

**LANGLADE COUNTY
WATER AND LAND USE PLANNING COMMITTEE
RESOURCE CENTER, 837 CLERMONT STREET
ANTIGO, WI 54409**

Minutes of Meeting, Tuesday, March 31, 2015 at 3:30 P.M. in the Wolf River Room, Langlade County Resource Building, 837 Clermont Street, Antigo, WI 54409.

1. Meeting called to order at 3:30 P.M.
2. The Committee recited the Pledge of Allegiance.
3. Roll Call: Present: Mike Klimoski ABSENT
Don Scupien ABSENT
Ronald Nye
David Solin
Dick Schuh

Also Present: Duane O. Haakenson, Director

Motion by Solin, seconded by Schuh to excuse the absence of Klimoski and Scupien. All voting aye, motion carried.

4. Approval of meeting minutes for February 24, 2015. Motion by Solin, seconded by Schuh to approve the meeting minutes for February 24, 2015 as mailed. All voting aye. No nays. Motion Carried.
5. 4:00 P.M. Public Hearing pertaining to Petition for Zoning Amendment #959 by Water & Land Use Planning Committee, Michael Klimoski, Chairman. To consider amendments to Chapter 17, Zoning Ordinance for minor revisions and clarifications of code language, and to add language for mobile tower siting to be in compliance with Wis. SS 66.0404. See public hearing minutes.
6. UDC deposits/fees/permits:
 - a. Haakenson, here is a copy of the proposed addition to the UDC Agreement. We are looking for the committee approval to handle the deposit agreement slightly differently than previously. As you recall in November or December I came to the committee because we still had deposits hanging out there 5 years or longer and we wanted to start getting rid of those, because Gary didn't want to hang onto that money forever. At that point and time we realized we needed to develop a better procedure for doing this. So we have come up with the procedure that they would put down a deposit, the permit is issued for 2 years, after that they can get a renewal which would extend it for another year. Right now we have 4 years and if they didn't get a renewal they would lose their deposit. This would be 3 years, and if they didn't have a valid renewal they would lose their deposit. I would leave it open they could still appeal it to the committee if there was unforeseen circumstances to prevent them from completion. For the most part we would hold them to this. When we increased the amount of the deposit we got better compliance, so also for the ones hanging out there that Duff hasn't been able to get compliance or issue the certificate of occupancy, this provides better incentive to get things done.

- b. Nye: What determines the \$1,000 or \$750 fee?
- c. Leaver: \$1,000 is for residence, \$750 is for non-stick built residence.
- d. Nye: Do you have quite a few hanging out there right now?
- e. Leaver: Yes, there are some over the 3 year mark. The way it works now is if I do go back and renew them it gives them another 2 years without putting another deposit down.
- f. Haakenson: It just becomes a paperwork nightmare for both Duff and our office trying to keep track of all this for years and years. This gives incentive to get it done. If they don't finish within the 3 years there are people that just forget about Duff's inspections. If they come back in at a later date and say now I have to have this done, then they have to start over, with a new permit and new deposit. That way we aren't keeping track of someone's money for years without getting the funds.
- g. Leaver: 3 years seems like a fair amount of time to get these projects finished.
- h. Haakenson: So I am looking for a motion from the committee that would establish the deposit agreement as presented from this point forward. When they get their permit packet they will get this and it will be told to them up front and in writing. Keep in mind whenever we do fees/deposits etc, those are set by the committee so we don't have to change our ordinance every time we want to change something in regards to that.
- i. Nye: This would go into effect as soon as we pass it?
- j. Haakenson: We wanted to get it into place for this construction season. I think we are still in line to do that. He has had a couple permits so far.
- k. Leaver: Mainly from contractors who are known to complete projects within 2 years.
- l. **Motion** by Solin, seconded by Schuh to approve the UDC Construction Deposit Agreement as presented. All members present voting aye. Motion Carried.
- m. Haakenson: We are still on #6 because I included permits also. The reason being Duff is getting involved with people who are changing the use of a building. For instance I just got a call from a guy that bought a restaurant in Parrish who wants to develop it into a residence. From our perspective, if he's not doing anything externally, he doesn't need a zoning permit. However, if someone is using it as a residence it should be protected by our building code. Another example, is the guy that completely guts a residence out and starts over. In the shore land areas we have a protection with the 25% structural members. So you can only take down one wall and not all walls and rebuild it. But the non shoreland areas we do not. Right now our UDC ordinance states "if the project is exempt from the requirement of a zoning permit pursuant to Chapter 17, it is exempt from a building permit." In the unzoned towns, Chapter 17 doesn't apply because they are not under our zoning ordinance, so Duff is under state code, so he can do what he wants, in the zoned towns he needs to be more careful because the county may be issuing a permit and

he is. So in these cases we need to be on the same page or we can get into sticky situations.

- n. Leaver: We are talking about residential aspect, but we will also bring up the commercial aspect as well. For the residential ones when I go to a place, for example Post Lake they were adding onto an older house on the lake, I go inside and the whole place is gutted, no plumbing, electrical, the whole thing is torn down to the studs. Right now we aren't requiring any building permits for that, and I get the impression when I walk into a situation like that that I should be doing an inspection. It's not that I am looking for extra work, but we are leaving it to the owner that they are putting in all the safety things while they have the whole house gutted and rewired. Right now we don't require a permit on that. I want to bring it up again to get your opinion on it.
- o. Haakenson: Recently in the town of Antigo he got called from the town asking about a commercial place and what is going on there. Duff won't be inspecting commercial stuff, but he would check to make sure they are getting the proper state approvals.
- p. Solin: What if they just gut one room, what is the deterring factor between one room and the whole house?
- q. Haakenson: We don't need a decision today, but what we are looking at is the possibility of redoing some of the language in the UDC code in the future. When I read this about building permits, some of this isn't clear on when it applies and when it doesn't. I made the leap that if you take the literal sense of this, the project is exempt from the requirement of the zoning permit, it's exempt from a building permit, so someone from an unzoned town could argue that I don't need this at all. But I have made the interpretation that it says, "pursuant to Chapter 17" so they have to be under county zoning for that provision to apply. What we would like to do is revisit the UDC code and get some of this stuff that is more black and white. We are also running into that definition of what's a residence and what's not. So we may look at that the same time as well. Duff and I spoke on a couple different things, because banks and insurance companies are becoming more picky and they want documentation that this stuff is ok. We just got into one that burnt down that Duff and I are both dealing with and the insurance company wants statements to the effect that can they just repair it or rebuild it. It needs to be more concrete which would protect Duff. If some of this is unclear as to where he has authorization and where he doesn't, will be the first thing that will be picked apart on if this ever goes to court.
- r. Nye: Did the BOA ever go back to the place on Post Lake that had a bedroom in it?
- s. Haakenson: That's exactly why I didn't want to bring that into the revisions that are going through today. I wanted to have that hearing in November. Last year in November the BOA didn't meet so that is still hanging out there going into this season. If we would have changed our definitions in the middle of that and the meeting would have gone in a bad direction and we ended up in court, the attorney would have picked up on us changing the ordinance in the middle of this case and accuse us of picking on their client. I talked with Robin about it and explained we have to take care of NR15 next year or so and I want to see how that case plays out. It will give us more direction where to go with what the board decides with that case.

- t. Nye: Would that also apply to places where I heard one guy comment that he was going to put up a garage this summer, call it a garage and use it for a hunting cabin.
- u. Haakenson: We have had people do that for years, but typically they end up paying for that down the road more than if they are honest and do it right up front are better off than the people that try to get away with it. They end up spending more to get it back into compliance.
- v. Leaver: It is a hard one to police. Some do it deliberately, and some do it with the intention of using the space as a game room, but they could sell it down the road and the people that buy it could eventually use it as residence space.
- w. Haakenson: We are sticking by that it is being used for sleeping quarters because we don't want to take away the right of the person who just wants a work shop with a sink or take a shower because he doesn't want to go in the house and get it dirty. As long as they have a septic and proper plumbing facilities we don't have a problem with that. We do have a lot of people who are honest and upfront about it. You are never going to prevent the guy who is going to lie right from the beginning and do it how he wants no matter what your definition is and how you handle it.
- x. Nye: When are you looking to get this back to us.
- y. Haakenson: I am looking at late fall to early winter (November – January) to bring this to you. I have to get this completed, then the A-1. The target to get A-1 is September, I don't want that to drag out too late in the year because it needs to be completed this year with no exceptions. We may be able to couple this with the tweaks we need to do with NR15, and we could send it all to the County Board at the same time in the spring of 2016. For the shore land items that wouldn't take effect until 10/1/2016, which is our compliance date for that. I am trying not to go to the county board all the time, because they will wonder why I keep changing stuff. In reality it is because the state keeps changing stuff. It's state mandates. I just found out today that the woman handling the Wisconsin Fund applications is already gone in Madison. Her hours got cut to 20 so she left. So there is no one in place to handle this program with little likelihood of it staying in place.
- z. Nye: What is the Wisconsin Fund?
 - aa. Haakenson: Wisconsin Fund is the grant that we administer to pay for rehabilitating private sewage systems. This year we have 5 applicants, and from what I am hearing, they won't be getting any money.
 - bb. Nye: I take it that the consensus of the board would be to let Duane and Duff come up with a process for the first part of the year to clarify this.
 - cc. Haakenson: I need a time frame that we would look at this between November and January. I will bring the proposal to you, and then go to public hearing possibly in January.
 - dd. Nye: I want to back up here and ask if the deposit of \$1,000 and \$750 is enough?
 - ee. Leaver: It has already made quite a difference because it used to be \$750 and \$500. I think the situation with the 3 year will really help out because if they don't get

the project done within 3 years then they are looking at forfeiting that original \$1000 and coming up with another \$1000 and another building permit fee for 2 years. So I think it will be motivation right there. The contractors will usually have a project done within 2 years.

- ff. Haakenson: If we change it right now going into the construction season, the people will be upset, but we could look at it later this year for next year.

7. GIS Intern position:

- a. Tlusty – The funds will come out of the retaining fees which the Register of Deeds collects. It cost \$30 to record a document with the ROD, money is earmarked by statute, some of that fee stays here, part of it goes to Madison. The money that goes to Madison gets distributed back to counties that don't collect \$100,000 in fees at the ROD. Last year we collected \$35,000 in fees, so to get us to the base level of \$100,000 we will be getting back \$65,000 from the grant account. Also, there is money in the retained fees account, which are funds kept locally which doesn't go to Madison, which is earmarked for Land Record modification. That account currently has approximately \$30,000, which is the account we used to take Amy's salary out of but since she moved to the property lister position and doesn't do the mapping any longer we can't take her salary out of that. On the sheet you can see \$64,528 is listed as income for the year. Above that are all the anticipated expenses for the year including finishing all of the parcel mapping. Town of Summit was billed and paid \$8,309, I have projected expenses for Parrish, Evergreen, Langlade and Price. If we spend all that right now, we still at the end of the year would have \$64,528 in that account, plus whatever is in the retained fees account. So we have plenty of money to support the position.
- b. Haakenson: I handed out a position description which I developed with the help of Dave, and Andy Faust from Regional Planning reviewed it. Andy recommended we do an intern first before we brought in a full time person. Gary ran a fiscal note for me for the cost to create the GIS Casual Employee position. The cost from August to December (August is the time we were thinking of beginning the position) at \$15/hr for 28 hr work week is \$10,991. We would keep that person for the month of January and the cost for January would be \$2,005. The cost for the position for 6 months is \$13,000. If you approve this today, we will take it through the Finance Committee and then the Executive/Personnel. If it goes through those committees we would take it to the full county board. I am sure somewhere along the line we will get the questions why are we taking it out of the Register of Deeds funds for a position in Land Records. That money is earmarked for counties to develop a GIS. If you look at adjacent counties most of them already have the full blown GIS. We are trying to get there.
- c. **Motion** by Solin, seconded by Schuh to approve creating a GIS Intern Position, with funding from the retained fees account as discussed. All members present voting aye, motion carried.

8. Update on zoning, sanitary, real property listing, land division, and surveying activities:

- a. Enforcement Update:

- b. Activity Update. Haakenson: It appears that we are going to have our shoreland protection specialist back for a 2nd season. Tyler Betry is in that position now and I have brought him in a couple times over the winter and will bring him back at least on a temporary basis soon. We have not heard anything on the Lake Protection Grant if we are getting it or not. We have enough funds to get us through this year for that position right now. Marathon County is looking at having him do a special research project on lakes over there in the fall. So they have asked if they can use him for a day or two a week. I am thinking it will work with us ok, with the fall months slowing down. We sent out an announcement for the Lumber Jack terrestrial invasive species position. That is not a county position but it still administrated out of our office, but they are paid for and hired by Lumber Jack. Chris Arrowood was in that position for 2 years. He did all the inventory for us. We now have one of the best inventories in the state. He moved on to the TIP Coordinator which is a multi-county position, but he is going to help us select a new person and also train them, which will save Dave and myself a lot of time. Even though most of the GPS is done, we still need to do the documentation when the eradication is done, so we need to document where these sites are and it is done by GPS location.
- c. Tlusty: We signed up for the aerial flight for this year. I will start setting targets tomorrow for ground control, they said they may be flying this weekend. These targets will ensure they have the photo spacially correct. All of their mapping is based on coordinated points in the field, so the air photo needs to be based on the same coordinate system.

9. Motion by Schuh, seconded by Solin to adjourn meeting at 4:30 P.M. All voting aye. No nays. Motion Carried.

Don Scupien (absent)
Secretary

Duane O. Haakenson
Director Land Records & Regulations

Cc: WLUPC
County Clerk
Parties Involved