

**ONEIDA COUNTY PLANNING & ZONING**

**June 1, 2011**

**1:00 PM**

**Committee Room 2**

**Oneida County Courthouse, Rhinelander WI 54501**

---

Members present: Scott Holewinski, Chairman  
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 present: Brian Desmond, Corporation Counsel

Guests: John Henricks, III  
Don Sidlowski, Three Lakes Town Chairman

---

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 Billy Fried, second by Dave Hintz 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. Excavation and land disturbance violations within the shoreland vegetation protection area in the Town of Three Lakes.
- b. Pier placement, construction and number of berths contrary to Conditional Use Permit approval in the Town of Minocqua.
- c. Sign violation in the Town of Sugar Camp.

---

**12:32 pm - Motion by Gary Baier, second by Mike Timmons, 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.**

**1:10 pm – Motion by Dave Hintz, second by Mike Timmons 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.**

Excavation and land disturbance violations within the shoreland vegetation protection area in the Town of Three Lakes.

Scott Holewinski, Chairman, stated the Committee discussed excavation and land disturbance violations within the shoreland vegetation protection area in the Town of Three Lakes. There was no action taken. Discussion only.

Subdivision / Zoning violation in the Town of Hazelhurst.

Scott Holewinski, Chairman, stated that the Committee discussed Subdivision / Zoning violation in the Town of Hazelhurst. There was a motion made during closed session. The Secretary read the motion into the record:

**Motion by Billy Fried, second by Mike Timmons, to give Mary Whitman until July 1<sup>st</sup>, 2011 to comply with all the conditions of approval that were placed on the subdivision on September 17, 2008. Failure to do so will result in the issuance of daily citations beginning May 28, 2011. On a roll call vote the motion carried unanimously.**

Conditional Use Permit in the Town of Minocqua.

Scott Holewinski, Chairman, stated that the Committee discussed a conditional use permit in the Town of Minocqua. There was no action taken, discussion only.

Public comments.

Ben Loma thanked the Committee for their work on the chicken ordinance.

3-lot Certified Survey Map for property described as part of Gov't Lot 1, Section 10, T38N, R6E, PIN HA 113, HA 113-4 & HA 113-11, Town of Hazelhurst. This was approved by Committee on September 17, 2008. The owner would like conditions of approval modified.

Scott Holewinski, Chairman, stated that this was discussed in closed session prior to the meeting today. The Committee concurred that the conditions of approval that were placed on the 3-lot Certified Survey Map (CSM) on September 17, 2008 must be met and that all structures on the property are to be removed. Mr. Jennrich added that the committee agreed to give Mary Whitman an extension until July 1, 2011 to comply with

---

all of the conditions placed on the subdivision approval on September 17, 2008. Mr. Jennrich stated that if the cabins are not removed, daily citations will be issued dating back to May 28, 2011. A copy of the contract with Todd Schram is also requested to verify that he has been contracted to remove the cabins.

Discussion only. No action taken.

Policy regarding Ordinary High Water Mark determinations and zoning maps depicting zoning jurisdiction in unzoned Townships. Oneida County vs. Collins Signs.

Karl Jennrich, Zoning Director, stated that this was a policy decision and asked the Committee for direction regarding OHWM determinations and related zoning district mapping for unzoned Townships.

The Committee concluded that the County Zoning Maps are official and to make no changes in the Department practices in this regard.

Discussion only. No action taken.

Discuss Staff attendance to North Central Land and Water Conservation Association.

Karl Jennrich, Zoning Director, asked for himself and Peter S. Wegner, Assistant Zoning Director to attend the NCLWCA meeting in June.

**Motion by Mike Timmons, second by Gary Baier, to approve the Zoning Director's request for 2 staff members to attend the NCLWCA meeting in June. With all members voting "aye" the motion carried.**

Transfer of funds from contingency to the Planning & Zoning Department's legal fees line item for legal fees associated with Collins Signs.

Karl Jennrich, Zoning Director, stated that this is necessary due to the outcome of Oneida County vs. Collins Signs.

**Motion by Dave Hintz, second by Gary Baier, to approve the transfer of funds of \$2993.80 from contingency to the Planning and Zoning Department's legal fees line item. With all members voting "aye" the motion carried.**

Line item transfers, purchase orders and bills.

Bills submitted - \$1,955.64

Submitted to the Department of Commerce - \$9,700.00

Purchase Orders - \$453.34

---

Refunds.

Karl Jennrich, Zoning Director, stated that there is a refund request for Oettinger Excavating in the amount of \$175.00 due to an overpayment of fees. Mr. Jennrich recommended approval.

**Motion by Dave Hintz, second by Scott Holewinski to approve the refund request for Oettinger Excavating for \$175.00. With all members voting “aye” the motion carried.**

Approve future meeting dates: June 15 and July 6, 2011.

The Committee confirmed meeting dates for June 15, 2011 and July 6, 2011. Mike Timmons noted that he will not be present on July 6, 2011.

Public comments.

There was no public comment.

Future agenda items.

Sanitary Maintenance Cards.

1:45 pm – The Committee recessed until 2:00 pm for the scheduled public hearings.

**CONDUCT PUBLIC HEARING ON THE FOLLOWING:**

**Conditional Use Permit** application of John E. Henricks, III to operate “Henricks Power Sports” a small engine repair, parts sales and welding and also sell ATV’s, snowmobiles and other recreational vehicles at 3846 Country Dr. described as part NW SW, Section 36, T37N, R8E, PIN NE 404-18, Town of Newbold.

Karl Jennrich, Zoning Director, read the notice of public hearing for the Conditional Use Permit Application of John E. Henricks, III to operate “Henricks Power Sports” a small engine repair, parts sales and welding and also sell ATV’s, snowmobiles and other recreational vehicles at 3846 Country Dr. described as part NW SW, Section 36, T37N, R8E, PIN NE 404-18, Town of Newbold.

The notice was published in the Northwoods River News on May 17 & 24, 2011. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on May 12, 2011. The mailing list was also read into the record.

Correspondence in file: Correspondence from Town of Newbold dated May 18, 2011 approving the conditional use permit with no concerns.

John E Henricks, III is present. Nadine Wilson, Land Use Specialist, reviewed the conditional use permit application with the Committee. Ms. Wilson noted that Mr. Henricks wishes to operate a small engine repair facility for recreational vehicles (ATV, snowmobile, boats and motorcycles). Parts and recreational vehicles such as ATV's will also be sold at the facility. This property was currently used as a detailing shop and vehicle sales lot. The property has an office type building and a shop/garage building on it. 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. Precautions and containment shall be taken in handling of vehicle fluids, etc. All materials must be properly disposed of.
3. Driveway authorization from Wisconsin Department of Transportation.
4. Rental of vehicles is not permitted with this application.
5. No "repairable" vehicles to be sold on site. Operable, state licensed/titled vehicles to be sold only.
6. No accumulation of non-operable vehicles, equipment or debris permitted on this property.
7. "For sale" recreational vehicles and those waiting for service to be kept in areas designated on site plan.
8. Care to be taken so that service and sale yard (s) is not located over the top of existing drainfield and septic system or in highway right of way.
9. Outdoor vehicle testing may only take place between the hours of 9am and 6pm Monday thru Friday and 9am and 1pm on Saturdays. No outdoor vehicle running or testing to be done on Sundays.
10. Signage in accordance with Oneida County Zoning and Shoreland Protection Ordinance.
11. Delivery of vehicles and/or parts to be done during normal posted business hours
12. Driveway to remain open at all times for emergency vehicle access.
13. Town of Newbold concerns if any.

Chairman Scott Holewinski asked if there was anyone who wished to speak for or against the issue at hand. Bert Saal stated that he was in favor of approval of the conditional use permit.

Chairman Scott Holewinski asked again if there was anyone who wished to speak for or against the issue at hand. No one came forward.

2:10 pm - The public hearing was closed for deliberation.

---

**Motion by Dave Hintz, second by Gary Baier, to approve the conditional use permit of John E. Henricks, III to operate "Henricks Power Sports" a small engine repair, parts sales and welding and also sell ATV's, snowmobiles and other recreational vehicles at 3846 Country Dr. subject to staff concerns and conditions; Town of Newbold concerns and conditions; and the general standards having been met. With all members present voting "aye", the motion carried.**

**Conditional Use Permit** application of the Town of Three Lakes to construct a second fire station at the intersection of Hwy 32 and Col. Himes Rd. being part of NW NW, Section 11, T38N, R11E, PIN TL 501-7, Town of Three Lakes.

Karl Jennrich, Zoning Director, read the notice of public hearing for the Conditional Use Permit Application of the Town of Three Lakes to construct a second fire station at the intersection of Hwy 32 and Col. Himes Rd. being part of NW NW, Section 11, T38N, R11E, PIN TL 501-7, Town of Three Lakes.

The notice was published in the Northwoods River News on May 17 & 24, 2011. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on May 12, 2011. The mailing list was also read into the record.

Correspondence in file:

- Correspondence from the Town of Three Lakes dated May 4, 2011 approving the conditional use permit with the following conditions: (1) A warning light for the intersection to warn oncoming traffic that emergency vehicles are entering the highway; (2) no parking of vehicles, no signs and no landscaping within the 67 foot setback area along Highway 32 that could restrict sight of view for oncoming traffic from Col. Himes Road onto Highway 32.
- Letter from Jerry Ahlswede dated May 31, 2011, stating concerns with height restrictions within 3 miles of the Three Lakes Airport per DOT and FAA guidelines.

Don Sidlowski, Three Lakes Town Chairman is present. Nadine Wilson, Land Use Specialist, reviewed the conditional use permit application with the Committee. Ms. Wilson noted that the Town of Three Lakes wishes to construct a 2<sup>nd</sup> firehouse with a 36x60x16 (2160 sq ft) garage with an attached 30x24x9 (720 sq ft) entrance. Meeting and office area. This structure will house an engine truck, rescue vehicles, hazmat trailer and brush truck, and any other equipment necessary for fire protection and public safety.

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. Any hazardous materials\chemicals shall be used, stored and/or disposed of in accordance with State and Federal Regulations.
  3. Retain storm water and runoff on lot and not direct toward Hwy 32 and/or Col. Himes Rd.
  4. Code compliant POWTS to be installed with proper permits.
  5. If floor drain to be installed in garage area the runoff and waste is to be directed to a non-domestic holding tank with property permits acquired.
  6. No access onto Hwy 32 and no building/improvements within 67' from Hwy 32 right of way as shown on certified survey map recorded in Vol. 17, page 3910.
  7. Retain a visible view corridor at intersection of Hwy 32 and Col. Himes Road.
  8. Parking area to accommodate at least 15 vehicles.
  9. Zoning Permit with state approved plans.
  10. Signage in accordance with Oneida County Zoning and Shoreland Protection Ordinance.
  11. Town of Three Lakes concerns.

Chairman Scott Holewinski asked if there was anyone who wished to speak for or against the issue at hand. For the record, there was no one present.

2:20 pm - The public hearing was closed for deliberation.

**Motion by Dave Hintz, second by Mike Timmons, to approve the conditional use permit of the Town of Three Lakes to construct a second fire station at the intersection of Hwy 32 and Col. Himes Rd. subject to staff concerns and conditions; Town of Three Lakes concerns and conditions; and the general standards having been met. With all members present voting "aye", the motion carried.**

2:22 pm – Motion by Mike Timmons, second by Dave Hintz to adjourn. With all members voting "aye" the motion carried.

---

Scott Holewinski, Chairman

---

Karl Jennrich, Zoning Director