

NOTICE OF MEETING

COMMITTEE: PLANNING & DEVELOPMENT
DATE: MAY 1, 2019
PLACE: ONEIDA COUNTY COURTHOUSE – COUNTY BOARD ROOM
TIME: 1:00 P.M. REGULAR MEETING
2:00 P.M. PUBLIC HEARING

A quorum may be present consisting of members of the Administration Committee; Conservation & UW-EX Education Committee; Forestry, Land & Recreation Committee; Labor Relations & Employee Services Committee; Public Works Committee; and Social Services Committee. No governing body will exercise any responsibilities, authority or duties except for the Planning and Development Committee.

ALL AGENDA ITEMS ASSUMED TO BE DISCUSSION / DECISION

**** AGENDA ITEM #15 ONLY. The public hearing for Conditional Use Permit application by the Northwoods Communication Technologies, applicant, and Lovestead Family Limited Partnership, landowner is CANCELED. It has been rescheduled for May 15.**

1. Call to order.
2. Approve the agenda.
3. Public comments.
4. Approve meeting minutes of April 17.
5. Discussion on department statistics.
6. Discussion/decision on informational packets to be distributed to individuals that obtain shoreland zoning permits.
7. Discussion/decision on Chapter 9, Appendix. The committee will be reviewing the proposed appendices.
8. Discussion/decision on verification from the homeowner for the five (5) year visual inspection/pumping for a Private Onsite Wastewater Treatment System (POWTS) serving an occasionally occupied structure or facility.
9. Discuss/decision/prioritization of 2019 Oneida County Planning and Zoning Department projects.
10. Refunds.
11. Line item transfers, purchase orders, and bills.
12. Approve future meeting dates: May 15 and June 6.
13. Public comments.
14. Future agenda items.

CONDUCT PUBLIC HEARING ON THE FOLLOWING:

CANCELLED

15. **Conditional Use Permit** application by the Northwoods Communication Technologies, applicant and Lovestead Family Limited Partnership, landowner to lease and erect and operate a 200' tall broadband communication tower that will provide internet services for the area residents on the following described vacant property: East ½ of the NW ¼ of the SW ¼, & part of SW ¼ of the SW ¼, Section 9, T37N, R7E, PIN CA 644 & Ca 665, Town of Cassian.
16. **Conditional Use Permit** application by the Northwoods Communication Technologies, applicant and David Priegnitz, landowner to lease and erect and operate a 200' tall broadband communication tower that will provide internet services for the area residents on the following described property: Lot 1, CSM 4431, being a part of Government Lot 1, Section 13, T37N, R6E, 4917 Currie Lake Road, PIN CA 188, Town of Cassian.
17. **Ordinance Amendment #3-2019** authored by the Planning and Development Committee to amend Chapter 9 of the Oneida County Zoning and Shoreland Protection Ordinance, Article 9, Sections 9.90-Shoreland Protection; 9.91-Shoreland-Wetland Zoning (District 11); 9.94-Shoreland Setbacks, Exempt Structures, Reduced Principal Structure Setbacks, Floodplain Structures, Impervious Surfaces and Height; and 9.99-Nonconforming Uses and Structures (NR 115.05(1)(g)).

Additions noted by underlined; deletions noted by ~~strikethrough~~.

9.90 SHORELAND PROTECTION

Article 9, Section 9.90 remains unchanged except for the following:

F. DNR Notices and Copies of County Decisions

1. Written notice shall be given to the ~~Northern Region~~ appropriate Service Center of the DNR at least ten (10) days prior to hearings on proposed shoreland variances, special uses (conditional uses), appeals for map or text interpretations and map or text amendments.
2. Copies of decisions on shoreland variances, special uses (special exceptions), (conditional uses), appeals for map or text interpretations, and map or text amendments shall be submitted to the ~~Northern Region~~ appropriate Service Center of the DNR within ten (10) days after they are granted or denied.

9.91 SHORELAND WETLAND ZONING (DISTRICT 11)

Article 9, Section 9.91 remains unchanged except for the following:

B. Designation

This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory maps as depicted on the Department of Natural Resources Surface Water Data Viewer <https://dnrm.wi.gov/H5/?viewer=SWDV>.

9.94 SHORELAND SETBACKS, EXEMPT STRUCTURES, REDUCED PRINCIPAL STRUCTURE SETBACKS, FLOODPLAIN STRUCTURES, IMPERVIOUS SURFACES AND HEIGHT

Article 9, Section 9.94(A)(1) remains unchanged except for the following:

A. Exempt Structures (NR 115.05(1)(b)1m.) and s59.692(1k)(a)(6), Wis. Stats. All of the following structures are exempt from the shoreland setback standards in section 9.94. Any structure not specifically mentioned under Section 9.94(A)(1-7) below is not permitted.

1. Boathouse. A riparian owner may construct a boathouse subject to the following restrictions:

~~k. The placement of decking on top of a flat roof boathouse is not permitted.~~

~~k.~~ † Stairs placed on the exterior side of a boathouse to gain access to a flat roof are not permitted. Concrete aprons/boat launch pads placed between the boathouse and OHWM are not permitted.

~~l.~~ † Boathouse construction must comply with the provisions of Section 9.97.

~~m.~~ † Onsite inspections may be required prior to excavation, during construction and upon completion for the placement all boathouses.

9.99 NONCONFORMING USES AND STRUCTURES (NR 115.05(1)(g))

Article 9, Section 9.99(F) remains unchanged except for the following:

F. Maintenance, Repair, Replacement or Vertical Expansion of Structures that were authorized by variance. (s. 59.692(1k)(a)2. and (a)4, Wis. Stats.)

A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

MAINTENANCE, REPAIR, REPLACEMENT OF ILLEGAL STRUCTURES s. 59.692(1k)(a)2c, Stats) A structure that was illegally constructed, which is older than ten years and may not be enforced under the shoreland ordinance (s59.692(1t) Stats) may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the structure. (No vertical or lateral expansion allowed for structures in violation.)

Note: Section 59.692(1k)(a)2. Wis. Stats. prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 12. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

18. Adjourn.

NOTICE OF POSTING

TIME: 2:00 PM ~ DATE: APRIL 26, 2019 ~ PLACE: COURTHOUSE BULLETIN BOARD

SCOTT HOLEWINSKI, COMMITTEE CHAIR

Notice posted by the Planning & Zoning Department. Additional information on a specific agenda item may be obtained by contacting the person who posted this notice at 715-369-6130.

NEWS MEDIA NOTIFIED VIA E-MAIL AND/OR FAX – DATE: APRIL 26, 2019 TIME: Approx. 2:30 PM

Lakeland Times	WJFW-TV 12
Star Journal	Vilas County News
WXPR Public Radio	Tomahawk Leader
WERL/WRJO Radio	WLSL

Notice is hereby further given that pursuant to the Americans with Disabilities Act reasonable accommodations will be provided for qualified individuals with disabilities upon request. Please call Tracy Hartman at 715-369-6144 with specific information on your request allowing adequate time to respond to your request.

See reverse side of this notice for compliance checklist with the Wisconsin Open Meeting Law.

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GENERAL REQUIREMENTS:

- 1. Must be held in a location which is reasonably accessible to the public.
- 2. Must be open to all members of the public unless the law specifically provides otherwise.

NOTICE REQUIREMENTS:

- 1. In addition to any requirements set forth below, notice must also be in compliance with any other specific statute.
- 2. Chief presiding officer or his/her designee must give notice to the official newspaper and to any members of the news media likely to give notice to the public.

MANNER OF NOTICE:

Date, time, place and subject matter, including subject matter to be considered in a closed session, must be provided in a manner and form reasonably likely to apprise members of the public and news media.

TIME FOR NOTICE:

- 1. Normally, a minimum of 24 hours prior to the commencement of the meeting.
- 2. No less than 2 hours prior to the meeting if the presiding officer establishes there is good cause that such notice is impossible or impractical.
- 3. Separate notice for each meeting of the governmental body must be given.

EXEMPTIONS FOR COMMITTEES & SUBUNITS

Legally constituted sub-units of a parent governmental body may conduct a meeting during the recess or immediately after the lawful setting to act or deliberate upon the subject which was the subject of the meeting, provided the presiding officer publicly announces the time, place and subject matter of the sub-unit meeting in advance of the meeting of the parent governmental body.

PROCEDURE FOR GOING INTO CLOSED SESSION:

- 1. Motion must be made, seconded and carried by roll call majority vote and recorded in the minutes.
- 2. If motion is carried, chief presiding officer must advise those attending the meeting of the nature of the business to be conducted in the closed session, and the specific statutory exemption under which the closed session is authorized.

SYNOPSIS OF STATUTORY EXEMPTIONS UNDER WHICH CLOSED SESSIONS ARE PERMITTED:

- 1. Concerning a case which was the subject of Judicial or quasi-judicial

trial before this governmental body

- 2. Considering dismissal, demotion or discipline of any public employee or the investigation of charges against such person and the taking of formal action on any such matter; provided that the person is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action is taken. The person under consideration must be advised of his/her right that the evidentiary hearing be held in open session and the notice of the meeting must state the same. Sec. 19.85(1)(b).
- 3. Considering employment, promotion, compensation or performance evaluation data of any public employee over which this body has jurisdiction or responsibility. Sec. 19.85(1)(c).
- 4. Considering strategy for crime detection or prevention. Sec. 19.85(1)(d).
- 5. Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session. Sec. 19.85(1)(e).
- 6. Considering financial, medical, social or personal histories or disciplinary data of specific person, preliminary consideration of specific personnel problems or the investigation of specific charges, which, if discussed in public, would likely have a substantial adverse effect on the reputation of the person referred to in such data. Sec. 19.85(1)(f), except where paragraph 2 applies.
- 7. 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. Sec. 19.85(1)(g).
- 8. Considering a request for advice from any applicable ethics board. Sec. 19.85(1)(h).

PLEASE REFER TO CURRENT STATUTE SECTION 19.85 FOR FULL TEXT CLOSED SESSION RESTRICTIONS:

- 1. Must convene in open session before going into closed session.
- 2. May not convene in open session, then convene in closed session and thereafter reconvene in open session within twelve hours unless proper notice of this sequence was given at the same time and in the same manner as the original open meeting.
- 3. Final approval or ratification of a collective bargaining agreement

may not be given in closed session.

- 4. No business may be taken up at any closed session except that which relates to matters contained in the chief presiding officer's announcement of the closed session.
- 5. In order for a meeting to be closed under Section 19.85(1)(f) at least one committee member would have to have actual knowledge of information which he or she reasonably believes would be likely to have a substantial adverse effect upon the reputation involved and there must be a probability that such information would be divulged. Thereafter, only that portion of the meeting where such information would be discussed can be closed. The balance of that agenda item must be held in open session.

BALLOTS, VOTES AND RECORDS:

- 1. Secret ballot is not permitted except for the election of officers of the body or unless otherwise permitted by specific statutes.
- 2. Except as permitted above, any member may require that the vote of each member be ascertained and recorded.
- 3. Motions and roll call votes must be preserved in the record and be available for public inspection.

USE OF RECORDING EQUIPMENT:

The meeting may be recorded, filmed, or photographed, provided that it does not interfere with the conduct of the meeting or the rights of the participants.

LEGAL INTERPRETATION:

- 1. The Wisconsin Attorney General will give advice concerning the applicability or clarification of the Open Meeting Law upon request.
- 2. The municipal attorney will give advice concerning the applicability or clarification of the Open Meeting Law upon request.

PENALTY:

Upon conviction, any member of a governmental body who knowingly attends a meeting held in violation of Subchapter IV, Chapter 19, Wisconsin Statutes, or who otherwise violates the said law shall be subject to forfeiture of not less than \$25.00 nor more than \$300.00 for each violation.

Prepared by Oneida County Corporation Counsel Office - 5/16/96