

**ONEIDA COUNTY PLANNING & ZONING**

**August 4, 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  
2<sup>ND</sup> FLOOR ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501**

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

Department staff present: Karl Jennrich, 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: Tim Morey, Ben Loma, Joe Handrick, Don Sidlowski, Dee Smedberg, Marge Hanson, Felix Krock, Michael Ole, Paul Albert, Bo Miller, Lynne Oakden, Walter Oakden, John Olson, Cathi Koch, Gary Koch

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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 Gary Baier 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. The use of a truck for advertising in the Town of Three Lakes.
- b. Expansion of a legal pre-existing use without permits in the Town of Minocqua.
- c. Junk yard complaint in the Town of Newbold.
- d. Dilapidated structure in the Town of Pelican.
- e. Legal opinion regarding off-premise signs.

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

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

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

Public comments.

There was no public comment.

Approve meeting minutes of June 2, 2010.

**Motion by Gary Baier, second by Dave Hintz to approve the minutes of June 2, 2010 with the correction of “Norris” on page six. With all members present voting “aye”, the motion carried.**

Section 9.78, Signs. The Committee will be reviewing the responses to the Zoning Administrator’s letter dated June 15, 2010.

Mr. Jennrich referred to the memo and letters from various towns provided (Exhibit #1).

Attorney Desmond commented that if both the town and county are involved in sign permitting, two permits would be required. The county could be less restrictive and the town greater. Mr. Desmond also indicated that if a town elects to be zoned, they must adopt all of the ordinance and not pieces of it. Mr. Desmond noted there is no statute that says signs must be regulated. The committee must decide minimums.

Don Sidlowski, Town of Three Lakes, commented that his recommendation pertaining on-premise signs, is to allow the town’s to opt out of sign regulation. Mr. Sidlowski commented that he is willing to work on language with the county if they would like the Town of Three Lakes input.

Mr. Holewinski questioned if it would be possible to let town adopt their own on-premise sign ordinance and let the county enforce off-premise signs.

Mr. Baier commented that he would be in favor of letting the county regulate off-premise signs and the towns regulate on-premise signs.

Mr. Greschner commented that he agrees with the committee, but to keep in mind that some towns may not want this extent of regulation and authority, as an appeal process would need to be in place also.

Mr. Hintz commented that the county has already backed off on banners and sandwich boards. Mr. Hintz agreed that each town should be able to decide how they would like to proceed; however, there are disadvantages of this kind of regulation to a town.

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The committee agreed that the county should do away with enforcing on-premise signs and take the revised ordinance language to a public hearing.

**Motion by Larry Greschner, second by Gary Baier to have staff draft an ordinance that would allow the county to cease enforcing individual town, on-premise signs, along with a transition time for towns to put language into place. With all members present voting “aye”, the motion carried.**

Legal counsel agreed there is no problem with the motion made.

Chickens in Residential Zoning Districts.

Mr. Jennrich referred to the memo dated July 29, 2010 and attached county examples of raising chickens, distributed to the committee (Exhibit #2).

Mr. Hintz commented that chicken complaints in the past are few and Madison is a good residential example of chicken regulation.

Mr. Greschner commented that if allowed, this should apply to all residential areas not just in single family zoning.

Ben Loma was allowed to speak and commented that the regulation should include language that chickens will be used for consumption and would not allow roosters and the committee discussed.

**Motion by Larry Greschner, second by Dave Hintz instructing staff to work on language for the committee to consider raising chickens and/or ducks in single family zoning. With all members present voting “aye”, the motion carried.**

Refunds.

There were no refunds presented.

Line item transfers, purchase orders and bills.

Mr. Jennrich presented bills and purchase orders in the amounts of \$1517.50 and \$393.49 (Exhibit #3 & #4).

**Motion by Dave Hintz, second by Scott Holewinski to approve the purchase orders and bills as presented. With all members present voting “aye”, the motion carried.**

Approve future meeting dates: August 18 and September 1, 2010.

The committee agreed with the above dates.

Public comments.

There was no public comment made.

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Future agenda items.

- 2011 Budget

**Recess at 1:55 p.m., prior to public hearing at 2:00 p.m.**

Conditional Use Permit Application of Minocqua Shores Condominium Association, Bob Borchardt, President to allow the continued use of short-term renting on property described as part of Gov't Lot 3, Section 14 and part of Gov't Lot 1, Section 15, all in T39N, R6E, Minocqua Shores Condo Units 1-15, 9678-9692 Island City Point Road, PIN's MI 5923-5937, 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 July 21, 2010 and July 28, 2010. Along with the Lakeland Times the week of July 20, 2010 and posted on the Oneida County Courthouse bulletin board on July 15, 2010. The mailing list was also read into the record.

The following correspondence was received:

- Letter from the Town of Minocqua dated July 26, 2010 approving the CUP.
- Letter from Dale Scharine, DDS dated July 22, 2010 indicating he does not approve of weekly rentals.

Kathy Ray, Land Use Specialist noted the owner was charged an after the fact fee, however the owner will be requesting that the fee be reduced. Ms. Ray read the report provided to the committee (Exhibit #5). The general standards were supplied and the department recommended 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. Subject to the Towns review and recommendations.
3. Subject to Oneida County Department of Health review and license approval.
4. Subject to maximum occupancy per unit approved on their respective sanitary permits.

Mr. Holewinski questioned how long the units have been rented.

Bob Borchardt, President Minocqua Shores Condominium indicated rentals have taken place since 1985 with out a conditional use permit. Rentals have been allowed through individual owners and/or Northwood's Property.

Mr. Holewinski opened the public hearing for public comment. There was no public comment.

Mr. Holewinski asked why the owner is requesting the fees be reduced.

Mr. Borchardt indicated that a conditional use permit was not needed at one time.

Mr. Wegner, Assistant Zoning Director indicated the owner was not able to supply a full record of operations. The department was looking for discontinued use and it is unknown with the information the owner provided. The department is not recommending a refund of the fees.

**Motion by Dave Hintz, second by Billy Fried to approve the conditional use permit for Minocqua Shores Condominium for short term rentals, along with the general standards of approval and the four conditions set forth by staff. With all members present voting “aye”, the motion carried.**

Rezone Petition #5-2010, as amended, authored by the Squirrel Lake Owners Association and several affected landowners to rezone land from District #5 Recreational to District #2 Single Family Residential for property described as part of Gov't Lot 1, Section 9, T39N, R5E Town of Minocqua PIN's MI 1692-2, 1692-3, 1692-4, 1692-5, 1692-6, 1692-7 and 1692-1 now identified as MI 7443-7461 which is Squirrel Lake Resort Condominiums. The rezone petition was subsequently amended to exclude PIN MI 1692 and all else remains unchanged.

Mr. Jennrich read the notice of public hearing for the above rezone petition. The notice was published in the Rhinelander Daily News on July 20, 2010 and July 27, 2010. Along with the Lakeland Times the week of July 19, 2010 and posted on the Oneida County Courthouse bulletin board on July 15, 2010. The mailing list was also read into the record.

The following correspondence was received:

- Letter from the Town of Minocqua dated July 14, 2010 approving of the amended rezone petition as read.
- Hand delivered letter from Philip Ahlbert of the Squirrel Lake Association dated August 4, 2010 referencing seven parcels at the Northeast location as read.

Steve Osterman, Planning Manager noted the map with Mr. Ahlbert's conditional use permit expired for the condo project previously approved. The rezone is only for the section of lots identified within the seven lots noted on the map. Mr. Osterman read the report provided to the committee (Exhibit #6).

Mr. Holewinski opened the public hearing for public comment.

Tim Morey, owner of parcels 1692-6 and 1692-7, commented that he was not noticed of the previous conditional use permit. Mr. Morey commented that he does not want the rezone to take place as it is unknown what the owner will do with the property. He request that the current zoning remain until its known what the use will be of the property.

John Olson, 8637 Scenic Ridge Trail, commented that the resort has been gone at least five years. The hill has been scarred badly and now is just now coming back. The trees are dead from a tornado and create a fire hazard. This property is more suitable to single family than to a condo project.

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Walter Oakden, 12119 Kobart Road, commented on his concern that a future condominium would not allow for a septic system needed and the sizes of the home could be magnificent in size.

Felix Krock, 12221 Kobart Road, commented that he agrees with Walter's comment and noted it was terrible when the resort was in operation.

Denise Smedberg, Echo Lane, commented she is in favor of the rezone.

Joe Handrick, Town of Minocqua, commented the petitioner is going the right way with the rezone request. The owner is coming in with no proposed project and requesting it back into its original proposal. The best highest use or value is single family zoning. The petitioners have gone to the property owners and there was effort made to contact all affected. The rezone will not hurt Mr. Morey's value as expressed earlier.

Cathi Koch, 8611 Squirrel Point Raod commented she is in favor of the rezone to single family.

Mike Olp, Schroder Road, commented he is in favor of the rezone.

Marge Hanson, commented in favor of the rezone.

Lynne Oakden, commented the property is mostly swamp land and will not accommodate septic systems.

Gary Cook, commented that he agrees with the rezone to keep the lake pristine and single family is optimal.

Phil Alhbert, commented that he supports the Squirrel Lake Association and regarding Mr. Morey, he had attempted to make phone contact but did not connect. All the other surrounding owners were contacted.

There was no other public comment made, therefore the public comment portion of the hearing was closed.

The committee questioned Mr. Morey's property and the possibility of not including it in the rezone petition.

Mr. Osterman noted the department would like to have clean property boundaries as this is standard.

The committee agreed to leave three parcels with a second amendment to the rezone.

**Motion by Larry Greschner, second by Dave Hintz to approve rezone petition #5-2010, as authored by the Squirrel Lake Association, agenda item number fifteen, with the exclusion of parcels #1692-6, 1692-4, and 1692-7, with the general standards of approval and to forward this petition onto the County Board for approval. With all members present voting "aye", the motion carried.**

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Adjourn.

Time: 2:55 p.m.

**Motion by Larry Greschner, second by Billy Fried to adjourn. With all members present voting “aye”, the motion carried.**

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Scott Holewinski, Chair

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Karl Jennrich, Zoning Director