

October 19, 2015

Minutes of the **Planning and Zoning meeting with Public Hearing** conducted on October 7, 2015 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, Holly Stratton, Jeanette Bomberg, Gary Steber and Ron Erickson

Members absent: None

Others present: Ken Truel, Jan Truel, Sandra Doperalski, Peter Doperalski, Chuck Schmidt, Jay Brown, Mary Brien, Jerry Brien, Paul Lundy, Susan Cecconi, Susan Theer, Marcia Krcma, Kathy Johnson, Glen Johnson, Carl Sundberg, Lois Sundberg, Bob Macaux, Tim Bomberg, Nelson Hassell, 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 five (5) ayes, zero (0) nays, motion carried.**

Chairperson Bomberg asked for a motion on the minutes of the meeting and public hearing conducted on September 2, 2015. **Motion by Supervisor Steber to approve the minutes of the meeting and public hearing conducted on September 2, 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 Erickson, vote five (5) ayes, zero (0) nays, motion carried.**

Chairperson Bomberg announced continuation of **Public Hearing ZA-20150004**, request an amendment to Chapter 10, Subchapter 1: Florence County Zoning Ordinance, By Which the County Board will amend the existing County Zoning Ordinance, Section 3.25, RS-5 Residential Single-Family District, creating RS-5 Residential Single-Family Lake District.

Correspondence was read from Nelson H. Hassell who requested the creation of a conditional use permit to allow short term rental of properties in Spread Eagle. A letter of correspondence was also read from Maureen (Mitchell) Piper, Jeffrey Mitchell, Fred Mitchell, Mary (Mitchell) Endelman, Michael Mitchell, and Patricia (Mitchell) Lemke who are in support of the proposal to allow homeowners to obtain a conditional use permit to rent out their properties on the Spread Eagle Chain. An e-mail from Dolly McCartan was read in opposition of Vacation Rental by Owner in Florence County. (Correspondence on file in the zoning office).

Wolosyn explained this is a continuation of the public hearing that was started last month to look at the consideration and find out the sediment of the people in these lake areas, to determine if their thoughts have changed from 1986, when the majority of the people did not want transient renting. At that same time, those residents also prohibited the placement of mobile homes in these areas. Wolosyn noted, as stated at the last meeting we were going to prepare a RS-5 Residential Single-Family Lake District and prohibit transient renting for the lake areas that are covered currently in the zoning ordinance. Transient renting is restricted at this time, in the same areas that are on the map being circulated in the audience. The map defines the area more clearly. Again, transient renting is prohibited at this time in these areas, so if individuals have been renting, they are not in compliance. The zoning office has heard of only a few, however it is very hard to track, very hard to figure out. If this proposed amendment is approved, a notice will be sent to every property owner in this district so they are fully aware of it. If there is rentals and there is problems, and if there are calls with complaints, the zoning office will take action on the matter. With that the floor was opened for public comment.

Glen Johnson, President of the Spread Eagle Chain of Lakes Association (SECOLA) thanked Mr. Wolosyn for responding to the wishes of the homeowners. He did have a question regarding the south shore of South Lake which was not highlighted on the map. Wolosyn noted there are some areas on the map that are not highlighted, as they are wetland, county land and commercial property.

Marcia Krcma asked if this change was to create a lake district. Wolosyn replied this is not a lake district. This is a single-family zoning district for zoning purposes only.

The question was asked if cottages or cabins that were set up for this type of use would be grandfathered. A use prior to 1986 may be looked at as being grandfathered. A use from 1986 and on, there was regulation.

Chuck Schmidt wanted to know, if by calling this area RS-5 makes it different from the rest of the town. Wolosyn noted it is uniform in its own district and unique to the RS-5 district. A procedure to opt out is to contact all the property owners around the lake and take a poll. A fifty-one percent or more vote and signed off by the property owners could entertain a zoning amendment to allow, through a public hearing process.

Currently, these areas that are mapped are prohibited by our zoning ordinance for transient renting. However, as stated in the attorney letters, the ordinance as it is currently written may not be upheld in a court of law if the county was to be challenged. This amendment is an attempt to put an ordinance in place, so if a complaint is filed regarding someone renting on short term basis, the county has regulations that can be enforced and held up in a court of law.

Jay Brown wanted to know what would be considered an acceptable form of complaint and what would the penalty be. A phone call, letter, e-mail, stop in the office to report the matter. An investigation would be conducted to determine the validity of the complaint. If complaint is valid and we are unable to resolve, the zoning office has citation powers.

Carl Sundberg questioned why Keyes Lake was not included on the map. Wolosyn explained the only prohibition for Keyes Lake is no mobile homes within 350 feet of the lake.

Nelson Hassell asked if the county was going to allow conditional use permits for short term rentals in this district. Wolosyn responded conditional use permits for short term rental will be prohibited in this district. Mr. Hassell questioned the consequences should the activity take place. Wolosyn explained any complaint will be followed up on with regulation. The penalties could range anywhere from \$143.00 a minimum, per incident, and each day could be considered a new incident.

Supervisor Stratton commented on a few areas on the map and asked for clarification. **Motion by Supervisor Johnson to recommend Zoning Amendment ZA-20150004, RS-5 Residential Single-Family Lake District, with possible map corrections, to full county board for final approval, second by Supervisor Steber, vote five (5) ayes, zero (0) nays, motion carried.**

Under discussion/action regarding a possible resolution to repeal statutory provisions enacted in the State of Wisconsin 2015-2017 budget concerning shoreland zoning standards (Section 1922am-1922L of 2015 Wisconsin Act 55). Wolosyn explained to the committee he has reported on this in the past, however, the issue was brought to his attention by the legislative advisory committee. This has been in the works for the last fifteen years and now the changes have been made in the budget bill. Some of the NR 115 changes were discussed pertaining to the shoreland, with the thought these changes are going backwards with less regulation. Vilas County did not sponsor a resolution asking for repeal nor did Forest County process a resolution. Wolosyn would recommend leaving the budget bill the way it was enacted. **Motion by Supervisor Johnson not to take formal action to submit a resolution asking for the repeal of statutory provisions enacted in the State of Wisconsin 2015-2017 budget concerning shoreland zoning standards, second by Supervisor Steber, vote five (5) ayes, zero (0) nays, motion carried.**

Road Naming and Addressing in Florence County. There were two areas in the Town of Commonwealth that did not have physical signs delivered to their property, one on CTH N and the other on River Road. Supervisor Steber will check with the town for either sign. Both areas will be followed up on.

Under administrator reports. Wolosyn reported he did a table review on the zoning budgets with Joe Bestor, Financial Manager. According to Mr. Bestor, he stated the \$2,000.00 budgeted for computers should be removed from the budget. Wolosyn asked for clarification on the matter. Committee members will clarify the matter with Mr. Bestor.

Wolosyn talked about some areas on the map that are zoned agricultural, however over the years have transitioned into forestry. By the time we work through the farmland preservation portion there will probably be a zoning amendment to rezone some areas on the map that are actually forest now, and not agriculture.

Wolosyn informed the committee regarding a septic system that has been installed, where the septic tanks appear to be over a property line. The two adjoining properties were using the one septic system, with the tank on one property and the drywell on the other property. They each hired different plumbers and had their own septic system installed. At least one property owner gave the wrong instruction on the property line. The owner is currently out of the country at this time, once he returns a meeting will be scheduled to resolve the matter.

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

Respectfully submitted,

Rich Wolosyn
Zoning Administrator

RW/tk