

ONEIDA COUNTY PLANNING & ZONING
November 3, 2010
1:00 pm - Regular Session
2:00 pm – Public Hearing
COMMITTEE ROOM #2, SECOND FLOOR COURTHOUSE
2ND FLOOR ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501

Members present: Scott Holewinski, Chairman
Gary Baier, Vice-Chair
Dave Hintz
Billy Fried
Mike Timmons

Department staff present: Karl Jennrich, Zoning Director
Peter S. Wegner, Assistant Zoning Director
Steven R Osterman, Planning Manager
Lila Dumar, Secretary III
Kathy Ray, Land Use Specialist

Other County Staff: Brian Desmond, Corporation Counsel

Guests Who Signed In: Bob Martini
Norris Ross
Stu Foltz, Foltz & Associates
Don Sidlowski, Town of Three Lakes
Jenny Bond
Zbigniew Rogala

Call to order.

Scott Holewinski, Chairman, called the meeting to order at 12:00 p.m., in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda was properly posted.

Approve the agenda.

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

Public Comments.

Bob Martini asked if Committee action would be taken today on the Ordinance Rewrite (NR 115). Karl Jennrich, Zoning Director, stated that there would most likely be action taken today.

Approve on-site meeting minutes of September 1, 2010.

Motion by Gary Baier, second by Scott Holewinski to approve the meeting minutes of September 1, 2010 (onsite) as presented. With all members voting “aye” the motion carried.

Approve meeting minutes of September 30, 2010.

Motion by Dave Hintz, second by Scott Holewinski to approve the meeting minutes of September 30, 2010 as presented. With all members voting “aye” the motion carried.

Approve meeting minutes of October 6, 2010.

Motion by Billy Fried, second by Gary Baier to approve the meeting minutes of October 6, 2010 as presented. With all members voting “aye” the motion carried.

Approve meeting minutes of October 20, 2010.

Motion by Gary Baier, second by Dave Hintz to approve the meeting minutes of October 20, 2010 as presented. With all members voting “aye” the motion carried.

Zoning permit refund request of Kenneth Maciaz property located at 4406 County Hwy Y further described as part of the NW SW, Section 24, T37N, R6E, PIN LR 953-3, Town of Little Rice.

Kenneth Maciaz was not present. This agenda item was tabled to the next meeting.

2-lot land division of Allan Cramer – Lot 5 CSM #2479, SE SW, Section 1, T36N, R6E, Town of Nokomis.

Stu Foltz, Foltz & Associates is present. Mr. Foltz is requesting that this subdivision not be subject to the newly enacted County subdivision ordinance. It is the Cramer’s position that state law does not require land contracts to be recorded, that the original 2007 land contract is a valid conveyance that pre-dates the new ordinance and is not subject to the requirements of the new ordinance.

Motion by Gary Baier, second by Mike Timmons to approve Mr. Foltz’s request to exempt the 2-lot land division of Allan Cramer from the provisions of the new County subdivision ordinance as discussed, subject to approval from the Town of Nokomis. With all members voting “aye” the motion carried.

Review revisions to Chapter 9, Section 9 of the Oneida County Zoning and Shoreland Protection Ordinance due to changes in NR 115. Staff will present language for the Committee to review.

Karl Jennrich, Zoning Director, and Peter S. Wegner, Assistant Zoning Director, reviewed the proposed revisions to Chapter 9 – The Oneida County Zoning and Shoreland Protection Ordinance.

Mr. Wegner reviewed Section 9.94 A (1): The setback for all structures shall be seventy-five (75) feet from the OHWM of any navigable waters to the *nearest part of such structure...* Following discussion the Committee agreed to revise this section as follows: “The setback for all structures shall be seventy-five (75) feet from the OHWM of any navigable waters to the nearest part of such structure, including overhangs, except for boathouses...” The Committee felt that this clarifies that the measurement is made to the eaves/overhangs.

Mr. Wegner stated that Section 9.94 B (6) was revised to remove the word “envelope” as requested by the Committee and shall read as follows:

“If the roadway setback reduction described above does not provide for such 30 foot deep ~~envelope~~ building footprint, the OHWM setback may then be reduced until such 30 foot deep ~~envelope~~ building footprint is established provided the resulting OHWM setback is not less than 40 feet.”

Billy Fried discussed the definitions of the Ordinance. Mr. Fried expressed concern whether the public will be aware of the definition portion of the ordinance and that they need to refer to it in order to interpret the ordinance. It was suggested that the terms that are defined in the definition section could be italicized or identified somehow throughout the ordinance. Following discussion the Committee agreed that it would clutter the ordinance and is not necessary.

Staff reviewed Section 9.94 A (2) (e) Boat Shelter with the Committee. Following discussion, the Committee agreed to revise the definition of a boat shelter as follows:

Boat Shelter. A permanent structure in navigable waters designed and constructed to provide cover for a boat. It may include a roof and a boat hoist, but must not have walls or sides. Does not include shore stations.

Discussion was held on the regulation of piers. Mr. Jennrich, Zoning Director went over the history of County versus DNR regulation of piers. At one point in the past, the County proposed to opt out of pier regulation, but the proposal did not pass. Mr. Jennrich will provide background on this to the Committee members.

Staff reviewed Section 9.94 (2) (e) Boat Shelters (8) & (12) pertaining to colors and aesthetics of boat shelters. Following discussion the Committee agreed that (8) & (12) shall remain unchanged.

Staff reviewed Section 9.94 (A) (3) Improvements, (a) – (g). Following discussion the Committee agreed as follows:

1. To accept (a) – (b) as presented.
2. To change (c) by striking “but not both” to allow both a stairway and a lift.
3. To combine (d), (e) & (g) and to add: “Excavation for a walkway shall not exceed 5 feet in width.” Staff will create new language.
4. The Committee felt that to allow 8 feet width for lifts and motorized cars was excessive. Staff will research.

1:55 pm – The Committee recessed prior to conducting the scheduled public hearing.

2:00 pm – Conduct Public Hearing on the following:

Conditional Use Permit Application of Jennifer Bond and Zbigniew Rogala to relocate Z and V Internet Auto Sales to 10081 Hwy 70 West on property described as part of the NW SE, part lying north and east of the river, Section 9, T39N, R6E, PIN MI 2152-2, Town of Minocqua.

Karl Jennrich, Zoning Director, read the notice of public hearing for the Conditional Use Permit Application of Jennifer Bond and Zbigniew Rogala to relocate Z and V Internet Auto Sales to 10081 Hwy 70 West. The notice was published in the Rhinelander Daily News on October 19 & 26, 2010; and the Lakeland Times week of October 18, 2010. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on October 14, 2010. The mailing list was also read into the record.

Correspondence in file:

- (1) Letter of approval (subject to conditions) from the Town of Minocqua, dated October 8, 2010; (2) Letter of opposition from Judy & Duane Domaszek, 10094 HWY 70, Minocqua WI;
- (3) Letter of opposition from James & Melissa Patterson, 8600 Kenwood Terrace, Minocqua WI;
- (4) Letter of opposition from John & Caryl Mattioli, 8590 Kenwood Terrace, Minocqua WI 54548;
- (5) Letter of opposition from James & Linda Sporakowski, 8620 Kenwood Terrace, Minocqua WI;
- (6) Letter of opposition from David & Cynthia Davis, 10071 Hwy 70, Minocqua WI

Kathy Ray, Land Use Specialist and CUP applicants, Jennifer Bond and Zbigniew Rogala are present. This is a request to relocate Z&V Internet Auto Sales to a new location. This is an owner operated used car sales business with 5-10 automobiles for sale at a time. 1-4 customers are anticipated per day. Ingress and egress is from Hwy 70.

Kathy Ray, Land Use Specialist, recommended approval of the CUP provided that the Committee finds the standards have been met and subject to the following conditions:

1. The nature and extent of the conditional use shall not change from that described in the application and approved in the Conditional Use Permit.
2. Subject to the Towns review and the following conditions:
 - Must meet all state and county requirements;
 - Have a valid retail car sellers' permit;
 - No cars displayed on right-of-way;
 - The permanent storage and abandonment of any type of vehicle at this place of business is prohibited for a time longer than 6 months;
 - 50' buffer zone to the east, south and west side of property with no cars located in these areas.
3. May be subject to DOT review.
4. Sign permit(s) to be obtained, as required, prior to placement.
5. Must obtain a zoning permit for change of use for office space in existing garage.
6. No salvage material/items/inventory or non-operable/non-repairable items to be stored on the property.
7. The permanent storage and/or abandonment of any type of vehicle or machinery is prohibited for a time longer than 6 months.
8. No land disturbance permitted within 5' of wetland.
9. The filling of wetland is prohibited unless proper permits have been obtained.

Scott Holewinski, Chairman, noted that some of the letters read today speak of placement of deed restrictions on the CUP approval. Brian Desmond, Corporation Counsel, advised the Committee that deed restrictions cannot be placed on a CUP approval, but could be included as conditions of the CUP approval.

2:18 pm - Scott Holewinski, Chairman, asked if there was any public comment for or against the issue at hand.

Melissa Patterson, 8600 Kenwood Terrace, Minocqua WI, stated that she is present to represent the neighbors in the area. Ms. Patterson stated opposition to the CUP approval due to the potential visual junkyard appearance, noise and environmental concerns. Ms. Patterson offered a letter of opposition from Jack Lattig, 8544 Hower Road, Minocqua WI, which was accepted for the record.

Jennifer Bond, CUP applicant, described the property and the care that is currently taken to maintain it and how the property will be cared for after the business is relocated. Zbigniew Rogala, CUP applicant, described the business and how it will be operated. Mr. Rogala stated that there will be no mess or junkyard appearance. It is an internet-based business, buying cars and re-selling them on the internet with very little customer traffic. Mr. Rogala clarified that no trees would be removed and it will not be like a regular car sales lot. The cars cannot be seen from the highway.

2:28 pm – The public hearing was closed for Committee deliberation.

There was discussion held on vehicle repairs onsite. Mr. Rogala stated there would be no routine service work done on cars. The only vehicle repairs would be to make a vehicle more sellable—repair brakes, leaks, etc. He would get a car in, check it over and make repairs and in some cases would take the car elsewhere to have the work done.

Karl Jennrich, Zoning Director, recommended an additional condition be placed on the CUP as follows.

10. Service work in garage only for purchase-to-sell or personal vehicles. If there is a floor drain it must be discharged to a holding tank as non-domestic waste. Hazardous material/oil/antifreeze fluids to be properly stored and disposed of.

Motion by Dave Hintz to approve the conditional use permit of Jennifer Bond and Zbigniew Rogala to relocate Z and V Internet Auto Sales as presented, with the general standards being met, the conditions outlined by staff including condition #10 offered by the Zoning Director and Town of Minocqua concerns. With all members voting “aye” the motion carried.

Ordinance Amendment #7-2010, Section 9.78, Sign Regulations, authored by the Planning and Zoning Committee to amend Section 9.78, Sign Regulations of the Oneida County Zoning and Shoreland Protection Ordinance as follows: The intent of the Ordinance is to remove the regulation of on-premise signs. Oneida County would not regulate the number or size of on-premise signs. On-premise signs would still be required to meet setbacks to side and rear lot lines, right-of-way and waterfront. The Ordinance also makes amendments to off-premise signs, prohibited signs and signs specifically exempted from the Ordinance. Exempted political signs would increase from 12 square feet to 32 square feet.

Karl Jennrich, Zoning Director, read the notice of public hearing for Ordinance Amendment #7-2010, Section 9.78, Sign Regulations, authored by the Planning and Zoning Committee. The notice was published in the Rhinelander Daily News on October 19 & 26, 2010; the Lakeland Times, Tomahawk Leader, and Vilas County News the week of October 18, 2010. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on October 14, 2010. The mailing list was also read into the record.

Mr. Jennrich read an email from Denny Thompson, District 12, stating that the Towns of Cassian, Lake Tomahawk and Woodboro would prefer that the County continue to regulate on-premise signs and that the Town of Crescent would implement their own ordinance if the County opted out of regulating on-premise signs.

2:40 pm - Scott Holewinski, Chairman, asked if there was any public comment for or against the issue at hand.

Don Sidlowski, Town of Three Lakes, stated that the Town of Three Lakes is in favor of Town regulation of on-premise signs and has been on record for Town regulation since 2008.

2:44 pm - The public hearing was closed for Committee deliberation.

Billy Fried clarified that if the Committee adopts Ordinance Amendment #07-2010, all the towns, even those that do not want to regulate on-premise signs, would be on their own.

Karl Jennrich, Zoning Director, stated that the Towns of Cassian, Hazelhurst, Lake Tomahawk, Lynne, Pine Lake and Schoepke wish the County to continue regulation of on-premise signs. The Towns of Minocqua, Three Lakes, Crescent and Woodruff would like Town regulation of on-premise signs.

Gary Baier, representing the Town of Nokomis, stated that the Town of Nokomis favors Town regulation of on-premise signs. Scott Holewinski, representing the Town of Sugar Camp, stated that the Town of Sugar Camp favors Town regulation of on-premise signs. Dave Hintz stated that he is in favor of Town regulation of on-premise signs.

There was discussion on and whether village powers would be required in order to adopt and enforce a sign ordinance at the town level. Corporation Counsel Brian Desmond suggested that each Town contact their Town Attorney on that question.

Billy Fried expressed concern on letting down the Towns that do not want to enforce their own sign ordinance. Scott Holewinski, Chairman, stated that the Towns can create their own ordinance if they want or do nothing; it is a choice of the Town and that each Town has a County Board Supervisor to represent them. Karl Jennrich, Zoning Director, stated that if this is adopted by the County Board, an effective date in the future can be set to allow the Town time to plan/create their ordinance.

Motion by Dave Hintz, second by Gary Baier, to draft an ordinance amendment for County Board to support Town regulation of on-premise signs.

Karl Jennrich, Zoning Director informed the Committee that he needed to research whether or not a sign may still require a zoning permit for a structure greater than 200 sq ft or greater than \$2,500.00 in value.

Gary Baier asked Corporation Counsel if it would be possible for a town to contract with the County to enforce a Town Sign Ordinance. Mr. Desmond stated that it would be possible, but he would research this question further.

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

The Committee continued the review of revision to Chapter 9, Section 9 of the Oneida County Zoning and Shoreland Protection Ordinance due to changes in NR 115.

Section 9.94 A (3) (k). Mr. Wegner informed the Committee that this language was stricken due to earlier discussions with the Committee regarding the regulation of colors of structures.

Section 9.94 B Special Zoning Permission for Structures in Shoreland Setback Area. Mr. Wegner informed the committee that there are no changes to this section at this time, but there may be changes due to the impervious surface provisions, accessory structures and non-conforming structures.

Section 9.94 C Impervious Surface Standards. Mr. Wegner informed the Committee that this language is directly from the model ordinance and NR 115 and are the minimum requirements. The Committee reviewed the proposed language. Mr. Wegner informed the Committee that a definition of “impervious surface” will be added. The definition comes from the model ordinance is as follows.

Impervious surface means an area that releases as runoff all or a majority of the precipitation that falls on it. “Impervious surface” excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious.

Mr. Wegner reviewed the method used to calculate impervious surfaces. The minimum impervious surfaces permitted within 300 feet of the OHWM without mitigation is 15%.

9.94 C 4 Maximum Impervious Surface. Mr. Wegner informed the Committee that under the new language a permit can be issued with up to 30% impervious surfaces with a mitigation plan. Mr. Wegner reviewed mitigation plan requirements and noted that our current language in Section 9.96 would meet this requirement. Mr. Wegner suggested requiring the mitigation plan to be completed within 18 months of issuance of the related zoning permit. Currently, the zoning ordinance requires the mitigation plan to be complete within 12 months. Mr. Wegner also recommended adding a follow-up inspection to verify that the work has been completed, which will require more staff time. Staff will develop language, with a reference to Section 9.96 and bring this back to the Committee.

Mr. Jennrich referred to 4 (d), which will require that an instrument to be recorded in the Register of Deeds Office to document the mitigation plan. A document/instrument will be drafted to comply. Staff & Corporation Counsel will work on this.

9.94 C 5 Existing Impervious Surfaces. Mr. Wegner stated that this language is directly from the model ordinance and NR 115 and is what can be done with existing impervious surfaces. Mr. Wegner noted that the way the language is written and the way that the DNR is interpreting it, makes it very confusing. Staff will work on language to comply with NR 115 that is clearer.

Mr. Wegner presented a slide show of waterfront properties and the different scenarios for a viewing area, boathouses, piers, vegetative buffer, mitigation, etc.

Discussion only. No action taken.

Line item transfers, purchase orders and bills.

Bills presented for payment are \$104.00, plus expense vouchers totaling \$884.50.
Purchase orders presented for payment total \$157.92.

Motion by Billy Fried, second by Gary Baier to pay the bills as presented. With all members present voting "aye" the motion carried.

Refunds.

There were no requests for refunds.

Approve future meeting dates: November 17 and December 1, 2010.

The Committee scheduled November 17, 2010 & December 1, 2010 for regular meetings/public hearings. November 29, 2010 was scheduled to continue review of the Ordinance Revisions (NR 115).

Public comments.

There were no public comments.

Future agenda items.

The Planning & Zoning Department's Long Range Plan will be on a future meeting agenda.

Adjourn.

4:00 pm - Motion by Dave Hintz, second by Mike Timmons to adjourn. With all members voting "aye" the motion carried.