

ONEIDA COUNTY PLANNING & ZONING
MAY 21, 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, Chair
Larry Greschner
Ted Cushing
Frank Greb
Charles Wickman

Department staff present: Karl Jennrich, Zoning Director
Pete Wegner, Assistant Zoning Director
Steve Osterman, Planning Manager
Kim Gauthier, Secretary

Other County Staff: (None)

Guests Present: Kevin Jenkins, Terry Cummings, Gene Uttech, Judy Allen

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 and the media notified.

Discussion/decision to approve the agenda

Motion by Frank Greb, second by Ted Cushing to approve the amended 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 Frank Greb to enter into a closed session. Roll Call Vote: Scott Holewinski "aye"; Charles Wickman "aye"; Larry Greschner "aye"; Frank Greb "aye"; Ted Cushing "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"; Charles Wickman "aye"; Larry Greschner "aye"; Frank Greb "aye"; Ted Cushing "aye". The motion carried.

Chairman Holewinski announced that in closed session the Committee discussed legal strategy for enforcement cases that are in progress.

Approve regular and public hearing meeting minutes of April 2, 2008.

Motion by Ted Cushing, second by Larry Greschner to approve the regular and public hearing minutes of April 2, 2008. Charles Wickman abstained. With all other members present voting “aye”, the motion carried.

Approve regular and public hearing meeting minutes of April 16, 2008

Motion by Larry Greschner, second by Charles Wickman to approve the regular and public hearing minutes of April 16, 2008. Ted Cushing abstained. With all other members present voting “aye”, the motion carried.

Preliminary 1-lot Certified Survey Map of Andy Kress on property described as part of Gov't Lot 4, Section 13, T36N, R8E, PIN# CR 179, Town of Crescent. This is for access review only due to 5.01 acre lot size.

Steve Osterman, Planning Manager described the lots noting they are subject to access review and town approved. Mr. Osterman indicated the owner of lot two is responsible for road maintenance. Mr. Osterman indicated the department recommends approval subject to road maintenance and obtaining driveway permits if required.

Gene Uttech, Surveyor, present and described the location of the lot.

Motion by Ted Cushing, second by Charles Wickman to approve the preliminary one lot certified survey map of Andy Kress, Town of Crescent, agenda item number seven with staff and town concerns. With all members present voting “aye”, the motion carried.

Rynders Development to establish a landscape contractor's storage yard on property described as part of the NE NE, NW NE, and SW NE, Section 8, T39N, R6E, PIN#'s MI 2123, MI 2124, MI 2125, general location is Hwy 70 West and Ranchwood Road, Town of Minocqua. This issue was tabled at the April 16, 2008 Planning and Zoning public hearing.

Mr. Holewinski noted this was previously tabled, although a public hearing was already conducted. Mr. Holewinski asked if the Committee is receiving new correspondence on the issue.

Committee members agreed that new correspondence should not be received, as the public hearing was closed.

Mr. Jennrich referred to the memo and information supplied to the Committee (Exhibit #1) dated May 16, 2008. Mr. Jennrich indicated the request on behalf of the owner is after the fact, the department believes this type of business is not allowed in this district and would not meet the general standards. Mr. Jennrich noted if the Committee decides to approve the conditional use permit he would recommend four additional conditions as follows:

1. Restrict the screening plant to three days per week, with no more than 25,000 yards to be stockpiled at any given time.
2. The screening plant to operate May through October and will remain on the 40-acre parcel that was shown on the original submitted plan.
3. A separation of 500 feet from the nearest residence or business.
4. The plant will only operate in conjunction with Rynder's Development and Landscaping, and if at any time in the future Rynder's Development closes or ceases to exist, the conditional use permit for screening would also cease to be permitted.

Add: Stump grinding only allowed two times per year for one week.

Mr. Jennrich indicated the four additional conditions must be added to the original conditions set forth (Exhibit #1).

Jim Rein, Surveyor, explained the screening process that was done in the past for three to four years before applying for a permit. Mr. Rein described the screening process, noting the owner did not realize a permit was needed for this operation.

Mr. Jennrich indicated trucking material in and out of the site is associated with the landscape business, however, screening or crushing on site is prohibited in this district. Mr. Jennrich noted this property was not included in the original CUP. Mr. Jennrich indicated he can not recommend approval, but the final decision is up to the Committee and the general standards must be reviewed. Mr. Jennrich read what is allowed in this Business district. Mr. Jennrich also read Section 9.20(F).

Mr. Greschner asked that the town comment on the issue.

Joe Handrick, Town of Minocqua, described that the town did not realize screening topsoil was not allowed in a business district. Mr. Handrick noted the town always indicates their approval is contingent on the county's ruling. Mr. Handrick indicated now that he is aware of the screening he would recommend limited hours, as this is light manufacturing. Mr. Handrick indicated the town has not been contacted by the neighboring property owners and are not aware of any opposition. Mr. Handrick noted the town's letter of support is contingent on the applicant meeting the county requirements.

Dennis Herman, agent, described the hours of operation and days of screening originally requested and what is being requested now.

Committee discussion on whether or not screening is allowed in this district and if there is a district that would allow screening.

Mr. Herman noted the stump grinding is not addressed in the conditions.

Mr. Jennrich recommends adding a condition that stump grinding only be allowed two times per year for one week at a time.

Mr. Holewinski asked that Mr. Jennrich read the general standards of approval and the Committee decide if the standard can be met.

General Standards:

1. Committee agreed the standard can be met based on the buffer, limited hours and there being no public opposition.
2. Committee agreed the standard can be met.
3. Committee agreed the standard can be met.
4. Committee agreed the standard can be met.
5. Committee agreed the standard can be met.
6. Committee agreed the standard can be met.
7. Committee agreed based on Section 9.20(F), the Committee can make that determination and have agreed that the use is allowed in this district.
8. Committee agreed the standard can be met. Mr. Jennrich indicated there is no floodplain on the property.
9. Mr. Jennrich indicated this is a flat site and can be met. Committee agreed.

Motion by Larry Greschner, second by Ted Cushing to approve the Rynders Development to establish a landscape contractor's storage yard on the property listed in agenda item number eight with staff and town concerns, the general standards having been met along with strict enforcement of the conditions by staff. With all members present voting "aye", the motion carried.

After-the-Fact Administrative Review Permits / Conditional Use Permits. The Committee will be reviewing Committee / Department Policy and forfeitures.

Mr. Jennrich indicated Larry Greschner requested this be discussed, who asked how staff deal with after the fact permits.

Mr. Jennrich described how the department handles an after the fact permit, noting the department can issue a stop work order, but typically the department will try to work with a business to get them into compliance if it is an allowed use within that district.

Mr. Greschner referred to the ordinance and used a feed store as an example asking why the business was not shut down until they came into compliance.

Mr. Osterman commented on the feed store specifics noting the department obtained compliance in that situation.

Committee discussion on policy and legal guidance regarding shutting a business down without permits.

Motion by Larry Greschner, second by Ted Cushing to direct staff to follow through with the ordinance including a stop operation order for any business that is knowingly operating a business without a permit. Ted Cushing “nay”, Larry Greschner “aye”, Charles Wickman “nay”, Frank Greb “nay”, Scott Holewinski “nay”. The motion did not carry.

Discussion before voting on the motion:

Mr. Jennrich asked how the Committee wants to address forfeitures with citations and/or stop work orders. Mr. Wegner commented that a stop work order does not always stop a business from operating. Mr. Jennrich indicated the department currently handles this issue by first issuing a letter requesting compliance.

Mr. Greschner commented that he wants staff to personally go to the business and cease operation.

Mr. Wickman asked that Mr. Jennrich explain past practice. Mr. Jennrich described the process.

Mr. Wegner commented that the department always tries to find a resolution without wasting court time and legal counsel time if a business is cooperating.

Frank Greb commented he does not have a problem with the way staff has dealt with this in the past, but when there is not cooperation the department should give them two weeks and then shut them down. Mr. Greb recommends this be put back on the June 4th agenda with some proposed wording.

Jim Rein asked to comment and described some confusion businesses have in understanding when they need an ARP and when a CUP is needed and asked that the department give a business owner a little leeway to rectify problems before shutting them down.

Role call vote back to the motion (above).

Section 9.33, Exception to Zoning Permit Requirements. The Committee may be revising regulations relating to RV/tent camping in Oneida County.

Mr. Wickman indicated he visited a site in the Town of Woodruff and submitted pictures of a camping unit on Lake Minocqua. (Exhibit #2)

Mr. Holewinski asked that Mr. Jennrich present the issue on the agenda.

Mr. Jennrich described the rules of accessing property as asked and noted the Committee directed staff to research Ozaukee County's camping ordinance. Mr. Jennrich indicated he has not received an answer from legal counsel on Ozaukee County's language.

Mr. Greschner indicated his disappointment that legal counsel has not given the Committee an answer yet as requested.

Mr. Holewinski recommended creating a new zoning district that a town could choose to adopt in a single family residential area that would allow camping. Mr. Cushing agreed.

Mr. Jennrich indicated he would need to discuss this recommendation with legal counsel.

Mr. Greschner indicated a Woodruff Town Official, Judy Allen would like to speak on behalf of the camper problem (pictures provided).

Judy Allen, commented that she also has two of the same pictures presented by Mr. Wickman. Ms. Allen indicated she previously owned this property that the camper is located on and also provided a copy of a certified survey map that shows the land division (Exhibit #3). Ms. Allen commented that she would not be here today had the covenants that covered the subdivision been met. Ms. Allen indicated her concern is that of allowing a camper indefinitely on the property which could devalue her property. Ms. Allen noted she has spoken to the owner briefly and they intend to leave the camper here and do not know if they will build a home. Ms. Allen commented that her family has worked hard to establish the home she owns and the camper next door devalues her property. Ms. Allen also commented that the town has other problems with campers located in a business district within the Town of Woodruff. Ms. Allen request the Committee give direction as to whether the town can apply stricter regulations in single-family residential or some kind of relief with regard to this.

Mr. Holewinski indicated the department has requested a legal opinion, but have not gotten an answer yet and will follow through at the June 4th meeting.

Mr. Greschner commented that this will not solve the immediate problem with the three campers that will be set up on a vacant church lot in downtown Woodruff.

Mr. Greb asked if these units are creating a nuisance. Mr. Greschner described the nuisance as that of party lights and music after midnight.

Motion by Ted Cushing, second by Charles Wickman to instruct staff to work with the Corporation Counsel to develop two separate single family districts one that would allow camping and one that would not allow camping along with the same for a business district and question if a town can be more restrictive and bring back this back to the June 4th meeting. With all members present voting "aye", the motion carried.

Joe Handrick, commented that he likes the idea of creating two residential areas but the challenge will be in addressing who will now be non-conforming. Mr. Handrick commented that he cautions the Committee of creating a situation where someone could be grandfathered by being able to prove three years ago a camper was on the property.

Mr. Jennrich indicated he will also discuss this with legal counsel.

(Ted Cushing excused himself at 2:34 p.m.)

Chapter 20, Oneida County Floodplain Ordinance. The Committee will be reviewing the repeal and re-creation of Chapter 20.

Mr. Jennrich provided a memo and supporting documents to the Committee regarding Chapter 20 (Exhibit #4, #5, #6, #7, and #8). Mr. Jennrich described the public comments made at the public hearing and provided the researched information requested. Mr. Jennrich indicated the government does not have land use authority as the public previously claimed.

Terry Cummings, DNR Water Management Specialist was present along with Ken Korthenhof, Oneida County Emergency Management Director to answer any questions.

Mr. Kortenhof commented that by taking part in this plan will directly impact county mitigation plans and if the county does not take part the county's mitigation funds would be greatly affected. Mr. Kortenhof indicated there are two pots of money available in a flood, one to restore and another pot of money that would make things better and provide improvements. Mr. Kortenhof recommends the county adopt the floodplain ordinance.

Mr. Jennrich described requirements made by lending institutions and the affects if the plan is not adopted.

Discussion on cumulative improvements and lifetime improvements along with the equalized value calculations.

Mr. Cummings commented that the new Chapter 20 model complies with the State requirements. Mr. Cummings also clarified that NR116 was adopted in August 2004 and this version is what the model is based upon.

Mr. Jennrich indicated the DNR was supplied with the model who adopted the Federal model. Mr. Jennrich noted language changes made were housekeeping changes such as names and committee names that are applicable to Oneida County.

Motion by Frank Greb, second by Larry Greschner to send the proposed ordinance on to County Board for review. With all members present voting "aye", the motion carried.

Section 9.33, Exceptions to Zoning Permit Requirements. The Committee may be requiring zoning permits regardless of value for properties in the General Floodplain District.

Mr. Jennrich referred to the notice of public hearing document (Exhibit #9); noting a public hearing was held on April 16, 2008 and no other comments were presented.

Motion by Frank Greb, second by Charles Wickman to approve and forward ordinance amendment #7-2008 on to the County Board. With all members present voting "aye", the motion carried.

Forward Rezone Petition #06-2008 to the Oneida County Board of Supervisors. A rezone in the Town of Hazelhurst to zone omitted lands to District #02 Single Family Residential.

Mr. Jennrich described rezone petition #6-2008 as presented (Exhibit #10).

Motion by Frank Greb, second by Charles Wickman to forward rezone petition #6-2008 on to the County Board for review. With all members present voting "aye", the motion carried.

Forward Ordinance Amendment #01-2008 to the Oneida County Board of Supervisors. This is an amendment to Section 13.62 of the Oneida County Private Onsite Wastewater Treatment System Ordinance.

Mr. Jennrich provided ordinance amendment #1-2008 as described (Exhibit #11).

Motion by Larry Greschner, second by Frank Greb to forward ordinance amendment #1-2008 on to the County Board of Supervisors for approval. With all members present voting “aye”, the motion carried.

Buildings & Grounds non-budgetary item request for a Laser Level to replace one that is non-repairable.

Mr. Jennrich described the reason for the laser level as the expected life is three years and it is not repairable. Mr. Jennrich indicated the regular price was \$800, but able to purchase it on sale for \$699. Mr. Jennrich noted the purchase will come out of the building and grounds budget.

Motion by Frank Greb, second by Charles Wickman requesting that a new laser level be purchased. With all members 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 \$125.28 and \$1363.32 (Exhibit #12 and #13).

Motion by Larry Greschner, second by Charles Wickman to approve the refunds as presented. With all members present voting “aye”, the motion carried.

Motion by Larry Greschner, second by Charles Wickman to approve 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:

- May 28, 2008** at 1:00 p.m. Public Hearing (Committee will not be available for an on-site inspection in Three Lakes)
- June 2, 2008** at 1:00 p.m. Subdivision Mtg. (Mr. Wickman absent)
- June 4, 2008** at 12:30 p.m. (Mr. Wickman absent)

Public comments

Chairman Holewinski asked if there was any public comment. No public comment received.

Discussion/decision regarding future agenda items.

- What permits are needed for structural work?

Adjourn

3:20 p.m. Adjourn meeting.

Motion by Larry Greschner, second by Charles Wickman to adjourn. With all members present voting “aye”, the motion carried.