

ONEIDA COUNTY PLANNING & ZONING
March 2, 2011
1:00 PM
COMMITTEE ROOM #2
ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501

Members present: Scott Holewinski
Gary Baier
Dave Hintz
Billy Fried
Mike Timmons

Department staff present: Karl Jennrich, Zoning Director
Peter S. Wegner, Assistant Zoning Director
Lila Dumar, Secretary III

Other County staff: Brian Desmond, Corporation Counsel

Guests: Bob Williams
Kip Soder
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.

Approve the agenda.

Motion by Mike Timmons, second by Dave Hintz to approve the agenda. With all members present voting "aye", the motion carried.

Public Comments.

There were no public comments.

Approve meeting minutes of January 25, 2011.

Motion by Billy Fried, second by Dave Hintz to approve the meeting minutes of January 25, 2011 as presented. With all members voting "aye" the motion carried.

Approve meeting minutes of February 2, 2011.

Motion by Mike Timmons, second by Gary Baier, to approve the meeting minutes of February 2, 2011 as presented. With all members voting “aye” the motion carried.

Preliminary 2-lot certified survey map of Robert Von Lutzow, Jr., owner (Nicholas Meriggioli, purchaser) and Kip Soder, surveyor for property at 999 Leatzow Rd. being part of Gov’t Lot 4, Section 34, T39N, R11E, PIN TL 1304-B, Town of Three Lakes.

Nadine Wilson, Land Use Specialist, review the 2-lot CSM of Robert Von Lutzow, Jr. with the Committee. Kip Soder, Surveyor, is also present.

Ms. Wilson informed the Committee that the property is zoned Single Family Residential District #02. There is no floodplain, and the lot sizes meet the minimum requirements. The property is adjacent to Big Fork Lake.

There is a main house located on Lot #1 and a small guest cottage with riparian frontage. There is no sanitary system of record. The home situated on the lot is of record on the Wisconsin Historical Records. Staff conducted an onsite inspection on March 1, 2011 and verified that the small structure identified as a small guest cottage is in fact a cottage. There is a wet boathouse with sleeping quarters and plumbing located on Lot #2. There is no sanitary system of record. The wet boathouse is also of record on the Wisconsin Historical Records. Both lots will use the existing easement with a shared driveway and maintain the 35’ easement for ingress and egress to extend from Leatzow Road to #Lot 2 of proposed CSM.

The Town of Three Lakes has approved the proposed subdivision, with the condition that the small building in the NW corner not be considered a dwelling. The town input is advisory only. After discussion, the Committee concluded that the “cottage” shown on the map in the NW corner may remain a cottage because a change of use permit could not be issued to convert the usage to cold storage pursuant to Section 9.94(2) of the Oneida County Zoning and Shoreland Protection Ordinance. It was further discussed that the original intent of the structure was for dwelling purposes.

Ms. Wilson recommended approval subject to the following conditions:

1. New sanitary system to be installed on Lot 1 to service main house and cottage or existing sanitary system inspected and placed on the Department’s maintenance program within 1 year or upon sale of property.
2. New sanitary system to be installed on Lot 2 to service boathouse or existing sanitary system inspected and placed on the Department’s maintenance program within 1 year or upon sale of property.

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3. Historical status of structures may be maintained, owners may wish to note on front of certified survey map.
 4. "Legal pre-existing structures" noted on face of final certified survey map.
 5. Statement on certified survey map that town and county not responsible for maintenance or snow plowing of the driveway/utility easement.
 6. Record private driveway/utility easement agreement in Oneida County Register of Deeds office.
 7. Lot 2 is not to provide an easement to Lot 1 for access. Lot 1 to construct its own driveway off of driveway/utility easement for ingress and egress. This provision to be placed on face of certified survey map.

Motion by Gary Baier, second by Dave Hintz, to approve the preliminary 2-lot certified survey map of Robert Von Lutzow, Jr., owner (Nicholas Meriggioli, purchaser) and Kip Soder, surveyor for property at 999 Leatzow Rd. subject to the general standards of approval having been met, staff conditions of approval and that the small cottage shall retain its use as a cottage. With all members voting "aye" the motion carried.

Section 9.98, Piers, Other Berth Structures. The Committee will be discussing Section 9.98 and may direct Staff to eliminate this section.

Karl Jennrich, Zoning Director; and Peter S Wegner, Assistant Zoning Director, reviewed the history of Section 9.98—Piers, Other Berth Structures, with the Committee. Jimmy Rein, Wilderness Surveying, is also present.

Mr. Wegner distributed the following handouts and reviewed them with the Committee. The handouts are part of the record:

1. Section 9.98 – Piers, Other Berth Structures
2. Oneida County vs. DNR Pier Regulations dated March 2, 2011
3. Wis Stats., Chapter 30.11
4. Wis. Stats., Chapter 30.126
5. WDNR Pier Planner
6. Wisconsin's Pier Regulations, dated March, 2009

Mr. Jennrich and Mr. Wegner discussed the follow topics pertaining to piers and other berth structures with the Committee:

1. Setbacks
2. Riparian zones
3. Lighting
4. Length & width requirements
5. Lateral length
6. "T" or "L" configurations

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7. County Statement(s) of Record/Grandfathering
 8. Areas of Special Natural Resource Interest (ASNRI) waters.
 9. Marinas-important to keep regulation by County.
 10. DNR Pier Registration of Piers
 11. County is not required to regulate piers.

Mr. Wegner indicated that he would like to contact the DNR regarding the County's Pier Ordinance. Mr. Wegner was concerned that portions of the County's ordinance may not comply with DNR regulations. It was the consensus of the Committee for Mr. Wegner to contact the DNR and to bring this topic back to a future meeting.

Discussion only. No action taken.

Section 9.93, Lot sizes in Shoreland Areas; Waterway Classification. The Committee will be discussing Section 9.93 and may direct staff to modify the lot sizes based on waterway classification.

Gary Baier requested that this topic be placed on today's agenda. Mr. Baier reviewed the waterway classifications with the Committee. The waterway classification provisions require newly created lots on lakes < 50 acres to have 150 feet of water frontage; and newly created lots on lakes that are > 50 acres to have 100 feet of water frontage. Mr. Baier proposes that all new lots regardless of the size of the lake be required to have 100 feet of water frontage. Mr. Baier feels that any property owner that has 200+ feet on a lake less than 50 acres should be able to create two lots.

Karl Jennrich, Zoning Director, explained that waterway classifications were created to protect the smaller lakes after a subdivision was created on a 20 acre lake that consisted of 35 lots. Mr. Jennrich informed the Committee that there are certain lakes in Oneida County that require even greater density requirements due to town requirements and that Oneida County also administers those requirements.

The Committee discussed other possible options, such as hardship/exception clauses or grandfathering lots created before the creation of the waterway classifications. Mr. Jennrich objected, stating that it would be difficult to administer and may be discriminatory as well. Mr. Jennrich told the Committee that if it is their choice to change or relax the waterway classifications, the committee should consider removing them completely.

Motion by Gary Baier, second by Mike Timmons, to remove waterway classification #1 from the zoning ordinance so that all lakes will be waterway classification #2, and to require 100 ft lots regardless of the size of the lake.

Discussion on motion. Mr. Jennrich asked Mr. Baier if it was his intention is to go to 100 ft lots with the exception of those lakes so designated to have greater density requirements due to town requirements. If so, Mr. Jennrich will review the waterway classification provisions to see if any portion of the provision(s) will need to be retained. Mr. Baier stated that he did not want to eliminate waterway classifications altogether, but wants 100 ft water frontage requirement for all new lots. Mr. Jennrich clarified that if they are all to be the same, there may be no need for waterway classifications in the ordinance. Mr. Jennrich stated that he would draft the ordinance amendment and bring back to the Committee before scheduling the public hearing. It could be grouped with another ordinance amendment, or it can stand alone.

Chairman Holewinski called for a vote on the motion. With all members voting “aye” the motion carried.

Director’s attendance at the Wisconsin Land and Water Conservation Board in Wausau on April 4th.

The Committee was in support of Mr. Jennrich attending the WLWCB meeting in Wausau on April 4th, 2011. Gary Baier commented that the entire Committee should attend this meeting. Several other Committee members also expressed an interest. If there is a quorum, an agenda will need to be posted.

Motion by Mike Timmons, second by Gary Baier for Karl Jennrich to participate in the WLWCB meeting on April 4, 2011. With all members voting “aye” the motion carried.

Line item transfers, purchase orders and bills.

Bills submitted for approval are \$346.29.
Purchase orders submitted for approval are \$197.78.

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

Refunds.

There were no refunds today.

Approve future meeting dates: March 16 and April 6, 2011.

The Committee confirmed meeting dates for March 16, 2011 and April 6, 2011. For the record, Dave Hintz is excused from the March 16, 2011 meeting.

Public comments.

There were no public comments today.

Future agenda items.

No future agenda items were discussed today.

2:34 pm - Motion by Dave Hintz, second by Mike Timmons to adjourn. With all members voting "aye" the motion carried.

Scott Holewinski, Chairman

Karl Jennrich, Zoning Director