



# POLK COUNTY, WISCONSIN

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Sharon Jorgenson, County Clerk  
100 Polk Plaza, Suite 110, Balsam Lake, WI 54810  
Phone (715) 485-9226 Email Sharon.Jorgenson @co.polk.wi.us

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## MINUTES

### Environmental Services Committee

Government Center County Board Room  
100 Polk County Plaza Balsam Lake, WI 54810  
9:00 A.M. Wednesday, June 13, 2018

#### Member Attendance

Attendee Name	Title	Status
Kim O'Connell	Chair	Present
Tracy LaBlanc	Supervisor	Present
Doug Route	Supervisor	Present
Brad Olson	Vice Chair	Present
Jim Edgell	Supervisor	Present
Lyle Doolittle	FSA Representative	Present

Also present were Stephanie Fansler, Deputy County Clerk; Jeff Fuge, Interim County Administrator; Debbie Peterson, Director of Parks and Buildings; Malia Malone, Interim Corporation Counsel; Tim Ritten, Director of Land and Water; Todd Demers, Director of Information Technology; Jason Kjeseth, Zoning Administrator; Dave Peterson, Lime Quarry Manager; members of the public and of the press.

#### Meeting called to order by Chair O'Connell at 9:08 A.M.

**Approval of Agenda-** Chair O'Connell called for a motion to approve the agenda. **Motion** (Edgell/Olson) to approve the agenda carried by unanimous voice vote.

**Approval of Minutes** – Chair O'Connell called for a motion to approve the minutes of the May 23, 2018 meeting as published. **Motion** (LaBlanc/Olson) to approve the minutes of May 23, 2018 as published carried by unanimous voice vote.

**Public Comment** - One public comment received by committee.

Chair O'Connell called upon Todd Demers for the purpose of basic introduction to the use of the computer tablet. Demers offered instructions on logging on and off and explained many of the basic functions. Demers offered to provide one-on-one training to each County Board Supervisor.

**Receipt of Information from Supervisor on Matters Noticed** – Interim Administrator Fuge explained that this item is now on committee agendas for the purpose of receiving information from non-committee County Board supervisors regarding matters noticed on the agenda. Supervisor Nelson offered a recap of his attendance at the recent Board of Adjustments meeting.

Chair O’Connell called to the floor, for Discussion or Action.

Land Conservation, Agriculture and Extension Education, Lime Quarry:

Chair O’Connell recognized Tim Ritten, Director of Land and Water for the purpose of receiving information. Ritten presented an overview of the purpose of the department – why it was started and where it is at today. Ritten then presented a list of suggested nominations to Lake Districts. Chairman O’Connell called for a motion to make the nominations as presented. **Motion** (Route/Edgell) to recommend the nominations, for the Administrator to appoint, and move to the full County Board was approved by unanimous voice vote. Chair O’Connell recognized Dave Peterson, Lime Quarry Manager for the purpose of receiving the Lime Quarry’s annual report and program overview. Peterson presented an overview of the Lime Quarry and annual report.

Mr. Doolittle was excused from the meeting at 11:10 A. M.

Chair O’Connell called for a break at 10:11 A.M. Chair O’Connell declared the meeting back in session at 10:25 A.M.

Parks, Recreation, Trails and Forestry:

Chair O’Connell recognized Todd Miller for the purpose of receiving information. Miller updated the committee on the status of the Ridge Runner’s Annual ATV/UTV Ride which is scheduled for August 25, 2018. **Motion** (Olson/Route) to approve the special event application and forward to the WI DNR was approved by unanimous voice vote. Miller announced there has been very little progress in the naming of the Clayton/Clear Lake Trail. Chair O’Connell called upon Supervisor Olson, Chair of the Stower Seven Lakes Trail/Cattail Trail plan sub-committee for a progress report of the sub-committee and consideration of the Work Plan. Sub-committee Chair Olson offered to bring back to the committee a copy of the Trail Planning survey and commented that the committee could finish ahead of schedule.

Planning and Zoning:

Items a. and b. were removed from the agenda. Chair O’Connell recognized Assistant Corporation Council Malia Malone for the purpose of receiving information. Malone reviewed with the committee, a legal opinion by vonBriesen & Roper, S.C., regarding the Subdivision of Land and Public Improvements Regulation. Chair O’Connell recognized Jason Kjeseth, Zoning Administrator for the purpose of receiving information. Kjeseth presented a staff report to consider the request to transfer the authority of the board of adjustment to and determine conditional use permits to the Environmental Committee and to make any recommendation

that the committee deems appropriate. Discussion. Action will require a public hearing.

Identification of Subject matters for Upcoming Meetings. The next meeting will be held June 27, 2018. Item for future agendas include: Tax Deed Ordinance, additions to the list of tax deed properties, review the trail survey results, consider outsourcing the legal work regarding the sale of the Country Dam property, Lime Quarry divestiture, department annual reports, Public Hearing, and NR 151-Storm Water.

**Motion** (LaBlanc/Edgell) to adjourn. Motion carried by unanimous voice vote. Chair O'Connell declared meeting adjourned at 12:25 P. M.

Respectfully submitted,

Stephanie Fansler  
Deputy Polk County Clerk



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## AGENDA AND NOTICE OF MEETING

### ENVIRONMENTAL SERVICES COMMITTEE

Government Center, 100 Polk County Plaza, Balsam Lake, WI 54810

County Board Room

Wednesday, June 13, 2018 at 9:00 a.m.

A quorum of the County Board may be present

At 9:00 a.m., and prior to the business meeting, members of the committee will convene to receive training on computer tablets. After the training, the committee will conduct business as noticed.

Materials: May 23, 2018 Minutes; Proposed Resolutions, and Staff Report

1. Call to order
2. Approval of agenda
3. Approval of minutes for May 23, 2018
4. Public Comments
5. Receipt of Information from Supervisors on Matters Noticed
6. Land Conservation, Agriculture and Extension Education, Lime Quarry:
  - a. Program Overview – Land & Water
  - b. Annual Report and Program Overview – Lime Quarry
  - c. Nomination of Persons to Board of Commissioners of Public Inland Lake Protection and Rehabilitation Districts
7. Parks, Recreation, Trails and Forestry:
  - a. Presentation Ridge Runner's Annual ATV/UTV Ride – August 25, 2018 – Todd Miller
  - b. Consideration of Request Concerning Naming of the Clayton/Clear Lake Trail
  - c. Stower Seven Lakes Trail/Cattail Trail Planning:
    - Report on Subcommittee on Trail Planning Meeting of June 5, 2018.
    - Consideration of Trail Planning Work Plan
8. Planning and Zoning:
  - a. Recommendation on Resolution No. 45-18: Resolution to Grant a Zoning District Change & to Amend Zoning District Map for Town of Alden
  - b. Recommendation on Resolution No. 46-18: Resolution to Grant a Zoning District Change & to Amend Zoning District Map for Town of Black Brook
  - c. Discussion Concerning Interpretation of and Possible Amendments to Subdivision Ordinance Related to Road Design Standards
  - d. Consideration and Recommendation on Proposal to Transfer Hearing of Conditional Use Permits From Board of Adjustment to Environmental Services Committee – Staff Report
9. Update 2018 Work Plan and Identification of Subject Matters for Upcoming Meetings
10. Adjourn

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Items on the agenda not necessarily presented in the order listed. 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.



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## MINUTES

### Environmental Services Committee

Government Center County Board Room  
100 Polk County Plaza Balsam Lake, WI 54810  
9:00 A.M. Wednesday, May 23, 2018

#### Member Attendance

Attendee Name	Title	Status
Kim O'Connell	Chair	Present
Tracy LaBlanc	Supervisor	Present
Doug Route	Supervisor	Present
Brad Olson	Vice Chair	Present
Jim Edgell	Supervisor	Present
Lyle Doolittle	FSA Representative	Absent

Also present were Stephanie Fansler, Deputy County Clerk; Jeff Fuge, Interim County Administrator; Tim Anderson, County Planner; Debbie Peterson, Director of Parks and Buildings; Tina Riley, Office Manager-Parks and Buildings; Malia Malone, Interim Corporation Counsel; Tim Ritten, Director of Land and Water; members of the public and of the press.

#### Meeting called to order by Chair O'Connell at 9:07 A.M.

**Approval of Agenda-** Chairman O'Connell called for a motion to approve the agenda. **Motion** (Edgell/Route) to approve the agenda. **Motion** to approve the agenda carried by unanimous voice vote.

**Approval of Minutes** – Chairman O'Connell called for a motion to approve the minutes of the May 9, 2018 meeting as published. **Motion** (LaBlanc/Olson) to approve the minutes of May 9, 2018. **Motion** to approve minutes as published carried by unanimous voice vote.

**Public Comment-** Public comments were received by committee.

Chairman O'Connell called to the floor, for Discussion or Action

#### Land Conservation, Agriculture and Extension Education, Lime Quarry:

- a. Chair O'Connell recognized Tim Ritten, Director of Land and Water for the purpose of receiving information. Ritten presented and overview of the Department's annual report. The program review was postponed until a later date.

- b. Ritten distributed, to the committee, a list of Lake Districts with current appointments. Suggestions were presented for vacant positions. This will be brought back to committee at their next meeting for action.

Parks, Recreation, Trails and Forestry:

- a. Stower Seven lakes State Trail/Cattail Trail Planning Process: Chair O'Connell recognized Tim Anderson and Deb Peterson to facilitate the processes.
  - Anderson explained to the committee that their task was to select a Chair and members for the sub-committee. Peterson distributed a list of applicants by usage interest, for the committee's consideration. Chair O'Connell asked for nominations for the position of Chair of the sub-committee. **Motion** (Route/LaBlanc) to appoint Brad Olson as Chair of the sub-committee passed by unanimous voice vote. Discussion. **Motion** (Olson/Route) to appoint Jon Fogelberg to represent the Friends of Stower Seven Lakes Trail. Discussion. **Motion** (LaBlanc/Edgell) to appoint Doug Johnson to represent the Snowmobile/ATV Council. Discussion. **Motion** (Olson/Route) to appoint Brandon Whittaker to represent Governmental interests. Discussion. **Motion** (O'Connell/LaBlanc) to appoint Rick McGuiggan to represent Motorized users. Discussion. **Motion** (Olson/LaBlanc) to appoint Katie Bruns to represent Non-motorized users. Discussion. **Motion** (Olson/Route) to appoint Ronald Minnick to represent General Use.
  - Anderson explained the role of the sub-committee and presented a sample work plan for the committee's consideration. Discussion. **Motion** (Edgell/Route) to adopt the work plan as presented (subject to change if needed) passed by unanimous voice vote.
- b. Peterson offered status report on the selection of County Forester, noting there were 19 applicants and interviews are scheduled.

Chairman O'Connell called for a break at 10:20 A.M. Chairman O'Connell declared the meeting back in session at 10:37 A.M.

Planning and Zoning:

- a. Chair O'Connell recognized Assistant Corporation Council Malia Malone for the purpose of receiving information. Malone stated that both the County and Towns are allowed to have subdivision ordinance, but only Towns may require improvements to private driveways/roads as a part of their ordinances. Malone is working on a legal opinion and hopes to have it done for the next meeting.
- b. Chair O'Connell called to the floor **Resolution 15-18**. Discussion. **Motion** (Olson/LaBlanc) to amend the amended Shoreland Protection Zoning to include Article 8.C.3.(b) passed by unanimous voice vote. **Motion** (Olson/Route) to approve the amended Shoreland Protection Zoning Ordinance as amended and to recommend passage to the full County Board passed by unanimous voice vote.
- c. Chair O'Connell called to the floor **Resolution 17-18**. Discussion. By consensus, the committee amended the resolution to strike 10.5.6.(B)(3)a. and insert the same

language as 10.5.6.(B)(4)d. in its place. **Motion** (Olson/LaBlanc) to approve the amendment to the amended Polk County Comprehensive Land Use Ordinance and recommend passage to the full County Board passed by Unanimous voice vote.

d. Chair O'Connell called to the floor **Resolution 20-18**. Discussion.

Chair O'Connell called for a motion to recommend passage of Resolutions 15-18, 17-18, and 20-18 and move to the full County Board. Motion (Edgell/Route) to approve the amended ordinances and recommend passage to the Full County Board passed by Unanimous voice vote.

Chairman O'Connell called for a break at 11:40 A.M. Chairman O'Connell declared the meeting back in session at 11:50 A.M.

Tax Delinquent Properties:

a. Chair O'Connell recognized Debbie Peterson, Director of Parks and Buildings for the purpose of receiving information. Peterson presented a list of Tax Delinquent Lands. Discussion.

Supervisor Edgell was excused from the meeting at 12:30 P.M.

b. **Motion** (LaBlanc/Route) to sell the properties at the price set by the committee passed by voice vote. (Schedule of properties attached here and made a part hereof).

Identification of Subject matters for Upcoming Meetings. The next meeting will be held on June 13, 2018. Agenda items include: program overview-Land & Water, nominations for Lake Districts, Trail Plan update, tax Foreclosure Ordinance, Forester hiring up-date, sub-division ordinance, update 2018 work plan, and in July, Woodley Dam property.

**Motion** (Olson/Route) to adjourn. Motion carried by unanimous voice vote. Chair O'Connell declared meeting adjourned at 1:10 PM

Respectfully submitted,

Stephanie Fansler  
Deputy Polk County Clerk

RESOLUTION 45 - 2018

Resolution to Grant a Zoning District Change & to Amend Zoning District Map for Town of Alden

TO THE HONORABLE BOARD OF SUPERVISORS OF THE COUNTY OF POLK WISCONSIN:

1. WHEREAS, Robert Norlander has petitioned the Polk County Board of Supervisors
2. requesting that a parcel of real estate be rezoned Residential-Agricultural (RA-5) district, thereby
3. removing said parcel from the Farmland Preservation district; and
4. WHEREAS, the Town Board of Alden has not objected to said District Change; and
5. WHEREAS, a public hearing was held on Wednesday, May 9<sup>th</sup>, 2018, at 9:30am, at the Polk
6. County Government Center by the Environmental Services Committee of the Polk County Board of
7. Supervisors as required by the provisions of Wisconsin Statute Section 59.69(5)(e) regarding said
8. District Change; and
9. WHEREAS, at said public hearing no objections were filed with regard to said proposed Zoning
10. District Change; and
11. WHEREAS, the Environmental Services Committee of the Polk County Board of Supervisors has
12. reviewed said proposed Zoning District Change, and has recommended that the Polk County Board of
13. Supervisors grant said proposed change.
14. NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors grant the
15. proposed zoning change.
16. BE IT FURTHER RESOLVED that, pursuant to Wisconsin Statute Section 59.69(5)(e), the Polk
17. County Board of Supervisors does hereby amend the Polk County Comprehensive Land Use
18. Ordinance to provide that the following described parcel of real estate be removed from the
19. Farmland Preservation District and be rezoned to the RA-5 District:
20. NW ¼ of the NE ¼ of Section 16/T32N/R18W, Town of Alden, Polk
21. County, WI, parcel #002-01402-0000, 40.25 acres.
22. BE IT FURTHER RESOLVED that said district change to be recorded on the Zoning District map
23. of the Town of Alden, which is on file in the office of the Polk County Zoning Administrator
24. pursuant to Section 10.4.1 of the Polk County Comprehensive Land Use Ordinance.

Funding Amount & Source: Not applicable  
Finance Committee Recommendation: Not applicable  
Effective Date: Upon Passage & Publication

Submitted & sponsored by the Environmental Services Committee:

Brad Olson  
James J. Edgelee  
L. J. Ball

Nancy LaBlanc  
Doug Route

Review By County Administrator:

- Recommended
- Not Recommended
- Reviewed Only

\_\_\_\_\_  
Dana Frey, County Administrator

Review By Corporation Counsel:

- Approved As to Form
- Recommended
- Not Recommended
- Reviewed Only

\_\_\_\_\_  
Jeffrey B. Fuge, Corporation Counsel

At its regular business meeting on Tuesday, June 19<sup>th</sup>, 2018, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution 15 -18: Resolution to Grant a Zoning District Change and to Amend Zoning District Map for the Town of Alden, by a simple majority vote of \_\_\_ in favor and \_\_\_ against.

Dated this 19<sup>th</sup> day of June, 2018 at Polk County Wisconsin.

\_\_\_\_\_  
Dean Johansen, County Board Chairperson

Attest: \_\_\_\_\_  
Sharon Jorgenson, Polk County Clerk

# Polk County Land Information Department

Zoning | Planning | Mapping | Surveyor



100 Polk County Plaza, Suite 130  
Balsam Lake, WI 54810

Phone (715) 485-9279  
Fax (715) 485-9246

Sara McCurdy, Director

TO: County Board Supervisors  
FROM: Zoning Administration  
DATE: May 9, 2018  
RE: District Change from Farmland Preservation to Residential-Agricultural-5  
NW ¼ NE ¼, Section 16/T32N/R18W, Town of Alden, 40.25 acres  
Parcel #002-01402-0000

On Wednesday, May 9, 2018, Robert Norlander petitioned the Polk County Environmental Services Committee to rezone 40.25 acres from Farmland Preservation to Residential-Agricultural-5 located on the above captioned property. At the public hearing, no objections were filed and the committee recommends the proposed change. If approved, the following uses will be allowed:

- Single, two-family & multi-family dwelling, including manufactured homes.
- Accessory structures.
- Gardening including nurseries for the propagation of plants only.
- Municipal parks and playgrounds including swimming pools, golf courses, tennis courts and picnic grounds, provided the parking requirements are met.
- Home businesses, provided the parking requirements are met.
- Agricultural Uses --Crop or forage production; Keeping livestock; Beekeeping; Nursery, sod, or Christmas tree production; Floriculture; Aquaculture; Forest management; Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program; Accessory structure that is an integral part of, or is incidental to, an agricultural use; Roadside Stand; Personal Stable.
- Conservation Design Development when done in accordance with density standards, Section 10.3.8 of this ordinance and the Polk County Subdivision Ordinance.
- Schools
- Churches
- Municipal Buildings
- Manufactured Home Park with conditions found in Section 10.5.5

## CHANGES IN USE THAT REQUIRE A LAND USE PERMIT

- Tourist Rooming Houses
- Bed & Breakfasts
- A Bunkhouse
- Cemeteries/Burial Sites
- Contractor Storage Yard, when the design standards of Section 10.5.1 are applied.

## Jason Kjeseth

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**From:** Keith Karpenski <kkarpenski@aol.com>  
**Sent:** Tuesday, May 08, 2018 1:12 PM  
**To:** Jason Kjeseth; alden@townofalden.com; johnsont@frontiernet.net  
**Subject:** Norlander - Rezone

Jason,

Regarding Robert Norlander's request rezone 40.25 acres:

I looked at this piece and while it is a large field that is currently farmed, it is not what I would consider land that meets criteria for Exclusive Ag Zoning. It appears to be highly erodible with some significant slopes as well as quite being quite sandy. Just to the North there is also a housing development that has existed for a number of years. I'm not sure how or why this remained Zoned as Exclusive Ag after the majority of the Town of Alden was removed and mostly zoned Ag/Res 5.

I see no reason to object to the request. However, in the future the Town of Alden would like any request for rezone to be brought to our Planning Commission and then the Town Board for review before action by Polk County.

Thanks for your time and consideration.

Sincerely,

Keith Karpenski  
Chairman  
Town of Alden

Exhibit 1

RESOLUTION 46 - 2018

Resolution to Grant a Zoning District Change & to Amend Zoning District Map for Town of Black Brook

TO THE HONORABLE BOARD OF SUPERVISORS OF THE COUNTY OF POLK WISCONSIN:

1. WHEREAS, Harold Wolvert has petitioned the Polk County Board of Supervisors
2. requesting that a parcel of real estate be rezoned Commercial (B-1) district, thereby
3. removing said parcel from the Residential-Agricultural (RA-5) district; and
4. WHEREAS, the Town Board of Black Brook has not objected to said District Change; and
5. WHEREAS, a public hearing was held on Wednesday, May 9<sup>th</sup>, 2018, at 9:30am, at the Polk
6. County Government Center by the Environmental Services Committee of the Polk County Board of
7. Supervisors as required by the provisions of Wisconsin Statute Section 59.69(5)(e) regarding said
8. District Change; and
9. WHEREAS, at said public hearing no objections were filed with regard to said proposed Zoning
10. District Change; and
11. WHEREAS, the Environmental Services Committee of the Polk County Board of Supervisors has
12. reviewed said proposed Zoning District Change, and has recommended that the Polk County Board of
13. Supervisors grant said proposed change.
14. NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors grant the
15. proposed zoning change.
16. BE IT FURTHER RESOLVED that, pursuant to Wisconsin Statute Section 59.69(5)(e), the Polk
17. County Board of Supervisors does hereby amend the Polk County Comprehensive Land Use
18. Ordinance to provide that the following described parcel of real estate be removed from the
19. RA-5 District and be rezoned to the B-1 District:
20. Part of the NE ¼ of the NE ¼, described in Vol 476/pg 381, Section
21. 8/T32N/R16W, lands outside of the Shoreland General Purpose District,
22. Town of Black Brook, Polk County, WI, part of parcel #010-00189-
23. 0000, approximately 2.21 acres.
24. BE IT FURTHER RESOLVED that said district change to be recorded on the Zoning District map
25. of the Town of Black Brook, which is on file in the office of the Polk County Zoning Administrator
26. pursuant to Section 10.4.1 of the Polk County Comprehensive Land Use Ordinance.

Funding Amount & Source: Not applicable  
Finance Committee Recommendation: Not applicable  
Effective Date: Upon Passage & Publication

Submitted & sponsored by the Environmental Services Committee:

Doug Rowe  
Greg Habanc  
L.A. O'Neil

James A - Edgell  
Bruce Olson

Review By County Administrator:

- Recommended
- Not Recommended
- Reviewed Only

\_\_\_\_\_  
Dana Frey, County Administrator

Review By Corporation Counsel:

- Approved As to Form
- Recommended
- Not Recommended
- Reviewed Only

\_\_\_\_\_  
Jeffrey B. Fuge, Corporation Counsel

At its regular business meeting on Tuesday, June 19th, 2018, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution 46 -18: Resolution to Grant a Zoning District Change and to Amend Zoning District Map for the Town of Black Brook, by a simple majority vote of \_\_\_ in favor and \_\_\_ against.

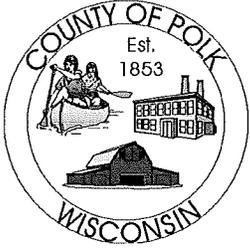
Dated this 19<sup>th</sup> day of June, 2018 at Polk County Wisconsin.

\_\_\_\_\_  
Dean Johansen, County Board Chairperson

Attest: \_\_\_\_\_  
Sharon Jorgenson, Polk County Clerk

# Polk County Land Information Department

Zoning | Planning | Mapping | Surveyor



100 Polk County Plaza, Suite 130  
Balsam Lake, WI 54810

Phone (715) 485-9279  
Fax (715) 485-9246

Sara McCurdy, Director

TO: County Board Supervisors  
FROM: Zoning Administration  
DATE: May 9, 2018  
RE: District Change from Residential-Agricultural-5 to Commercial (B-1)  
485 State Hwy 46, part of S ½ of the NE ¼ NE ¼, Section 8, Town of Black Brook  
Parcel #010-00189-0000

On Wednesday, May 9, 2018, Harold Wolvert petitioned the Polk County Environmental Services Committee to rezone approximately 2.21 acres from Residential-Agricultural-5 to Commercial (B-1) located on the above captioned property. At the public hearing, no objections were filed and the committee recommends the proposed change. If approved, the following uses will be allowed:

- Appliances Sales/Service
- Antique stores
- Art Galleries
- Auto Sales and Service
- Banks, Credit Unions or other financial institutions
- Barber/Beauty Shop
- Bars/taverns
- Bowling Alleys
- Car Washes
- Clothing stores
- Community Center
- Coffee Shop
- Convenience stores
- Day Care Center
- Drug Store or Pharmacy
- Essential Services
- Farm implement - repair & sales
- Feed Mill
- Florist
- Firework Stands
- Fruit and Vegetable Market, Grocery, Meat and Fish Market or other food products store
- Funeral Homes
- Furniture, Office Equipment stores
- Gas stations
- Gyms/exercise facilities
- Hardware and Paint Store
- Indoor Storage Facilities
- Internet Cafe
- Jewelry Store
- Landscaping Sales
- Laundromat Business & Professional offices or clinics
- Liquor Store
- Lumber Yard
- Manufacture or storage in connection with any of the above uses, when clearly incidental to the conduct of the retail business on the premises.
- Marine Sales and service
- Motels/Hotels
- Museums
- Music sales/service
- Pet shop
- Radio, Televisions & other electronics sales/service
- Real Estate Offices
- Restaurant, Drive-In Food Service, Supper Club, and Catering
- Sporting Goods and Accessories
- Small engine repair
- Truck Stop
- Theater
- Veterinarians
- Video Sales and Rental
- There may be one single-family dwelling unit on the premises, either attached or detached in connection with any of the above uses.

**Conditional Uses:** Airport, hospital, breweries, brew-pubs, wineries, outdoor storage facilities and other similar and compatible use as determined by the Board of Adjustment.

Staff Report

Environmental Services Committee– June 13, 2018

By: Jeff Fuge, Interim County Administrator/ Corporation Counsel

**Subject:** Consideration of Transferring Authority of Board of Adjustment to Hear and Determine Applications for Conditional Use Permits to the Environmental Services Committee.

**Summary:**

The committee has received a request to consider as a committee recommendation to the County Board to transfer to the committee the authority of the Board of Adjustment to hear and determine applications for conditional use permits (CUPs).

Presently, the language of the Comprehensive Land Use Ordinance and Shoreland Protection Zoning Ordinance delegate to the Board of Adjustment to hear and determine those applications for CUPs use permits. Such delegation is also reflected by similar language in the Board of Adjustments procedures ordinance.

At present, decisions on conditional use permits, as made by the Board of Adjustment may be reviewed by the circuit court. Under the proposed transfer of such authority, determinations made by the committee would be reviewable by the Board of Adjustment as a matter of statutory law. The mechanism to seek relief of CUP determinations made by the committee is to file an administrative appeal to the Board of Adjustment. Again, once the Board of Adjustment dispositions such appeal, the form of relief is by circuit court review.

The County has no authority to alter the course of procedural review and relief discussed in the above paragraph. The authority of a board of adjustment is a matter of state-wide concern. The County's authority under home rule does not extend to matters of state wide concern.

Pursuant to Wisconsin Statute Sections 59.69 and 59.694, the County Board may delegate or transfer the authority to determine CUPs to or from the committee assigned the planning and zoning function and the Board of Adjustment. Such delegation or transfer is effectuate by ordinance or amendment of an ordinance, as appropriate. In the present context, proposal to transfer of CUP decision making authority may be advanced as proposed amendment to either of the Comprehensive Land Use Ordinance or Shoreland Protection Zoning Ordinance, or both. Any changes to either ordinance would be also reflected in the Board of Adjustment procedures ordinance. Yet, a proposal limited to only the procedures ordinance would not effect a change in either substantive ordinance unless all three ordinances were amended at the same time.

The mechanics of effecting such a transfer are straight –forward. Pursuant to Section 59.69, a petition or committee recommendation to cause such transfer would be filed with the County Clerk and receive consideration from zoning administration to draft language concerning the transfer. One the draft language is reviewed by committee, the committee will call a public hearing. At public hearing, the committee will receive public testimony, both written and verbal, concerning the proposed transfer. After the public hearing, the committee will make a recommendation to the County Board to enact the transfer with or without recommendation or reject the proposed amendment to transfer the authority to determine CUPs. The County Board makes the final determination on such a petition or committee recommendation. Certainly, the County Board may refer the matter back to the committee prior to reaching final decision.

**Requested Committee Action:** To consider the request to transfer the authority of the board of adjustment to hear and determine conditional use permits to the committee and to make any recommendation that the committee deems appropriate.

January 3, 2018

ENVIRONMENTAL SERVICES COMMITTEE  
2018 WORK PLAN

Date	Scheduled Agenda Items	Program Evaluation and Upcoming Issues
January	<ul style="list-style-type: none"> <li>Finalize 2018 work plan</li> <li>Policy 10 (CB adopts rules in May)</li> </ul>	<ul style="list-style-type: none"> <li>UWEX services presentation</li> </ul>
February	<ul style="list-style-type: none"> <li>UW Extension services</li> </ul>	<ul style="list-style-type: none"> <li>Governor's budget and impact on environmental services programs               <ul style="list-style-type: none"> <li>Ordinance Amendment requirements</li> <li>Tree replacement Schedule</li> </ul> </li> </ul>
March	<ul style="list-style-type: none"> <li>Comprehensive Land Use Ordinance (hearing)</li> <li>Shoreland Ordinance (hearing)</li> <li>St Croix Riverway Ordinance (hearing)</li> </ul>	<ul style="list-style-type: none"> <li>Lime Quarry</li> </ul>
April	<ul style="list-style-type: none"> <li>Listing of new tax deed property</li> </ul>	<ul style="list-style-type: none"> <li>Recycling</li> </ul>
May	<ul style="list-style-type: none"> <li>Consideration/reconsideration of County Board priorities in environmental services</li> <li>Storm Water and Erosion Control Ordinance</li> </ul> <p><i>TAX DEED - Sale of "Country Dam"</i></p>	<ul style="list-style-type: none"> <li>Park and Trails</li> </ul> <p><i>ord. get # from Tim</i></p>
June	<ul style="list-style-type: none"> <li>Town of Luck Zoning Map Amendment (hearing)</li> </ul>	
July	<ul style="list-style-type: none"> <li>Annual reports</li> </ul>	
August	<ul style="list-style-type: none"> <li>Review and recommendations on fee schedule</li> </ul>	
September	<ul style="list-style-type: none"> <li>Annual budget review</li> </ul>	
October	<ul style="list-style-type: none"> <li>Annual budget amendments</li> </ul>	
November		<ul style="list-style-type: none"> <li>Land Information Plan update</li> </ul>
December	<ul style="list-style-type: none"> <li>Develop 2019 work plan</li> <li>Comprehensive Plan update</li> </ul>	