

ONEIDA COUNTY PLANNING & ZONING
FEBRUARY 20, 2008
12:30 P.M. CLOSED SESSION MEETING – COMMITTEE ROOM #2
1:00 P.M. REGULAR MEETING – COMMITTEE ROOM #2
2ND FLOOR ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501

Members present: Chairman Bob Metropulos
Scott Holewinski
Larry Greschner
Frank Greb
Ted Cushing

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

Other County Staff: Brian Desmond, Corporation Counsel

Guests Present: Randy Mattson, Jim Weinmann, Jim Cheshire, Kevin Jenkins, Larry Felten,
Kim Lindbom, John Ostroske

Call to order

Chairman Bob Metropulos called the meeting to order at 12:30 p.m., in accordance with the Wisconsin Open Meeting Law.

Discussion/decision to approve the agenda

Motion by Larry Greschner, second by Scott Holewinski 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 Scott Holewinski, second by Frank Greb to go into closed session. With all members present voting "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. Frank Greb "aye", Scott Holewinski "aye", Bob Metropulos "aye", Larry Greschner "aye", Ted Cushing "aye". The motion carried.

Chairman Metropulos announced the Committee conferred with legal counsel during closed session regarding possible litigation; however, no decisions were made.

Discussion/decision involving approval of regular meeting minutes of January 2, 2008.

Motion by Frank Greb, second by Ted Cushing to approve the regular and public hearing meeting minutes of January 2, 2008. With all members present voting “aye”, the motion carried.

Discussion/decision involving approval of public hearing meeting minutes of January 2, 2008.

Motion by Frank Greb, second by Ted Cushing to approve the regular and public hearing meeting minutes of January 2, 2008. With all members present voting “aye”, the motion carried.

Discussion/decision involving refund request of David Fletcher for property described as NW NE, Section 25, T37N, R8E, PIN# PL 147-12, Town of Pine Lake.

Mr. Jennrich requested to table this agenda item as Mr. Fletcher is not present. The Committee asked for clarification regarding this issue. Mr. Jennrich described the reason for the refund request.

Motion by Ted Cushing, second by Larry Greschner to refund Mr. Fletcher \$878.00. With all members present voting “aye”, the motion carried.

Discussion/decision involving the proposed access road included in the Town Plat of “Ponderosa of Harshaw,” Don Szmurlo, owner; on property described as part of the SW SE, Section 25; and part of the NW NE, Section 36, all located in T37N, R6E, Town of Cassian. This matter was previously approved October 4, 2006 but was never finalized.

Steve Osterman, Planning Manager present along with Gene Uttecht, Surveyor. Mr. Osterman indicated the plat was previously approved and the request today is limited to the roadway along with the attachment of lot one. Mr. Osterman indicated all requirements were met, the town approved of the plat and the department recommends approval.

Motion by Ted Cushing, second by Scott Holewinski to approve the town plat of Ponderosa of Harshaw, agenda item number eight. With all members present voting “aye”, the motion carried.

Discussion/decision involving the preliminary 2-lot subdivision for Marc McCallum on property described as SW NW, Section 7, T39N, R7E, Town of Woodruff, PIN# WR 97-8 and part of SE NE, Section 12, T39N, R6E, Town of Minocqua PIN# MI 2185-A.

Kathy Ray, Land Use Specialist present along with Jim Rein, Surveyor. Jim Rein noted the Committee had questions at a previous meeting however; he was not available and is able to answer questions today. Mr. Rein explained the Woodruff and Minocqua lots and noted both towns have approved of the preliminary subdivision, along with approval from the DOT regarding access roads/easements.

Ms. Ray indicated the department recommends approval with the following conditions:

- Subject to Town of Woodruff and Town of Minocqua review/approvals.
- Waiver from the Town of Minocqua for the purpose of access easement widths of less than 66 feet.
- Subject to DOT review and recommendations.
- Final plat to be recorded within six months of approval.
- Recorded Road Maintenance Agreement (to be recorded as a separate document per Jimmy Rein).
- If the nature of the business changes, a 35' radius turn around shall be provided for emergency vehicles.

Motion by Larry Greschner, second by Ted Cushing to approve the preliminary two lot subdivision for Mark McCallum, with town of Woodruff and Minocqua concerns and staff concerns. With all members present voting “aye”, the motion carried.

Discussion/decision involving the preliminary 5-lot, 5-outlot certified survey map of TMT Partnership located on Lost Lake Road, further described as part of the SW NW & SE NW, Section 24, T38N, R9E, PIN# SU 328-4, Town of Sugar Camp.

Mr. Osterman, Planning Manager present and described the five lot, five out lots. Mr. Osterman indicated the area to be the former Running's Campground. Mr. Osterman noted the town approved of the map and requested the final copy for cross referencing purposes. Mr. Osterman indicated the department recommends approval with the following conditions:

- The lots which are separated by the road be attached or "married" (all five lots and out lots).
- Contact Land Information office for fire numbers.
- Placement of the piers must be in conformance with the Zoning ordinance.
- Only a maximum of four lots on any certified survey map.

Mr. Greschner asked if it is correct that there be no structures on any of the five out lots. Mr. Osterman indicated this to be correct that the out lots will be used only for lake access or piers.

Motion by Scott Holewinski, second by Frank Greb to approve the five lot, five out lot certified survey map of TMT Partnership, agenda item ten, with staff concerns. With all members present voting "aye", the motion carried.

Discussion/decision involving correspondence from Cellcom. The Committee may be looking at modification of Section 9.54, Communication Structures to allow replacement of existing towers and reduce setbacks to residences.

Mr. Jennrich, Zoning Director provided correspondence from Ben Loma regarding communication structures (Exhibit #1). Mr. Jennrich also referred to the memo sent to the Committee regarding Cellcom correspondence (Exhibit #2). Mr. Jennrich noted Jim Cheshire and Jim Weinmann requested to present concerns to the Committee.

Jim Weinmann, Cellcom described several sites and issues regarding proposed tower locations.

Jim Cheshire, Cellcom described the specific issues and possible solutions regarding the 1974 Woodruff tower and need for reconstruction.

Discussion on quarter mile setbacks in single-family zoning districts, possible variances, "drop and swap" issues, Emergency Management use of towers, etc.

Mr. Jennrich indicated he needs to discuss these issues further with legal counsel. Mr. Jennrich discussed possible reasons for the old language of a quarter mile setback.

Discussion/decision involving Section 9.55, Adult Oriented Business.

Mr. Jennrich, Zoning Director indicated there have been no changes to the ordinance since November 30, 2007. Mr. Jennrich indicated the 100 % expansion request has slowed down the process of resolving this issue.

Brian Desmond, Corporation Counsel indicated the November changes still need to go to a public hearing. Mr. Desmond also referred to Sections 9.50 and 9.99, and noted that staff has contacted the DNR, Tom Blake regarding exceeding the 50% expansion who indicated he did not see a problem however, noted he is not an attorney. Mr. Desmond noted if the department allows 100% expansion, there is no point in having legal pre-existing, non-conforming labels.

Pete Wegner, Assistant Zoning Director indicated there would need to be language to control other types of uses such as mines, cell towers, campgrounds, condos, etc. Mr. Wegner also noted the need to measure volume, intensity, etc. Mr. Wegner referred to draft of Section 9.50 (Exhibit #3).

Mr. Metropulos commented that any changes must be allowed for all businesses not just "Weasels" and noted he does not agree with 100% expansion, but agrees to 50% as previously discussed.

Mr. Wegner commented that 50% of the footprint is something that can be measured.

Committee discussion on what is allowed for expansion.

Todd McEldowney, Attorney commented regarding Section 9.55, that most the changes he and his client have requested have been addressed, however noted section "P" is unclear and agrees with omitting this section and agrees with the January 30, 2008 draft submitted by Mr. Wegner.

Mr. Jennrich commented that the use is what the department needs to look into along with Section "P", as described. Mr. Jennrich indicated the department will bring the November 30, 2008 draft before the committee and look at Sections 9.50 and 9.99 again before sending Section 9.55 to a public hearing.

Mr. Desmond commented that section "P", is a re-lettering issue.

Discussion/decision involving Section 9.50, Legal Pre-existing Structures.

(See above agenda item regarding Section 9.55)

Discussion/decision involving Section 9.99, Shoreland Structures and Uses.

(See above agenda item regarding Section 9.55)

Recess at 2:04 p.m. for five minutes before conducting the public hearing.

Discussion/decision involving correspondence from the Town of Three Lakes regarding mandatory inspections for new construction and additions to homes outside the footprint. The Committee may develop a policy requiring on-site inspections.

Mr. Jennrich read the letter presented to the Committee from the Town of Three Lakes (Exhibit #4). Mr. Jennrich explained the towns request for zoning staff. Mr. Jennrich also read statistics for the town of Three Lakes.

Discussion on additional fees above the permit fee for this service, the need for more inspections, staff availability, role of UDC inspectors, etc.

Committee and department staff agrees that a service of this nature would have to be available for all townships

Jim Rein, surveyor, commented on the role of the surveyor in the situations described.

Brian Desmond, Corporation Counsel, commented on the inaccuracy of drawings submitted to the department and the need for owners to have a survey done of the property, along with the expense of lawsuits, etc.

Mr. Jennrich commented he would like to have Pete Wegner comment on this issue when available, as he has researched the request.

Mr. Desmond commented that the committee could require a certified survey map on parcels less than five acres.

Discussion/decision involving repealing and recreating Chapter 20, The Oneida County Floodplain Ordinance.

Mr. Jennrich referred to the memo dated February 15, 2008 regarding floodplain ordinance (Exhibit #5). Mr. Jennrich discussed FEMA requirements and handouts provided. Mr. Jennrich commented that the DNR agrees with the proposed changes.

Discussion on page fourteen, legal pre-existing language. Mr. Jennrich agreed to discuss concerns of legal pre-existing language with the DNR before going to a public hearing.

Discussion on page sixteen, flood fringe areas language. Mr. Jennrich explained the need for the language proposed and also noted he will look into the definition of "ordinary maintenance and repair".

Discussion/decision concerning Chapter 15, The Oneida County Subdivision Ordinance. Staff will present a draft and seek direction from the Committee.

Mr. Jennrich referred to memo dated February 15, 2008 regarding the subdivision ordinance (Exhibit #6). Mr. Jennrich asked for Committee input and noted another meeting will be conducted with the Land Information Department and the subdivision committee.

Jim Rein, surveyor, commented on the contradicting language of "no land", on page three and recommended limitations be established.

Mr. Holewinski commented on his disagreement with the term "inadequate water supply" and "unreasonable cost". Mr. Holewinski recommended "build able area" language.

Mr. Jennrich commented that there will be further discussion on minimum build able area criteria with the subdivision committee.

Mr. Cushing commented on disagreements with the 25% slope language.

Mr. Holewinski commented on his concern with the town road language.

Mr. Jennrich noted the road issue is a policy decision the Committee must address. Mr. Jennrich noted the subdivision group will meet again within the next week.

Discussion/decision involving approval for two Staff members to attend the DNR Northern Region County Zoning Meeting at Club 13 in Phillips on March 12, 2008.

Mr. Jennrich requested he and Mr. Wegner attend the meeting as described.

Motion by Frank Greb, second by Ted Cushing to approve up to two staff members to attend the DNR region meeting. With all members present voting "aye", the motion carried.

Discussion/decision of line item transfers, refunds, purchase orders and bills

Mr. Jennrich presented bills, refunds and purchase orders in the amount of \$214.38 and \$230.88 (Exhibit #7 and #8).

Motion by Ted Cushing, second by Larry Greschner to approve purchase orders. With all members present voting "aye", the motion carried.

Motion by Larry Greschner, second by Ted Cushing to approve the refunds as presented. With all members present voting "aye", the motion carried.

Motion by Scott Holewinski, second by Ted Cushing to approve the bills as presented. With all members present voting "aye", the motion carried.

Discussion/decision to approve future meeting dates

The following meetings are scheduled: February 27th Clearwater Lake Public Hearing, 1:00 p.m. at
Three Lakes Community Building.
March 5, 2008
March 19, 2008

Public comments

Chairman Metropulos noted there are no public persons present for comment.

Discussion/decision regarding future agenda items.

Mr. Holewinski requested Section 9.73, Overlay Districts be put on the next agenda.

Adjourn

3:44 p.m. Adjourn meeting.

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

Chairman Bob Metropulos

Karl Jennrich, Zoning Director