

ONEIDA COUNTY PLANNING & ZONING
November 19, 2008
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
Ted Cushing
Larry Greschner
Charles Wickman
Frank Greb

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

Other County Staff: (None)

Guests Present: Kevin Jenkins, Judy Allen, John Allen, James Rein

Call to order

Chair, Scott Holewinski called the meeting to order at 12:30 p.m., in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda has been properly posted, the media notified and the courthouse is handicap accessible.

Discussion/decision to approve the agenda

Motion by Ted Cushing, second by Frank Greb to approve the agenda. With all members present voting "ayes", 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.

Motion by Larry Greschner, second by Ted Cushing to enter into closed session. Roll call vote: Scott Holewinski "aye", Larry Greschner "aye", Ted Cushing "aye", Charles Wickman "aye", Frank Greb "aye". The motion carried.

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

Motion by Ted Cushing, second by Larry Greschner to return to open session. Roll call vote: Scott Holewinski "aye", Larry Greschner "aye", Ted Cushing "aye", Charles Wickman "aye", Frank Greb "aye". The motion carried.

Mr. Holewinski noted there were no motions made while in closed session.

Approve regular meeting minutes of September 17, 2008.
Approve public hearing meeting minutes of September 17, 2008.
Approve regular meeting minutes of October 1, 2008.
Approve public hearing meeting minutes of October 1, 2008.

Motion by Ted Cushing, second by Charles Wickman to approve the regular and public hearing minutes of September 17, 2008 along with the regular and public hearing minutes of October 1, 2008, as printed. With all members present voting “aye”, the motion carried.

Preliminary 4-lot Subdivision plat of Parcel A of Alvin Haggart for property described as part of the fractional NE ¼ and part of the NW ¼ of the SE ¼, Section 2, T39N, R6E, PIN# WR 17-7, Town of Woodruff.

Kathy Ray, Land Use Specialist present and provided a map of the subdivision. Ms. Ray noted parcel C will not be reviewed, but only the four lots as indicated. Ms. Ray noted there are no concerns and the DOT approved with the requirement of a third access. Ms. Ray noted the division is subject to a road maintenance agreement and formal town approval.

Jim Rein commented that he has applied for the driveway permits for access.

Motion by Larry Greschner, second by Charles Wickman approving of the four lot subdivision plat of parcel A of Alvin Haggart, with town and staff concerns. With all members present voting “aye”, the motion carried.

Preliminary 2-lot subdivision of Thomas Benish, owner, on property described as part of the SE SE, Section 16, T38N, R11E; and part of Gov't Lot 8, Section 21, T38N, R11E, being Parcel 3, Survey Map C576, A/K/A/ CSM V10 P2559, PIN# TL 542-8, Town of Three Lakes.

Nadine Wilson, Land Use Specialist noted this was previously before the committee, however there were issues with the holding tank on lot two and the easement road width. A licensed surveyor has not completed a survey as requested. Tom Betcher has reviewed the subdivision and modified the map as shown. Ms. Wilson indicated the town has approved and the correct access is an easement of record from the 1970's. Ms. Wilson noted the following new conditions: prohibit any future fill and no filling of wetlands.

Motion by Ted Cushing, second by Frank Greb to approve the preliminary two lot subdivision of Thomas Benish owner, Town of Three Lakes with staff conditions. With all members present voting “aye”, the motion carried.

Preliminary 4-lot certified survey map of Timothy and Diane Gould, owners for property described as part of Gov't Lot 3, Section 1, T37N, R6E, on Bearskin Lake, PIN# CA 4, Town of Cassian.

Steve Osterman, Planning Manager present along with Jim Rein, Sr., Agent.

Mr. Osterman described the preliminary map and sanitary system, noting the town met on the issue; however no formal letter was received. Mr. Osterman noted the following conditions are required:

1. Prohibit fill of wetland.
2. Driveway permits to be obtained.
3. Setback of seventy-five feet from the ordinary high water mark.
4. Show delineation /floodplain on the map.
5. Town concerns.

Motion by Larry Greschner, second by Frank Greb to approve the four lot certified survey map of Timothy and Diane Gould with concerns and conditions and contingent on town approval. With all members presents voting “aye”, the motion carried. Ted Cushing abstained from voting.

NR 115. Members of the Wisconsin County Code Administrators are invited to attend a meeting in Madison to discuss NR 115 on December 1, 2008.

Mr. Jennrich discussed information received at the WCCA conference regarding NR115. There is a meeting in Madison on December 1, 2008 where proposed language will be presented. Mr. Jennrich noted there were adjustments to the proposed language and requested to attend the meeting with one additional staff member.

Motion by Frank Greb, second by Charles Wickman to allow up to two staff to attend the December 1st NR115 meeting in Madison. With all members present voting “aye”, the motion carried.

Holding Tank Permit fees. Pursuant to Wisconsin Administrative Code, Com 83, Counties are mandated to do holding tank reviews.

Mr. Jennrich described the State mandated holding tank plan and noted he is an agent of the State and can approve the review. Mr. Jennrich requested that a flat \$400 fee be incorporated.

Mr. Greb asked for clarification on the tank review process. Mr. Jennrich explained that the pumpers provide the department with holding tank review information. Also, cards are not issued by this department and agreements to maintain are entered into by the owner.

Motion by Frank Greb, second by Ted Cushing to combine existing fees into one \$400 fee regarding holding tank fees. With all members present voting “aye”, the motion carried.

Section 9.33, Recreational Vehicle / Camping Tent. The last draft presented to the Committee was July 8, 2008. The Committee will discuss amending Section 9.33 to restrict camping in various zoning districts.

Mr. Jennrich presented a draft of Section 9.33 (Exhibit #1) as read.

Mr. Greb commented that he does not agree with the five acre language and the deletion of the nuisance language.

Mr. Greschner commented that he agrees with taking out the nuisance language, as he believes staff can not define this.

Mr. Holewinski questioned not allowing a tent on vacant land unless five acres of property.

Mr. Greb commented he disagrees with the one and five acre language.

Mr. Greschner commented he believes this is a sensible revision.

Mr. Jennrich commented the next step is to take this to a public hearing.

Motion by Larry Greschner, second by Charles Wickman to approve Section 9.33 as revised on 11/19/08 and forward to a public hearing. Ted Cushing “aye”, Larry Greschner “aye”, Frank Greb “nay”, Charles Wickman “aye”, Scott Holewinski “aye”. The motion carried.

Mr. Greschner discussed his concern with what he believes is a lack of ordinance enforcement regarding Section 9.33.

Mr. Cushing commented that he does not believe the issue is property values going up or down and noted he previously requested a separate zoning district that does/does not allow camping. Mr. Cushing commented that single family camping district is the only way to stop several camping on one piece of property.

Mr. Jennrich noted the department receives several inquiries about allowing R.V.'s on property now that there is no overlay district.

Committee discussion on the possibility of town's choosing to rezone to allow camping or not allow camping.

Mr. Holewinski commented that he disagrees with the five acre requirement and recommends the language “RV and camping tent” follow throughout.

Motion by Larry Greschner, second by Ted Cushing to take a five minute recess before the public hearing. With all members present voting “aye”, the motion carried.

Reconvene at 2:28 p.m.

Section 9.96, Shoreland Mitigation Plan. The Committee will be discussing amending Section 9.96.

Mr. Jennrich noted this agenda item will go to public hearing.

NR 135. Non-metallic mine reclamation. The Planning and Zoning Department will discuss the possibility of administering Oneida County's Non-metallic Mining Reclamation Program. Currently it is administered by the Oneida County Solid Waste Department.

Mr. Jennrich indicated Bart Seton, Solid Waste Department requested that the Zoning Department administer this program. Mr. Jennrich described the program and department's responsibility. Mr. Jennrich noted when asked that Mr. Sexton had spent about five to ten percent of his time on this project and believes zoning can handle the additional time requirement.

Mr. Holewinski noted this will create revenue for the department and no additional staff will be needed.

Mr. Jennrich indicated the ordinance amendment will go before the county board in December with a list of what will be involved.

Motion by Larry Greschner, second by Charles Wickman to authorize zoning staff to administer the Non-metallic mine reclamation program effective January 1, 2009. With all members present voting "aye", the motion carried.

Resolve the Rhinelander Daily News Legal Notice printing error.

Mr. Jennrich described the history of this issue and welcomed Greg Mellis to the table.

Greg Mellis present along with Heather Schaefer, Rhinelander Daily News. Mr. Mellis indicated the Rhinelander Daily News agreed to compensate the county \$2700 along with the cost incurred from the other papers for the error made.

Mr. Greschner asked when the department received this information.

Mr. Jennrich indicated Mr. Mellis contacted the department after seeing an article in the Lakeland Times about the issue.

Mr. Mellis apologized for the error and noted he had thought things were made whole back in August.

Mr. Holewinski commented that the Committee was given information that the Rhinelander Daily News would only cover the RDN expenses.

Mr. Mellis commented that the intent of the RDN was to compensate the county for all the costs incurred.

Mr. Jennrich commented that the department believes this has been rectified. Mr. Jennrich indicated the RDN is a daily paper and gives the most flexibility for publication and the cost is the same for all papers.

Mr. Holewinski commented that he believes the problem has been resolved and agrees the timing for notices is more flexible with the RDN.

Committee agreed no motion is needed as they were gathering information at this time and the issue has been resolved. Committee and Mr. Jennrich thanked Mr. Mellis for his time.

Update on Oneida County Comprehensive Planning.

Mr. Jennrich informed the committee of letters sent to various people involved regarding an ad hoc committee and the next steps are to collect names of those interested and forward a list to Andrew Smith, County Board Chair. Mr. Jennrich provided a handout (Exhibit #2) of the status on comprehensive planning.

Mr. Greb asked why Three Lakes was not on the list. Mr. Jennrich noted the Town of Three Lakes is doing their own planning with out North Central Regional Planning.

(Information only, no action taken)

Line item transfers, refunds, purchase orders and bills.

Mr. Jennrich presented refunds as described.

Motion by Larry Greschner, second by Ted Cushing to approve the refunds as presented. With all members present voting “aye”, the motion carried. Scott Holewinski abstained from voting.

Mr. Jennrich presented bills and purchase orders in the amount of \$214.21 and \$1133.80 (Exhibit #3 and #4), along with line item transfer as presented (Exhibit #5).

Motion by Ted Cushing, second by Frank Greb to approve the line item transfer as presented. With all members present voting “aye”, the motion carried.

Motion by Ted Cushing, second by Larry Greschner to approve the vouchers and bills as presented. With all members present voting “aye”, the motion carried.

Statistics through October 2008, presented (Exhibit #6).

Approve future meeting dates: December 3, 17 and 31, 2008.

Committee decided to cancel the December 31st meeting due to the holiday.

Public comments

Mr. Jennrich read a letter from Don and Denis Curan, Lick-a-Dee Splitz regarding sign regulations.

Future agenda items

(As previously discussed)

Adjourn

Time: 3:04 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