

## NOTICE OF MEETING

**COMMITTEE:** PLANNING & ZONING  
**DATE:** DECEMBER 2, 2009  
**TIME:** 1:00 P.M. REGULAR MEETING – COMMITTEE ROOM #2  
2:00 P.M. PUBLIC HEARTING – COMMITTEE ROOM #2

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### **ALL AGENDA ITEMS ASSUMED TO BE DISCUSSION / DECISION**

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1. Call to order.
2. Approve the agenda.
3. Approve regular and public hearing meeting minutes of October 5, 2009.
4. Approve regular and public hearing meeting minutes of November 4, 2009.
5. Approve regular meeting minute of November 18, 2009.
6. Preliminary 5-Unit Condominium Plat identified as Rustic Acres Resort, Karl Miller owner for property described as Lot 2, Certified Survey Map V16 P3719 (formerly known as Lot 3 of Borges Lots) located in part Gov't Lot 4, Section 10, T38N, R11E, PIN# TL 1394, Town of Three Lakes.
7. NR 115 updates.
8. Ordinance Amendment #9-2009, revisions to Section 9.42 E, General Standards for Approval of Conditional Use Permit. The Committee will be forwarding to the Oneida County Board of Supervisors.
9. Ordinance Amendment #10-2009, revisions to Section 9.52, Mobile Home, Manufactured Home and House Trailer Parks. The Committee will be forwarding to the Oneida County Board of Supervisors.
10. Line item transfers, refunds, purchase orders and bills.
11. Approve future meeting dates: December 16, 2009.
12. Public comments.
13. Future agenda items.

#### **CONDUCT PUBLIC HEARING ON THE FOLLOWING:**

14. **Conditional Use Permit Application** of Verizon Wireless, Peter Schau, agent and The Lakeland Sanitary District No.1, owner to co-locate communication equipment on the existing water tower on property described as part of Gov't Lot 2, Section 14, T39N, R6E, 800 Hwy 51, PIN# MI 2205-12, Town of Minocqua.
15. **After-the-Fact Conditional Use Permit Application** of Jesse Abrahamson, agent and Molly Beloff, owner to operate North Lakes Brick and Block Landscape Supply including outdoor and indoor retail sales and design consulting services on property located at 7630 Hwy 32/45, described as SE SW, Section 25, T39N, R10E, PIN# TL 298-1, Town of Three Lakes.
16. **The Non-metallic Mining Registration and Reclamation Plan** of Hatchet Creek Rock and Dirt LLC,

Duane Belling Sr., for property owned by Frank Klaver described as part of SW NW, Section 4, T36N, R8E, and PIN #CR 54, Town of Crescent.

17. **Ordinance Amendment #12-2009**, Section 9.93 D, Minimum Lot Area, authored by the Planning and Zoning Committee to amend Section 9.93 D, Minimum Lot Area of the Oneida County Zoning and Shoreland Protection Ordinance as follows:

Additions noted by underline; Deletions noted by ~~strike through~~.

### Section 9.93

#### D. Minimum Lot Area

1. Each lot shall have the minimum lot area as listed in the tables in Appendix B.
2. Minimum lot area shall be measured from the OHWM landward.
3. Any portion of a lot having a width of less than 30' shall not be considered in determining the minimum lot area.
4. Except for utility easements, any other easement or combination of adjacent easements which are greater than 20' in width shall not be used in determining the minimum lot area unless approved by the Department.
5. Except for utility easements, that portion of a lot that exceeds the minimum area requirements of Wis. Admin. Code COMM 83 shall not be divided by easements unless approved by the Department.
6. For lots on Class I Waterways, except for public and private parks, ~~80%~~ 10,000 contiguous square feet of the minimum lot area shall:
  - a. Not contain any shoreland-wetlands.
  - b. Is above the elevation of the regional flood as defined in Wis. Admin. Code NR 116.
  - c. Is at least 2' above the highest known water elevation of any body of water whose regional flood is undefined
  - d. Must have dryland access to a public or private road.
7. For lots on Class II Waterways, except for public and private parks, ~~90%~~ 10,000 contiguous square feet of the minimum lot area shall:
  - a. Not contain any shoreland-wetlands.
  - b. Is above the elevation of the regional flood as defined in Wis. Admin. Code NR 116.
  - c. Is at least 2' above the highest known water elevation of any body of water whose regional flood is undefined.
  - d. Must have dryland access to a public or private road.
8. For off-water lots in the shoreland area 10,000 contiguous square feet of the minimum lot area shall:
  - a. Not contain any shoreland-wetlands.
  - b. Is above the elevation of the regional flood as defined in Wis. Admin. Code NR 116.
  - c. Is at least 2' above the highest known water elevation of any body of water whose regional flood is undefined.
  - d. Must have dryland access to a public or private road.

#### E. Minimum Riparian Frontage Width

18. **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. A previous Public Hearing was held on April 15, 2009.

19. Adjourn.

**NOTICE OF POSTING**

**TIME: 2:00 PM DATE: November 25, 2009 PLACE: COURTHOUSE BULLETIN BOARD**

**SCOTT HOLEWINSKI, COMMITTEE CHAIRMAN**

Notice posted by the Planning & Zoning Department. Additional information on a specific agenda item may be obtained by contacting the person who posted this notice at 715-369-6130.

**NEWS MEDIA NOTIFIED VIA E-MAIL:**

Rhineland Daily News	Date: 11/25/09	Time: Approx. 2:30 p.m.
Lakeland Times	Date: “	Time: “
Buyer’s Guide/Our Town	Date: “	Time: “
WXPR Public Radio	Date: “	Time: “
WERL/WRJO Radio	Date: “	Time: “
News of the North	Date: “	Time: “

**NEWS MEDIA NOTIFIED VIA FAX:**

WHDG Radio Station	Date: 11/25/09	Time: Approx. 2:30 p.m.
WJFW-TV 12	Date: “	Time: “
Vilas County News	Date: “	Time: “
Tomahawk Leader	Date: “	Time: “
WLSL	Date: “	Time: “

Notice is hereby further given that pursuant to the Americans with Disabilities Act reasonable accommodations will be provided for qualified individuals with disabilities upon request. Please call Robert Brusio at 715-369-6144 with specific information on your request allowing adequate time to respond to your request.

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See reverse side of this notice for compliance checklist with the Wisconsin Open Meeting Law.

#### GENERAL REQUIREMENTS:

1. Must be held in a location which is reasonably accessible to the public.
2. Must be open to all members of the public unless the law specifically provides otherwise.

#### NOTICE REQUIREMENTS:

1. In addition to any requirements set forth below, notice must also be in compliance with any other specific statute.
2. Chief presiding officer or his/her designee must give notice to the official newspaper and to any members of the news media likely to give notice to the public.

#### MANNER OF NOTICE:

Date, time, place and subject matter, including subject matter to be considered in a closed session, must be provided in a manner and form reasonably likely to apprise members of the public and news media.

#### TIME FOR NOTICE:

1. Normally, a minimum of 24 hours prior to the commencement of the meeting.
2. No less than 2 hours prior to the meeting if the presiding officer establishes there is good cause that such notice is impossible or impractical.
3. Separate notice for each meeting of the governmental body must be given.

#### EXEMPTIONS FOR COMMITTEES & SUBUNITS

Legally constituted sub-units of a parent governmental body may conduct a meeting during the recess or immediately after the lawful setting to act or deliberate upon the subject which was the subject of the meeting, provided the presiding officer publicly announces the time, place and subject matter of the sub-unit meeting in advance of the meeting of the parent governmental body.

#### PROCEDURE FOR GOING INTO CLOSED SESSION:

1. Motion must be made, seconded and carried by roll call majority vote and recorded in the minutes.
2. If motion is carried, chief presiding officer must advise those attending the meeting of the nature of the business to be conducted in the closed session, and the specific statutory exemption under which the closed session is authorized.

#### SYNOPSIS OF STATUTORY EXEMPTIONS UNDER WHICH CLOSED SESSIONS ARE PERMITTED:

1. Concerning a case which was the subject of Judicial or quasi-judicial trial before this governmental body Sec. 19.85(1)(a)
2. Considering dismissal, demotion or discipline of any public employee or the investigation of charges against such person and the taking of formal action on any such matter; provided that the person is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action is taken. The person under consideration must be advised of his/her right that the evidentiary hearing be held in open session and the notice of the meeting must state the same. Sec. 19.85(1)(b).
3. Considering employment, promotion, compensation or performance evaluation data of any public employee over which this body has jurisdiction or responsibility. Sec. 19.85(1)(c).
4. Considering strategy for crime detection or prevention. Sec. 19.85(1)(d).
5. Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session. Sec. 19.85(1)(e).
6. Considering financial, medical, social or personal histories or disciplinary data of specific person, preliminary consideration of specific personnel problems or the investigation of specific charges, which, if discussed in public, would likely have a substantial adverse effect on the reputation of the person referred to in such data. Sec. 19.85(1)(f), except where paragraph 2 applies.
7. 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. Sec. 19.85(1)(g).
8. Considering a request for advice from any applicable ethics board. Sec. 19.85(1)(h).

#### PLEASE REFER TO CURRENT STATUTE SECTION 19.85 FOR FULL TEXT

#### CLOSED SESSION RESTRICTIONS:

1. Must convene in open session before going into closed session.
2. May not convene in open session, then convene in closed session and thereafter reconvene in open session within twelve hours unless proper notice of this sequence was given at the same time and in the same manner as the original open meeting.

3. Final approval or ratification of a collective bargaining agreement may not be given in closed session.
4. No business may be taken up at any closed session except that which relates to matters contained in the chief presiding officer's announcement of the closed session.
5. In order for a meeting to be closed under Section 19.85(1)(f) at least one committee member would have to have actual knowledge of information which he or she reasonably believes would be likely to have a substantial adverse effect upon the reputation involved and there must be a probability that such information would be divulged. Thereafter, only that portion of the meeting where such information would be discussed can be closed. The balance of that agenda item must be held in open session.

#### BALLOTS, VOTES AND RECORDS:

1. Secret ballot is not permitted except for the election of officers of the body or unless otherwise permitted by specific statutes.
2. Except as permitted above, any member may require that the vote of each member be ascertained and recorded.
3. Motions and roll call votes must be preserved in the record and be available for public inspection.

#### USE OF RECORDING EQUIPMENT:

The meeting may be recorded, filmed, or photographed, provided that it does not interfere with the conduct of the meeting or the rights of the participants.

#### LEGAL INTERPRETATION:

1. The Wisconsin Attorney General will give advice concerning the applicability or clarification of the Open Meeting Law upon request.
2. The municipal attorney will give advice concerning the applicability or clarification of the Open Meeting Law upon request.

#### PENALTY:

Upon conviction, any member of a governmental body who knowingly attends a meeting held in violation of Subchapter IV, Chapter 19, Wisconsin Statutes, or who otherwise violates the said law shall be subject to forfeiture of not less than \$25.00 nor more than \$300.00 for each violation.

Prepared by Oneida County Corporation Counsel Office - 5/16/96