

AMENDED NOTICE OF MEETING

COMMITTEE: PLANNING & DEVELOPMENT
DATE: July 26, 2023
PLACE: ONEIDA COUNTY COURTHOUSE – COUNTY BOARD ROOM
TIME: CLOSED SESSION: 12:30 p.m.
PUBLIC HEARING: 1:00 p.m.
REGULAR MEETING: Immediately following Public Hearing

ZOOM OPTION: ID: 843 4388 8008 PASSCODE: 795423 PHONE: 312-626-6799

***Zoom is being offered as a convenience to view the meeting.
Remote participation is not allowed.***

It is possible that a quorum of county board members will be at this meeting to gather information about a subject over which they have decision-making responsibility. This constitutes a meeting of the County Board pursuant to State ex rel Badke v. Greendale Village Board, Wis 2d 553, 494 n.w.2d 408 (1993), and must be noticed as such, although the County Board will not take any formal actions at this meeting. It is also possible that there may be quorums of other County Board Committees present, although those committees will not take any formal action at this meeting.

Anyone having an interest may attend and be heard. Interested parties who are unable to attend may send written comments to Scott Holewinski, Chairman, Oneida County Planning & Development Committee, P.O. Box 400, Rhinelander, WI 54501. All written comments shall be received no later than 10:00 a.m. on July 26, 2023 and shall include your name and voting address and, if not from Oneida County, your property address within Oneida County. All written comments will be given to committee members prior to the start of the public hearing and announced by name during the public hearing. Written comments shall not be read into the record.

ALL AGENDA ITEMS ASSUMED TO BE DISCUSSION / DECISION

1. Call to order.
2. Approve the agenda.
3. 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. Approve closed session minutes of June 28, 2023.
 - b. Administrative Review Permit #2200112 and proposed Conditional Use Permit for MI 3239 and MI 3240.
4. A roll call vote will be taken to return to open session.
5. Announcement of any action taken in closed session.

CONDUCT PUBLIC HEARING ON THE FOLLOWING:

6. **Conditional Use Permit application** by Gabriel and Denise Pospyhalla, applicants and owners, and Greg Bubolz, agent, to develop a campground that includes sixty (60) campsites and four (4) cabins on the following described vacant property: Part of the NW ¼ of the SW ¼, Section 19, T36N, R6E, PIN NO 287, Town of Nokomis.
7. **Administrative Review Permit #2200112** authored by the Planning and Development Committee to consider amending, suspending, or revoking Administrative Review Permit #2200112 for property described as: Village of Minocqua, Lot 2, Block 3, Section 14, T39N, R6E, PIN's MI 3239 and MI 3240, 329 E. Front Street, Town of Minocqua.

Pursuant to Section 9.82(D) of the Oneida County Zoning and Shoreland Protection Ordinance: The Committee shall retain continuing jurisdiction over all activities authorized by the permit for the purpose of assuring compliance with this ordinance and other ordinances and the terms of the permit. Such authority shall be in addition to the enforcement authority of the Zoning Administrator. Upon notice to the Committee of an alleged violation of any permit, in its sole discretion, the Committee may hold a public hearing to consider amending, suspending or revoking the permit. Notice of the hearing and alleged violation shall be served upon the property owner and permit holder either in person or via certified mail to the address provided on the permit application form or otherwise provided to the Department a minimum of 72 hours prior to conducting the public hearing. The notice shall contain the date, time and place of the hearing, a description of the property, a description of the activity authorized by the permit, and a statement of the alleged violation(s). Notice shall also be published as a class 2 notice. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Committee at its sole discretion may hold additional public hearings. If the Committee finds after the hearing that the permit holder is not in compliance with the terms of the permit, it may amend, suspend or revoke the permit. The decision of the Committee shall be furnished to the permit holder in writing, stating the reasons therefore.

a. Staff will be giving a presentation that will include describing Administrative Review Permit (ARP) #2200112 and the Conditions attached to the Permit, correspondence between the applicant and Oneida County Staff and Representatives, and a timeline of staff observed violations of ARP #2200112.

b. The applicant will be given an opportunity to provide comment/testimony.

c. Public comments (limited to 3 minutes per person).

8. Approve meeting minutes of June 28, 2023.
9. Discussion/decision concerning an Americans with Disabilities Act (ADA) accessible walkway project for property located at 4341 Lake Mildred Road, further described as: Part of Government Lots 3 & 4, Lot 1 CSM V4 P1157, Section 20, T37N, R8E, PIN NE 196-21, Town of Newbold.
10. Discussion/decision concerning an Americans with Disabilities Act (ADA) accessible walkway project for property at 8529 Highway D, further described as: Part of Government Lot 3, Section 8, T38N, R7E, PIN LT 94, Town of Lake Tomahawk.
11. Discussion/decision concerning delivery methods to Town Chairs and Town Clerks regarding Conditional Use Permits (CUPs) and Administrative Review Permits (ARPs). The committee will be discussing using email transmittal as a main delivery method for Notices of Public Hearings.
12. Discussion/decision concerning delivery transmittal to Town Chairs and Town Clerks regarding complaint letters/correspondence. The committee will be discussing using email transmittal as a main delivery method for copies of complaint letters/correspondence.
13. Discussion/decision concerning Ordinance Amendment #07-2023. The committee will be reviewing the proposed changes to amend Chapter 9, Article 5, Section 9.53, Campgrounds and Recreational Vehicle Parks of the Oneida County Zoning and Shoreland Protection Ordinance.
14. Discussion/decision concerning establishing a policy for department refunds. Staff will be discussing standard refunds for overpayments and refund requests that staff will be bringing to the committee.
15. Discussion/decision concerning a refund request of Cynthia Waring, owner, for property described as: SE SE, Section 36, T37N, R6E, PIN CA 562-2A, Town of Cassian.
16. Discussion/decision – Planning & Zoning Department permit activity/revenue.
17. Refunds.
18. Line item transfers, purchase orders, and bills.

19. Approve future meeting dates: August 2 and August 9, 2023.

20. Future agenda items.

21. Adjourn.

NOTICE OF POSTING

TIME: Approx. 9:45 AM ~ DATE: July 24, 2023 ~ PLACE: ONEIDA COUNTY COURTHOUSE BULLETIN BOARD

SCOTT HOLEWINSKI, COMMITTEE CHAIR

Notice posted by the Planning & Zoning Department. Additional information on a specific agenda item may be obtained by contacting the person who posted this notice at 715-369-6130.

NEWS MEDIA NOTIFIED VIA E-MAIL AND/OR FAX – DATE: July 24, 2023 TIME: Approx. 10:00 AM

Lakeland Times	WJFW-TV 12
Star Journal	Vilas County News
WXPR Public Radio	Tomahawk Leader
WERL/WRJO Radio	

Notice is hereby further given that pursuant to the Americans with Disabilities Act reasonable accommodations will be provided for qualified individuals with disabilities upon request. Please call Tracy Hartman at 715-369-6125 with specific information on your request allowing adequate time to respond to your request.

See reverse side of this notice for compliance checklist with the Wisconsin Open Meeting Law.

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GENERAL REQUIREMENTS:

1. Must be held in a location which is reasonably accessible to the public.
2. Must be open to all members of the public unless the law specifically provides otherwise.

NOTICE REQUIREMENTS:

1. In addition to any requirements set forth below, notice must also be in compliance with any other specific statute.
2. Chief presiding officer or his/her designee must give notice to the official newspaper and to any members of the news media likely to give notice to the public.

MANNER OF NOTICE:

Date, time, place and subject matter, including subject matter to be considered in a closed session, must be provided in a manner and form reasonably likely to apprise members of the public and news media.

TIME FOR NOTICE:

1. Normally, a minimum of 24 hours prior to the commencement of the meeting.
2. No less than 2 hours prior to the meeting if the presiding officer establishes there is good cause that such notice is impossible or impractical.
3. Separate notice for each meeting of the governmental body must be given.

EXEMPTIONS FOR COMMITTEES & SUBUNITS

Legally constituted sub-units of a parent governmental body may conduct a meeting during the recess or immediately after the lawful setting to act or deliberate upon the subject which was the subject of the meeting, provided the presiding officer publicly announces the time, place and subject matter of the sub-unit meeting in advance of the meeting of the parent governmental body.

PROCEDURE FOR GOING INTO CLOSED SESSION:

1. Motion must be made, seconded and carried by roll call majority vote and recorded in the minutes.
2. If motion is carried, chief presiding officer must advise those attending the meeting of the nature of the business to be conducted in the closed session, and the specific statutory exemption under which the closed session is authorized.

SYNOPSIS OF STATUTORY EXEMPTIONS UNDER WHICH CLOSED SESSIONS ARE PERMITTED:

1. Concerning a case which was the subject of Judicial or quasi-judicial trial before this governmental body. Sec. 19.85(1)(a).

2. Considering dismissal, demotion or discipline of any public employee or the investigation of charges against such person and the taking of formal action on any such matter; provided that the person is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action is taken. The person under consideration must be advised of his/her right that the evidentiary hearing be held in open session and the notice of the meeting must state the same. Sec. 19.85(1)(b).
3. Considering employment, promotion, compensation or performance evaluation data of any public employee over which this body has jurisdiction or responsibility. Sec. 19.85(1)(c).
4. Considering strategy for crime detection or prevention. Sec. 19.85(1)(d).
5. Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session. Sec. 19.85(1)(e).
6. Considering financial, medical, social or personal histories or disciplinary data of specific person, preliminary consideration of specific personnel problems or the investigation of specific charges, which, if discussed in public, would likely have a substantial adverse effect on the reputation of the person referred to in such data. Sec. 19.85(1)(f), except where paragraph 2 applies.
7. 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. Sec. 19.85(1)(g).
8. Considering a request for advice from any applicable ethics board. Sec. 19.85(1)(h).

PLEASE REFER TO CURRENT STATUTE SECTION 19.85 FOR FULL TEXT CLOSED SESSION RESTRICTIONS:

1. Must convene in open session before going into closed session.
2. May not convene in open session, then convene in closed session and thereafter reconvene in open session within twelve hours unless proper notice of this sequence was given at the same time and in the same manner as the original open meeting.
3. Final approval or ratification of a collective bargaining agreement may not be given in closed session.
4. No business may be taken up at any closed session except that

which relates to matters contained in the chief presiding officer's announcement of the closed session.

5. In order for a meeting to be closed under Section 19.85(1)(f) at least one committee member would have to have actual knowledge of information which he or she reasonably believes would be likely to have a substantial adverse effect upon the reputation involved and there must be a probability that such information would be divulged. Thereafter, only that portion of the meeting where such information would be discussed can be closed. The balance of that agenda item must be held in open session.

BALLOTS, VOTES AND RECORDS:

1. Secret ballot is not permitted except for the election of officers of the body or unless otherwise permitted by specific statutes.
2. Except as permitted above, any member may require that the vote of each member be ascertained and recorded.
3. Motions and roll call votes must be preserved in the record and be available for public inspection.

USE OF RECORDING EQUIPMENT:

The meeting may be recorded, filmed, or photographed, provided that it does not interfere with the conduct of the meeting or the rights of the participants.

LEGAL INTERPRETATION:

1. The Wisconsin Attorney General will give advice concerning the applicability or clarification of the Open Meeting Law upon request.
2. The municipal attorney will give advice concerning the applicability or clarification of the Open Meeting Law upon request.

PENALTY:

Upon conviction, any member of a governmental body who knowingly attends a meeting held in violation of Subchapter IV, Chapter 19, Wisconsin Statutes, or who otherwise violates the said law shall be subject to forfeiture of not less than \$25.00 nor more than \$300.00 for each violation.

Prepared by Oneida County Corporation Counsel Office - 5/16/96