

ONEIDA COUNTY PLANNING AND DEVELOPMENT COMMITTEE

August 6, 2013

1:00 p.m. Regular Meeting

2:00 p.m. Public Hearing

Committee Room #2, Oneida County Courthouse

Rhinelander WI 54501

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Members present: Chairman Scott Holewinski  
Dave Hintz  
Jack Sorensen  
Mike Timmons  
Gary Baier

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

Other Staff: Brian Desmond, Corporation Counsel

Guests present: See Sign in Sheet

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Chairman Scott Holewinski called the meeting to order at 1:00 pm, in accordance with the Wisconsin Open Meeting Law. All members are present.

Approve the agenda.

**Motion by Jack Sorensen, second by Mike Timmons, to approve the agenda. With all members voting "aye", the motion carried.**

Public Comment.

Kathy Muntner voiced her opposition to the Committee's planned opposition to the change in State regulation on impervious surfaces (NR 115).

Approve May 29, 2013 meeting minutes .

Scott Holewinski noted a typo on page 6.

**Motion by Jack Sorensen, second by Dave Hintz to approve the meeting minutes of May 29, 2013 as corrected. With all members voting "aye", the motion carried.**

Approve July 8, 2013 meeting minutes.

Scott Holewinski suggested re-wording on page 2, with regard to how many were "for" and how many were "against."

**Motion by Mike Timmons, second by Scott Holewinski to approve the July 8, 2013 meeting minutes as amended by Mr. Holewinski. The minutes will be brought back to the next meeting for final review by the Committee. With all members voting “aye”, the motion carried.**

Review Northwoods Association of Realtors request to amend Section 9.78, Signs, of the Oneida County Zoning and Shoreland Protection Ordinance.

Karl Jennrich, Zoning Director, stated that at the last meeting it was agreed to bring this item back today.

Mr. Jennrich stated he received a letter from the Wisconsin Department of Transportation regarding placement of signs in right-of-ways of Town, County or State roads. Mr. Jennrich read the letter into the record and provided copies to the committee.

Mr. Jennrich noted that he has received phone calls from the Town of Pelican and the Town of Lake Tomahawk stating that they are not in favor of the directional arrow signs at the intersections (off premise signs). Mr. Jennrich read into the record correspondence from Mark Hartzheim, Minocqua Town Chair, opposing these signs. The letter is a part of the record of today’s meeting. A letter was also received from the Town of Hazelhurst noting that they have their own sign ordinance and if Oneida County creates the exception for realty signs, the Town has more restrictive sign regulations.

Matt Seegert and Brenda Thompson are representing NWAR. In addition, Jim Klifton, Ed Choinski, Kristy Elliott, Ron Skagen and Mary Ann Kalkofen spoke in favor of allowing an exception for the realtor’s directional signs as being proposed. The following points were discussed.

1. Signs have been around for many years despite that the ordinance was in place.
2. NWAR objects to Mr. Hartzheim’s assertion that most of the public are opposed to these signs. There has been no public back lash against the signage—only one complaint.
3. There are already 19 exceptions in the sign ordinance for various reasons. NWAR is asking for a similar exception.
4. Generic unbranded signs do not advertise any realty; they only provide the public with the information that a land owner down that road has a house for sale.
5. Technology in the Northwoods is limited and spotty (GPS, Smart Phones, etc.)
6. Safety. The signs provide notice where a house is for sale, for those out there driving around looking for properties for sale.
7. Impact of removal of the directional arrow signs as far as the number of showings, etc.
8. Real estate transfer fees and how they help the county.
9. Real estate transfer program and how the realtors helped the county implement the program.
10. Graduation party signs, balloons, rummage sale signs, and political signs and others that are exceptions.
11. Some roads are not marked with the road name.
12. Home sales will be reduced.
13. NWAR wants to be reasonable and work with the County.

The Committee temporarily discontinued discussion in order to conduct the public hearing on today's agenda. The Committee will come back to this agenda item following the conclusion of the public hearing.

2:00 PM – Conduct public hearing.

**Rezone Petition #7-2013** authored by Lynn's New Opportunities, LLC and Jeff Bruss to rezone property from District #02, Single Family Residential to District #07, Business as follows: Property A: That part of the NE NW, E of Hwy 45, Section 25, T39N, R10E (TL291) and; Property B: All of the SE NW except the South 200 feet of Section 25, T39N, R10E, (TL 294) and; Property C: the NW NE, Section 25, T39N, R10E (TL288), all in the Town of Three Lakes.

Adam Gohlke, petitioner; and Nadine Wilson, Land Use Specialist, are present.

The notice was published in the Northwoods River News on July 23 & July 30, 2013. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on July 18, 2013. The mailing list was also read into the record.

Correspondence.

Mr. Jennrich stated that the Town of Three Lakes approved Petition #07-2013. He read the approval letter into the record. The adjoining and all affected land owners were provided with a written notice of the change and there were no objections.

There is no other correspondence either for or against the rezone change.

Mr. Jennrich stated that the current owner is interested in selling the property as a "commercial" property. The property fronts a State Highway. Properties to the north and south are currently zoned district #07 Business District.

2:07 PM – Chairman Holewinski opened up the hearing for public comment.

No comments were made from the public.

2:08 PM – Chairman Holewinski closed the hearing from any public comment.

**Motion by Dave Hintz, second by Jack Sorensen, to approve Rezone Petition #7-2013, based on the general standards having been met, and the recommendations of the Town of Three Lakes and zoning staff. With all members voting "aye", the motion carried.**

Review Northwoods Association of Realtors request to amend Section 9.78, Signs, of the Oneida County Zoning and Shoreland Protection Ordinance. (Continuation).

The Committee continued its discussion from earlier today.

NWAR members continued to comment on the various issues noted below, and held discussion with the Committee. (Speakers: Brenda Thompson, Matt Seeger, Ron Skagen, Ed England, Michael Bauer)

1. This was not previously enforced and it worked.
2. State law prevents placement of signs in the right-of-way.
3. Property sales help the economy.
4. Question: Can an exception be made just for realtors? Realtors: The exception is for the property owner to assist in the sale of their property.
5. This has been blown out of proportion based on one person's complaint—there is no public complaint.
6. If the County does go forward with this request, Town's will begin to develop their own Town Sign Ordinance.
7. Weekend event signs.
8. Home sellers.

**Motion by Scott Holewinski, second by Gary Baier to direct the Zoning Director and Corporation Counsel to work on the legal questions asked and work on proposed changes to the sign ordinance; a public hearing will be held to obtain the public opinions on this issue. With all members voting "aye", the motion carried.**

Request of Michael Bauer to waive the Board of Adjustment fee of \$500.

The Committee discussed this issue. Scott Holewinski stated that the Committee cannot authorize the fee be waived; the cost of the hearing far exceeds the fee. In addition, the issue is a fee to the Board of Adjustment; the question should be taken to the Board of Adjustment.

**Motion by Scott Holewinski, second by Mike Timmons, that the committee cannot waive the appeal fee. The request is denied. With all members voting "aye", the motion carried.**

Review further enforcement of off-premise real estate for sale signs.

Karl Jennrich, Zoning Director, stated that he has sent out a lot of letters on signs that are in violation; no citations have been issued. The Committee directed the Zoning Director to continue as he has been and that these signs cannot be placed in the right-of-way pursuant to Wis. Stats. The Zoning Director will send a letter to all Town Chairs advising them of the recent correspondence from the DOT on placement of signs in the right-of-way.

Discussion only. No action taken.

Discuss Supreme Court decision Lake Koshkonong Decision, Jefferson County.

Corporation Counsel discussed the Decision with the Committee. This case involves the public trust doctrine and whether the legislature has delegated to the Department of Natural Resources (DNR)

authority to regulate private, non-navigable waters above the ordinary high water mark. It was found that the DNR does have the authority to regulate above the ordinary high water mark through legislation.

Information to the Committee. No action taken.

Wisconsin Department of Natural Resources Public Hearing on NR 115.

The Committee reviewed the Notice of Public Hearings on revisions to ch. NR 115, Wis. Adm. Code relating to the shoreland zoning standards. The Committee members and staff (Karl Jennrich, Peter Wegner) may attend the public hearing on August 22, 2013 in Tomahawk, Wisconsin.

**Motion by Jack Sorensen, second by Scott Holewinski to authorize the committee members and staff to attend the public hearing to be held in Tomahawk, WI on August 22, 2013. With all members voting “aye”, the motion carried.**

Discuss Resolution opposing impervious surface limitations as spelled out in NR 115 and forward to the Oneida County Board of Supervisors.

Karl Jennrich, Zoning Director, stated that the resolution was drafted at the request of Supervisor Jack Sorensen. The Committee reviewed and edited the draft resolution.

**Motion by Jack Sorensen, second by Gary Baier, to approve and forward the resolution (as edited) to the County Board. With all members voting “aye”, the motion carried.**

Directors attendance at the Wisconsin DNR Flood Insurance Workshop on September 26, 2013 at the Minocqua Public Library.

**Motion by Jack Sorensen, second by Dave Hintz, to approve the Director’s & Committee members attendance at the Wisconsin DNR Flood Insurance Workshop on September 26, 2013. With all members voting “aye”, the motion carried.**

Forward Ordinance Amendment #5-2013 to the Oneida County Board of Supervisors. Amendments to Section 9.99, Shoreland Uses and Structures.

**Motion by Gary Baier, second by Mike Timmons, to forward Ordinance Amendment #5-2013 to the County Board. With all members voting “aye”, the motion carried.**

Forward Ordinance Amendment #6-2013 to the Oneida County Board of Supervisors. Amendments to Section 9.94A, Boathouses.

**Motion by Gary Baier, second by Dave Hintz, to forward Ordinance Amendment #6-2013 to the County Board. The motion carried with a majority vote of 4:1.**

Line item transfers, purchase orders and bills.

Purchase Orders - \$754.95

Bills - \$1,314.56

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

Refunds.

Denton Lake Storage \$100.00 (over payment)

H&H Septic \$15.00 (over payment)

G&C Investments \$129.00 (over payment)

James Pohl \$500.00 (withdrew rezone petition)

**Motion by Dave Hintz, second by Jack Sorensen, to approve the refunds as requested by the Zoning Director. With all members voting "aye", the motion carried.**

Approve future meeting dates: August 21 and September 4, 2013.

The Committee confirmed meeting dates for August 21, September 4 and September 18, 2013  
August 22, 2013 will be the NR 115 Public Hearing in Tomahawk, which will be posted as a meeting.

**Information only.**

Public comments.

Bob Williams – cannot pass a ordinance just for one group such as the realtors association.

Future agenda items.

None.

3:50 pm. **Motion by Jack Sorensen, second by Mike Timmons to adjourn. With all members voting "aye", the motion carried.**

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Scott Holewinski, Chairman

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Karl Jennrich, Zoning Director