

ONEIDA COUNTY PLANNING & ZONING
December 16, 2009
1:00 P.M. REGULAR MEETING – COMMITTEE ROOM #2
2:00 P.M. PUBLIC HEARING – COMMITTEE ROOM #2
2ND FLOOR ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501

Members present: Scott Holewinski
Charles Wickman
Ted Cushing
Larry Greschner
Dave Hintz

Department staff present: Karl Jennrich, Zoning Director
Peter S. Wegner, Assistant Zoning Director
Steve Osterman, Planning Manager
Kathy Ray, Land Use Specialist
Nadine Wilson, Land Use Specialist
Lila Dumar, Secretary

Guests Present: Stu Foltz, Foltz & Associates; Brit Bromann; Greg Maines; Bill Liebert; Virgil Davis; Tom Blake, WDNR; John & Deann Wright; Gail Winnie, Town of Cassian; Jack Young, County Board Supervisor; Dennis Thompson, County Board Supervisor.

Call to order.

Chairman 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 Charles Wickman to approve the agenda. With all members present voting "aye", the motion carried.

Preliminary 2-lot Certified Survey Map for Race Foster for property described as part of Gov't Lot 1, Section 22, T39N, R6E, 8166 Panzers Drive, PIN# MI 2312-1 (includes MI 2312-2), Town of Minocqua.

Steven R. Osterman, Planning Manager, reviewed this project. Stu Foltz, Foltz & Associates is present. Mr. Osterman noted that the project has been approved by the Town of Minocqua. Mr. Osterman noted that there is an existing septic system on Lot 2, which

needs to be relocated to Lot 1. The Committee agreed that the system must be relocated upon sale or within 2 years, whichever comes first.

Karl Jennrich, Zoning Director, discussed the excessive amount of slopes and driveway access. There is an existing driveway for Lot 1. There will be a new driveway for Lot 2 for which the location will be determined by the Town at a later date.

Mr. Osterman read staff's proposed conditions of approval which follow:

1. Driveway access permit(s) for Lot 2 to be obtained as required by Town/County/ DNR.
2. Existing septic system on proposed Lot 2 to be relocated to Lot 1 within 2 years or upon sale, whichever comes first.
3. Final Plat to note: "Legal pre-existing structure on Lot 1."
4. Addressing and 911 information must be approved by the Oneida County Land Information Department once a zoning permit has been issued.

Motion by Larry Greschner, second by Ted Cushing, for approval of the 2-lot Certified Survey Map for Race Foster subject to staff's conditions and an approval letter from the Town. With all members voting "aye" the motion carried.

First Addendum to Tomah Ridge Resort Condominium Plat on property described as part of Gov't Lot 4, Section 24, T39N, R6E, 8965 Thoroughfare Road, PIN#'s MI 7427 through MI 7430, Town of Minocqua.

Kathy Ray, Land Use Specialist, reviewed this project. Gregory Maines, RLS, is also present. Ms. Ray noted that the Town of Minocqua has approved this project. The purpose of the addendum is to make two (2) changes. The 1st change involves the garage that was shown as a "proposed garage" on the original plat. The garage has been constructed so that it is no longer "proposed" and has been changed to reflect that on the First Addendum plat. The 2nd change is to show a proposed future addition to Unit 2. The property is zoned single family. Ms. Ray read staff's proposed conditions of approval which follow.

1. Subject to Town review and recommendations.
2. Future addition/vacant unit space to meet a 10 ft setback from the lot line.
3. Proper permit(s) to be obtained prior to construction of addition.
4. Amendment to Declarations, if required, to be reviewed and approved by the Department prior to recording.
5. Final plat to note: Approval of zoning permits is not implied nor guaranteed with approval of this condominium plat. Zoning permits may be required for any improvements, expansions, and/or additions and shall comply with the current Oneida County Zoning and Shoreland Protection Ordinance. Structures depicted on the plat that are situated less than 75 feet from the OHWM may be subject to stricter zoning regulations/restrictions by the County and/or Town.

Motion by Ted Cushing, second by Charles Wickman, for approval of the First Addendum to Tomah Ridge Resort Condominium Plat subject to conditions outlined by staff and an approval letter from the Town. With all members voting “aye”, the motion carried.

Chapter 15, Subdivision Ordinance.

Karl Jennrich, Zoning Director, stated that there were changes to Chapter 15.04 & 15.24 for the Committee to review. There was also discussion on the definitions.

Scott Holewinski, Chairman, stated that he was not at the last meeting and asked what comments or concerns were made at the last meeting. Karl Jennrich, Zoning Director, stated that there were many comments made at the last meeting, on almost every section. Mr. Holewinski suggested that the minutes of the last meeting be transcribed verbatim for the Committee to go over one comment at a time at a future meeting.

Motion by Ted Cushing, second by Larry Greschner, for staff to transcribe the meeting minutes verbatim for review at a future meeting. With all members voting “aye” the motion carried.

Section 9.93 D, Minimum Lot Area.

This agenda item was tabled and will be brought back at the same time as the subdivision ordinance.

NR 115 Updates.

Karl Jennrich, Zoning Director, noted that NR 115 will be published in February and the County will then have 2 years to implement a new County ordinance. Tom Blake, Wisconsin Department of Natural Resources, is present to discuss NR 115. Mr. Blake stated that the DNR does not have all the answers to the questions that have been posed, but they are being researched. Discussion was held on various parts of the new NR 115.

One question is, if a permit is pulled before the County’s new ordinance is implemented, will that permit be good for two years from permit issuance, or would NR 115 kick in making the permit obsolete. Mr. Blake stated that it was his opinion that the permit would be good for 2 years under the County’s current ordinance but if the permit expired and the project hadn’t been completed, then the new ordinance would kick in.

There was discussion held on mitigation and letting areas go natural being a means of mitigation. Mr. Blake commented that in some cases that may be sufficient, while in other cases, it may be necessary for trees to be planted or other means of mitigation.

Larry Greschner asked for a definition of “impervious.” There was discussion held on driveways— asphalt, concrete, gravel, or sand. Mr. Blake stated that driveways are listed as impervious, yet certain types of driveways may be less impervious than others. Mr. Blake commented that is all driveways are classified as impervious; it will be easy for the County to administer.

Ted Cushing referred to condominiums and what effect NR 115 would have on that type of property. Karl Jennrich stated that one condo unit owner may be allowed to increase their condo unit with no problem and then somewhere down the road another condo unit owner would be denied a similar project due to the impervious surfaces limitation being met. Mr. Blake commented that provisions can be written into the ordinance to prohibit that from happening.

Charles Wickman asked if proposed driveways would have to be put on zoning permit applications. Karl Jennrich, Zoning Director responded that it would need to be part of the zoning permit application. In fact, a zoning permit will be required for any impervious surface within 300 feet of the ordinary high water mark (OHWM). The current exemption for structures less than 200 square feet and/or less than \$2,500.00 will change.

Tom Blake, WDNR, informed the Committee that he has forwarded all questions that have been brought to him and he could not answer to Greg Breese, WDNR, who will research the issue and bring an answer back to him. Mr. Blake asked that the Committee and staff contact him with any questions that they may have, rather than wait to do so at a meeting.

State grants available to re-write NR 115.

Karl Jennrich, Zoning Director stated that there are grant monies available for the re-write of the zoning ordinance. Tom Blake, WDNR, is present to discuss the grants that will be available. The DNR will pay 75% of the cost of the County’s re-write, but no more than \$50,000. Mr. Blake explained that this is a Lakes Grant and there will be informational meetings in February, 2010. In the meantime, Mr. Blake will provide Mr. Jennrich with the rules for obtaining a grant.

It was the consensus of the Committee that a grant will most likely be applied for, but more information is needed as to the conditions that would be attached to the grant. The Committee will wait to make a decision after the informational meetings have been held.

2:00 pm - CONDUCT PUBLIC HEARING

Rezone Petition #11-2009 of Virgil Davis, agent for Hodag Sports Club, Tad and Hannah Pinkerton, owners to rezone land from District #11 Shoreland/Wetland to District #2, Single Family Residential further described as Gov’t Lot 3, Section 15, T38N, R10E, PIN# TL 96, Town of Three Lakes.

Karl Jennrich, Zoning Director, read the notice of public hearing into the record. Mr. Jennrich offered proof of publication from the Rhinelander Daily News, published on December 1 & 8, 2009; and in the Vilas News Review the week of November 30, 2009. The notice was posted on the Oneida County courthouse bulletin board on November 24, 2009. The certified and first class mailing list was read into the record. Mr. Jennrich noted the notice recipient list was part of the record and available for review.

Mr. Jennrich read correspondence involving this rezone petition.

- Email from Tad and Hannah Pinkerton (landowners) who do not object to the rezone as there is a recorded easement from 1981 that will provide the Hodag Sports Club access to the club's newly acquired property.
- Letter of approval from the Town of Three Lakes dated November 4, 2009.
- Approval letter from the Department of the Army Corps of Engineers dated October 5, 2009.
- Approval letter from the Wisconsin Department of Natural Resources dated September 9, 2009.

Steven R. Osterman, Planning Manager, reviewed Rezone Petition #11-2009 with the Committee. Virgil Davis, Hodag Sports Club, is present. Mr. Osterman stated that the Department considers this to be a rebuilding of a forest easement road. The total area to be rezoned is 20 ft X 159 ft (.07 acre). The proposed wetland fill location is approximately 200 feet from Thunder Lake. A 20 ft X 15 ft plastic culvert is proposed to be located in the fill area.

Mr. Osterman read into the record the standards that must be met to rezone land from Zoning District #11, Shoreland-Wetland. Mr. Osterman confirmed that all standards have been met.

2:15 pm. Chairman Scott Holewinski asked if anyone wished to speak for or against Rezone Petition #11-2009. No one came forward. Chairman Holewinski asked again if anyone wished to speak for or against Rezone Petition #11-2009. No one came forward.

2:16 pm. Chairman Holewinski closed the public hearing.

Motion by Ted Cushing, second by Dave Hintz to approve Rezone Petition #11-2009 of Virgil Davis, Agent—Hodag Sports Club, Town of Three Lakes. With all members voting "aye" the motion carried.

Conditional Use Permit Application of Brit Bromann, agent Al Bromann owner to modify Conditional Use Permit #172-07 involving the following (1) allow Friday evening vintage snowmobile races (2) lengthen shut down time to 11:00 p.m. (3) allow live music at racing

events (4) allow sledding on a toboggan hill (5) possible summertime lawn mower racing 2-3 events annually on property described as the NE SE, Section 24, T37N, R6E, PIN# CA 366, Town of Cassian.

Karl Jennrich, Zoning Director read the notice of public hearing into the record. Mr. Jennrich offered proof of publication from the Rhinelander Daily News, published on December 1 & 8, 2009; and the Lakeland Times the week of November 30, 2009. The notice was posted on the Oneida County courthouse bulletin board November 25, 2009. The certified and first class mailing list was read into the record. Mr. Jennrich noted the notice recipient list was part of the record and available for review.

Mr. Jennrich indicated the following correspondence was received and read them into the record:

- Email from the Town of Cassian received on December November 16, 2009 approving the proposed modifications to CUP 172-07 with no conditions.
- Letter from Jim Puchter received on December 09, 2009 in opposition to the proposed modifications to CUP 172-07.
- Letter from John and Deann Wright received on December 15, 2009 outlining their concerns regarding the proposed modification to CUP 172-07. The Wright's own property that abuts the racetrack.

Steven R. Osterman, Planning Manager, reviewed this project. The applicant, Britt Bromann is also present. Mr. Osterman stated that there are some proposed racing events that need clarification.

The Committee reviewed the CUP application and noted the following:

This is an existing on-going use for vintage snowmobile races and grass vintage snowmobile drag races. There was one (1) complaint lodged by the abutting property owners, John & Deann Wright, regarding the operation of the racetrack (May, 2008). Those issues were corrected by the Bromann's shortly thereafter. However, the Wright's have advised the Committee that the trees that were planted as a buffer, have since died and need to be replaced.

The modifications that are being requested are (1) to allow Friday night vintage snowmobile races; (2) lengthen shut down time for vintage snowmobile racing to 11 pm; (3) allow live music during the vintage snowmobile racing; (4) add a toboggan run; (5) add lawn mower racing in summer.

Mr. Bromann stated that the toboggan races are for children and will be conducted on Saturday afternoons and the toboggan races will be completed at dark. There will be no lighting or speakers for this event. There are a maximum of 4 toboggan races proposed to

be held on Saturdays only. There will be no toboggan races held on the same day as the Vintage Snowmobile Races.

Mr. Bromann stated that 3 lawn mower racing events are proposed. Lawn mower racing begins at 5 PM and is completed by 9:00 PM. There will be no lawn mower racing on consecutive days or consecutive weekends

Chairman Scott Holewinski asked for if there was anyone from the Town of Cassian to speak for or against the CUP modification of Brit Bromann, agent; and Al Bromann.

Gail Winnie, Cassian Town Supervisor, on behalf of the Town, spoke in support of the proposed modifications to CUP 07-172. Mr. Winnie stated that the Town spoke to a number of the neighboring property owners and found no objections. The Town of Cassian recommends approval of the project and supports bringing this type of activity to their Town.

Dennis Thompson, Town of Cassian, spoke in support of the proposed modification to CUP 07-172. Mr. Thompson also stated that the Committee needs to be sensitive to the neighbor's position and to make sure that conditions are placed on the permit to protect the neighboring property owner's rights.

Jack Young, County Board Supervisor, spoke in favor of the proposed modifications to CUP 07-172. Mr. Young did not feel that the events as planned would be intrusive to the neighboring property owners and in the long run would benefit the Town and County.

Chairman Holewinski asked for additional comments from the audience.

John Wright, 4470 Lakewood Road, addressed the Committee. Mr. Wright stated that he is concerned that the current racetrack may continue to escalate into a major racetrack operation, such as the Eagle River Derby. Mr. Wright stated that the current format has worked well. The berms have been completed and will work well. The trees were planted, but have since died and will need to be re-planted in the spring. Mr. Wright stated that he had misunderstood the 11:00 PM shutdown time. He had interpreted it to mean that the live music, etc would cease at 11:00 PM and then the racetrack would be shutting down, which may take another hour or more. Mr. Wright stated that if it is quiet at 11:00 PM that may be different and would possibly reconsider his concerns. Mr. Wright stated that he has no objection to a toboggan hill, as discussed, will cease by 5:00 pm and parking will be away from the Wright property.

Deann Wright, 4471 Lakewood Road, stated that she is concerned with the frequency of races and the 11:00 PM shut down time due to their children being able to get adequate sleep. Ms. Wright suggested a 10:00 PM shutdown.

Chairman Holewinski asked if anyone else wished to speak for against the modifications to CUP 07-172. No one came forward. Chairman Holewinski asked again if anyone else wished to speak. No one came forward. The hearing was closed for further public comment at 3:04 PM.

The Committee discussed the shut down time. Ted Cushing recommended that the races end at 10:00 PM and that the event is completely shut down by 11:00 PM. Mr. Bromann stated that he would try to end the races at 10:00, but he can't guarantee that a race would go past 10:00 PM.

Motion by Ted Cushing, second by Larry Greschner, that the races and live music shall end at 10:00 PM and the event is completely shut down and quiet by 11:00 PM.

Discussion on the motion. Mr. Wright commented that it appears that Mr. Bromann will make a good faith effort to have the races end at 10:00 PM, and if a race ran past 10:00 PM occasionally, Mr. Wright would not have a problem. It would become an issue, however, if the races ran to 11:00 PM as common practice.

Mr. Holewinski stated that he would prefer that the shutdown time be at 11:00 PM, but the races may run past the 10:00 PM deadline proposed by Mr. Cushing because the timing might get tight. If it becomes a continual problem, the CUP would be brought back to the Committee. Ms. Wright stated that she would prefer a 10:00 PM shutdown time.

Chairman Holewinski called for a vote on the motion. The motion carried by a majority vote of 3:2 (Scott Holewinski and David Hintz were opposed.)

Ted Cushing asked for breakdown of the total number of racing events. The proposed races are as follows, which is the maximum.

- 8 – Vintage Snowmobile Races (Friday and Saturdays—but not consecutive weekends)
- 2 – Vintage Grass Drags (Saturdays)
- 4 – Toboggan Races (Saturdays)
- 3 - Lawn Mower Races (Saturdays)

The total number of racing events is 17. A kitty-kat race, if held, is a part of the Vintage Snowmobile Racing or Grass Drags and is not a separate event. These are the maximum number of events.

Motion by Ted Cushing, second by Larry Greschner for preliminary approval of the CUP of Brit Bromann subject to Town concerns, and staff and Committee concerns as discussed today. Department staff will develop a CUP approval letter to bring back for Committee review. With all members voting “aye” the motion carried.

The Committee authorized Mr. Bromann to go forward with planning the events for this year pending the Conditional Use Permit approval letter.

Line item transfers, refunds, purchase orders and bills.

There were none.

Approve future meeting dates.

The next meeting date is January 6, 2010.

Public comments.

There were none.

Future agenda items.

The Department's Long-Range Plan will be placed on a future meeting agenda.

Adjourn.

The meeting adjourned at 3:28 pm.

Scott Holewinski, Chairman

Karl Jennrich, Zoning Director