

ONEIDA COUNTY PLANNING & ZONING
July 15, 2009
1:00 P.M. REGULAR MEETING – COMMITTEE ROOM #2
2ND FLOOR ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501

Members present: Scott Holewinski
Larry Greschner
Charles Wickman
Frank Greb
Ted Cushing

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

Guests Present: (See Sign-In Sheet)

Call to order.

Chair, Scott Holewinski called the meeting to order at 1:00 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.

Approve the agenda.

Motion by Frank Greb, second by Charles Wickman to approve the amended agenda. With all members present voting "aye", the motion carried.

Approve minutes of June 26, 2009; On-site inspection of Eagle Cove Camp and Conference Center

Motion by Charles Wickman, second by Larry Greschner to approve the on-site minutes of 6/26/09 as presented. With all members present voting "aye", the motion carried.

Preliminary 2-lot Certified Survey Map of Walter Wendt, owner and Wilderness Surveying, agent on property described as part of Government Lot 2, Section 20, T38N, R8E, PIN# NE 674, Town of Newbold.

Nadine Wilson, Land Use Specialist indicated the owner would like to retain the home and cottages. Ms. Wilson indicated Mr. Jennrich was at the town planning commission meeting and they agreed with the map. The town will formally act on the request at their July 30th meeting. Ms. Wilson indicated the proposal is allowed under Chapter 15.17 modifications (Exhibit #1). The only condition is that the certified survey map be recorded with the Land Information Department.

Motion by Larry Greschner, second by Ted Cushing to approve the two lot CSM of Walter Wendt, owner and Wilderness Surveying agent, agenda item number four,

Town of Newbold with conditions and meeting Chapter 15.17. With all members present voting “aye”, the motion carried.

“After-the-Fact” preliminary 3-lot Certified Survey Map of Larry and Diana Sparling for property described as part of Gov’t Lot 7, Section 13, T36N, R8E, Town of Crescent.

Steve Osterman, Planning Manager described the two year legal action involved with this property due to an easement issue that held up approval. Mr. Osterman noted the lots were filed without approval and is therefore, after the fact. The town approved and the department recommends approval with the following conditions: filling of wetland prohibited, after the fact fee of \$600 due upon approval, obtain driveway permit from the town and re-record the new CSM to ensure the map is recorded properly.

Motion by Larry Greschner, second by Frank Greb to approve the preliminary three lot CSM of Larry and Diana Sparling with staff concerns including obtaining after the fact fees. With all members present voting “aye”, the motion carried.

Preliminary 10-lot County Plat of Bear Lake Highlands located in Gov’t Lot 2, Section 19, T38N, R6E, Town of Hazelhurst

Mr. Osterman indicated the committee has seen this proposal before, the town approved with a rework of the conditions. Mr. Osterman indicated there is no difference from the original request and recommends approval with the conditions stated by the town (as read). Mr. Osterman noted conditions will be provided to the potential buyer named as Dr. Gainslen.

Ted Cushing indicated the Town’s attorney met with the town last night and agreed with the conditions and approval.

Motion by Scott Holewinski, second by Frank Greb to approve the ten lot plat of Bear Lake Highlands, agenda item number six, with conditions of approval. With all members present voting “aye”, the motion carried.

Tom Ernstmeyer present and indicated he does not want to take the plumbing out of the rec. hall, but agreed to take out the sleeping quarters.

Mr. Holewinski asked if this is allowed by the department.

Mr. Jennrich indicated this is a “touchy issue”, as it could have potential for living quarters with the plumbing in the building.

The committee agreed it is part of the conditions.

Mr. Holewinski reminded a member of the public this is not a public hearing and allowed the gentlemen to speak.

Herb Weber commented he has no problem with nine of the lots, but the lot with the old resort should be sub-divided per the density allowed.

Mr. Jennrich read the ordinance pertaining to density and water frontage requirements.

Mr. Greschner asked that staff follow up on the plumbing removal.

Section 9.26, Business B-1 and B-2 (Districts 6 and 7) (#19-2001, 83-2003, 1-2005, 28-2005 and 11-2008).

Mr. Jennrich provided a handout (Exhibit #2) of Section 9.26 with the changes.

Motion by Ted Cushing, second by Frank Greb approved of Section 9.26, Business B-1 and B-2, agenda item number seven, with changes as presented. With all members present voting “aye”, the motion carried.

Sales Tents. The Committee may be looking at reviewing policy as it relates to regulating outdoor sales tents.

Mr. Jennrich commented on tent sales along with previous enforcement the department has taken. Mr. Jennrich indicated he attended the Woodruff Town meeting regarding this issue and they would like to regulate a length of time longer than two days. Mr. Jennrich indicated the department will use their discretion on short term tent sales.

Mr. Greschner recommended the department not regulate tent sales and leave this to the towns, since they are much stricter than the county in this area. Discussion on the zoning department, chamber and town forming a committee to discuss this issue further over the winter months.

Motion by Larry Greschner, second by Frank Greb directing Oneida County to stay out of any sales tent regulations. With all members present voting “aye”, the motion carried.

Mr. Jennrich clarified this pertains to existing businesses that want to set up a tent for temporary sales and any transient type of sales must be regulated.

Mr. Cushing commented that the County Clerk issues permits for transient tents.

The Committee may modify Section 9.52, Mobile Home, Manufactured Home and House Trailer Parks.

Mr. Greb asked to discuss this issue as there is situations in the Town of Three Lakes were under Section 9.2(B) (2), the ordinance is creating a hardship.

Discussion that the zoning department agreed with the change to the seventy-five foot setback and the need to bring Section 9.52(H) up to date.

Motion by Ted Cushing, second by Charles Wickman directing staff to bring back the recommended changes as presented. With all members present voting “aye”, the motion carried.

The Planning and Zoning Committee will discuss taking a position on NR 115

Mr. Jennrich referred to the correspondence between the department and Mr. Jim Holperin (Exhibit #3).

Committee agreed it would be most beneficial to hold an NR115 meeting in Northern Wisconsin, such as Oneida or Vilas Counties where the majority of lakes are located.

Motion by Scott Holewinski, second by Frank Greb to send a letter to Mr. Holprein, Mr. Dan Meyer, Mr. Spencer Black, Mr. Doyle, Mr. Mark Miller requesting that the public hearing be held in Vilas or Oneida County. Regardless of the location staff is also directed to attend the public hearing regarding NR115. With all members present voting “aye”, the motion carried.

Time: 1:55 p.m.

Break for five minutes prior to the public hearing.

Time: 3:09 p.m.

Reconvene to regular meeting.

POWTS maintenance program user fees. The Committee will be discussing the possible implementation of a user fee for the POWTS maintenance program due to the State of Wisconsin mandate to inventory all POWTS and put them on a maintenance program within five (5) years

Mr. Jennrich provided a handout (Exhibit #4) of state wide septic fees for those on the maintenance program. The department recommended a re-occurring fee not a one time fee. A cost estimate was also provided to the committee (Exhibit #5). Mr. Jennrich indicated the “special” assessment under the tax levy is still being discussed with legal counsel.

Committee discussed staying away from special assessments and considers a fee of \$15 every three years unless the department determines a better way to collect these fees.

Motion by Ted Cushing, second by Frank Greb to review this further and bring back to a future meeting. With all members present voting “aye”, the motion carried.

Note: skip to agenda item number sixteen, as Mr. Greschner needed to leave at 3:27 p.m.

Approve future meeting dates: July 22, July 29 and August 5, 2009.

7/22/09 at 1:00 p.m. with closed session.

7/29/09 Regular meeting with time to be determined.

8/5/09 (Monday) regular meeting with time to be determined.

Real Estate transfer POWTS inspection program. The Committee will be discussing implementing a fee to place POWTS on the maintenance program due to a real estate transfer.

Mr. Jennrich indicated he recommends a fee of \$75. Vilas County is charging \$50. Mr. Jennrich asked what direction the committee would like to take.

Motion by Ted Cushing, second by Frank Greb to direct staff to look into implementing \$50 fee into the POWTS when a sale of a home applies. With all members present voting “aye”, the motion carried.

Public comments.

Mr. Holewinski asked if there was any public comment prior to the committee going into closed session.

Ben Loma commented on the POWTS topic agreeing with the fee and asked for a public hearing. Mr. Loma indicated he does not like the State controlling POWTS. Mr. Loma also commented on NR115 concerns and asked how many people this will affect.

Joe Vinci commented that he enjoyed this meeting and the committee attitude towards businesses, as small business keeps America moving and legislatures should realize this.

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. The Committee will be talking with outside legal counsel regarding Eagle Cove Camp and Conference Center

Motion by Ted Cushing, second by Frank Greb to go into closed session. Frank Greb “aye”, Ted Cushing “aye”, Charles Wickman “aye”, Scott Holewinski “aye”. The motion carried.

Time: 4:50 p.m. Return to the regular meeting.

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

Motion by Frank Greb, second by Charles Wickman to return to open session. Frank Greb “aye”, Charles Wickman “aye”, Ted Cushing “aye”, Scott Holewinski “aye”. The motion carried.

Line item transfers, refunds, purchase orders and bills.

Mr. Jennrich presented statistics through June 2009 (Exhibit #6) and bills in the amount of \$903.49 and \$1855.55 (Exhibit #7 & #8).

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

Motion by Scott Holewinski, second by Charles Wickman to approve bills and vouchers as presented. With all members present voting “aye”, the motion carried.

Future agenda items

The Committee discussed the following:

- July 29th meeting to discuss Jaros CUP only.

Adjourn

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

Scott Holewinski, Chair

Karl Jennrich, Zoning Director