

ONEIDA COUNTY PLANNING & ZONING
September 21, 2011
1:00 PM – Regular Meeting
2:00 PM – Public Hearing
Committee Room #2- Oneida County Courthouse
Rhineland WI 54501

Members present: Scott Holewinski, Chairman
Gary Baier, Vice Chairman
Mike Timmons
Dave Hintz

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

Other County Staff: Brian Desmond, Corporation Counsel

Guests: Edward Wendt
Cindy Marquardt
Tim Vocke

Scott Holewinski, Chairman, called the meeting to order at 1:00 pm in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda was properly posted. All members are present, with the exception of Billy Fried, who is excused.

Approve the agenda.

Motion by Dave Hintz, second by Mike Timmons, to approve the amended agenda as posted. With all members present voting “aye”, the motion carried.

Conditions of approval for the 2-lot subdivision at 8166 Panzer Drive further described as part of Gov't Lot 1, N/K/A Lots 1 & 2, CSM V17 P3768, Section 22, T39N, R6E, PIN's MI 2312-1 and MI 2312-2, Town of Minocqua. This was before the Planning and Zoning Committee on December 16, 2009.

Stu Foltz, Foltz & Associates is present representing Race and Lynn Foster. Karl Jennrich, Zoning Director, stated that this was approved by the Planning and Zoning Committee on December 16, 2009. The request today is to modify condition #2: *Existing POWTS on Lot 2 to be relocated to Lot 1 within 2 years or upon sale, whichever comes first.* The request is being made due to the current economic conditions and the owner would like to be allowed to leave the existing septic system in place on Lot 2 until that lot is sold and that the 2-year time limit be eliminated.

Motion by Dave Hintz, second by Mike Timmons to modify condition #2 to read: Existing POWTS (septic system) on Lot 2 to be relocated to Lot 1 at the time of sale. With all members voting “aye” the motion carried.

Conditional Use Permit #225-05 for Lakeview Landing on property described as Village of Minocqua Block 13, Lots 3, 4 and 5, Gov't Lot 5, Section 14, T39N, R6E, PIN MI 3416-1, Town of Minocqua.

Edward Wendt, Lakeview Condominiums is present. Corporation Counsel Brian Desmond is also present. The issue at hand is the pier configuration for the condominium. Conditional Use Permit 225-05 allowed two additional berthing spaces (taken from boathouse) to existing pier system for a total of 8 berthing spaces. The Committee reviewed the proposal presented by Mr. Wendt depicting 10 berthing spaces.

Corporation Counsel Brian Desmond advised the Committee that since the conditional use permit is being modified, in accordance with the zoning ordinance, a public hearing should be held to modify the CUP and that the Committee could waive the \$500.00 fee if they are so inclined.

Motion by Dave Hintz, second by Mike Timmons, to schedule a public hearing to modify Conditional Use Permit #225-05 for Lakeview Landing, with the fee of \$500.00 being waived. With all members voting "aye" the motion carried.

Location of a professional service office at 4152 Hwy 17 N, in District #5, Recreational, on property described as part Gov't Lot 2, Section 28, T37N, R9E, PIN PL 582-13, Town of Pine Lake.

Timothy Vocke, property owner, is present. Also present is a neighbor, Cindy Marquardt. Mr. Vocke has inquired about have an insurance office at this location. The property is zoned recreational. Previously there was a law office, but the property has been vacant since 2000, and has lost its grandfathered use status. Mr. Vocke wishes to sell the property and has discussed rezoning the property to Business; however, the Town of Pine Lake is not in favor of that.

Karl Jennrich, Zoning Director, discussed the various zoning districts and noted that uses much more unpleasant are allowed in the recreational zoning district, such as a dog kennel. Mr. Jennrich also noted that other zoning districts do piggy back onto the recreational district, such as multi family.

Brian Desmond, Corporation Counsel, advised the Committee, that under Section 9.20 F Unclassified and Unspecified Uses, a permit (ARP) for a Professional Insurance Office could be authorized by the Committee after review and recommendation of the Zoning Administrator, provided that such uses are compatible with the permitted uses, administrative review uses, or conditional uses allowed in that district.

Motion by Gary Baier, second by Dave Hintz, to work with Mr. Vocke on a Administrative Review Permit pursuant to Section 9.20 F, of the Oneida County Zoning and Shoreland Protection Ordinance; and to bring the ARP back to the Committee for review and consideration. With all members voting "aye" the motion carried.

Public Comment.

Bob Martini, OCLRS, is present and discussed NR 115 with the Committee.
Bill Liebert discussed land patents and protection of the resources.

Discuss various meetings staff has had regarding NR115 with the Planning and Zoning Committee.

Karl Jennrich, Zoning Director, discussed the meeting(s) that he and Peter S. Wegner have attended regarding NR115. Mr. Jennrich and Mr. Wegner stated that they have tried to voice Oneida County's interpretation of NR 115 at these meetings. Discussions have been on various issues including:

1. Impervious surface limits that are too restrictive for urban areas.
2. Application of impervious surface limits to non-riparian lots.
3. Elimination of lateral expansion.
4. Factors for determining there is no other location available for a comparable size structure.
5. What constitutes replacement?
6. Permits required for removal of exotic and invasive vegetation—this was not the intent.
7. Structures between 0-35 feet from the OHWM being allowed more than maintenance & repair.
8. Proposed bills to be drafted by lawmakers to change NR 115—need to have County's review to identify any foreseeable problems.

Discussion only. No action taken.

2:00 PM - The Committee reconvened to conduct the public hearing.

Rezone Petition #7-2011 of Steven and Ann Wellens, owners, Scott Eades, agent to rezone property from District #15, Residential and Retail to District #4, Residential and Farming on land described as SE SE, Section 14, T37N, R10E, Town of Stella.

Karl Jennrich, Zoning Director, read the notice of public hearing for Rezone Petition #7-2011 of Steven and Ann Wellens, owners, Scott Eades, agent to rezone property from District #15, Residential and Retail to District #4, Residential and Farming on land described as SE SE, Section 14, T37N, R10E, Town of Stella.

The notice was published in the Northwoods River News on September 6 & 13, 2011. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on September 1, 2011. The mailing list was also read into the record.

Correspondence in File: No public correspondence has been received. The Town of Stella recommended approval of the rezone petition with no concerns.

Karl Jennrich, Zoning Director, reviewed the General Standards for approval of a rezone petition with the Committee. Mr. Jennrich stated that the intent of the rezone petition is to utilize the property for growing Christmas trees and placement of a large storage building to keep planting and harvesting equipment. The Town of Stella wishes to allow the Wellens to use the property for growing trees and/or other non-commercial farming operations. Most of the properties located north of Spring Drive and abutting the Wellens property are being utilized for

farming operations. The Town of Stella will be amending their land use plan to allow the change to #04 Residential and Farming.

2:15 pm – Scott Holewinski, Chairman, asked if there was anyone present to speak for or against Rezone Petition #7-2011. No one came forward.

2:16 pm – Scott Holewinski, Chairman, asked if there was anyone present to speak for or against Rezone Petition #7-2011. No one came forward.

2:17 pm - Scott Holewinski, Chairman, closed the public hearing for deliberation.

Motion by Gary Baier, second by Mike Timmons, to approve Rezone Petition #7-2011 of Steven and Ann Wellens, owners, Scott Eades, agent to rezone property from District #15, Residential and Retail to District #4, Residential and Farming on land described as SE SE, Section 14, T37N, R10E, Town of Stella being that the General Standards for reviewing a rezone petition have been met, and subject to the Town of Stella approval. With all members voting “aye” the motion carried.

Discuss eliminating a permanent Zoning Technician II position and creating an LTE position in the Minocqua office.

Lisa Charbarneau, LRES; and Karl Jennrich, Zoning Director, informed the Committee that an individual in the Department has indicated that he is interested in retiring in 2012. Mr. Jennrich is proposing to change the position from a full-time position to an LTE position up to 1200 hours due to the “slow permitting period” during the winter months. Although it is not guaranteed, it is proposed that the current full time employee would become the LTE part-time employee.

Motion by Scott Holewinski, second by Gary Baier, to eliminate the Zoning Technician II position effective January 1, 2012. With all members voting “aye” the motion carried.

Revisions to Oneida County Zoning and Shoreland Protection Ordinance due to changes in NR 115.

Dave Hintz requested that this be on the agenda today. Mr. Hintz stated that although the deadline for the County to comply with NR 115 has been extended for two years, the Committee should consider amending the zoning ordinance and utilizing the work the Committee has done in reviewing the current ordinance and to correct some of the major problems that currently exist. The Zoning Technicians could be used to provide a list of problem areas. Gary Baier discussed the definition of a structure and changes needed. There was also discussion on the problems with enforcement and how to make it easier for staff. The Committee concluded that this should be brought back for further discussion to identify the things that need to be changed the most.

Discussion only. No action taken.

Staff attendance at the 2011 WCCA Fall conference.

Motion by Scott Holewinski, second by Dave Hintz to authorize two staff members to attend the 2011 WCCA Fall Conference. With all members voting “aye” the motion carried.

Line item transfers, purchase orders and bills.

Bills submitted for payment - \$4,351.33
Purchase Orders submitted for payment - \$457.59

Motion by Dave Hintz, second by Mike Timmons to approve the purchase orders and bills. With all members voting “aye” the motion carried.

Refunds

None.

Approve future meeting dates: October 5 and October 19, 2011.

The Committee confirmed meeting dates of October 5, 2011 and October 19, 2011 (Scott Holewinski is excused).

Public comments.

Bill Liebert – Discussion on new GPS Unit being purchased. Mr. Jennrich stated that it would be used mainly for Non-metallic Mining.

Future agenda items.

- County Board Resolution for revisions to sign ordinance.
- Future changes to zoning ordinance per today’s discussion.

Adjourn.

3:13 pm – Motion by Mike Timmons, second by Dave Hintz to adjourn the meeting. With all members voting “aye” the motion carried.

Scott Holewinski, Chair

Karl Jennrich, Zoning Director