

ONEIDA COUNTY PLANNING & ZONING
July 29, 2009
1:00 P.M. REGULAR MEETING – COUNTY BOARD ROOM
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
Pete Wegner, Assistant Zoning Director
Steve Osterman, Planning Manager
Kim Gauthier, Secretary

Other County Staff Present: Brian Desmond, Corporation Counsel; Andrew Jones, outside legal counsel; John Young, County Board of Supervisors

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.

Approve the agenda.

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

Approve Public Hearing meeting minutes of April 29, 2009

Motion by Larry Greschner, second by Ted Cushing to approve the meeting minutes of April 29, 2009 as presented. With all members present voting "aye", the motion carried.

Conditional Use Permit Application submitted by Arthur G. Jaros, Jr., applicant consisting of the development of a religious bible camp identified as "Eagle Cove Camp and Conference Center" for property on Squash Lake, further identified as part of Gov't Lots 2, 3, 4 and part of the SW NW, Section 24, T36N, R7E, PIN#'s WB 354-12, 355-1, 356-3, 356-4, 356, 357, 357-5, 357-4, all in the Town of Woodboro. The general location of this project is on land situated between Squash Lake and Hwy 8. A public hearing was conducted on April 29, 2009. An on-site was conducted by the Planning and Zoning Committee on June 26, 2009.

Mr. Holewinski read the parcel description above.

Mr. Jennrich read the staff report provided (Exhibit #1) through page eight.

Mr. Holewinski asked if the Committee had any questions at this point. The Committee had no questions. Mr. Holewinski asked if Mr. Jaros had any questions pertaining to the staff report thus far.

Mr. Jaros noted on page one the acreage should read "45 acres". Mr. Jaros also noted on page two that each bunk room has capacity of eleven persons, along with clarifying that the proposed is "community living arrangements". Mr. Jaros referred to page three noting the "dining hall and chapel house 300 which may include staff". Also on page three Mr. Jaros indicated the total required parking spaces can be revised to comply with staff recommendations. Mr. Jaros referred to page four under "Landscaping" and noted he questioned the comment made that the applicant has addressed a "majority" of the department's concerns. Mr. Jaros believes "all" concerns have been addressed. Mr. Jaros referred to page six under "Final Note" and commented that he also addressed building "height" during the onsite. (See Exhibit #1)

Mr. Jennrich continued reading from page eight of the department's staff report. Mr. Jennrich concluded that the Planning and Zoning Department recommends denial of the conditional use permit for the reasons stated in the report provided (Exhibit #1).

(Clapping)

Mr. Holewinski commented that the public is not to clap, as the public is only here to listen to deliberation/recommendations.

Mr. Jennrich indicated this is only a recommendation by the department and does not reflect the Committee's decision. Mr. Jennrich continued by reading the conditions of the CUP, in the event that the Committee does approve the CUP (Exhibit #2).

Mr. Holewinski asked if Mr. Jaros had any concerns.

Arthur Jaros commented as President of the Eagle Cove, he is not in the position to ok the conditions and a board meeting would be required to formally approve conditions set forth. Mr. Jaros did note that condition number three, lot line setbacks can be met when the family trust expansion parcel is combined.

Mr. Jennrich indicated that would suffice.

Mr. Jaros also referred to condition number three and clarified names of the trust. Mr. Jaros commented that condition number four through six are ok; condition number seven may need to expand to 8:00 p.m. after conferring with Mr. Jewell. Mr. Jaros indicated conditions eight through nineteen can be conformed.

Mr. Holewinski indicated the Committee will now discuss the nine general standards for approval of a conditional use permit application as established in Oneida County Zoning Ordinance (Exhibit #3).

Each Committee member commented on the following General Standards:

1. *The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals comfort or general welfare.*

- Will Eagle Cove Camp and Conference Center, as proposed, be detrimental to or endanger public health? If so, are there any conditions that could be placed on the permit to address those concerns?

Mr. Greschner: "No it doesn't conform." "We don't know if it will be detrimental to public health." "Yes, to public health."

Mr. Greb: "No, It's very subjective. I have no idea if it will harm public. No, it's not detrimental to health".

Mr. Wickman: "No, there is no indication that there is endangerment to public health".

Mr. Cushing: "No, I believe they have been addressed properly".

Mr. Holewinski: "No".

- *Will Eagle Cove Camp and Conference Center, as proposed, be detrimental to or endanger safety? If so, are there any conditions that could be placed on the permit to address those concerns?*

Mr. Greb: "No".

Mr. Wickman: "No, not as proposed."

Mr. Cushing: "No."

Mr. Holewinski: "No."

Mr. Greschner: "No, ingress and egress is being changed in relation to public safety."

- *Will Eagle Cove Camp and Conference Center, as proposed, be detrimental to or endanger general welfare? If so, are there any conditions that could be placed on the permit to address those concerns?*

Mr. Wickman: "It could have an affect on adjacent property owners, yes."

Mr. Cushing: "No."

Mr. Holewinski: "No."

Mr. Greschner: "It's very subjective, but no." "Yes, morals and comfort will be affected."

Mr. Greb: "No. Regarding morals and comfort this will be affected with this many people on the lake."

2. *The uses, values and enjoyment of neighboring property shall not in any foreseeable manner be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.*

- *Will the Eagle Cove Camp and Conference Center, as proposed, substantially impair or diminish the use of neighboring properties? If so, are there any conditions that could be placed on the permit to address those concerns?*

Mr. Cushing: "I have a difficult time with this one, but I think it could have some affect. I have to admit most of these concerns have been addressed. I can say no, because there will be some affect on the neighboring property owners."

Mr. Holewinski: "I have to say, no. After doing the onsite inspection I do not feel it will substantially impair or diminish neighboring properties."

Mr. Greschner: "It all depends on the definition substantially. I feel putting 300 more people on the lake will substantially affect properties."

Mr. Greb: "Yes, I think it will. I can't think of any conditions."

Mr. Wickman: "Yes, with no basis for conditions."

- *Will the Eagle Cove Camp and Conference Center, as proposed, substantially impair or diminish the values of neighboring properties? If, so are there any conditions that could be placed on the permit to address those concerns?*

Mr. Greschner: "We don't have the answer at this time. I personally say, yes but we can't definitively answer that."

Mr. Greb: "Yes, I think it will. However there's nothing to base it on. "

Mr. Wickman: "Yes."

Mr. Cushing: "I think it will. I don't think there are conditions that can change that."

Mr. Holewinski: "I don't think it would. I don't think the values of the neighboring properties will go up or down, as they are far enough away."

- *Will the Eagle Cove Camp and Conference Center, as proposed, substantially impair or diminish the enjoyment of neighboring properties? If, so, are there any conditions that could be placed on the permit to address those concerns?*

Mr. Greb: "I definitely think it will and there is nothing we can do to help that out."

Mr. Wickman: "Yes."

Mr. Cushing: "No, I don't believe so. After talking to those who were at the on-site I would say no."

Mr. Holewinski: "I would say no. I don't believe it would substantially impair the neighboring properties as there will only be two boats out there and there is a swimming area."

Mr. Greschner: "I feel it would and there is nothing we can do to correct that."

3. *The proposed conditional use is compatible with the use of adjacent land and any adopted local plans for the area.*

- *What are the adjacent lands zoned? What are the uses currently on the adjacent lands?*

Mr. Jennrich: "02 Single Family. Single family adjacent to property and there is some zoned business on that lake."

- *Is the Eagle Cove Camp and Conference Center compatible with the use of adjacent lands?*

Mr. Wickman: "The adjacent lands are single family; this is not compatible with single family zoning."

Mr. Cushing: "No, it isn't compatible."

Mr. Holewinski: "No it is not compatible."

Mr. Greschner: "No it is not. The Town has adopted a land use plan that does not allow for this center."

Mr. Greb: "It's not compatible."

- *Does the Town of Woodboro have a Comprehensive Plan?*

Mr. Jennrich: "Yes."

- *Is the Eagle Cove Camp and Conference Center compatible with the Town of Woodboro Comprehensive Plan? If not, are there any conditions that could be placed on the permit to address those concerns?*

Mr. Holewinski: "Not at this point." (In-audible)

4. *The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

- *The lands that surround the proposed Eagle Cove Camp and Conference Center are in what zoning districts?*

Mr. Jennrich: "02 Single-family."

- *What are the permitted uses in those zoning districts?*

Mr. Jennrich read Section 9.22 of the Oneida County Zoning Ordinance.

- *Will the establishment of the Eagle Cove Camp and Conference Center impede the normal and orderly development of those lands? If so, are there any conditions that could be placed on the permit to address those concerns?*

Mr. Holewinski: "No, it will not. After the on-site I see there are plenty of setbacks that it will not impede the adjoining properties."

Mr. Greschner: "No." "Isn't it simple that standard number four goes against Oneida County's ordinance for its allowed uses?"

Mr. Cushing: "No."

Mr. Wickman: "Yes."

Mr. Greb: "Yes."

5. *Adequate utilities, access roads, drainage and other necessary site improvements have been or will be provided for the conditional use.*

- *Does the proposed Eagle Cove Camp and Conference Center make adequate provision for utilities that would be required for such a facility?*

Mr. Holewinski: "Yes."

Mr. Greb: "Yes."

Mr. Cushing: "Yes."

Mr. Wickman: "Yes."

Mr. Greschner: "Yes."

- *Does the proposed Eagle Cove Camp and Conference Center make adequate provision for access roads that would be required for such a facility?*

Mr. Wickman: "Yes."

Mr. Holewinski: "Yes."

Mr. Greb: "Yes."

Mr. Cushing: "Yes."

Mr. Greschner: "Yes."

- *Does the proposed Eagle Cove Camp and Conference Center make adequate provision for drainage that would be required for such a facility?*

Mr. Wickman: "Yes."

Mr. Holewinski: "Yes."

Mr. Greb: "Yes."

Mr. Cushing: "Yes."

Mr. Greschner: "Yes."

- *Are there any other site improvements that the proposed Eagle Cove Camp and Conference Center should or could make? If so, are there any conditions that could be placed on the permit to address those concerns?*

Mr. Greb: "I don't know what they are if there were any."

Mr. Wickman: "Probably not, they have covered it pretty well."

Mr. Cushing: "No."

Mr. Greschner: "Probably not. No."

Mr. Holewinski: "I would have to say yes to the question. After the on-site that it's possible to move the camp further back as right now the fire entrance is right at the 75 foot and the possibility of drainage could come back and I don't know where it would go. That would be my only two concerns."

6. *Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.*

- *Has the proposed Eagle Cove Camp and Conference Center taken adequate measures to provide ingress and egress so as to minimize traffic congestion in the public streets?*

Mr. Holewinski: "Yes."

Mr. Greschner: "As far as I know through the DOT, yes."

Mr. Greb: "Yes."

Mr. Wickman: "Yes."

Mr. Cushing: "Yes."

7. *The conditional use shall conform to applicable regulations of the District in which it is located.*

- *The lands on which the proposed Eagle Cove Camp and Conference Center would be constructed are in what zoning districts? What are allowed uses?*

Mr. Jennrich: "Single family residential. You've gone through this and again it was stated in my report that staff's position is that it doesn't conform to single family residential zoning district because it's a recreational camp and also would not be allowed in a residential farming district number four."

- *Does the proposed conditional use conform to the applicable regulations of the zoning districts in which it is located?*

Mr. Greschner: "No, it's not allowed in either district. I'll go right back to the Oneida County ordinance and the purpose of single family...this is the most restrictive residential classification. Motor vehicle traffic should be infrequent and people few; this will be anything but that."

Mr. Greb: "No."

Mr. Wickman: "No."

Mr. Cushing: "No."

Mr. Holewinski: "No, I think it has components of what is allowed in single family zoning, but it's much more than what's allowed."

8. *The conditional use does not violate the shoreland or floodplain regulations governing the site.*

Mr. Jennrich: "Staff can answer this. There is not a floodplain on this site so it's not an issue. After Pete and I reviewed the site we do not believe it violates any shoreland regulations which include filling and grading, excessive tree cutting and setbacks."

9. *Adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.*

- *Has the proposed Eagle Cove Camp and Conference Center taken adequate measures to prevent and control water pollution, sedimentation, erosion and runoff?*

Mr. Greb: "I believe they have."

Mr. Wickman: "Probably...we don't really know...but probably."

Mr. Cushing: "Based on the information we all received, they have. "

Mr. Holewinski: "I would say they have. The only thing I would check off is where the water from the front of the building is going to go is it going to a holding pond, there is plenty of valley's for the runoff..."

Mr. Greschner: "From the information I have I would say probably, but staff is better to answer that question. "

Mr. Jennrich: "These are engineered plans and I am not going to question that."

10. *Other considerations.*

-
- *Would a basis exist for the denial of the conditional use permit application under the Oneida County Zoning Code?*

Mr. Greb: "Yes.

Mr. Wickman: "Yes, based on zoning alone."

Mr. Cushing: "Yes, I feel the same way."

Mr. Holewinski: "I agree with it."

Mr. Greschner: "Indefinitely, based on zoning."

- *Do other locations exist in Oneida County where the applicant could obtain approval to construct and operate a recreational camp, whether religious or not?*

Mr. Holewinski: "I believe there is as stated in the report earlier."

Mr. Greschner: "Yes, according to Karl's report there are other sites available for a camp."

Mr. Greb: "Yes."

Mr. Cushing: "Yes."

Mr. Wickman: "Yes."

- *Would the denial of the conditional use permit application otherwise make the religious exercise of the applicant impracticable?*

Mr. Greschner: "I don't think it matters whether it's religious or not religious. If we were to go along with Mr. Jennrich or staffs recommendation for denial that does not prevent the Jaros family or any other families to exercise their religious beliefs with a church on that property."

Mr. Greb: "I don't think so. Definitely no."

Mr. Wickman: "Absolutely not."

Mr. Cushing: "No, based on the other zoning classifications that authorizes a church or school."

Mr. Holewinski: "I agree, no."

- *Is there an alternative, less-restrictive means of effectuating the reasons for the denial of the conditional use permit application?*

Mr. Cushing: "I don't believe so."

Mr. Wickman: "Not under the current plans. Great alterations would have to take place to down size the project."

Mr. Greschner: "No."

Mr. Holewinski: "No."

Mr. Greb: "No."

- *Are religious land uses allowed in both of the zoning districts in place on the property? In what form?*

Mr. Holewinski: "This has already been answered. There allowed a church."

- *Does the Oneida County Zoning Code treat non-religious land uses more favorably than religious land uses?*

Mr. Greb: "No."

Mr. Wickman: "Absolutely not!"

Mr. Cushing: "No."

Mr. Greschner: "Not what so ever."

Mr. Holewinski: "No."

- *Is the Oneida County Zoning Code written in such a way as to effectively prevent religious land uses from locating in the County?*

Mr. Wickman: "Absolutely not."

Mr. Greb: "No."

Mr. Cushing: "No."

Mr. Holewinski: "I would agree not, as there are lots of areas they can practice in."

Mr. Greschner: "Not what so ever. There are four of them in the town I live in alone."

- *Are religious land uses otherwise excluded from the town of Woodboro or Oneida County?*

Mr. Cushing: "Based on Karl's report....percentages in the towns."

Mr. Greschner: "No."

Mr. Greb: "No."

Mr. Holewinski: "No."

Mr. Wickman: "No."

Mr. Jennrich: "One point of clarification that would be for recreational camps."

- *Has Oneida County previously granted conditional use permits allowing religious exercise in the zoning districts in place on the property?*

Mr. Greschner: "Yes."

Mr. Greb: "Yes."

Mr. Cushing: "Yes."

Mr. Wickman: "Yes."

Mr. Holewinski: "Yes."

- *Has Oneida County previously treated non-religious recreational camps differently than religious recreational camps in applying the Oneida County Zoning Code?*

Mr. Greb: "No."

Mr. Cushing: "No."

Mr. Wickman: "No."

Mr. Holewinski: "No."

Mr. Greschner: "No."

- *Has the Oneida County Zoning Code otherwise been selectively enforced against religious land uses?*

Mr. Cushing: "No."

Mr. Wickman: "No."
Mr. Holewinski: "No."
Mr. Greschner: "No."
Mr. Greb: "No."

Mr. Holewinski indicated the Committee will need to make a motion if the general standards of approval have been met and then make a motion to either approve or disapprove the conditional use permit.

Motion by Larry Greschner, second by Frank Greb that the general standards of approval have not been met. Ted Cushing 'aye', Frank Greb "aye", Scott Holewinski "aye", Charles Wickman "aye", Larry Greschner "aye". The motion carried.

Motion by Frank Greb, second by Larry Greschner to disapprove the conditional use permit of Eagle Cove Camp and Conference Center. Larry Greschner "aye", Charles Wickman "aye", Ted Cushing "aye", Frank Greb "aye", Scott Holewinski "aye". The motion carried.

Brian Desmond asked if the Committee would like for a later meeting, a written conclusion drafted by the attorneys.

Motion by Ted Cushing, second by Charles Wickman that the Committee along with Corporation Counsel and outside legal counsel to draft a fact finding conclusion to present at a later date. Larry Greschner "aye", Charles Wickman "aye", Ted Cushing "aye", Frank Greb "aye", Scott Holewinski "aye". The motion carried.

Discussion if this conclusion needs to go before the County Board. Committee and attorney's agreed it does not.

Line item transfers, refunds, purchase orders and bills.

Mr. Jennrich presented bills and purchase orders in the amount of \$279.90 and \$20,350.60. (Exhibit #4, #5).

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

Public comments.

No comment was made.

Approve future meeting dates: August 5, August 19 and September 2, 2009.

The committee agreed all dates are approved.

Future agenda items

(None noted)

Adjourn

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

Scott Holewinski, Chair

Karl Jennrich, Zoning Director