

ONEIDA COUNTY PLANNING & ZONING
December 3, 2008

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
Frank Greb

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

Other County Staff: (None)

Guests Present: Kevin Jenkins, Scott Soder, Tom Boettcher, Tom Blake,
Walter Binder, Mark Patulski, Bill Liebert, Karl Schultz

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.

Discussion/decision to approve the agenda

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

First Addendum Condominium Plat for Cross Trails Condominium on property described as being part of SW NE, Section 11, T39N, R6E, PIN#'s MI 7062, thru MI 7082, Town of Minocqua

Steve Osterman, Planning Manager present along with Jim Rein, agent. Mr. Osterman recommended approval subject to the following conditions: town approval, signage according to Section 9.78, permits to be obtained for signage and for unit one.

Motion by Larry Greschner, second by Ted Cushing to approve the First Addendum Condo plat for Cross Trails Condominium, agenda item three with conditions as discussed. With all members present voting "aye", the motion carried.

Preliminary four (4) lots Certified Survey Map for properties described as all of Lot 23 and part of Lots 20, 21 and 22 and part of the Platted Road in the recorded plat of

Bellwood and un-platted lands all in Gov't Lot 4, Section 1, T39N, R5E, PIN#'s MI 3799 and MI 3800, Town of Minocqua

Mr. Osterman present along with Stewart Foltz, appraiser. Mr. Foltz presented the map showing the out lots as described. A road maintenance agreement is needed and the current out lot will be abandoned from the 1930's plat.

Mr. Holewinski asked about the separate easements. Mr. Osterman indicated a "joint driveway and utility easement" will be required on the final map.

Mr. Osterman indicated the department recommends approval subject to town approval and the following:

1. Recorded driveway maintenance agreement to cover the shared driveway responsibility.
2. Vacate the platted road prior to filing the CSM.
3. Wetland fill prohibited without proper permits and shown on the final map.
4. Out lot one to be made a part of lot one combined for the purpose of the septic area.
5. Out lot two shall be conveyed to an abutting land owner to the west or to be capped with either lot one or two and not to be conveyed separate to any party.

Motion by Ted Cushing, second by Charles Wickman to approve the four lot certified survey map, agenda item number four, town of Minocqua with staff concerns and town approval. With all members present voting "aye", the motion carried.

Preliminary Condo Plat of Birchwood North, Brad Sanderson owner, for property described as part of Lots 3 & 4 of the Plat of Lakeview located in Gov't Lot 4, Section 36, T37N, R9E, 3959 Moen Lake Rd., Town of Pine Lake, (presently three (3) dwelling units will be reduced to two (2) units)

Mr. Osterman present along with Tom Boettcher, Surveyor and Brad Sanderson, owner. Mr. Osterman noted he submitted this back in February 2008 then Mr. Sanderson purchased the property and divided the lots. It was not previously recognized as a resort, however, Todd from the Oneida County Health Department formerly approved the resort operation. Mr. Sanderson noted he will own unit number one and the others will be rented.

Mr. Osterman indicated the town approved and the county recommends the following:

1. Approval of zoning permits not guaranteed.
2. Review covenant.
3. Piers or berths must be approved.

Motion by Ted Cushing, second by Frank Greb to approve the preliminary condo plat of Birchwood North, Brad Sanderson, agenda item number five with all staff concerns. With all members present voting "aye", the motion carried.

Preliminary Condo Plat of Birchwood South, Randy Tate owner, located in part of Lots 2, 3 and 4 and part of the vacated Moen Lake Rd. of the Plat of Lakeview located in Gov't

lot 4, Section 36, T37N, R9E, 3953 Moen Lake Rd., Town of Pine Lake, (currently four (4) existing dwelling units will be reduced down to two (2) units)

Mr. Osterman noted this property is adjacent to the property in agenda item number five. Mr. Osterman noted the purpose of this plat is to address the orange area or the “bump-out” area as deeded to the town since this is on the road.

Tom Boetcher indicated he will do a quick claim deed.

Mr. Osterman indicated the department recommends approval contingent on the dedication to the town of Pine Lake, standard language that zoning permits is not applied or guaranteed, declarations to be reviewed and approved prior to filing the plat, placement of piers and berths must comply with the county ordinance.

Motion by Larry Greschner, second by Frank Greb to approve the preliminary condo plat of Birchwood South, Randy Tate owner, town of Pine Lake agenda item number six, with any staff and/or town conditions or concerns. With all members present voting “aye”, the motion carried.

Mr. Cushing asked if the septic’s fail where will new septic’s be located.

Mr. Osterman noted one is a holding tank right now. Mr. Jennrich asked if the condo declarations will allow a septic in the common element. Mr. Jennrich recommend this be spelled out in the declarations.

Adoption of Town of Woodruff Resolution #2008-07. Resolution providing for the clarification of area covered by zero foot setback in the business zoning district also contained within the Lakeland Sanitary District, pursuant to Section 9.70 A 4 of the Oneida County Zoning and Shoreland Protection Ordinance

Mr. Jennrich read Section 9.70 noting the modifications to resolution #2008-07 (Exhibit #1). Mr. Jennrich noted the town agrees with this resolution. Mr. Jennrich clarified that the exclusion of the zero foot setback is the hash mark area on the map.

Mr. Greschner questioned the signage language on page three, Chapter 397. Mr. Jennrich will look into this and discuss with the town of Woodruff.

Motion by Larry Greshner, second by Ted Cushing to approve the adoption of Town of Woodruff resolution #2008-07, as presented. With all members present voting “aye”, the motion carried.

Section 9.98, Piers and Other Berth Structures

Mr. Jennrich commented that Pete Wegner and Kurt Bloss did an analysis of current DNR regulations versus the county and if Section 9.98 is excluded from the ordinance the county will still need to regulate marinas.

Mr. Wegner presented a handout explaining the counties pier regulation versus the DNR’s regulations (Exhibit #2).

Mr. Jennrich described recent litigation and previous legal counsel opinion dated 11/28/05.

Motion by Larry Greschner, second by Charles Wickman to retain Section 9.98, Piers and Other Berth Structures. Ted Cushing “aye”, Larry Greschner “aye”, Scott Holewinski “aye”, Charles Wickman “aye”, Frank Greb “nay”. The motion carried.

NR 135 Non-metallic Mining Reclamation Program. The Committee will be signing and forwarding on a resolution to the Oneida County Board of Supervisors to have the Planning and Zoning Department administer Chapter 22 of the General Code of Oneida County

Mr. Jennrich described the meeting held between zoning and Bart Sexton, Solid Waste Department. Mr. Jennrich read the ordinance language proposed (Exhibit #3). Mr. Jennrich described the process of the reclamation program and recommended the zoning department adopt the program.

Motion by Ted Cushing, second by Frank Greb to adopt the general code and amend it to read the Zoning Department will take over non-metallic mining and forward to Solid Waste for approval and then the County Board. With all members present voting “aye”, the motion carried.

Mr. Holewinski skipped to the public comment portion of the agenda to allow comment before the public hearing.

Public comments

Scott Soder, Three Lakes commented regarding a condo in Three Lakes on Shady Lane which was added onto with out a permit. Mr. Soder noted a buyer was ready to close and the buyer found out the association was included in a law suit. Mr. Soder noted the association should not be included in the lawsuit as it's jeopardizing the sale. Mr. Soder commented that he spoke to corporation counsel but he said that the association can't release the association. Mr. Soder discussed the fines assessed due to this and asked that the Committee discuss this issue with Corporation Counsel.

Mr. Holewinski commented that this should be discussed with Zoning staff.

Time: 1:56 p.m. Recess for public hearing.

Time: 3:22 p.m. Resume regular meeting.

Approve future meeting dates: December 17 and December 31, 2008

Meeting schedule: December 17th, January 7th and January 21st. No meeting on December 31st.

Future agenda items

Ted Cushing asked to discuss before and after pictures, as described.

Line item transfers, refunds, purchase orders and bills

Mr. Jennrich described the Groat refund and recommended it be denied.

Motion by Ted Cushing, second by Larry Greschner to deny the refund for Groat. With all members present voting “aye”, the motion carried.

Mr. Jennrich presented bills and purchase orders in the amount of \$1967.36 and \$255.10 (Exhibit #4 and #5).

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

Adjourn

Time: 3:27 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