

# TOWN OF PRESQUE ISLE

## ZONING COMMITTEE & PLAN COMMISSION

Minutes, Tuesday, February 6, 2018, 8:30 am

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

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 Al Drum to approve the minutes of the November 7, 2017 meeting. All Aye. Motion by Al Drum, second by Carl Schoenecker to approve the minutes of the November 29, 2017 joint meeting with the Accommodations Committee. All Aye except for Paul Specht who abstained.

Item 6.B. Ted Cushing is a Realtor who has a customer interested in Lot 21 of the original plat of the Village of Winegar, a parcel with 104.8 feet of frontage on Little Horsehead Lake. Mr. Cushing requests written assurance from the Committee that this parcel is a buildable lot according to Presque Isle Zoning Ordinances. He has previously spoken to the Presque Isle Zoning Administrator, Forrest Jukich who verbally assured him the parcel was a buildable lot because it was created as part of the original town's plat and prior to the town's May 8, 1959 original zoning ordinance. Mr. Jukich re-iterated that position at the meeting, cautioning that it is a buildable lot under the ordinances in effect today but there was no guarantee of the future. Mr. Cushing acknowledged the minutes of the meeting would suffice for his client. Accordingly Paul Specht moved and Carl Schoenecker seconded a motion noting that Lot 21 or the original Plat of the Village of Winegar is buildable under the present Presque Isle Zoning Ordinance, provided building setbacks are observed, because when it was created it contained sufficient frontage and area as set forth in Sec. 902.10.1.2 of the Ordinance." Mr. Cushing thanked the Committee for their time.

Update of Carlin Lake Zoning Issue: Carmen Farwell reported the Court has issued a permanent injunction against the taking of water from the Carlin Lodge property citing the Vilas County Zoning Ordinance as its reasoning. The plaintiffs have some indication there will be an appeal. Deadline to appeal is February 22. If an appeal is made there will be 30 days for the plaintiff's to file a brief and then 20 days for the defendants to respond. Subsequently there will be a 90 day period for the judge to decide.

Item 5.A. Marshall Reckard noted that the Vilas County and Presque Isle have identical definitions of guesthouses and that the county will treat a new guesthouse as a new residential building requiring an additional 100 feet of frontage if on water.

Item 6.A. Act 67 & Statutes 60.62, 60.65 and 66.10015. Marshall Reckard asked the Committee to consider the following issues regarding Act 67 and the Presque Isle Zoning Ordinance: repair of non-conforming structures no longer needing a variance; wetlands notice per Sec. 60.625 & removal of the hyperlink; ordinance committee working on a municipal ordinance for short-term rentals using the proposed Minocqua ordinance as a model. The Committee was directed to read Act 67 and the cited statutes prior to the next meeting to address these issues.

Next meeting date will be March 27, 2018 at 8:30 am at the Presque Isle Community building.

Motion to adjourn by Paul Specht, second by Al Drum. All Aye. Meeting adjourned at 9:25 am.

Respectfully submitted, Peggy Johnson Wiessner, Secretary

# TOWN OF PRESQUE ISLE

## ZONING COMMITTEE & PLAN COMMISSION

Minutes, Tuesday, March 27, 2018, 8:30 am

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

The meeting was called to order by Chairman Dick Hemming at 8:30 am at the Presque Isle Community Building. Peggy Johnson Wiessner noted that the agenda had been amended to read "Carlin Zoning Issue" at old business item 5.A. Motion to approve the agenda, as amended, by Paul Specht, second by Al Drum. All Aye. Motion by Paul Specht, second by Al Drum to approve the minutes of the February 6, 2018 meeting. All Aye.

Item 5.A. No one was present to report on this item although Dick Hemming informed the Committee the defendant, Carlin Lodge, had not appealed the decision of the lower court within the time allocated for appeal.

Item 6.A. General discussion of 2017 Wisconsin Act 67, effective 11/28/2017, wherein the legislature enacted new statutory provisions affecting the standards used by local governments to consider conditional use permit applications (CUPs). The new statutory standards require that local governments considering a conditional use permit can only impose conditions which are related to the purpose of the ordinance and are based on substantial evidence that is reasonable and "to the extent practicable and measurable." With respect to the repair of non-conforming structures the Committee acknowledged it had no jurisdiction over such structures within the shoreland district. Much discussion also related to the issue of guesthouses within the shoreland district which are treated differently by the Presque Isle ordinance than Vilas County. Since the Vilas County guesthouse provisions are under review the Committee took no action at this time with respect to our Presque Isle ordinance.

Item 6.B. More general discussion on CUP's under Act 67 requirements and the limitations imposed by the Act.

Item 6.C. Provisions of Act 67 relating to substandard lots are echoed in Sec. 902.10 of the Presque Isle ordinance which acknowledges lots that do not meet current standards may nevertheless be developed provided setback and sanitary provisions are met. No action is required.

Item 6.D. Carl Schoenecker inquired whether any local permit for short-term rentals was required. The Municipal Ordinance Committee is considering this issue. The Town of Minocqua has postponed any action in this regard pending possible action by Oneida County. Vilas County merely administers state health and sanitary requirements for short-term rentals.

The Zoning Administrator, Forrest Jukich informed the Committee the Lions Club has proposed lighting for the pavilion in Pipke Park. This will be considered by the Parks & Recreation Committee. This Committee will only be involved if zoning issues arise.

Forrest also informed the Committee an application to re-zone an 80 acre parcel from Forestry to All-Purpose had been submitted. This requires a Public Hearing. Marshall Reckard will inform the Town

Clerk to publish the required notices. Our Committee will hold the public hearing prior to its next regular meeting on May 8, 2018.

Next meeting date will be May 8, 2018 at the Presque Isle Community building. Public Hearing to begin at 8:30 am with the regular Committee meeting to follow immediately after the conclusion of the public hearing.

Motion to adjourn by Carl Schoennecker, second by Paul Specht. All Aye. Meeting adjourned at 10:10 am.

Respectfully submitted, Peggy Johnson Wiessner, Secretary

# TOWN OF PRESQUE ISLE

## ZONING COMMITTEE & PLAN COMMISSION

### Minutes Public Hearing, May 8, 2018 8:30 am

Minutes Regular Meeting, Tuesday, May 8, 2018, 8:40 am

Members Present: Dick Hemming; Peggy Johnson Wiessner; Al Drum; Paul Specht. Carl Schoenecker appeared by phone. Public Present: Marshall Reckard; Carmen Farwell; Cathy Weber; Ray Straubel.

The meeting was called to order by Chairman Dick Hemming at 8:30 am at the Presque Isle Community Building and immediately adjourned to open the Public Hearing regarding the re-zoning of Parcel 022-1080 owned by Ray Straubel. Chairman Hemming read the notice of public hearing which appeared as required in the Lakeland Times. The purpose of the public hearing was to hear comments from the public on a proposed change in zoning district from Forestry to All Purpose.

Chairman Hemming asked for comments in favor of the proposed change. Ray Straubel, the owner of the parcel, stated that the property was currently in the forest crop program and would remain so for another 10 years. He merely wished to keep his options open regarding future use of the property, possibly as a future residence for his daughter. He noted the only All Purpose parcels currently in Presque Isle border two sides of the subject parcel. One other side is zoned residential and the other is the Winchester township line. Neighbors are not required to receive special notice regarding such a change.

Chairman Hemming asked for comments opposing the change. There were none.

Carl Schoenecker questioned the rezoning procedure. Marshall Reckard noted the recommendation of the Committee would be presented to the Town Board for consideration. If the Town Board voted in favor of the change it would then be sent to Vilas County for their approval. This would necessitate a change to the Town's Comprehensive Plan also since the county will not approve a change unless it conforms to the Plan. Carl Schoenecker then observed the Committee should regard the Plan as a working document and should annually review it, perhaps as a part of an annual zoning "retreat" such as the committee had last September.

The Public Hearing was closed at 8:58 by Chairman Hemming and the regular meeting was opened.

Motion to approve the agenda by Al Drum, second by Peggy Johnson Wiessner. All Aye. Motion to approve the minutes of the March 27, 2018 meeting by Peggy Johnson Wiessner, second by Al Drum, All Aye.

No action could be taken on a recommendation following the Public Hearing since this item was not posted on the agenda. The Committee will take action at the next meeting and will also consider an agenda item to change the Town's 20 year Comprehensive Plan for Parcel 022-1080 from Forestry to All Purpose.

Item 5.A. Carmen Farwell updated the Committee on the Carlin Zoning issue. The Defendant's have appealed the district court's decision in favor of the Plaintiffs. There are several months allocated for briefs and for responses by the Plaintiffs and a 90 day period thereafter for a decision by the Appeals

Court. No decision is expected until after the summer. There will be no further public hearings. Marshall Reckard noted that Superior Water LLC had applied for a Use Variance from Vilas County to permit pumping of water from the Carlin Lodge property and had been denied.

Item 5.B. Lighting at Pipke Park. Nothing further on this issue was directed to the Committee. It will be dropped from our agenda until further developments.

6.A. Broadband Forward Ordinance. Marshall Reckard explained that such an ordinance would likely be included as part of Section 900 of the Presque Isle Ordinances and therefore would be under the jurisdiction of the Zoning Committee. Peggy Johnson Wiessner regarded adoption of the Model Ordinance as an advantageous “first step” for eligibility and preference in obtaining broadband grants from the State and spoke in favor of adopting the Model Ordinance. Paul Specht was concerned that certification under the Broadband expansion grant program (section 196.504 of the Wisconsin Statutes) committed the Town to serious restrictions particularly under sub-section 6. No action was taken. Paul Specht and Dick Hemming are to speak with the administrator of the program for clarification.

Motion to adjourn by Peggy Johnson Wiessner, second by Carl Schoennecker. All Aye. Meeting adjourned at 10:04 am.

Respectfully submitted, Peggy Johnson Wiessner, Secretary

# TOWN OF PRESQUE ISLE

## ZONING COMMITTEE AND PLAN COMMISSION

Minutes Regular Meeting Tuesday, June 12, 2018, 8:32 A.M.

Members Present: Dick Hemming, Paul Specht, Forrest Jukich, Carl Schoenecker, Al Drum; Absent Peggy Johnson Wiessner; Others present: Marshall Reckard, Cathy Weber, Ramona Kubica

In the absence of Secretary Peggy Johnson Wiessner, Chair Dick Hemming appointed Al Drum as recording secretary.

Item 1. Chair Dick Hemming called the meeting to order at 8:32 A.M. at the Presque Isle Community Center.

Item 2. Paul moved, seconded by Carl, to approve the agenda. Motion carried.

Item 3. Paul moved, seconded by Carl, to approve the minutes of May 8, 2018, with one change: Change minutes to show Carl present at that meeting. Motion carried.

Item 5A Old Business: Chair Hemming gave the floor to Ramona Kubica to report on the Carlin zoning use issue. Ramona reported that both attorneys have submitted arguments to appellate court which has 90 days within which to decide the case. Carmen Farwell has information on the arguments submitted. The Carlin water bottling group has also applied to Vilas County Board of Adjustment to hear its arguments requesting the right to load tanker trucks at the Carlin property and transport to the bottling plant. There are reports that the Marenisco plant has two bottling lines planned, one using Marenisco public water as the supply, and a second set to use Carlin water.

Item 4. Chair Hemming then recognized Marshall Reckard for public comment. Marshall referred to Vilas County Article V, "Requirements for Specific Uses". We should read this and think about it.

Item 5B Old Business: Committee action on re-zone of Parcel 022-1080 following May 8 Public Hearing. Al moved, seconded by Carl, to grant the requested zoning change of Presque Isle Tax Parcel #022-1080 from the use category of Forestry, to the category of All Purpose. A wide ranging discussion followed prior to a vote. Paul did not favor the granting of the change, feeling that the applicant did not provide enough information, or understanding of the process, to warrant a change at this time. As a member of the public, Cathy Weber felt that All Purpose might not be a good fit in that location in the Town. Marshall Reckard, as a member of the public, pointed out that our Plan needs two changes before the requested zoning use change for the parcel in question can be finalized: 1) The Plan needs to have the use category All Purpose added, and an obsolete term removed; 2) The Plan needs to have the use mapping changed to show Parcel #022-1080 as All Purpose. In general, Al felt that the applicant did provide all necessary information to the Committee. Dick offered that the applicant's application efforts were sufficient, that all required public notices were issued, and that there was no evidence of negative consequences from the rezone.

Chair Hemming called for a vote. The motion passed, with Dick, Carl and Al voting Aye, and Paul voting Nay.

Item 5C Old Business: Broadband Forward Model Ordinance—Discussion and possible action. This subject sparked lengthy discussion. Paul indicated that we need more information. We should talk to towns that have signed up with the Public Service Commission's (PSC) “Broadband Forward” program. It appears that PSC is not pushing this initiative. Being on the list does not seem to help in getting grants. The town seems to be the prime mover in this program. Whether or not we become a certified “Broadband Forward” entity appears to be unimportant. Paul suggested perhaps our town should have a point person to study this program and to move this program forward. We need to know why we should be certified.

Dick agreed that a point person is needed. He also pointed out that he solved his own lack of internet service himself by installing a satellite receiver.

Cathy agreed with the point person concept.

More discussion followed, with Paul offering to talk to certified towns.

Cathy answered Dick's question about why she is promoting this program by stating she wants to help residents who are presently underserved. and adding that broadband is important to economic development.

Dick didn't see what motion we could make right at this time, and Carl asked if the Ordinance Committee was, or should be, in any way involved. Dick summarized by stating that the Committee would take no action now, and that Paul would make calls to towns as mentioned. The program can be addressed in future meetings.

Item 6A New Business: Changes to the Town's Comprehensive Plan pending action on Parcel 022-1080-discussion and possible action. Marshall began by pointing out that we're actually changing Special Purpose to All Purpose in the Comprehensive Plan; no hearing is needed for this. We're also changing the subject parcel in the Plan from Forestry to All Purpose.

Dick then pointed out that on our next agenda we need to do the following: 1) Change Special Purpose on the Comprehensive Plan to All Purpose; 2) Change Parcel 022-1080 from Forestry on the Plan to All Purpose.

Forrest Jukich then introduced a new subject of New Business not on the agenda. Forrest described a Presque Isle property that had an unsafe building and an owner apparently unwilling to remedy the unsafe condition. Marshall said he would discuss this with the town attorney, and asked if anything in zoning ordinance chapters dealt with this subject. Forrest summarized a chapter discussing the procedure for unsafe properties. Dick asked Forrest to present the case at a regular town board meeting so that the town board can deal with it.

Next meeting is Tuesday, July 10, 2018, 8:30 A.M.

Paul moved to adjourn, seconded by Carl. All Aye. Meeting adjourned at 9:30 A.M.

Respectfully Submitted,

Alan Drum, Designated Recording Secretary



# TOWN OF PRESQUE ISLE

## ZONING COMMITTEE & PLAN COMMISSION

Minutes Regular Meeting, Tuesday, Oct. 23, 2018, 8:30 am

Members Present: Dick Hemming; Peggy Johnson Wiessner; Al Drum; Paul Specht. Public Present: Marshall Reckard; Carmen Farwell; Barb Peck.

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 the minutes of the Aug. 2018 meeting by Al Drum, second by Dick Hemming. All Aye.

Public Comment. Carmen Farwell updated the Committee on developments in the Carlin zoning issue. First there will be no oral arguments in the appeal of the Vilas County Court decision to the Court of Appeals. At this time there is no timeline to say when the Court of Appeals will render its decision. It had been thought the decision would be made within 90 days but that is not happening. Second, the Vilas County District Court has allowed the Carlin Lake Association to intervene in the appeal of the Vilas County Board of Adjustment decision prohibiting the bottling company to take water from Carlin Lake. Lastly, the word is that the bottling company is operating in Marenisco.

Item 5.B Chairman Dick Hemming attended the previous Town Board meeting and presented the committee's recommendation to become a Broadband Forward community. The Board questioned whether the Committee had a recommendation on the point person required by this designation. The Committee agreed this would be the purview of the Town Board and this item will be placed on the next Town Board meeting for a decision. Peggy Johnson Wiessner agreed to contact Cathy Weber regarding this issue.

Item 6.A. The Committee reviewed Sections 902.9.1 and 902.9.4 for possible inconsistency when dealing with lots over 5 acres. Barb Peck explained that inconsistent information was being given by our Zoning Administrator who holds that such lots touching water required zoning committee oversight whereas certain surveyors have bypassed the committee when lots exceeded 5 acres. Al Drum and Paul Specht will work to clarify the town's jurisdiction over such lots and possibly to revise the language of these two sections.

Marshall Reckard asked that the Committee also consider the language of Sec. 902.10.2.1 with respect to non-conforming lots.

Next meeting is set for December 11, 2018 at 8:30 am.

Motion to adjourn by Dick Hemming, second by Peggy Johnson Wiessner. All Aye. Meeting adjourned 10:15 am.

Respectfully submitted, Peggy Johnson Wiessner, Secretary

# TOWN OF PRESQUE ISLE

## ZONING COMMITTEE & PLAN COMMISSION

Minutes Regular Meeting, Tuesday, Dec. 11, 2018, 8:30 am

Members Present: Dick Hemming; Peggy Johnson Wiessner; Al Drum; Carl Schoenecker; Paul Specht (attended via phone). Public Present: Marshall Reckard; Carmen Farwell.

The meeting was called to order by Chairman Dick Hemming at 8:30 am at the Presque Isle Community Building. He began with a moment of silence to honor Jack Harrison, former Town Chairman who recently passed away. Motion to approve the agenda by Al Drum, second by Carl Schoenecker. All Aye. Motion to approve the minutes of the Oct. 23, 2018 meeting by Al Drum, second by Dick Hemming. All Aye.

Public Comment. Carmen Farwell updated the Committee on developments in the Carlin zoning issue. She reminded the Committee that this issue began in March 2015 and gave highlights of developments to the present. An April 30, 2019 hearing is scheduled before Vilas County Judge Nielson to appeal the Vilas County Board of Appeals denial of a conditional use permit for residential property. She noted 70% of the legal fees to date have been paid by 30 Carlin Lake residents and almost every Presque Isle Township lake association has contributed also. She had no knowledge of whether the bottling operation in Marenisco was underway.

Item 5.B. The Broadband Forward issue was once again before the Committee after the Town Board returned it to have the Committee identify the point person and draft the ordinance. Discussion followed regarding qualifications of the point person and whether that person needed to be appointed prior to adoption of the ordinance. Marshall Reckard felt the zoning administrator should be appointed. Dick Hemming reiterated that he was satisfied with satellite service and Paul Specht reminded him that such service is not regarded by the State as filling the need for underserved areas. Peggy Johnson Wiessner noted that in September Committee had recommended passage of the model ordinance to the Town Board and that the only blank spaces needing to be filled in was the name of the Town in several places. Peggy will re-type the ordinance with the blanks filled in and request action by the Town Board at the next meeting. Paul Specht will seek information about who other town's have chosen as the required point person.

Section 902.10.2 Marshall Reckard has asked Paul Specht to revisit this section of our ordinance to determine whether changes were needed in light of NR 115. Paul's analysis confirmed the town did retain jurisdiction over the usage of structures within the shoreland district since Presque Isle had never adopted Vilas County's General Ordinance where uses are addressed. The Committee agreed with Paul's analysis and began a discussion whether the section should be clarified to address both on and off water uses. Since this item was not noticed for this meeting it will be placed on the agenda as an action item for January, 2019

Item 6.A. The Committee reviewed the re-draft of Sections 902.9.1 and 902.9.4 Al Drum submitted. General discussion on the differences between a land division situation and mere boundary line changes and whether a distinction should be made between on and off-water properties. Also discussed was whether the automatic 60 day approval feature when the Town Board does not act is a good one. There

was no motion with respect to this item. The Committee will study the proposed language with a view towards clarifying the issues presented. This item will be on the agenda for action at the next meeting.

Next meeting is set for January 8, 2019 at 8:30 am.

Motion to adjourn by Al Drum, second by Carl Schoenecker. All Aye. Meeting adjourned at 10:03 am.

Respectfully submitted, Peggy Johnson Wiessner, Secretary