

ONEIDA COUNTY PLANNING & ZONING
November 4, 2009
12:30 P.M. CLOSED SESSION – COMMITTEE ROOM #2
1:00 P.M. REGULAR MEETING – COMMITTEE ROOM #2
2:00 P.M. PUBLIC HEARING – COMMITTEE ROOM #2
2ND FLOOR ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501

Members present: Scott Holewinski
Charles Wickman
Ted Cushing
(Absent: Larry Greschner)

Department staff present: Pete Wegner, Assistant Zoning Director
Steve Osterman, Planning Manager
Kathy Ray, Land Use Specialist
Kim Gauthier, Secretary

Other County Staff: Mike Fugle, Assistant Corporation Counsel

Guests Present: Dave Lemke, Ben Loma, Mike Warekois

ALL AGENDA ITEMS ASSUMED TO BE DISCUSSION/DECISION.

Call to order.

Chair, Scott Holewinski called the meeting to order at 12:33 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 Charles Wickman 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.

1. Enforcement of junkyard complaint in the Town of Newbold.
2. Enforcement of excessive excavation in the Town of Woodboro.

Motion by Ted Cushing, second by Charles Wickman to go into closed session pursuant to Section 19.85(1) (g). Ted Cushing "aye", Charles Wickman "aye", Scott Holewinski "aye". The motion carried.

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

Motion by Ted Cushing, second by Charles Wickman to return to open session. Roll Call Vote: Scott Holewinski “aye”; Charles Wickman “aye”; Ted Cushing “aye”. The motion carried.

Approve regular meeting minutes of July 29, 2009.

Motion by Ted Cushing, second Charles Wickman to approve the regular minutes of July 29, 2009. With all members present voting “aye”, the motion carried.

Approve regular and public hearing meeting minutes of August 5, 2009.

Approve regular and public hearing meeting minutes of August 19, 2009.

Motion by Ted Cushing, second by Charles Wickman to approve the regular and public hearing minutes of August 5, 2009 and August 19, 2009 as presented. With all members present voting “aye”, the motion carried.

Preliminary 7-lot Certified Survey maps of Tomahawk Log and Country Homes Inc., owner for property described as part of N ½ of SE ¼, Section 27, T36N, R6E, PIN# NO 417, Town of Nokomis.

Mr. Osterman described the property and map of the property listed above. The town has approved the map, however, a letter was not received yet. Mr. Osterman indicated the department approves of the map subject to the following:

1. Lot five has a well. If building on lot five is hooked up to existing well and contains plumbing, a code compliant sanitary system needs to be installed.
2. County highway driveway permits approval for lot six.

Dave Lemke, Surveyor, was present and noted the driveway was permitted and the letter from the town was mailed last Monday.

Motion by Ted Cushing, Charles Wickman to approve the preliminary seven lot certified survey map of Tomahawk Log and Country Homes Inc, agenda item number eight with any staff and town concerns. With all members present voting “aye”, the motion carried.

Living quarters in garages and other accessory buildings.

Mr. Wegner referred to the memo dated October 27, 2009 (Exhibit #1). Mr. Wegner indicated there is not enough square footage to warrant another dwelling. Staff recommended “no plumbing” restriction.

Mike Fugle, Assistant Corporation Counsel discussed the possibility of defining “residence” in the ordinance.

Mr. Cushing recommended the department not prohibit plumbing in these cases, however agreed this is a huge loop hole.

The committee agreed that staff needs to work on language to remedy this problem.

Motion by Ted Cushing, second by Charles Wickman to instruct staff to research language regarding living quarters in garages. With all members present voting “aye”, the motion carried.

Section 9.93 D, Minimum Lot Area.

Section 15, Subdivision Control Ordinance

Mr. Wegner referred to the memo provided (Exhibit #2) along with draft language of Section 9.93 (Exhibit #3) and Chapter 15 (Exhibit #4).

Mr. Fugle described the changes made to each and noted the need for alphabetical sub sections to Section 9.93(D) (6), (7), (8) see exhibit #3.

Motion by Ted Cushing, second by Charles Wickman to send Section 9.93 either back for a public hearing or regular meeting if needed. The motion was withdrawn by Mr. Cushing and did not carry.

Motion by Ted Cushing, second by Charles Wickman to send Section 9.93(D) to public hearing as presented. With all members present voting “aye”, the motion carried.

Motion by Ted Cushing, second by Charles Wickman to forward Chapter 15, subdivision ordinance to a public hearing with the changes as presented. With all members present voting “aye”, the motion carried.

Line item transfers, refunds, purchase orders and bills

Mr. Wegner presented bills and purchase orders in the amount of \$743.06 and \$1976.44 (Exhibits #5 and #6).

Motion by Charles Wickman, second by Ted Cushing bills and vouchers as presented. With all members present voting “aye”, the motion carried.

Motion by Charles Wickman, second by Ted Cushing to approve the refund in the amount of \$145.00, as presented. With all members present voting “aye”, the motion carried.

Approve future meeting dates: November 18, 2009 and December 2, 2009

Public Comments

Ben Loma commented on his concern that the garage issue was ok when Gary Baier was on the committee, but now it's not ok. Mr. Loma commented that the committee should be more concerned that these structures conform to UDC more than anything else. Mr. Loma believes owners are trying to save cost by building structures of this nature. Mr. Loma asked if the county should segregate itself or also include the state and other counties on the garage structure issue.

Mike Warekois commented on the use of a garage for sleeping quarters and that this was allowed in the past. Mr. Warekois commented on a three million dollar home where the owner utilized a garage for temporary sleeping quarters.

Future agenda items

- Discuss filling Mr. Greb's position and discussion at county board.

Time: 1:38 p.m. Recess for public hearing.

2:00 P.M. – CONDUCT PUBLIC HEARING ON THE FOLLOWING:

Conditional Use Permit Application of Ritchie Lakeland Oil / N&J Investments to expand the existing business by constructing a new office building and truck storage building. Project to include demolition and additions to existing structures. Project to include allocation of Hansen Road approximately 150' east of the current intersection with Balsam Street on property described as part NE NE, and Gov't Lot 1, Lots 1 & 2 CSM V3, P688 of Section 11 and part NW NW and Gov't Lot 1, Section 12, all in T39N, R6E, 8783 Hansen Road, PIN#'s MI 2169-5 (incl MI 2187-1), MI 2169-7 and MI 2169-10, Town of Minocqua.

Mr. Wegner, Assistant Zoning Director read the notice of public hearing into the record. Mr. Wegner offered proof of publication from the Rhinelander Daily News, published on October 20, 2009 and October 27, 2009. Published in the Lakeland Times, the Tomahawk Leader and the Vilas County News the week of October 19, 2009. The notice was posted on the Oneida County courthouse bulletin board October 15, 2009. The certified and first class mailing list was read into the record. Mr. Jennrich noted the notice recipient list was part of the record and available for review.

Mr. Wegner indicated the following correspondence was received:

- Letter from the Town of Minocqua dated October 26, 2009 approving of the permit application.

Kathy Ray, Land Use Specialist read the report provided (Exhibit #5) and described the project presented. Ms. Ray indicated the department recommends approval with the following conditions:

1. The nature and extent of the use shall not change from that described in the application and approved in this Conditional Use Permit.
2. Subject to conditions of approval under CUP #97-09.
3. Subject to Town conditions as outlined in attached letter dated October 26, 2009.
4. All lots west of Hansen Road pertaining to this business to be combined by CSM into one (1) lot with a deadline for recording prior to the start of construction.
5. Proper permits to be obtained prior to the start of construction (Town/County/State).
6. If additional exterior lighting is installed, it must be downcast and shielded from above.
7. Must maintain proper screening around dumpster(s).
8. Landscaping berm to be completed by November 1, 2010.

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9. Parking and storage areas limited to areas depicted on the plot plan submitted with this CUP (which includes the areas approved under CUP #97-09).
 10. Failure by applicant to abide by all conditions of the CUP may lead to revocation of said permit.

Jeremy Ritchie indicated the dumpsters can be placed behind the office building. Mr. Ritchie also indicated the snowmobiles now travel on Hanson Road to access the lake and this will remain.

Joe Ritchie indicated the project will not begin until spring of 2010.

Mr. Holewinski asked if there was any public comment for or against the issue at hand.

Joe Handrick, Town of Minocqua commented that the town thinks this is a great proposal. The road issue will be mute if the project is not finished until spring. Mr. Handrick indicated the town is ok with the snowmobile trail access and that he wanted to ensure that the Ritchie's were aware of the access need.

Ben Loma commented he is for the proposal.

Dave Schmitz commented he is for the proposal.

Mike Warekois commented that he believes the owner will do fine.

No other public comment was made and the public comment portion of the hearing was closed.

Ted Cushing commented that condition number four should take place prior to construction.

Motion by Ted Cushing, second by Charles Wickman that condition number four take place prior to start of construction and condition number eight be completed by November 1, 2010. With all members present voting "aye", the motion carried.

Motion by Ted Cushing, second by Charles Wickman to approve the conditional use permit of Ritchie Lakeland Oil, Town of Minocqua, agenda item sixteen with the conditions of the town and staff and the general standards having been met. With all members present voting "aye", the motion carried.

Ordinance Amendment #9-2009, Section 9.42 E, General Standards for Approval of CUP, authored by the Planning and Zoning Committee to amend Section 9.42 E, of the Oneida County Zoning and Shoreland Protection Ordinance as follows: (see agenda)

Mr. Wegner, Assistant Zoning Director read the notice of public hearing into the record. Mr. Wegner offered proof of publication from the Rhinelander Daily News, published on October 20, 2009 and October 27, 2009. Published in the Lakeland Times, the Tomahawk Leader and the Vilas County News the week of October 19, 2009. The notice was posted on the Oneida County courthouse bulletin board October 15, 2009.

The certified and first class mailing list was read into the record. Mr. Jennrich noted the notice recipient list was part of the record and available for review.

Mr. Wegner indicated there was no correspondence received.

Mr. Holewinski asked if there is any public comment for or against the issue at hand.

Ben Loma asked why the language in sub two was stricken. Mr. Loma indicated he is for the changes as presented after Mr. Cushing explained that a conditional use permit is too hard to approve with the old language.

Dave Schmitz commented that he is in favor of the change proposed and recommended the department issue more ARP's than CUP's.

There was no other public comment and therefore, public comment was closed.

Motion by Ted Cushing, second by Charles Wickman to approve the changes to Section 9.42(E) and have staff bring back in resolution format. With all members present voting "aye", the motion carried.

Ordinance Amendment #10-2009, Section 9.52, Mobile Home, Manufactured Home and House Trailer Parks, authored by the Planning and Zoning Committee to amend Section 9.52, of the Oneida County Zoning and Shoreland Protection Ordinance as follows (as shown on the agenda).

Mr. Wegner, Assistant Zoning Director read the notice of public hearing into the record. Mr. Wegner offered proof of publication from the Rhinelander Daily News, published on October 20, 2009 and October 27, 2009. Published in the Lakeland Times, the Tomahawk Leader and the Vilas County News the week of October 19, 2009. The notice was posted on the Oneida County courthouse bulletin board October 15, 2009. The certified and first class mailing list was read into the record. Mr. Jennrich noted the notice recipient list was part of the record and available for review.

Mr. Wegner indicated there was no correspondence received. Mr. Wegner read the changes as presented and indicated Section 9.52(H) is no longer needed since there is no overlay district.

Mr. Holewinski asked if there is any public comment for or against the issue at hand.

Ben Loma questioned Section 9.52(B)(1), setbacks and commented that he believes the placement is too restrictive. Mr. Loma commented that he agrees with the setback of twenty feet in Section 9.52(B) (4) and asked if the fifty foot setback applies to a garage.

Mr. Wegner indicated the setbacks are more specific to mobile home parks. This language will keep structures away from the common area.

Mr. Holewinski commented on mobile home park licensing and the setback requirements due to lot line proximity. Mr. Holewinski also described the language change in reference to service buildings within mobile home parks.

Ben Loma commented on Section 9.52(H) (1), pertaining to UDC requirements and noted he does not believe this language meets the requirement and this portion of the language should be eliminated. Mr. Loma also asked who in the zoning department will ensure Section 9.52(H) (2) is in compliance, as he believes this is a UDC inspection issue. Mr. Loma commented that he understands that the set of a home is the only issue UDC should address, however a conditional use permit should also meet UDC requirements. Mr. Loma described new building materials which may not require a slab foundation and the need for the committee to keep this in mind when developing language.

Mike Warekois commented that he agrees with Mr. Loma.

There was no other public comment made and the public comment portion of the hearing was closed.

The committee discussed mobile home park dynamics and the concerns presented.

Motion by Ted Cushing, second by Charles Wickman to strike Section 9.52 (H) (1) and (2) from mobile home and manufactured home ordinance. With all members present voting “aye”, the motion carried.

The committee discussed the setbacks from a 100 foot lot line and the need for considering residential areas. The committee agreed to leave this portion of the language as is.

Motion by Ted Cushing, second by Charles Wickman to approve ordinance amendment #10-2009 pertaining Section 9.52, as changed and have staff bring back for approval and forwarding onto the county board. With all members present voting “aye”, the motion carried.

Adjourn

Time: 2:45 p.m.

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

Scott Holewinski, Chair

Pete Wegner, Assistant Zoning Director