

June 18, 2015

Minutes of the **Planning and Zoning meeting** with Public Hearing conducted on June 3, 2015 in the courthouse, Florence County, WI.

A site inspection was conducted at 6:30 P.M. at Lots 10 & 11 of the Plat of the In-Comm Industrial Park and reconvened with the public hearing 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' Sherry Johnson, Matt Brunette, Jeanette Bomberg, Gary Steber and Holly Stratton

Members absent: None

Others present: Tim Bomberg, Wendy Gehlhoff, Hank Murphy, Ed Kelly Sr., Joe Mills, Peter Doperalski, Sandra Doperalski, Robert L. Zadek, Rosemarie Zadek, 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 Steber, vote five (5) ayes, zero (0) nays, motion carried.**

Chairperson Bomberg asked for a motion on the minutes of the meeting conducted on May 6, 2015. **Motion by Supervisor Stratton to approve the minutes of the meeting conducted on May 6, 2015, second by Supervisor Johnson, vote five (5) 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 five (5) ayes, zero (0) nays, motion carried.**

Chairperson Bomberg announced **Public Hearing CUP-20150002**, request a Conditional Use Permit under Section 3.12, (G) (12) of the Comprehensive Zoning Ordinance meeting the requirements of Chapter 13, Section 12.30, New Mines, to operate a Non-Metallic Mining site. Property is located in the SW ¼, SW ¼, Section 29, Township 40 North, Range 15 East, Town of Tipler, Florence County, WI. Request submitted by Dorzok Company.

Correspondence was read from Carole Schuls who was concerned with the result of what this expansion would do the water, and resale value of her property. Correspondence was also read from Randy Zastrow who had mine safety concerns, inspections of the mine and operator training concerns. Wolosyn reported this is a mine he found on a field inspection that is larger than an acre in size. The owner is willing to comply with the requirements, as he needs the mine to remain open to continue in his business, so an after-the-fact permit was not issued. Mr. Dorzok was explained the steps to apply for the permit and has put together a completed reclamation plan, which was approved by the Zoning Administrator. This is the last step in the process of issuing the permit. Wolosyn recommends that the permit be issued under the standards of the permit application submitted, and the standards of the Florence County Non-Metallic Mining Ordinance. **Motion by Supervisor Steber to approve Conditional Use Permit CUP-20150002 to operate a Non-Metallic Mining site under the conditions as state by the Zoning Administrator, that the owners work to the standards of the permit application submitted and the standards of the Florence County Non-Metallic Mining Ordinance, second by Supervisor Stratton, vote five (5) ayes, zero (0) nays, motion carried.**

Chairperson Bomberg announced **Public Hearing ZA-20150002**, request to amend Section 17 and add definitions for the following: Assisted Living Unit, Community Based Residential Facility, Continuing Care Retirement Community, Dementia, Independent Living Unit and Residential Care Apartment Complex and also amending Section 3.26 RM-1 Residential Multi-Family F. Conditional Uses by adding Community Based Residential Facility (CBRF) and Residential Care Apartment Complex (RCAC). Request submitted by Florence County Economic Development Commission.

Wolosyn explained this amendment is in preparation for the next hearing in order to site the assisted living facility in our ordinance by adding definitions of phrases and words associated with this type of facility. This also adds Community Based Residential Facility (CBRF) and Residential Care Apartment Complex (RCAC) to the Conditional Uses under the Residential Multi-Family District in the Comprehensive Zoning Ordinance. **Motion made by Supervisor Johnson to recommend approval of Zoning Amendment ZA-20150002 to add definitions and also add CBRF and RCAC to the Multi-Family District in the Comprehensive Zoning Ordinance and forward to full County Board for final approval, second by Supervisor Steber, vote five (5) ayes, zero (0) nays, motion carried.**

Chairperson Bomberg announced **Public Hearing ZA-20150003**, request to rezone lots 10 & 11 of the Plat of the In-Comm Industrial Park General Manufacturing to Residential Multi-Family with a conditional use permit to locate a Community Based Residential Facility (CBRF) and Residential Care Apartment Complex (RCAC). Request submitted by Florence County Economic Development Commission.

Wolosyn noted this is the hearing for the re-zone to take public comment. Chairperson Bomberg called three times for public input from the audience. There were no comments from the public. Supervisor Stratton questioned Independent Senior Living area to be sure it is all covered. Wolosyn responded once the ordinance is restructured this will fall under the conditional use with the definitions and should be covered. The reason the CBRF and RCAC was put in as a conditional use under the Residential Multi-Family District was for control. If future development was requested, it would not be a permitted use; any request would have to come before this committee for review and approval. Chairperson Bomberg noted the control that the Economic Development Commission used with these lots, is if this building does not take place, the land goes back to the Economic Development Commission. **Motion by Supervisor Steber to recommend approval of Zoning Amendment ZA-20150003 to rezone Lots 10 & 11 of the Plat of the In-Comm Industrial Park from General Manufacturing to Residential Multi-Family to site an Assisted Living Facility and forward to full County Board for final approval, second by Supervisor Johnson, vote five (5) ayes, zero (0) nays, motion carried.**

Discussion/action regarding Road Naming and Addressing in Florence County. Wolosyn informed the committee, that upgrades to expired license GPS Pathfinder and TerraSync Professional field were updated to the current revision in the amount of \$1,440.00 utilizing the money out of the addressing account. The charge was placed on his credit card in order to receive the downloadable programs.

Discussion/action regarding rental of residential single-family dwellings. Wolosyn noted the Comprehensive Ordinance was changed around some of the lakes with regard to transient rentals in 2013. Recently there was a court case appealed to the State of Wisconsin in Vilas County. The County asserted, "Soliciting donations on a weekly basis in exchange for housing is the functional equivalent of renting the property." In at least one area in Spread Eagle there are individuals that rent their property for less than 30 days, however, those individuals do not call it renting. This activity refers to a lot of what this court case here is about. Same type of scenario, giving the owners a gift or donating to them, we do not know if there is cash exchanged or not, which makes it difficult to enforce the ordinance. Wolosyn asked the committee for approval to send to Corporation Counsel for his interpretation. There may be more authority to satisfy the complaints in the Spread Eagle area, as people do not want a new neighbor every week. **Motion by Supervisor Johnson to send the information to Corporation Counsel for review and interpretation, second by Supervisor Stratton, vote five (5) ayes, zero (0) nays, motion carried.**

Under Administrator reports. Wolosyn will be working on the Farmland Preservation Ordinance as time permits. This is moving along through Land Conservation and in order to apply anything there needs to be an ordinance.

The Legislative Reference Bureau did some motions that may affect our Shoreland Zoning Ordinance. Not sure if this will affect the updated changes that were just completed. Some of the motions are regarding shoreland areas of the vegetative protection area, non-conforming structures and impervious surfaces. These motions appear to be part of the budget bill.

Of the 1,927 inspection notices sent out for the Private On-Site Waste Treatment System inspections, we received correspondence by phone that 39 owners called to report changes. They do have improvements on their property, however do not have conventional septic systems, they have non-plumbing sanitary systems. This is all part of the state mandate to identify all sanitary systems.

A sub-division approved in 2005 with eleven lots has surfaced. The survey was recorded however was never identified in the Property Lister's office. Two of the lots have sold and another lot came in on a soil report. The developer and realtor were notified that the Certified Survey Maps need to be recorded and assigned parcel numbers so structures are not lost on unassigned parcels. To remind the committee, this goes back to where we did lose some structures. One home was not taxed for five years and another home on the river worth a quarter of a million dollars, was not taxed.

A letter received from Kay Lutze, Shoreland Policy Coordinator, with regard to the approval of the Shoreland Zoning Map and Text Amendments, along with a Certificate of Compliance, to the County Shoreland Zoning Ordinance.

Chairperson Bomberg asked about the clean up progress at the blue trailer on US Hwy 2. Wolosyn said the owners are making good headway, a dumpster was brought in, two cars have been removed. He will continue to monitor the property for compliance.

Motion by Supervisor Johnson to adjourn, second by Supervisor Steber, vote five (5) ayes, zero (0) nays, motion carried.

Respectfully submitted,

Rich Wolosyn
Zoning Administrator

RW/tk