

ONEIDA COUNTY PLANNING & ZONING

July 7, 2010

12:30 P.M. CLOSED SESSION

1:00 P.M. REGULAR SESSION

2:00 P.M. PUBLIC HEARING

COMMITTEE ROOM #2, SECOND FLOOR COURTHOUSE
2ND FLOOR ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501

Members present: Scott Holewinski
Dave Hintz
Billy Fried
Gary Baier
(Absent: Larry Greschner)

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

Other County Staff: Brian Desmond, Corporation Counsel

Guests Who Signed In: Bob Martini, Ben Loma, Mark Fetzer, Tom Kitzman, Tim
and Debbie Sanders, Bob Williams

ALL AGENDA ITEMS ASSUMED TO BE DISCUSSION/DECISION.

Call to order.

Scott Holewinski, Chair called the meeting to order at 12:30 p.m., in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda was properly posted.

Approve the agenda.

Motion by Dave Hintz, second by Billy Fried 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.

- a. Cat issue in the Town of Little Rice.
- b. The use of a school bus for advertising in the Town of Cassian.
- c. Junk yard complaint in the Town of Newbold.
- d. Land disturbance > 10,000 square feet and less than 5 ft. from a wetland in the Town of Minocqua.

Motion by Billy Fried, second by Gary Baier to go into closed session. Billy Fried “aye”, Gary Baier “aye”, Dave Hintz “aye”, Scott Holewinski “aye”. The motion carried.

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

Motion by Dave Hintz, second by Gary Baier to go back into open session. Billy Fried “aye”, Gary Baier “aye”, Dave Hintz “aye”, Scott Holewinski “aye”. The motion carried.

Approve regular meeting minutes of May 19, 2010.

Approve public hearing meeting minutes of May 19, 2010.

Motion by Billy Fried, second by Dave Hintz to approve the regular and public hearing minutes of May 19, 2010. With all members present voting “aye”, the motion carried.

Preliminary 3-lot Certified Survey Map of Lovel Morris, owner for property on Sand Lake further described as part of Gov't Lots 5, 6 and 10, Section 29, T39N, R9E, PIN# SU 915, Town of Sugar Camp.

Mr. Osterman indicated this was previously brought before the committee with conditions set forth. Mr. Osterman noted the department recommends approval with the conditions that lot three on the northerly peninsula remain with the southerly portion of lot three and not be conveyed separately, the island to be conveyed with and kept with lot two and not to be conveyed separate, along with out lot one to be conveyed to the town prior to recording, triangular piece owned by the Prien neighbor on southeast edge of out lot one to be conveyed to town for town road purposes, shared driveway between lots two and three requires a maintenance agreement and filling of wetlands prohibited with that statement on the final map.

Motion by Billy Fried, second by Gary Baier to approve the pre-liminary certified survey map of Lovel Morris, Town of Sugar Camp. With all members present voting “aye”, the motion carried.

Rezone Petition #3-2010 of Potlatch WI Timberlands, LLC, Ryan Hanson agent to rezone from District 1-A, Forestry to District 15, Rural Residential on property described as SW NE, NW NW, SW NW, SE NW, SW ¼, NW SE, SW SE all in Section 32, T39N, R6E and SW NE, SE NE, SE ¼, SE SW, Section 36, T39N, R5E and NW SE, SW SE, SE SE, Section 22, T39N, R5E and NE NE, NW NE, Section 27, T39N, R5E, Town of Minocqua. This matter went to Public Hearing on June 2, 2010. No final action was taken at that time.

Mr. Osterman noted the committee asked that this go back to the town at the June 2, 2010 public hearing and notify one property owner who not get noticed. Mr. Osterman noted the town supports part one of the rezone, but not parts three as this is not consistent with the town's plan.

Mr. Jennrich noted under Statute 59.69(5)(e)(2), there is no need to hold another public hearing.

Motion by Dave Hintz, second by Gary Baier to approve parts one and two of rezone petition #3-2010 and deny part three based on the parts noted in the town of Minocqua letter. Dave Hintz “aye”, Scott Holewinski “aye”, Gary Baier “aye”, Billy Fried “nay”. The motion carried.

Mr. Jennrich will provide the committee with two separate resolutions along with a letter of explanation.

Discussion of Attorney Generals Opinion related to Coordination.

Mr. Jennrich provided the committee with a copy of the Attorney General opinion related to coordination of planning (Exhibit #1).

Section 9.78 E 9, Directional Signs.

Mr. Jennrich provided the committee with a copy of email correspondence related to off premise signs (Exhibit #2). Members of the audience were allowed to comment.

Gloria Darton, Moens End Resort, commented that her business sign was in place since 1949 on Highway J and then had to be moved after road construction took place. Ms. Darton also noted the difficulty in finding her business now that the signs were removed and relocated.

Michael Roach, DOT, commented that signs are placed out of the vision corner. Mr. Roach asked the committee why the ordinance says what it does while noting the signs at issue are not obstructing the vision. Mr. Roach indicated the land at issue is State owned but the vision corners where the signs are located are on county property.

Mr. Jennrich read Section 9.78(A)(2) and Section 9.78(G), noting that once these signs were removed they became non-conforming. Mr. Jennrich indicated he was not aware that the county removed the signs and agreed to look into this further and discuss with Mr. Roach.

The committee indicated the county should be required to put these signs back if they removed them and discussed the possibility of revising Section 9.78.

Citizen concern about excessive weed growth on Baker Lake. The weed growth may be due to failing private onsite wastewater treatment systems (POWTS).

Mr. Jennrich presented email correspondence regarding the agenda item above (Exhibit #3).

Dean Crist was present and described past correspondence and action pursued. Mr. Crist believes the county is responsible for the affects on this lake.

Mr. Jennrich described the 2009 research into POWTS on Baker Lake, changes to Chapter 13 and the possibility of requiring inspections. The committee would need to authorize this research if so desired.

Mr. Holewinski commented that the old septic systems along the lake are detrimental and there is reasonable suspicion on Baker Lake to look into this issue.

Mr. Baier also agreed that the department should conduct the inspections described.

Mr. Jennrich indicated the department will need to research who lives on the lake, what type of systems are present and letters issued to property owners.

Mr. Crist commented on the problems he has had with the department's septic system tracking method.

Motion by Dave Hintz, second by Billy Fried to direct staff to look into failing POWTS on Baker Lake and look further into staff research on this topic. With all members present voting "aye", the motion carried.

2:00 P.M. CONDUCT PUBLIC HEARING ON THE FOLLOWING:

Conditional Use Permit application of Erik Johnson to open an informational real estate office in an existing building and also create an outdoor seating area with a seasonal food stand on property described as the Village of Minocqua W88' Lot 4 Block 10, Section 14, T39N, R6E, 305 Chicago Ave. E, PIN MI 3369, Town of Minocqua.

Mr. Jennrich read the notice of public hearing for the conditional use permit application indicated. The notice was published in the Rhinelander Daily News on June 22, 2010 and June 29, 2010. Along with the Lakeland Times the week of June 21, 2010 and posted on the Oneida County Courthouse bulletin board on June 17, 2010. The mailing list was also read into the record.

The following correspondence was received:

- Letter from the Town of Minocqua dated June 22, 2010 recommending approval with conditions as read.

Kathy Ray, Land Use Specialist read the report provided (Exhibit #4) noting the general standards were supplied and the conditions set by the department include:

1. The project is commenced within three years form the date of issuance.
2. The nature and extent of the conditional use shall not change from that described and approved in the CUP.
3. Subject to Town review and recommendations.
4. Sign permit to be obtained prior to placement.
5. Subject to Oneida County Department of Health review and approval.

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

There was no public comment.

Motion by Billy Fried, second by Gary Baier to approve the conditional use permit of Mr. Johnson with town and staff concerns, the general standards having been met and the conditions set forth. With all members present voting “aye”, the motion carried.

Motion by Billy Fried, second by Dave Hintz to remove the parking restrictions of Section 9.77(F)(1), as the town recommended waiving the parking restriction. With all members present voting “aye”, the motion carried.

Conditional Use Permit Application of AT&T / Cingular, Scott Steeno agent, Larry Colvin LLC landowner to erect a 300' tall self-supported cellular tower with ground equipment for property described as part NE NW, Section 5, T37N, R8E, PIN NE 40, Town of Newbold. The location is 5340 Bridge Road at the McNaughton Pub.

Mr. Jennrich read the notice of public hearing for the conditional use permit application indicated. The notice was published in the Rhinelander Daily News on June 22, 2010 and June 29, 2010. Along with the Lakeland Times the week of June 21, 2010 and posted on the Oneida County Courthouse bulletin board on June 10, 2010. The mailing list was also read into the record.

The following correspondence was received:

- Letter from the Town of Newbold dated 1/14/10 with no objections, but requesting an attempt to co-locate with EMS.
- Email from Dave and Sandy Ebben in support of the tower.
- Email from the Joan Slack family from January 2010 with concerns as read and in opposition of the tower.
- Letter from Ben Loma in support of the tower, as read.

Mr. Jennrich indicated there was a time laps on this CUP due to flood plain issued that have been resolved.

Steve Osterman, Planning Manager, indicated notification is required eight times the height of the tower.

Mr. Holewinski noted the Town Board posted the notice pertaining to this agenda item.

Mr. Osterman read the report provided (Exhibit #5). The general standards were supplied and the department recommends approval with the following conditions:

1. The nature and extent of the Conditional Use Permit shall not change from that described in the application and approved in the CUP.
2. Must comply with all federal regulations, specifically Federal Aviation Administration and Federal Communication Commission.
3. Placement of additional Towers and / or antennae will require additional approval (s).
4. Zoning permit application to indicate that a Sabre brand tower will be used.
5. Must obtain approved zoning permits for the tower and equipment building. Note: Zoning permits received and pending issuance.
6. Landscaping around the perimeter of the west and south sides to be completed within two (2) years. Applicant, prior to commencement, must provide this Department

with a tree planting location sketch and provide details on the tree species prior to commencement of the tree planting. Applicant to advise County when complete. Inspection follow-up required. Trees will need to be replaced if they die.

7. Security fencing must be installed.

8. Filling of floodplain is expressly prohibited.

9. The Town of Newbold had previously approved this in a letter dated January 14, 2010.

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

Tim Sanders commented he is for approval as all phones purchased have not been able to receive coverage.

Mark Fetzer, McNaughton, commented he is for approval and supports the project.

Jim Cheshire, McNaughton, commented he is a resident and a Cellcom agent and for approval of the project both personally and professionally. Mr. Cheshire described work on the project and commented that this is a great location.

Ben Loma, Newbold, commented that he supports the project and would like to see coverage here for those who hunt, fish and boat in the area. Mr. Loma described the need for cell phone coverage here and believes the fire department would also like this project approved.

Thomas Cliffman, McNaughton, commented that he supports the project and noted the need for this technology.

There was no other public comment.

Mr. Holewinski questioned is there was a list of residence within 2400 feet who were notified and asked if there is space available for possible EMS.

Mr. Steeno commented that this is a co-location and the department did receive a list of property owners notified of the proposal.

Motion by Dave Hintz, second by Gary Baier to approve the conditional use permit of AT&T/Cingular, Town of Newbold, with the general standards having been met and restrictions listed by the department. With all members present voting "aye", the motion carried.

Mr. Osterman noted the town concern was addressed.

NR 115. The Committee will be reviewing answers received by the Department of Natural Resources on June 18, 2010.

Mr. Jennrich referred to the memo supplied to the committee (Exhibit #6).

Pete Wegner, Assistant Zoning Director indicated the next step is to start making some of these changes listed.

The committee agreed to look at this further and schedule meetings to focus solely on NR115 with public discussion/input.

Bob Martini, Lake Association, suggested the committee look at other counties for examples such as Langlade, Lincoln, Douglas, Ashland, Bayfield and part of Vilas' ordinance pertaining to NR115 as good examples. Mr. Martini supports portions of the language and would be willing to be involved on behalf of the Lake Association.

Mr. Fried commented that there are many people who believe the opposite of Mr. Martini.

This will be discussed further at a future agenda.

Subdivision forms.

Mr. Jennrich will bring this information to the next meeting.

Department Information Document.

Mr. Jennrich presented the Department Information Document (DID) as required (Exhibit #7).

Motion by Billy Fried, second by Dave Hintz to approve the Planning and Zoning Department Information Document. With all members present voting "aye", the motion carried.

Line items, transfers, refunds, purchase orders and bills.

Mr. Jennrich provided refunds, bills and purchase orders in the amounts of \$413.01 and \$3270.50 (Exhibit #8-#9). The refund portion is in the amount of \$400 for Foltz Associates, along with \$335 for Ludholtz, \$75 for Gates, \$75 for Goldbach.

Mr. Holewinski noted the committee should not reduce fees without full county board approval.

Motion by Scott Holewinski, second by Dave Hintz to deny the \$400 refund of Foltz Associates. Scott Holewinski "aye", Dave Hintz "aye", Gary Baier "aye", Billy Fried "nay". The motion carried.

Motion by Dave Hintz, second by Billy Fried to approve the three other refunds as presented. With all members present voting "aye", the motion carried.

Motion by Gary Baier, second by Dave Hintz to approve the bills as presented. With all members present voting "aye", the motion carried.

Mr. Jennrich noted there is a refund request for \$50 to John Schoone for an overpayment.

Motion by Dave Hintz, second by Scott Holewinski to approve the \$50 refund to Schoone. With all members present voting "aye", the motion carried.

Approve future meeting dates.

Meetings are set for July 21st and August 4th.

Public comments.

Ben Loma asked that public comments could be moved on the agenda above the housekeeping issues. Mr. Loma submitted a letter to the committee regarding consideration of allowing raising chickens in single family zoning (Exhibit #10).

There was no other public comment.

Future agenda items.

- Septic cards.
- Lakeside doc's signs.

Recess at 3:25 p.m. to conduct the scheduled on-site inspection.

The Committee will recess to conduct a site inspection at 1997 The Point Rd. W, Town of Nokomis.

Adjourn

Time: 5:00 p.m.

Motion by Billy Fried, second by Dave Hintz to adjourn. With all members present voting "aye", the motion carried.

Scott Holewinski, Chair

Karl Jennrich, Zoning Director