

ONEIDA COUNTY PLANNING & ZONING
APRIL 30, 2008
12:30 P.M. CLOSED SESSION
1:00 P.M. REGULAR MEETING – COMMITTEE ROOM #2
2ND FLOOR ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501

Members present: Scott Holewinski, Chair
Larry Greschner
Ted Cushing
Frank Greb
Charles Wickman

Department staff present: Karl Jennrich, Zoning Director
Pete Wegner, Assistant Zoning Director
Steve Osterman, Planning Manager
Kim Gauthier, Secretary

Other County Staff: Brian Desmond, Corporation Counsel; Mike Fugle, Assistant Corporation Counsel.

Guests Present: (See sign-in)

Call to order

Chair Scott Holewinski called the meeting to order at 12:30 p.m., in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda has been properly posted and the media notified.

Discussion/decision to approve the agenda

Motion by Frank Greb, second by Ted Cushing to approve the amended agenda. With all members present voting "ayes", the motion carried.

It is anticipated that the Committee may meet in Closed Session pursuant to Wisconsin Statutes, Section 19.85 (1)(g), conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved. A roll call vote will be taken to go into closed session.

Motion by Larry Greschner, second by Ted Cushing to go into closed session. With all members present voting "aye", the motion carried.

A roll call vote will be taken to return to open session.

Motion by Ted Cushing, second by Larry Greschner to return to open session. Ted Cushing "aye", Larry Greschner "aye", Frank Greb "aye", Scott Holewinski "aye", Charles Wickman "aye". The motion carried.

Announce results of Closed Session.

Chair Holewinski announced that in closed session the Committee discussed enforcement action on Chi-Dogs in Minocqua.

Adoption of group rules.

Mr. Holewinski provided a handout of parliamentary procedures and public hearing procedures (Exhibit #1).

Motion by Larry Greschner, second by Ted Cushing to adopt the parliamentary procedures of the Planning and Zoning Committee. With all members present voting “aye”, the motion carried.

Approve regular and public hearing meeting minutes of February 27, 2008.

Mr. Holewinski noted the Committee will review public hearing minutes of February 27th, as there was no regular meeting on that date.

Motion by Frank Greb, second by Scott Holewinski to approve the February 27, 2008 public hearing minutes. With all members voting “aye”, the motion carried. Charles Wickman abstained as he did not attend that meeting.

Section 9.50, Legal Pre-Existing Structures; 9.55, Adult Oriented Business Ordinance and 9.99, Shoreland Structures and Uses. The Committee is considering allowing the expansion of Legal Pre-existing uses.

Karl Jennrich, Zoning Director discussed what happened at the last meeting regarding this issue and the motion made. Mr. Jennrich indicated there was confusion on what direction the Committee would like to take and what is legally allowed in the ordinance. Therefore, Mr. Jennrich requested legal counsel attend the meeting. Mr. Jennrich noted the Committee received a copy of the memo and draft language dated November 30, 2007 (Exhibit #2).

Brian Desmond, Corporation Counsel spoke on his concern of the Committee adopting fifty percent expansion in Section 9.50 and one hundred percent in Section 9.55, there should be equal treatment within the ordinance. Mr. Desmond noted the Committee needs to direct the department through a motion on what direction they would like to take in this matter.

Mr. Holewinski indicated he did not believe the Committee came up with a consensus at the last meeting. Mr. Holewinski noted legal counsel is now informing the Committee there needs to be consistency within the ordinance.

Motion by Larry Greschner, second by Ted Cushing to direct the Zoning Director, Corporation Counsel, Mr. DePante and Attorney Mc Eldowney to set up a meeting amongst the four of you including ~~the Committee Chairman~~ a Committee representative if desired, to come up with a resolution that will be brought back to before the Committee for consideration. With all members present voting “aye”, the motion carried.

Frank Greb asked why only the Chairman should attend.

Mr. Holewinski commented that Mr. Greb could attend if he desired. Mr. Holewinski asked that the motion be changed to reflect “a committee representative”. Mr. Greschner and Mr. Cushing agreed.

Mr. Mc Eldowney agreed as long as the date mutually works.

Preliminary 2-lot CSM for Rynders Realty for property described as part of Gov't Lot 3, SE SW, Section 3, T39N, R6E, PIN# WR 22-11, Town of Woodruff.

Kathy Ray, Land Use Specialist described the lots and proposed use, noting the town has approved of the certified survey map with no concerns. Ms. Ray indicated the department recommends approval subject to town review and driveway permits.

Jim Rein, Surveyor explained the current septic system and what is allowed (mound system). Mr. Rein indicated the man-made pond is part of Wal Mart and meets setback requirements.

Motion by Ted Cushing, second by Larry Greschner to approve the two lot certified survey map for Rynders Realty, agenda number nine, with staff concerns. With all members present voting “aye”, the motion carried.

Preliminary 11-lot subdivision of Mike Meyers/Joe Ritchie, prospective purchasers, Thomas Woodrick et al, owner for property described as part of the NW NE, Section 14, T38N, R6E, PIN# HA 179, Town of Hazelhurst. One additional lot (greater than 5-acres in size) is included in this submittal but is exempt from review. This was approved on January 16, 2008 and the landowner wishes to modify one condition of approval.

Steve Osterman, Planning Manager indicated the additional condition is to pre-plan the soils and staff agrees there is no need to limit the absorption area as described.

Stewart Foltz, Surveyor asked that the 75 foot setback be removed from lot twelve, as it is a dredged pond that was man made.

Mr. Wegner commented that it depends when the pond was constructed if a setback is required. Mr. Wegner provided a DNR spreadsheet that indicated when a setback is required (prior to 1963).

Mr. Jennrich indicated staff must look into the age of the pond, as there may be a setback requirement.

Motion by Ted Cushing, second by Frank Greb to remove the pre-plan septic requirement on the eleven lot subdivision for Meyers and Ritchie, Town of Hazelhurst, along with the removal of the pond setback requirements provided the DNR agrees the setback is not required. With all members present voting “aye”, the motion carried.

Six-lot Subdivision for RAR Holding L.L.C. on property described as NE NE, part of Section 8, T39N, R6E, PIN# MI 2123, Town of Minocqua.

Mr. Jennrich referred to memo dated April 24, 2008 regarding the agenda item described (Exhibit #3). Mr. Jennrich noted it is the Committee’s discretion if the review fee can be waived. Mr. Jennrich commented that there are no changes and no additional staff time utilized.

Motion by Larry Greschner, second by Ted Cushing to waive the \$600 review fee for RAR Holding LLC, as there was no staff time put into the project. With all members present voting “aye”, the motion carried.

Ordinance Amendment 4-2008, Section 9.91, Shoreland-Wetland Zoning (District 11).

Mr. Jennrich asked that this be taken off the agenda and request that this be put on the next agenda. The Committee agreed.

Approve the use of a new form for demolition or removal of structures on a parcel.

Mr. Jennrich provided a memo and draft form as described (Exhibit #4).

Motion by Larry Greschner, second by Ted Cushing to approve the new demolition form as presented by staff. With all members present voting “aye”, the motion carried.

Enacting an Outdoor Wood Burning Ordinance with the Oneida County Health Department.

Mr. Jennrich referred to memo dated April 25, 2008 regarding outdoor wood burning units (Exhibit #5). Mr. Jennrich explained that the County Health Board requests the Zoning Department assist in this ordinance. Mr. Jennrich indicated permits for setbacks could be issued from this department; however, the Health Department has the authority to regulate these units.

Committee discussion on possible research and the need for the Health Department and/or the DNR to regulate these units. The Committee also agreed that the Health Department should bring this before the County Board and let them decide if Zoning should be involved.

Motion by Ted Cushing, second by Charles Wickman directing this regulation of outdoor wood burning units be directed back to the Health Department and let them present a resolution before the County Board if they want to get involved in the matter. With all members present voting "aye", the motion carried.

Developing a policy/procedure for the issuance of Zoning Permits for property owned/managed by the Wisconsin Valley Improvement Corporation.

Mr. Jennrich indicated the Wisconsin Valley Improvement Corporation requests that the department be involved in a project that would better handle structures along reservoirs through permits for those building within a 35 foot wide strip of land. Mr. Jennrich noted he is requesting approval to work on a policy that would forward applicants to WVIC to obtain approval. Mr. Jennrich provided an example deed (Exhibit #6).

Motion by Larry Greschner, second by Charles Wickman to direct staff to develop policy/procedure for the issuance of zoning permits on WVIC owned property. With all members present voting "aye", the motion carried. Frank Greb abstained due to conflict of interest.

Update on Staff discussions with Three Lake's Town officials (Three Lakes Town Board of Supervisors April 22, 2008 meeting).

Mr. Jennrich indicated he sent a letter to all the towns indicating staff could be present at town meetings if so desired. Mr. Jennrich indicated the Town of Three Lakes requested staff attend their meeting, to which Mr. Wegner received additional information at and will discuss.

Mr. Wegner indicated after the meeting the following ideas were discussed:

- More contractor meetings.
- Possible language that would up enforcement repercussions.
- Updating pamphlets that would include common violations.
- Contractor certification for those who successfully complete training. A list of those contractors could also be put on a list within the department.
- Secondary zoning permit that may be utilized through an additional Assessor at the town level.
- Attempting to provide a staff member one half day per week to deal with some of the problems within the town and if other towns decide they need this assistance the department can deal with it at that time.
- Open communication with the town and department staff.

Mr. Wegner commented that he would take care of enforcement and pick the permits that would be reviewed so that there would not be a conflict between town officials or staff members, etc.

Mr. Greschner indicated the Committee needs something in writing, however, the Committee could give direction on how to precede.

Adjourn

3:29 p.m. Adjourn meeting.

Motion by Charles Wickman, second by Ted Cushing to adjourn. With all members present voting “aye”, the motion carried.

Scott Holewinski, Chair

Karl Jennrich, Zoning Director