

ONEIDA COUNTY PLANNING & ZONING

October 6, 2010

12:30 pm Closed Session

1:00 pm - Regular Session

2:00 pm – Public Hearing

COMMITTEE ROOM #2, SECOND FLOOR COURTHOUSE

2ND FLOOR ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501

Members present: Scott Holewinski, Chairman
Dave Hintz
Billy Fried
Gary Baier

Department staff present: Karl Jennrich, Zoning Director
Lila Dumar, Secretary III

Other County Staff: Brian Desmond, Corporation Counsel

Guests Who Signed In: Ben Loma
Joe Handrick, Town of Minocqua WI
Don Sidlowski, Town of Three Lakes
Peter Biolo (RPOC)
Gary Gundlach
Robert & Helen Williamson
Tony Sanchez
Kathleen Koceja
Cecilia Prickett
Carl Surges
Julie Backenkeller

Call to order.

Chairman 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 was properly posted.

Approve the agenda.

Motion by Billy Fried, second by Dave Hintz, to approve the agenda. With all members present voting “aye”, 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.

a. Driveway issue in the Town of Minocqua.

Motion by Gary Baier, second by Billy Fried, to go into closed session. Scott Holewinski “aye”, Dave Hintz “aye”, Gary Baier “aye”, Billy Fried “aye”. The motion carried.

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

Motion by Gary Baier, second by Dave Hintz, to go back into open session. Billy Fried “aye”, Gary Baier “aye”, Dave Hintz “aye”, Scott Holewinski “aye”. The motion carried.

There was no action taken in closed session. Discussion only.

Public Comments.

There was no public comment at this time.

Approve meeting minutes of August 4 & 18, 2010.

Motion by Billy Fried, second by Gary Baier, to approve the meeting minutes of August 4 & 18, 2010. Dave Hintz noted a typo on page 3 of the August 4, 2010 meeting minutes. Chairman Holewinski asked the committee to call ahead with minor corrections to the minutes, so that it can be taken care of before the meeting. The motion was amended by Billy Fried and by Gary Baier (2nd) to approve the meeting minutes of August 18, 2010 as presented and the August 4, 2010 meeting minutes corrected as noted today. With all members voting “aye” the motion carried.

Issue a realignment of adjacent parcels for property owned by McDonald Trust James Rein, Agent on property described as Lot 7 in the recorded Plat of Red Pine further described as part SW SW, Section 2, T39N, R6E and part SE SE, Section 3, T39N, R6E. Town of Woodruff.

James Rein, Wilderness Surveying, and Steven R. Osterman, Planning Manager are present. This involves minor lot line realignment for the placement of a garage as far away from the wetland as possible. Committee review is required pursuant to Chapter 236.

Motion by Gary Baier, second by Dave Hintz, to approve the realignment for the McDonald Trust property, Town of Woodruff. With all members voting “aye” the motion carried.

First Addendum to Fieldstone Village Condominium Plat on property described as being part of Gov't Lot 8, Section 14, T39N, R6E, 9636 Fieldstone Drive, PIN MI 4663, Town of Minocqua.

James Rein, Wilderness Surveying, and Kathy Ray, Land Use Specialist are present. This involves a condominium amendment to Unit #5 to allow a deck to be enlarged. Kathy Ray, Land Use Specialist, recommended approval subject to the following conditions:

1. Town of Minocqua review/recommendations.
2. Proper permits to be obtained prior to construction.
3. Addendum to Declarations if required, to be reviewed & approved by the Department prior to recording.
4. Statement on Plat: Approval of zoning permits is not implied or guaranteed with approval of the condominium plat. Zoning Permits may be required for any improvements, expansions and/or additions and shall comply with the zoning ordinance.

Motion by Dave Hintz, second by Gary Baier to approve the First Addendum to Fieldstone Village Condominium Plat, Town of Minocqua with the conditions outlined by staff. With all members voting “aye” the motion carried.

Preliminary 2-unit Condominium Conversion Plat for Adam Redman for property described as part Outlot 2 in the Plat of Payne’s First Addition to Minocqua, parcel 3 of Certified Survey Map 777 and being part of Gov’t Lot 5, Section 14, T39N, R6E, at 530 Chicago Ave. E, PIN MI 3422-2, Town of Minocqua.

James Rein, Wilderness Surveying, and Kathy Ray, Land Use Specialist are present. This involves a condominium conversion from tourist rooming house(s) to the condominium form of ownership. Kathy Ray, Land Use Specialist, recommended approval subject to the following conditions:

1. Town of Minocqua review/recommendations
2. Condominium declarations to be reviewed and approved by the Department prior to recording.
3. Maintenance of shared parking areas to be addressed in the declarations to include maintenance, repairs, snowplowing, etc.
4. Future amendments or addendums to be reviewed and approved by the Department prior to recording.
5. Existing pier on Lake Minocqua not to be included in this condominium approval or in the declarations.
6. Statement on Plat: Garage structure is legal pre-existing structure located approximately 25 feet from the OHWM of the flowage area.
7. Land disturbance is prohibited within 35 feet of the OHWM of the flowage area.
8. Statement on Plat: Approval of zoning permits is not implied or guaranteed with approval of the condominium plat. Zoning Permits may be required for any improvements, expansions and/or additions and shall comply with the zoning ordinance.

Motion by Billy Fried, second by Dave Hintz to approve the 2-unit Condominium Conversion Plat for Adam Redman in the Town of Minocqua as presented with the conditions outlined by staff. With all members voting “aye” the motion carried.

Section 9.78 (4), Sign Ordinance. Political signs. The Committee will be discussing the size requirements of political signs.

Karl Jennrich, Zoning Director, stated that the Department sent letters to the political parties in the Town of Minocqua due to the number of signs that were on display that were approximately 8’ X 4’ (32 square feet) in size. The sign ordinance limits the size of a political sign to 12 square feet. There was discussion held by the committee. It was noted that 8’ X 4’ political signs are standard size throughout the State, especially for placement on the roadways. It was also noted that to pursue enforcement so close to the election would be unreasonable.

Motion by Billy Fried, second by Gary Baier to consider an amendment to the sign ordinance to allow political and holiday signs up to 32 square feet in size. With all members voting “aye”

the motion carried. The Committee directed staff not to pursue enforcement of political signs at this time.

Section 9.78, Sign Ordinance. The Committee will be reviewing Ordinance language to remove the regulation of on-premise signs.

Karl Jennrich, Zoning Director, stated that this came about at the request of several Towns to regulate on-premise signs at the Town level instead of County regulation. New language was drafted to eliminate County regulation of on-premise signs. In addition, in Section 9.78 B, subsections 1 & 2 were created in order for all free-standing signs to comply with water, highway, side or rear lot line setback. A free-standing sign is a "structure" and must comply with the setback requirements. Mr. Jennrich stated that he would also combine the amendment for the size of political signs (discussed earlier today) with this ordinance amendment rather than having 2 separate public hearings.

Motion by Dave Hintz, second by Gary Baier, to forward the proposed amendment(s) to Section 9.78 for on-premise signs and political signs to public hearing. With all members voting "aye" the motion carried.

Proposed Section 9.56, Chickens. The Committee will be reviewing Ordinance language to allow Chickens in District #2, Single Family Residential.

Karl Jennrich, Zoning Director, stated that he was requested to draft a provision to allow domesticated chickens/ducks in the single family residential zoning district. Mr. Jennrich read the proposed language into the record, which is contained in the file.

Ben Loma is present and stated his support of this proposal. The Committee reviewed and discussed the proposed amendment.

2:02 pm. Chairman Scott Holewinski recessed the meeting to conduct the public hearings scheduled for 2:00 pm today. The Committee will return to this agenda item upon conclusion of the public hearings.

Conditional Use Permit Application of Kathleen Kocaja to open an organic food café with outdoor seating and retail store in the Boardwalk Shops in an existing building owned by Randy Gorski on property described as part Gov't Lot 6, Unrecorded Plat of Minoc-Wood, Section 11, T39N, R6E, 8530 Hwy 51 North, PIN# MI 2179-38, Town of Minocqua.

Karl Jennrich, Zoning Director, read the notice of public hearing for the conditional use permit application indicated. The notice was published in the Rhinelander Daily News on September 21 & 28, 2010; the Lakeland Times and the Tomahawk Leader the week of September 20, 2010. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on September 16, 2010. The mailing list was also read into the record.

The following correspondence was received: Letter from the Town of Minocqua dated September 24, 2010 recommending approval subject to State and County requirements.

Kathy Ray, Land Use Specialist read the CUP Review Report noting the general standards were supplied and the conditions set by the department include:

1. The project is commenced within three years form the date of issuance.
2. The nature and extent of the conditional use shall not change from that described and approved in the CUP.
3. Subject to Town review and recommendations.
4. Sign permit to be obtained prior to placement.
5. Subject to approvals and licenses from the Department of Health prior to opening.
6. Exterior lighting to be down cast and shielded.

Mr. Holewinski asked if there was any public comment for or against the issue at hand.

Ben Loma stated that he supports this project.

There was no other public comment.

Motion by Billy Fried, second by Dave Hintz to approve the conditional use permit of Kathleen Koceja being that the general standards have been met and subject to the conditions set forth by staff. With all members present voting "aye", the motion carried.

Conditional Use Permit Application of Don Kuechler, owner and Carl Surges agent to establish outdoor display areas for piers on property at 6035 Hwy 70 being described as part W ½ NW fractional ¼, Section 2, T39N, R8E PIN NE 941-1B, Town of Newbold.

Karl Jennrich, Zoning Director, read the notice of public hearing for the conditional use permit application indicated. The notice was published in the Rhinelander Daily News on September 21 & 28, 2010; the Lakeland Times and the Tomahawk Leader the week of September 20, 2010. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on September 16, 2010. The mailing list was also read into the record.

The following correspondence was received:

- Letter from the Town of Newbold dated September 15, 2010 recommending approval as presented with no conditions.

Nadine Wilson, Land Use Specialist, read the CUP Review Report noting the general standards were supplied and the conditions set by the department include:

1. The project is commenced within 3 years from date of issuance.
2. The nature and extent of the conditional use permit shall not change from that described in the application and approved in the permit.
3. Outdoor lighting shall be directed downward and shielded from above. Care should be taken to prevent light pollution.
4. Signage in accordance with the Oneida County Zoning and Shoreland Protection Ordinance.
5. Storage of items and outdoor display areas to be limited to areas shown on site plan.
6. Zoning Permit may be required for outdoor sculpture and/or displays.

7. Conditions of CUP #07-134 to remain in full force and effect.

Mr. Holewinski asked if there was any public comment for or against the issue at hand.

Ben Loma stated that he supports this project.

There was no other public comment.

Motion by Billy Fried, second by Gary Baier to approve the conditional use permit of Don Kuechler, owner and Carl Surges, agent with the general standards being met and subject to the staff conditions. With all members present voting “aye”, the motion carried.

Conditional Use Permit Application of Robert and Helen Williamson, owners and James Rein, Wilderness Surveying agent to redesign and expand existing recreational vehicle park located at 4823 Willow Dam Rd. legally described as part NE NE and part NW NE, Section 15, T37N, R5E, PIN's LR 800-1A and LR 801-1, Town of Little Rice.

Karl Jennrich, Zoning Director, read the notice of public hearing for the conditional use permit application indicated. The notice was published in the Rhinelander Daily News on September 21 & 28, 2010; the Lakeland Times and the Tomahawk Leader the week of September 20, 2010. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on September 16, 2010. The mailing list was also read into the record.

To date, the Town of Little Rice has not sent a letter with conditions of approval. An email was received from Lon Hoerter, WVIC stating that WVIC has use restrictions on the property involved. The restrictions were put in place in 1958 and re-noticed in 1997. A use agreement between WVIC and the Williamson's will be required.

Nadine Wilson, Land Use Specialist, read the CUP Review Report noting the general standards were supplied and the conditions set by the department include:

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. Sanitary systems updated. Need a timeline within 2 years from date of Conditional Use Permit issuance for replacement of failing systems and installation of code compliant systems to service current occupants on the property.
3. Any reconfiguration of proposed roads and/or camping spaces will require an amendment to the permit and review/approval by the Planning and Zoning Department and the Town of Little Rice.
4. Boat landing location to be identified on the plat. If to remain on portion of WVIC property, written approval from WVIC to be provided to the Department.
5. Phasing out year-round mobile/manufactured homes—owner to specify which units are year-round, how they will be phased out and converted to part-time recreational users with recreational vehicles.
6. Staff to insist no new mobile/manufactured homes be moved onto the property.

7. Mobile/manufactured homes and/or recreational vehicles encroaching on WVIC property may be replaced but shall be located in conformity with the Oneida County Zoning and Shoreland Protection Ordinance and the Conditional Use Permit.
8. Staff recommends combining all parcels into one.
9. Provide department with rules and regulations that govern the campground.
10. Campground license to be obtained from state and adjusted yearly as necessary.
11. Manufactured home community license to be obtained from state and adjusted yearly as necessary.
12. Tourist Rooming House License from state for cottages must be retained.
13. Any agreements with Wisconsin Valley Improvement shall be reported to Planning and Zoning Department and/or Committee as they may effect need for additional permits, or conditions or approval.
14. A 50-foot peripheral setback area along each property line of such a park, designated screen fencing or landscape planning shall be placed so as to be 50% or more opaque between the heights of two feet and eight feet from the average ground elevation when viewed from any point along each property line.
15. Provide 8 foot privacy fencing for neighbors located in North/Northwest corner of property also to fill in 10 to 20 feet before the fence with 4 year old conifer trees to be placed in 2 rows with 7-ft X 7-ft spacing.
16. Solid waste hauler to carry garbage out.
17. Town of Little Rice concerns.

Mr. Holewinski asked if there was any public comment for or against the issue at hand.

Ben Loma stated that he supports this project.

Gary Gundlach stated that he supports this project.

There was no other public comment.

Motion by Billy Fried , second by Dave Hintz for approval of the condition use permit of Robert & Helen Williamson, with the general standards being met, and subject to staff conditions of approval presented today and Town of Little Rice concerns and approval. With all members voting "aye" the motion carried.

Rezoning Petition #4-2010 authored by Cecilia A. Prickett to rezone land from District 1-A Forestry to District #2 Single Family Residential on property described as Part A: Section 19, T39N, R5E all land lying south and or east of Bo-Di-Lac Drive within the SW NW PIN MI 1811 and 1811-14 and Part B: Section 19, T39N, R5E, SW NW un-platted portion west of Bo-Di-Lac Drive PIN MI 1811-15.

Karl Jennrich, Zoning Director, read the notice of public hearing for Rezoning Petition #4-2010. The notice was published in the Rhinelander Daily News on September 21 & 28, 2010; the Lakeland Times week of September 20, 2010. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on September 16, 2010. The mailing list was also read into the record.

Correspondence in file: Letter of approval from the Town of Minocqua, dated July 26, 2010.

Steven R. Osterman, Planning Manager, reviewed the rezone petition with the Committee. This rezone will enable the entire Section to be zoned Single Family #02 District. Mr. Osterman provided the standards of approval for committee review, which is contained in the file.

Mr. Holewinski asked if there was any public comment for or against the issue at hand.

Ben Loma stated that he supports this project.

There was no other public comment.

Motion by Dave Hintz, second by Gary Baier, to approve the rezone petition #4-2010 for Cecelia Prickett with the standards being met and staff recommendation. With all members voting "aye" the motion carried.

The Committee returned to agenda item #12. Section 9.56 Chickens.

The Committee continued to review the proposed ordinance language to regulate chickens/ducks in the Single Family Residential District.

It was the consensus of the Committee:

1. The minimum lot size of 5 acres is too large. There was a suggestion of 2.5 acres that was accepted by the Committee.
2. 100 feet setback from a lot line was too far. There was a suggestion of 50 feet from the lot line and 100 feet to a residence.
3. Slaughtering of chickens onsite should be permitted.
4. A one-time permit fee of \$25.00 to have chickens in the Single Family Residential District is reasonable.
5. Chickens/ducks must be contained in chicken pen/henhouse. No free-range chickens.
6. Identify setback to right-of-way and to OHWM.

Motion by Billy Fried, second by Dave Hintz, to forward the proposed ordinance amendment (with today's recommendations) on to public hearing. Mr. Jennrich will make changes as discussed today, and will bring it back to Committee again prior to scheduling the public hearing. With all members voting "aye" the motion carried.

Driveway setback to lot lines. The Committee will be discussing code requirements for driveways and the setback to lot line.

Julie Backenkeller is present. Ms. Backenkeller is having difficulty with a neighbor with storm water runoff. Ms. Backenkeller is looking for relief from the County. The neighbor constructed a paved driveway in a manner that results in all of his storm water coming onto Ms. Backenkeller's lot; this includes two pipes that come under the black top from the eaves of his house.

The Committee reviewed the situation and discussed the following:

1. The side yard setback from the lot line to a driveway.
2. Storm water run-off plans by property owners.
3. The need for a survey to identify the lot lines.
4. Possible mediation with the neighbor by the County or Town.
5. Future Storm water regulation by the County.
6. Contact Joe Handrick, Minocqua Town Chair.

Motion by Billy Fried, second by Gary Baier for staff to wait until the survey is completed, and then to work with Peter S. Wegner, Assistant Zoning Director; Joe Handrick, Town of Minocqua and Billy Fried on this issue. Conduct an onsite inspection of the site; possibly have communication with the neighbor. Bring back to the Committee for further review. With all members voting "aye" the motion carried.

Billy Fried was excused from the meeting at 3:50 pm.

Zoning Director's Compensation Time Report.

Karl Jennrich, Zoning Director, distributed his Compensatory Time Report for October, 2009 to October, 2010. Mr. Jennrich stated that 42.75 hours of compensatory time will be "zeroed out."

Information to the Committee. Discussion only.

Line item transfers, purchase orders and bills.

Bills submitted for approval are \$637.61.

Motion by Dave Hintz, second by Scott Holewinski, to pay the bills as presented. With all members voting "aye" the motion carried.

Refunds.

There were no refunds submitted.

Approve future meeting dates: October 20 and November 3, 2010.

There was discussion on the October 7, 2010 meeting. There will not be a quorum. The meeting was tentatively scheduled for October 27 or 28, 2010 at 1:00 pm. This meeting is for the Ordinance Amendments required for NR 115. Karl Jennrich will poll the committee members for availability. The Committee also approved meetings on October 20 and November 3, 2010.

Public comments.

There were no public comments.

Future agenda items.

Nothing was discussed.

Adjourn.

Motion by Gary Baier, second by Dave Hintz, to adjourn. With all members voting “aye” the motion carried. The meeting adjourned at 4:00 pm.

Scott Holewinski, Chairman

Karl Jennrich, Zoning Director