

ONEIDA COUNTY PLANNING & ZONING
November 5, 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
Ted Cushing
Larry Greschner
Charles Wickman
(Absent: Frank Greb)

Department staff present: Karl Jennrich, Zoning Director
Pete Wegner, Assistant Zoning Director
Nadine Wilson, Land Use Specialist
Kim Gauthier, Secretary

Other County Staff: (None)

Guests Present: Kevin Jenkins, Mike Timmons, Lowell Bostrom, William Liebert

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, the media notified and the courthouse is handicap accessible.

Discussion/decision to approve the agenda

Motion by Ted Cushing, second by Larry Greschner to approve the 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 Ted Cushing to enter into closed session. Roll call vote: Scott Holewinski "aye", Larry Greschner "aye", Ted Cushing "aye", Charles Wickman "aye". The motion carried. Frank Greb was absent.

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", Larry Greschner "aye", Ted Cushing "aye", Charles Wickman "aye". The motion carried.

Kim Gauthier, Zoning Secretary read the following motions made in closed session:

Motion by Larry Greschner, second by Charles Wickman to have the department order Mr. Hennessey to cease and desists his dog kennel operation. With all members present voting "aye", the motion carried.

Preliminary First Addendum to Crescent Lake Condominium to add limited common elements to all 4 units on property legally described as Lot 10 and 11 of Rodd's Addition, being part of Government Lot 3, Section 8, T36N, R8E, Town of Crescent.

Nadine Wilson, Land Use Specialist noted the department received a deck complaint on this property. When staff conducted an onsite visit there was a deck on unit one and the original declarations did not allow improvements around unit one. Ms. Wilson indicated the owner paid after the fact fees for the deck. Ms. Wilson noted the surveyor must show the storage area on the final map and the condo declarations will show the limited common element. Ms. Wilson indicated the town planning commission approved of the addendum; however, the town board must still give their approval. Ms. Wilson recommended approval with the condition that a statement will be placed on the final plat; a zoning permit will be obtained for the "bump-out" structure and storage units and town approval.

Motion by Ted Cushing, second by Larry Greschner to approve the preliminary first addendum to Crescent Lake Condominium, Town of Crescent, agenda item number five with the conditions outlined by staff, town approval and that the encroachment be removed or placed on the condo plat. With all members present voting "aye", the motion carried.

Section 9.78, Sign Regulations.

Mr. Jennrich indicated Lowell Balstrom, Ace Hardware requested to come before the committee regarding sign regulations. Mr. Jennrich also presented a copy of memo dated 10/8/08 to legal counsel including draft language which includes Department of Transportation language (Exhibit #1). Mr. Jennrich noted the language needs to go to a public hearing after approval from the Zoning Committee.

Kevin Jenkins referred information to the department and commented that the City of Rhinelander limits the color to one chosen color not exclusive to amber just excludes the color red due to the same color as a stop light. Mr. Jenkins noted that the draft of Section 9.78 (A), (B) and (C) are consistent with Wis. State Statute.

Mr. Jennrich described full spectrum color and note that Joe Handrick from the Town of Minocqua does not want full spectrum color displayed. Mr. Jennrich noted that at a previous committee meeting Graphic House was present and at that time the committee wanted to keep the color amber or white.

Lowell Balstrom commented that he has a Mobil sign and Mobil Company requires red color signs, however, BP gas station is all green. Mr. Balstrom asked if all these gas stations are going to comply with the color.

Mr. Jennrich indicated the color applies to electronic message boards.

Mr. Balstrom commented that this is a fixed sign displaying gas prices.

Mr. Greschner commented that he has a copy of Mr. Balstrom's sign permit that indicates he signed agreeing to white or amber color only.

Mr. Balstrom noted the application specifically states the sign will be red LED lights on the back of the permit. Mr. Balstrom commented that Mobil does not give an option and the Minocqua Zoning office was aware of this for three years and now the sign has to be changed. Mr. Balstrom noted he will be compliant and has ordered the sign color change which will cost him \$3100. Mr. Balstrom noted the rest of the town of Minocqua is not in compliance and asked why the committee has chosen white or amber.

Mr. Jennrich commented that all CITGO stores will be changing from red and have signs on order.

Mr. Holewinski commented that this will go to a public hearing and suggested Mr. Balstrom come to the public hearing to convince the committee to change the color.

Mr. Balstrom also commented on the banner violations noting that the department gives five days to come into compliance and often times the banner is only up for a three day sale. Mr. Balstrom mentions several businesses in town that are violating the banner ordinance. Mr. Balstrom also asked if county employees can take down signs/banners.

Committee and Mr. Jennrich discussed the result of banner violations including the result of citations that will be issued if a business does not come into compliance. Mr. Jennrich commented that he is discussing the right of the county taking down signs with legal counsel; however, if the sign is in the road right-of-way, it can be removed.

Mr. Jenkins recommends the committee allow a single color and leave the color choice optional.

Mr. Greschner read Section 9.78(D)(16), (E)(4) and (D)(7) commenting that these sections are not being enforced.

Discussion on construction signs, political signs, etc. and the need to either enforce or change the ordinance.

Motion by Ted Cushing, second by Charles Wickman to forward Section 9.78, Sign Regulations as presented to a public hearing. With all members present voting "aye", the motion carried.

Section 9.33, Camping.

Mr. Jennrich commented that Mr. Greschner asked that this be added to the agenda.

Mr. Greschner commented that this is a priority, but has not been resolved yet. Mr. Greschner commented that the biggest problem is camping in single family zoning and the ordinance should be enforced.

Mr. Holewinski asked when the camping ordinance was last before the county board.

Mr. Jennrich indicated 2004 to be the last time before the county board. Mr. Jennrich explained previous legal counsel's recommendations and previous committee decision regarding camping in the county. Mr. Jennrich indicated the problem now before the committee is more permanent type of camping units on vacant property.

Mr. Greschner referred to a legal counsel memo from August 2008.

Mike Timmons, Town of Woodruff asked to comment. Mr. Timmons indicated the town concern is that property owners are turning their property into a campground. Mr. Timmons indicated he does not have a problem with camping for a short period of time such as a weekend or a week, but property owners should not be allowed to camp for a year in single family zoning. Mr. Timmons commented that he is not allowed to construct just a garage for storage in single family zoning and to allow only a camper is not fair either.

Mr. Holewinski commented there are a lot of towns that want to allow camping, however, now people are abusing the ordinance.

Mr. Jennrich read the language regarding camping from 2005 that went before the county board with the changes requested by a previous committee who wanted to allow camping as long as it did not create a nuisance.

Mr. Jennrich and Mr. Wegner described what the previous committee wanted in the ordinance in 2005 regarding camping.

Motion by Larry Greschner, second by Charles Wickman due to Section 9.22, Single family zoning does not allow camping, therefore, I direct staff to immediately enforce Section 9.22 in Single Family. Ted Cushing "nay", Scott Holewinski "nay", Charles Wickman "aye", Larry Greschner "aye". The motion failed.

Mr. Wegner commented that this should be discussed with legal counsel, as there are a lot of specifics that are not mentioned under single family zoning (i.e.: swimming pools) because they are mentioned in other areas of the ordinance.

Mr. Jennrich commented that the previous legal counsel believed that Section 9.33(F) conflicted with the purpose of Section 9.22, however, the previous committee requested the language as it is today.

Committee agreed that Section 9.33 should be looked at again, including the purpose statement under Section 9.22.

Motion by Ted Cushing, second by Larry Greschner directing staff to revisit Section 9.33 and Section 9.22 based on what has occurred in Oneida County today regarding camping and bring before the committee at the meeting after next. Ted Cushing "aye", Larry Greschner "aye", Charles Wickman "aye", Scott Holewinski "aye".

Expansion of existing footprint.

Mr. Wegner indicated the committee wanted this researched with the DNR and legal counsel. Mr. Wegner indicated legal counsel would like formal language to review.

Mr. Holewinski commented staff will need to codify what Mr. Wegner presented on the drawing presented.

Motion by Scott Holewinski, second by Ted Cushing instructing staff to codify expansion of existing footprint as detailed in the last committee meeting. With all members present voting “aye”, the motion carried.

Office Policy.

Mr. Wegner presented a copy of the policy index (Exhibit #2). Mr. Wegner noted the policies that are related to the ordinance are the Director's interpretation used for notice to staff clarifying what happened at how to handle the given situation. Mr. Wegner also commented the question raised at the last meeting pertained to an interpretation of the ordinance and not a policy.

Mr. Jennrich commented that most of the policies in the manual are due to clarification of employee and/or department procedures and processes to maintain consistency. Mr. Jennrich noted his job is to interpret the ordinance and the policy explains how to handle the procedures.

Bill Liebert asked to comment on his issue of combining parcels as one which brought the office policy manual issue to light. Mr. Liebert commented on the DNR policies and procedures and how the county could utilize a similar strategy. Mr. Liebert explained his specific situation when trying to obtain a permit when he was told lots had to be combined prior to issuing a permit. Mr. Liebert explained how this delayed his project and the effects on his business and others involved. Mr. Liebert recommends that these policies be available to the general public and/or included in the on-line ordinance.

Mr. Holewinski commented the book is available if a copy is needed. Mr. Holewinski noted the Director interprets the ordinance and the committee may have the right to override this.

Mr. Jennrich explained the policy pertaining to combining parcels which was previously brought before the committee.

Notice's of Public Hearing for rezone petitions, conditional use permits and ordinance amendments.

Mr. Jennrich provided publication numbers provided by Richard Moore showed 11,013 subscriptions for the Lakeland Times and 3,783 for the Rhinelander Daily News. Mr. Jennrich commented that he does not believe the Lakeland Times can break out the number of the 11, 013 that are Oneida County subscribers.

Richard Moore, Lakeland Times commented that he obtained specific numbers that 4,049 out of the 11, 013 local subscriptions of which 3,000 are from Oneida County. Mr. Moore noted there are 2,600 subscriptions mailed out of state, but the vast majority of

those are Oneida County property owners. The remaining 5,000 are newsstand subscribers as of last week when there are not a lot of tourists in town.

Mr. Holewinski asked what the amount of the error was from the Rhinelander Daily News. Mr. Jennrich indicated he did not have the figure with him today.

Mr. Cushing commented that the issue is not just about the money, but owning up to an error made on their behalf.

Committee discussion on expenses incurred from the other newspaper publications due to the RDN error. Discussion on how the County Clerk interprets what the official publication is for purpose of public notice.

Mr. Jennrich indicated he spoke with Bob Brusio who informed him that the RDN is the official paper and it would take a change of county code to change it to another paper.

Mr. Greschner asked that Mr. Brusio respond with a memo about what is required and if the paper must be a daily paper.

Mr. Moore indicated he does not believe the publication has to be in a daily paper.

Kevin Jenkins commented that the notice does have to be a daily paper for cities.

Motion by Ted Cushing, second by Larry Greschner directing staff to meet with the County Clerk to take the necessary steps to eliminate the Rhinelander Daily News as the official county newspaper. With all members present voting "aye", the motion carried.

Mr. Wickman commented on what is a reasonable notice. Committee agreed the county board established the RDN as the official paper at one time.

Line item transfers, refunds, purchase orders and bills.

Mr. Jennrich presented bills and purchase orders in the amount of \$690.35 and \$2114.64 (Exhibit #3, #4). No refunds were presented.

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

Approve future meeting dates: November 19 and December 3, 2008.

Public comments

Ruth Sproull commented that she spoke to Tom Blake, Wisconsin DNR about the expansion issue for an article she wrote. Ms. Sproull noted the information she received indicated the reason why construction closer than seventy-five feet is because it's grandfathered, but once it is changed this status no longer pertains. Also, the one-hundred percent expansion is allowed because this was a trade off from the fifty-percent rule. Ms. Sproull commented that she understands that the county rule must be at least

what the state rule is (seventy-five feet). Ms. Sproull commented that her site News of the North has a large amount of access (1500 visitors per day) and this is a great way for those out of town to access Oneida county information. Ms. Sproull noted if the notices were posted on her site they would remain until the meeting was held.

Future agenda items

- Camping Ordinance
- Subdivision review at the 11/19/08 meeting

Mr. Holewinski asked that the committee mailings be sent out on Thursdays.

Adjourn.

Time: 2:34 p.m.

Motion by Ted Cushing, second by Larry Greschner to adjourn. With all members present voting "aye", the motion carried.

Scott Holewinski, Chair

Karl Jennrich, Zoning Director