

**ONEIDA COUNTY PLANNING & ZONING**  
**September 15, 2010**

**12:30 P.M. CLOSED SESSION – COMMITTEE ROOM #2**  
**1:00 P.M. REGULAR SESSION – COMMITTEE ROOM #2**  
**2:00 P.M. PUBLIC HEARING – COMMITTEE ROOM #2**  
**COURTHOUSE, RHINELANDER, WI 54501**

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Members present: Scott Holewinski  
Dave Hintz  
Billy Fried  
Gary Baier

Department staff present: Karl Jennrich, Zoning Director  
Steve Osterman, Planning Manager  
Kathy Ray, Land Use Specialist  
Nadine Wilson, Land Use Specialist  
Kim Gauthier, Typist

Other County Staff: Brian Desmond, Corporation Counsel

Guests Who Signed In: (See sign in sheet)

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ALL AGENDA ITEMS ASSUMED TO BE DISCUSSION/DECISION.

Call to order.

Scott Holewinski, Chair called the meeting to order at 1:02 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 second 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. Junkyard complaint in the Town of Newbold.
- b. Junkyard complaint in the Town of Pelican.
- c. Contractor storage yard and sign complaint in the Town of Cassian.
- d. Conditional Use Permit for truck repair and sales in the Town of Minocqua.

**Motion by Gary Baier, second by Billy Fried to go into closed session. With all members present voting “aye”, the motion carried.**

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

**Motion by Scott Holewinski, second by Billy Fried to go into open session. Roll call vote: Scott Holewinski “aye”, Billy Fried “aye”, Gary Baier “aye”, Dave Hintz “aye”. The motion carried.**

Public comments.

Mr. Holewinski asked if there was any public comment.

Bill Liebert asked if conversation will take place regarding NR115. Committee agreed to allow discussion.

Public comment was closed.

Preliminary 2-lot certified survey map of Thomas and Valerie Maros at 7641 Hwy X being part of Gov't Lot 1, Section 28, T39N, R11E, PIN TL 1264-2C, Town of Three Lakes.

Mr. Jennrich presented map and copy of Article 9 with the Definitions section of the ordinance. Mr. Jennrich indicated the riparian frontage does not meet the ordinance.

Nadine Wilson, Land Use Specialist indicated there is no sanitary system on record so this is a very old system and there is not much room for a replacement on this property.

Mr. Jennrich indicated the department recommends denial due to excessive slopes and the fact that the Town of Three Lakes also denied the division.

Mr. Norris Ross, Town of Three Lakes indicated the town's decision to deny is based on the topography and location by the bridge and Highway X.

**Motion by Dave Hintz, second by Gary Baier to deny the subdivision of the Maros'. With all members present voting “aye”, the motion carried.**

Preliminary 3<sup>rd</sup> Addendum to the Three Lakes Haven Condominium being part of Lots 4, 5 & 6 Big Stone Plat, Section 2, T38N, R11E, Unit7 for expandable area, PIN TL 3476, Town of Three Lakes.

Ms. Wilson indicated the standard language will be added to the plat. The condo association has approved and the reason for the addendum is to unit number seven.

**Motion by Scott Holewinski, second by Billy Fried to approve the preliminary third addendum of Three Lakes Haven Condo, agenda item number seven. With all members present voting “aye”, the motion carried.**

Request to modify previously approved conditions of approval associated with a preliminary 2-lot Certified survey map of William Jensen Res. Trust, owner for property described as part of Gov't Lot 4, Section 33, T39N, R11E, on Medicine Lake, Town of

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Three Lakes. The original approval was given by the Planning and Zoning Committee on March 5, 2010 and time extensions granted to finalize and record map have expired.

Mr. Osterman indicated the owner has met all conditions with the exception of the maintenance agreement and a shared maintenance for lots one and two is a possibility and would need to be placed on the face of the plat.

Mr. Jensen was present and explained the owners will not sign an agreement because they have handled the maintenance for seventy years on their own.

**Motion by Dave Hintz, second by Gary Baier to approve the conditions to modify the previous conditions on the maintenance agreement. With all members present voting “aye”, the motion carried.**

NR 115. The Committee will be discussing draft language.

Mr. Wegner presented a draft of the NR115 proposed ordinance (Exhibit #1) and indicated the draft includes about forty percent of the changes thus far.

The committee agreed to set a date to address each section at a committee meeting which will only address NR115.

Mr. Holewinski allowed public comment.

Bill Liebert, asked that staff identify which ordinance language is going to be affected.

Bob Martini, commented that he would like to be a part of the discussion in the future and asked if this is based on the model. Mr. Martini noted there are other counties that have good language that is much better than the model. Mr. Martini also suggested the county and committee attend the September 25, 2010 Sustainability Fair at Nicolet College from 9:00 a.m. to noon.

Joe Handrick, Town of Minocqua, recommended the NR115 meeting be conducted at a municipality such as Minocqua or Three Lakes.

Section 9.52, Mobile Home, Manufactured Home and House Trailer Parks and Section 9.53 Campgrounds and Recreational Vehicle Parks. The Committee will be discussing density requirements.

Mr. Jennrich referred to Section 9.52 and Section 9.53 and asked if the committee wanted to consider looking at a density figure instead of acreage.

**Motion by Gary Baier, second by Dave Hintz instructing staff to address language options regarding density as discussed. With all members present voting “aye”, the motion carried.**

Approve POWTS Easement Forms.

Mr. Jennrich referred to the memo dated September 9, 2010 to the committee (Exhibit #3).

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**Motion by Dave Hintz, second by Gary Baier to approve the POWTS form as provided by staff. With all members present voting “aye”, the motion carried.**

Chapter 13, Oneida County Private Onsite Wastewater Treatment System Ordinance. The Committee will be discussing requests by Towns, Lake Associations and individuals to require inspections of Private Onsite Wastewater Treatment Systems (POWTS).

Mr. Jennrich referred to Section 13.61(13), noting the authority of the county. Mr. Jennrich supplied a copy of a letter dated June 28, 2010 from a lake associating making an inspection request (Exhibit #4). Mr. Jennrich asked the committee if this is something they would like the department involved in and noted this will require extra staff time and a policy of procedures.

**Motion by Dave Hintz, second by Gary Baier directing staff to draft a procedure and policy to address the POWTS requests. With all members present voting “aye”, the motion carried.**

The committee recommended staff research funding for those who can't afford these fees and possible funding for staff time.

**CONDUCT PUBLIC HEARING ON THE FOLLOWING:**

Conditional Use Permit Application of Rynders Development Co., Inc. for outdoor sales of landscaping materials including but not limited to mulch, topsoil, pavers, and fieldstone on the following described property: Part Gov't Lot 2, Section 14, T39N, R6E, at 815 27 Hwy 51, PIN MI 2205-1 (includes MI 2205) Town of Minocqua.

Mr. Jennrich read the notice of public hearing for the conditional use permit application indicated. The notice was published in the Rhinelander Daily News on August 31, 2010 and September 7, 2010. Along with the Lakeland Times the week of August 30, 2010 and posted on the Oneida County Courthouse bulletin board on August 26, 2010. The mailing list was also read into the record.

The following correspondence was received:

- Letter from the Town of Minocqua dated August 31, 2010.
- Letter from Dennis Herman dated September 10, 2010 withdrawing the CUP application.

Mr. Holewinski opened the meeting up to public comment even though the committee will not be acting on the CUP application.

Joe Handrick, Town of Minocqua, commented that the CUP was withdrawn but there is a pattern of development with an off premise sign to advertise. Mr. Handrick urged the committee to define what is an off premise sign.

Mr. Jennrich commented that legal counsel agreed this is an off premise sign.

The public hearing was closed for this agenda item.

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Revised Conditional Use Permit Application by Krist Oil Company to open an LP business which will include installation of a 30,000 gallon above ground LP bulk tank and inventory of six to twelve 500 gallon LP tanks on the following described property: Part SE NW and SW NW, n/k/a Lot 1 & 2 CSM V10 P2557, Section 10, T39N, R6E, at 9890 Old Hwy 70 Road, PIN MI 2161-1, Town of Minocqua.

Mr. Jennrich read the notice of public hearing for the conditional use permit application indicated. The notice was published in the Rhinelander Daily News on August 31, 2010 and September 7, 2010. Along with the Lakeland Times the week of August 30, 2010 and posted on the Oneida County Courthouse bulletin board on August 26, 2010. The mailing list was also read into the record.

The following correspondence was received:

- Letter from the Town of Minocqua dated September 8, 2010 recommending denial due to the reasons read.
- Letter from Mary Jackson dated September 8, 2010 a Morgan Oaks residence recommending denial.

Ms. Ray read the report provided to the committee (Exhibit #5). Those present included Mr. Krist, owner and Mr. Mike Dura, representative and Casey Otanostall (spelling unknown).

Mr. Dura explained the six foot high plantings on the proposed site and discussed the safety of a stationary tank versus tanks that are transported.

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

Joe Steinavich, Avanti Health, commented there is no egress on this road if there was need for evacuation and he has seventy plus patients and fifty staff to deal with if there was an emergency.

Bob Eckert, Morgan Oak Condo, submitted a petition from twenty plus residence (Exhibit #6) opposed to the development. Mr. Eckert commented this is bad for the economy, there are safety issues and this is not the place for a propane tank.

Mark Gier, commented this is a densely populated area and he understands the business venue, but this property is not the right place for propane. There are great safety concerns.

Patty Nick, Oak Park Estates, commented he researched recent explosions and the cause and affect of those, as explained in the handout presented (Exhibit #7).

Pete Walkowski, commented on his concern about his children in the neighborhood and the risk involved.

Mr. Krist, owner, commented on past disasters being those of pipe lines and not that of propane tanks. Mr. Krist indicated he is responsible and insured. Regarding the blow off, this happens by a torch system with many standards in place from the NFPA, which are federal guidelines.

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Dwight Logan, Oak Park Circle, commented he is a retired fireman who believes there is a great danger with this proposal.

Robert Carlson, Oak Park Estates, asked why the committee would allow another hazard to be created with this business.

Art Zellner, commented that natural gas is lighter and LP gas is heavy and will stay in the ground.

Delores (last name unknown), Oak Park Circle, commented that there is a traffic concern with a business of this type.

Mr. Krist commented that above ground tanks are better maintained. Mr. Krist also has propane businesses in Iron River and Bessmer. Photos were submitted of tanks in the surrounding area (Exhibit #8). When asked, Mr. Krist indicated he has a five million dollar insurance policy and the business is in a trust with other family members as owners.

Mr. Jennrich read the general standards of approval and the committee commented on each standard and if that standard can be met with the proposal presented.

Mr. Holewinski noted that all standards must be met for approval and the committee has decided they can not be met.

**Motion by Billy Fried, second by Dave Hintz that the general standards have not been met on the conditional use permit of Krist Oil. With all members present voting "aye", the motion carried.**

**Motion by Gary Baier, second by Billy Fried to deny the conditional use permit application of Krist Oil based on the general standards not being met. With all members present voting "aye", the motion carried.**

Rezone Petition #6-2010 of the Hodag Sports Club, landowner, MSA Professional Services Inc., Jim Rollmann agent to rezone land from District 1A Forestry and District #2, Single Family Residential to all District #4 Residential Farming on property described as follows:

- A. SE NW, Section 34, T37N, R9E, PL 658, Town of Pine Lake.
- B. SW NE, Section 34, T37N, R9E, PL 653, Town of Pine Lake.
- C. SE NE, Section 34, T37N, R9E, PL 654, Town of Pine Lake.
- D. All that part of NW SW lying north of Oak Leaf Road Section 35, T37N, R9E, PL 676-2, Town of Pine Lake.

Mr. Jennrich read the notice of public hearing for the conditional use permit application indicated. The notice was published in the Rhinelander Daily News on August 31, 2010 and September 7, 2010. Along with the Lakeland Times the week of August 30, 2010 and posted on the Oneida County Courthouse bulletin board on August 26, 2010. The mailing list was also read into the record.

The following correspondence was received:

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- Letter from the Town of Pine Lake dated August 19, 2010 approving of the rezone.

Jim Bollmann, MSA, commented the request is to rezone to residential farming to expand a trap shooting site. Mr. Bollmann indicated the only objection he has heard is that of noise.

Mr. Osterman, Planning Manager indicated there is a letter of objection from Mr. Godding, Mr. and Mrs. Crowell and Mr. Cortright dated August 14, 2010. Mr. Osterman read the report provided (Exhibit #9).

Mr. Holewinski opened the hearing for public comment.

Matt Matteson, Town of Pine Lake, commented the town is in favor of the rezone due to the economy stimulation this will create. Mr. Matteson recommended approval.

Jack Sorensen, Town of Pine Lake, noted he recluses himself since he is a member. However, there were ninety letters sent out to property owners. Concerns were brought before the town and input will be requested from the neighbors when the CUP comes before the board.

The public comment was closed.

**Motion by Billy Fried, second by Dave Hintz to approve the rezone petition #6-2010. With all members present voting "aye", the motion carried.**

Line item transfers, purchase orders and bills.

Mr. Jennrich provided to the committee the bills and purchase orders in the amounts of \$2632.50 and \$300.54 (Exhibit #10, #11). Also, statistics were presented (Exhibit #12).

**Motion by Dave Hintz, second by Gary Baier to approve the purchase orders and vouchers and line item transfers as presented. With all members present voting "aye", the motion carried.**

Refunds.

A refund in the amount of \$920 was presented.

**Motion by Gary Baier, second by Dave Hintz to approve the refund to Mr. Everest as presented. With all members present voting "aye", the motion carried.**

Approve future meeting dates: October 6 and October 20, 2010.

The committee approved the scheduled meetings. Mr. Holewinski will be absent October 20<sup>th</sup>.

Public comments.

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Bob Williams, commented he is a former member of the lake association. Mr. Williams expressed his concern of remodeling a home with a faulty septic system and asked why no permits or inspection would be needed. Mr. Williams indicated he is glad to see the department will allow the Lake Associations to report septic concerns.

Future agenda items.

- NR115 meeting to be held on September 30, 2010 at 10:00 a.m.
- On-premise signs.
- Septic inspection policy.
- Chickens in single family zoning.

Adjourn.

Time: 3:46 p.m.

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

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Scott Holewinski, Chair

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Karl Jennrich, Zoning Director