

ONEIDA COUNTY PLANNING and DEVELOPMENT COMMITTEE
MAY 1, 2019
COUNTY BOARD ROOM – 2ND FLOOR
ONEIDA COUNTY COURTHOUSE
RHINELANDER, WI 54501

Members present: Scott Holewinski, Billy Fried, Mike Timmons, Jack Sorensen, and Ted Cushing

Members absent: None

Department staff present: Karl Jennrich, Director; Pete Wegner, Assistant Director; Scott Ridderbusch, Land Use Specialist; and Julie Petraitis, Program Assistant

Other county staff present: None

Guests present: See sign in sheet.

Call to order.

Chair Holewinski called the meeting to order at 1:00 p.m., in accordance with the Wisconsin Open Meeting Law.

Approve the agenda. **Motion by Jack Sorensen, second by Ted Cushing to approve the amended agenda. With all members present voting “aye”, the motion carried.**

Public comments. Mike Gabriel spoke.

Approve meeting minutes of April 17, 2019. **Motion by Jack Sorensen, second by Mike Timmons to approve the meeting minutes of April 17, 2019 as submitted. With all members present voting “aye”, the motion carried.**

Discussion on department statistics. **No action taken.**

Discussion/decision on informational packets to be distributed to individuals that obtain shoreland zoning permits.

At a previous meeting Mr. Jennrich was directed to look into the cost of the materials to be distributed. It was determined that it would be too costly to distribute the materials. An option may be to have that information linked from the Planning and Zoning website to the Land and Water Conservation website. **Karl will work with Land and Water and ITS to create a way to link the information between the departments.**

Discussion/decision on Chapter 9, Appendix. The committee will be reviewing the proposed appendices.

Mr. Wegner went through the proposed appendices with the committee. **Motion by Mike Timmons, second by Ted Cushing to approve the appendices as presented with two changes. With all members present voting “aye”, the motion carried.**

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.

Mr. Jennrich stated that the Planning and Development Committee passed Ordinance Amendment #1-2019, which added some definitions and allows for a five (5) year maintenance on occasionally occupied structures. If this passes at May County Board the department is proposing to have a form that the homeowner and the department will sign and attach with the sanitary permit. This will not be filed with the Register of Deeds.

Motion by Jack Sorensen, second by Ted Cushing to approve the form. With all members present voting “aye”, the motion carried.

Discuss/decision/prioritization of 2019 Oneida County Planning and Zoning Department projects.

Mr. Jennrich went through the list of projects with the committee.

No action taken.

Refunds. There are two refunds. **Motion by Ted Cushing, second by Mike Timmons to approve the refunds as submitted.**

Line item transfers, purchase orders and bills. **Motion by Jack Sorensen, second by Ted Cushing to approve the purchase orders and bills as submitted. With all members present voting “aye”, the motion carried.**

Approve future meeting dates. **May 15 and June 5, 2019.**

Public comments. **None.**

Future agenda items. **As discussed.**

CONDUCT PUBLIC HEARING ON THE FOLLOWING:

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, Section 9, T37N, R7E, PIN CA 644 & CA 665, Town of Cassian.

This agenda item was cancelled.

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 Curie Lake Road, PIN CA 188, Town of Cassian.

Mr. Jennrich read the notice of public hearing into the record. The notice was published in the Northwoods River News on April 16 and April 23, 2019. Proof of public hearing is contained in the file. The notice was posted on the Oneida County bulletin board on April 12, 2019. Correspondence in the file includes a letter from the Town of Cassian and a letter from Mike Gabriel.

Mr. Ridderbusch gave a summary of the project. The Town of Cassian has no concerns.

Chair Holewinski opened the public portion of the public hearing.

Mike Gabriel spoke.
Michael Gabriel spoke.
Dave Priegnitz spoke.
Chris Kalata spoke.

Chair Holewinski closed the public portion of the public hearing.

Motion by Ted Cushing, second by Mike Timmons to send the application back to the applicant for more details and site plan. With all members present voting “aye”, the motion carried.

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 ~~Norther 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://dnrmaps.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. l.~~ 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. m.~~ Boathouse construction must comply with the provisions of Section 9.97.

~~m. n.~~ 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. 59692(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. 59692 (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 59.592 (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.

Mr. Jennrich read the notice of public hearing into the record. The notice was published on April 16 and April 23, 2019. Proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on April 12, 2019. There is no correspondence in the file.

Mr. Jennrich stated that the changes were done as requested by the Department of Natural Resources.

Chair Holewinski opened the public portion of the public hearing.

Nobody was present to speak for or against the ordinance amendment.

Chair Holewinski closed the public portion of the public hearing.

Motion by Ted Cushing, second by Jack Sorensen to approve the changes and forward to the Oneida County Board of Supervisors. With all members present voting “aye”, the motion carried.

Adjourn.

3:10 p.m. There being no further matters to lawfully come before the committee, Chair Holewinski adjourned the meeting.

Chair, Scott Holewinski

Planning & Zoning Director, Karl Jennrich

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