

ONEIDA COUNTY PLANNING & ZONING
February 16, 2011
1:00 PM – Regular Meeting
COMMITTEE ROOM #2
ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501

Members present: Scott Holewinski
Gary Baier
Dave Hintz
Billy Fried

Department staff present: Karl Jennrich, Zoning Director
Peter S. Wegner, Assistant Zoning Director
Lila Dumar, Secretary III
Nadine Wilson, Land Use Specialist

Other County Staff: Brian Desmond, Corporation Counsel

Guests: Alan Oppenheim, Deer Run Stone
Bob Klovas, Unilock
Bob Mott
Brian Pitlik
Bob Williams
Bob Martini
Jimmy Rein

Call to order.

Scott Holewinski, Chairman, called the meeting to order at 1:00 p.m. in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda was properly posted. All members are present with the exception of Mike Timmons, who is excused.

Approve the agenda.

Motion by Dave Hintz, second by Billy Fried to approve the agenda. With all members present voting “aye”, 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.

- a. Pier violation in the Town of Minocqua.
- b. A junkyard/contractor storage yard complaint in the Town of Newbold.

c. Non-metallic mine bond violation in the Town of Sugar Camp.

12:31 pm - Motion by Billy Fried, second by Gary Baier, to go into closed session. Roll call vote: Scott Holewinski: "aye", Gary Baier "aye", Dave Hintz "aye", Billy Fried "aye." The motion carried.

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

12:59 pm – Motion by Dave Hintz, second by Gary Baier, to go into open session. Roll call vote: Scott Holewinski: "aye", Gary Baier "aye", Dave Hintz "aye", Billy Fried "aye." The motion carried.

Scott Holewinski, Chairman, stated that while in closed session, the Committee discussed the following:

Pier violation in the Town of Minocqua.

There was discussion by the Committee with no action being taken.

A junkyard/contractor storage yard complaint in the Town of Newbold.

There was a motion made while in closed session. The secretary read the motion into the record.

Motion by Dave Hintz, second by Billy Fried, for the stipulation to be accepted, with a fine of \$500.00 being assessed, and a deadline of June 1, 2011 for cleanup. The motion carried unanimously.

Non-metallic mine bond violation in the Town of Sugar Camp.

There was a motion made while in closed session. The secretary read the motion into the record.

Motion by Dave Hintz, second by Gary Baier to put this on a future agenda in open session and in the meantime talk to the property owners regarding the financial assurances. With all members voting "aye" the motion carried.

Public comments.

There were no public comments at this time.

Approve meeting minutes of January 19, 2011.

Motion by Gary Baier, second by Dave Hintz, to approve the meeting minutes of January 19, 2011 as presented. With all members voting "aye" the motion carried.

First Addendum to the Alta Vista Resort condominium being part of Gov't Lots 3 and 4, Section 3, T38N, R7E, clarify unit expansions in limited common elements, clarify

structures in common element, propose stairway location to pier, PIN's LT 1064, LT 1066, LT 1067, LT 1068, LT 1069 and LT 1069-1, Town of Lake Tomahawk.

Nadine Wilson, Land Use Specialist, reviewed the addendum with the Committee. Darlene Newman, one of the condo unit owners, is present. There were complaints filed for zoning permit violations. The plat has been redone to show all additions/changes on the plat, even those that were not authorized by permit(s). Some of the additions/changes were made in the common element (steps, retaining wall and a portion of the patio blocks). Additions in the limited common element are normally approved by the Department with a permit. The President of the Condominium Association has provided written approval of the addendum to the Department. Darlene Newman stated that the addendum was not approved by the condominium association. Ms. Newman, who owns units 5 & 6, was present at the meeting and stated that it resulted in a tie vote of 3:3. Ms. Wilson stated that the Town of Lake Tomahawk is not acting on this as they feel that it has nothing to do with the town.

The Committee discussed whether this is something the County should be involved in, or if it is a civil matter between the condominium owners. It was the consensus of the committee that this should be reviewed by Corporation Counsel and to take no action at this time.

Motion by Dave Hintz, second by Gary Baier, to take no action at this time; staff to review with Corporation Counsel. The motion carried unanimously.

Chapter 15, the Oneida County Subdivision Ordinance. The Committee will be discussing road issues that have developed from administering the new Ordinance.

Karl Jennrich, Zoning Director, stated that the subdivision ordinance went into effect in July, 2010. There have been some issues that have surfaced involving roads. Private and easement roads were to be developed according to the town requirements. Mr. Jennrich referred to the following provisions of the subdivision ordinance.

Section 15.23 (1) (C) : For newly created subdivisions, right-of-way width for public, private, or easement roads shall be at least 66 feet except as provided in ch. 15.23(2)(A).

Section 15.23 (2)(A): A minimum of a 33 feet wide right-of-way width is required for any private road/easement that will provide access from a public road to not more than two (2) lots. Further re-division of lands may not be possible unless the private easement road satisfies 15.23(1) (C) of this ordinance.

Section 15. 23 (1) (I): Public, private, and easement roads that are existing at the time of the effective date of this ordinance, that are proposed to provide access to newly created parcels, shall meet the requirements as specified in this section. If the road does not meet the requirements, the subdivider shall meet with the town and Committee to determine the suitability of the existing road and determine what conditions need to be met to provide for adequate access.

Section 15.23 (2): General Provisions for Private and Easement Roads. These provisions shall apply to all private and easement roads intended to provide access to newly created parcels. (A) A minimum of a 33 feet wide right-of-way width is required for any private road/easement that will provide access from a public road to not more than two (2) lots. Further re-division of lands may not be possible unless the private easement road satisfies 15.23(1) (C) of this ordinance. (B.)In the event a town does not have private or easement road development standards the following standards shall apply: (1)Proposed private and easement roads shall be as follows: Right-of-way width - 66 feet; Roadway width - 26 feet; Surface width - 20 feet with 6 inch minimum gravel base; Maximum grades - 10%. (2).Inspection. A town without other means of carrying out an inspection of roads as part of a division or dedication, the Director may request the Oneida County Highway Commissioner provide inspection of roads to ensure compliance with this section. (C.)Private roads and easement roads from an existing public road to the newly created lot(s) shall be clearly labeled and surveyed and a monumented centerline shall be shown on the certified survey map.

Mr. Jennrich stated Stu Foltz has a client who wishes to subdivide 40 acres to give to their children. The subdivision ordinance requires a 66-ft wide access easement through the intervening lands to the west to Blue Lake Road, and also requires that an access road be built with a roadway width of 26 feet, 6" thick, 20 ft wide gravel surface and maximum grades of 10%. The family does not want to build the new access road now as it may not be needed for access for 20 years or more, and will deteriorate and grow up in brush during that time period. They feel that the environmental damage and the construction expense for a new road is unnecessary at this time. They are requesting to be allowed to postpone the construction of the new road until the first building permit is requested for one of the parcels resulting from the division of the forty.

There was Committee discussion. Mr. Holewinski asked who would pay for the road, if the lots are all sold and the developer is dead. There was discussion on requiring a bond, so that the money is there when the road needs to be built. That is usually done for town roads, but not private roads.

Karl Jennrich, Zoning Director, referred to Section 15.23 (1) (E):

"Before the final plat is submitted for final approval the subdivider shall provide written proof to the Department that all road work is either already satisfied or will satisfy all road concerns with the municipality of jurisdiction. Failure to provide this information will deem the project incomplete. In the case of where a plat is filed which includes a road dedication as a public road and is signed by the municipality of jurisdiction, no additional proof of satisfaction is required."

Scott Holewinski, Chairman, stated that if there is a subdivision of more than 2 lots, the road must be done before recording of the plat. Mr. Holewinski suggested that in this case, the property owners could transfer the forty to the children, to be owned equally, until such time that the property is developed and not pursue the subdivision at this time. Mr. Jennrich will consult with the Land Use Specialists and a few surveyors and this may be brought back to a future meeting for further discussion.

No action taken. Discussion only.

Staff attendance to the WCCA Spring Conference.

The Wisconsin County Code Administrators (WCCA) Spring Conference is March 31 & April 1, 2011. Mr. Jennrich requested approval for 2 staff members to attend.

Motion by Gary Baier, second by Dave Hintz, to approve 2 staff members to attend the WCCA Spring Conference. With all members voting “aye” the motion carried.

Line item transfers, purchase orders and bills.

Bills submitted for approval are \$720.09.

Purchase orders submitted for approval are \$522.36

Motion by Scott Holewinski, second by Gary Baier, to pay the bills and purchase orders. With all members voting “aye” the motion carried.

Refunds.

There were no refunds.

Approve future meeting dates: March 2 and March 16, 2011.

Meeting dates of March 2, 2011 and March 16, 2011 were confirmed. Dave Hintz stated that he would not be available for the meeting on March 16, 2011.

Public comments.

There were no public comments.

Future agenda items.

- Section 9.98 will be on a future meeting agenda (March 2, 2011).
- Lake Classifications will be on a future meeting agenda (March 2, 2011).

2:00 Conduct Public Hearing.

Conditional Use Permit Application of Michael Sasse to construct a second boathouse on property described as Boulder Point Lot 7, (approximately 2.69 acres with 1072' of water frontage), Section 2, T39N, R5E, at 11435 Boulder Point Drive, PIN MI 5966, Town of Minocqua.

Karl Jennrich, Zoning Director, read the notice of public hearing for the conditional use permit application indicated. The notice was published in the Northwoods River News on February 1st & 8th, 2011; and in the Lakeland Times, the week of February 1, 2011. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on January 27, 2011. The mailing list was also read into the record.

The following correspondence was received: Letter of approval from the Town of Minocqua dated January 21, 2011 recommending approval contingent upon meeting all county and state requirements.

Karl Jennrich, Zoning Director, reviewed the Conditional Use Permit Application and staff report with the Committee. The owner is requesting to construct a second boathouse on his property located at 11435 Boulder Point Drive, Minocqua. Pursuant to Section 9.94(A) (2) (d) (1)... *"In any additional increment of 100 feet of shoreline, a boathouse may be permitted only upon the issuance of a conditional use permit."* The property is situated on a point with 1,000+ feet of shoreline on Lake Shishebogama and 117,400 sq ft (2.69 acres) in size.

The proposed boathouse is 20' wide by 36' in depth and meets all other requirements of Section 9.94. As defined in Article 10, a boathouse must be used for the storage of boats and other related items, must be one story only, cannot exceed a total height of 12 feet and shall contain no plumbing or other living facilities. A Shoreland Alteration Permit and a Zoning Permit will be required prior to the start of construction.

On May 7, 2010 Tom Bablitch conducted an on-site at the request of the owner. The onsite included verification of the location for a 2nd boathouse. Mr. Bablitch's onsite report indicates the lot is a heavily wooded lot and the 2nd boathouse is being proposed on a slope of less than 20% and in an already natural opening. A Shoreland Mitigation Plan was approved on June 30, 2010 by Jeff Krueger, Zoning Technician, for the construction of 2 boathouses pending CUP approval. This mitigation plan includes installation of silt fence during construction and the remainder of the 35' vegetative buffer along the entire shoreline to remain in tact. No additional plantings are required because it is so heavily wooded.

The applicant submitted the "General Standards for Approval of the CUP" and the Committee was supplied a copy. If the Committee finds the standards have been met, and recommends approval of this application, staff would suggest the following conditions be placed on the CUP.

1. This project must commence within 3 years from date of issuance.
2. The nature and extent of the conditional use shall not change from that described in the application and approved in the Conditional Use Permit.
3. A Shoreland Alteration Permit and Zoning Permit are required prior to the start of construction.

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4. Excavation and land disturbance within 35' of the OHWM limited to 30' wide for the placement of this boathouse.
 5. Silt fence to be properly installed and maintained between construction area and the OHWM prior to the start of construction.
 6. All spoil piles to be placed landward.

Mr. Holewinski asked if there was any public comment for or against the issue at hand. There was none. Mr. Holewinski asked a 2nd time, if there was any public comment for or against the issue at hand. There was none. The public hearing was closed for deliberation.

Motion by Scott Holewinski, second by Dave Hintz, to approve the Conditional Use Permit Application of Michael Sasse to construct a second boathouse, with the general standards of approval being met and subject to conditions outlined by staff. With all members voting "aye" the motion carried.

Adjourn.

2:10 pm - Motion by Gary Baier, second by Dave Hintz to adjourn. The motion carried unanimously.

Scott Holewinski, Chairman

Karl Jennrich, Zoning Director