

ONEIDA COUNTY PLANNING AND DEVELOPMENT COMMITTEE

October 16, 2013

12:30 p.m. Closed Session

1:00 p.m. Regular Meeting

2:00 pm Public Hearing

**Committee Room #2, Oneida County Courthouse
Rhinelander WI 54501**

Members present: Dave Hintz
Jack Sorensen
Mike Timmons
Gary Baier

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

Other Staff: Brian Desmond, Corporation Counsel

Guests present: Bob Martini, County Board Supervisor

Vice Chairman Dave Hintz called the meeting to order at 12:30 p.m., in accordance with the Wisconsin Open Meeting Law. All members are present, with the exception of Scott Holewinski, who is excused.

Approve the agenda.

Motion by Jack Sorensen, second by Mike Timmons to approve the amended agenda as posted. With all members 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.

- a. Vegetation removal, excavating, filling and land disturbing activities within 35 ft. of the OHWM, in the Town of Minocqua.
- b. Vegetation removal, excavating, filling and land disturbing activities within 35ft. of the OHWM, in the Town of Pelican.
- c. Vegetation removal, excavating, filling and land disturbing activities within 35ft. of the OHWM, in the Town of Crescent.

d. Grading or other land disturbing activities less than 5ft. from the edge of a shoreland wetland in the Town of Hazelhurst.

12:31 pm - Motion by Mike Timmons, second by Jack Sorensen, to go into closed session. On roll call vote: Mike Timmons: "aye", Dave Hintz: "aye", Jack Sorensen: "aye", Gary Baier: "aye."

1:00 pm - Motion by Jack Sorensen, second by Mike Timmons to go into open session. On roll call vote: Mike Timmons: "aye", Dave Hintz: "aye", Jack Sorensen: "aye", Gary Baier: "aye."

Announcement of any action taken in closed session.

While in closed session there was discussion regarding the on-going complaints as itemized on the agenda. There was no action taken.

Public Comments.

None.

Approve meeting minutes of August 21, 2013.

Motion by Jack Sorensen, second by Mike Timmons, to approve the August 21, 2013 meeting minutes as presented. With all members voting "aye", the motion carried.

Approve meeting minutes of September 4, 2013.

Motion by Mike Timmons, second by Jack Sorensen to approve the September 4, 2013 meeting minutes as presented. With all members voting "aye", the motion carried.

Ordinance Amendment #6-2013, Flat roofed boat houses. Staff will discuss DNR correspondence related to the Ordinance Amendment.

Peter S Wegner, Assistant Zoning Director, discussed the DNR Correspondence relating to flat roofed boathouse. (Copy Attached.) DNR is stating that flat roof boathouses are allowed, but cannot be used as a deck. Karl Jennrich, Zoning Director, cautioned the Committee that this will cause enforcement issues because property owners will use the flat roof as a deck. Ordinance Amendment #6-2013 will go to the County Board in November or December.

Discussion only. No action taken.

Review Section 9.54, Communication Structures and related height ordinance due to changes in the State Budget Bill.

Karl Jennrich, Zoning Director, informed the Committee that the new Wis Stats 66.0404 Mobile Tower Siting regulation takes away local control of placement of telecommunication mobile towers. The County's Ordinance Section 9.54 Communication Structures will be invalid. Mr. Jennrich noted that there is a list of items that cannot be regulated by a local ordinance on mobile towers.

Mike Timmons commented that a better registration system of the responsible party is needed for when a tower malfunctions, to know who to contact.

The Committee directed staff to look at the County's ordinance on mobile towers and to bring this back to the Committee for further review.

Discussion only. No action was taken.

Section 9.20, Zoning Districts. The Committee will be reviewing Section 9.20, Zoning Districts and possibly amend Permitted, Administrative and Conditional Uses within those Districts.

The Committee discussed Section 9.20 Zoning Districts, Business B-1 & B-2. It was suggested that the Zoning Director contact the Minocqua Township for their preferences, since B-1 pertains to Minocqua only. There are other zoning districts that are Town specific, such as Forestry 1C (Hazelhurst); Rural Residential (Minocqua & Stella).

Bob Martini asked about Forestry 1-A, where Metallic mineral prospecting and metal mineral mining was added. Mr. Jennrich stated that the purpose of Forestry District 1-A includes minerals as one of the chief resources to be developed in this zoning district. The Committee thought it was appropriate.

Jack Sorensen discussed the Manufacturing and Industrial zoning district, and replacement of a residential property that was destroyed. Because the use is nonconforming, the residence cannot be replaced. Mr. Sorensen would like it to be listed in the permitted uses that a legal pre-existing residential dwelling can be replaced if destroyed. Mr. Jennrich stated that this can be added, with a reference to Section 9.50 D.

Mr. Jennrich asked the Committee how they wanted to handle outdoor storage; sometimes a CUP is required just because there will be outdoor storage, regardless of the kind of outdoor storage. Mike Timmons suggested asking the Towns. Mr. Jennrich asked the Committee if they wanted to require a CUP for retail businesses rather than an ARP. For instance, the big box stores, such as Walmart. The Committee also discussed firearm sales and business discontinuance.

Discussion only. No action was taken.

Public Comments.

None.

Line item transfers, purchase orders and bills.

Bills - \$3,262.80

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

Refunds.

Sonneland - \$500.00
Joshua Clark - \$100.00
Bob’s Plumbing - \$150.00

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

Approve future meeting dates: November 6 and November 20, 2013.

The Committee confirmed meeting dates of November 6, 2013 and November 20, 2013.

Future agenda items.

Nothing was discussed.

2:00 pm – Conduct Public Hearing.

Conditional Use Permit application by Shawn Feddema to open The Hammock Shop including outdoor displays on property owned by Black’s Cliff Family Limited Partnership described as part NW NW, SM B1078, Section 35, T39N, R6E, 7578 Hwy 51, PIN # MI 2511-6, Town of Minocqua.

Karl Jennrich, Zoning Director, read the notice of public hearing for the conditional use permit application of Shawn Feddema to open The Hammock Shop to include outdoor displays. The property is owned by Black’s Cliff Family Limited Partnership described as part NW NW, SM B1078, Section 35, T39N, R6E, 7578 Hwy 51, PIN # MI 2511-6, Town of Minocqua.

The notice was published in the Northwoods River News on October 1 & October 8, 2013. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on September 26, 2013. The mailing list was also read into the record.

Correspondence in file: Letter from Town of Minocqua, in support of the Conditional Use Permit application contingent upon meeting all State and County requirements.

Kathy Ray, Land Use Specialist, reviewed the conditional permit application with the committee. Shawn Fennema is present. This business is the sale of homemade hammocks and hand bags. The property has two existing buildings; a geodesic dome building with a 1,000 square ft attached building and also a 450 sq ft detached storage shed. Shawn is proposing to remodel the dome building for living space, use the 1,000 sq ft building for retail space and keep the outbuilding for storage. Sanitation and Parking requirements are met.

The applicant submitted the General Standards of Approval of a CUP and the Committee was supplied a copy. If the Committee finds the standards have been met, and recommends approval of this application, staff would suggest the following conditions be placed on the CUP.

1. The nature and extent of the conditional use shall not change from that described in the application and approved in the Conditional Use Permit.
2. Town of Minocqua review/recommendations.
3. Signage to conform to 9.78 Sign Regulations Oneida County Zoning & Shoreland Protection Ordinance.
4. May be subject to DOT review/approval
5. No outdoor displays in the right-of-way, including raised bed flower gardens.
6. If exterior lighting is installed, it must be downcast and shielded from above.
7. Dumpsters must be screened from view. Applicant to recycle waste material as required.

2:08 pm – Vice Chairman Dave Hintz asked if there was anyone present that wished to speak for or against this project. No one spoke.

2:09 pm – Vice Chairman Dave Hintz closed the public hearing from further public comment.

Motion by Jack Sorensen, second by Gary Baier, to approve the conditional use permit of Shawn Fennema to open The Hammock Shop including outdoor displays on property owned by Black's Cliff Family Limited Partnership described as part NW NW, SM B1078, Section 35, T39N, R6E, 7578 Hwy 51, PIN # MI 2511-6, Town of Minocqua. The approval is subject to the general standards having been met, Town concerns if any and staff recommendations.

2:16 pm. Motion by Mike Timmons, second by Dave Hintz, to adjourn. With all members voting "aye", the motion carried.

Scott Holewinski, Chair

Karl Jennrich, Zoning Director