's donation, and the funds necessary for platting are limited at this time, the association will need to approach the towns again.

Carl Utzat, neighbor to the proposed cemetery, expressed his concern regarding the buffer zone and wanted to know when a decision would be made.

The committee asked Rich Wolosyn, Zoning Administrator for his recommendation. Wolosyn went on to explain that after reading the letter and having clarification, there is a couple of things that could happen. The committee can look at conditions he would recommend, condition the approval or deny the request for the reasons they may find. If the committee approved the request and anyone feels they have been aggrieved by the decision has the right to file an appeal. Generally, the appeals are filed with the Board of Adjustment at the County level because there is county zoning, however, because of the nature of this hearing, he would suggest that if an appeal is filed it go directly to the circuit court for review. He agreed this could be approved with the following recommendations. The 250 foot setback as stated in the statute is treated as a buffer area, and that area is not part of the agreement asked by the requester as far as continued agricultural use. The 250 foot buffer should be planted as early as possible with evergreen trees, firs and balsams, to create a buffer area so there is a separation between the residential. This is unusable property that will not be platted, which is part of the condition. A platted area of the cemetery takes place with the remainder of the property. The Plat will be reviewed at the county level, at times sent to the state for their review also. Operating hours should not be a concern, most operate from 7:00 a.m. to mid afternoon. The earlier comments about sewage systems being close to cemeteries, sewage systems can separate property lines by five feet and sewage is treated within the first three feet from the bottom of an absorption area.

Mr. Utzat asked if the 250 foot buffer was from the structure or the property line. Wolosyn stated his recommendation would be that the 250 foot buffer is from the property line.

Motion by Supervisor Steber to approve Conditional Use Permit 2012-CU-4 with the recommendations as stated by the Zoning Administrator, 250 foot buffer from the property line with evergreen trees to be planted as early as possible, the remainder of the property may be used for agriculture until the land is platted for a cemetery, second by Supervisor Johnson, vote four (4) ayes, zero nays, motion carried.

Chairperson Bomberg announced *Public Hearing 2013-CU-5*, request Conditional Use Permit under the Florence County Comprehensive Zoning Ordinance, Chapter 10, Subchapter 1, Section 6.16 Temporary Uses, to place a travel trailer in the Open Forest Zone for more than 30 days and use as a temporary dwelling. Property is part of the NE ¼, NE ¼, Section 29, Township 40 North, Range 15 East, Town of Tipler, Florence County, WI. Property address is 11227 STH 70 East. Request submitted by Timothy Remiker.

Correspondence was read from neighboring property owner, Leroy and Mary Lou Dorzok who have no objection to the Remiker's request. The Remikers hope to build in two to three years. **Motion by Supervisor Johnson to approve Conditional Use Permit 2013-CU-5, with the condition that the permit is reviewed in three years, second by Supervisor Steber, vote four (4) ayes, zero (0) nays, motion carried.**

Under discussion/action regarding Small Demolition Waste Landfill Ordinance. Wolosyn informed the committee the DNR has a new code requiring \$40,000 of escrow for financial long term care. Florence County requires \$15,000 of escrow for financial long term care. If the committee has an interest in amending the ordinance, zoning will prepare an amendment to the Small Demolition Waste Landfill Ordinance, Section 7.0, Responsibilities of Owners/Operator to give the owner/operators the option to select the DNR plan or the County plan. **Motion by Supervisor Steber to prepare an amendment to the Small Demolition Waste Landfill Ordinance for the escrow option, second by Supervisor Johnson, vote four (4) ayes, zero (0) nays, motion carried.**

Under discussion/action regarding request by L.S.L of Florence, Inc. Landfill. Wolosyn informed the committee that LSL has received the conditional letter of approval from the DNR for closure of the site and are now into the long term care of the site. The monitoring of ground water is necessary for ongoing future assessment of groundwater quality near the landfill. If these wells cannot be sampled, replacement wells need to be installed to obtain groundwater samples for the water table. Any monitoring well that is unable to be sampled for two consecutive sampling events due to well damage or low water conditions shall be replaced by LSL within 90 days. One of their wells has been dried periodically where it cannot be tested. If they have two dry test periods in a row, mainly in October and May, the DNR will require LSL to dig another well. LSL is requesting Florence County to release \$7,000 of the interest, from their escrow account to pay bills and drill new monitor wells if needed. **Motion by Supervisor Steber to release the \$7,000 in escrow interest for LSL's long term care at the landfill site, second by Supervisor Johnson, vote four (4) ayes, zero (0) nays, motion carried.**

Under discussion/action regarding updates to the Florence County Emergency Services Atlas. Wolosyn reported this is an ongoing process. Tim Bomberg reported during his address number collection, he has found several places with fire numbers missing out of the system.

Under Road Naming and Addressing in Florence County. Wolosyn reported he continues to add new addresses on new starts. He noted on the south end of Lake Emily there are at least three un-named private roads that have multiple addresses on them. We have a request for a new address which will be the fifth address there. Wolosyn will work with the Town of Commonwealth to resolve a road name for that area.

Discussion/action regarding Vacation Rental By Owner (VRBO). Wolosyn reported that this type of activity has been around a few years in neighboring counties. There has been some going on in our county over the years that has not come to light. If money is exchanged, this is very hard to track. However now, there is an actual VRBO web site where a property can be listed with money and taxes collected. Next month the committee will hear a conditional use request for a VRBO. The Comprehensive Zoning Ordinance does not have any zones for this type of rental activity. Wolosyn felt that the ordinance should be amended for these specific areas, require a conditional use permit if the request is reasonable and allow the neighboring property owners to comment. He will prepare a zoning amendment to the Comprehensive Zoning Ordinance with a conditional use permit for next month.

Discussion/action regarding Public Building Fire Inspections verses Commercial Building Inspections. Wolosyn said he has had discussions on occasion with the Fire Inspector, Lee Fisher, who recently expressed concern regarding the remodeling being done to the Old Gold Miner Shop, Rachel Egelseer's property. Wolosyn had told Mr. Fisher it comes down to commercial building inspectors being involved, and when he has concern he contacts the commercial building inspector, Dan Shanahan. Wolosyn invited Mr. Shanahan to the meeting tonight, to have discussion and find out if county zoning is doing things properly here.

Mr. Fisher reported on his requirements for the fire inspections he conducts. He stated he can only inspect a commercial building if it is occupied. While a commercial building is under construction he can go in and give them advice. Once the building is in existence and changes are being made, by law, plans should be submitted to the State of Wisconsin. Mr. Fisher had asked Wolosyn to let him know when people obtain permits, so he can see what is being done. Wolosyn noted building permits are not required for structural alterations of less than \$4,000. He asked Mr. Fisher what his actual request is from the county. Mr. Fisher responded, to work together in an advisory position through the building permits. Wolosyn said when businesses move things around or change out equipment we do not always have knowledge of that. Sooner or later the state inspectors will notice the changes.

Wolosyn asked Dan Shanahan, State Building Inspector, to speak on commercial building inspections and point out anything county zoning should be doing differently. Mr. Shanahan clarified some issues. New buildings or additions to existing structures less than 25,000 cubic feet are exempt from plan submittal and inspections. He went on to say that the fire code may be in conflict with the commercial building code; therefore, you must apply the date of building to the date of the code.

Wolosyn said Mr. Shanahan is willing to work with the businesses and towns. He will come in, walk through the building, tell them what they can leave, what they need to change and so on. The county is trying to attain 100 percent compliance with the commercial building code.

The committee asked Mr. Fisher to follow the chain of command and work with the business to resolve any issues. If the situation could be life threatening, go to your fire chief and if results cannot be achieved there, go to the town board who oversees the fire department. If it is a commercial building and plans are submitted to the state for a new building, this becomes a state issue with a state commercial building inspector. At this point, the Florence County Zoning office is doing what they can at their end.

Discussion/action regarding 701 Investments, LLC. Non-Metallic Mine. Wolosyn noted Supervisor Stratton mentioned this property at the last meeting. He noted Mr. Verrette was in before the committee in August of 2012 and gave an update. At that time, he planned to fill another 10,000 to 50,000 ton of material in the fall and spring. He talked about the economy being down and wasn't moving enough tonnage out of the pit. Supervisor Stratton said when the permit was authorized she thought reclamation would take place on one half of the pit in the first five years, and reclaim the other half of the pit in the next five years. Wolosyn looked to the committee for direction. He said the only options are to work with Mr. Verrette or terminate the conditional use permit and reclaim the pit. Supervisor Stratton said it would have helped if he would have done the barrier, planted evergreens between the road and the pit as a buffer. Wolosyn said he would make contact with Mr. Verrette and give an update next month.

Discussion/action regarding non-compliant properties in the Towns' of Florence, Commonwealth and Fern. Wolosyn gave an update to the committee on violations or non-compliance he has been working with. There are eleven in the Town of Florence, three in the Town of Commonwealth and one in the Town of Fern.

Discussion/action regarding monitoring of alleged car/dealership in the Town of Aurora. Wolosyn reported he found no areas in the Town of Aurora selling cars, however, he will continue to monitor.

Report on Land Division Ordinance regarding Certified Survey Maps (CSM). Beginning January 1, 2014 new sub-division CSM's will be required to have a tax parcel identification number assigned and entered into the tax data base. If the developer does not convey the parcels, the assessor will make the value adjustments.

Under administrator reports. Wolosyn reported the DNR will hold public hearings on revisions to NR 115, relating to the shoreland zoning standards under the Wisconsin's Shoreland Protection Program. He said we may have to go back and amend the Shoreland and Wetland Zoning Ordinance.

Wolosyn informed the committee on Assembly Bill 178, relating to the operation of certain existing sport shooting ranges. He asked permission to send the bill to Corporation Counsel for interpretation. The committee gave their approval.

Future agenda items. Three scheduled conditional use permit applications.

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