

AMENDED NOTICE OF MEETING

COMMITTEE: PLANNING & DEVELOPMENT
DATE: May 17, 2023
PLACE: THE MINOCQUA CENTER – 3RD FLOOR BOARD ROOM
415 MENOMINEE ST, MINOCQUA, WI 54548
TIME: 12:30 P.M. REGULAR MEETING
2:00 P.M. PUBLIC HEARING

Zoom technology is not available for this meeting.

It is possible that a quorum of county board members will be at this meeting to gather information about a subject over which they have decision-making responsibility. This constitutes a meeting of the County Board pursuant to State ex rel Badke v. Greendale Village Board, Wis 2d 553, 494 n.w.2d 408 (1993), and must be noticed as such, although the County Board will not take any formal actions at this meeting. It is also possible that there may be quorums of other County Board Committees present, although those committees will not take any formal action at this meeting.

ALL AGENDA ITEMS ASSUMED TO BE DISCUSSION / DECISION

1. Call to order.
2. Approve the agenda.
3. 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. ARP #2200112 concerning properties located at MI 3240 & MI 3239.
4. A roll call vote will be taken to return to open session.
5. Announcement of any action taken in closed session.
6. Approve meeting minutes of May 3, 2023.
7. Discussion/decision concerning amending Chapter 26 of the Oneida County Comprehensive Land Use Plan Ordinance. The committee will be reviewing Chapters 1 and 2 of the Public Participation Plan.
8. Discussion/decision concerning Ordinance Amendment #13-2022 to amend Chapter 9, Article 1 General Provisions, Section 9.11 Purpose-Underlying Ordinance, Article 3 Zoning, Administrative Review, and Sanitary Permits, Section 9.33 Exceptions to Zoning Permit Requirement, Article 9 Shoreland Protection Provision, Section 9.94 Shoreland Setbacks, Exempt Structures, Reduced Principal Structure Setbacks, Floodplain Structures, Impervious Surfaces and Height, Section 9.95 Vegetation, Section 9.97 Shoreyard Alteration Permits and Filling, Grading, Lagooning, Dredging, Ditching and Excavating, Section 9.99 Nonconforming Uses and Structures, Appendixes C-Q & Article 10 Definitions of the Oneida County Zoning & Shoreland Protection Ordinance. The committee will be reviewing Wis. Admin. Code § NR 115 and Wis. Stat. § 59.692.
9. Discussion/decision concerning retaining outside counsel to assist the Planning and Development Committee related to Ordinance Amendment #13-2022.
10. Discussion/decision concerning permit fees for pools and tennis/pickle ball courts.
11. Discussion/Decision – 2023 First Quarter Incident Report.
12. Discussion/decision concerning locations of future meetings. Committee will be discussing the alternating locations schedule for future meetings.

13. Discussion/decision – Planning & Zoning Department permit activity/revenue.
14. Refunds.
15. Line item transfers, purchase orders, and bills.
16. Approve future meeting dates: May 31 and June 14, 2023. Also, set a date for an onsite inspection and decision for Musson Bros, Inc. – Lassig pit and **Ostrowski Campground Public Hearing date and location.**
17. Future agenda items.

CONDUCT PUBLIC HEARING ON THE FOLLOWING:

18. **Conditional Use Permit application** by Ben Semler, applicant, and Maple North LLC, owner, to operate an outdoor chainsaw wood carving business on the following described property; Strasburg Heights, Lot 1, Part of the NE ¼ and SW ¼ , Section 26, T39N, R6E, 7714 US Highway 51, PIN# MI 5494, Town of Minocqua.
19. **Conditional Use Permit application** by Lindsey Frank, applicant, and Torcor LLC, owner, to provide outdoor seating at a deli on the following described property; Part of Government Lot 3, Section 10, T38N, R6E, 6823 Highway 51, PIN# HA 123-3, Town of Hazelhurst.
20. **Conditional Use Permit application** by Andrew Teichmiller, applicant, and Bitterroot LLC, owner, to operate a bicycle and paddle sports retail and rental shop with outdoor storage and displays, and to build an addition onto the existing building on the following described property; Rose Brown’s 1st Addition, Lot 6 & Part of Lot 5, Block 2, Section 1, T39N, R6E, PIN# WR 719, 1301 1st Avenue, Town of Woodruff.
21. **Conditional Use Permit application** by Aaron Kowles, applicant and owner, to operate an excavation service business with outdoor equipment storage on the following described property: Part of the NW ¼ of the NW ¼, Section 5, T36N, R7E, PIN# WB 66, 8763 County K, Town of Woodboro.
22. **Rezone Petition #05-2023** by Gregg Walker, applicant, and Big D LLC, owner, to rezone from District #02 Single Family to District #1-A Forestry for property described as Government Lot 6 and Part of Government Lot 5, Section 13, T39N, R4E, PIN#’s MI 695 and MI 696-1, Town of Minocqua.
23. **Ordinance Amendment #01-2023** authored by the Planning and Development Committee to amend Chapter 9, Article 4 Conditional Used and Structures/Home Occupations, Section 9.43 Home Occupations and Article 10 Definitions of the Oneida County Zoning & Shoreland Protection Ordinance.
24. Adjourn.

NOTICE OF POSTING

TIME: Approx. 2:15 PM ~ DATE: **May 15, 2023** ~ PLACE: COURTHOUSE BULLETIN BOARD

SCOTT HOLEWINSKI, COMMITTEE CHAIR

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 AND/OR FAX – DATE: **May 15, 2023 TIME: Approx. 2:30 PM**

Lakeland Times	WJFW-TV 12
Star Journal	Vilas County News
WXPR Public Radio	Tomahawk Leader
WERL/WRJO Radio	

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 Tracy Hartman at 715-369-6144 with specific information on your request allowing adequate time to respond to your request.

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

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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