



**Marathon County
Environmental Resources Committee Minutes
Thursday, October 3, 2019
212 River Drive, Wausau WI**

Attendance:	<u>Member</u>	<u>Present</u>	<u>Not present</u>
<i>Chair</i>	Jacob Langenhahn.....	X	
<i>Vice-Chair</i>	Randy Fifrick.....		X (excused)
	Rick Seefeldt	X	
	Jim Bove	X	
	Allen Drabek	X	
	Sara Guild.....	X arrived at 3:40	
	Allen Opall		X
	Marilyn Bhend	X	
	Kelly King	X	

Also present: Rebecca Frisch, Paul Daigle, Dominique Swangstu, Dave Decker, Lane Loveland, Cindy Kraeger – Conservation, Planning, and Zoning (CPZ); Tom Lovlien, Jamie Polley – Park Recreation and Forestry (PRF); Perry Peterson; Julie Eilers, Kathy Ross, Tammy Miller, Gary Krueger, Peter Weinschenk.

1. **Call to order** – Called to order by Chair Langenhahn at 3:00 p.m. at 212 River Drive Room 5, Wausau, WI.
2. **Public Comment** – None.
3. **Approval of September 5, 2019 Environmental Resources Committee (ERC) minutes.**
Motion / second by King / Drabek to approve of the September 5, 2019 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. Tim Vreeland on behalf of Perry Peterson – F-P Farmland Preservation to G-A General Agriculture and R-R Rural Residential – Town of McMillan
Discussion: Swangstu was sworn in, and reviewed the staff report, noting that the decision sheet had been included in the meeting packet. Swangstu discussed CPZ staff met with the Town of McMillan Planning Commission on August 26th 2019 to discuss in the rezone petition, the standards, and to educate them on the Farmland Preservation Program/Zoning. Staff discussed the history of the parcel as it relates to the creation of the outlot as well as the standards the Commission and Board should use to make their determination and recommendation. The Commission had noted, the new owner who had recently purchased the property would have bought land he cannot build on which would be unfair. Given the parcel purchased was/is and outlot, the parcels limitations and standards should have been clear considering the outlot restrictions are shown on the CSM. It appears the previous land division creating the outlot may have been conducted in order to circumvent the regulations to create and sell a lot which is smaller than the minimum lot size for the Farmland Preservation zoning district (35 acres). The outlot appears to have been created to be sold and rezoned for residential development. The existing parcel in question is inconsistent with the purpose and definition of an outlot given its proposed use. With the additional information and education from CPZ staff, the Planning Commission and Town Board recommended approval with no additional comments. Based on the information provided, the rezone petition is in conflict with the Town Comprehensive Plan and standards for rezoning from the Farmland Preservation Zoning district, CPZ staff recommended the Environmental Resources Committee recommend Denial to Marathon County Board of Supervisors.
 Peterson was sworn in and explained he would like to build a house and a shed on the property. He trusted the realtor stating it was a buildable lot.
 Langenhahn stated it is not consistent with the Marathon County Comprehensive Plan, Town Comprehensive Plan and Marathon County Farmland Preservation Plan.
 There was no additional testimony in favor or opposed to this rezone request. Testimony portion of the hearing was closed at 3:28 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.
Action: **Motion /** second by King / Drabek to recess the rezone request for one month of the Tim Vreeland on behalf of Perry Peterson rezone request.
 Langenhahn called for a vote to the motion.
 Motion **failed** by vote 2 yes, 4 no.
 Discussion occurred regarding withdrawing the application. Langenhahn stating substantial things would have to change for this rezone to happen.

Action: **Motion** / second by Bove / Seefeldt to deny the rezone request of Tim Vreeland on behalf of Perry Peterson based on the rezoning is not consistent with the Marathon County Comprehensive Plan, Town Comprehensive Plan and the Marathon County Farmland Preservation Plan and the location of the proposed development does not minimize the amount of agricultural land converted and will substantially impair or limit current or future agricultural use of other protected farmland.

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

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

2. Gary Krueger, Krueger Surveying LLC, on behalf of Roger Ross and Verlyn Ross – G-A General Agriculture to R-E Rural Estate – Town of Rib Falls

Discussion: Swangstu was sworn in, and reviewed the staff report, noting that the decision sheet had been included in the meeting packet. The requested rezone is to create a parcel approximately 5 acres in size separate from the parent parcel. There has been no proposal to develop the proposed parcel in question, yet the approval of the rezone and subsequent land division would allow for residential developed and/or for the area to be attached to the existing R-E parcel to the east. The Town of Rib Falls has reviewed the application and recommends approval without any concerns.

Kathy Ross was sworn in and explained the rezone request as mentioned above.

There was no additional testimony in favor or opposed to this rezone request. Testimony portion of the hearing was closed at 4:02 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

Action: **Motion** / second by Seefeldt / Bove to recommend approval to County Board, of the Gary Krueger, Krueger Surveying LLC, on behalf of Roger and Verlyn Ross rezone request. Committee determined the rezone is consistent with the Marathon County and Town comprehensive plans, and is not in the Farmland Preservation Plan. Adequate facilities are present and providing public facilities will not burden local government. The rezone should not result in any adverse effect on natural areas. Motion **carried** by voice vote, no dissent.

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

3. Re-open Tammy L. Miller (Kiedrowski) G-A General Agriculture to R-R Rural Residential – Town of Elderon pulled from 6-20-19 County Board Agenda

Discussion: Swangstu was sworn in, and reviewed the staff report, noting that the decision sheet had been included in the meeting packet. On May 7th, June 4th, August 6th and September 3, 2019, the Town of Elderon Town Board met and recommended denial of the rezone request, wishing to adhere to nothing less than a 5 acre minimum lot size. At the first committee public hearing June 6th, 2019 staff recommended approval and the committee, with a split vote recommended approval to the County Board. The rezone application was subsequently pulled from the County Board Agenda. The committee reopened the public hearing on July 2, 2019 and recessed the hearing, giving the applicant the ability to work with town to find a solution. The applicant has met with the town since July and the town has submitted the latest recommendation of denial as shown in the posted packet. The rezone criteria and “Standards for Rezoning” [application section #4 (A through I)] have been addressed and met. However, the Town of Elderon has recommended denial and has concerns with the proposed rezone and subsequent land division due to the proposed parcel size of only 2 acres. According to the resolution provided by the Town to the department, the town board wishes to adhere to nothing less than a 5 acre minimum lot size. Furthermore, the town has supplied the department with a document which appears to be an amendment to a possible land division ordinance that may have previously been in effect. The department is unsure of the validity of the Towns claim to have a legal land division ordinance, nor has the town been able to supply the original ordinance/document to the department. Considering Wis. Stats., 59.69(5)(e)(3) and the Marathon County Zoning Ordinance as it relates to a towns recommendation and official resolution, the options available to the committee are to, recommend disapproval to the County Board or, recommend approval with change to the County Board.

Based on the information provided, CPZ staff recommends the Environmental Resources Committee consider recommending approval with change to the Marathon County Board of Supervisors to rezone 5 acres or more, which would be consistent with Wis. Stat. 59.69(5)(e)(3) and Marathon County Zoning Ordinance. The area to be rezoned with change was identified through an Exhibit Map and legal land description supplied at the committee meeting, noting a motion to approve with change would reference the 5 acre legal description. By recommending the approval with change, the rezoning would reflect the wishes of the town as it relates to the 5 acre minimum, and would still be consistent with the standards of the Marathon County Zoning Ordinance.

The applicant would be responsible to work with the town on the question of the town's minimum lot size and town's land division "ordinance".

Swangstu distributed Exhibit Map for a 5.0 acre area being proposed for rezone that was submitted to the department. Decker discussed the difference between the 5 acre area being rezoned and the 2 acre area on the proposed Certified Survey Map awaiting CPZ approval.

Miller was sworn in. Miller requested the Land Division Ordinance from the Town and has not received it. Miller discussed 11 rezone requests from the town.

There was no additional testimony in favor or opposed to this rezone request. Testimony portion of the hearing was closed at 4:34 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

Action: **Motion** / second by Guild / Seefeldt to recommend approval with change to rezone 5.00 acres as shown on the Exhibit Map and Legal Land Description supplied at the October 3, 2019 meeting to County Board, of the Tammy L. Miller (Kiedrowski) rezone request. Committee determined the rezone is consistent with the Marathon County and Town comprehensive plans, and is not in the Farmland Preservation Plan. Adequate facilities are present and providing public facilities will not burden local government. The rezone should not result in any adverse effect on natural areas. Motion **carried** by voice vote, no dissent.

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

With the consent of the committee the agenda items were reordered.

6. **Policy Issues Discussion and Committee Determination to the County Board for its Consideration**

A. Review of proposed language for Land Division Code Ordinance, Chapter 18

Discussion: Decker discussed the memo of the proposed policy revisions related to the Land Division Code including private roads and minimum lot size. Committee discussion occurred relating to the one acre minimum parcel size for developments served by POWTS in towns with no zoning. Decker stated there are exceptions to this one acre minimum and the proposed language will allow lots to be created under 1 acre that are preplanned.

Consensus to move ahead to contact surveyors and hold public hearing in the upcoming months.

Langenhahn was dismissed and Guild chaired remainder of meeting.

4. B. Review and Possible Action to the County Board for its consideration (Town Zoning changes pursuant to §60.62(3) Wis. Stats.)

1. David & Julee Jones - Town of Mosinee zone change

Discussion: Swangstu presented the Town of Mosinee is independently zoned and submitted a request to rezone a portion of their property from commercial to residential with a property address of 217544 County Rd KK, Mosinee. The zone change was approved at the town board meeting on August 12, 2019. Although the town is independently zoned, County Board approval is still needed.

Action: **Motion** / second by Seefeldt / Drabek to recommend approval to County Board, of the Town of Mosinee request for zone change. Motion **carried** by voice vote, no dissent.

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

2. Florian & Joyce Ahles – Town of Mosinee zone change

Discussion: Swangstu presented the Town of Mosinee is independently zoned and submitted a request to rezone their property from M1 Commercial to AG residential A1 with a property address of 217875 State Highway 107, Mosinee. The zone change was approved at the town board meeting on August 12, 2019. Although the town is independently zoned, County Board approval is still needed.

Action: **Motion** / second by Seefeldt / Bove to recommend approval to County Board, of the Town of Mosinee request for zone change. Motion **carried** by voice vote, no dissent.

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

5. **Educational Presentations/Outcome Monitoring Reports**

A. Nonmetallic Mining Reclamation proposed ordinance update

Discussion: Loveland discussed the memo of the proposed policy revisions related to the Nonmetallic Mining Reclamation Code of Ordinance. CPZ held an Open House on October 1st. Two operators attended the open house with no concerns and a public hearing will be held in November.

Action: **None**, for informational purposes only.

Follow through: Public hearing will be held on November 7, 2019 at 3pm Room 5.

B. Review of proposed Policy Revisions to Marathon County Forest Comprehensive Land Use Plan Chapters 100-300

Discussion: Lovlien discussed the first 3 Chapters of the edits to the Marathon County Forest Comprehensive Land Use Plan. Lovlien will plan on meeting with the Committee quarterly to discuss the future chapters. The plan will be approved by the Committee next fall.

Action: **None.**

C. County Board Chairman letter to DATCP: ATCP 51 Comments Livestock Facility Licensing

Discussion: Daigle discussed the DATCP: ATCP 51 letter that was included in the meeting packet regarding commenting on the rule in order to improve the siting process.

Action: **None**, for informational purposes only.

Follow through: CPZ will report any updates and how it will impact Marathon County.

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

1. Community Survey results

Discussion: Polley discussed the draft survey results from the 1,194 individuals of whom participated in the Community Survey which was included in the meeting packet.

Action: **None**, for informational purposes only.

2. October 10- County Forest Tour

Discussion: Lovlien discussed the October 10 County Forest Tour still has availability. Please contact him before Tuesday October 9 if interested.

Action: **None**, for informational purposes only.

CPZ

1. Wildlife Damage Program update

Discussion: Daigle discussed Marathon County continues to administer the Wildlife Damage Program and that an annual report from USDA Wildlife Services has been requested and will be include in a future agenda packet.

Action: **None**, for informational purposes only.

6. Policy Issues Discussion and Committee Determination to the County Board for its Consideration

B. Legislative and Budget Report: current and future legislative initiatives, DATCP public hearings

Discussion: Loveland distributed the legislative report. CPZ will monitor the federal budget and update the Committee of any impacts.

Action: **None**, for informational purposes only.

Follow through: CPZ will continue to monitor legislative actions.

7. Next meeting date, time & location and Agenda items:

Thursday, November 7, 2019 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

- Bove distributed the Dairy Nonprofit article for members to read and consider

8. **Adjourn – Motion** / second by Drabek / King to **adjourn** at 5:50 p.m. Motion **carried** by voice vote, no dissent.

Rebecca Frisch, CPZ Director

For Jacob Langenhahn, Chair

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