

Planning and Development

**ONEIDA COUNTY PLANNING and DEVELOPMENT COMMITTEE
AUGUST 7, 2019
COMMITTEE ROOM #1
ONEIDA COUNTY COURTHOUSE
RHINELANDER, WI 54501**

Members present: Scott Holewinski, Billy Fried, Mike Timmons, Jack Sorensen, and Ted Cushing

Members absent: None

Department staff present: Pete Wegner, Assistant Director and Sara Chiamulera, Fill-in Program Assistant, Scott Ridderbusch, Land Use Specialist, Carla Blankenship, Land Use Specialist,

Other county staff present: Brian Desmond, Corporation Counsel

Guests present: See sign in sheet.

Call to order.

Chair Holewinski called the meeting to order at 1 p.m., in accordance with the Wisconsin Open Meeting Law.

Approve the agenda. Motion by Scott Holewinski, second by Jack Sorensen 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. Signs placed in the right-of-way in all areas of Oneida County.
- b. Lakeland Area Property Owners Association (LAPOA) vs Oneida County.
- c. Approve closed session minutes of November 7, 2018; April 17, and July 10, 2019

Motion by Ted Cushing, second by Jack Sorensen to go into closed session. “Aye”, unanimous.

A roll call vote will be taken to return to open session. Motion by Mike Timmons, second by Ted Cushing to return to open session. “Aye”, unanimous.

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Announcement of any action taken in closed session.

- a. Signs placed in the right-of-way in all areas of Oneida County. **No action taken.**
- b. Lakeland Area Property Owners Association (LAPOA) vs Oneida County. **Status update. No action taken.**
- c. Approve closed session minutes of November 7, 2018; April 17, and July 10, 2019. **Motion by Jack Sorensen, second by Mike Timmons to approve the closed session meeting minutes of November 7, 2018; April 17 and July 10, 2019. "Aye": Unanimous.**

Public comments. **Edith Obenchain spoke. Steven Meyer spoke.**

Approve meeting minutes of July 10, 2019.

Motion by Mike Timmons, second by Ted Cushing to approve the meeting minutes of July 10, 2019 as submitted. With all members present voting "aye", the motion carried.

Refund request of Mike Meyers for a Board of Adjustment case on property located at 9240 Thoroughfare Rd. further described as SW NE, Section 24, T39N, R6E, PIN MI 2344, Town of Minocqua, Oneida County, Wisconsin.

Motion by Billy Fried to refund Mike Meyers, second by Mike Timmons. With all members present voting "aye", the motion carried.

Preliminary twenty one (21) lot land division of O'Neil Road, LLC, owner and Eagle Landmark Surveying, Inc., Kip Soder, surveyor for the following described properties; Lots 13 thru 17 and a portion of the 30' wide vacated platted road of the Shady Shore Plat, and part of Government Lot 6, Section 17; part of Government Lot 2, Section 20; and part of the NE ¼ of the NE ¼, Section 19, all being in T39N, R11E, PIN's TL 1108-1, TL 1129, TL 1146, TL 2381, TL 2383, Town of Three Lakes.

Wegner reviewed letter from Town of Three Lakes, Sue Harris, dated August 6, 2019.

Motion by Mike Timmons, second by Ted Cushing, to approve subdivision, based on Three Lakes recommendation and zoning as it is today, and contingent on removing existing structures, per Planning and Development staff. With all members present voting "aye", the motion carried.

Capital Improvement Program request. The committee will be discussing a \$15,000.00 project related to aerial photography for mapping impervious surfaces.

Mike Romportl spoke.

Motion by Ted Cushing, second by Jack Sorensen, to approve the \$10,000.00 Capital Improvement Program request. With all members present voting "aye", the motion carried.

CONDUCT PUBLIC HEARING ON THE FOLLOWING

Conditional Use Permit application by Brian Bart, agent, Lake Tomahawk Bible Church, Inc., owner to construct a religious institution for services and gathering on the following described vacant property: Part NE NE, Section 14, T38N, R7E, PIN LT 170-6, Town of Lake Tomahawk, Oneida County, Wisconsin.

Pete read the notice of public hearing into the record. The notice was published in the Northwoods River News on July 23 and July 30, 2019. Proof of publication is contained in the file. It was posted on the Courthouse bulletin board on July 18, 2019. There was no correspondence in the file. Scott Ridderbusch reviewed the details of the CUP.

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1. The project to be substantially commenced with 3 years of issuance date.
2. The nature and extent of the use shall not change from that described and approved in this Conditional Use Permit.
3. Access subject to DOT review and approval.
4. Proper permits to be obtained prior to construction. (Town /County/State)
5. Stormwater run-off to be managed onsite.
6. If excavation is greater than 1.0, WDNR permits storm water erosion control are required.
7. Dumpster(s) to be screened from view) applicant to recycle waste materials as required).
8. Signage to comply with 9.78 Sign Regulations of the Oneida County Zoning and Shoreland Protection Ordinance as amended 7/1/18.
9. Parking to comply with 9.77 Off Street Parking and Loading Space of the Oneida County Zoning and Shoreland Protection Ordinance as amended 7/1/18.
10. Exterior lighting to be downcast and shielded from above.
11. Subject to Town review and recommendations.

Chair Holewinski opened the public portion of the public hearing.

All spoke: Jack Reeves, Steve Simmermaker, Brian Bart, Ethan Blue, Todd Friedrich.

Chair Holewinski closed the public portion of the public hearing.

Motion by Jack Sorenson, second by Ted Cushing to approve the conditional use permit, subject to the conditions suggested by Planning and Development staff and as the general standards have been met. With all members present voting “aye”, the motion carried.

Conditional Use Permit application by John Sharp, applicant, Brad Schillinger, owner, to operate a business refurbishing boat and pontoon interiors. Boats waiting to be worked on will be stored outside along with boats, pontoons and autos for sale on the following described property: Lots 1, CSM V13 P3025, NW ¼, NW ¼, Section 7, T39N, R7E, PIN WR 96-6, 8997 County J, Town of Woodruff, Oneida County, Wisconsin.

Pete read the notice of public hearing into the record. The notice was published in the Northwoods River News on July 23 and July 30, 2019. Proof of publication is contained in the file. It was posted on the Courthouse bulletin board on July 18, 2019. There was no correspondence in the file.

Carla Blankenship reviewed the details of the CUP.

1. The nature and extent of the use shall not change from that described and approved in this Conditional Use Permit.
2. Outdoor storage and display to be contained within the area detailed on the siteplan.
3. Parking to comply with 9.77 Off Street Parking and Loading Space of the Oneida County Zoning and Shoreland Protection Ordinance as amended 6-26-2019.
4. Signage to comply with 9.78 Sign Regulations of the Oneida County Zoning and Shoreland Protection Ordinance as amended 6-26-2019.
5. Exterior lighting to be downcast and shielded from above.
6. Dumpster(s) to be screened from view (applicant to recycle waste materials as required).
7. Subject to Town review and recommendations.

Chair Holewinski opened the public portion of the public hearing.

Public spoke: John Sharp.

Chair Holewinski closed the public portion of the public hearing.

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Motion by Mike Timmons, second by Jack Sorenson to approve the conditional use permit, as presented, subject to the conditions suggested by Planning and Development staff and as the general standards have been met. With all members present voting “aye”, the motion carried.

Conditional Use Permit application by Northwoods Communication Technologies, Paul Osterman, agent, and Charles and Natalie Blue, landowner to lease and erect and operate a 190’ tall broadband communication tower that will provide internet services for the area residents on the following described property: part of the NE ¼ of the NE ¼, Section 14, T38N, R7E, 6708 Highway 47, PIN LT 170-3, Town of Lake Tomahawk, Oneida County, Wisconsin.

Pete read the notice of public hearing into the record. The notice was published in the Northwoods River News on July 23 and July 30, 2019. Proof of publication is contained in the file. It was posted on the Courthouse bulletin board on July 18, 2019. There was no correspondence in the file.

Scott Ridderbusch reviewed the details of the CUP.

1. The nature and extent of the use shall not change from that described and approved in this Conditional Use Permit.
2. Must comply with all federal regulations, including and moreso FAA and FCC.
3. Subject to addressing and 911 regulations if required.
4. Proper permits to be obtained prior to construction. (Town /County/State)
5. Ensuring proper security measures are in place.
6. Tower height approved to 190 feet from grade.

Chair Holewinski opened the public portion of the public hearing.

Public spoke: Ethan Blue, Paul Osterman, Steven Schreier.

Chair Holewinski closed the public portion of the public hearing.

Motion by Ted Cushing, second by Jack Sorenson to approve the conditional use permit, as presented, subject to the conditions suggested by Planning and Development staff and as the general standards have been met. With all members present voting “aye”, the motion carried.

Ordinance Amendment #5-2019, authored by the Planning and Development Committee to amend Chapter 9 of the Oneida County Zoning and Shoreland Protection Ordinance, Article 9, Sections 9.36, Procedure for Administrative Review Permits and Section 9.42, CUP application review.

Additions noted by underlined; deletions noted by ~~strikethrough~~.

9.36 PROCEDURE FOR ADMINISTRATIVE REVIEW PERMITS
A and B remain unchanged

~~C. General Standards for Approval~~

~~No application for an administrative review permit for an administrative review use shall be approved or conditionally approved unless the zoning administrator determines that the standards contained in section 9.42 (E) are fulfilled. When applying such standards to an administrative review permit application, the phrase “conditional use” shall be replaced with the phrase “administrative review use.”~~

~~D. C.~~ Optional CUP Procedure

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As an alternative to the administrative review permit procedures for administrative review uses contained in this section, an applicant may request that the administrative review procedure be waived and that the proposed use be handled under the conditional use procedures. Such request must be made before or at the time the applicant files an administrative review permit application. If the applicant chooses to have an administrative review use handled under the conditional use procedures, the person shall complete a CUP application, pay the CUP fee and otherwise comply with all the provisions applicable to a CUP. The CUP application shall be reviewed and acted upon pursuant to the CUP procedures and provisions contained in sections 9.41 and 9.42.

9.42 B and C remain unchanged

D. Basis of Approval or Denial

1. The Planning and Development Committee shall review each conditional use permit application for compliance with all requirements applicable to that specific use and to all other relevant provisions of this ordinance. The Committee's decision to approve or deny the conditional use permit must be supported by substantial evidence. "Substantial evidence means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion." Wis. Stats. §59.69 (5e) (a) (2).
2. To aid in the review of a decision-making regarding the proposed conditional use project, the Planning and Development Committee shall evaluate the following specific criteria as applicable, but shall not be limited thereto:
 - a. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - b. The uses, values and enjoyment of neighboring property shall not be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
 - c. The proposed conditional use is compatible with the use of adjacent land and any adopted local plans for the area.
 - d. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - e. Adequate utilities, access roads, drainage and other necessary site improvements have been or will be provided for the conditional use.
 - f. Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.
 - g. The conditional use shall conform to all applicable regulations of the district in which it is located.

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- h. The conditional use does not violate shoreland or floodplain regulations governing the site.
- i. Adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.

The foregoing criteria are deemed reasonable and, to the extent practicable, measurable.

- 3. An applicant's failure to demonstrate, by substantial evidence, that the application and all applicable requirements in this ordinance and conditions established by the county relating to the conditional use are or will be satisfied shall be grounds to deny the conditional use permit. At all times the burden of proof to demonstrate satisfaction of these criteria remains with the applicant.

D. E. Conditions

The Committee may attach conditions to the CUP deemed necessary or appropriate in furthering the purposes of this ordinance. Such factors to be considered may include, but are not limited to the following:

1. Landscaping
2. Type of construction
3. Sureties
4. Lighting
5. Fencing
6. Planting
7. Screening
8. Operational control
9. Period of operation
10. Improved traffic circulation
11. Deed restrictions
12. Free and unlimited access to the project site during daylight hours to any Committee member or any Planning and Zoning employee investigating the project's construction, operation or maintenance.
13. Written notification of the Department at least five days before the project is started and five days after each phase of the project is completed.
14. ~~The conditions contained in section 9.97 (F).~~
15. 14. Parking requirements
16. 15. Erosion control
17. 16. Stormwater management
18. 17. Signage
19. 18. Construction schedule
20. 19. An acknowledgment that the nature and extent of the conditional use shall not change from that described in the application and approved in the CUP.

Conditions imposed as part of the conditional use permit shall be achievable, practicable and to the extent possible, measurable. Any conditions imposed must be related to the purpose of the ordinance and be based on substantial evidence.

E. ~~General Standards for Approval of CUP~~

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~~No application for a CUP shall be approved, or conditionally approved unless the Committee finds that the following standards are fulfilled.~~

- ~~1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.~~
- ~~2. The uses, values and enjoyment of neighboring property shall not be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.~~
- ~~3. The proposed conditional use is compatible with the use of adjacent land and any adopted local plans for the area.~~
- ~~4. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.~~
- ~~5. Adequate utilities, access roads, drainage and other necessary site improvements have been or will be provided for the conditional use.~~
- ~~6. Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.~~
- ~~7. The conditional use shall conform to all applicable regulations of the district in which it is located.~~
- ~~8. The conditional use does not violate shoreland or floodplain regulations governing the site.~~
- ~~9. Adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.~~

9.42 F, G, and H remain unchanged.

Copies of the foregoing documents are available for public inspection during normal business hours at the Planning & Zoning Office, Oneida County Courthouse, 2nd Floor, Rhinelander, Wisconsin 54501 or phone 715-369-6130. The Oneida County Zoning and Shoreland Protection Ordinance is available online at www.co.oneida.wi.us

Chair Holewinski opened the public portion of the public hearing.

Public spoke: None

Chair Holewinski closed the public portion of the public hearing.

Motion by Mike Timmons, second by Ted Cushing, to forward the Ordinance Amendment on to the County Board as presented. With all members present voting “aye”, the motion carried.

Discuss/decision/prioritization of 2019 Oneida County Planning and Zoning Department projects.
No action taken.

Refunds. There are two refund requests. **Motion by Ted Cushing, second by Mike Timmons to approve the refund as requested. With all members present voting “aye”, the motion carried.**

Line item transfers, purchase orders and bills. **Motion by Scott Holewinski, second by Ted Cushing to approve the purchase orders and bills as submitted. With all members present voting “aye”, the motion carried.**

Approve future meeting dates. **August 21 and September 4 and 18.**

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Public comments. **None.**

Future agenda items. **As discussed.**

Adjourn.

2:31 p.m. There being no further matters to lawfully come before the committee, Chair Holewinski adjourned the meeting.

Chair, Scott Holewinski

Planning & Zoning Director, Karl Jennrich