

ONEIDA COUNTY PLANNING and DEVELOPMENT COMMITTEE
December 17, 2014
COUNTY BOARD ROOM
2ND FLOOR, ONEIDA COUNTY COURTHOUSE
RHINELANDER WI 54501

Members present: Scott Holewinski, Billy Fried, Dave Hintz, Mike Timmons and Jack Sorensen

Department staff present: Karl Jennrich, Zoning Director and Julie Petraitis, Secretary

Other county staff present: Brian Desmond, Corporation Counsel

Guests present: See sign in sheet

Call to order.

Chairman Scott Holewinski called the meeting to order at 1 P.M., in accordance with the Wisconsin Open Meeting Law.

Approve the agenda:

Motion by Jack Sorensen, second by Mike Timmons to approve the amended agenda. With all members present voting “aye” the motion carried.

Public Comments:

None

Approve meeting minutes of December 3, 2014.

Motion by Dave Hintz, second by Jack Sorensen to approve the meeting minutes of December 3, 2014 as submitted. With all members present voting “aye” the motion carried.

Preliminary 2 lot survey map of Joseph Altschaefel, Tr, owner and Michael Oestreich, surveyor for property at 2402 Indian Point Lane further described as being pt Government Lot 2, Section 26, T35N, R10E, PIN EN 734-2, Town of Enterprise. Pursuant to Sec. 15.23 (1) (l) of Oneida County Subdivision control Ordinance.

The survey has to be reviewed and approved by the committee because of the width of the easement road. There is an exemption in the Ordinance that allows existing easement roads to be less than 66' in width. The Town sent a letter, dated December 11, 2014, approving the size of the easement road.

Motion by Jack Sorensen, second by Billy Fried to approve the request with the easement width exemption. With all members present voting “aye” the motion carried.

Board of Adjustment decisions. The Committee will be discussing the department's drafting of BOA decisions.

Harland Lee, Tim Melms and Brian Desmond were present to discuss this item.

Mr. Jennrich stated that the Department would draft a portion of the decision, The Findings of Fact, and the Board will draft the Conclusions of Law and The Order and Determination portion. The Board of Adjustment is responsible for the contents of the document. Mr. Jennrich did poll the neighboring Counties and they do draft the decisions for the Boards in some fashion.

Mr. Lee stated that he and Mr. Albert, BOA Secretary, are involved in the writing of the Decisions.

Mr. Melms stated that from a Lawyer's point of view he doesn't see anything wrong with this procedure. Mr. Desmond agreed.

Motion by Mike Timmons, second by Dave Hintz for the Planning and Zoning staff to continue with administrative support for the Oneida County Board of Adjustment in the writing of the decision with the Chairman and Secretary of the Board of Adjustment's review and signature.

Preliminary certified survey map of Stephen and Janice Armstrong, owners and Kip Soder, surveyor to change restriction on front of certified survey map recorded in Vol. 4, on page 952 to allow outlot 1 to construct a building for non-human habitation, at property on Wheeler Island Road further described as pt G.L. 1, Section 30, T39N, R11E, (Lot 1 and Outlot 1 of CSM rec in Vol. 4, page 952), part of PIN TL 1278-15, Town of Three Lakes.

Mr. Jennrich stated that the new survey map will include language that states "no habitable dwellings are allowed on outlot 1". The owners would like to build a garage.

Motion by Billy Fried, second by Mike Timmons to approve the change contingent upon the Town of Three Lakes approval.

Rezone Petition #13-2014, a rezone in the Town of Three Lakes. The committee will be reviewing and forwarding the Resolution to the Oneida County Board of Supervisors.

Motion by Dave Hintz, second by Mike Timmons to forward Rezone Petition #13-2014 to the Oneida County Board of Supervisors. With all members present voting "aye" the motion carried.

9.54, Communication Structures. The committee will be revising 9.54 pursuant to Wisconsin State Statue 66.0404, Mobile Tower Siting Regulations.

Mr. Jennrich informed the committee that there is a new State Statute 66.0404, Mobile Tower Siting Regulations that requires Oneida County to revise Section 9.54, Communication Structures. Draft language was sent to the committee for review. Discussion was held on the new regulations regarding Communication Structures.

Motion by Billy Fried, second by Jack Sorensen to increase the fee to \$1000.00 for a zoning permit for a cell tower with the Town being notified of the application. Motion rescinded.

The Committee tabled this item to make a few additional changes.

**Hold Public Hearing on the following:
Billy Fried left at this time.**

CONDITIONAL USE PERMIT application of Ton 80 Realty, owner; Central States Tower, lessee and Peter Schau, agent to construct a 245' (250" with lightning rod) lattice self support tower for wireless communication on property described as pt SW NE, Section 25, T37N, R7E, PIN CA 873-1, Town of Cassian, Oneida County, Wisconsin.

Mr. Jennrich read the Notice of Public Hearing into the record.

The notice was published in the Northwoods River News on December 2 and December 9, 2014.

The notice was posted on the Oneida County Courthouse bulletin board on November 26, 2014.

The mailing list and proof of publication are contained in the file.

Staff spoke to Larry Hendrickson, Town Chair, on December 15, 2014 and the Town is in favor of the tower.

Staff would recommend approval with the following conditions:

1. Nature and extent of the Conditional Use shall not change from that described in the application.
2. Must comply with Federal regulations, specifically FAA, FCC, State and Historic Preservation, WDNR, WDOT.
3. Placement of additional antennae requires additional tubals.
4. Must obtain a zoning permit for the Tower.
5. Applicant to provide a copy of the signed lease.
6. Financial Bond in the amount of \$20,000.00.
7. Town concerns.
8. The current tower owner shall be on file with Oneida County.

Chairman Holewinski opened the public portion of the public hearing.

Mr. Schroeder and Mr. Subel spoke.

There was nobody else in attendance.

Chairman Holewinski closed the public portion of the public hearing.

Motion by Mike Timmons, second by Dave Hintz to approve the Conditional Use Permit with the eight conditions outlined. With all members present voting "aye" the motion carried.

CONDITIONAL USE PERMIT application of Ray and Karen Scholtes, owner; Central States Tower, lessee and Peter Schau, agent to construct a 245' (250' with lightning rod) lattice self support tower for wireless communications on property described as pt NE NW,

Section 6, T36N, R10E, PIN PE 550, Town of Pelican, Oneida County, Wisconsin.

Mr. Jennrich read the Notice of Public Hearing into the record.

The notice was published in the Northwoods River News on December 2 and December 9, 2014.

The notice was posted on the Oneida County Courthouse bulletin board on November 26, 2014.

The mailing list and proof of publication are contained in the file.

A letter from the Town of Pelican, approving the application contingent upon all State and County requirements being met, dated October 10, 2014 is contained in the file.

There is nobody present for or against this agenda item.

Motion by Dave Hintz, second by Scott Holewinski to approve the Conditional Use Permit with the same eight conditions as outlined in item #21. With all members present voting "aye" the motion carried.

CONDITIONAL USE PERMIT application of Olson's Ultimate Caretaking Inc., owner, Central States Tower, lessee and Peter Schau, agent to construct a 195' (199' with lightning rod) lattice self support tower for wireless communication at 11714 Back Bay Rd further described as pt G.L. 4, Section3, T39N, R5E, PIN MI 1631, Town of Minocqua, Oneida County, Wisconsin

Mr. Jennrich read the Notice of Public Hearing into the record.

The notice was published in the Northwoods River News on December 2 and December 9, 2014.

The notice was posted on the Oneida County Courthouse bulletin board on November 26, 2014.

The mailing list and proof of publication are contained in the file.

The Minocqua Town Board recommends approval with the following conditions:

1. Must meet all State, County and DOT requirements.
2. The wooded area must be maintained for screening wooded area; if wooded area is logged or removed, leased area must be re-screened.
3. The real estate taxes on the parent parcel must be current.
4. Tower owner may not prohibit co-location and agrees to work in good faith to enter into agreements with additional providers.

A letter from Lynn and Dan Neill, 243 S Evanslawn, Aurora, IL 60506, received on December 15, 2014, in opposition of the tower is contained in the file.

An e-mail from Linda Myers, received on October 27, 2014, in favor of the tower is contained in the file.

There is nobody present for or against this agenda item.

Chairman Holewinski closed the public portion of the public hearing.

Motion by Dave Hintz, second by Jack Sorensen to approve the Conditional Use Permit with the Town conditions as well as the same eight conditions in the previous agenda items. With all members present voting “aye” the motion carried.

CONDITIONAL USE PERMIT application of EJR5, LLC, owner (formerly owned by RAR Holdings, LLC); SBA Towers, lessee; and Peter Schau, agent to construct and operate a 180' (184' with lightning rod) monopole for wireless communications on Hwy 70 and Ranchwood Drive further described as pt SW NE, Section 8, T39N, R6E, PIN MI 2125, Town of Minocqua, Oneida County, Wisconsin.

Mr. Jennrich read the Notice of Public Hearing into the record.

The notice was published in the Northwoods River News on December 2 and December 9, 2014.

The notice was posted on the Oneida County Courthouse bulletin board on November 26, 2014.

The mailing list and proof of publication are contained in the file.

There is correspondence from the Town of Minocqua, dated November 19, 2014, approving the Conditional Use Permit with the following conditions:

1. Must meet all State, County and DOT requirements.
2. The leased area must be screened from Highway 70.
3. The real estate taxes on the parent parcel must be current.
4. Tower owner may not prohibit co-location and agrees to work in good faith to enter into agreements with additional providers.

There is correspondence from the WDOT allowing access from Hwy 70.

There is nobody present for or against this agenda item.

Chairman Holewinski closed the public portion of the public hearing.

Motion by Mike Timmons, second by Dave Hintz to approve the Conditional Use Permit with the Town conditions and staff recommendations being met. With all members present voting “aye” the motion carried.

Attendance at FEMA Risk Map Discovery meeting in Elcho.

Motion by Jack Sorensen, second by Mike Timmons to approve attendance. With all members voting “aye” the motion carried.

Staff attendance to the 2015 Local Land Use Planning and Zoning WisLine Teleconference Series.

Mr. Jennrich explained what this involves.

Motion by Jack Sorensen, second by Dave Hintz to approve attendance of Karl Jennrich and Pete Wegner and any committee member that wishes to attend. With all members present voting “aye” the motion carried.

Zoning Directors involvement with Wisconsin County Code Administrator’s group as a district representative.

Mr. Jennrich stated he was nominated to this position. There is one meeting per year that he will need to attend.

Motion by Jack Sorensen, second by Mike Timmons to approve involvement. With all members present voting “aye” the motion carried.

Line item transfers, purchase orders, and bills.

Motion by Dave Hintz, second by Scott Holewinski to approve the bills as submitted. With all members present voting “aye” the motion carried.

Refunds

None

Approve future meeting dates: January 7, 2015 and January 21, 2015.

The January 7, 2015 meeting may be cancelled due to a conflict with another meeting for some members.

Public comments.

Nobody is present.

Future agenda items.

As discussed.

Adjourn.

2:44 p.m. There being no further matters to lawfully come before the Committee, a motion was made by Mike Timmons, second by Jack Sorensen to adjourn the meeting. With all members present voting “aye”, the motion carried.

Chairman Scott Holewinski

Karl Jennrich
Planning & Zoning Director