

ONEIDA COUNTY PLANNING & ZONING

June 2, 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
2ND FLOOR ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501

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

Department staff present: Pete Wegner, Assistant 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: Don Sidlowski, Bob Martini, David Konopacky, William Liebert, Sean Hobena, Dean Bettinger, Gene Uttecht, Norris Ross, Judith Rems, Sonja Margitan

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 amended 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. Land disturbance and structures placed less than 75 feet from the Ordinary High Watermark in the Town of Nokomis.
- b. Land disturbance >10,000 square feet and less than 5 feet from a wetland in the Town of Minocqua.

Motion by Larry Greschner, second by Gary Baier to enter into a closed session. Roll Call Vote: Scott Holewinski “aye”; Billy Fried “aye”; Gary Baier “aye”; Larry Greschner “aye”; Dave Hintz “aye”. The motion carried.

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

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

Preliminary 3-lot Certified Survey Map for James Gierl on property described as NW SE, (formerly Cedar Wood Condo) Section 10, T39N, R6E, 8557 – 8561 Dam Rd., PIN MI 2167-15, Town of Minocqua.

Kathy Ray, Land Use Specialist described the property presented and noted the Town of Minocqua supplied a letter dated June 2, 2010 approving the certified survey map. The department recommends approval with the following conditions (Exhibit #1):

1. Subject to Town review.
2. New private wells to be installed on Lots 2 & 3 within 1 year or upon sale which ever comes first.
3. The filling of wetland is prohibited unless proper permits are obtained.
4. No grading/land disturbance allowed within 5' of wetland.

Motion by Gary Baier, second by Dave Hintz to approve agenda item number five with conditions as outlined. With all members present voting “aye”, the motion carried.

Section 9.78, Sign Ordinance. The Committee will be discussing the possibility of Towns regulating on-premise signs.

Brian Desmond, Corporation Counsel referred to the memo provided (Exhibit #2) from himself dated 2/12/10. Mr. Desmond indicated it is up to the committee and county board members how to proceed on this issue.

Mr. Baier commented that he would like the county to get out of sign regulation and leave this up to each town.

Don Sidlowski, Town of Three Lakes discussed the history of their sign issue going back to 2008, at which time the town sought legal counsel. Three Lakes legal counsel acknowledged that the town can acquire their own language and enforce that language.

Mr. Desmond commented that he agrees with the town's attorney, however, now it is time for the committee to decide on behalf of the county, what type of language they want.

Mr. Holewinski suggested the department send a letter to each town identifying the issue with on-premise and off-premise signs and request a written response by a set date (mid-July) on their position.

Motion by Billy Fried, second by Dave Hintz to instruct staff to proceed with construction of a letter for the towns regarding how to proceed with an on-premise sign ordinance. With all members present voting “aye”, the motion carried.

Work agreement / contract between North Central Wisconsin Regional Planning Commission and Oneida County.

Mr. Wegner described the history of the counties involvement with NCWRPC and referred to the correspondence provided (Exhibit #3).

Dennis Lawrence, NCWRPC provided handouts of the status on each towns plan (Exhibit #4). Mr. Lawrence noted eight towns and the county plan is what he is working on at this time. Three plans were approved and five plans are in resolution format. Mr. Lawrence proposed a fee reduction of another \$25,000.

Mr. Hintz clarified the fee was \$265,000 and then reduced to \$225,000 along with an additional reduction as of today of \$25,000 bringing the final amount down to \$200,000.

Mr. Lawrence agreed and indicated the county has paid \$145,000 to date. NCWRPC is asking for a payment of \$30,000 with a final payment of \$25,000 in August or September when all the plans would be in place.

Motion by Larry Greschner, second by Dave Hintz that overall the contract with NCWRPC is reduced from \$265,000 to \$200,000 with the final payment of \$25,000 due upon completion. With all members present voting “aye”, the motion carried.

Fee schedule and resolution – subdivision.

Mr. Wegner read the resolution regarding the fee schedule as presented (Exhibit #5).

Motion by Dave Hintz, second by Billy Fried to approve the resolution as presented and forward to the county board. With all members present voting “aye”, the motion carried.

NR115 – the Committee will be discussing major areas of change to Chapter 9, Oneida County Zoning and Shoreland Protection Ordinance as a result of the newly adopted NR 115.

Mr. Wegner referred to the memo provided to the committee comparing NR115 with the county ordinance (Exhibit #6). Mr. Wegner noted the answers to the questions presented to the DNR should be supplied to the department within the next week which could change the memo provided. Mr. Wegner will address sections in the ordinance that will be affected at the next committee meeting.

2:00 p.m. CONDUCT PUBLIC HEARING ON THE FOLLOWING:

Conditional Use Permit of Sean Hobena to open Bad Bones BBQ Shack and Catering restaurant in an existing building on property owned by Goltra Properties Minocqua, LLC

described as Village of Minocqua Lots 14 and 15 Block 7, Section 14, T39N, R6E, 201 Milwaukee Street W, PIN MI 3322 (includes MI 3323), Town of Minocqua.

Mr. Wegner read the notice of public hearing for the conditional use permit application indicated. The notice was published in the Rhinelander Daily News on May 19, 2010 and May 25, 2010. Along with the Lakeland Times the week of May 17, 2010 and posted on the Oneida County Courthouse bulletin board on May 13, 2010. The mailing list was also read into the record.

The following correspondence was received:

- Letter from the town approving of the conditional use permit with a waiver of the parking requirement.

Ms. Ray read the report provided (Exhibit #7) noting the general standards were approved and the following conditions required:

1. The project is commenced within 3 years from date of issuance.
2. The nature and extent of the use shall not change from that described in the application and approved in this Conditional Use Permit.
3. Subject to Town review and approval.
4. Proper permits to be obtained, as required, prior to construction (Town/County/State)
5. Fence to be constructed prior to use of outdoor cooker.
6. Sign permits to be obtained, as required, prior to placement.
7. Dumpster(s), if used, to be screened from view. Applicant must recycle waste material as required.

(added)

8. Subject to Oneida County Dept. of Health review and approval.

Sean Hobena was present and when asked indicated there is public parking in the area, dumpsters will be located in the alley, there will be no remodeling inside, some cooking outside and food carried inside, the cooker will be operated by an attendant.

Mr. Fried noted he understands the parking was waived, however he is concerned about adequate parking and fire safety.

Mr. Holewinski asked if there was any public comment for or against the issue at hand.

Mr. Hobena indicated he is for approval and also presented a letter he found in his door written by Michael Sabin in favor of the business.

There was no other public comment made.

Mr. Fried indicated he also received a letter dated 5/19/10 from Al and Ginny Winney in favor of the business.

Ms. Ray indicated the Minocqua fire chief approved of the proposed business and the Oneida County Health Department also addresses the outdoor cooking situation.

Motion by Larry Greschner, second by Gary Baier to approve the conditional use permit of Sean Hobena to open Bad Bones BBQ Shack, agenda item number fourteen, with the general standards having been met and the town concerns and staff conditions to be met. With all members present voting “aye”, the motion carried.

Rezone Petition #3-2010 of Potlatch WI Timberlands, LLC, Ryan Hanson agent to rezone from District 1-A, Forestry to District 15, Rural Residential on property described as SW NE, NW NW, SW NW, SE NW, SW ¼, NW SE, SW SE all in Section 32, T39N, R6E and SW NE, SE NE, SE ¼, SE SW, Section 36, T39N, R5E and NW SE, SW SE, SE SE, Section 22, T39N, R5E and NE NE, NW NE Section 27, T39N, R5E, Town of Minocqua.

Mr. Wegner read the notice of public hearing for the conditional use permit application indicated. The notice was published in the Rhinelander Daily News on May 18, 2010 and May 25, 2010. Along with the Lakeland Times the week of May 17, 2010 and posted on the Oneida County Courthouse bulletin board on May 13, 2010. The mailing list was also read into the record.

The following correspondence was received:

- Letter from the town approving of the conditional use permit.
- Email from Judy Remms indicated she would like to review the map. (This has been completed).
- Letter from Sondra Margitan as read with concerns for access and use.

Steve Osterman, Planning Manager indicated Ryan Hanson agent is present. Mr. Osterman read the report provided (Exhibit #8) and supplied maps with three parts each in forty acre parcels. Mr. Osterman noted it was discovered that Ms. Becker did not get notice of the public hearing.

Mr. Holewinski asked if there was any public comment for or against the issue at hand.

Sonja Margitan questioned section 32 noting the town road goes into Hazelhurst and asked if this will be rezoned. Ms. Margitan also noted there are wetlands and asked if this affects the rezone.

Mr. Hanson indicated no, this was not necessary. Mr. Osterman indicated the wetlands do not affect the rezone petition.

Ms. Margitan commented that as stated in her letter she requests that the land west of the Tomahawk River remain forestry.

Bill Liebert asked if there has been any contract zoning with this property, as the request will boarder over two different land use contracts. Mr. Liebert also commented that he does not believe the installation of public utilities should play into the rezone, as this is up to each owner.

Mr. Desmond commented that the county does not do contract zoning, as described. Mr. Desmond cautioned the county to allow easement access to unknown persons for

the use of snowmobiling, etc. as cited in past case law. Mr. Desmond also commented that the approval should reflect the town's land use plan as part of the rezoning.

Mr. Hanson commented he is for approval and does not believe the river should be the dividing line as described.

Mr. Desmond reminded the committee that there is a concern with the one lady who did not get notice of this public hearing and the statute requires this notice.

Motion by Larry Greschner, second by Gary Baier to table rezoning petition #3-2010 of Potlatch WI Timberlands, Town of Minocqua to allow time to inform the property owner who was not notified and obtain town clarification. With all members present voting "aye", the motion carried.

Reclamation Plan filed by Dean Bettinger, d/b/a Highway Maintenance Co., LLC, (Frank Klaver, owner) on property described as part SW NW, Section 4, T36N, R8E, PIN CR 54, Town of Crescent

Mr. Wegner read the notice of public hearing for the conditional use permit application indicated. The notice was published in the Rhinelander Daily News on May 18, 2010 and May 25, 2010. Along with the Lakeland Times the week of May 17, 2010 and posted on the Oneida County Courthouse bulletin board on May 13, 2010. The mailing list was also read into the record.

The following correspondence was received:

- Letter dated April 19, 2010 from the Town of Crescent approving of the reclamation plan.

Mr. Wegner read the report provided (Exhibit #9) and noted the conditions set forth in the report. Mr. Wegner asked Oneida County Highway Commissioner, Nick Scholtes if the bond amount was appropriate.

Mr. Scholtes commented that the bond amount is consistent with that of others. Mr. Scholtes described the background of the property noting a small portion of the land is owned by Oneida County; however this will not interfere with the county's reclamation.

Mr. Holewinski asked if there was any public comment for or against the issue at hand. There was no public comment made.

Motion by Billy Fried, second by Dave Hintz to approve the reclamation plan as presented with conditions described. With all members present voting "aye", the motion carried.

Public comments.

Norb Ross, complimented staff and the committee for making NR115 more comprehensive.

Bill Liebert, commented on his concern with the impervious calculation related to NR115 which he believes will not allow an owner the full benefit of their property.

Line items, transfers, refunds, purchase orders and bills.

Mr. Wegner presented two refunds in the amounts of \$371.28 and \$109.00, along with bills and purchase orders as noted (Exhibit #10 & #11).

Motion by Billy Fried, second by Gary Baier to approve the two refunds as presented. With all members present voting “aye”, the motion carried.

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

Approve future meeting dates: June 16 and July 7, 2010.

The committee agreed to the scheduled dates. Mr. Holewinski will be absent for the June 16th meeting.

Future agenda items.

* Baker Lake pollution.

Adjourn

Time: 3:23 p.m.

Motion by Dave Hintz, second by Gary Baier to adjourn. With all members present voting “aye”, the motion carried.

Scott Holewinski, Chair

Pete Wegner, Assistant Zoning Director