

**ONEIDA COUNTY PLANNING & ZONING**  
**MAY 28, 2008 1:00 P.M.**  
**PUBLIC HEARING – COMMITTEE ROOM #2**  
**ONEIDA COUNTY COURTHOUSE**  
**RHINELANDER, WI 54501**

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Members present: Scott Holewinski, Chair  
Larry Greschner  
Frank Greb  
Ted Cushing  
Charles Wickman

Department staff present: Karl Jennrich, Zoning Director  
Steve Osterman, Planning Manager  
Kathy Ray, Land Use Specialist  
Kim Gauthier, Secretary

Other County Staff: (none)

Guests present: Kevin Jenkins, Mike Miller, Diane Hapka, Kristin Antosh, Harold Godlevske, Ida Godlevske, Joshua Koehler, Allen Weinkauf, Elmer Goetsch, Joe Handrick

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Call To Order:

Chair Scott Holewinski called the meeting to order at 1:00 p.m., in Committee Room #2, 2<sup>nd</sup> Floor Oneida County Courthouse, Rhineland, Wisconsin in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski indicated the agenda was properly posted on May 22, 2008.

Discussion/decision to approve the agenda

**Motion by Ted Cushing, second by Larry Greschner to approve the Public Hearing agenda. With all "ayes", the motion carried.**

Mr. Holewinski noted agenda item number six was posted as a public hearing and although a public hearing was already held, public comment will be taken today also.

Conditional Use Permit Application of Lakeland Sanitary District No. 1, owner, Ron Groth agent to add two (2) oxidation ditches and a glass-lined metal above ground storage tank on property described as SW NW and NW NW, Section 10, T39N, R6E, at 8780-90 Morgan Road, PIN# MI 2160-3, Town of Minocqua. General location is Morgan Road and Hwy 70 West.

Karl Jennrich, Zoning Director read the notice of public hearing into the record and offered proof of publication from the Rhineland Daily News, published on May 13, 2008 and May 20, 2008, along with the Lakeland Times the week of May 12, 2008. The notice was posted on the Oneida County courthouse bulletin board May 8, 2008. 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 noted the following correspondence was received:

- Letter dated 5/16/08, from the Town of Minocqua Sanitary District approving of the conditional use permit application.

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- Letter from Ron, Sanitary District explaining the need for oxidation ditches and glass lined storage tank. Mr. Jennrich noted Ron is present today to answer any questions.

Mr. Greschner asked if this is approved if the moratorium will be over. Ron indicated it will be lifted.

Mr. Jennrich thanked the Committee for having this meeting as the waste water treatment plant is down and important to get this going before the summer rush.

Steve Osterman referred to the report provided (PH Exhibit #1). Mr. Osterman indicated the department recommends approval, have received the general standards and recommend the following conditions:

1. The nature and extent of the conditional use shall not change from that described in the application and approved in the CUP.
2. Any hazardous materials/chemicals shall be used, stored and/or disposed of in accordance with State and Federal regulations.
3. Planning and Zoning Committee concerns.

Mr. Greb expressed concern that the report indicates influent/effluent will not change although, the amount of use will increase and asked why the volume would not change.

Ron explained that the actual organic material will increase, but the volume will not change at the rate the matter increases. Ron indicated the design is a twenty year plan.

Mr. Holewinski asked if there was any public comment for or against the issue at hand.

Joe Handrick, Town of Minocqua, commented the town strongly supports approval of the permit.

Mr. Holewinski asked if there was any other public comment for or against the issue at hand (two times). No comments were made; therefore, public comment was closed.

**Motion by Larry Greschner, second by Charles Wickman to approve the conditional use permit of Lakeland Sanitary District, Town of Minocqua, agenda item number three with staff and town concerns and the general standards of approval having been met. With all members present voting "aye", the motion carried.**

Conditional Use Permit Application of Alan Ruetten, agent for Baraboo National Bank for a bank located in the new Wal-Mart Store located on property described as part of the NW NE, Section 10, T39N, R6E at 8760 Northridge Way, PIN# MI 2155-2, Town of Minocqua.

Karl Jennrich, Zoning Director read the notice of public hearing into the record and offered proof of publication from the Rhinelander Daily News, published on May 20, 2008 and May 27, 2008, along with the Lakeland Times the week of May 19, 2008. The notice was posted on the Oneida County courthouse bulletin board May 15, 2008. 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 noted the following correspondence was received:

- Letter from the Town of Minocqua dated May 8, 2008, approving of the permit application.

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Kathy Ray, Land Use Specialist, indicated the original CUP allowed for a bank and the Baraboo National Bank will utilize that space. Ms. Ray referred to the report provided (PH Exhibit #2). Ms. Ray indicated the department recommends approval as the general standards have been provided and the following conditions are recommended:

1. The nature and extent of the conditional use shall not change from that described in the application and approved in the CUP.
2. Town of Minocqua review/recommendations.
3. Sign permits to be obtained prior to placement as required.
4. Subject to original CUP #1190-06 with conditions of approval dated 9/14/06.

Alan Ruetten, agent, present and indicated he understands the conditions as indicated.

Joe Handrick, Town of Minocqua, commented there are no concerns.

Mr. Holewinski asked if there was any comment for or against the issue at hand (two times). No other comment, therefore, public comment was closed.

**Motion by Ted Cushing, second by Larry Greschner to approve the conditional use permit of Alan Ruetten agent for Baraboo National Bank, agenda item number four with general standards having been met and the conditions as outlined by the town and county. With all members present voting "aye", the motion carried.**

Conditional Use Permit Application of Integrity Grading and Excavating Inc., Joshua Koehler, agent David, Mark and Jaynie Busche, landowners to establish a borrow site for highway construction materials on property described as the NW NW, Section 26, T37N, R6E, PIN# CA 391, Town of Cassian, general location is Highway 51 and Fernwood Road.

Karl Jennrich, Zoning Director read the notice of public hearing into the record and offered proof of publication from the Rhinelander Daily News, published on May 13, 2008 and May 20, 2008, along with the Lakeland Times the week of May 12, 2008. The notice was posted on the Oneida County courthouse bulletin board May 8, 2008. 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 noted David Bushe wanted the record to reflect that Mark Busche is not one of the owners of this property.

Mr. Jennrich noted the following correspondence was received:

- Letter from the Town of Cassian dated May 12, 2008 with no objections to the permit.

Steve Osterman, Planning Manager described the proposed one time use of the gravel pit for the Highway 51 project and read the report provided (PH Exhibit #3).

Josh Koehler, agent, indicated there will be no grinding on the site.

Mr. Osterman noted the general standards have been supplied and the department recommends approval contingent on the following conditions:

1. This permit is valid for this project only. This permit expires December 31, 2008. If additional projects and or material are necessary an additional CUP must be obtained for subsequent projects.

2. Project must be commenced within 2 years of permit issuance date.
3. Any hazardous materials/chemicals/fuel shall be used, stored and/or disposed of in accordance with State and Federal regulations.
4. Days of operation. Typically Monday thru Saturday except as noted. No work to be done at the site on Sundays or on federally designated holidays. Maintenance of equipment can occur on these days.
5. Hours of operation shall be 7am to 7pm Monday thru Friday and 7am to 3pm on Saturdays. Maintenance activities may take place outside of these hours.
6. No blasting or explosives allowed onsite.
7. Dust control. Haul roads must be frequently watered especially during peak busy and dry times.
8. Port-a-potty to have contents properly disposed of by a licensed pumper.
9. Any solid waste generated onsite shall be properly disposed of.
10. All state and local licensing and permits to be obtained prior to operation.
11. Reclamation shall ensure that water is internally drained. Water is not allowed to surface drain offsite.
12. New haul road to be discontinued and stabilized upon project completion.
13. Any signage placed on the property must be in accordance with the Oneida County Zoning and Shoreland Protection Ordinance.
14. Onsite inspection by zoning staff in the fall of 2008 to assure completion.
15. Zoning Committee reserves the right to revisit the Conditional Use Permit if complaints are received.
16. The nature and extent of the conditional use shall not change from that described in the application and approved in the Conditional Use Permit.
17. Town of Cassian concerns (none listed on approval letter).
18. P&Z Committee concerns.

Mr. Greschner asked if the gravel pit has been operated prior to approval.

Mr. Koehler indicated, "no". Mr. Koehler also indicated the reclamation will be done by fall of 2008.

Mr. Holewinski asked if there was any one for or against the issue at hand. No comments made, therefore, the public comment portion of the hearing was closed.

**Motion by Ted Cushing, second by Frank Greb to approve the conditional use permit application of Integrity Grading agenda item number five, with the general standards having been met and the conditions of the town and county apply. With all members present voting "aye", the motion carried.**

Rezone Petition #5-2008 of Ida Godlevske, owner to rezone the following described land from District #02 Single Family Residential to District #04 Residential Farming on property described as part of the SW SE and part of the SE SE, Section 11, and part of the NE NE and part of the NW NE Section 14, all located in T38N, R11E. Said property is depicted on Soder Surveying Map #1039 also known as Oneida County Land Information Office Map # B6909. General location is near the intersection of Hwy 32 and Grede Road in the Town of Three Lakes.

Mr. Holewinski noted the Committee previously conducted a public hearing on this matter, but because it was posted as a public hearing the Committee will go through the public hearing portion of the meeting.

Mr. Jennrich indicated there was correspondence that came into the department.

Mr. Greschner asked what takes precedent the past public hearing or today's meeting.

Mr. Holewinski commented that staff should have posted this separately, however because it has already been posted a public hearing will take place. Mr. Holewinski asked if Mr. Greschner wanted to make a motion to pull this agenda item.

Mr. Greschner indicated no, he believes the Committee should continue and the only thing he wants to know is where the town board stands.

Mr. Jennrich read the following correspondence into the record:

- Tony and Kathy Tillman letter with recommendations as read.
- John Jr. and Kathleen Olkowski letter recommending approval with the considerations indicated and read.
- Email from John Oklowski referring to the previous letter as read.
- Dr. and Mrs. Voss letter recommending that the possible uses be read from the ordinance and noted they have concerns as indicated and read.
- Letter from the Town of Three Lakes regarding their May 27, 2008 meeting where they recommended sending a petition to Oneida County requesting a rezone to District #04 Residential Farming as read.
- Email from Mike Miller requesting putting restrictive covenants on the property. Mr. Jennrich indicated he has requested a legal opinion on this request and has not received a recommendation yet.

Mr. Osterman provided a handout of the ordinance that specifies what could be allowed in Residential Farming (PH Exhibit #4). Mr. Jennrich read the document into the record. Mr. Jennrich noted any of these possibilities could be allowed.

Mr. Holewinski noted at the last meeting there was discussion on another zoning district that may allow the use the applicant is looking for and asked why this was not applied for.

Mr. Miller commented that under rural residential the potential owner could not board horses.

Mr. Jennrich read Section 9.29, District #15, noting there is a limited amount of livestock allowed and horses could not be boarded for commercial/business use.

Mr. Osterman described the town board meeting that took place last night, noting there were several persons from the public present and the town decided to move forward with residential farming, the board was torn between this and seeking a new zoning district which would take several months.

Mr. Greb commented that this was brought up in December but the town was not notified and then the town met last week and denied the request. Mr. Greb commented that all of the sudden the town met last night and reversed the decision they made one week earlier.

Mr. Osterman indicated the department did not receive correspondence from the town regarding the decision to deny the request last week.

Mr. Greb commented that the town did not reverse the motion made previously. Committee discussion on what the town discussed and procedures taken.

Mr. Holewinski clarified that under Residential Farming, if commercial boarding is the owner's intent, a conditional use permit must be applied for. Mr. Jennrich agreed. Mr. Holewinski discussed the rezone process noting this is the start of the process.

Mr. Holewinski asked if there was any public comment regarding the issue at hand.

Louis Gergic, 576 Highway 32, commented he is for the rezone and his property abuts the applicant. Mr. Gergic commented that he has nothing against having three to ten horses on the property next to him, the property had been used for farming for years. Mr. Gergic commented he feels sorry for Ms. Godlevske, as she has been a great neighbor and had previously had trackers and a pig farm.

Charlie Voke, commented he was at the last public hearing and at many of the town meetings and would like to add the town meeting that took place on the 20<sup>th</sup> was unanimous for the property to stay single family and he is not sure why the special meeting took place last night. Mr. Voke commented that the whole property line that abuts Grede Road is within 1000 or 500 feet of Whitefish Lake and it is his understanding that the purpose of single family zoning is to protect the lakes. Mr. Voke commented that this property would be the only one in this whole area that would be zoned something other than single family residential. Mr. Voke commented that there are several other areas within Three Lakes that would allow horses and he does not believe this area should be compromised for this one owner. Mr. Voke indicated there was a letter read at the town meeting from Lynn Dudick that was not brought to the Committee, of which the town official stated he would try to present at this meeting, however he is not here. Mr. Voke indicated he is against the Residential Farming, but has no objections to Rural Residential zoning.

Diane Habca, commented that she would like to provide pictures of the area (PH Exhibit #5) noting you can not see Grede Road from the existing area where the pasture would be located. Ms. Habca commented that no one was notified of the town board meeting held on the 20<sup>th</sup>. Ms. Habca commented that the meeting of last night was properly posted as always is at the town offices and indicated the vote was unanimous and there were new board members present at the current town meeting as described.

Kathy Tillman, commented that she believes farming is too broad and should be kept rural residential at most.

Harold Godlevske, commented that his mother and father purchased the property in 1942 and a long time employee of Oneida County and the property was used to supplement their income until the mid 1970's. Mr. Godlevske indicated after the cows, pigs, etc. were moved off the property the pasture was seeded with trees. Mr. Godlevske indicated the area was grazed for over forty years and still remains grassed under the trees. Mr. Godlevske referred to the zoning map and indicated he does not feel rezoning this property would set any precedent.

Sheila Reklau, 612 Highway 32, commented she is against the rezone. Ms. Reklau commented on the town meeting that took place last night and referred to the recommendation made to rezone to a district that would allow some restrictive farming. Ms. Reklau commented that a ruling today will not satisfy one party in this situation and if more time were given to possibly rezone to a district all are happy with. Ms. Reklau commented that she understands that Ms.

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Godlevske is in a situation of needing immediate accommodations, however, in her family the family members made accommodations until a placement could be made. Ms. Reklau commented that if this is the only reason for the rezone maybe the family could accommodate her until this can be settled. Ms. Raklau commented she agrees with Charlie Voke in that this is a risk to the neighboring property owners, as it could end up being a disaster and destructive to the whole community. Ms. Raklau expressed concern that another neighboring owner could request the same type of rezone and there is a concern for what could be done on this property.

Mike Miller, agent, commented that he and the Godlevske's were trying to work with an option that would accommodate all parties, however, Residential Farming is the only possibility for the owner due to deadlines. Mr. Miller commented that he has offered deed restrictions and/or temporary restrictions until the county could develop a new ordinance.

Harland Godlevske, commented that he is concerned for Ms. Godlevske's condition and referred to the comments he previously made at the public hearing.

Mr. Holewinski asked if there was any other comment for or against the issue at hand (two times). No other comments made, therefore, the public comment portion of the hearing was closed.

Mr. Cushing asked if the person who wants to purchase the property is present and if it is necessary to immediately board horses.

Kristin Antush, commented that she does need to board horses immediately to pay for the property.

Mr. Cushing asked if it would take the department four months to develop a Rural Residential -1 district.

Mr. Jennrich indicated it depends on the department's workload, however, it is up to the town to initiate the process and informed them of that.

Committee discussion on the towns decision and if this Committee should act on the rezone given the town's inconsistency.

Mr. Jennrich commented that the Committee can deny or approve and the town can choose to accept or not accept the county decision. Mr. Jennrich agreed with the Committee that modifications can not be made.

Mr. Holewinski asked that the Committee go through the general standards in Section 9.86, when reviewing a petition, as read by Mr. Jennrich:

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| General Standard #1 | Committee agreed the rezone would have an adverse affect, as the surrounding property is zoned single family. Mr. Cushing agreed, however, the land had been used previously for farming. The majority of the Committee agreed that this standard could not be met. |
| General Standard #2 | Mr. Jennrich indicated the Town of Three Lakes does not have a land use plan. Committee agreed this standard is not applicable.   |
| General Standard #3 | Committee agreed the conditions have not changed to justify the rezone change and would create an adverse affect.   |

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General Standard #4	Committee agreed that the majority of the public is against the rezone and it appears today the town board is in favor of the rezone.
General Standard #5	Majority of the Committee agreed that the character of the area would not be adversely affected, since the use would have to come before the Committee as a conditional use permit. Mr. Cushing not adversely affected. Mr. Greschner not adversely affected. Mr. Greb yes, it would be adversely affected. Mr. Wickman yes, would be affected. Mr. Holewinski not adversely affected.
General Standard #6	Mr. Greschner, no. Mr. Wickman, no. Mr. Greb, no. Mr. Cushing, no. Mr. Holewinski, no.
General Standard #7	Committee agreed this standard is met, as the town approved in the end.
General Standard #8	Committee agreed the parcel is large enough.
General Standard #9	Mr. Jennrich indicated the department recommends a certified survey map on file with the Register of Deeds if the Committee approves of the rezone. Committee agreed with the standard.
General Standard #10	Committee agreed that the majority of the landowners are in opposition.

Mr. Jennrich indicated if the Committee approves the rezone he will include the concepts discussed in the whereas statements and if the Committee denies the rezone the concepts discussed will be included when forwarding onto the County Board.

Mr. Cushing commented that he always wants to follow the town's recommendations.

**Motion by Ted Cushing, second by Larry Greschner to approve the rezone petition #5-2008, as outlined and that enough of the standards are met to go along with the town's recommendation to rezone and forward onto the County Board. Charles Wickman "aye", Ted Cushing "aye", Frank Greb "nay", Scott Holewinski "nay", Larry Greschner "aye". The motion carried.**

Mr. Holewinski asked legal counsel if the town sponsored this rezone petition and the Committee denies it can the town within ten days file a change to permit the rezone.

Mr. Desmond, Corporation Counsel, commented that he believes the only time the town can file protest is when the County takes action they do not approve of. Mr. Desmond indicated he will need to look at the Statute for the exact language.

Mr. Miller commented that he and the owner agree to put deed restrictions on the property before it changes hands.

Mr. Holewinski asked who enforces deed restrictions.

Mike Fugle, Assistant Corporation Counsel, commented that the deed restrictions are between the parties involved being those who have privilege.

Mr. Desmond commented on the Statute which indicates if there is disapproval of the decision made by the board a protest petition can be filed, however, there has to be a change for them to disapprove.



Mr. Jennrich indicated he can have the petition ready for the June 4<sup>th</sup> meeting.

2:55 p.m. - The public hearing was closed.

Adjourn

**2:56 p.m. Motion made by Larry Greschner, second by Frank Greb to adjourn the public hearing. With all members present voting "aye", the motion carried.**

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Scott Holewinski, Chair

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Karl Jennrich Zoning Director