

# ZONING & PLANNING COMMITTEE

June 5, 2014

## Minutes of June Regular Meeting

Vilas County Courthouse Conference Rooms #1-3

Page 1 of 4

**Agenda Item #1: Call to Order.** The Chairman calls the Zoning & Planning Committee Meeting to Order at 1:00 PM at the Vilas County Courthouse, 330 Court St, Eagle River, WI.

**Members Present:** Ken Anderson; Steve Doyen; Chuck Hayes; Carolyn Ritter; Vernon Wiggerhauser.

**Others Present:** Dawn Schmidt, Zoning Administrator; Martha Milanowski, Corporation Counsel; Jim Janet, Deputy Zoning Administrator; David Sadenwasser, Deputy Zoning Administrator; Dave Konopacky, Northwoods Surveying; Tom Radenz, REI Engineering; Patricia Van Den Elzon, Integrys Energy Group; Kerry Spees, Integrys Energy Group; Joseph Lett, Integrys Energy Group; Robert Brownell; Barb Elleson; Jim Elleson; Scott Ewing; Connie Ewing; Martin Grant; Nancy Grant; Chuck Spitz.

**Agenda Item #2: Approve Agenda. Motion by Steve Doyen, seconded by Chuck Hayes, to approve the agenda in any order to be discussed by the Chair. All say aye, motion carried.**

**Agenda Item #3: Approve 5/9/2014 Pickerel Lake Rezone Public Hearing Minutes and 5/9/2014 Special Monthly Meeting Minutes. Motion by Chuck Hayes, seconded by Carolyn Ritter, to approve the minutes of the 5/9/2014 Pickerel Lake Rezone Public Hearing as presented. All say aye, motion carried. Motion by Chuck Hayes, seconded by Carolyn Ritter, to approve the minutes of the 5/9/2014 Special Monthly Meeting. All say aye, motion carried.**

**Agenda Item #4: Public Comment on Agenda Items.** No one wishes to comment on any agenda items other than Agenda Item #7. The Chairman states that public comment on Agenda Item #7 will be limited to one person in favor and one person opposed and that each will be given three minutes to comment.

Bob Brownell, of Eagle River, WI, wishes to speak in favor of the proposed rezone.

Mr. Brownell describes the history and process of applying for the Pickerel Lake rezone. He discusses the results of the survey of riparian land owners and the support from the Town of Cloverland and the Cloverland Town Lakes Committee. He states that the proposed rezone would move the zoning into line with the 2010 Comprehensive Plan. He states that the request of the rezone would be to restrict commercial activities on Pickerel Lake. He discusses the precedent of other lakes in the Town of Cloverland being rezoned despite objections.

Mr. Martin Grant, of Algonquin, IL, wishes to speak against the proposed rezone.

Mr. Grant describes his property on Pickerel Lake. He discusses his reasons for wanting to be exempted from the proposed rezone including his future plans for the property which includes transient lodging. He discusses his desires for the future of the lake which include keeping it mostly residential with some transient lodging. He states that he does not feel Single Family Residential (R-1) zoning is appropriate for his property.

**Agenda Item #7: Discussion and Action on Pickerel Lake Rezone Petition (#3-2014). Motion by Steve Doyen, seconded by Carolyn Ritter, to approve the rezone as submitted excepting Computer Parcels #6-81; 6-90-03; 6-90-04; 6-91; 6-111; 6-115; 6-130; 6-131; 6-132; 6-164; 6-165; 6-169; the non-riparian portions of parcels #6-102 and 6-149; and the portion of 6-147-001 lying north of computer parcel #6-147 which shall retain their current zoning district designation.** Ms. Ritter notes that this is the plan formulated at the 5/9/2014 May Special Monthly Meeting. She states that she feels this would protect the majority of the lake from significant development but still allow those property owners who wish to do additional development to do so.

Mr. Doyen states that most of those who commented against the rezone were exempted and states that he is satisfied with the proposal because it gives both the proponent and opponents most of what they want.

Mr. Hayes states that he would be in favor of rezoning to Residential/Lodging (R/L) but that is not possible since it was not part of the rezone petition. He notes that All Purpose (AP) is the least restrictive.

Mr. Wiggerhauser discusses how the question has been posed continually as being a rezone for all riparian properties not owned by the State of Wisconsin, and that he does not feel the Committee should be making amendments to that petition. He states that he feels some property owners may have responded that they were in favor of the rezone because they believed that all riparian properties would be included and were not aware that there was a possibility for them to be excluded.

# ZONING & PLANNING COMMITTEE

June 5, 2014

## Minutes of June Regular Meeting

Vilas County Courthouse Conference Rooms #1-3

Page 2 of 4

Ms. Schmidt notes that the Committee cannot go parcel by parcel and ask each owner what they wish to be zoned. She states that the purpose of zoning is to look at the community as a whole and put properties with similar uses as they are today, not what they might be used for in the future. She discusses spot zoning and their effect on the community as a whole.

Mr. Wiggenhauser states the he feels the only choices are to make either all properties or no properties Single Family Residential (R-1). He asks why the Committee is asking to do something other than what the petition asks and states that the responsibility of the Committee is to give all or nothing. Mr. Schmidt notes that the Committee has the right to modify the petition.

Ms. Ritter notes that the reason the rezone petition came to pass was that the majority of riparian landowners wanted to prevent commercial development on Pickerel Lake. She states that by choosing the partial rezone development on the lake will be restricted to a small number of areas thereby giving a high degree of protection for the lake to those who want it but also protecting the wishes of those who do not want as many restrictions. She states that granting the partial rezone will give a level of protection to Pickerel Lake, even if it is not the high level of protection that was asked for.

Mr. Wiggenhauser states that he is in favor of granting the petition as it was presented. He reiterates his argument against the partial rezone.

Mr. Doyen notes that property owners have had many opportunities to voice their desires to be excluded from the proposed rezone and notes that seventeen took the opportunity.

Mr. Wiggenhauser reiterates his argument against the partial rezone.

Mr. Hayes states that there is no proof for Mr. Wiggenhauser's argument. He states that the assumption is that no one who responded in favor of the rezone did to because they wanted to be protected from themselves, but that that the issue is the protection of Pickerel Lake as a whole and that is what the majority or riparian landowners want.

Ms. Ritter notes that the lake could be rezoned and protected in full, the rezone could be denied and the lake unprotected, or that a level of protection somewhere in the middle could be given.

Mr. Anderson notes that is what the motion would provide.

Ms. Schmidt informs the Committee about how the appeal process would work for the Committee decision.

Mr. Anderson states that he feels private property rights are important and notes that he knows how he wants his property managed. He states that zoning is a function of government and there is recourse for those who are opposed to it.

Discussion regarding procedure if the motion fails.

### Roll call vote:

<b>Ken Anderson -</b>	<b>In favor</b>
<b>Chuck Hayes -</b>	<b>Opposed</b>
<b>Steve Doyen -</b>	<b>In favor</b>
<b>Carolyn Ritter -</b>	<b>In favor</b>
<b>Vern Wiggenhauser -</b>	<b>Opposed</b>

### Motion passes 3-2.

**Agenda Item #5:** Subdivision Approval #2-2014 - H Bren Hartinger, Eight (8) lots, Town of Winchester. Dave Konopacky of Northwoods Surveying presents the above referenced subdivision for approval and notes that the lines are basically being moved on the present properties. He notes that the owner wishes to erect a new dwelling on proposed Lot #8. Ms. Schmidt states that a note on the easement should read "Lots 5-8" as opposed to "Lots 5-9." Mr. Konopacky states that the wording will be corrected. Discussion regarding access for the lots.

**Motion by Chuck Hayes, seconded by Carolyn Ritter, to approve the subdivision with the change to wording on the easement label. All say aye, motion carried.**

# ZONING & PLANNING COMMITTEE

June 5, 2014

## Minutes of June Regular Meeting

Vilas County Courthouse Conference Rooms #1-3

Page 3 of 4

**Agenda Item #6:** Subdivision Approval #1-2014 – Plat of Eaglewatch, Twenty-three (23) lots, Town of St. Germain. Tom Radenz of REI Engineering explains that he is representing Integrys Energy Group and that several members of Integrys Energy Group are present to answer questions. He presents the Plat of Eaglewatch to the Committee and discusses the various approvals that have been given or are in the process of being given. He notes that the intent is have large lots with higher end development. He discusses the existing features of the property. He discusses existing and proposed road access for the subdivision. He discusses elevations of the water, ground, and flood hazard areas and notes that a Letter of Map Amendment (LOMA) has been submitted to the Federal Emergency Management Agency (FEMA) and notes that there are wetland areas that have been delineated by a certified wetland delineator. He discusses the results for future sanitary systems. He discusses the size and frontage requirements for each lot. He notes that restrictive covenants will be put in place at the time the plat is recorded.

Mr. Hayes asks about the frontage for Lot 20 on Lake Content and asks if that should be required to be 150 feet as opposed to the proposed 91 feet. Ms. Schmidt responds that it would and that the lot would have to be redrawn to have 150 feet of frontage or no frontage on Lake Content.

Ms. Schmidt states that she would like to have County Surveyor Tom Boettcher approve the Plat as well. She also notes that the Wisconsin Department of Transportation and Town must also approve the preliminary plat.

**Motion by Steve Doyen, seconded by Chuck Hayes, to conditionally approve the plat provided that Lot 20 is redrawn to meet the requirements of the ordinance, that approval is received from the County Surveyor, that approval is received for access from the Wisconsin Department of Transportation, and that approval is received from the Town of St. Germain.**

Mr. Wiggenhauser asks if there is any more information available. Mr. Anderson and Ms. Schmidt note that they are personally familiar with the property and that the information presented is accurate. Mr. Hayes confirms that other than the above noted required change the subdivision is in conformance with Vilas County Ordinances.

**All say aye, motion carried.**

**Agenda Item #8:** Closed Session. **Motion by Steve Doyen, seconded by Chuck Hayes, to convene into closed session pursuant to Wis. Stat. §19.85(1)(g) for the purpose of conferring with legal counsel regarding strategy to be adopted with respect to litigation in which it is or is likely to be involved (Vilas County v. Accola, Case No 13CV152; Vilas County v. Hermanson, Case No. 13CV44; Vilas County vs. Bartsch, Case No. 12CV12).**

**Roll call vote:**

Ken Anderson - Aye  
Chuck Hayes - Aye  
Steve Doyen - Aye  
Carolyn Ritter - Aye  
Vern Wiggenhauser - Aye

**Motion carried (5-0)**

The Committee convenes into closed session at 1:58 PM.

**Agenda Item #9:** Return to open session pursuant to Wis. Stat. §19.85(1)(g). **Motion by Carolyn Ritter, seconded by Chuck Hayes, to return to open session pursuant to Wis. Stat. §19.85(1)(g).**

**Roll call vote:**

Ken Anderson - Aye  
Chuck Hayes - Aye  
Steve Doyen - Aye  
Carolyn Ritter - Aye  
Vern Wiggenhauser - Aye

**Motion carried (5-0).**

# ZONING & PLANNING COMMITTEE

June 5, 2014

Minutes of June Regular Meeting

Vilas County Courthouse Conference Rooms #1-3

Page 4 of 4

The Committee returns to open session at 2:38 PM.

**Agenda Item #10:** The Committee may take action on items discussed in closed session. No action will be taken at this time.

**Agenda Item #11:** Letters and Communications. There are no letters or communications at this time.

**Agenda Item #12:** Review Statistics and Budgets. Ms. Schmidt states that numbers are up compared to last year. Discussion regarding how the staff is handling the additional workload. Discussion regarding office staffing, duties, and future projects. Discussion regarding office organization. Discussion regarding budgeting requirements for 2015 in regards to potential junkyard litigation and cleanup and non-metallic mining situations.

**Agenda Item #13:** Adjournment. **Motion by Carolyn Ritter, seconded by Chuck Hayes, to adjourn. All say aye, motion carried. The meeting is adjourned at 2:52 PM.**

*Minutes reflect the recorder's notations and are subject to approval by the appropriate board or committee.*