

ONEIDA COUNTY PLANNING & ZONING
December 17, 2008
12:30 P.M. CLOSED SESSION MEETING – 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
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: See Sign-In Sheet

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 Frank Greb, second by Ted Cushing 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

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

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

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

Approve regular meeting minutes of October 15 and October 29, 2008.

Approve public hearing meeting minutes of October 15 and October 29, 2008.

Motion by Ted Cushing, second by Charles Wickman to approve the regular and public hearing minutes of October 15 and October 29, 2008, as printed. With all members present voting “aye”, the motion carried.

Three-lot Certified Survey Map of Dan Bloss, owner, Mike Oestreich surveyor, for part NW NE, and part NE NE, Section 36, T36N, R5E, PIN# LR 1215, Town of Little Rice.

Nadine Wilson, Land Use Specialist described the map as presented and noted the town approved with no concerns.

Committee recommended the driveway not to be within 100 feet of Woodsmoke Drive or off of Woodsmoke Drive. Mr. Holewinski recommended no driveway placement 100 feet east of Flowage Road also.

Motion by Larry Greschner, second by Ted Cushing to approve the three lot certified survey map of Dan Bloss, town of Little Rice, agenda number seven with staff concerns. With all members present voting “aye”, the motion carried.

Preliminary 2-Unit Condominium identified as “Rillings Retreat” being part of Gov’t Lot 1, Section 2, T38N, R6E, PIN# HA 292-4, and HA 292-13 on Garth Lake Town of Hazelhurst.

Steve Osterman, Planning Manager present along with Mike Oestricher, Surveyor and the owner’s attorney, John Priebe.

Attorney Priebe noted the lot was created in 1910. There are two parcels and two pin numbers and it is legal to condo the first lot with the lake and leave the other lot alone, however, no one wants this to happen. Therefore, the owners are asking for a common sense approach and approve the condo including the small piece attached to the condo.

Mr. Osterman noted the orange color area on the map is not a lot of record per corporation counsel and access must be obtained thru the driveway which is no problem as both are obtained by the same owner.

Mr. Jennrich noted Section 9.51(D)(2), would allow the conversion but when adding the small piece it is no longer a legal lot of record. Mr. Jennrich commented that the department would recommend the small piece also be included as both lots are owned by the same person and could then be locked into a condo form of ownership.

Mr. Priebe referred to the 1988 records when the lot of record was done properly to the standards of that day. Mr. Priebe noted this property was an existing resort in the 1940’s and the owner just wants his son to be able to have unit two for estate planning purposes.

Mr. Osterman noted the town approved with the following conditions:

1. Proof this is a lot of record
2. No permanent structures closer than unit one to the shoreline except for the gazebo.
3. Pier in conformity with DNR regulations.

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4. Replace septic drain field within one year on unit two.
 5. Combine two parcels into one legal parcel.
 6. ~~No expansion of unit size except for unit two.~~ (department recommends leaving this out, not legal)

Mr. Osterman noted the Zoning Department recommends the following conditions be placed:

1. Septic to be replaced in calendar year 2009.
2. Condo notes on the final map.
3. Department review final condo declarations.
4. Any committee concerns.

Motion by Larry Greschner, second by Ted Cushing to approve the two unit condo of Rillings Retreat, agenda item number eight with town and staff conditions and the elimination of town condition six regarding no expansion. With all members present voting “aye”, the motion carried.

Two-lot Certified Survey Map of D&P Properties, owner and Kevin Bixby, surveyor for property described as part of Gov’t Lot 4, Section 31, T37N, R10E, PIN# ST 473, Town of Stella.

Ms. Wilson explained that this stemmed from a 2001 complaint when the owner agreed to vacate the storage out of the farmhouse. Ms. Wilson noted all the pumps, etc. that operate the cottages are located in the farmhouse. The main septic system was redone as described and lot one will be utilized as a resort. Ms. Wilson noted the town has no objections.

Motion by Ted Cushing, second by Charles Wickman to approve the two lot certified survey map of D&P Properties, agenda item number nine, town of Stella. With all members voting “aye”, the motion carried.

Preliminary 2-lot Certified Survey Map of O’Melia, Inc., for property described as part of Gov’t Lot 6, Section 11, T36N, R9E also being part of Lot 3 Block 2, Replat of Alburni Shores, part of PE 826, Town of Pelican.

Mr. Osterman indicated the road shown is a town road, soils are suitable, the town approved of the map and the only concern is not allowing a driveway within 100 feet of either W. Lake George Road or Satuit Road.

Motion by Frank Greb, second by Charles Wickman to approve the two lot certified survey map of O’Melia, Inc. agenda number ten with restrictions that no driveway come off 100 feet of the junction of West Lake George and Satuit Road. With all members present voting “aye”, the motion carried.

Preliminary 4-lot Certified Survey Map of Wisconsin Land Co., owner, Dan Higginbotham surveyor for property on Hancock Lake further described as part of Gov’t Lots 4 & 5, Section 9, T36N, R7E, Town of Woodboro.

Mr. Osterman present along with Dan Higginbotham, Surveyor to describe the certified survey map of Wisconsin Land Co. Mr. Osterman described the lots and noted the town

may come back for a rezone in the future. Mr. Osterman indicated the department recommends approval with the following conditions: subject to a road maintenance agreement, all access to be off the private easement road, town and county not responsible for the said easement.

Motion by Larry Greschner, second by Ted Cushing to approve the four certified survey map of Wisconsin Land Company with town and staff concerns and all access to be off the private easement road. With all members present voting “aye”, the motion carried.

Section 9.78, Sign Regulations. The Three Lakes Town Board would like to discuss Section 9.78 of the Oneida County Zoning and Shoreland Protection Ordinance with the Planning and Zoning Committee.

Mr. Jennrich indicated members of the Town of Three Lakes are present to discuss the sign regulation ordinance.

Ed Cottingham, Town Board present along with Tara Fritz, Three Lakes Chamber of Commerce and Mike Hickerson, Three Lakes Business owner. Mr. Cottingham explained that the town of Three Lakes is requesting some relief on banner and sign enforcement.

Mr. Holewinski asked that Mr. Jennrich describe the enforcement issues the department is dealing with.

Mr. Jennrich explained that the recent enforcement came about after the department was asked to look into LED and sign violations in the Town of Woodruff. Therefore, the department looked into the town of Woodruff, Minocqua and Three Lakes signs/banners and mailed out several letters with notification of the ordinance. Mr. Jennrich presented a copy of the letter received from the Town of Three Lakes regarding this issue (Exhibit #1). Mr. Jennrich noted the town is requesting a moratorium; however, this must be researched further with legal counsel.

Mr. Greschner asked how the town of Woodruff will be dealt with if we relax enforcement in Three Lakes.

Mr. Jennrich commented that he is looking for direction from the Committee and noted the Town of Three Lakes is requesting that banners be allowed seasonally.

Mr. Greb noted that the Three Lakes businesses have come into compliance since the letters were issued.

Mr. Wickman asked how Three Lakes needs are unique from other towns.

Mr. Cottingham commented that Three Lakes is unique in that they are setback from the road, the town is suffering and traffic is parked on the streets which blocks the view of businesses.

Mr. Greb recommended creating a special district that allows for signage according to a town's needs.

Mr. Cottingham recommended creating a zoning district or modifies the current ordinance to allow towns to regulate signage according to the town's needs. Mr. Cottingham also requested a ninety day time extension for those in violation until a proposal of this nature can be submitted.

Mike Hickerson commented on previous 1970's signage and the way Three Lakes has displayed signs in the past. Mr. Hickerson also asked for a 90 day extension so that the current signage may continue through the Christmas holiday and snowmobile season which is vital to this community. Mr. Hickerson noted this would also allow additional time to prepare information for a proposal after the "shell shock" of what has happened with the sign enforcement.

Committee described the reason for a moratorium and noted this opportunity would have to be offered county wide, not to any one township.

Motion by Ted Cushing, second by Larry Greschner to direct staff to consent with Corporation Counsel regarding a ninety day moratorium for the entire county pertaining to banners and also see if there are other towns interested. With all members present voting "aye", the motion carried.

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

Time: 3:34 p.m. Resume regular meeting.

Section 9.78, Sign Regulations. The Committee will be discussing Ordinance Amendment #20-2008.

Mr. Jennrich read and discussed the draft of Section 9.78 Sign Regulations (Exhibit #2).

Committee discussed requiring amber as the only color option for signs. Mr. Holewinski asked Kevin Jenkins what he had previously recommended.

Kevin Jenkins commented that he recommended allowing one solid color of the owner's choice.

Committee agreed to leave the ordinance changes as drafted and send onto the county board for approval.

Motion by Frank Greb, second by Ted Cushing to put draft Section 9.78, Sign Regulations into resolution form and send to the county board for approval. With all members present voting "aye", the motion carried.

Section 9.50, Legal Pre-Existing Structures; 9.55, Adult Oriented Business Ordinance and 9.99, Shoreland Structures and Uses. The Committee is considering allowing the expansion of Legal Pre-existing uses.

Mr. Jennrich indicated outside legal counsel was going to review this language with Corporation Counsel however; this did not take place yet. Mr. Jennrich will bring this agenda item back to the Committee in January.

Section 9.99 D 4 a, Shoreland Uses and Structures. The Committee is considering allowing structures that are totally torn down to be rebuilt outside their original footprint.

Mr. Jennrich distributed a letter supplied by the DNR (Exhibit #3) concluding that the proposed language does not meet their minimum standards for building set backs, as read. Mr. Jennrich also supplied a copy of the draft Section 9.99 (Exhibit #4).

Mr. Holewinski asked that Tom Blake, Wisconsin DNR comment on the letter.

Mr. Blake commented that there are a lot of issues with this proposal not just the one example indicated. Mr. Blake noted the language presented to the DNR was regarding movement anywhere within the footprint. Mr. Blake commented on the implications of moving a structure back and that expansion is not always a benefit. Mr. Blake commented that he believes in allowing a pre-existing structure to move to seventy five feet or the most practical location and if that can not be done a variance should be requested.

Mr. Jennrich agreed that he does not believe the DNR will accept the language proposed and noted Oneida County is the most lenient county in the state on this issue.

Mr. Wegner read correspondence received from legal counsel.

Mr. Holewinski commented that the intent of the language is to allow the structure to touch somewhere within the footprint.

Mr. Cushing suggested language that would allow a percentage of the structure within the footprint, such as 25%.

Motion by Ted Cushing, second by Frank Greb directing staff to develop language allowing expansion within 25% of the original footprint while staying within the existing footprint. With all members present voting “aye”, the motion carried.

Oneida County Planning and Zoning Long Rang Plan.

Mr. Jennrich presented a copy of the long range plan for the department (Exhibit #5) and a copy of the departments activities/projects (Exhibit #6). Committee agreed to review and discuss further at the next meeting.

Chapter 15, Subdivision Ordinance. The Planning and Zoning Committee is in the process of repealing and recreating Chapter 15.

Mr. Jennrich provided a copy of draft Chapter 15 language (Exhibit #7). Committee agreed to discuss at a later meeting.

Forward Rezone Petition #18-2008, Henry Payne's First Addition in the Town of Minocqua, to the Oneida County Board of Supervisors

Mr. Jennrich presented rezone #18-2008 (Exhibit #8).

Motion by Scott Holewinski, second by Ted Cushing to forward rezone petition #18-2008 onto the County Board for approval. With all members present voting “aye”, the motion carried.

After-the-Fact fees for Conditional Use Permits.

Mr. Jennrich noted Denny Thompson expressed concern about triple after the fact fees incurred. Mr. Jennrich noted the ordinance requires the fees in the situation described.

Committee took no action and noted they can not pick and choose who they want to apply fees to and whom not to.

Line item transfers, refunds, purchase orders and bills.

Mr. Jennrich presented refunds, bills and purchase orders in the amount of \$624.17 and \$1395.60 (Exhibit #9, #10).

Motion by Larry Greschner, second by Ted Cushing to approve the refunds as presented. With all members present voting “aye”, the motion carried.

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

Approve future meeting dates: January 7, and January 21, 2009.

Subdivision meeting January 28, 2009 at 1:00 p.m.

January 21st Scott will be absent.

Committee agreed to move the first February meeting to Tuesday, February 3, 2009.

Public comments.

Bill Liebert commented on agenda item number fifteen noting natural beauty is an important perspective but the new construction occupying some of that footprint is a good resolution. Reconstruction today is something that was intended for the property and that which would still occupy some of the original footprint. Mr. Liebert discussed better uses of resources if constructing this way.

Len Hyke commented on the zoning statement of protecting the people and that it should apply to people with both income (lower and upper). Mr. Hyke commented regarding the assessor letter read and that camping doesn't devalue a property, but could actually increase value.

Mark Patulski commented on his concern about the town of Crescent sanitary proposal and asked how zoning is going to stop this proposal. Mr. Patulski presented a copy of the Lakeland Times regarding tourism efforts and commented that the camping ordinance proposal will not work with tourism efforts, but detracts from them.

Mike Warekois commented on his disagreement with the proposed camping language.

Future agenda items.

As discussed.

Adjourn

Time: 4:40 p.m.

Motion by Frank Greb, second by Charles Wickman to adjourn. With all members present voting "aye", the motion carried.

Scott Holewinski, Chair

Karl Jennrich, Zoning Director