

**ONEIDA COUNTY PLANNING and DEVELOPMENT COMMITTEE
JUNE 5, 2013
COMMITTEE ROOM #2
ONEIDA COUNTY COURTHOUSE
RHINELANDER, WI 54501**

Members present: Chairman, Scott Holewinski
Gary Baier
Jack Sorensen
Mike Timmons
Dave Hintz

Department staff present: Karl Jennrich, Planning & Zoning Director
Pete Wegner, Assistant Zoning Director
Julie Petraitis, Secretary

Other county staff present: Brian Desmond, Corporation Counsel

Guests present: Bob Williams, Bob Mott, Bob Martini, Ben Loma, Jerry Ryden
and Chad Bierbrauer

Call to order.

Chairman Scott Holewinski called the meeting to order at approximately 1:00 P.M., in accordance with the Wisconsin Open Meeting Law.

Discussion/decision of the agenda.

Motion by Jack Sorensen, second by Dave Hintz to approve the agenda. With all members present voting “aye”, the motion carried.

Discussion/decision of the meeting minutes.

Motion by Jack Sorensen, second by Mike Timmons to approve the May 1, 2013 meeting minutes with no corrections or additions. With all members present voting “aye”, the motion carried.

Motion by Gary Baier, second by Dave Hintz to approve the May 14 and May 15, 2013 meeting minutes with the correction of Mike Timmons not being on the Committee at the May 14, 2013 meeting. With all members present voting “aye”, the motion carried.

Public Comments: None

Request by Dorothy Skye to address the Committee with concerns of Birch Point Lane in the Town of Newbold.

Dorothy Skye and Mike Fugle were present. Mr. Fugle explained to the Committee that they have a private driveway that is approximately 1200' long which comes off Birch Point Lane, a Town Road. The Skye's maintain the private road and would like to blacktop it. Mr. Holewinski stated that the Committee does not have the authority to give them permission to blacktop the road as it lies within 75' of the Ordinary High Water Mark of the Wisconsin River. He stated he feels they could take their request to the Board of Adjustment. The Committee would support the concept of the blacktop driveway.

Motion by Jack Sorensen, second by Gary Baier to deny the request with a recommendation of approval to the Board of Adjustment. With all members present voting "aye", the motion carried.

Discuss proposed alignment for Rogers Road described as Gov't Lot 6, Section 11, and part of Gov't Lot 1, Section 14, T39N, R6E, Town of Minocqua.

This is a proposed relocation of a road in the Town of Minocqua by Save More Foods which is part of a Department of Transportation project. The Planning and Zoning Department cannot approve the request as it has been presented because there is an issue with the right-of-way, setback to the Ordinary High Water Mark and an issue with the neighboring condominium.

This was for discussion only. No action was taken.

Discuss Section 9.78, Sign Ordinance as it relates to legal pre-existing on-premise and off-premise signs.

Mr. Jennrich stated that Hwy 51 is being widened. Because of this, various businesses are requesting to relocate signs. Mr. Jennrich was instructed to research language to see if there were any exemptions for relocating signs due to DOT or State projects. Mr. Jennrich stated that the Ordinance states once a non-conforming or legal pre-existing sign is removed it cannot be relocated. He did not find any other language that would support the relocation of legal pre-existing signs. No action taken.

Discuss Section 9.42, General Standards of Approval of Conditional Use Permits, including review Town's Comprehensive / Coordination Plans.

Mr. Jennrich explained that after a meeting in the Town of Woodruff Mr. Timmons requested this be on the agenda. Mr. Timmons stated that he feels some of the wording needs explanation. Mr. Desmond stated that every time there is a conflict with a decision on a Conditional Use Permit the Standards of Approval are questioned. It is the Committee's decision to determine if the Standards of Approval are met.

The Committee instructed Staff to get Mr. Timmons the minutes from the last time this topic was discussed so he can review it.

Discuss lake screening factors for assessing Private On-site Wastewater Treatment Systems (POWTS).

Mr. Jennrich stated that the Committee discussed the issue of assessing POWTS for septic systems on lakefront property, Pelican Lake in particular. At that time the Committee agreed to take a look at Pelican Lake and they also agreed there should be

some kind of process developed to take a look at every lake within Oneida County to see whether or not they have possible failing POWTS.

Jennrich had corresponded with Martini and Mott stating that he could work with them on the criteria. From there Mr. Martini and UW-Extension, Tim Brown, took over and are working together to develop factors for screening septic systems in Oneida County.

Mr. Martini stated that the idea was to come up with a system (5 star survey) that would avoid choosing lakes to study arbitrarily. He felt there should be some system to protect lakes from failing septic systems.

Mr. Martini felt they could determine which lakes to study by the size of the lake. Mr. Martini explained the factors involved with the study.

Motion by Jack Sorensen, second by Dave Hintz to adopt the screening process as presented by Mr. Martini. With all members present voting "aye", the motion carried.

2:00 pm - Conduct Public Hearing on the following:

Conditional Use Permit Application of Todd and Tracy Frehas, owners to operate "Todd's Automotive Service" an automotive, light truck and motorcycle repair business (includes small amount of welding) and some retail parts sales at 3846 Country Dr. described as part NW SW, Section 36, T37N, R8E, PIN NE 404-18, Town of Newbold.

Karl Jennrich, Zoning Director, read the notice of public hearing for the Conditional Use Permit Application of Todd and Tracy Frehas, owners to operate "Todd's Automotive Service" an automotive, light truck and motorcycle repair business (includes small amount of welding) and some retail parts sales at 3846 Country Dr. described as part NW SW, Section 36, T37N, R8E, PIN NE 404-18, Town of Newbold.

The notice was published in the Northwoods River News on May 21 and May 28, 2013. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on May 16, 2013. The mailing list was also read into the record.

Correspondence in File: Town of Newbold dated May 30, 2013 approving the CUP.

Nadine Wilson, Land Use Specialist, reviewed the CUP with the Committee. This is a request for an automotive, light truck and motorcycle repair business, with some welding and some retail parts sales.

The Committee has been provided with a copy of the General Standards for the approval of a CUP, and if the Committee feels the general standards have been met, staff would recommend the following conditions:

1. The nature and extent of the conditional use shall not change from that described in the application and approved in the Conditional Use Permit.
2. Precautions and containment taken in handling of vehicle fluids. All materials must be properly disposed of.
3. Driveway authorization from the Department of Transportation.
4. No accumulation of non-operable vehicles, equipment or debris allowed.
5. Vehicles waiting for service to be kept in areas designated on sight plan.
6. Care to be taken so vehicles are not parked over top of existing drainfield or in Highway right-of-way.
7. Outdoor vehicle testing may take place during normal business hours.
8. No outdoor vehicle testing on Sundays.
9. Signage to conform to 9.78 Sign Regulations, Oneida County Zoning and Shoreland Protection Ordinance.
10. Driveway to remain open at all times for emergency vehicle access.
11. Town of Newbold concerns if any.

Scott Holewinski opened the public hearing for comment for or against the CUP application.

Ben Loma corrected the pronunciation of the applicant. It is "Phrase". Mr. Loma stated that he is in favor of the business.

Scott Holewinski closed the public hearing for deliberation.

Motion by Dave Hintz, second by Gary Baier, to approve the Conditional Use Permit of Todd and Tracy Frehas as described herein, with the general standards having been met, Town concerns and staff recommendations. With all members voting "aye", the motion carried.

Conditional Use Permit Application by Chad Bierbrauer to lease space in an existing building known as "The Tackle Shop" to offer guided pontoon cruises and boat and jet ski rentals in summer and guided snowmobile tours/rentals in winter on property owned by Northwoods Equity Investments, LLC described as part Gov't Lot 5, Section 14, T39N, R6E, at 305 Park Ave. W, PIN's MI 2206-13 and MI 2206-16, Town of Minocqua.

Karl Jennrich, Zoning Director, read the notice of public hearing for the Conditional Use Permit Application of Chad Bierbrauer to lease space in an existing building known as "The Tackle Shop" to offer guided pontoon cruises and boat and jet ski rentals in summer and guided snowmobile tours/rentals in winter on property owned by Northwoods Equity Investments, LLC described as part Gov't Lot 5, Section 14, T39N, R6E, at 305 Park Ave. W, PIN's MI 2206-13 and MI 2206-16, Town of Minocqua.

The notice was published in the Northwoods River News on May 21 and May 28, 2013. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on May 16, 2013. The mailing list was also read into the record.

Correspondence in File: Town of Minocqua dated May 23, 2013 recommending approval of CUP 08-13 contingent upon the applicant providing a letter from a recognized architect or engineer that the structure is adequate for the proposed use and that all State and County requirements are met.

Kathy ray, Land Use Specialist, reviewed the CUP with the Committee. This is a request for outdoor operations of guided pontoon tours, pontoon rentals, canoe and kayak rentals, fishing boat and small outboard rentals and jet ski rentals in the summer and snowmobile rentals and guided snowmobile rentals in the winter. There will also be a gift shop with seasonal items pertaining to summer/winter activities in the front half of the building.

The Committee has been provided with a copy of the General Standards for the approval of a CUP, and if the Committee feels the general standards have been met, staff would recommend the following conditions:

1. The nature and extent of the conditional use shall not change from that described in the application and approved in the Conditional Use Permit.
2. Town of Minocqua review and recommendations.
3. Outdoor storage of kayaks and canoes is limited to area shown on the map and not to be stored in the road right-of-way.
4. Additional tenants to apply for an ARP/CUP as required.
5. Proper permits to be obtained from Planning and Zoning and DNR prior to any improvements to the building.

Mr. Holewinski opened the public hearing for comment for or against the CUP application.

Ben Loma stated he is for the business.

Scott Holewinski closed the public hearing for deliberation.

Motion by Gary Baier, second by Jack Sorensen, to approve the Conditional Use Permit of Chad Bierbrauer as described herein, with the general standards having been met, Town concerns and staff recommendations. With all members voting "aye", the motion carried.

Conditional Use Permit application of Jerry Ryden to lease space in an existing building for retail sales and repairs including outdoor display and storage on property owned by Thomas Hribar described as part NW NE, SM B5989, Section 26, T39N, R6E, 7897 Hwy 51, PIN MI 2374, Town of Minocqua.

Karl Jennrich, Zoning Director, read the notice of public hearing for the Conditional Use Permit Application of Jerry Ryden to lease space in an existing building for retail sales and repairs including outdoor display and storage on property owned by Thomas Hribar described as part NW NE, SM B5989, Section 26, T39N, R6E, 7897 Hwy 51, PIN MI 2374, Town of Minocqua.

The notice was published in the Northwoods River News on May 21 and May 28, 2013. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on May 16, 2013. The mailing list was also read into the record.

Correspondence in file: Letter from Town of Minocqua dated May 23, 2013 approving the CUP #7-2013 contingent upon meeting all State and County requirements and no display or storage of items within the road right-of-way.

Kathy Ray, Land Use Specialist, reviewed the CUP with the Committee. This is a request for outdoor display and storage area of marine, snowmobile and ATV items associated with Ryden's Marine. The owner, Tom Hribar, would continue to use a portion of the shop area to store his equipment. So this will be labeled a multi-tenant space. Mr. Ryden is currently operating at this location under CUP #94-370, which is for retail sales, fabrication and repair. That CUP was conditioned not to allow outdoor storage.

The Committee has been provided with a copy of the General Standards for the approval of a CUP, and if the Committee feels the general standards have been met, staff would recommend the following conditions:

1. The nature and extent of the conditional use shall not change from that described in the application and approved in the Conditional Use Permit.
2. Town of Minocqua review and recommendations.
3. Signage to conform to Section 9.78.
4. May be subject to DOT review and approval.
5. Non-operable, non-repairable vehicles not permitted under this approval.
6. No accumulation of junk or debris allowed.
7. No salvage material items or inventory may be stored on the property.
8. Exterior lighting if installed must be downcast and shielded.
9. Dumpsters must be screened from view.

Mr. Holewinski opened the public hearing for comment for or against the CUP application.

Ben Loma stated he is in support of the business.

Scott Holewinski closed the public hearing for deliberation.

Motion by Mike Timmons, second by Jack Sorensen, to approve the Conditional Use Permit of Jerry Ryden as described herein, with the general standards having been met, Town concerns and staff recommendations. With all members voting "aye", the motion carried.

Discuss Section 9.33(F), Recreational Vehicle / Camping Tent.

Mr. Jennrich stated that there's been discussion in the Office and he felt it was appropriate to bring to the Committee's attention.

Mr. Jennrich stated that years ago the camping ordinance was amended and it became an exemption to zoning requirements. Therefore, camping in Oneida County does not require permits. Mr. Jennrich said there have been some problems and he'd like to get some direction from the Committee.

Mr. Jennrich stated that it has been a problem for the Department to regulate because requests for park models are now coming in. Park models are technically a recreational vehicle, which is described as 400 sq. ft. or less. It is confusing if they need permits because of the exemption to the Ordinance. These are being placed permanently on properties. The Committee has taken the position that these structures have to meet applicable setbacks. That is being enforced. People want to place these and hook up to utilities such as water, septic and wells. There are some townships that are developing their own camping ordinances because of these structures.

Motion by Dave Hintz, second by Mike Timmons to direct staff to review Section 9.33(F) and come up with appropriate language and bring back to the Committee for review. With all members present voting "aye", the motion carried.

Top two budget priorities for 2013-2014.

Mr. Jennrich stated that the Administration Committee requested that each Department submit two budget priorities to the Committee of jurisdiction for consideration. The intent of the request is that if they are large ticket items they would be considered by the full County Board.

Motion by Dave Hintz, second by Scott Holewinski that these two priorities are accepted as presented. With all members present voting "aye", the motion carried.

Review previous Ordinance Amendment 1-2013, Oneida County Floodplain Ordinance. This was previously approved by the Planning and Development Committee and Oneida County Board of Supervisors.

Karl informed the Committee that after this was approved the Department of Natural Resources reviewed the amendment and found three technical minor errors. Corporation Counsel suggested this go back to the Oneida County Board of Supervisors for approval, again.

Motion by Mike Timmons, second by Jack Sorensen to forward Ordinance Amendment 1-2013, Chapter 20 Floodplain Ordinance, with the corrections as submitted.

Forward Ordinance Amendment #1-2013, Chapter 13 Oneida County Private Onsite Wastewater Treatment Systems Ordinance, to the Oneida County Board of Supervisors.

Motion by Jack Sorenson, second by Gary Baier to forward Ordinance Amendment #1-2013, Chapter 13 Oneida County Private Onsite Wastewater Treatment Systems Ordinance to the Oneida County Board of Supervisors as presented. With all members present voting "aye", the motion carried.

Public Comment. Mr. Loma commented that recreational vehicle structures are built to UDC standards which have adopted the HUD code, which is a manufactured home. If they are built to Federal Codes they should not be permanent structures.

Bob Mott commented that he does not feel the County should be spending money on the Lakes screening factors for assessing POWTS.

Line Item transfers, purchase orders and bills.

There are no line item transfers or purchase orders.

Motion by Scott Holewinski, second by Jack Sorensen to approve the bills.

Refunds.

There are no refunds.

Approve future meeting dates: June 19 and July 3, 2013. Look at future dates to discuss Section 9.20, Zoning Districts.

Approved.

Public Comments.

Bob Mott asked if there was a meeting set for piers/boathouses.

Adjourn.

3:00 p.m. There being no further matters to lawfully come before the Committee, a motion was made by Jack Sorensen second by Mike Timmons to adjourn the meeting. With all members present voting "aye", the motion carried.

Chairman Scott Holewinski

Karl Jennrich
Planning & Zoning Director