

**ONEIDA COUNTY PLANNING & ZONING COMMITTEE**  
**December 15, 2010**  
**12:30 pm – Closed Session**  
**1:00 pm - Regular Session**  
**2:00 pm – Public Hearing**  
**Committee Room #2**  
**Oneida County Courthouse, 2nd Floor Rhinelander WI 54501**

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Members present: Scott Holewinski, Chairman  
Gary Baier, Vice-Chair  
Dave Hintz  
Billy Fried  
Mike Timmons

Department staff present: Karl Jennrich, Zoning Director  
Lila Dumar, Secretary III

Other Department staff: Brian Desmond, Corporation Counsel

Guests: Ben Loma  
Carole Linn  
Steve Linn  
Tony Jones  
Brenda Thompson

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Call to order.

Scott Holewinski, Chairman, 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 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' from the Ordinary High Water Mark in the Town of Nokomis.

**12:30 pm - Motion by Gary Baier, second by Dave Hintz, to go into closed session. Roll call vote: Scott Holewinski “aye”, Billy Fried “aye”, Gary Baier “aye”, Dave Hintz “aye”, Mike Timmons “aye.” The motion carried.**

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

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**1:00 pm - Motion by Billy Fried, second by Dave Hintz, to go into open session. Roll call vote: Scott Holewinski "aye", Billy Fried "aye", Gary Baier "aye", Dave Hintz "aye", Mike Timmons "aye." The motion carried.**

Chairman Scott Holewinski announced that while in closed session the committee held discussion on a land disturbance and structures placed less than 75' from the Ordinary High Water Mark in the Town of Nokomis. There was no action taken.

Public comments.

There were no public comments.

Approve meeting minutes of November 17, 2010.

**Motion by Billy Fried, second by Mike Timmons to approve the meeting minutes of November 17, 2010 as presented. With all members voting "aye" the motion carried.**

Preliminary Plat of J&K Hodag Condominiums a condominium conversion consisting of 4-units, Jon Gillespie, owner for property described as all of Lot 1 CSM P2213, located in the SW SW, Section 36, T37N, R8E PIN NE 2224, Town of Newbold. The general location is the corner of Hwy K and Hwy 47.

Karl Jennrich, Zoning Director, reviewed the project with the committee. Anthony Jones, RLS, is present. Mr. Jennrich noted that this was approved by the Town Board on December 8, 2010 with no conditions. The property is zoned Business and the uses on this property already exist and are permitted. The condominium form of ownership will allow sale of the units individually.

Mr. Jennrich informed the Committee that the only change would be to the Declarations in Article XIII – Amendment. There should be a statement included that any future amendments to the condominium are subject to Oneida County Planning and Zoning approval. The Committee concurred.

**Motion by Dave Hintz, second by Gary Baier to approve the plat of J&K Hodag Condominiums as presented with the condition that a statement is added to Article XIII – Amendment, that any future amendments to the condominium are subject to Oneida County Planning and Zoning approval. With all members voting "aye" the motion carried.**

Request to withdraw a sign permit on property described as part of Gov't Lot 6, Section 11, T39N, R6E, PIN MI 2279-38, Town of Minocqua.

Karl Jennrich, Zoning Director, explained that he received a letter dated November 30, 2010 from Randy and Judy Gorski, requesting that the sign permit located at 8350 Hwy 51 be revoked. Mr. & Mrs. Gorski are the owners of the property. The permit was applied for and issued to Bradley Ort, who is a tenant and operates Eichenholz Amish Furniture. The sign is a 4' X 4' reader board. Mr. Jennrich recommended revocation of sign permit 10-1009. The Committee discussed the issue.

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**Motion by Mike Timmons, second by Dave Hintz, to revoke sign permit 10-1009 issued to Bradley Ort as requested by the property owners. With all members voting “aye” the motion carried.**

Section 9.56 and 9.20, Domesticated Chickens / Ducks. The Committee will be discussing allowing chickens in Single Family Residential zoning districts.

Karl Jennrich, Zoning Director, referred to a memo dated December 9, 2010, that was sent to the committee involving this issue. Two versions of new ordinance language are provided in the memo. Version 1 would allow keeping up to 8 chickens and/or ducks in the single family zoning district with no restrictions. Mr. Jennrich explained that the uses in the single family district are incorporated into other zoning districts. This would allow chickens and/or ducks in Multiple Family, Residential & Farming, Residential Retail, Recreational, Business B1 and Business B2 and in General Use. Version 2 would restrict keeping 8 chickens and/or ducks just to the Single Family District. The Committee discussed the issue.

Scott Holewinski noted that this ordinance amendment may be amended or sent back to the Planning and Zoning Committee by the County Board due to the fact that the Committee changed the ordinance language from what was posted in the notice of public hearing. The proposed ordinance language was changed based upon the public comment/input at the public hearing.

**Motion by Scott Holewinski, second by Mike Timmons, to forward Version 2 (Section 9.56) to the County Board in January, 2011. Mr. Jennrich will prepare an ordinance amendment for the Committee’s approval. With all members voting “aye” the motion carried.**

Yard signs. The Cranberry Lake Association is requesting “membership” signs to be placed on members property. Currently the Ordinance does not allow these.

Karl Jennrich, Zoning Director, informed the Committee that the Cranberry Lake Association would like to place membership signs on member’s property. The intention is to encourage and promote membership of the lake association. The membership dollars will be used to fight the Aquatic Invasive Species. However, this type of sign is not currently allowed by the sign ordinance. In addition, the Lake Association would like to place the sign on the fire number posts. Mr. Hintz stated that this was not acceptable to the Town of Three Lakes. The Committee discussed developing ordinance language to permit this type of sign with no permit required (exempt). There was concern regarding the placement of signs for other organizations and the potential content of the signs.

The Committee discussed the possibility that on-premise signs will no longer be regulated by the County if the upcoming changes to the sign ordinance are adopted in January, 2011. It would then be a concern for the Town to regulate.

**Motion by Dave Hintz, second by Gary Baier to table agenda item #10 to a future meeting agenda pending the January, 2011 County Board meeting. With all members voting “aye” the motion carried.**

Section 9.78, Sign Ordinance. The Committee will be acting on a Resolution to be forwarded to the County Board.

Karl Jennrich, Zoning Director, reviewed the Resolution to amend Section 9.78, Sign Ordinance with the Committee. Mr. Jennrich informed the Committee that amendments to Section 9.33 H were added to the resolution. The purpose is to ensure that it is clear that a sign permit is not required from the county.

**Motion by Dave Hintz, second by Gary Baier to add the amendments to Section 9.33 H so that permits are not required for on-premise signs. With all members voting “aye” the motion carried.**

Karl Jennrich, Zoning Director, reviewed the resolution with the Committee noting the effective date is April 1, 2011. This is to allow the towns time to develop a sign ordinance if they so wish. The Committee discussed the effective date.

**Motion by Dave Hintz, second by Gary Baier, to approve the resolution and to forward on to the County Board for adoption. With all members voting “aye” the motion carried.**

Discussion on motion.

Billy Fried asked Corporation Counsel for information on the possibility of using the zoning office to enforce town sign regulations. Brian Desmond, Corporation Counsel stated that the problem is having the zoning office involved in enforcement. Once a violation occurs, who does the enforcing? An Attorney General’s Opinion from 1983 says that the Corporate Counsel’s duties are limited to those that are enumerated in the Statute. The only way you can expand those duties is through the State Legislature. The Statute says that Corporation Counsel is there to advise and provide enforcement for the County only. Another problem is with the County’s insurance, which would only cover when Corporation Counsel is doing County work. Mr. Desmond stated that the towns could not use the County in any way for this purpose. The Committee and Mr. Desmond discussed the process that the Towns would need to follow in order to develop a Town Sign Ordinance.

1:55 pm – The Committee recessed.

2:00 pm – The Committee reconvened to conduct the public hearings.

After-the-Fact Conditional Use Permit Application of Musson Brothers Inc., Dean Schwab agent, to authorize outdoor hardwood sawdust storage for property described as part of the NE SE, and part of the SE SE, Section 4, both located in T36N, R9E, PIN PE 50-10 ad PE 53-5, Town of Pelican.

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Karl Jennrich, Zoning Director, read the notice of public hearing for the conditional use permit application indicated. The notice was published in the Rhinelander Daily News on November 29 and December 7th, 2010. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on November 24, 2010. The mailing list was also read into the record.

The following correspondence was received: Letter from the Town of Pelican dated November 8, 2010 recommending approval with the condition that it meets Oneida County Zoning regulations and that they may not operate before 7 am Monday through Friday.

Karl Jennrich, Zoning Director, reviewed the application and Conditional Use Permit Report with the Committee. Musson Bros., Inc. has been operating from this location since the 1940's. This is an after-the-fact conditional use permit application to store hardwood sawdust on an existing asphalt pad for Red Arrow for the production of Liquid Smoke. It is basically for excess storage. There are no issues with customers/employees, parking, sanitary facilities or storm water management. The property is zoned general use. Mr. Jennrich noted that the general standards of approval were provided to the Committee and recommended approval subject to:

1. The project is commenced in three years from the date of issuance.
2. The nature and extent of the conditional use shall not change from that described and approved in this Conditional Use Permit.
3. Hours of operation are from 7:00 a.m. to 7:00 p.m., Monday through Friday.

Mr. Holewinski asked if there was any public comment for or against the issue at hand. There was none.

Mr. Holewinski asked a 2<sup>nd</sup> time, if there was any public comment for or against the issue at hand. There was none.

**Motion by Gary Baier, second by Dave Hintz, to approve the Conditional Use Permit application of Musson Bros., Inc. with the general standards being met and subject to staff conditions noted above. In addition, the permit fee is reduced to \$500.00. With all members voting "aye" the motion carried.**

Conditional Use Permit of Riverside Finance Inc., owner, Pat Marquardt agent to relocate Champion Septic Office and septic truck storage on property described as part of Gov't Lot 7, Lot 1 CSM V8 P2048, Section 15, T36N, R9E, at 4353 River Bend Rd., PIN PE 193-6, Town of Pelican.

Karl Jennrich, Zoning Director, read the notice of public hearing for the conditional use permit application indicated. The notice was published in the Rhinelander Daily News on November 30 and December 7th, 2010. The proof of publication is contained in the file.

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The notice was posted on the Oneida County Courthouse bulletin board on November 29, 2010. The mailing list was also read into the record.

The following correspondence was received: Letter from the Town of Pelican dated December 9, 2010 recommending approval with the conditions that it meets Oneida County Zoning regulations and that the portion of River Bend Road between Highway 8 By-pass and County P is exempt from Town weight limits.

Karl Jennrich, Zoning Director reviewed the application and Conditional Use Permit Report with the Committee. The property is zoned Business. This is a request to relocate Champion Septic. This would include an existing office building and existing storage building for the septic pumping trucks. An additional storage building will be constructed in the future. Storm water Management, parking and sanitary facilities are satisfactory.

There was discussion regarding the hours of operation. It was the consensus of the committee to set the hours at 7 am – 8pm, Monday – Saturday, with the understanding that there will be emergency services provided so there may be occasional operation outside these hours.

Mr. Jennrich noted that the general standards of approval were provided to the Committee and recommended approval subject to:

1. The project is commenced within 3 years from date of issuance.
2. The nature and extent of the conditional use shall not change from that described and approved in this Conditional Use Permit.
3. Subject to Town review/recommendation.
4. Proper permits to be obtained prior to the start of construction (Town/County/State)
5. Sign Permit(s) to be obtained as required prior to placement.
6. If exterior lighting is installed, it must be downcast and shielded from above.
7. Dumpsters, if used, must be screened from view.
8. No effluent disposal authorized at this location.
9. Hours of operation are 7:00 am – 8:00 pm, Monday through Saturday, with the understanding there will be emergency services provided; there may be occasional operation outside these hours of operation.

Mr. Holewinski asked if there was any public comment for or against the issue at hand. Doug and Pat Marquardt stated their support of the project.

Mr. Holewinski asked a 2<sup>nd</sup> time, if there was any public comment for or against the issue at hand. Brenda Thompson and Chad Marquardt stated their support of the project.

**Motion by Gary Baier, second by Billy Fried to approve the conditional use permit application of Riverside Finance Inc., owner, Pat Marquardt agent to relocate Champion Septic Office and septic truck storage; with the general standards being**

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**met, subject to Town and staff conditions of approval. With all members voting “aye” the motion carried.**

After-the-Fact Conditional Use Permit for John and Michelle Wich, owners for an equine facility providing training, boarding and limited lessons at 8355 County Hwy K on property further described as part of NW NE, Section 4, T36N,R 7E, PIN WB 50, Town of Woodboro.

Karl Jennrich, Zoning Director, read the notice of public hearing for the conditional use permit application indicated. The notice was published in the Rhinelander Daily News on November 30 and December 7th, 2010. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on November 29, 2010. The mailing list was also read into the record.

The following correspondence was received: An email from Cindy Eckardt, stating her support of the Wich’s project.

Mr. Jennrich stated that he is waiting to hear back from The Town of Woodboro, but feels there shouldn’t be any concerns as the business has been operating for several years.

John Wich is present. Mr. Wich stated that he was unaware that a permit was needed. He had constructed the riding arena 9 years ago, for personal use, which gradually transformed into a business. This came to light when he hired a sign contractor to place a sign on County K.

Karl Jennrich, Zoning Director, reviewed the application and Conditional Use Permit Report with the Committee. The property is zoned Residential and Farming District #04. This is an after-the-fact request for an equine facility providing training, boarding and limited lessons for horses. The major buildings are for stalls, tack and a riding arena. Storm water Management, parking and sanitary facilities are satisfactory. This is an owner operated business with no employees. Proposed hours of operation are 6 am-8pm.

Mr. Jennrich noted that the general standards of approval were provided to the Committee and recommended approval subject to:

1. The project is commenced within 3 years from date of issuance (already commenced).
2. The nature and extent of the conditional use shall not change from that described and approved in this Conditional Use Permit.
3. Subject to Town review/recommendation.
4. Sign Permit(s) to be obtained as required prior to placement.
5. If exterior lighting is installed, it must be downcast and shielded from above.
6. Dumpsters, if used, must be screened from view.

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Mr. Holewinski asked if there was any public comment for or against the issue at hand. John Wich indicated his support.

Mr. Holewinski asked a 2<sup>nd</sup> time, if there was any public comment for or against the issue at hand. There was none.

**Motion by Gary Baier, second by Mike Timmons, to approve the Conditional Use Permit application of John and Michelle Wich with the general standards being met and subject to staff conditions noted above. In addition, the permit fee is reduced to \$500.00. With all members voting "aye" the motion carried.**

Line item transfers, purchase orders and bills.

Bills submitted for approval are \$1349.20.

Purchase Orders submitted for approval are \$758.01.

**Motion by Scott Holewinski, second by Dave Hintz to pay the bills and purchase orders. With all members voting "aye" the motion carried.**

Refunds.

There is a refund request for Robert J Collies, for the submittal of a subdivision review that was exempt from review.

**Motion by Scott Holewinski, second by Dave Hintz to approve the refund request of Robert J. Collies. With all members voting "aye" the motion carried.**

Approve future meeting dates: January 5 & 19, 2011.

The Committee confirmed the January 5 & 19, 2011 meetings as scheduled. Mr. Holewinski stated that he will not be available on January 19, 2011.

Approve future meeting dates for discussing changes to Chapter 9 as a result of amending NR 115.

The Committee scheduled meetings for January 4, 2011 and January 25, 2011. The meetings will begin at 1:00 pm.

Public comments.

There were no public comments today.

Future agenda items.



Dave Hintz requested an agenda item to discuss the possibility of drafting a County Resolution outlining the County's objections to NR 115. Mr. Jennrich discussed working with the DNR through the WCCA on NR 115. Gary Baier requested a copy of the contract between WCCA and the DNR (\$20,000).

Adjourn.

2:45 p.m. Motion by Mike Timmons, second by Billy Fried to adjourn. With all members voting "aye" the motion carried.

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Scott Holewinski, Chairman

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Karl Jennrich, Zoning Director