



Polk County Land Information Department

Zoning | Planning | Mapping | Surveyor

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Balsam Lake, WI 54810

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Sara McCurdy, Director

Land Information Committee

Wednesday February 17th, 2010 – 8:00 a.m.

1st Floor **COUNTY BOARD** Room – Polk County Government Center
100 Polk County Plaza, Balsam Lake, WI 54810

AGENDA

(A quorum of the County Board may be present)

Call to Order

Election of Officers – Vice Chair

Approve Agenda - Action

Approve Minutes of January 20th, 2010

Public Comment

Public Hearings:

The Polk County Land Information Committee will hold a Public Hearing on Wednesday, February 17th, 2010 at 11:00am in the Government Center, Balsam Lake, WI. The Committee will call the public hearing to order at 8:30am, immediately recess to view sites and reconvene at 11:00am in the Government Center at Balsam Lake, Wisconsin, to consider the following and other agenda items. Interested parties may appear or otherwise express their position:

- Dennis & Cathy Gille request a Special Exception to Article 8D1(a) of the Polk County Shoreland Protection Zoning Ordinance to operate a Tourist Rooming House. Property affected is: 1967 Long Lake Ln, Pt of SW ¼, NW ¼, Vol 575/Pg 255 (Lot 5), Sec 25/T35N/R15W, town of Johnstown, Long Lake (class 2).
- D. Scott & Jill R. Grill request a Special Exception to Article 8D1(a) of the Polk County Shoreland Protection Zoning Ordinance to operate a Tourist Rooming House. Property affected is: 1833 Niebel Ln, Lot 29, Plat of Camp Niebel, Sec 31/T35N/R16W, town of Georgetown, Balsam Lake (class 1).

Action on Public Hearings

PUBLIC HEARING

The Polk County Land Information Committee will hold a Public Hearing at 1:00pm on Wednesday, February 17, 2010 in the Government Center (1st floor, County Board Room), Balsam Lake, Wisconsin to consider agenda items and the following ordinance amendments, along with subsequent renumeration & revised/effective dates (strike-outs are omissions and italics are additions):

Articles of the Polk County Shoreland Protection Zoning Ordinance

4 Definitions, 15D, 17D1-4 Special Exception: ~~Zoning Committee/Committee/Board~~ **Board of Adjustment**

11J2+K: ~~Planning and Zoning Committee~~ **Board of Adjustment**

11J3: ~~Committee~~ **Board of Adjustment** ...and signed by the ~~Committee chair~~ **members of the Board of Adjustment.**

8C3(c)(1), 17A6: ~~Zoning~~ **Land Information** Committee

~~17D1~~ **17D2** Special Exception Permits

17D3: ~~zoning~~ **Special Exception** Permit

17E1(c)(2): For the purpose of this section, an “unnecessary hardship” is present only where, in the absence of a variance, no reasonable use can be made of the property-~~or would render conformity with such restrictions~~ **“unnecessarily burdensome.”**

17E2: Appeals to the ~~board~~ **Board of Adjustment**...rules of the ~~Board~~ **Board of Adjustment**...transmit to the ~~Board~~ **Board of Adjustment**

17F: ~~Planning and Zoning~~ **Land Information** Committee; Additional fee: **Appeals to the Board of Adjustment**

19C: The Zoning Department ~~or the Board of Adjustment~~ may issue an on-site stop work order

Sections of the Polk County Comprehensive Land Use Ordinance

III Definition Special Exception: Special **Exception** Permit; ~~Zoning Committee~~ **Board of Adjustment**

Polk County Land Information Committee

Kim O'Connel, Chair

Wendy Rattel

Craig Moriaki, Secretary

Ken Sample

Larry Voelker

IVC, VIIC1, XC1, XIA6: **Zoning Committee Board of Adjustment**

IVA4 Service garages, storage yards and micro wave radio relay structures must be approved by the Zoning Committee prior to construction.

VA9: **Zoning Board of Adjustment Land Information Committee.**

VIB5 Quarrying: and provided that the owner of the premises and the operator shall file an agreement, accompanied by a surety bond or other financial guarantee, for the restoration within one year after discontinuing operations of the site to a condition of practical usefulness and physical attractiveness. Minimum requirements for restoration shall be the elimination of all water holes by filling and grading the side sloping of any area disturbed by the quarrying operation to the minimum angle of repose of the slope material or a 1 1/2-1 slope, whichever is the lesser.

VIC: The Board County Board; shall may attach binding conditions

VIC, XVIIID: **Zoning Land Information Committee; Land Information Committee**

Sections of the Polk County Board of Adjustment Procedures Ordinance

1.3: **At least one member shall be a riparian landowner.**

1.5, 5.11, 7.3, 10.0: **Zoning Land Information Committee**

3.3: Order of Business for meetings that do not have public hearings – ~~3. Unfinished business. 4. New business.~~

~~5. Communications and miscellaneous. 6. Other business that may come before the Board as permitted by law.~~

3.3: Order of Business for meetings that do have public hearings – ~~5. Unfinished business. 6. New business. 8. Other business that may come before the Board as permitted by law.~~

4.12(e): Shall not have the effect of allowing a use or structure which is prohibited in that zone district by the ordinance unless it determines that no ~~feasible~~ **reasonable, permitted**, legal use can be made of the property without such variance, provided no use variance may be granted in a flood-plain or wetland/shoreland district.

4.14 To hear and decide requests for special exceptions from the terms of any land use ordinance that contains such provision.

5.5: criteria to justify **necessary** for the Board of granting the variance.

5.81:(6) **all property owners within 300 feet of the property affected by the request.**

5.82+83, 7.5: variance **or special exception**

6.3 1: **Reading of the reason for denial** by the secretary or administrative official

7.7: **The Board need give no informal request for advice or on moot questions.**

7.9: Copies of decisions ~~on variances and appeals~~

7.10: Board of Appeals **Adjustment**

8.4: A decision of the Board may be reconsidered ~~by motion to reconsider made at the same meeting which may be immediately disposed of without further notice.~~ **only if a member of the prevailing vote request that the decision be reconsidered. Such a request must be made at the same meeting or at the next scheduled board meeting.**

8.6 ~~Procedures for Reconsideration~~

~~A simple majority vote shall be sufficient to reconsider a previous decision. If reconsideration is refused to an interested party who has requested reconsideration, the Board shall enter on the minutes the basis of the request, the reason why it was refused, and the vote of the Board members thereon.~~

13.0 Definitions

~~6) **Executive (closed) session:** A session closed to the public based on a majority vote of the members for the purpose of deliberating quasi-judicial matters or conferring with legal counsel.~~

~~9) **Moot question:** A hypothetical question. A question which does not rest upon existing facts or rights; a question as to which in reality there is no actual controversy existing.~~

~~10) **Unnecessary hardship:** A unique and extreme inability to conform to the provisions of a zoning ordinance due to physical factors, which are not solely related to economic loss or gain. An applicant must prove unnecessary hardship.~~

~~a. **Self imposed hardship:** A hardship created by oneself. Examples include excavating a pond on vacant lot and then arguing that there is no suitable location for a home; claiming hardship for a substandard lot after selling off portions that would have allowed building in compliance; and claiming hardship after starting construction without required permits or during a pending appeal.~~

10) Special Exception: A use that is permitted as well as listed by ordinance provided certain conditions specified in the ordinance are met and that a permit is granted by the Board of Adjustment

Floodplain Zoning Ordinance

1.5 (2) Official Maps (Add the **Lower Balsam Lake Dam Hydraulic Shadow Map, dated November 2002.**)

Action on Public Hearings

2010 Land Information Department Goals

Update - Ordinance Comprehensive Re-Write

Director's Report

Committee Observances

Adjourn (Agenda not necessarily presented in this order)

This meeting is open to the public according to Wisconsin State Statute 19.83. Persons with disabilities wishing to attend and/or participate are asked to notify the County Clerk's office (715-485-9226) at least 24 hours in advance of the scheduled meeting time so all reasonable accommodations can be made. Requests are confidential.

Land Information Committee

The Polk County Land Information Committee met in the County Board Room – 1st floor, Polk County Government Center at 8:00am on February 17th, 2010.

Present: Supervisors O’Connell, Sample, Voelker, Moriak, Rattel

Also Present: Sara McCurdy, Land Information Director; Gary Spanel, Zoning Administrator; Malia Malone, Assistant Corporation Counsel

Chairman O’Connell called the meeting to order at 8:00 a.m. Proper notice was made of the meeting.

Election of Officers: Chairman O’Connell opened nominations for Vice-Chair.

- **Motion (Sample/Moriak)** to elect Supervisor Voelker as Vice-Chair. Supervisor Sample made a motion to close nomination. Chairman O’Connell closed nominations.
- **Motion carried by unanimous voice vote** – Supervisor Voelker is the new Land Information Committee Vice-Chair.

Motion (Voelker/Rattel) to approve the agenda – **Motion carried.**

Motion (Voelker/Sample) to approve the minutes of January 20th, 2010 – **Motion carried.**

Public Comment: none

PUBLIC HEARING

The Polk County Land Information Committee held a Public Hearing on Wednesday, February 17th, 2010 at 11:00am in the Government Center, Balsam Lake, WI. The Committee recessed at 8:30am to view sites and Chairman O’Connell called the meeting to order at 11:00am in the Government Center at Balsam Lake, Wisconsin, to consider the following and other agenda items.

- Dennis & Cathy Gille request a Special Exception to Article 8D1(a) of the Polk County Shoreland Protection Zoning Ordinance to operate a Tourist Rooming House. Property affected is: 1967 Long Lake Ln, Pt of SW ¼, NW ¼, Vol 575/Pg 255 (Lot 5), Sec 25/T35N/R15W, town of Johnstown, Long Lake (class 2). Discussion.
 - Chairman O’Connell closed the public hearing at 11:15am and the Committee submitted Findings of Fact.
 - **Motion (Sample/Voelker)** to grant the Gille request for a Special Exception to Article 8D1(a) of the Polk County Shoreland Protection Zoning Ordinance to operate a Tourist Rooming House with the following conditions:
 1. No RV, Pop-Up Campers, tents or other means of overnight stay allowed
 2. All parking must be contained on the property.
 3. Must obtain all proper licensing.
 4. All fires **& embers** are to be extinguished by 11:00 p.m., with no unattended fires.
 5. Must have a 24 hour contact number available to the public.
 6. Property must remain free from citation and charges for nuisance, disorderly conduct, or any other illegal activity.
 7. Quiet hours from 11:00 p.m. to 7:00 a.m.
 8. Property must remain in compliance with any changes or modification to the Ordinance.
 9. Comply with ALL applicable laws and regulations.
 - Department of Natural Resources lake regulations are included in rental information.
 - Lake Association rules are included in rental information.
 - Wisconsin State Statutes regarding firework regulations are included in rental information.
 10. All pets must be contained on the property.
 - **Motion Carried by unanimous voice vote.**

Chairman O’Connell called a public hearing to order at 11:26am to hear the following:

- D. Scott & Jill R. Grill request a Special Exception to Article 8D1(a) of the Polk County Shoreland Protection Zoning Ordinance to operate a Tourist Rooming House. Property affected is: 1833 Niebel Ln, Lot 29, Plat of Camp Niebel, Sec 31/T35N/R16W, town of Georgetown, Balsam Lake (class 1). Discussion.
 - Chairman O’Connell closed the public hearing at 11:41am and the Committee submitted Findings of Fact.
 - **Motion (Voelker/Sample)** to grant the Grill request for a Special Exception to Article 8D1(a) of the Polk County Shoreland Protection Zoning Ordinance to operate a Tourist Rooming House with the following

conditions:

1. Accessory building must not have sleeping accommodations.
 2. No RV, Pop-Up Campers, tents or other means of overnight stay allowed
 3. All parking must be contained on the property.
 4. Must obtain all proper licensing.
 5. All fires & embers are to be extinguished by 11:00 p.m., with no unattended fires.
 6. Must have a 24 hour contact number available to the public.
 7. Property must remain free from citation and charges for nuisance, disorderly conduct, or any other illegal activity.
 8. Quiet hours from 11:00 p.m. to 7:00 a.m.
 9. Property must remain in compliance with any changes or modification to the Ordinance.
 10. Comply with ALL applicable laws and regulations.
 - Department of Natural Resources lake regulations are included in rental information.
 - Lake Association rules are included in rental information.
 - Wisconsin State Statutes regarding firework regulations are included in rental information.
 11. All pets must be contained on the property.
- o **Motion Carried by unanimous voice vote.**

PUBLIC HEARING: Ordinance Amendments

Chairman O'Connell called a Public Hearing to order at 1:04pm on Wednesday, February 17, 2010 in the Government Center (1st floor, County Board Room), Balsam Lake, Wisconsin to consider agenda items and the following ordinance amendments, along with subsequent renumeration & revised/effective dates (strike-outs are omissions and italics are additions):

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11J2+K: ~~Planning and Zoning Committee~~ **Board of Adjustment**

11J3: ~~Committee~~ **Board of Adjustment** ...and signed by the ~~Committee chair~~ **members of the Board of Adjustment.**

8C3(c)(1), 17A6: ~~Zoning~~ **Land Information** Committee

~~17D1~~ **17D2** Special Exception Permits

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17E2: Appeals to the ~~board~~ **Board of Adjustment**...rules of the ~~Board~~ **Board of Adjustment**...transmit to the ~~Board~~ **Board of Adjustment**

17F: ~~Planning and Zoning~~ **Land Information** Committee; Additional fee: **Appeals to the Board of Adjustment**

19C: The Zoning Department ~~or the Board of Adjustment~~ may issue an on-site stop work order

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IVC, VIIC1, XC1, XIIA6: ~~Zoning Committee~~ **Board of Adjustment**

IVA4 Service garages, storage yards and micro-wave radio-relay structures must be approved by the ~~Zoning Committee prior to construction.~~

VA9: ~~Zoning Board of Adjustment~~ **Land Information Committee.**

VIB5 Quarrying: ~~and provided that the owner of the premises and the operator shall file an agreement, accompanied by a surety bond or other financial guarantee, for the restoration within one year after discontinuing operations of the site to a condition of practical usefulness and physical attractiveness. Minimum requirements for restoration shall be the elimination of all water holes by filling and grading the side sloping of any area disturbed by the quarrying operation to the minimum angle of repose of the slope material or a 1 1/2-1 slope, whichever is the lesser.~~

VIC: The/the ~~Board~~ **County Board**; ~~shall may~~ attach binding conditions

VIC, XVID: ~~Zoning~~ **Land Information** Committee; **Land Information** Committee

Sections of the Polk County Board of Adjustment Procedures Ordinance

1.3: **At least one member shall be a riparian landowner.**

1.5, 5.11, 7.3, 10.0: ~~Zoning~~ **Land Information** Committee

3.3: Order of Business for meetings that do not have public hearings – ~~3. Unfinished business. 4. New business.~~

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- 3.3: Order of Business for meetings that do have public hearings – ~~5. Unfinished business. 6. New business. 8. Other business that may come before the Board as permitted by law.~~
- 4.12(e): Shall not have the effect of allowing a use or structure which is prohibited in that zone district by the ordinance unless it determines that no *feasible reasonable, permitted*, legal use can be made of the property without such variance, provided no use variance may be granted in a flood-plain or wetland/shoreland district.
- 4.14 To hear and decide requests for special exceptions from the terms of any land use ordinance that contains such provision.**
- 5.5: criteria ~~to justify~~ *necessary for* the Board of granting the variance.
- 5.81:~~(6) all property owners within 300 feet of the property affected by the request.~~
- 5.82+83,7.5: variance *or special exception*
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- ~~8.6 Procedures for Reconsideration~~
- ~~A simple majority vote shall be sufficient to reconsider a previous decision. If reconsideration is refused to an interested party who has requested reconsideration, the Board shall enter on the minutes the basis of the request, the reason why it was refused, and the vote of the Board members thereon.~~
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- 10) *Special Exception: A use that is permitted as well as listed by ordinance provided certain conditions specified in the ordinance are met and that a permit is granted by the Board of Adjustment*

Floodplain Zoning Ordinance

- 1.5 (2) Official Maps (Add the *Lower Balsam Lake Dam Hydraulic Shadow Map, dated November 2002.*)

Chairman O'Connell closed the Public Hearing at 3:19pm.

Action on the public hearing will be taken at the March 3rd, 2010 Land Information Committee meeting.

2010 Land Information Department Head Goals – McCurdy discussed goals with the Committee. Action on goals will be taken at the March 3rd, 2010 Land Information Committee meeting.

Director's Report: McCurdy discussed her attendance at the Town of McKinley and the Town of Bone Lake meetings – the Town of McKinley entered into an agreement for parcel mapping services. Office update including the support of Kronos from the Land Information Department, and the new Employee Manual.

Committee Observances

Motion (Sample/Voelker) to adjourn – Motion Carried. Meeting adjourned at 4:00 p.m.

Next regular meeting is scheduled for Wednesday, March 3rd, 2010 at 8:00 a.m. in the County Board Room –1st floor, Polk County Government Center, Balsam Lake, WI.

*THESE MINUTES ARE PENDING APPROVAL AT MARCH 3, 2010 LAND INFO. COMMITTEE MEETING