

**ONEIDA COUNTY PLANNING & ZONING**  
**August 17, 2011**  
**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: Gary Baier  
Billy Fried  
Mike Timmons  
Dave Hintz

Department staff present: Karl Jennrich, Zoning Director  
Nadine Wilson, Land Use Specialist  
Kathy Ray, Land Use Specialist  
Lila Dumar, Secretary III

Other County Staff: Brian Desmond, Corporation Counsel

Guests: Bob Williams, OCLRS  
Pete Schau  
Jean Roach  
Jimmy Rein  
Elmo Roach  
Larry Hahn  
John Roberts  
Sonja Roberts  
Robert Brautigam  
Sue Brautigam  
Carole Kroeger  
James J Kroeger  
Richard Upthegrove  
Vicki Vauk Smith  
Merrill Hansen  
Joan Hansen  
Donald Oremus  
Zdward Erickson  
Linda Erickson  
Leonard Guth III  
James Buss  
Timothy Clark  
Beth Kroeger

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Gary Baier, Vice Chairman, called the meeting to order at 1:00 p.m. in accordance with the Wisconsin Open Meeting Law. Mr. Baier noted the agenda was properly posted. All members are present, with the exception of Scott Holewinski, who is excused.

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Approve the agenda.

**Motion by Dave Hintz, second by Mike Timmons, to approve the agenda. With all members present voting “aye”, the motion carried.**

Public Comment.

Bob Williams commented that the committee is doing a good job with the Ordinance Revisions for NR 115.

Approve meeting minutes of June 15, 2011.

**Motion by Mike Timmons, second by Dave Hintz, to approve the meeting minutes of June 15, 2011 as presented. With all members voting “aye” the motion carried.**

Approve meeting minutes of July 26, 2011.

**Motion by Billy Fried, second by Mike Timmons to approve the meeting minutes of July 26, 2011 as presented. With all members voting “aye” the motion carried.**

Conditions of approval for the 3-lot subdivision at intersection of Dr. Pink Drive and Dam Road and further described as part of the NW SE, formerly Cedar Wood Condo, Section 10, T39N, R6E, PIN MI 2167-15, Town of Minocqua. This was before the Planning and Zoning Committee on June 2, 2010.

Kathy Ray, Land Use Specialist, reviewed the request to modify the conditions to allow a shared well (Lots 1 & 2). Karl Jennrich, Zoning Director, stated that he would have no problems with the request provided there is a shared well maintenance agreement on record.

**Motion by Billy Fried, second by Dave Hintz, to approve the modification of conditions to allow a shared well with a maintenance agreement. With all members voting “aye” the motion carried.**

Replat of “Ponderosa of Harshaw”, Don Szmurlo, owner on property described as part SW SE, Section 25, and part NW NE, Section 36, all located in T37N, R6E, Town of Cassian.

Karl Jennrich stated that this is a re-plat of “Ponderosa of Harshaw” to eliminate the outlot by joining it to the other parcels.

**Motion by Dave Hintz, second by Mike Timmons to approve the replat of “Ponderosa of Harshaw” as presented. With all members voting “aye” the motion carried.**

Natural Resources Board Meeting update. Extension of time to comply with NR115.

The Natural Resources Board has extended the time to comply with NR 115 to February 2014. Karl Jennrich, Zoning Director, asked for permission to attend meetings with the Natural Resources Board.

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**Motion by Dave Hintz, second by Billy Fried, to allow either Karl Jennrich or Peter S. Wegner to attend the meetings. With all members voting "aye" the motion carried.**

Section 9.54 M, Communication Structures, charges for Co-location.

Peter Schau, Verizon Wireless, is present. Karl Jennrich, Zoning Director, explained that Section 9.54 M - Communication Structures regulate charges for co-location to control the number of cellular towers. This section states as follows:

*The holder of a CUP under this section shall make the structures and sites available for the placement of technologically compatible communication structures, antenna arrays, and associated equipment under contractual provisions which are standard in the industry and at prevailing market rates allowing the permit holder to recoup the cost of providing the co-location sites and a fair return on investment.*

Mr. Schau explained that Verizon Wireless has attempted to remove two existing antennas they have on a tower and place 9-12 new antennas on the same tower. The rental rate that the landowner has quoted is 3 times higher than what Verizon Wireless has paid in the past. Mr. Schau stated that they will have to look for a different site for a new tower instead of co-location on this existing tower, which could be a reason for denial of a conditional use permit for a new tower. Mr. Schau provided documentation of prevailing market rates for co-location in this area.

There was discussion by the Committee. The Zoning Director will review this with Brian Desmond, Corporation Counsel, and will bring this back to the Committee.

OA 3-2011. The Committee will be discussing the definition of Keyhole Development.

Karl Jennrich, Zoning Director, discussed keyhole development with the Committee. This was previously discussed on August 2, 2011. Mr. Jennrich discussed the definition of keyhole development, which he had reviewed with Corporation Counsel.

**Motion by Dave Hintz, second by Mike Timmons, for staff to bring a resolution back to the committee to clarify keyhole development. The resolution will be reviewed and forwarded to the County Board. With all members voting "aye" the motion carried.**

**2:00 PM - CONDUCT PUBLIC HEARING.**

Conditional Use Permit Application of DW Jones, proposed buyer and James Rein agent to construct a 56 unit assisted living facility along with a 14 unit memory care facility on property currently owned by Rynders Realty, Inc. on property described as part of Gov't Lot 5 & 6, Section 10, T39N, R6E, PIN MI 2163, Town of Minocqua.

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Karl Jennrich, Zoning Director, read the notice of public hearing for the Conditional Use Permit Application of DW Jones for a 56 unit assisted living facility and a 14 unit memory care facility in the Town of Minocqua.

The notice was published in the Northwoods River News on August 2 & 9, 2011; the Lakeland Times, the week of August 1, 2011. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on July 28th, 2011. The mailing list was also read into the record.

Correspondence in file: Letter from the Town of Minocqua with approval contingent on a rezone of the property; landscape bond or letter of credit being submitted in the amount of \$35,000.00; all trash screened in a dumpster area; to provide a plan for screening on the NE property line to block light to Lots 35, 36, 37 & 38 of Oak Park Estates and must meet all County and State requirements.

Kathy Ray, Land Use Specialist, reviewed this project. Jimmy Rein, Wilderness Surveying is also present. Ms. Ray stated that the property has been rezoned to District #03 Multiple Family; the property is served by the Lakeland Sanitary District; Stormwater management/Erosion control plans have been submitted and meet the requirements; the parking plan exceeds the minimum requirements; density requirements are met; setback to all wetlands are met.

The applicant submitted the general standards of approval of the CUP and the Committee was supplied a copy. If the Committee find the standards have been met, and recommends approval of this application, staff would suggest the following conditions be placed on the CUP.

1. Project to commence within 3 years of the date of issuance.
2. The nature and extent of the conditional use shall not change from that described and approved in this Conditional Use Permit.
3. Subject to Town review/recommendation as stated in their June 8, 2011 letter.
4. Proper permits to be obtained prior to construction (Town/County/State).
5. Subject to Oneida County Department of Health review and approval.
6. Signage to conform to Section 9.78 of the Oneida County Zoning and Shoreland Protection Ordinance.
7. Dumpster(s) to be screen from view. (Applicant to recycle waste materials as required).
8. Stormwater management and erosion control plans as required by Wis DNR.
9. Exterior Lighting to be downcast and shielded from above.
10. Wetland to be delineated prior to obtaining a zoning permit for construction.
11. No excavation within 5 feet of delineated wetland areas.
12. Silt fence to be placed within 25 feet of wetland areas prior to excavation or construction.
13. Filling of wetland areas is prohibited without proper approval/permits.
14. Maintenance of retention pond as required.
15. Obtain access driveway permit as needed from the Town.
16. Subject to an Administrative Review Permit (ARP) to be obtained prior to construction of proposed future expansion.

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Vice Chairman Baier asked if anyone else wished to speak for or against the issue at hand. No one came forward.

Vice Chairman Baier asked again if anyone else wished to speak for or against the issue at hand. No one came forward.

2:15 pm. The public hearing was closed. No further public commented will be accepted.

**Motion by Dave Hintz, second by Billy Fried, for approval of Conditional Use Permit Application of DW Jones, proposed buyer and James Rein agent to construct a 56 unit assisted living facility along with a 14 unit memory care facility in the Town of Minocqua, subject to the general standards having been met, Town concerns and staff recommendations. With all members voting "aye" the motion carried.**

**Conditional Use Permit Application of James Kroeger, owner to operate a firewood sale business at 2578 S. Shore Rd. legally described as part Gov't Lot 5, Section 22, T35N, R10E, PIN EN 724-7, Town of Enterprise.**

Karl Jennrich, Zoning Director, read the notice of public hearing for the Conditional Use Permit of James Kroeger, owner to operate a firewood sale business at 2578 S. Shore Rd. legally described as part Gov't Lot 5, Section 22, T35N, R10E, PIN EN 724-7, Town of Enterprise.

The notice was published in the Northwoods River News on August 2 & 9, 2011; the Lakeland Times, the week of August 1, 2011. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on July 28th, 2011. The mailing list was also read into the record.

James and Beth Kroeger, applicants, are present. Attorney Keith F Ellison representing the Kroeger's is also present.

Correspondence received:

Letter from the Town of Enterprise to Nadine Wilson dated 3/14/11 stating that the town board voted to postpone until the wetland issue is resolved. The letter is part of the record of today's meeting.

Letter from the Town of Enterprise dated 8/12/11 stating that the town board will leave the decision of the CUP to the discretion of the County. The letter is part of the record of today's meeting.

Karl Jennrich, Zoning Director, provided a public correspondence chart which he reviewed with the Committee, and is part of the record of this meeting. All the letters and emails referenced on the chart are part of the record.

Karl Jennrich, Zoning Director, read correspondence from Attorney Keith F Ellison, in response to concerns and complaints regarding the Conditional Use Permit of James Kroeger. This

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correspondence is a part of the record. Mr. Ellison provided a list a times and dates when complaints were filed, when Mr. Kroeger was actually working out of town.

Nadine Wilson, Land Use Specialist, reviewed the conditional use permit with the Committee. The property is zoned General Use, District #10. Ms. Wilson stated that this project consists of an outdoor firewood sales business which includes picking up wood off site, bringing it to his property located on South Shore Road, cutting, splitting and stacking it, then loading the cut/split wood into a trailer and hauling it to customers off site. Mr. Kroeger burns the sawdust in his outdoor fire pit. Mr. Kroeger generates approximately 25 to 30 face cord of wood for sale a year. He also cuts wood for his personal use.

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Ms. Wilson stated that the applicant submitted the general standards of approval of the CUP and the Committee was supplied a copy. If the Committee find the standards have been met, and recommends approval of this application, staff would suggest the following conditions be placed on the CUP. [These conditions were read for discussion purposes. It is anticipated that the conditions will be modified following input at the public hearing.]

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. Proper disposal of oil, gas etc. from equipment/tools.
3. Hours of operation including days of operation [to be determined].
4. Area of operation to remain in location designated on site plan.
5. No parking of truck or leaving trailer on South Shore Road.
6. Vegetative buffer along North and South side lot lines to be maintained.
7. After-the-fact fees to be paid.
8. Town of Enterprise concerns, if any.

Vice Chairman Baier asked if anyone wished to speak for or against the issue at hand.

The following individuals spoke in opposition of the conditional use permit of James Kroeger.

Tim Clark, 2574 South Shore Drive, Pelican Lake WI  
Jean Roach, 845 Mekinak Point, Pelican Lake WI  
Elmo Roach, 845 Mekinak Point, Pelican Lake WI  
Larry Hahn, 2067 Kabel Rd, Pelican Lake WI  
Donald Oremus, 596 County G, Pelican Lake WI  
Sue Brautigam, 2582 South Shore Rd, Pelican Lake WI  
Carol Kroeger, 2602 South Shore Rd, Pelican Lake WI  
Robert Brautigam, 2582 South Shore Rd., Pelican Lake WI  
Richard Upthegrove, 788 Mekinak Point, Pelican Lake WI  
Ed Erickson, 3025 Roothouse Road, Pelican Lake WI  
Karen Vauk Smith, 788 Mekinak Point, Pelican Lake WI  
Sonja Roberts, 851 Mekinak Point, Pelican Lake, WI  
Bob Metropulos, (Certified Appraiser), Rhinelander WI

The following individuals spoke in support of the conditional use permit of James Kroeger.

Leonard Guth, III  
Jim Bush

Vice Chairman Baier asked if anyone wished to speak for or against the issue at hand.

No one came forward.

Vice Chairman Baier asked if anyone wished to speak for or against the issue at hand.

No one came forward.

4:05 pm - The public hearing was closed. No further public comment will be accepted.

The Committee reviewed the General Standards (Section 9.42 E) that must be met before a conditional use permit can be approved. The Committee concluded that with conditions all of the general standards can be met.

**Motion by Billy Fried, second by Mike Timmons, to approve the conditional use permit application of James Kroeger, owner to operate a firewood sale business at 2578 S. Shore Rd., Town of Enterprise, with the general standards having been met. Staff will revise the conditions of approval and bring back to the Committee for approval. With all members voting "aye" the motion carried.**

**Motion by Gary Baier, second by Billy Fried to forego the after-the-fact fee. With all members voting "aye" the motion carried.**

Line item transfers, purchase orders and bills.

Purchase orders submitted for payment – \$4,965.35.

Bills submitted for payment - \$1,298.49.

**Motion by Dave Hintz, second by Mike Timmons to pay the bills. With all members voting "aye" the motion carried.**

Refunds.

There were no refunds.

Approve future meeting dates: September 7 and September 21, 2011.

The Committee confirmed the meeting dates of September 7, 2011 and September 21, 2011.

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Public comments.

None.

Future agenda items.

None.

4:50 pm – Motion by Mike Timmons, second by Billy Fried, to adjourn. The motion carried unanimously.

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Scott Holewinski, Chair

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Karl Jennrich, Zoning Director