

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

Minutes of Meeting, Tuesday, May 23, 2017 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: Ron Nye
Don Scupien
Julie Webb
Duff Leaver
Dick Schuh

Also Present: Duane O. Haakenson, Director
4. Approval of meeting minutes for May 9, 2017. Motion by Schuh, seconded by Leaver to approve the meeting minutes for May 9, 2017 as mailed. All present voting aye. No nays. Motion Carried.
5. Public Comment: None
6. 4:00 Petition for Zoning Amendment #985 by Mike Griese, applicant, 409 Columbia Ave., Green Bay, WI 54305 FROM: FORESTRY W/FP TO: AFR Land as being Part of the SW SW SEC 5, T34N, R11E EXC RR R/W, being approximately 1 acre as described on site map (Parcel #008-0745), Town of Elcho. See public hearing minutes.
7. 4:30 Petition for Zoning Amendment #986 by Janet & Sarah Dinsmore, applicants, Silver Springs MD, Ron Welnetz, Agent, 816 Superior St, Antigo WI 54409 FROM: FORESTRY TO: COMMERCIAL Land as being Part of all that part of Govt. Lot 5, Sec 11, T34N R11E bound on N by Hwy K & W by Tn Rd EXC E 5 acres and lands Conv in V138 P357, being 5.74 acres as described as Lot 1 on site map. (Parcel #008-0878.001), Town of Elcho. See public hearing minutes.
8. Review POWTS and Zoning Ordinance Revisions with Corporation Counsel.
 - a. Haakenson: As a review of the May 9th meeting. The committee requested Robin to attend the next meeting. We had talked about the language in the POWTS Ordinance instead of the Zoning Ordinance and consider change in requiring septic for campers/RV's on lots less than 2 acres. You also brought up the fact of density. I don't like density because of the enforcement issues. Unless you have a current survey, and a lot of cases you don't know how large the lot could be. The language to address this would be in the POWTS Ordinance. It states on "vacant properties be required to obtain

a sanitary permit and install a private onsite waste water treatment system if the following apply: i. More than 1 camping unit capable of generating domestic wastewater is located on the property (i.e. recreational vehicle or camper trailer); and ii. The property is less than 2 acres in size.”

That way it takes out the “was it there so many days”. If we go on the property and see two campers there, we can enforce they get a sanitary permit and install a system.

b. Leaver: For just one camper? Or more than one?

c. Haakenson: That is the way to do the density. We can do it without that, I am just throwing out suggestions.

d. Webb: In relationship to my area it wouldn't take care of any, maybe 2 or 3 of the lots.

e. Leaver: I thought it was going to be just one camper for more than 30 days would need a septic system.

f. Stowe: Whatever regulation you have you want it “easily” enforceable. When you go with these durational, you get what is the intended use, and we get into problems when you get to court and the property owner is saying I don't use it for that, and where is the proof it's been in this location for so many days, etc.

g. Leaver: I didn't know that density was even as issue.

h. Haakenson: That's what we talked about last time, when Stillman was there saying there were two right next to him. With just zoning regulations we have no control of the number until there are too many where it would constitute a campground.

i. Nye: When a camper has been on a property for longer than 30 days, say years, and we implement this, are they grandfathered?

j. Stowe: One of the traditional concepts for zoning regulations is the concept of grandfathering and you see it in a lot of these codes which create these non-conforming situations. We have to keep in mind we are not using the county “zoning” authority for this, we are using Chapter 145 which is the sanitary code. Which gives us some flexibility in defining what the structure is. We are redefining structure for the purposes of POWTS. The plan is not to grandfather anyone under this. As a general rule under zoning authority when you set a standard and then change that standard, and you complied with it at that period of time, it is a grandfathering concept. It becomes a nonconformity which may be subject to some additional restrictions. We didn't do that with our junkyard ordinance. My argument would be under this authority is that it is different. We are not zoning this, it's a sanitary requirement. There is more of an immediacy of a health issue. Looking at some of the other counties it looks like they have done the same thing where they redefine structure to include RV's, campers with that requirement. One thing I don't like in some of the other counties is when they define structure they talk about temporary intermittent structures they tie to the intent for human habitation. I like the wording we're connecting it to where it's any structure capable of

generating domestic wastewater. Regardless if you are using it or not, if that structure is capable of creating wastewater then you should have a sanitary system, and that puts it back into the sanitary regulation.

k. Haakenson: We're not ready yet with structures because we are also dealing with the definition of structure by the state under the shore land rules which is in direct conflict with our structure definition in the general. So we may have to keep them separate at this time.

l. Arrowood: We have 3 different definitions for structure: one for zoning, one for shore land zoning, and one for POWTS. So it is my hope that at least the definition for zoning and POWTS can be redefined to the same, and a separate one for shoreland as the state has their definition for that.

m. Haakenson: We will need a disclaimer under the general definition to "see the shoreland definition" So if someone is looking at the ordinances out in the internet at least that is brought to their attention.

n. Stowe: Oneida County defines structure in their POWTS as these camping trailers, RV's which can require a sanitary permit. They also have a separate section just on RV's with a separate definition. What they say is it has to be "used" for more than 5 consecutive days, and you have to obtain a sanitary permit. However, those are more difficult to enforce.

o. Leaver: If someone has a camper and they move it every 30 days, they won't have to comply with this?

p. Haakenson: With what we are proposing is, if it is there they can't use that argument.

q. Stowe: If you go down to the one camper and that property size, one camping unit on a parcel that is 2 acres or less in size, this would apply.

r. Haakenson: If they are there on the weekend and in and out, this won't apply.

s. Nye: Jeff, if I own a 2 acre parcel and bring my camper up for a weekend do I need a fire number?

t. McKinney: No, we only issue numbers for permanent structures.

u. Stowe: Is there a specific definition in our numbering ordinance that talks about residence?

v. Haakenson: I don't think it's an ordinance, I think it's a policy.

w. Leaver: Do we want to give them permission to keep a camper year around?

x. Arrowood: Zoning is stopping them, this is just in POWTS, this is saying if they are having more than one camper there they need a POWTS system and they still need to move it every 30 days as well.

y. Nye: So what is the next step?

z. Haakenson: We need direction before we draft the rules, I think we are heading in the right direction. I would like to come up with an initial draft by mid June, send it to you for review and we can discuss it further at the end of the month. In the next couple of weeks if Robin has a chance to do the research, I will send the information to him.

aa. Stowe: Ultimately it is a public hearing, and the county board adopting an ordinance, publication etc. Rick Parilek invited me to attend the next Towns Association meeting, I can add this to the list and if Duane could be there also we could update them. This has been a work in progress for some time. What is the goal we are trying to accomplish?

bb. Nye: It started with the guy at Post Lake complaining about all the camping trailers, he can't get a car or ambulance through if necessary. We can't just go with the shoreland lots. Neighbors complaining about 3 or more campers on one lot and partying until late hours, depreciation in values, etc.

cc. Stowe: I am looking at the standpoint if I owned a camper, you have to store it somewhere, if you are going to use it for camping going to public or private campgrounds, you have to be careful about the distinction that you own this piece of property and your ability to camp on your property. So what is the distinction on how to handle the waste water vs this. Our concern is it is possible to generate waste water from a temporary structure. I want to know what we are trying to accomplish.

dd. Leaver: I think we were trying to figure out a way to enforce the 30 day rule. They are still going to leave them there longer.

ee. Stowe: We don't want to see on small parcels that camping unit there year around.

ff. Haakenson: We don't want to see more than one because that causes congestion.

gg. Webb: I've walked around our little subdivision and I have counted over 50 campers. I don't live in a campground. I put a home in, and all these campers just kept moving in. There are 5 plus campers on one lot. Where is the waste going? One of my neighbor ladies had some of her neighbors with campers dump the waste on her property.

hh. Nye: Another thing you want to consider is, say I have a camper and people come up to visit and stay in my camper for a few days, which should be ok.

ii. Leaver: I think this will anger people.

jj. Stowe: As you go through this process this is something you need to ask yourself.

kk. Nye: We have to start somewhere.

ll. Webb: Not every town has this problem. My town does because we had two campgrounds close down. I like the wording of one camping unit on less than 2 acres. Not more than. If they are going to have it there year around, they need sanitation.

mm. Nye: My feeling is we go with one camper, you work on some kind of ordinance, we come back together and fine tune it.

nn. Stowe: If you have a RV as part of the sanitary permit is there some other kind of system less than the standard septic system you can apply for or have in that situation?

oo. Arrowood: According to DSPS 383 It is allowable for transfer tanks inside the RV's, but that is why we need to amend the language in the POWTS ordinance to make it deal with the property vs the structure. Right now it's structure targeted, we need it to stick with the property, otherwise the transfer tanks they have inside the campers will be just fine and this won't apply to them at all.

pp. Stowe: So they still apply for a permit but if you have the transfer tank that would be ok, but it doesn't solve the problem because they will still be there

qq. Haakenson: If I call other counties and ask them about this subject I get a laugh and they don't want to talk.

rr. Nye: One camper 2 acres vacant lot. Anything else you want Duane?

ss. Haakenson: No, that's good enough for now. We'll keep coming back to fine tune this.

9. Wisconsin Fund legislative update in regards to the budget bill: On May 16th I received an email stating last Thursday the Joint Finance Committee on a 12/4 vote adopted ongoing funding for the Wisconsin Fund Grant Program through June 30, 2021. The Wisconsin Fund program is administered by the state and it helps low income people replace septic systems when they have to. Applications around the state are down because the counties would not promote them because they were afraid there was not going to be money in the program. You could recommend I do a resolution for the county board in support of the program. There were a number of emails that came after this and some of the counties are doing resolutions because they are afraid the governor may veto this, because the people in Madison are saying applications are down anyway.

a. **Motion** by Leaver second by Schuh to have a resolution in support of the Wisconsin Fund for County Board. All voting aye, motion carried.

10. Discuss equipment purchases for department, for informational purposes. Haakenson: The receipt printer we have been using for many years is old and obsolete. We recently had problems again. We had talked about replacing it a year ago and we wanted to utilize

the forms for it. It has come to the point where we need to replace it, and we will replace it with a laser printer so we can use regular paper and not the costly continuous forms. Sue is working on a price. Gary said we don't have to take it to committee but I would like to keep you informed.

11. Director's Report:

- Joe recently assisted Forestry with Arc map applications and Eric had commented he was very pleased with the help he had gotten from Joe.
- Early in May I had a meeting on the Hermolin/Belongia property at the Forestry Dept.
- We had an issue with ADC on the county website (the company for the GIS server) we had several calls from the public for a couple days on problems with the GIS
- Chris was on the breakfast club
- Dave has been busy with 4 PLSS projects and prepared a packet and reports and invoices for Forest County. We need Forest County to pay their share so we can pay bills.
- Amy went to the Real Property district meeting in Florence County
- Jeff had 2 public hearings with the BOA hearing
- Molly was on the Breakfast Club for Conservation and cost share.

Motion by Schuh to accept the Director's report, seconded by Leaver. All voting aye. Motion carried.

12. The Next meeting date will be June 27, 2017 at 3:30 P.M.

13. Motion by Schuh, seconded by Webb to adjourn meeting at 5:15 P.M. All voting aye. No nays. Motion Carried.

Julie Webb
Secretary

Duane O. Haakenson
Director Land Records & Regulations

Cc: WLUPC
County Clerk
Parties Involved