

**ONEIDA COUNTY PLANNING & ZONING
MARCH 5, 2008**

**1:00 P.M. REGULAR MEETING – COMMITTEE ROOM #2
2ND FLOOR ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501**

Members present: Chairman Bob Metropulos
Scott Holewinski (arrived at 1:04 p.m.)
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
Nadine Wilson, Land Use Specialist
Kim Gauthier, Secretary

Other County Staff: (None)

Guests Present: (See Sign-In Sheet)

Call to order

Chairman Bob Metropulos called the meeting to order at 1:00 p.m., in accordance with the Wisconsin Open Meeting Law.

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.

(Committee did not meet in closed session)

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

(Committee did not meet in closed session)

Discussion/decision involving approving the regular meeting minutes of January 16 and January 30, 2008.

Motion by Larry Greschner, second by Frank Greb to approve the regular meeting minutes of January 16 and January 30, 2008 as presented. With all members present voting "aye", the motion carried.

Discussion/decision involving approving the public hearing meeting minutes of January 16 and January 30, 2008.

Motion by Larry Greschner, second by Ted Cushing to approve the public hearing meeting minutes of January 16 and January 30, 2008 as presented. With all members present voting “aye”, the motion carried.

Discussion/decision involving an additional six (6) month time extension to record the preliminary 4-lot and 1 road-lot subdivision of Eric Butzlaff, owner; Eagle Landmark Surveying, Inc., surveyor on property located at 7686 Hwy X and further described as part of Gov't Lot 1, Section 28, T39N, R11E, PIN# TL 1264, Town of Three Lakes. This plat was approved on August 29, 2007.

Nadine Wilson, Land Use Specialist present requesting a six month extension for Eric Butzlaff. Ms. Wilson commented that the subdivision plat is not being changed, just requesting additional time for recording.

Motion by Frank Greb, second by Ted Cushing to approve the six month extension for Eric Butzlaff. With all members present voting “aye”, the motion carried.

Discussion/decision involving the preliminary three-lot Certified Survey Map for Susan & James Zoltak for property described as part of NE SE, NW SE, Section 23, T39N, R5E, located at 11302 Scotchman Lake Road, PIN# MI 1878 and MI 1878-2, Town of Minocqua.

Kathy Ray, Land Use Specialist present along with Stewart Foltz. Ms. Ray described the request as noted on the map provided. Ms. Ray indicated the property is zoned single-family and noted the surveyor is requesting an exception to lot number two due to considerable wetland.

Stewart Foltz, Surveyor, indicated lot number two is divided to accommodate the ordinary high water mark with a lot size exemption. Mr. Foltz referred to the forested wetland on the map, noting lot number two has been sized to meet the ordinance whether or not the wetland is determined lakebed or not. Mr. Foltz described issues with the DNR not being able to visit the property due to snow depth. Mr. Foltz noted the Zoltak's need to divide the lots due to health reasons and therefore, trying to expedite the process. Mr. Foltz noted he disagrees with the departments need to visit the property prior to the final recording.

Scott Holewinski commented on the natural ridge line shown in the photos provided.

Ms. Ray indicated she and Steve Osterman drove the site, however, did not walk the property.

Pete Wegner, Assistant Zoning Director, indicated the department can make the determination without the DNR, unless the department has questions.

Mr. Jennrich indicated the department will make a determination and if questions arise will bring this issue back to the Committee.

Motion by Ted Cushing, second by Larry Greschner to approve the preliminary three lot certified survey map of Susan and James Zoltak with the condition that staff are comfortable making the wetland determination. With all members present voting “aye”, the motion carried.

Ms. Ray noted the town of Minocqua approved of the plat yesterday with the departments conditions as follows:

1. Subject to Town review/approval.
2. Driveway access permits to be obtained as required by Town.
3. Property to be withdrawn from Managed Forest Land (MFL) as recorded under Document #511058 Vil 957 Pg 1 effective Jan 1, 2000 prior to conveyance of any lots.

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4. OHWM/wetland will be delineated and marked in the field by a County staff member or DNR personnel and shown on the final plat along with the adjusted square footage calculations prior to approval and recording.
 5. Final plat to note "the filling of wetland is prohibited unless proper permits are obtained".
 6. No grading/land disturbance allowed within 5' of wetland.
 7. Silt fence required when grading/land disturbance is within 25' of wetland.

Mr. Holewinski asked when the purchaser would know about these conditions.

Ms. Ray noted these conditions are looked at by the department before approval can be granted.

Mr. Foltz noted the MFL contract is enforced by the state, but a division is permitted with no conditions.

Mr. Wegner noted this is a cleaner way for the department to make a determination.

Discussion/decision involving the preliminary 4-lot Certified Survey Map (lots 9-12) for property described as NW NE, Section 10, T39N, R6E, Blumenstein Road, PIN# MI 2155, MI2155-1 and MI 2155-2, Town of Minocqua.

Ms. Ray, Land Use Specialist present along with Jim Rein, Surveyor to describe the preliminary certified survey map in the vicinity of Wal Mart in Minocqua. Ms. Ray indicated the town has approved of lots nine through twelve.

Mr. Rein noted lots one through eight must have dedicated roads before bringing these lots before the committee therefore, the approval is requested for lots nine through twelve only. Mr. Rein described the annexing of the property and identified the lots on the map provided.

Ms. Ray recommends approval subject to the following conditions:

1. Driveway access permits to be obtained as required by the town.
2. Soil boring report required on lot nine.
3. Lots subject to storm water management maintenance and easement agreement identified in document #647450, recorded on May 2, 2007.
4. Town and County not responsible for maintenance of the easement road until deeded by the town.
5. Roads not deeded to the town by November 15, 2008, a road maintenance agreement is required and must be approved.
6. Subject to condition number sixteen of original CUP #1190-06.
7. Obtain addressing and 911 information from Land Information Department.

Mr. Rein commented on the language of this condition as the condition does not indicate the old Wal Mart building must be demolished. Mr. Rein noted the intent is to tear it down, but there may be someone interested in purchasing a portion of the old building which may be remodeled.

Ms. Ray expressed concern that the building is running over three lot lines.

Mr. Rein commented that a potential buyer is looking at retaining and remodeling a portion of the old store on the one lot and demolish the remaining. Mr. Rein agreed with the Committee that permits must be obtained if this is the direction a buyer goes.

Committee discussion on what was in the original Wal Mart conditional use permit.

Mr. Jennrich commented that he agrees with the intent as long as permits are obtained and there are no vacant buildings on the lot.

Motion by Larry Greschner, second by to approve the preliminary four lot certified survey map (lots 9-12); town of Minocqua, with town and staff concern and the agreement that the original CUP condition number sixteen remain. With all members present voting “aye”, the motion carried.

Discussion/decision involving Section 9.55, Adult Oriented Business.

Mr. Jennrich noted there will be no discussion on agenda item ten through twelve, as this discussion has been tabled. Mr. Jennrich noted proposed language has been submitted to outside legal counsel for review.

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

Mr. Jennrich noted there will be no discussion on agenda item ten through twelve, as this discussion has been tabled. Mr. Jennrich noted proposed language has been submitted to outside legal counsel for review.

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

Mr. Jennrich noted there will be no discussion on agenda item ten through twelve, as this discussion has been tabled. Mr. Jennrich noted proposed language has been submitted to outside legal counsel for review.

Discussion/decision involving forwarding Ordinance Amendment #14-2007, Section 9.73, Overlay Districts, to the Oneida County Board of Supervisors.

Mr. Jennrich noted language was adjusted as the County Board recommended (Exhibit #1-#2).

Mr. Holewinski recommended the language be reviewed by the Resolution Committee prior to going before the County Board.

Motion by Scott Holewinski, second by Ted Cushing to forward both amendments on to the Resolution Committee to make sure that everything is in its proper format. With all members present voting “aye”, the motion carried.

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.

Motion by Larry Greschner, second by Ted Cushing to deny the request for the Town of Three Lakes and/or the entire county for mandatory inspections for new construction and additions to a home outside the footprint. Scott Holewinski “aye”, Bob Metropulos “aye”, Larry Greschner “aye”, Ted Cushing “aye”, Frank Greb “nay”. The motion carried.

Committee commented on previous discussion regarding the request by the Town of Three Lakes.

Mr. Jennrich noted he believes it would be nice to offer this service to the Town of Three Lakes, but as directed by legal counsel, would have to be offered to all townships.

Mr. Wegner commented on the statistics he obtained for the town of Three Lakes noting the increase would require one hundred sixty-five additional inspections for Three Lakes and one thousand four hundred eighty-six additional on-site inspections county wide. Mr. Wegner commented that staff could possibly handle the one township, but not county wide.

Ed Cottingham, Town of Three Lakes, commented that the town has experienced additional wetland violations in the town. Mr. Cottingham noted the problem is in new construction that is cleared before the process can be stopped. Mr. Cottingham asked if the department could possibly provide a part-time, temporary staff person in the town.

Frank Greb asked if there were inspections on boat houses, if the problems would have been eliminated.

Mr. Wegner commented, "Yes" and noted the problems could have been caught before fully completed.

Mr. Metropulos commented that the issue is if the department provides the service for one township, it must also be provided for all others.

Mr. Wegner recommended the Committee authorize him to give Three Lakes more attention at this time to address concerns. Mr. Wegner gave examples of attending town meetings and spending more time with the town.

Mr. Metropulos requested an outline of what could be done to aide the town.

Scott Holewinski recommends staff be instructed to work with the town of Three Lakes and Frank Greb keeping in mind staff needs.

Time: 2:03 p.m. Recess for Public Hearing.

Time: 4:06 p.m. Return to the Regular Meeting.

Discussion/decision involving amendments to Chapter 13, The Private Onsite Wastewater Treatment System Ordinance. Section 13.62, Board of Adjustment, The amendment would allow an Administrative Review of a Wisconsin Fund Grant decision.

Mr. Jennrich discussed memo dated February 28, 2008 (Exhibit #3) regarding proposed changes to Chapter 13, as discussed.

Motion by Scott Holewinski, second by Ted Cushing to send language changes to Chapter 13, to a public hearing. With all members present voting "aye", the motion carried.

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

Mr. Jennrich discussed memo dated February 28, 2008 (Exhibit #4) regarding Chapter 20, as discussed.

Motion by Larry Greschner, second by Scott Holewinski to approve the language of Chapter 20, Section 6.1, and send to a public hearing. With all members present voting "aye", the motion carried.

Discussion/decision involving creation of a policy to require Financial Assurances for Conditional Use Permits.

Mr. Jennrich asked that this agenda item be pulled from the agenda.

Discussion/decision involving forwarding Rezone Petition #24-2007 to the Oneida County Board of Supervisors. This rezone is in the Town of Hazelhurst.

Mr. Jennrich referred to the Rezone Petition #24-2007, as provided (Exhibit #5).

Motion by Scott Holewinski, second by Frank Greb to approve rezone petition #24-2007 and send on to the County Board. With all members present voting “aye”, the motion carried.

Discussion/decision involving forwarding Rezone Petition #01-2008 to the Oneida County Board of Supervisors. This rezone is in the Town of Cassian.

Mr. Jennrich referred to the Rezone Petition #01-2008, as provided (Exhibit #6).

Motion by Larry Greschner, second by Ted Cushing to forward rezone petition #01-2008, Town of Cassian, to the County Board of Supervisors. 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 \$1103.78 and \$2201.55 (Exhibit #7 and #8).

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

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

Discussion/decision to approve future meeting dates

The following meetings are scheduled:

- March 19, 2008 (Frank will not be present)
- April 2, 2008 (Frank will not be present)
- April 16, 2008 (Ted will not be present)
- April 30, 2008

Public comments

Chairman Metropulos asked if there were any public comments.

Ben Loma, Newbold, referred to agenda item number sixteen (floodplain) and asked if it is correct that the department will monitor any existing structure within the floodplain. Mr. Loma asked specifically if a structure located five feet from a river was a concern.

Mr. Jennrich explained that the intent was not to restrict structures in a floodplain, so that language was stricken. Mr. Jennrich indicated the department will look at the maps and code a person within the floodplain. Mr. Jennrich also agreed to discuss specifics with Mr. Loma after the meeting.

Mr. Loma gave credit to Zoning Staff Karl, Theresa and Annemarie for their work on a property along the Pelican River Mr. Loma was working on. Mr. Loma described a situation that will benefit a local lending institute from information received from the department and thanked the staff.

Discussion/decision regarding future agenda items.

- Annual Report
- Statistics

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- Hastreiter case

Adjourn

4:23 p.m. Adjourn meeting.

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

Chair Scott Holewinski

Karl Jennrich, Zoning Director