

ONEIDA COUNTY PLANNING & ZONING
September 16, 2009
12:30 P.M. CLOSED SESSION – COMMITTEE ROOM #2
1:00 P.M. REGULAR MEETING – COMMITTEE ROOM #2
2ND FLOOR ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501

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

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

Other County Staff: Brian Desmond, Corporation Counsel

Guests Present: Bill Bandow, Kevin Jenkins, Mike Sueflohn, Robert
Metropulos, Rebecca Berry

Call to order.

Chair, Scott Holewinski called the meeting to order at 1:00 p.m., in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda has been properly posted, the media notified.

Approve the agenda.

Motion by Ted Cushing, second by Frank Greb to approve the amended 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.

Mr. Holewinski indicated there will be no closed session.

Approve on-site, regular and public hearing meeting minutes of June 3, 2009.

Motion by Larry Greschner, second Charles Wickman to approve the regular, public hearing and onsite minutes of June 3, 2009. With all members present voting "aye", the motion carried.

Preliminary 11-lot Certified Survey Maps for Coalbiters, Inc., owner for property described as part of Gov't Lots 1 and 5, Section 12, T36N, R8E on the Wisconsin River, Town of Crescent.

Mr. Osterman presented a map showing the subdivision. Mr. Osterman indicated the DOT approved the entrance off Highway 17 and the department is questioning a 75 foot setback from the man-made ponds on the property. The DNR has been contacted regarding this concern. The town approved the map and the department would recommend approval with the following conditions:

1. The private easement road (dry land access) needs to be filled at an elevation of 1528 or above. You must provide written documentation from a surveyor that this has been done. We will not issue any zoning permits for these lots (excluding existing home) until we have received written confirmation on this matter.
2. Must comply with DNR and Army Corps. Of Engineers permit requirements.
3. Easement on Lot 4, crossing the wetland, is no longer needed and needs to be eliminated.
4. Road naming must be approved by the Oneida County Land Information Office, concerning the private easement road.
5. There shall be no unauthorized filling of wetlands and a statement shall be included on the final map.
6. You must include formal maintenance agreement dealing with the care of the private road. In the event you wish to execute a separate maintenance agreement document it must be recorded simultaneously with the filing of the Certified Survey Maps.
7. Lot 1, with the house, must be included and made part of the Oneida County Sanitary Maintenance Program within one (1) year of this date.
8. The Private Onsite Waste Treatment System (POWTS) serving the southerly lots 1 and 2 will need an existing septic system inspection and a reconnection permit if they ever are connected to a structure.
9. The existing bar and cement slab on lot 3 will need a demolition / removal permit and this must be done within one (1) year or upon sale. I have included a demolition / removal permit for your benefit.

The committee questioned the town concerns and the request that the road be brought up to town specifications.

Mr. Osterman read the 2004 and 2005 letters from the town. Mr. Jennrich read the 2008 letter from the town at the time of the rezone which indicated the town had no other concerns.

The committee requested the department send the town a letter requesting current approval of the issue at hand.

Motion by Larry Greschner, second by Frank Greb to table this agenda item until such time as it goes back to the town board, specific to the subdivision and the road specifications. With all members present voting “aye”, the motion carried.

Preliminary 2-lot Certified Survey Map of Attorney Greg Stacker for property described as a division of Lot 18 of the Plat of Doolittle Bardens Wah-Ca-Zi-Zi, further described as part of Gov't Lot 3, Section 25, T39N, R6E, PIN# MI 4487, Town of Minocqua.

Mr. Osterman presented the map as described and noted the town recommended denial due to a privately imposed deed restriction. Mr. Osterman read the letter on file from the town.

Brian Desmond, Corporation Counsel commented that this is not a Zoning Committee issue, but an issue for the private parties involved to work out in court.

Joe Handrick, Town of Minocqua, commented that the town's position is to only acknowledge the deed restrictions, as they believe this should be noted when passing a decision on property that has a restriction on it. Mr. Handrick recommended that the county approval letter acknowledge the deed restrictions.

Mr. Desmond commented that legal counsel does not recommend the committee acknowledge this in the approval letter.

Mr. Osterman noted the department has no legal basis to deny this, as it complies with the ordinance. The only concern the department has is for the driveway access and need for a driveway permit.

Motion by Scott Holewinski, second by Frank Greb to approve the two lot CSM of Greg Stacker, agenda item number seven, Town of Minocqua contingent on driveway approval. Charles Wickman "nay", Ted Cushing "aye", Larry Greschner "aye", Scott Holewinski "aye", Frank Greb "aye". The motion carried.

Ninety-day time extension to finalize and record the preliminary 2-lot 1-outlot Certified Survey Map of William Jensen for property at 7351 Campground Road located in part of Gov't Lot 4, Section 33, T39N, R11E, PIN# TL 1302-3 and TL 1302-4, Town of Three Lakes.

Mr. Osterman presented a map of the location.

Michael Jensen commented that a maintenance agreement with the neighbor was not completed as the owner wants to be able to do whatever they want.

The committee agreed that this issue can not be dealt with the way the agenda it posted. The extension is the issue at hand.

Motion by Larry Greschner, second by Ted Cushing to approve the 90 day extension of William Jensen, Town of Three Lakes, agenda number eight. With all members present voting "aye", the motion carried.

Mr. Jennrich indicated the change in conditions in the matter would have to come back to the committee with that specification on the agenda.

Preliminary 2-lot certified Survey Map of Timothy Sherry, Etal for property described as part of Gov't Lot 1, Section 4, T37N, R11E, 5320 Hansen Lane on Margaret Lake, Town of Piehl

Mr. Osterman indicated the department recommends approval with the following conditions:

1. No filling of wetlands.
2. Dedication on the final map.
3. Any other PZ Committee concerns.

Motion by Ted Cushing, second by Larry Greschner to approve the two lot CSM of Timothy Sherry, Etal in the Town of Piehl, agenda item number nine with the concerns as noted. With all members present voting “aye”, the motion carried.

Request to eliminate restriction placed on face of Certified Survey Map Volume 2 Page 144. This restriction prohibits dwelling units on lots 1 & 2. Said property is described as part of the SW SE, Section 26, T39N,R 6E on Highway 51, Town of Minocqua.

Mr. Jennrich provided handouts (Exhibit #1) regarding the property described and correspondence related to this property.

Motion by Larry Greschner, second by Charles Wickman to eliminate the restrictions on face of CSM Volume 2, Page 144, Town of Minocqua, agenda item number ten, pertaining to lots one and two. With all members present voting “aye”, the motion carried.

Possible revisions to Section 9.42 E, General Standards for approval of Conditional Use Permits, of the Oneida County Zoning and Shoreland Protection Ordinance

The committee reviewed the general standards for approval of a CUP (Exhibit #2).

Ted Cushing recommended in number two, taking out “in any foreseeable manner”.

Motion by Ted Cushing, second by Frank Greb to eliminate “in any foreseeable manner be” from general standard number two for a CUP. With all members present voting “aye”, the motion carried.

Mr. Desmond reminded the committee that there must be evidence to point to the reason for the standard.

Mr. Jennrich recommended the committee and department review the need for a CUP versus an ARP this winter.

Motion by Ted Cushing, second by Frank Greb directing staff to prepare an ordinance amendment to take to the county board relative to the general standards of a CUP. With all members present voting “aye”, the motion carried.

Time: 1:55 p.m. Recess for public hearing.

Soil and site evaluation fees. The committee may be considering charging a fee for staff to review soil and site evaluations

Mr. Jennrich presented a handout with information obtained upon reviewing other county fees (Exhibit #3). The department is recommending a fee between \$25 and \$50 for soil and site evaluation but not for septic inspections, which is a separate fee.

Mr. Cushing recommended raising the fee schedule by \$25 and leave number thirteen on the fee schedule and leave number fourteen as is along with number seventeen on the fee schedule.

Mr. Jennrich indicated the plan review on the fee schedule will be looked into possibly and possibly effective January 1, 2010.

Motion by Ted Cushing, second by Charles Wickman directing staff to implement the fee schedule changes as recommended and bring back to the next meeting. With all members present voting “aye”, the motion carried.

North Central Wisconsin Regional Planning Commission Review. The Committee may request NCWRPC to reduce their contract amount

Mr. Jennrich referred the committee to the letter received from Mr. Greschner (Exhibit #4) requesting a refund of \$40,000 from NCWRPC.

Mr. Desmond recommended the plans not have not been submitted yet, meet the statutory requirement before asking for a refund. Funds may yet be needed.

The committee discussed the need for cost savings through out the county and this could be a large savings.

Motion by Larry Greschner, second by Ted Cushing to forward the letter onto Mr. Dennis Lawrence with all five signatures of the committee. With all members present voting “aye”, the motion carried.

Evaluate the need for a second Planning and Zoning Committee agenda. Consider combining the regular Planning and Zoning Committee meeting agenda and the Planning and Zoning Committee Public Hearing meeting agenda into just one meeting agenda.

Mr. Holewinski indicated the need for two separate agendas was discussed with LRES and the expenses involved. Mr. Holewinski asked for the committee's opinion on this issue.

Mr. Cushing recommended combining the agendas for cost savings and that other committees do the same. Mr. Cushing recommended this also be discussed at county board.

The Planning and Zoning Department decided to go to one agenda and combine the regular and public hearing meetings.

Motion by Ted Cushing, second by Larry Greschner to go back to one agenda starting today. With all members present voting “aye”, the motion carried.

Vice Chairman, Frank Greb, resigning from County Board. The Committee will be selecting a new Vice Chairman.

Mr. Greb nominated Ted Cushing. All committee members agreed.

Line item transfers, refunds, purchase orders and bills

Mr. Jennrich presented bills and purchase orders in the amount of \$263.69 (Exhibits #5) and statistics through August 2009 (Exhibit #6).

Motion by Ted Cushing, second by Frank Greb to approve the purchase orders and bills as presented. With all members present voting “aye”, the motion carried.

Approve future meeting dates: October 5, 2009 and October 21, 2009.

Mr. Holewinski noted he will be absent for the October 21st meeting.

Public Comments

No public comment was made.

Future agenda items.

As previously discussed.

Adjourn

Time: 2:44 p.m.

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

Scott Holewinski, Chair

Karl Jennrich, Zoning Director