

ONEIDA COUNTY PLANNING & ZONING
April 15, 2009 2:00 P.M.
PUBLIC HEARING – COMMITTEE ROOM #2
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
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 2:00 p.m., in Committee Room #2, 2nd Floor Oneida County Courthouse, Rhinelander, Wisconsin in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda was properly posted, the media notified and the courthouse is handicap accessible.

Approve the agenda

Motion by Frank Greb, second by Ted Cushing to approve the agenda. With all members present voting “aye”, the motion carried.

Conditional Use Permit Application of Duane Bonack, owner to operate an “after-the-fact” non-metallic mine on property described as NW SE, Section 7, T38N, R11E, PIN# TL 458-1, Town of Three Lakes.

Duane Bonack, owner also filed for a reclamation permit on property described as NW SE, Section 7, Township 38 North, Range 11 East, PIN#’s TL 458-1, Town of Three Lakes.

An opportunity will be provided to give testimony on this proposal including reclamation related matters in accordance with Chapter 22, Section 22.07 Oneida County Non-metallic Mining Reclamation Code.

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 March 31, 2009 and April 7, 2009, along with the Tomahawk Leader, Lakeland Times and Vilas County the week of March 30, 2009. The notice was posted on the Oneida County courthouse bulletin board March 30, 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:

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- Letter from the Town of Three Lakes dated March 4, 2009 approving of the CUP with requests as read.
 - Email inquiry which staff contacted and answered questions.

Ms. Wilson, Land Use Specialist indicated after the fact fees was paid for this permit. Ms. Wilson noted the proposal is for stripping topsoil. Ms. Wilson referred to the report provided (PH Exhibit #1) and indicated the general standards have been supplied and the conditions are as follows:

1. The nature and extent of the conditional use shall not change from that described in the application and approved in the CUP.
2. Maintain a 30 foot buffer around perimeter of property per Section 9.60 of the Oneida County Zoning and Shoreland Protection Ordinance.
3. Reclamation shall ensure that water is internally drained; storm water is not allowed or drains offsite and shall comply with approved reclamation plan.
4. Hours of operation are 7 am to 5 pm Monday through Friday, 8 to 2 on Saturday. No operations on Sundays or holidays.
5. Seed and stabilize each phase prior to moving on to next phase.
6. Any fuel stored onsite for equipment operations to be done in accordance with county, state and federal regulations.
7. Any damage to County and Town property subject to Section 9.60(J) of OCZ&SPO.
8. Signage in accordance with the Oneida County Zoning and Shoreland Protection Ordinance.
9. Committee reserves the right to revisit the CUP if complaints are received.
10. Town of Three Lakes concerns: 1. Fire number issued for property 2. ~~Activities and amount of equipment are adhered to as stated in the application.~~
11. Adhere to building and storage area as presented on site plan.
12. Allow for owner/operator equipment on site only.

Ms. Wilson indicated the owner supplied a continual reclamation plan. The plan is to reclaim four acres at a time. Mr. Jennrich indicated the department has no concerns with what is proposed.

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

Mr. Holewinski questioned the outside storage trailer size and recommended a designated area for the storage, as a limited list of equipment is not needed. Mr. Holewinski commented that the storage should be for the owner's equipment and not any other person's equipment.

Duane Bonack commented that it is his intent to only store his equipment on site.

Mr. Greb commented that he agrees with Mr. Holewinski.

Motion by Scott Holewinski, second by Larry Greschner to remove the town condition number two within condition number ten and adhere to the building and storage area with only owner/operator equipment stored on site. With all members present voting "aye", the motion carried.

Motion by Frank Greb, second by Charles Wickman to approve the conditional use permit of Duane Bonack, owner operator of the non-metallic mine on property described

in the Town of Three Lakes, along with the reclamation plan as described, agenda item number three, with the conditions of approval as itemized. With all members present voting “aye”, the motion carried.

Conditional Use Permit application for the Town of Crescent, owner and MSA Professional Services, agent to construct two (2) additions to the existing Crescent Fire Department building for fire garage area and meeting room, Town Offices and records room at 3231 Golf Course Rd. described as part NW SW, Section 10, T36N, R8E, PIN# CR 139-2, Town of Crescent.

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 March 31, 2009 and April 7, 2009, along with the Tomahawk Leader, Lakeland Times the week of March 30, 2009. The notice was posted on the Oneida County courthouse bulletin board March 26, 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:

- Letter from the Town of Crescent approving of the fire station as read at the annual meeting.

Ken Orten, Crescent Fire Chief, present and indicated the motion at the town meeting was for approval.

Nadine Wilson, Land Use Specialist, read the report provided (PH Exhibit #2). Ms. Wilson indicated the general standards were supplied and the department recommends approval with 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. Sanitary system to be altered to be state code compliant.
4. Floor drains in fire barn area to be directed to a non-domestic holding tank with proper WDNR permits acquired.
5. Parking area to accommodate at least 31 parking spaces.
6. Zoning permit with State approved plans for additions.
7. Signage in accordance with Oneida County Zoning and Shoreland Protection Ordinance.
8. Town of Crescent concerns if any.

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

Motion by Larry Greschner, second by Ted Cushing to approve the conditional use permit application for Town of Crescent Fire Department, agenda item number four, with general standards having been met and the conditions set forth. With all members present voting “aye”, the motion carried.

Conditional Use Permit Application of Nsighttel Wireless, LLC Jim Cheshire, agent, Town of Three Lakes landowner to erect a 300' tall communication tower for property described as part

of SW SW, Section 21, T39N, R11E, PIN# TL 1165, Town of Three Lakes. The general location is Hwy X and Friedle Rd.

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 March 31, 2009 and April 7, 2009, along with the Tomahawk Leader, Lakeland Times the week of March 30, 2009. The notice was posted on the Oneida County courthouse bulletin board March 26, 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:

- Letter from the Three Lakes Town Chair dated April 15, 2009 approving and strongly supporting the conditional use permit application.

Courtney Peterson, Town of Three Lakes, present and indicated the town formally approved of the application.

Jim Weinmann, Nsighttel, present and described the site location.

Steve Osterman, Planning Manager, read the report provided (PH Exhibit #3) noting the general standards were supplied and the department recommends approval with 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. Must comply with all Federal regulations specifically FAA and FCC.
3. Placement of additional towers and or antennae will require additional approval(s).
4. Must obtain approved zoning permits for the tower and equipment building.
5. Additional P&Z Committee concerns.

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

Courtney Peterson commented she is for approval of the CUP.

Motion by Ted Cushing, second by Charles Wickman to approve the Nsighttel conditional use permit application with the general standards having been met including staff and town concerns. With all members present voting "aye", the motion carried.

Ordinance Amendment #1-2009, authored by the Oneida County Planning and Zoning Committee to repeal and recreate Chapter 15, the Oneida County Subdivision Control Ordinance, of the General Code of Oneida County.

Karl Jennrich, Zoning Director read the notice of public hearing into the record. Mr. Jennrich indicated the publication referred to Chapter 15 and may be viewed online at the public library where the public may gain access to the internet. Mr. Jennrich offered proof of publication from the Rhinelander Daily News, published on March 31, 2009 and April 7, 2009, along with the Tomahawk Leader, Lakeland Times the week of March 30, 2009. The notice was posted on the Oneida County courthouse bulletin board March 26, 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:

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- Letter from Dave Schmitz agreeing with the revision and comments as read.
 - Email from Art Hilgendorf with concerns that the department has addressed.
 - Email from Stewart Foltz with concerns that the department has addressed.
 - Letter from the Mr. Hegeman, Town of Three Lakes with questions and comments.

Mr. Jennrich provided a draft of Chapter 15, Subdivision ordinance with the general changes highlighted (PH Exhibit #4). Mr. Jennrich asked that the committee discuss the changes presented and allow for public comment.

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

Bill Liebert requested an extension of the public hearing to allow additional time to review the language. Mr. Liebert commented that he had not had time to review the draft and asked that comments made from past meetings be discussed.

Mr. Holewinski informed Mr. Liebert that he needs to make any comment he has today at the public hearing.

Mr. Liebert commented that he does not recommend approval today. Mr. Liebert also commented on the 66 foot access right of way, design review standards and noted people are not looking for this type of access. Mr. Liebert expressed concern of EMS and fire access. Mr. Liebert also indicated he does not believe a private road needs to be 66 feet wide and referred to Section 15.23(c). Mr. Liebert commented that he understands the revisions are due to State requirements.

Mr. Jennrich commented that the revisions are due to State mandates and outdated material that needed updating.

Mr. Liebert asked if the language is over and above State requirements.

Mr. Jennrich commented there are some portions of the draft that are above state requirements.

Mr. Liebert commented that he precludes the calculation of wetland only takes away a person's right to utilize their property. Mr. Liebert commented that he disagrees that the ad hoc committee did not publish their meetings and believes this is illegal and therefore, the public comment should be held open further. Mr. Liebert commented that he does not agree with going above the state level nor with the formation or revisions made without public involvement.

Jim Rein commented that he is for the revisions and noted the 66 foot wide road is from State statute. Mr. Rein commented that the ad hoc committee has put a lot of time into this (between six and seven years) and the changes are necessary. Mr. Rein commented that this information was presented to surveyors, realtors, etc. for input along with zoning staff holding presentations to present the language.

Kevin Jenkins, Northwood's Association for Realtors, commented that he ran the language by his representatives in Madison whose legal opinion was that the revision is fine.

Mark Petowski asked what happened with the elevations and asked about the cost for a five acre parcel.

Mr. Jennrich referred to page seven which refers to slopes that exceed 25% or 3 feet or less.

Jim Rein commented that this is not a requirement for a topographic survey.

Mr. Holewinski clarified the map overlay as described.

Bob Winat, DOT, asked why three feet was chosen.

Mr. Rein commented that three feet can be pulled off the arial photography map.

Mike Romportl, Land Information, commented that the current photography is four feet.

Mr. Liebert commented on his concern that the document is going to be more costly for a land division and request that detail be given, not just a topographical due to accuracy. Mr. Liebert also request that the floodplain area be kept to a minimum.

Mr. Winat commented that Trans 233 is included in some instances and recommended better definition on State Highways.

Mr. Osterman commented that the DOT will have to review these.

Mr. Jennrich referred to page 8, number five where the language addresses Trans 233.

Mr. Holewinski asked if there was any other comment for or against the issue at hand. There were no other comments made.

Mr. Jennrich also commented that the changes presented also answer the correspondence received by the department.

Mr. Holewinski asked for clarification of the DOT concerns.

Mr. Jennrich noted the language current reads that the DOT must be contacted for approval which covers the issues discussed.

Motion by Larry Greschner, second by Ted Cushing to approve ordinance amendment #1-2009, authored by the Planning and Zoning Committee to repeal and recreate Chapter 15, including staff and Corporation Counsel revisions and forward onto the county board for approval. Ted Cushing "aye", Larry Greschner "aye", Frank Greb "aye", Charles Wickman "aye", Scott Holewinski "aye". The motion carried.

Mr. Holewinski asked that Mike Fugle, Assistant Corporation Counsel, comment on the public input.

Mr. Fugle commented on the ad hoc committee and noted it appears that the committee has taken staff information and made decisions based on staff direction. Mr. Fugle commented he does not believe it would have been necessary to notice the public.

Mr. Holewinski noted the Zoning Committee asked that a committee be formed involving various persons involved with subdivision and present information to the Zoning Committee for recommendations.

Mr. Jennrich commented on the department's role in advising the public.

Mr. Holewinski asked for clarification on the question of lot size.

Mr. Jennrich indicated Mr. Foltz did not want the reconfiguration of lot sizes to have to go before the Zoning Director, however, there are provisions that the Director's decision may be taken before the committee. Mr. Jennrich referred to page five regarding appeals of denials.

Mr. Holewinski asked for clarification about the easement access with a division.

Mr. Jennrich referred to Ms. Wilson who clarified lot width and subdivision on existing roads as stated on page fifteen, sub G.

Mr. Holewinski asked for clarification on determining road width. Mr. Jennrich indicated this is not negotiable the State regulates this issue. Mr. Jennrich noted the town has the right to be stricter on road width.

Mr. Cushing commented that just like the ordinance, changes are made when and if there are flaws in the language and will also be handled this way with Chapter 15.

Mr. Rein corrected his earlier comment and indicated the contour is a four foot contour.

Mr. Jennrich referred to page seven, sub P which will be changed to four feet.

Mr. Romportl questioned applicable fees.

Mr. Jennrich indicated he will bring the fee schedule back to the committee and request discussing when the fees will be applicable.

Mr. Holewinski asked for clarification on the wetland question posed earlier.

Ms. Wilson indicated this came from the waterfront ordinance on page 18, Chapter 15.24(2)(A)(1)(c).

Mr. Jennrich noted there was much discussion on the language of which came from the existing ordinance which the ad hoc committee felt reasonable.

Adjourn

3:35 p.m. Motion made by Ted Cushing, second by Frank Greb to adjourn the public hearing. With all members present voting "aye", the motion carried.

Scott Holewinski, Chair

Karl Jennrich, Zoning Director