

TOWN OF PRESQUE ISLE

ZONING COMMITTEE & PLAN COMMISSION

Minutes, Thursday, Feb. 2, 2017, 8:30 am

Members Present: Dick Hemming; Al Drum; Peggy Johnson Wiessner; Carl Schoenecker; Paul Specht; Forrest Jukich, PI Zoning Administrator. Public present: Ramona Kubicka; John R. Farwell; Eric Johnson, FYI Northwoods; Brian Jopek, Lakeland Times; Marshall Reckard; Susie Gawriluk; Mary Watkins; Karen Hayes; Barbara LaPean; Daniel LaPean; Char Glashagel; Jerry Glashagel; Joyce Stocker; Jim Stocker; Ron Bricco; Tracy Bricco; Judy Ruch; Bob Ruch; Margo Perkins; Tom Preston; Sue Drum; Carmen Farwell; William Perkins; Kathy Sprester; Jim Sprester; Diane Schroeder.

The meeting was called to order by Chairman Dick Hemming at 8:30 am at the Presque Isle Community Building. Motion to approve the agenda by Paul Specht, second by Al Drum, All Aye. Motion to approve Minutes of the December 13, 2016 meeting by Al Drum, Paul Specht asked why the corrections he requested to the Dec. 13 minutes were not added. As Secretary, Peggy Johnson Wiessner replied that those corrections would have made a material difference in the agenda for this meeting and that, after consultation with the Chairman, the agenda was drafted to include the issues Paul Specht wanted. However, from now on any material corrections to the minutes should be made at the meeting to approve those minutes. Accordingly, the following will be added to the Dec. 13, 2016 minutes – “Paul Specht asked that the Committee also consider the broader issue of whether the actions taken to date and the ultimate intended use (i.e. the taking of water from the Carlin well) constitutes a violation of the town’s zoning ordinances and whether immediate action should be taken by the Committee and the town’s Zoning Administrator.” As amended, the Dec. 13, 2016, minutes were approved. All Aye.

Public Comment: There was no public comment on anything other than the one agenda item concerning the Carlin water situation.

Chairman Hemming asked for an update on the Carlin Lake water issue. Ramona Kubica responded that a change of venue had been granted in the Lake Association’s lawsuit which will now be heard by Forrest County’s Judge Leon Stens with a phone conference due Feb. 10. To date there has been no response to the plaintiff’s complaint. There has been an agreement between the parties that no more construction on the Carlin Club property would be done prior to Jan. 31.

Marshal Reckard confirmed that all 20 acres of the Carlin Club property was changed to R-1

Paul Specht then read from prepared remarks pertaining to the Carlin Club water issue outlining recent State zoning legislation and concluding with the following motion – “We the Presque Isle Zoning Committee/Plan Commission believe that the pumping of water on the Carlin Lake Property(ies) Parcel #022-539-03 and Parcel #022-539-04, currently the site of the Carlin Lake Lodge and Supper Club, and any other potential Parcels connected to this enterprise inadvertently omitted from this motion, as part of a commercial venture to bottle said water for resale either directly or through transport/sale of said water to another commercial entity/venture for bottling for resale would be a significant change in usage of said property(ies) and result in a violation of Section 902 of the Presque Isle Town Ordinances and hereby instruct the Zoning Administrator to take the necessary steps to stop such activity.” The entire text of his remarks is appended to these minutes. He stated the initial question was whether such

activity was a significant change from the Carlin Club business when the zoning was changed to R-1 in 1997.

Chairman Hemming polled the Committee to ascertain their initial views on the issue.

Al Drum stated the Carlin Club was a hospitality business in 1997 and that the activity of the Superior Springs LLC was a speculative commercial water business which would constitute a change of use.

Carl Schoenecker believed that the Presque Isle Zoning ordinance could not control the pumping of water and that whether a pickup or larger truck was used to transport the water was immaterial. The Committee has no jurisdiction over the water.

Peggy Johnson Wiessner stated that the sale of water from the Carlin Club property was a part of its hospitality business and a part of its history. Furthermore, agreeing with Carl Schoenecker, the Committee has no control over the removal of water from any parcel – no matter what the zoning classification. In addition, Vilas County has ruled this is permissible activity for the Carlin Club and both the County and Town definition of an R-1 District are identical. Also, the existence of an on-going lawsuit makes committee action inappropriate and vulnerable to significant legal expense. Lastly the jurisdiction of this Committee is limited to advisory only and any definitive action must come from the town board.

Dick Hemming stated the lawsuit tests what is a permitted use in the R-1 district. The existence of this lawsuit may require that the Town unequivocally take action to enforce our ordinance at this time.

Forrest Jukich, PI Zoning Administrator, agreed with the legal issues as stated but felt that since nothing has yet happened we should, "keep the guns in the holster until something happens." The driveway permit he issued, albeit after the fact, was legal. He did not observe the pumping station foundation on the adjacent property although that would be a clear violation of the R-1 ordinance.

In answer to Peggy Johnson Wiessner's suggestion that the motion be preceded by the words, "The Committee recommends to the town board..." Paul Specht stated this action was within the Committee's power to supervise the town's Zoning Administrator.

Al Drum seconded the Paul Specht motion and after asking again for input from the Committee, Chairman Hemming called for the question with Paul Specht, Al Drum & Dick Hemming voting, Aye and Carl Schoenecker and Peggy Johnson Wiessner voting Nay. Motion carried.

Chairman Hemming asked whether the parties had made any attempts at compromise. Ramona Jubicka stated they were not willing to compromise on even one cup of water being taken from the Carlin Club well. Carmen Farwell noted the extensive research the parties had done on the huge expansion such other projects had taken around the country and that this initial undertaking was only the beginning. Judy Ruch noted the Superior Water group has never submitted any plans to the Lake Association.

Chairman Hemming asked the Zoning Administrator to be vigilant in monitoring the situation and should "be there sooner rather than later." Forrest Jukich was specifically asked to "red tag" the pumping foundation on the adjacent property.

The Town Lake Committee asked whether the Zoning Committee would support a resolution to restore lake classification. The Committee will await direction from the Town Board on this issue.

Discussion concerning the zoning for duplex structures and wetlands will be placed on the agenda for the next meeting.

Next meeting date is Tuesday, March 21, 2017 at 8:30 am

Motion to adjourn by Peggy Johnson Wiessner, second by Al Drum. Meeting adjourned at 9:40 am.

Respectfully submitted, Peggy Johnson Wiessner, Secretary.

TOWN OF PRESQUE ISLE

ZONING COMMITTEE & PLAN COMMISSION

Minutes, Tuesday, March 21, 2017, 8:30 am

Members Present: Dick Hemming; Peggy Johnson Wiessner; Carl Schoenecker; Paul Specht; Forrest Jukich, PI Zoning Administrator; absent, Al Drum. Public present: Ramona Kubicka; Marshall Reckard; Jim Leutke; Cathy Weber; Jim Rein

The meeting was called to order by Chairman Dick Hemming at 8:30 am at the Presque Isle Community Building. Motion to approve the agenda by Paul Specht, second by Carl Schoenecker All Aye. Motion to approve Minutes of the Feb. 2, 2017 meeting by Paul Specht, second by Carl Schoenecker. All Aye. Paul Specht noted his remarks should be appended as the minutes indicated.

Public Comment: There was no public comment.

Item 5.A. Paul Specht reviewed a draft of a revised Section 902.1.2 on the Multi-Residential (R-2) District originally dated 1/25/2016. That issue had been recessed while the entire ordinance was revised to comply with recent State-mandated changes. Accordingly, there were changes to section numbers and changes to the language regarding guesthouses at Sections 902.5.1 & 902.5.2. Motion by Paul Specht, second by Dick Hemming to refer Section 902.1.2, as amended, to a public hearing. All Aye. Paul Specht will revise this draft and it will be included as a future agenda item for scheduling a public hearing along with a new section on wetlands outside the shoreland area.

Item 5.B. The draft section pertaining to wetlands outside the shoreland district, authored by Al Drum, will be discussed upon his return at the next committee meeting. Peggy Johnson Wiessner will email copies of Al Drum's initial draft to all committee members.

Item 5.C. Ramona Kubicka updated the Committee on the results of a preliminary hearing held in the Carlin Lake water litigation – Carlin Lake Association, Inc. v. Carlin Club Properties, LLC. Several motions to dismiss, made by the defendants, were all denied by the Court. In addition, the Court issued a temporary restraining order prohibiting any further action on the part of the defendants to remove water from the Carlin well until further Court action. The Court also noted the case would turn on the issue of "grandfathering" and not R-1 zoning, and warned that the grandfathered status of the Carlin Club as a restaurant and bar could be jeopardized by this litigation. The Court also noted that they were "creating a new product here." The plaintiffs refused to negotiate on a compromise and this litigation will be set for trial. Dick Hemming stated the Court also said it was possible to expand a grandfathered use without losing grandfathering rights.

Item 6.A. Jim Rein of Wilderness Surveying, presented a preliminary plat of a survey carving out a 0.29 acre Outlot on a portion of James Stocker's property abutting Ormes Road. This plat had been approved by Vilas County. The property was within the Presque Isle Lake shoreland district but did not have any lake frontage. The intent was to create a lot on which the owner of the Presque Isle Lake parcel could construct a garage. Committee discussion centered on the Presque Isle Zoning requirement of one and one-half acre for lots without water frontage. It was noted that, had Ormes Road not been a public road, such a parcel could have been attached to the frontage lot. However, Ormes Road, as a public road, conforms to an Attorney General's Opinion that would make this area a separate lot. Paul Specht

moved, Peggy Johnson Wiessner seconded a motion to refer the Committee's rejection of this subdivision to the Town Board. All Aye.

Marshall Reckard requested that the Committee consider adding provisions to the Presque Isle ordinance to deal with short-term rentals of properties outside the shoreland area in the R-1 zoning district. This issue will be added to the next meeting agenda.

Next meeting date is Tuesday, May 9, 2017 at 8:30 am

Motion to adjourn by Paul Specht, second by Carl Schoenecker. Meeting adjourned at 9:15 am.

Respectfully submitted, Peggy Johnson Wiessner, Secretary.

TOWN OF PRESQUE ISLE

ZONING COMMITTEE & PLAN COMMISSION

Minutes, Tuesday, May 9, 2017, 8:30 am

Members Present: Dick Hemming; Peggy Johnson Wiessner; Carl Schoenecker; Paul Specht; Al Drum; Forrest Jukich, PI Zoning Administrator. Public present: Marshall Reckard.

The meeting was called to order by Chairman Dick Hemming at 8:30 am at the Presque Isle Community Building. Motion to approve the agenda by Paul Specht, second by Carl Schoenecker All Aye. Motion to approve Minutes of the March 21, 2017 meeting by Carl Schoenecker, second by Paul Specht. All Aye.

Public Comment: Marshall Reckard commented on several items of new business requested by him to be placed on the agenda.

Item 6.B. Marshall Reckard clarified the minimum size of lots without water frontage remains 2 acres whether such lots are within or without the shoreland district. Vilas County only governs the size of lots with water frontage within the shoreland district and has approved Presque Isle's off water lot size off 2 acres wherever situated.

Item 6.C. Marshall Reckard further clarified that decisions of the Board of Adjustment cannot be overturned by the Town Board and must be appealed to County Circuit Court.

Item 6.D. Discussion of the need for a new ordinance section governing lands under common ownership divided by a public road and what may be allowable on such parcels that do not meet minimum size requirements. (Outlots) Marshall Reckard stated it was critical to include height and roof-type restrictions on such lots. Marshall and Paul Specht will draft proposed language to be presented at the next meeting.

Item 5.B. Discussion on the detailed draft wetland ordinance proposed by Al Drum to apply to wetlands outside the shoreland area. Identification of such areas and determining their degree of "susceptibility" was thought to be difficult for local administration. This issue died for lack of a second after having been introduced on a motion by Dick Hemming.

Item 5.A. The date for a public hearing on Sec. 902.1.2 relating to multi-family housing was set at July 11 in conjunction with a regularly scheduled zoning meeting at 8:30 am. The Public Hearing will be held at 9:00am.

Item 5.C. There was little to report on the Carlin water issue. Court proceedings have encountered delays. Possible improvements were made to the well on the Carlin property and the zoning administrator was directed to inquire whether this was true.

Peggy Johnson Wiessner noted the Committee was to receive a written opinion from Atty. Burgy on Paul Specht's Feb. 2, 2017 motion regarding whether the pumping of water from the Carlin well violated Sec. 902 of the Presque Isle Zoning Ordinance. Marshall Reckard agreed that was needed to clarify Burgy's initial opinion such an action would be contrary to the Hegwood decision.

Items 6.A. and 6.E. were tabled until the next Committee meeting

Next meeting date is Tuesday, June 13, 2017 at 8:30 am

Motion to adjourn by Paul Specht, second by Al Drum. Meeting adjourned at 9:55 am.

Respectfully submitted, Peggy Johnson Wiessner, Secretary.

TOWN OF PRESQUE ISLE

ZONING COMMITTEE & PLAN COMMISSION

Minutes of the regular meeting and the Public Hearing held July 11, 2017, 8:30 am

Members Present: Dick Hemming; Peggy Johnson Wiessner; Carl Schoenecker; Paul Specht; Al Drum; Forrest Jukich, PI Zoning Administrator. Public present: Marshall Reckard; Cecil Davis; Ramona Kubica; Robert Rider; Dan Caplin; Chuck Hayes; Jim Brzezinski; Barbara Peck; Linda Lane; Scott Lane; Sydney Morris; Dennis Breitholtz; Jorje Burke; Fred G. Witter; Bob Ruch

The regular meeting of the Zoning Committee & Plan Commission was called to order by Chairman Dick Hemming at 8:30 am at the Presque Isle Community Building and immediately recessed to begin the Public Hearing on changes to two sections of the Presque Isle Zoning Ordinance.

Several changes to section 902.1.2 concerning the Multi-Residential District (R-2) were read by Chairman Hemming. Basically they concerned a change in the definition of "Multi-Family" to a building containing three or more dwelling units and the provision for duplexes under the term "Residential Two Family" structures and changes to the minimum sizes of waterfront and off-water lots to conform to recent statewide mandates. Section 902.5 was also amended to prohibit guesthouses on two-family or multi-family sites. Chairman Hemming asked three times for anyone wishing to speak in favor of, or opposition to, these changes. There was no input from the public. Paul Specht then moved and Carl Schoenecker seconded a motion to recommend the Presque Isle Town Board forward these changes to Vilas County for approval.

The second issue was the addition of a new section 902.9.3.a which follows: "Lands under common ownership separated by a public road shall not constitute a single lot and if a nonconforming lot is created with no water frontage said lot may have a non-habitable private storage structure on it if the following requirements are met. The non-conforming lot shall have a minimum lot size of at least three thousand (3000) square feet and the private storage structure shall have a maximum footprint of nine hundred and fifty (950) square feet with a roof consisting of a single gable without dormers and shall meet all other garage height and set back requirements set forth in this ordinance. In addition, no water or sanitary facilities are permitted within or in connection with the structure." Again, Chairman Hemming asked three times for anyone wishing to speak in favor of, or opposition to, these changes. There was no input from the public. Paul Specht then moved and Carl Schoenecker seconded a motion to recommend the Presque Isle Town Board forward these changes to Vilas County for approval.

Marshall Reckard then clarified the process by which these changes, after approval by Vilas County, would become part of the Presque Isle Zoning Ordinance.

Motion to adjourn the Public Hearing by Paul Specht, second by Carl Schoenecker. All Aye, Public Hearing adjourned at 8:45 and the regular meeting was resumed.

Motion by Paul Specht, second by Al Drum to approve the agenda as posted. All Aye. Motion by Paul Specht, second by Carl Schoenecker to approve the minutes of the June 13, 2017 meeting after correcting one typo (omit word "said"). All Aye

Public Comment: Regarding agenda item 5.G. Marshall Reckard stated there would be no written response from the town's attorney, Dennis Burgy, to the Feb. 2, 2017 motion by Paul Specht. Reckard said Burgy verbally acknowledged the "town has the right to have its own zoning" but would not be giving a written opinion on the matter. With respect to item agenda item 5.F. Reckard said efforts of the Wisconsin Shoreland Initiative were "in flux" and in any case would not impact Presque Isle zoning.

Item 5.E. Carlin Update: Ramona Kubica reported that Webster Well Drilling had been deposed by Dan Bach, attorney for the Carlin Lake Association relative to work that had been done on the well at the Carlin Lodge to determine whether the terms of a temporary restraining order (TRO) issued by the court had been violated. The Lake Association learned that a one horsepower pump had been replaced with a three horsepower pump and that the well head had been modified to enable pumping into a truck. They contend that violated the court's TRO. There was a telephone conference on July 10 regarding this issue. The judge has repeatedly refused to modify the TRO and the plaintiff's are not willing to mediate the issue, despite proposals from defendant that mediation be utilized. Kubica stated that the defendants have been evasive and deceptive and are not trusted by the plaintiffs who are appealing to the community for monetary support. Cecil Davis stated no trial date has been set. Chuck Hayes said the agenda item was misnamed and should have been labeled "the Carlin Zoning issue." Chairman Hemming noted the Zoning Committee merely is providing a forum for information on the matter.

Item 5.A. Short-term rentals outside the shoreland area: Paul Specht noted that the county no longer controls anything outside the shoreland area and that, historically, much of Presque Isle was zoned recreational although that has since changed. In addition, the State would not allow a license for short-term rentals in an R-1 (single family) zoning district. A license would be required for short-term rentals. Dick Hemming was concerned that, if not specifically prohibited, would it be allowed. Barb Peck emphasized the problem with short-term rentals was that "everyone was not playing by the same rules" and we know there are violations even within the shoreland district that are not being challenged. Discussion of increasing fines or other measures that might be taken. Marshall Reckard noted there is nothing in our ordinance except for the requirement of a room tax and he stated we do have jurisdiction even within the shoreland district to set sanctions for violations. Chairman Hemming asked that the Committee take an "across the board" look at the issue of short-term rentals at the next meeting.

Item 5.B. Wetland Ordinance: Committee discussion acknowledged this is a complex issue and that enforcement is particularly difficult for our zoning administrator. Committee reviewed Al Drum's revised draft dated July 29 which omitted the definitions of the earlier draft and simplified and shortened Part 3 referring to provisions of NR151.125 of the Wisconsin Administrative Code regarding building near wetland features. Forrest Jukich noted that he questioned wetland issues 4 times with respect to driveways and was told the owner could build up to the wetland. Committee generally approved of the 7/29/2017 draft but wanted language added to require confirmation by the zoning administrator for any landowner statement denying there is a wetland issue. This will be added to the next meeting agenda.

Item 6.A. Wilderness Peddlers – Dennis Breitholtz updated information on the re-incorporation of the "Wilderness Peddlers." The current bike trail will be extended 2.5 miles in length from CTH K to CTH J next spring. The Peddlers now have a 7 member board with 2 representatives from Winchester and they have also established a website. Efforts are underway for major donors to fund the \$1.2 million required to build an off-road bike trail to CTH P.

Item 5.D. Fall Retreat. Date and purpose to be determined at the next meeting.

Item 5.C. Rear Lot Setbacks. Discussion favored making rear lot setbacks the same as side lot setbacks. Language needed to incorporate into our ordinance. On agenda for next meeting.

Date for next meeting set for August 8, 2017 at 8:30am

Motion to adjourn by Paul Specht, second by Peggy Johnson Wiessner. Meeting adjourned at 9:58am.

Respectfully submitted, Peggy Johnson Wiessner, Secretary.

TOWN OF PRESQUE ISLE

ZONING COMMITTEE & PLAN COMMISSION

Minutes, Tuesday, August 8, 2017, 8:30 am

Members Present: Dick Hemming; Peggy Johnson Wiessner; Carl Schoenecker; Paul Specht; Forrest Jukich, PI Zoning Administrator. Absent: Al Drum. Public Present: Bob Ruch; Cecil Davis; Ramona Kubica; Carmen Farwell; Marshall Reckard.

The meeting was called to order by Chairman Dick Hemming at 8:30 am at the Presque Isle Community Building. Motion to approve the agenda by Paul Specht, second by Carl Schoenecker All Aye. Motion by Paul Specht, second by Carl Schoenecker to approve the minutes of the July 11, 2017 meeting with corrections. Peggy Johnson Wiessner corrected Robert Rider's name as present; the name of the Lake Association's attorney in Item 5.E. to Dan Bach and the dates of the revised Wetland Ordinance in Item 5.B. to 7/29/2107. Paul Specht had a typo correction in the fourth paragraph (gable, not gail) and revised the last sentence in Item 5.A. to "Efforts are underway for major donors to fund the \$1.2 million required to build an off-road bike trail to Highway "P".

Public Comment: Marshall Reckard noted the two ordinance changes currently before Vilas County had minor questions from the county which seem to have been answered by Marshall. He predicts approval as submitted.

Item 5.E. Carlin Lake update. The Court has tentatively set a hearing on a contempt issue involving the defendant's alleged modification of the Carlin Lodge well. Hearing tentatively scheduled for 10:00am on August 25th in Eagle River. Also tentatively scheduled is a Motion hearing on October 5, a pre-trial hearing on October 19th at 1:pm and a 3-day jury trial beginning November 8, 2017.

Item 5.A. Paul Specht began the discussion of short-term rentals with a discussion of B & B's and how they are treated in the Vilas County ordinance. He also noted the several different districts within the county ordinance where B & B and/or transient lodging may be permitted. They include the Residential/Lodging district (RL); Rural Residential (RRL); Multi-Family Residential (R-2); Wooded Residential (WR); Residential Recreation (RR); Recreation (REC); Community Business (CB); All Purpose (AP); and Forestry (F) – several of which Presque Isle does not have. He stated our ordinance needed definitions for B & B's and for transient lodging. He accepted Dick Hemming's suggestion that he work on this area for our next meeting. Marshall Reckard noted that Vilas County controls transient lodging within the shoreland district and that transient lodging is defined in the state statutes. Paul Specht appeared to disagree with that interpretation.

Item 5.B. Wetland Ordinance Outside the Shoreland Area – Carl Schoenecker distributed language that is included in the Vilas County application for a shoreland alteration permit and proposed that might cover our concerns regarding wetlands rather than an entirely new and detailed ordinance. In view of Al Drum's absence, a decision on this issue will be postponed until the next meeting.

Item 5.C. Ordinance language regarding rear lot lines. Peggy Johnson Wiessner will draft language in Sec. 902.8.1 covering this issue and will include the movable structure situation of Sec. 902.8.4.

Item 5.D. September 26 was set as the date for a "Zoning Retreat" focusing on the purpose of the zoning committee, term limits, zoning philosophy, etc. A more definite agenda will be developed at the next meeting. This will be a public meeting.

Item 5.F. The final 4 lot subdivision on Carlin Lake was not available.

Next meeting date is Tuesday, Sept. 12, 2017 with the Zoning Retreat on Sept. 26, 2017.

Motion to adjourn by Peggy Johnson Wiessner, second by Carl Schoenecker. Meeting adjourned at 9:40am.

Respectfully submitted, Peggy Johnson Wiessner, Secretary

TOWN OF PRESQUE ISLE

ZONING COMMITTEE & PLAN COMMISSION

Minutes, Tuesday, September 12, 2017, 8:30 am

Members Present: Dick Hemming; Peggy Johnson Wiessner; Al Drum; Paul Specht. Absent: Carl Schoenecker; Forrest Jukich. Public Present: Ramona Kubica; Marshall Reckard.

The meeting was called to order by Chairman Dick Hemming at 8:30 am at the Presque Isle Community Building. Motion to approve the agenda by Paul Specht, second by Al Drum. All Aye. Motion by Paul Specht, second by Peggy Johnson Wiessner to approve the minutes of the August 8, 2017 meeting.

Public Comment: Marshall Reckard noted the committee's two proposed ordinance changes (902.1.2 & 902.4.3) will go before the full county board at their October meeting for approval. He also stated that Sec. 4 of the Vilas County Zoning ordinance is undergoing revision and the county is soliciting input from the towns. He also alerted the Committee to a provision in the state budget bill which would permit transient lodging of 7 days or more in any R-1 zoning district. The budget bill is expected to pass within the next few weeks.

Item 5.E. Carlin Lake update. Ramona Kubica reported that, on August 25, the court cited the defendants for contempt of court for violation of the court's temporary restraining order prohibiting any work furthering the bottling of Carlin water. An August 30 mediation session produced no agreement and the court case will proceed. A hearing on the plaintiff's motion for summary judgment will be heard on October 5 in Eagle River. Dick Hemming questioned whether an answer to the plaintiff's complaint had ever been filed and noted that a November 8 jury trial was still on the Court's calendar.

Item 5.A. Since Vilas County defines B & B's and transient lodging and Presque Isle adopts the Vilas County's definitions and that transient lodging may be re-defined under the state budget bill, no action was taken on this issue.

Item 5.B. Wetland Ordinance Outside the Shoreland Area – Due to Carl Schoenecker's absence no action was taken on this issue. However, discussion centered on perhaps adding Carl's language to Al's proposed ordinance which would provide more guidance to the homeowner and alert the homeowner to the importance of wetlands to the town. Another option would be to add a checkoff box regarding wetlands to the Presque Isle permit application.

Item 5.C. Ordinance language regarding rear lot lines. Peggy Johnson Wiessner proposed amending Sec. 902.8.1 in two places to read "...any lot line" rather than the current "...the lot line." Also amending the definition of "Setback lines" to read "...all lot lines" rather than the current "...side lot lines." Motion by Paul Specht, seconded by Al Drum to accept the proposed changes. All Aye.

Item 5.D. The impact of Act 55 on Presque Isle's zoning ordinance will be one item of discussion at the Committee's zoning "retreat" scheduled for September 26. Al Drum volunteered to obtain a county GIS map showing the 1000 foot area around navigable waters in Presque Isle township. Peggy Johnson Wiessner & Dick Hemming will further define agenda items for the Sept. 26 meeting.

Item 5.F. The final 4 lot subdivision on Carlin Lake was not available. This item will be off the agenda until the committee is notified by the zoning administrator.

Next meeting date is Wednesday, Oct. 4, 2017 with the Zoning Retreat on Sept. 26, 2017.

Motion to adjourn by Peggy Johnson Wiessner, second by Paul specht. Meeting adjourned at 9:58 am.

Respectfully submitted, Peggy Johnson Wiessner, Secretary

TOWN OF PRESQUE ISLE

ZONING COMMITTEE & PLAN COMMISSION

Minutes, Tuesday, September 26, 2017, 8:30 am

Members Present: Dick Hemming; Peggy Johnson Wiessner; Al Drum; Paul Specht; Carl Schoenecker.
Absent: Forrest Jukich. Public Present: Marshall Reckard.

The meeting was called to order by Chairman Dick Hemming at 8:30 am at the Presque Isle Community Building. Motion to approve the agenda by Paul Specht, second by Carl Scheonecker. All Aye

There were no action items at this "retreat" meeting which was intended to be a thoughtful discussion of general zoning and planning principals to guide the Committee.

Organizational Aspects of the Committee – Marshall Reckard confirmed this Committee is a Statutory Committee of five members with staggered 3 year terms. Dick Hemming's terms expires in 2017; Peggy Johnson Wiessner & Carl Schoenecker's terms expires in 2018 and Paul Specht & Al Drum's terms expire in 2019. The town chairman appoints a candidate but it must be confirmed by the town board. The supervisors' vote can deny the candidate and the chairman must then appoint a different candidate.

Prior to being elected Chairman, Marshall Reckard regularly attended Vilas County Zoning Committee meetings and reported to the PI Committee on issues discussed at the county level. Marshall expects to continue doing that when issues of importance to the town are discussed. However, it would be best to have Committee representation at the Vilas County meetings. Dick Hemming (and the entire Committee) will be placed on the V/C email list to receive their agendas. He will then assign a Committee member from PI to attend V/C or attend himself. The town board regards this Committee as the "expert" in zoning & planning and, unlike other town committees which take direction from the town, this Committee sets its own agenda and discussion items.

The Committee discussed its role with respect to comprehensive planning and the 20/20 plan update. Marshall Reckard observed that neither the county nor any of the towns have begun work on this issue. Committee acknowledged Section 12 of the plan had already been updated to conform to Act 55. We need to review the plan again since, with the original plan, we were bound to the "existing zoning" districts and no real planning had been done. Carl Schoenecker suggested we set time aside for at least a quick annual review of the plan, perhaps in February.

Philosophical Guidelines for the Committee – Peggy Johnson Wiessner suggested this big picture item should include attention to the overall need for a comprehensive ordinance in view of our limited jurisdiction imposed by Act 55. We should be aware of the cost to the town, the complexity an additional level of requirements imposes on the community and the need for enforcement at the local level. Marshall Reckard noted although most of our zoning echoes that of the county, the county would not enforce the basic principles Presque Isle espoused in its 1959 ordinance, i.e. Vilas county would only enforce a 100 foot frontage requirement.

Influence of Act 55 – Discussion on the "Red Flag/White Flag" characterization made by Paul Specht. Committee operates under a "red" flag set by Act 55 within the shoreland district and a "white" flag outside the shoreland district where it can operate unfettered. Discussion again of the possibility of a

subdivision ordinance outside our zoning ordinance which may give expanded jurisdiction to the Committee within the shoreland area.

Marshall Reckard clarified that the Committee would need the town's liaison (Marshall) to approve any communication with the town's attorney.

Question regarding the appropriateness of emailing the entire committee. Answer -it can be done for informational purposes only and not to solicit decisions or opinions. That would constitute a "walking quorum" and violate the Open Meeting Law.

With respect to Barb Peck's question forwarded by Peggy Johnson Wiessner – the Committee's vision for the town – Paul Specht cited our commitment to the "Last Wilderness" concept. Peggy Johnson Wiessner noted much of the Northwoods would fit that characterization and that Presque Isle, in particular, was falling behind other communities in terms of its economy and land value.

Three general conclusions were reached. First, that an annual meeting such as this is valuable – perhaps each September. Second an annual review of the comprehensive plan is in order – perhaps in February. Third that a printed version of the zoning ordinance to date would be helpful for the Committee. Marshall Reckard will see this is done.

Next meeting date is Wednesday, Oct. 4, 2017. Motion to adjourn by Paul Specht, second by Peggy Johnson Wiessner. Meeting adjourned at 11:10 am.

Respectfully submitted, Peggy Johnson Wiessner, Secretary

TOWN OF PRESQUE ISLE

ZONING COMMITTEE & PLAN COMMISSION

Minutes, Wednesday, October 4, 2017, 8:30 am

Members Present: Dick Hemming; Peggy Johnson Wiessner; Al Drum; Paul Spech; Carl Schoenecker; Forrest Jukich. Public Present: Ramona Kubica; Marshall Reckard; Bob Ruch; CarmenFarwell; Cecil Davis.

The meeting was called to order by Chairman Dick Hemming at 8:30 am at the Presque Isle Community Building. Motion to approve the agenda by Al Drum, second by Carl Schoenecker. All Aye. Motion by Al Drum, second by Peggy Johnson Wiessner to approve the minutes of the September 12, 2017 meeting. Motion to approve minutes of the September 26, 2017 meeting by Peggy Johnson Wiessner, second by Al Drum with one correction – change “Paul Specht” in the next to last paragraph to “Carl Schoenecker.” All Aye.

Item 5.C. Carlin Lake update. Chairman Hemming noted that a motion for Summary Judgment will be heard at the Vilas County Courthouse in Eagle River at 1:00pm on October 5. It is unlikely that any witnesses will be called.

Item 5.A. Marshall Reckard confirmed that state law now permits rentals of at least 7 days in R-1 districts. Municipalities cannot prohibit such rentals but may place certain restrictions such as a 180 day/year limit. Vilas County sent a letter objecting because of pressure on septic systems. This new legislation does not apply to bed & breakfasts in the R-1 district. He also requested that the committee re-address the definition of B & B's and the districts in which they are allowed and the question of whether definitions are needed at all in the Presque Isle ordinance.

Item 5.B. Wetland Ordinance Outside the Shoreland Area – After general discussion on whether there is a need for a comprehensive ordinance regulating wetlands outside the shoreland area (Al Drum's draft) versus the addition of a checkbox and language echoing Vilas county's on Presque Isle's zoning application (Carl Schoenecker's suggestion) Carl moved to table this item pending receipt of a Vilas county map outlining the non-shoreland areas within Presque Isle. Paul Specht seconded. All Aye. Marshall Reckard has requested copies of this map for consideration at our next meeting.

Next meeting date is Tuesday, Nov. 7, 2017. There will be no December meeting.

Motion to adjourn by Peggy Johnson Wiessner, second by Paul Specht. Meeting adjourned at 9:17 am.

Respectfully submitted, Peggy Johnson Wiessner, Secretary