

ONEIDA COUNTY PLANNING and DEVELOPMENT COMMITTEE

August 9, 2023

COUNTY BOARD ROOM – 2ND FLOOR

ONEIDA COUNTY COURTHOUSE

RHINELANDER, WI 54501

Members present: Scott Holewinski, Bob Almekinder, Mike Timmons, Tommy Ryden

Members absent: Mike Roach

Department staff present: Karl Jennrich, Director; Todd Troskey, Assistant Director; Scott Ridderbusch, Land Use Specialist (via Zoom); Carla Blankenship, Land Use Specialist; Monique Taylor, Administrative Support

Other county staff present: Michael Fugle, Corporation Counsel; Outside Counsel, Andrew Jones; Billy Fried; Linnaea Newman; Steven Schreier; Grady Hartman; Terri Hook; Tyler Young

Guests present: See sign in sheet.

Call to order.

Chair Holewinski called the meeting to order at 12:00 p.m. in accordance with the Wisconsin Open Meeting Law.

Approve the agenda. Motion by Mike Timmons, second by Bob Almekinder 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. Administrative Review Permit #2200112 and proposed Conditional Use Permit for MI 3239 and MI 3240.
- b. Retaining wall closer than 75 feet to the ordinary high water mark (OHWM) in the Town of Three Lakes.

Motion by Mike Timmons, second by Tommy Ryden to go into closed session. Aye: Unanimous.

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

Motion by Tommy Ryden, second by Mike Timmons to return to open session. Aye: Unanimous.

Announcement of any action taken in closed session.

- a. Administrative Review Permit #2200112 and proposed Conditional Use Permit for MI 3239 and MI 3240.
- b. Retaining wall closer than 75 feet to the ordinary high water mark (OHWM) in the Town of Three Lakes.

CONDUCT PUBLIC HEARING ON THE FOLLOWING:

Conditional Use Permit application by David LaCanne, applicant and owner, to add seven (7) campsites to the existing bar/resort on property further described as: Part of Government Lot 1, Section 6, T36N, R6E, PIN NO 83, 10689 Swamp Lake Road, Town of Nokomis.

Mr. Jennrich read the details of the file into the record. The Notice of Public Hearing was posted in the Northwoods River News on July 25 and August 1, 2023. A Proof of Publication is contained in the file. The Notice of Public Hearing was also posted on the Oneida County Bulletin Board on July 20, 2023. An Affidavit of Mailing is contained in the file with a mailing list. A letter was received from the Town of Nokomis, read into the record, and contained in the file. Mr. Jennrich read the report, details of the proposal, and history of the property into the record. Mr. Jennrich stated that the Town approved the proposal and that the Oneida County Health Department was also sent the proposal and they sent the applicant campground code requirements.

If the applicant has met or agrees to meet all of the requirements and conditions of permit issuance, staff would suggest the following conditions be placed on the CUP:

1. The nature and extent of the conditional use shall not change from that described in the application and approved in the Conditional Use Permit.
2. Subject to the provisions of 9.53 Campgrounds of the Oneida County Zoning and Protection Ordinance.
3. A one hundred (100) foot setback from all property boundaries and a seventy-five (75) foot setback from the Right of Way of Swamp Lake Road be maintained for all campsites pursuant to 9.53 (B) (1) of the Oneida County Zoning & Shoreland Protection Ordinance.
4. Subject to Chapter 9, Article 9 Shoreland Protection Provisions of the Oneida County Zoning & Shoreland Protection Ordinance for grading and filling, wetlands, and placement of structures.
5. Subject to WDNR Stormwater and Grading permits for land disturbance greater than one acre and be submitted to this department.
6. Subject to Oneida County Health Department approvals and licensing.
7. Signage to comply with 9.78 Sign Regulations of the Oneida County Zoning and Shoreland Protection Ordinance. Sign permits as required.
8. Parking to comply with 9.77 Off-Street Parking and Loading Space and 9.53 (D) of the Oneida County Zoning and Shoreland Protection Ordinance.
9. Proper permits for structures be obtained prior to construction (Town/County/State).
10. Wastewater/sanitary pumping services to be done by licensed POWTS pumper.
11. Proper Private Onsite Wastewater Treatment Systems (POWTS) permits be submitted and approved by this department for the installation of a holding tank.
12. Full system evaluations for all existing POWTS systems not on record with the Zoning Department.
13. Exterior lighting must be downcast and shielded from above.
14. Dumpsters be screened from view and recycle waste materials as required.
15. Subject to addressing and road naming requirements per the Oneida County Land Information Office.

Chair Holewinski opened the public portion of the public hearing.

No one spoke.

Chair Holewinski closed the public portion of the public hearing.

Planning and Development

Motion by Mike Timmons, second by Tommy Ryden to approve the Conditional Use Permit as presented, subject to the fifteen (15) conditions being met and a timeline of July 30, 2024 to be added to Condition #12. With all members present voting “aye”, the motion carried.

Conditional Use Permit application by Scott and Renee Wisner, applicant and acting owner of Beak, LLC, to add a food trailer, outdoor bar and seating at the existing bar/tavern on the following described property: Part of Government Lot 5, Section 9, T38N, R11E, PIN TL 476-6, 1057 Highway 32, Town of Three Lakes. Mr. Jennrich read the details of the file into the record. The Notice of Public Hearing was posted in the Northwoods River News on July 25 and August 1, 2023. A Proof of Publication is contained in the file. The Notice of Public Hearing was also posted on the Oneida County Bulletin Board on July 20, 2023. An Affidavit of Mailing is contained in the file with a mailing list. A letter was received from the Town of Three Lakes, read into the record, and contained in the file. Mr. Jennrich also read the details of the report and proposal into the record.

If the applicant has met or agrees to meet all of the requirements and conditions of permit issuance, staff would suggest the following conditions be placed on the CUP:

1. The nature and extent of the conditional use shall not change from that described in the application and approved in the Conditional Use Permit.
2. License for operation of the food service must be approved by the Oneida County Health Department prior to opening.
3. Signage to comply with 9.78 Sign Regulations of the Oneida County Zoning and Shoreland Protection Ordinance.
4. Parking to comply with 9.77 Off-Street Parking & Loading Space of the Oneida County Zoning and Shoreland Protection Ordinance.
5. Dumpsters to be screened from view, applicant to recycle waste materials as required.
6. Proper zoning permits be obtained prior to construction.
7. Subject to a complete Private Onsite Wastewater Treatment System (POWTS) evaluation for the existing septic system if utilized for business service operations.
8. Subject land use permits for future developments to the property.

Chair Holewinski opened the public portion of the public hearing.

No one spoke.

Chair Holewinski closed the public portion of the public hearing.

Motion by Bob Almekinder, second by Tommy Ryden to approve the Conditional Use Permit as presented, subject to the eight (8) conditions being met. With all members present voting “aye”, the motion carried.

Discussion/decision concerning a Conditional Use Permit application by Kirk Bangstad, applicant and owner, to add an outdoor beer garden and rotating food truck to the existing use of the property, a craft brewery retail outlet, on the following described properties: Village of Minocqua, Lots 1 and 2, Block 3, Section 14, T39N, R6E, 329 E. Front Street, PIN’s MI 3239 and MI 3240, Town of Minocqua. The committee held the public hearing on August 2, 2023.

Chair Holewinski read the details of the matter into the record. Mr. Jennrich further read the details of the matter into the record. A Public Hearing was held on August 2, 2023. At that hearing, a motion was made by the committee to deny the Conditional Use Permit and due to time restrictions because of another meeting scheduled at the Woodruff Town Hall on August 2, 2023 at 5:00 p.m., the motion was held over to the continued meeting on August 9, 2023. The meeting was adjourned at 5:02 p.m.

Planning and Development

Chair Holewinski asked the applicant if he would like to make any comments prior to a vote being made on the motion held over from the meeting of August 2, 2023. Mr. Bangstad's attorney, Frederick Melms, asked for a continuation to provide an opportunity for the applicant to bring back a new proposal of the CUP.

Committee conferred with Attorney Melms concerning the request for a continued time period. Attorney Melms stated that his client anticipated for a proposal to be ready within the next two (2) or three (3) weeks.

Chair Holewinski also stated on the record that Tommy Ryden was provided with the information and materials from the meeting of August 2, 2023. Tommy Ryden confirmed reviewing of the information and materials provided.

Committee conferred with Corporation Counsel. Attorney Melms stated on the record that Mr. Bangstad has filed an appeal relative to the revocation of Administrative Review Permit #2200112.

The motion on the table from the meeting of August 2, 2023 was as follows:

"Motion by Chair Holewinski, second by Bob Almekinder to deny the Conditional Use Permit as presented."

Motion by Chair Holewinski, second by Bob Almekinder to withdraw the motion to deny the Conditional Use Permit as presented. All members present voted as follows:

Chair Holewinski, "aye".

Bob Almekinder, "aye",

Tommy Ryden, "no".

Mike Timmons, "aye".

Motion passed.

Motion by Chair Holewinski, second by Bob Almekinder to extend the time limits for approval of the existing Conditional Use Permit from 90 days to 180 days. With all members present voting "aye", the motion carried.

Chair Holewinski directed the applicant to contact staff to place the matter on the agenda for committee review. The applicant has up to 180 days from the time that the application was approved.

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. Mr. Jennrich stated that the department was requesting direction for fees to charge Ms. Waring concerning a permit and provided details of the property and background information of the previous permits and an appeal that Ms. Waring previously filed. The committee conferred with Mr. Jennrich and Ms. Waring. Mr. Jennrich stated that Ms. Waring paid after-the-fact fees for the related building permit, an appeal filing fee, and attorney expenses. Motion by Chair Holewinski, second by Mike Timmons to allow fees to be paid in the amount of \$525.00. With all members present voting "aye", the motion carried.

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. Mr. Jennrich read into the record Section 9.19, Relaxation of Standards for Persons with Disabilities of the Oneida County Zoning and Protection Ordinance. Mr. Troskey discussed the details

Planning and Development

of the matter and the property and asked for direction from the committee. The property owners spoke and explained the history of the property and the intent for the proposed project. The committee reviewed photos of the property and conferred with Mr. Troskey and the property owners. Committee stated that after-the-fact fees will need to be paid with their permit application and determined that there is record of a pre-existing retaining wall. Motion by Chair Holewinski, second by Mike Timmons that the fire pit is to be moved to the thirty-five (35) foot mark to be placed behind the guard bill, the property owners are to pay after-the-fact fees for their permit application, and that based upon the proof shown and determined that there was pre-existing retaining walls, the existing remodel stays. With all members present voting “aye”, the motion carried.

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. Mr. Troskey discussed the details of the project proposal and the property history with the Camp American Legion representative and the committee. Safety concerns were discussed as well. Motion by Mike Timmons, second by Tommy Ryden to allow for the property owners to proceed with a parallel footprint to be thirty-five (35) to seventy-five (75) feet based on the safety concerns presented and history and use of the property. With all members present voting “aye”, the motion carried.

Preliminary Minocqua Commercial Properties Condominium Plat, a two (2) unit business condominium, Minocqua Commercial Properties, owner, and submitted by Wilderness Surveying, Jim Rein, surveyor for the following property described as: Lot 1, CSM 4226, being part of Government Lot 6, Section 11, T39N, R6E, PIN MI 2179-50, 8516 Highway 51, Town of Minocqua. Mr. Jennrich discussed the details of the proposal of the condominium as well as the recommended conditions by the department. Motion by Bob Almekinder, second by Tommy Ryden to approve the condominium conversion as presented subject to the three (3) conditions being met. With all members present voting “aye”, the motion carried.

Discussion/decision concerning Catholic Bishop Diocese of Green Bay, owner, request to release Zoning Restriction on the following described property: Lot 1, CSM 1852 and unplatted lands all being part of Government Lot 1, Section 11, T38N, R9E, PIN SU 127-3, 6895 Highway 17, Town of Sugar Camp. Mr. Jennrich provided the background of the property, restriction in place, findings of the department, and reason for the request to release the restriction. Motion by Chair Holewinski, second by Tommy Ryden to approve the request to release the Zoning Restriction as presented. With all members present voting “aye”, the motion carried.

Preliminary nineteen (19) lot County Plat of Jace’s Northern Shores, Trever Ostrowski, owner, and submitted by Maines & Associates, Greg Maines, surveyor, for following vacant lands further described as being: Parts of the NW-NE, NE-NE, and SE-NE, Section 31, T36N, R6E, PIN’s NO 469, NO 470, & NO 472, Town of Nokomis. Mr. Jennrich read the details of the report and details of the matter with the recommendations of the department. A letter from the Town of Nokomis was received and read into the record. Committee conferred with Greg Maines and Mr. Jennrich.

If the Committee finds the subdivision requirements have been met, and recommends approval of this plat, staff would suggest the following conditions of approval prior to recording the final Plat of Jace’s Northern Shores:

Planning and Development

- 1) Addressing and 911 information must be submitted and approved by Oneida County Land Information Office for the placement of structures that require a site address.
- 2) Subject to Oneida County Highway Department access requirements.
- 3) Road naming must be approved by the Land Information Office and the Town of Nokomis.
- 4) Road construction specifications be met pursuant to 15.23 Public, Private and Easement Roads of the Oneida County Subdivision Control Ordinance.
- 5) Subject to 15.20 Installation & Improvements, of the Oneida County Subdivision Control Ordinance for the completion of roadways. This Committee may impose financial assurances to insure the completion of the private road and meeting all road standards.
- 6) A copy of all WDNR Stormwater and Grading permits and plans be provided to the department.
- 7) If a wetland delineation is performed, the department recommends a copy of the wetland delineation report for zoning permitting purposes.
- 8) Subject to a recorded Road Maintenance Agreement for the benefit of the users of the private road and be reviewed by this department prior to recording.
- 9) WDNR Managed Forest Land (MFL) withdrawal documentation be submitted to the Department prior to the recording of the plat.
- 10) Subject to Wisconsin Valley Improvement Company (WVIC) requirements and recommendations.
- 11) Proper certificates/signatures be obtained prior to recording of final plat.

Motion by Mike Timmons, second by Chair Holewinski to approve the plat as presented, subject to the eleven (11) conditions being met. With all members present voting "aye", the motion carried.

Preliminary fifteen (15) lot County Plat of Riley's Northern Shores, Trever Ostrowski, owner, and submitted by Maines & Associates, Greg Maines, surveyor, for following vacant lands further described as being; Parts of the NW-NE, NE-NE, SE-NE, & SW-NE, Section 31, T36N, R6E, PIN's NO 469, NO 470, & NO 472, & NO 472-1, Town of Nokomis. Mr. Jennrich read the details of the report and details of the matter with the recommendations of the department. A letter from the Town of Nokomis was received and read into the record. Committee conferred with Greg Maines and Mr. Jennrich.

If the Committee finds the subdivision requirements have been met, and recommends approval of this plat, staff would suggest the following conditions of approval prior to recording the final Plat of Riley's Northern Shores:

- 1) Addressing and 911 information must be submitted and approved by Oneida County Land Information Office for the placement of structures that require a site address.
- 2) Subject to Oneida County Highway Department access requirements.
- 3) Road naming must be approved by the Land Information Office and the Town of Nokomis.
- 4) Road construction specifications be met pursuant to 15.23 Public, Private and Easement Roads of the Oneida County Subdivision Control Ordinance.
- 5) Subject to 15.20 Installation & Improvements, of the Oneida County Subdivision Control Ordinance for the completion of roadways. This Committee may impose financial assurances to insure the completion of the private road and meeting all road standards.
- 6) A copy of all WDNR Stormwater and Grading permits and plans be provided to the department.
- 7) If a wetland delineation is performed, the department recommends a copy of the wetland delineation report for zoning permitting purposes.

Planning and Development

- 8) Subject to a recorded Road Maintenance Agreement for the benefit of the users of the private road and be reviewed by this department prior to recording.
- 9) WDNR Managed Forest Land (MFL) withdrawal documentation be submitted to the Department prior to the recording of the plat.
- 10) Subject to Wisconsin Valley Improvement Company (WVIC) requirements and recommendations.
- 11) Proper certificates/signatures be obtained prior to recording of final plat.

Motion by Mike Timmons, second by Bob Almekinder to approve the plat as presented, subject to the eleven (11) conditions being met. With all members present voting “aye”, the motion carried.

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. Mr. Jennrich discussed the request for the delivery method to the Towns for notifications relative to CUPs and ARPs to be via email transmittal instead of U.S. Mail and Certified Mail. Committee would like correspondence to be sent to the Towns to respond to the request, but a resolution is not needed.

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. The committee had no objections to the request being sent to the Towns to request email transmittal for notifications for a delivery method relative to complaint letters/correspondence.

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. Mr. Jennrich discussed the proposed changes and conferred with committee. Motion by Chair Holewinski, second by Mike Timmons to approve Ordinance Amendment #07-2023 and forward to a public hearing. With all members present voting “aye”, the motion carried.

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. Mr. Jennrich discussed the intent for the proposal for a policy for department refunds and for staff to determine eligibility on a case-to-case basis for refunds. Refunds would only be brought to committee as needed. Committee agreed that a policy should be drafted and presented at a future date for review and approval.

Discussion/decision – Planning & Zoning Department permit activity/revenue. Informational only.

Discussion/decision concerning a Resolution to retain outside counsel regarding Ordinance Amendment #13-2022. The committee will be reviewing a Resolution to forward to the Oneida County Board of Supervisors. The Planning and Development Committee held a meeting on May 17, 2023 with a motion made to approve seeking outside counsel for representation to move forward with the process of Ordinance Amendment #13-2022. The Administration Committee held a meeting on July 17, 2023 and discussed the approval of funding to retain outside counsel for Ordinance Amendment #13-2022 with a motion being made to approve the funding to retain outside counsel

Planning and Development

through the contingency budget, not exceeding the amount of ten thousand dollars (\$10,000). Motion by Mike Timmons, second by Tommy Ryden to approve and forward a Resolution to retain outside counsel to the Oneida County Board of Supervisors.

Discussion/decision concerning a refund request for James Janet, owner, for a Zoning Permit for property described as: Part of Government Lot 7, Section 24, T39N, R8E, PIN NE 1248-1, Town of Newbold. Mr. Troskey discussed the denied zoning permit details as well as the filed appeal and denied variance with the Board of Adjustment. Mr. Ridderbusch discussed his time involved in the matter. Committee determined a refund may be granted, less the time involved by staff. Motion by Bob Almekinder, second by Tommy Ryden to refund the requested amount less seventy-five dollars and 00/100 (\$75.00). With all member present voting “aye”, the motion carried.

Public comments. None.

Refunds. There was one (1) request. Motion by Mike Timmons, second by Tommy Ryden to approve the refund as requested. With all members present voting “aye”, the motion carried.

Line item transfers, purchase orders, and bills. None.

Approve future meeting dates. August 23 and September 6, 2023.

Future agenda items. As discussed.

Adjourn.

2:47 p.m. There being no further matters to lawfully come before the committee, Chair Holewinski adjourned the meeting.

Scott Holewinski, Chair

Karl Jennrich, Planning & Zoning Director