



**Marathon County  
Environmental Resources Committee Minutes  
Tuesday, February 2, 2021  
210 River Drive, Wausau WI**

<b>Attendance:</b>	<b><u>Member</u></b>	<b><u>Present</u></b>	<b><u>Not present</u></b>
<i>Chair</i>	Jacob Langenhahn.....	X	
<i>Vice-Chair</i>	Sara Guild.....	X	
	Rick Seefeldt .....		X (excused)
	Bill Conway .....	X	
	Allen Drabek .....	X	
	Randy Fifrick.....	X	
	Arnold Schlei .....	X	
	Dave Oberbeck.....	X	
	Marilyn Bhend .....	X	
	Eric Vogel .....	X	

} via Webex or phone

Also present via Webex, phone or in Room 5: Paul Daigle, Dominique Swangstu, Lane Loveland, Morgan Tollard, Nicole Fehl, Jared Mader, and Cindy Kraeger – Conservation, Planning, and Zoning (CPZ); Jean Kopplin – City-County IT, Jamie Polley – Park, Recreation and Forestry (PRF), Keith Kocourek, Bob Schwei, Greg Saemborski, Ralph Merwin, Tom Radenz– REI.

1. **Call to order** – Called to order by Chair Langenhahn at 3:00 p.m. via WEBEX.
2. **Public Comment** – None.
3. **Approval of January 5, 2021 Committee minutes**

**Motion / second** by Drabek / Oberbeck to approve of the January 5, 2021 Environmental Resources Committee minutes as distributed.

Motion **carried** by voice vote, no dissent.

4. **Operational Functions required by Statute, Ordinance, or Resolution:**

A. **Public Hearings, Review, Possible Actions, and Possible Recommendations to the County Board for its Consideration (County Zoning changes)**

1. Kocourek Properties LLC – F-P Farmland Preservation to L-D-R Low Density Residential – Town of Marathon

Discussion: Swangstu was sworn in and noted the staff report and decision sheet had been included in the packet. Swangstu reviewed the rezone request along with the reason CPZ staff are recommending approval of the rezone request. The Town of Marathon has reviewed the application and recommends denial of the rezone request, stating there is potential for conflict but it appears to be low or minimal.

The conflict is more with allowing smaller parcel when 35 acres is required and land owner has large amount of property.

Swangstu stated the town acknowledges there is a low or minimal potential for conflict with adjacent land uses but the 35 acre minimum is in regard to the Farmland Preservation Zoning district not necessarily all parcels within the town.

The Town also stated the owner has several 40 acre properties that could be used and the applicant overlooked the options he has available.

Swangstu stated any alternatives that would be permitted without the rezone would require the parcel to be at least 35 acres, for many reasons this may not be feasible (due to wetland, easement requirements, additional cost etc.)

The Town also stated no agriculture on site for a number of years the potential was never addressed. Swangstu stated the Town agrees there is no agriculture onsite yet, the potential was not addressed during the meeting therefore they checked disagree.

The Town was stated it is in an area of the town that is more developed but all residents present were concerned about the small lot size.

Swangstu stated all the adjacent properties (in the town) are zoned LDR and are the same size or smaller than the proposed parcel (8+/- acres). There were no comments provided in the town resolution regarding specific goals or objectives in the Town Comprehensive Plan, additionally the

town's current and future land use maps were not referenced.

The Town of Marathon's desire is to retain the town's rural character and the town maintains a board of well informed and diverse members.

Swangstu stated rural character can be interpreted to mean many things, yet the town has and needs to recognize areas of the town they would allow for more development and smaller parcel sizes. The area in question is one of those areas in the town that has an existing cluster of residential parcels along a county highway as well as adjacent to the Town of Rib Mountain.

Tom Radenz was sworn in. Keith Kocourek would like to create a parcel of land for his nephew to build a single family home. Improvements have been made to the parcel and the property would not be subdivided. Radenz disagrees with the Town's disapproval.

Keith Kocourek was sworn in. He stated the property has been cleaned up; the quarry has been restored to a pond and he has no intentions of subdividing the property.

Chair Langenhahn stated the proposed rezone is to go from FP would be inconsistent with the Town Comprehensive Plan. Swangstu discussed the area proposed to be rezoned appears to be consistent with the goal of clustering residential development given the surrounding parcels and their zoning district. The rezone appears to be consistent with the Goal #2 under the Towns Comprehensive Plan Land Use Goals, Objective and Policies given the proposed rezone is consistent with adjacent land uses and zoning districts. The area in question is already consistent with the existing development patterns and is clustered along County Rd N where other Low Density Residential parcels are located. Swangstu stated the area in question has no prime farm soils from group 1 or 2.

There was no additional testimony in favor or opposed to this rezone request. Testimony portion of the hearing was closed at 3:27 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

Action: **Motion** / second by Vogel / Guild to recommend approval to County Board, of the Kocourek Properties LLC rezone request. The Committee determined the rezone is consistent with the Marathon County and Town comprehensive plans, and is located in the Farmland Preservation Zoning District. Adequate facilities are present or will be provided and providing any necessary public facilities will not burden local government. The rezone should not result in any adverse effect on natural areas. The committee made their recommendation of approval based on the information, findings of fact, and conclusions of law as described in the CPZ staff report included in the ERC packet.

Motion **carried** by voice vote 7 yes 1-no.

Follow through: Forward to County Board for action at their next regularly scheduled meeting.

2. The petition of Benjamin & Teri Mandli – L-D-R Low Density Residential to N-C Neighborhood Commercial – Town of Reid

Discussion: Swangstu was sworn in and noted the staff report and decision sheet had been included in the packet. Swangstu reviewed the rezone request of 1.050 acres shown as Lot 2 of the Preliminary Certified Survey Map (CSM) submitted with the petition. Swangstu additionally reviewed the reasoning behind why CPZ staff are recommending approval of the rezone request, citing the rezone standards, requirements, and pertinent site characteristics.

The Town of Reid has reviewed the application and recommends approval without any concerns. Oberbeck questioned how the parking standards would be addressed based on the use.

Swangstu stated the applicant will need to meet all applicable regulations set forth in Chapter 17 as well as all other applicable ordinances and codes. Swangstu also explained that the approval of a rezone does not allow for one specific use onsite, but allows for all permitted and conditionally approved uses within the district. Therefore, the owners of the property would need to meet all the applicable standards for the specific use proposed onsite when and if the rezone is approved.

There was no additional testimony in favor or opposed to this rezone request.

Testimony portion of the hearing was closed at 3:55 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

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Action: **Motion** / second by Vogel / Fifrlick to recommend approval to County Board, of the Benjamin & Teri Mandli rezone request. The Committee determined the rezone is consistent with the Marathon County and Town comprehensive plans, and is not located in the Farmland Preservation Zoning District. Adequate facilities are present or will be provided and providing any necessary public facilities will not burden local government. The rezone should not result in any adverse effect on natural areas. The committee made their recommendation of approval based on the information, findings of fact, and conclusions of law as described in the CPZ staff report included in the ERC packet.

Motion **carried** by voice vote, no dissent.

Follow through: Forward to County Board for action at their next regularly scheduled meeting.

3. Robert & Kelsey Schwei – L-D-R Low Density Residential to R-E Rural Estate Town of Knowlton

Discussion: Swangstu was sworn in and noted the staff report and decision sheet had been included in the packet. Swangstu reviewed the rezone request of 10.0340 acres shown as Lot 2 of the Certified Survey Map (Doc #1423383). Swangstu additionally reviewed the reasoning behind why CPZ staff are recommending approval of the rezone request, citing the rezone standards, requirements, and pertinent site characteristics.

The Town of Knowlton has reviewed the application and recommends approval without any concerns.

Bob Schwei was sworn in and is the owner of the property to construct a garage. The Town of Knowlton preferred to have the property rezoned versus a conditional use permit.

There was no additional testimony in favor or opposed to this rezone request.

Testimony portion of the hearing was closed at 4:13 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet

Action: **Motion** / second by Fifrlick / Drabek to recommend approval to County Board, of the Brian Robert & Kelsey Schwei rezone request. The Committee determined the rezone is consistent with the Marathon County and Town comprehensive plans, and is not located in the Farmland Preservation Zoning District. Adequate facilities are present or will be provided and providing any necessary public facilities will not burden local government. The rezone should not result in any adverse effect on natural areas. The committee made their recommendation of approval based on the information, findings of fact, and conclusions of law as described in the CPZ staff report included in the ERC packet.

Motion **carried** by voice vote, no dissent.

Follow through: Forward to County Board for action at their next regularly scheduled meeting.

4. Public testimony on text amendments changes to the General Code of Ordinance for Marathon County Chapter 17 Zoning Ordinance Code <https://bit.ly/35z5YAm>

Discussion: Swangstu was sworn in and discussed the changes related to the annual text amendments to Chapter 17 – Zoning Code. Swangstu reviewed additional proposed revisions to the draft ordinance that were not included in the draft posted on the county website, as well as discussed the other pertinent revisions. The committee had no questions regarding the summary of text revisions, yet had questions regarding some of the proposed draft language within ordinance. At the previous committee meeting on January 5, 2021 the committee asked CPZ to get additional input from the impacted towns regarding the proposed revisions and use regarding Chapter 17.204 and Chapter 17.301 Special Event and Permitted Temporary Uses and proposed text language that would apply. Staff explained what comments and recommendations they received from the towns, as well as explained the reasoning behind the proposed language set forth before the committee. Once staff were done reviewing the proposed changes they answered committee questions and provided additional input when requested.

Ralph Merwin was sworn in and discussed the history of events held annually. Mr. Merwin explained he was in favor of the proposed language and revisions associated with the special events use.

Greg Saemborski was sworn in and works with the Edgar Steam Show (annual event).

Saemborski was curious to see how the revisions would affect the Steam Show yet after review of

the proposed language at the public hearing it was indicated that the revisions will not negatively affect their event venue.

Supervisor Schlei provided some input and concerns regarding special events in his town (Town of Easton) and explained what issues the town was having with a particular property. The concerns and comments were primarily regarding noise, crowds, and traffic. Yet, staff explained the role of zoning with these events as well as stated the county has had discussions about reviewing and updating its assembly's ordinance (Chapter 12.04) which will address other aspects of these events that are not directly related to zoning. Additionally, staff explained that the towns also have the authority to adopt a town noise/nuisance ordinance if they wish to regulate noise or nuisance within the town.

There was no additional testimony in favor or opposed to the text amendment revisions to the General Code of Ordinance for Marathon County Chapter 17 Zoning Ordinance. Testimony portion of the hearing was closed at 4:50 p.m.

Action: **Motion** / second by Fifrick / Schlei to recommend approval of the text amendments discussed at the meeting and to recommend approval of the draft of the text amendment changes to the General Code of Ordinance for Marathon County Chapter 17 Zoning Ordinance Code.

Motion **carried** by voice vote, no dissent.

Follow through: Forward to County Board for action at their next regularly scheduled meeting.

5. Public testimony on text amendments changes to the General Code of Ordinance for Marathon County Chapter 22 Shoreland, Shoreland-Wetlands & Floodplain Ordinance <https://bit.ly/35z5YAm>

Discussion: Swangstu was sworn in and stated new information was recently received from the WI DNR to be incorporated into the ordinance. Swangstu recommended to have the agenda item postponed to the next committee meeting to ensure the draft ordinance set forth before the committee and County Board incorporates all the required information and updates needed.

There was no additional testimony in favor or opposed to the text amendment revisions to the General Code of Ordinance for Marathon County Chapter 22 Shoreland, Shoreland-Wetlands & Floodplain Ordinance. Testimony portion of the hearing was closed at 5:25 p.m.

Action: **Motion** / second by Drabek / Conway to postpone the text amendments changes to the General Code of Ordinance for Marathon County Chapter 22 Shoreland, Shoreland-Wetlands & Floodplain Ordinance.

Motion **carried** by voice vote, no dissent.

Follow through: Staff directed to bring back the additional text amendments changes to the General Code of Ordinances for Marathon County Chapter 22 Shoreland, Shoreland-Wetlands & Floodplain Ordinance at the next scheduled meeting.

- B. Review and Possible Recommendation to County Board for its Consideration (Town Zoning changes pursuant to §60.62(3) Wis. Stats.)

1. Town of Rib Mountain – William Fischer PIN# 068.2807.104.0004 152307 Starling Lane

Discussion: Swangstu stated the Town of Rib Mountain is town zoned and the rezone petition submitted was intended to change the zoning classification/district from SI Suburban Industrial to UC Urban Commercial for property at 152307 Starling Lane. The zoning change was approved at the town board meeting on December 15, 2020. Although the town is town zoned, County Board approval is still needed per Wis. Stats.

Action: **Motion** / second by Conway / Guild to recommend approval to County Board, of the Town of Rib Mountain, William Fischer PIN# 068.2807.104.0004 152307 Starling Lane zone change.

Motion **carried** by voice vote, no dissent.

Follow through: Forward to County Board for action at their next regularly scheduled meeting.

- C. Review and Possible Recommendations to County Board for its Consideration

1. Updates to the Marathon County Code of Ordinances Chapter 16

Discussion: Polley explained the proposed amendments and recommendations by the Recreation Deputies to clarify and enhance a number of ordinances where questions have arisen in the field over the past year.

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2. Updates to the Marathon County Code of Ordinances Chapter 19

Discussion: Polley explained the proposed amendments and recommendations will better enforce the rules and regulations and provide clarity of the ordinance. The resolution was reviewed by Corporation Counsel and approved by the Marathon County Parks Commission and the Forestry/Recreation Committee approved the revisions on January 5, 2021.

Action: **Motion** / second by Schlei / Guild to recommend approval of the revisions to the Marathon County Code of Ordinances Chapter 16 and Chapter 19 and forward to County Board.

Motion **carried** by voice vote, no dissent.

Follow through: Forward to County Board for action at their next regularly scheduled meeting.

D. Review and Possible Action – None.

5. **Educational Presentations/Outcome Monitoring Reports and Committee Discussion**

A. Department Updates: Conservation Planning and Zoning (CPZ), Parks Recreation and Forestry (PRF) Solid Waste

1. CPZ Strategic Plan Outcomes

a. Progress reports for March

Discussion: Daigle will provide information as to where CPZ is at with the outcomes in the Strategic Plan and what resources might be needed in 2022 to meet the goals/outcomes at the next committee meeting.

2. Report on the Land and Water Plan next steps

Discussion: Daigle and Langenhahn co-presented the powerpoint of the Land and Water Resource Management Plan to the State Land and Water Conservation Board. The plan was approved and will be moving to County Board in February for approval.

3. CPZ Position reclassification request for March

Discussion: Daigle discussed the management team is working with County Board Administrator Lance Leonhard regarding a mini reorganization to dissolve the position of the Environmental Resources Specialist position – Lane Loveland's position to create a Manager position. More information will be coming in March.

Action: **None**.

6. **Policy Issues Discussion and Committee Determination to the County Board for its Consideration** – None.

7. **Next meeting date, time & location and future agenda items:**

**Tuesday, March 2, 2021 3:00 p.m. 212 River Drive Room 5 Wausau WI**

A. Committee members are asked to bring ideas for future discussion

B. Announcements/Requests/Correspondence

8. **Adjourn** – **Motion** / second by Conway / Vogel to **adjourn** at 5:47 p.m. Motion **carried** by voice vote, no dissent.

Paul Daigle, Land and Water Program Director

For Jacob Langenhahn, Chair

cc: (via email/web site) ERC members; County Administrator; Corporation Counsel; County Clerk

PD/cek