

**ONEIDA COUNTY PLANNING & ZONING**

**April 6, 2011**

**12:30 pm – Closed Session**

**1:00 PM – Regular Meeting**

**2:00 PM – Public Hearing**

**COMMITTEE ROOM #2**

**ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501**

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Members present: Scott Holewinski  
Gary Baier  
Billy Fried  
Mike Timmons  
Dave Hintz

Department staff present: Karl Jennrich, Zoning Director  
Peter S. Wegner, Assistant Zoning Director  
Lila Dumar, Secretary III  
Nadine Wilson, Land Use Specialist

Other County Staff: Brian Desmond, Corporation Counsel

Guests: Sharon Larson  
Mark Naniot  
Peter Schau  
Ben Loma

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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. All members are present.

Approve the agenda.

**Motion by Dave Hintz, second by Billy Fried 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. Non-metallic mine in the Town of Sugar camp.
- B. Pier violation in the Town of Minocqua.
- C. Illegal split of an out-lot in the Town of Lake Tomahawk

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**12:32 pm - Motion by Gary Baier, second by Dave Hintz, to go into closed session. Roll call vote: Scott Holewinski: "aye", Gary Baier "aye", Mike Timmons "aye", Billy Fried "aye", Dave Hintz "aye." The motion carried.**

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

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

Scott Holewinski, Chairman, stated that while in closed session, the Committee discussed the following: ate transfer violation in the Town of Schoepke. There was a motion made while in closed session. The secretary read the motion into the record.

**Motion by Gary Baier, second by Billy Fried to file a long-form compliant against Joan McKernan for a real estate transfer violation in the Town of Schoepke. The motion carried unanimously.**

1:00 pm – the Committee proceeded to the regular meeting agenda.

Public Comments.

There were no public comments at this time.

Approve meeting minutes of March 2, 2011.

**Motion by Dave Hintz, second by Billy Fried to approve the meeting minutes of March 2, 2011 as presented. With all members voting "aye" the motion carried.**

Section 9.56, Domesticated Chickens / Ducks.

Karl Jennrich, Zoning Director, reviewed a memo dated March 29, 2011 regarding revised ordinance language to Section 9.56, Domesticated Chickens/Ducks. Mr. Jennrich advised the Committee that Corporation Counsel has advised that an additional Public Hearing should be held for the new language due to Section 9.56 E (2) which will allow chickens in any zoning district. If that is the intent of the Committee, a new public hearing will be required. Mr. Jennrich noted that chickens are currently allowed on properties zoned Residential & Farming, Rural Residential, and General Use; and will be allowed in Single Family Residential if this is adopted. Chickens are also permitted on all unzoned properties. The Committee concluded that chickens will be permitted in adequate areas of Oneida County and not to allow chickens in all zoning districts.

There was discussion on Section 9.56 A Purpose & Intent. The Committee concluded that the language involving adverse effects should be eliminated.

There was discussion on Section 9.56 D. The Committee concluded that language should be added to ensure that chickens are not allowed outside of the coop.

Karl Jennrich, Zoning Director, will modify the ordinance amendment and to bring it back to the Committee in resolution form.

**Motion by Mike Timmons, second by Gary Baier for staff to amend Section 9.56 Domesticated Chickens and Duck as discussed today and bring the resolution back to committee to forward on to the County Board.**

Multiple dog licenses in Single Family Residential zoning districts.

Karl Jennrich, Zoning Director, stated that the Town of Three Lakes is requesting that the Committee look at developing stricter provisions for keeping multiple numbers of dogs. Currently, the County does not regulate the number of dogs that are permitted. The Committee concluded that this is a Town issue and each Town can adopt a town ordinance to address this.

Discussion only. No action was taken.

Section 9.98, Piers and Other Berth Structures.

Peter S. Wegner, Assistant Zoning Director, stated that he met with the DNR. If the County does not enforce piers, the DNR had no concerns. Mr. Wegner recommended providing the DNR with a draft of Section 9.98 with the sections stricken prior to moving forward with it. The Committee discussed keeping the 10 ft setback, marinas and lighting provisions.

The Committee directed staff to come back to the Committee with the proposed draft based on today's discussion.

Discussion only. No action taken.

2011 Senate Bill 36.

Karl Jennrich, Zoning Director, stated that 2011 Senate Bill 36 introduced by Senators Holperin, Jauch and Grothman. This is an Act to renumber and amend 59.692 (1m); to amend 289.35; and to create 59.692(1m) (b) and 59.692 (1m) (c) of the statutes. This involves unincorporated municipalities (Woodruff, Minocqua, Three Lakes) that have more densely developed areas. This bill would provide relief for those areas in relation to shoreland zoning and NR 115 requirements. The Committee discussed the issue.

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Karl Jennrich, Zoning Director, will advise the Committee when the public hearing for 2011 Senate Bill 36 is scheduled.

Discussion only. No action taken.

Line item transfers

There were no line item transfers.

Purchase orders and Bills.

Bills submitted for approval - \$548.28

Nonmetallic mining reclamation fees - \$3865.00

Purchase orders submitted for payment - \$237.45

**Motion by Scott Holewinski, second by Gary Baier to approve the purchase orders and bills as presented. With all members voting "aye" the motion carried.**

Approve future meeting dates: April 20 and May 4, 2011.

The meeting dates were confirmed for April 20, 2011 and May 4, 2011.

Public comments.

Ben Loma discussed ordinance changes and asked if a private citizen could participate with the committee on an ad hoc basis. The Committee advised Mr. Loma that was not possible.

Future agenda items.

- Prioritization of programs.
- Performance Evaluations.

1:57 pm – the Committee recessed.

**2:00 PM - The Committee reconvened to conduct the public hearing.**

**Conditional Use Permit Application** of Mark Naniot and Sharon Larson, owners to operate a wildlife rehabilitation center at 4621 Apperson Drive on property described as part SE SE, Section 16, T37N, R8E, PIN NE 144-4, Town of Newbold.

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Karl Jennrich, Zoning Director, read the notice of public hearing for the Conditional Use Permit Application of Mark Naniot and Sharon Larson to operate a wildlife rehabilitation center in the Town of Newbold. The notice was published in the Northwoods River News on March 22 & 29, 2011. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on March 17, 2011. The mailing list was also read into the record.

Correspondence in file: Email from Dave Kroll, Chairman, Town of Newbold advising that the Town has approved the Conditional Use Permit of Mark Naniot and Sharon Larson to operate a wildlife rehabilitation center. (A letter will also be sent from the Town Clerk).

The applicants, Mark Naniot and Sharon Larson are present. Nadine Wilson, Land Use Specialist, reviewed the conditional use permit application with the Committee. Ms. Wilson read the CUP Report noting the general standards were supplied by the applicant and if the Committee agrees that the general standards have been met, staff recommends approval with the following conditions:

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. Obtain Federal and/or State licenses for facility as required.
3. Maintain insurance on the facility
4. Vegetative buffer around exterior of property to remain and be maintained.
5. Fencing to be installed around outdoor cage area within 12 months from date of issuance.
6. Sanitary permit approved and issued to accommodate wildlife center and mobile home.
7. Zoning Permit for wildlife center and mobile home reviewed and approved by this Department. State approved plans for wildlife center as required.
8. Animal waste to be disposed of properly and in an environmentally friendly manner.

Chairman Scott Holewinski if there was any public comment for or against the issue at hand. Ben Loma stated that he was in favor of approval of the CUP.

Chairman Scott Holewinski asked a second time if there was any public comment for or against the issue at hand. There was none.

The public hearing was closed for further testimony.

**Motion by Scott Holewinski, second by to approve the conditional use permit of Mark Naniot and Sharon Larson, owners to operate a wildlife rehabilitation center at 4621 Apperson Drive on property described as part SE SE, Section 16, T37N, R8E, PIN NE 144-4, Town of Newbold, subject to staff concerns and conditions and the general**

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**standards having been met. With all members present voting “aye”, the motion carried.**

**Conditional Use Permit Application** of Heartwood Forestland Fund VI, LP, owner, SBA Towers III, LLC, lessee; and Peter Schau, agent to install and operate a 250’ lattice self-support communication tower (250’ tower with 6’ lightning rod) including 90’ x 90’ fenced compound area on property described as SE SW, Section 15, T37N, R11E, PIN PI 249, Town of Piehl.

Karl Jennrich, Zoning Director, read the notice of public hearing for the Conditional Use Permit Application of Heartwood Forestland Fund VI, LP, owner, SBA Towers III, LLC, lessee; and Peter Schau, agent to install and operate a 250’ lattice self-support communication tower (250’ tower with 6’ lightning rod) including 90’ x 90’ fenced compound area.

The notice was published in the Northwoods River News on March 22 & 29, 2011. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on March 17, 2011. The mailing list was also read into the record.

Correspondence in file: Email from Eugene Uhl, Town of Piehl Chairman, stating approval of the Conditional Use Permit by the Town Board.

The applicant, Peter Schau, agent for the applicant, is present. Nadine Wilson, Land Use Specialist, reviewed the conditional use permit application with the Committee. Ms. Wilson read the CUP Report noting the general standards were supplied by the applicant and if the Committee agrees that the general standards have been met, staff recommends approval with the following conditions:

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 in the application and approved herein.
3. Must comply with all Federal regulations specifically FAA & FCC
4. Placement of additional towers and/or antennae will require additional approvals.
5. Must obtain approved zoning permits for the tower and equipment building.
6. Applicant to provide copy of signed lease.
7. Fencing to be installed within 30 days after completion of tower (Section 9.54(I)).
8. Leased area to be removed from managed forest law prior to issuance of zoning permit.

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9. County and local government agencies shall have the right to reserve space upon any new tower or upon any tower being substantially modified per Section 9.54(D) (6).
  10. Financial Surety (bond) in accordance with Section 9.54(P) of the OCZ&SPO.

Chairman Scott Holewinski if there was any public comment for or against the issue at hand. There was no one present. The public hearing was closed for further testimony.

**Motion by Mike Timmons, second by Gary Baier, to approve the Conditional Use Permit of Heartwood Forestland Fund VI, LP, owner, SBA Towers III, LLC, lessee; and Peter Schau, agent to install and operate a 250' lattice self-support communication tower (250' tower with 6' lightning rod) including 90' x 90' fenced compound area on property described as SE SW, Section 15, T37N, R11E, PIN PI 249, Town of Piehl, subject to staff concerns/ conditions and the general standards having been met. With all members voting "aye" the motion carried.**

**Conditional Use Permit Application** of Heartwood Forestland Fund VI, LP, owner, Verizon Wireless, lessee of SBA Towers III, LLC; and Peter Schau, agent to locate up to 12 antennas at 247 feet on SBA's tower including constructing a 12' x 26' equipment building on property described as SE SW, Section 15, T37N, R11E, PIN PI 249, Town of Piehl.

Karl Jennrich, Zoning Director, read the notice of public hearing for the Conditional Use Permit Application of Heartwood Forestland Fund VI, LP, owner, SBA Towers III, LLC, lessee; and Peter Schau, agent to locate up to 12 antennas at 247 feet on SBA's tower including constructing a 12' x 26' equipment building.

The notice was published in the Northwoods River News on March 22 & 29, 2011. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on March 17, 2011. The mailing list was also read into the record.

Correspondence in file: Email from Eugene Uhl, Town of Piehl Chairman, stating approval of the Conditional Use Permit by the Town Board.

The applicant, Peter Schau, agent for the applicant, is present. Nadine Wilson, Land Use Specialist, reviewed the conditional use permit application with the Committee. Ms. Wilson read the CUP Report noting the general standards were supplied by the applicant and if the Committee agrees that the general standards have been met, staff recommends approval with the following conditions:

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 in the application and approved herein.

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3. Must comply with all Federal regulations specifically FAA & FCC
  4. Must obtain approved zoning permits for the antennas and equipment building.
  5. Applicant to provide copy of signed lease.
  6. County and local government agencies shall have the right to reserve space upon any new tower or upon any tower being substantially modified per Section 9.54(D) (6).

Chairman Scott Holewinski if there was any public comment for or against the issue at hand. There was no one present. The public hearing was closed for further testimony.

**Motion by Mike Timmons, second by Gary Baier, to approve the Conditional Use Permit of Verizon Wireless, lessee of SBA Towers III, LLC; and Peter Schau, agent to locate up to 12 antennas at 247 feet on SBA's tower including constructing a 12' x 26' equipment building on property described as SE SW, Section 15, T37N, R11E, PIN PI 249, Town of Piehl, subject to staff concerns/ conditions and the general standards having been met. With all members voting "aye" the motion carried.**

3:21 pm – Motion by Billy Fried, second by Gary Baier, to adjourn.

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Scott Holewinski, Chairman

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Karl Jennrich, Zoning Director