

1 RESOLUTION #~~07~~ - 2023
2 REZONE PETITION FOR THE TOWN OF MINOCQUA
3 REZONE PETITION # 05-2023
4

5 Resolution offered by the Planning and Development Committee
6

7 Resolved by the Board of Supervisors of Oneida County, Wisconsin:
8

9 **WHEREAS**, the Planning and Development Committee having considered Rezone
10 Petition #05-2023 (copy attached), which was filed April 14, 2023, to amend the Master
11 Zoning District Document and the Oneida County Official Zoning District Boundary Map,
12 and having given notice thereof as provided by law and having held a public hearing
13 thereon May 17, 2023 pursuant to Section 59.69(5), Wisconsin Statutes, and having
14 been informed of the facts pertinent to the changes which are as follows:
15

16 To rezone land from District #02 Single Family to District #1-A Forestry on property
17 described as Government Lot 6 and Part of Government Lot 5, Section 13, T39N, R4E,
18 PIN's MI 695 and MI 696-1, Town of Minocqua, Oneida County, Wisconsin.
19

20 And being duly advised of the wishes of the people in the area affected as follows:
21

22 **WHEREAS**, the applicant and owner of the property is requesting the rezone to make
23 the same zoning district as other parcels owned by the applicant and owner; and
24

25 **WHEREAS**, the Town of Minocqua approved the request (copy attached); and
26

27 **WHEREAS**, on May 17, 2023, the Planning and Development Committee held a public
28 hearing and the adjoining owners were provided with a written notice of the change and
29 individuals testified both in favor and in opposition of the rezone petition and eleven (11)
30 letters sent in opposition of the rezone petition; and
31

32 **WHEREAS**, the Planning & Development Committee has reviewed the general
33 standards as specified in Section 9.86(F) of the Oneida County Zoning & Shoreland
34 Protection Ordinance and concluded that the standards have been met. The Planning
35 & Development Committee recommends passage.
36

37 NOW THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES
38 ORDAIN AS FOLLOWS: Petition #05-2023:
39

40 Section 1: Any existing ordinances, codes, resolutions, or portion thereof in conflict
41 with this ordinance shall be and are hereby repealed as far as any conflict exists.

42 Section 2: The ordinance shall take effect the day after passage and publication as
43 required by law.

44 Section 3: If any claims, provisions, or portions of this ordinance are adjudged
45 unconstitutional or invalid by a court of competent jurisdiction, the remainder of the
46 ordinance shall not be affected thereby.

47 Section 4: Rezone Petition #05-2023 is hereby adopted amending the Master Zoning
48 District Document and the Oneida County Official Zoning District Boundary Map, by
49 changing the zoning district classification from District #02 Single Family to District #1-A
50 Forestry on property described as follows:

51
52 Government Lot 6 and Part of Government Lot 5, Section 13, T39N, R4E, PIN's MI 695
53 and MI 696-1, Town of Minocqua, Oneida County, Wisconsin.

54
55 The County Clerk shall, within seven (7) days after adoption of Rezone Petition # 05-
56 2023 by the Oneida County Board of Supervisors, cause a certified copy thereof to be
57 transmitted by mail to Minocqua Town Clerk.

58
59 Approved for presentation to the County Board by the Planning and Development
60 Committee this 31st day of May, 2023.

61
62 Consent Agenda Item: YES NO

63
64 Vote Required: Majority = 2/3 Majority = _____ 3/4 Majority = _____

65
66 The County Board has the legal authority to adopt: Yes No _____ as reviewed by the
67 Corporation Counsel, _____, Date: 6.5.23

68
69 Offered and passage moved by: Scott Hederson
70 Supervisor

71
72 John H. Turner
73 Supervisor

74
75 Robert Johnson
76 Supervisor

77
78 [Signature]
79 Supervisor

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Supervisor

17 Ayes

0 Nays

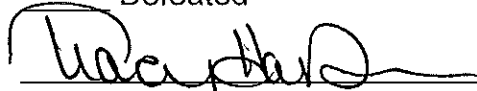
0 Absent

0 Abstain

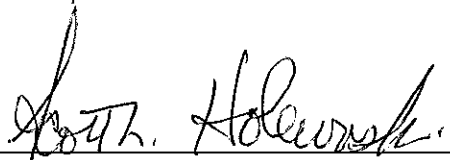
X Adopted

by the County Board of Supervisors this 20th day of June, 2023.

Defeated



Tracy Hartman, County Clerk



Scott Holewinski, County Board Chair

Resolution # 67-2023/Rezzone Petition #05-2023

Supervisors	AYE	NAV	ABS	ABSTAIN
Rio		X		
Condado	X			
Newman		X		
Schreier	X			
Timmons	—	—	X	
Winkler	X			
Harris	X			
Oettinger	X			
Briggs	X			
Fried	X			
Showalter	X			
Almekinder	X			
Cushing	X			
Ryden	X			
Schultz	X			
Fisher	X			
Roach	X			
Sorgel	X			
Kelly			X	
Jensen	X			
Holewinski	X			
TOTALS	17	2	2	
TAGS				

Resolution # 67 – 2023/Rezzone Petition # 05 – 2023: Offered by the Supervisors of the Planning and Development Committee to rezzone land from District #02 Single Family to District #1-A Forestry on 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, Oneida County, Wisconsin.

PETITION

Petition No. 05-2023 ~~06-2023~~ ^{NA}
Receipt No. 23-211

To: Oneida County Board of Supervisors
Oneida County Clerk, Courthouse
P.O. Box 400
Rhineland, WI 54501

OFFICE OF COUNTY CLERK
ONEIDA COUNTY
APR 14 2023
ONEIDA COUNTY CLERK

Ladies and Gentlemen:

The undersigned hereby petitions the Oneida County Board of Supervisors to change the zoning district classification of the following described land in the Town of Minocqua, Oneida County, Wisconsin, from District Number 2 Single Family zoning district to Forestry 1A zoning district:

Insert property description. Attach map.
Government Lot # 6 end The North 529' of Government Lot #5
Section 13, T 39N, R 4E Pin MI 695d MI 696-1,
Town of Minocqua, Oneida County

Reason for rezone:
I want all My Lands the Same Zoning.

Respectfully submitted on the March day of 29 2023 by:

Owner	Agent
Name: <u>Gregg Walker/Big D LLC</u>	Name:
Address: <u>P.O. Box 790</u>	Address:
City/State/Zip: <u>Minocqua, WI 54548</u>	City/State/Zip:
Telephone No: <u>715-780 892-0782</u>	Telephone No:
Signature: <u>[Handwritten Signature]</u>	Signature

NOTICE TO PETITIONERS

Procedures to rezone/amend this ordinance are required to comply with the provisions of statute and administrative rule as described in Section 9.86 of the Oneida County Zoning and Shoreland Protection Ordinance.

1. You are required to pay a fee in the amount of \$600.00 payable to Oneida County Planning and Zoning at the time your petition is filed.
2. Petitions shall be filed with the County Clerk at least two weeks in advance of the County Board meeting at which your petition will be considered.
3. Notice of Public Hearing on your petition will be published as a Class II Notice under Chapter 985, Wisconsin Statutes. You or your agent are required to attend the hearing and will be notified of the time and location.
4. You must provide a (plat/wetland/floodplain) map with the boundaries of any area you wish to rezone clearly depicted.
5. The criteria which the Planning & Development Committee must consider in order to reach a decision on your petition are stated in the ordinance:

Section 9.86 – Floodplain & Comprehensive
Section 9.91 (F) – Shoreland – Wetland

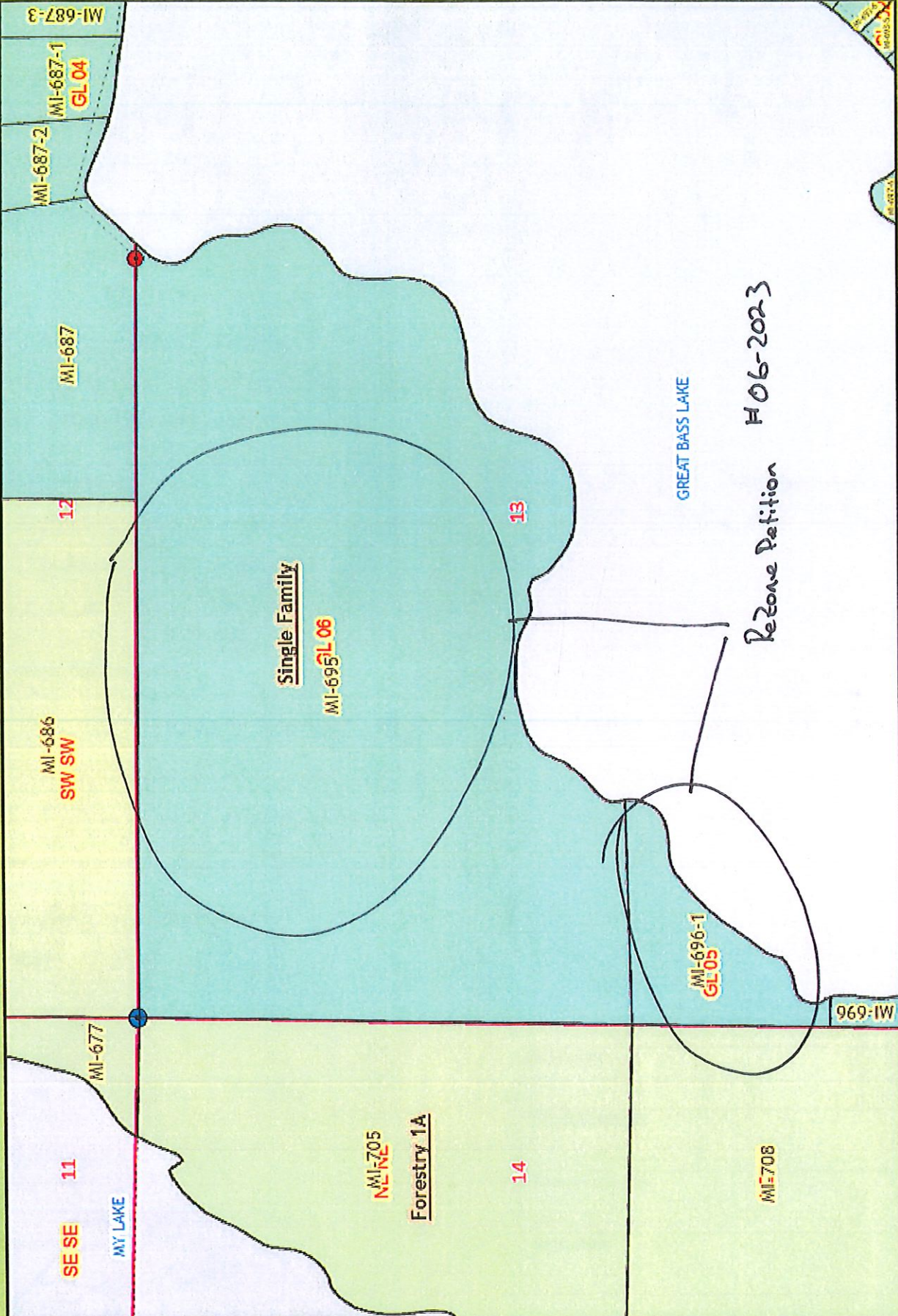
You must provide a written statement to the committee addressing each of these criteria as they relate to your proposed amendment/rezoning.

Shoreland-Wetland Rezoning/Amendment Criteria

Section 9.91 (F)(2) A wetland, or a portion thereof, in the Shoreland-Wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

1. Storm and flood water storage capacity.
2. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland.
3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.
4. Shoreline protection against soil erosion.
5. Fish spawning, breeding, nursery or feeding grounds.
6. Wildlife habitat.
7. Areas of special recreational, scenic or scientific interest, including scarce wetland types.

Section 9.91 (F)(3) If the Department of Natural Resources (DNR) has notified the committee that a proposed amendment to the Shoreland-Wetland District may have a significant adverse impact upon any of the criteria listed in Section 9.91 (F)(2) of this ordinance, that amendment, if approved by the County Board, shall contain the following provision: "This amendment shall not take effect until more than thirty (30) days have elapsed since written notice of the County Board's approval of this amendment was mailed to the DNR. During that 30-day period the DNR may notify the County Board that it will adopt a superseding Shoreland Ordinance for the county under sec. 59.692 (6), Wis. Stats. If the DNR does so notify the County Board, the effect of this amendment shall be stayed until sec. 59.692 (6), Wis. Stats., adoption procedure is completed and otherwise terminated."



Oneida County GIS Map Oneida County, Wisconsin

This map is courtesy of the Oneida County Land Information office and is a general sketch of areas in Oneida County. It should not be used to represent surveys of property. See original source documents for more information.



"The Island City"™

TOWN OF MINOCQUA

MARK P. HARTZHEIM, Chairman
SUSAN M. HEIL, Supervisor
BRIAN L. FRICKE, Supervisor
ERIKA L. PETERSEN, Supervisor
WILLIAM J. FRIED, Supervisor

415 Menominee Street, Suite 300
Minocqua, Wisconsin 54548
Phone: 715.356.5296
Fax: 715.356.1132
www.townofminocqua.org

ROBEN A. HAGGART, Clerk
KIM STRASBURG, Treasurer
MARK A. PERTILE, Public Works Dir.
DAVID J. JAEGER, Chief of Police
LUKE E. TAYLOR, Fire Chief

* * * SENT VIA EMAIL ONLY * * *

May 17, 2023

Mr. Karl Jennrich, Director
Oneida County Planning & Zoning
1 South Oneida Street
Rhineland, Wisconsin 54501

Dear Mr. Jennrich:

REZONE #26-23: Rezone Petition #05-2023 by BIG D LLC/Gregg Walker, owner, to rezone from District #02 Single Family to District #1A Forestry for property described as Government Lot 6 and Part of Government Lot 5, Section 13, T39N, R4E, PIN #MI-695 and #MI-696-1, Town of Minocqua.

At its meeting yesterday evening, the Minocqua Town Board voted unanimously to recommend approval of the rezone petition.

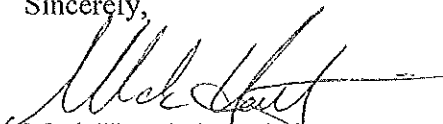
A couple primary factors entering into the Board's decision, following two hours of public input and deliberation, are:

Forestry 1-A classification and Single Family Residential are the two most restrictive zoning classifications. Moving from Single Family to Forestry 1-A is more of a lateral zoning move than a move to a less restrictive zoning classification such as Recreational or Multiple Family. A very good argument can be made that the change to Forestry offers more potential protection to neighboring lakefront owners than retaining the Single Family classification would.

In the Town's opinion, the change does not represent spot zoning since it is a large acreage parcel (appx. 55 acres total) and is contiguous on at least one boundary with the zoning classification the applicant is seeking to rezone to. This is consistent with other rezones that have taken place in town.

Please contact our office if you have any questions.

Sincerely,



Mark Hartzheim, Chairman
Town of Minocqua

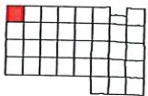


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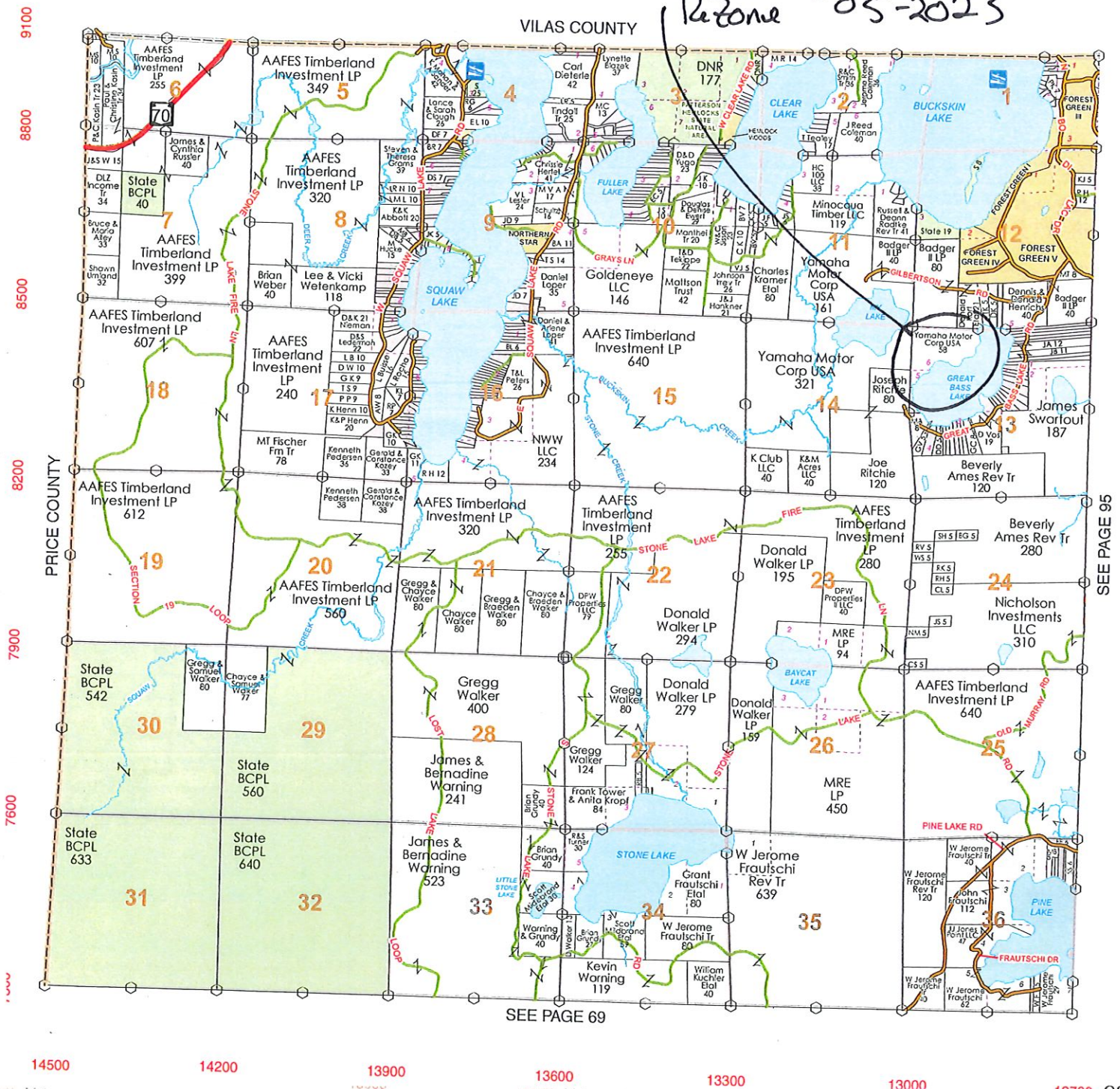


Minocqua (NW)
See Aerial Map Page 91

Township 39N - Range 4E

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Rezone # 05-2023



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