

**ONEIDA COUNTY PLANNING and DEVELOPMENT COMMITTEE**  
**JULY 15, 2015**  
**WOODRUFF TOWN HALL, 1418 1<sup>ST</sup> AVENUE, WOODRUFF, WI**  
**6:00 PM**

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

Members absent: None

Department staff present: Karl Jennrich, Director; Pete Wegner, Assistant Director; and Julie Petraitis, Program Assistant

Other county staff present: Brian Desmond, Corporation Counsel

Guests present: See sign in sheet.

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Call to order.

Chairman Scott Holewinski called the meeting to order at 6:00 P.M., in accordance with the Wisconsin Open Meeting Law.

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

**CONDUCT PUBLIC HEARING ON THE FOLLOWING:**

Ordinance Amendment #6-2015 authored by the Planning and Development Committee to amend Section 9.94, OHWM Setbacks and Special Zoning Permission for Structures in Shoreland Setback, of the Oneida County Zoning and Shoreland Protection Ordinance as follows: (SEE ATTACHED NOTICE OF PUBLIC HEARING)

Karl Jennrich read the notice of public hearing into the record. The notice was published in the Northwoods River News on June 30 and July 7, 2015 and posted on the Oneida County Bulletin Board on June 25, 2015. Proof of publication is contained in the file.

There is no correspondence in the file.

Mr. Jennrich summarized the changes to Section 994 A (2). The first change (#2) is to require a ten (10) foot setback to the lot line with boathouses to make it consistent with the setback for a berth structure.

The second change is to omit the current 8 which states that a boathouse shall have a pitched roof with a minimum pitch of 2.3 to 12. The new language would state that flat roofs that shed water away from the OHWM are permitted and that decks and patios are not permitted.

Mr. Holewinski questioned #1 - the reason for a Conditional Use Permit for a second viewing corridor. Mr. Jennrich and Mr. Wegner stated that the Conditional Use Permit is for the second boathouse, as the ordinance reads right now.

Mr. Hintz asked where the rule for "no decks and patios are permitted on flat roofed boathouses" came from. Mr. Wegner stated that the Department was advised by the DNR that any structure like that which is not used for berthing a boat is not permitted. This has been in the County ordinance since 1999.

Mr. Jennrich stated that NR 115 does allow Counties to allow boathouses as exemptions to the 75' ordinary high water mark setback.

Mr. Wegner read the definition of "boathouse" according to NR 115: *"A permanent structure used for storage of water craft and associated materials; all structures which are totally enclosed, have roofs or walls or any combination of these structural parts."*

Mr. Fried asked if that wording needs to be in the ordinance (Decks and patios are NOT permitted)? Mr. Wegner believes it does need to be in the ordinance. Mr. Fried then asked if there is an administrative rule that governs the placement of decks/patios on boathouses does the County have authority to change the rule in the County ordinance?

Discussion was held on the interpretation of the language and whether it is an administrative rule or not.

Mr. Jennrich stated that right now NR 115 looks at exempt structures as: "All the following structures are exempt from the shoreland setback boathouses located entirely above the ordinary high water mark and entirely within the access of viewing corridor that do not contain plumbing and not used for human habitation." The definition of a boathouse: "The use of a boathouse for human habitation, construction or placing of boathouses beyond the ordinary high water mark of any navigable water shall be prohibited."

Mr. Wegner stated that to answer Mr. Fried's question he isn't sure if the County can regulate the "rule".

Discussion was held on the size of boathouses and who makes that decision. More discussion was held on decks and patios on boathouse roofs.

Chairman Holewinski opened the public portion of the public hearing.

Bill Liebert spoke  
Karen Matchulat spoke

Ken Krause spoke  
Sue Krause spoke  
Debbie Hout spoke  
Grant Hout spoke  
Bob Williams spoke  
Glenn Schiffmann spoke  
Tom Handrick spoke  
Jim Rein spoke  
Bob Rynders spoke  
Adam Redman spoke  
Dan Pagel spoke  
Mike Handrick spoke  
John Franke spoke  
Ben Schlechter spoke  
Joan Ross spoke  
Norris Ross spoke

Everyone had an opportunity to speak. Mr. Holewinski closed the public portion of the public hearing.

Discussion was held on some of the DNR regulations of boathouses.

**Motion by Scott Holewinski, second by Jack Sorensen to change the width of a boathouse from 20' wide to 24' wide. With all members present voting "aye" the motion carried. (#7)**

**Motion by Mike Timmons, second by Dave Hintz to change Decks and patios are NOT permitted to Decks and patios are permitted. (#8). On roll call vote: Jack Sorensen, "nay"; Dave Hintz, "nay"; Scott Holewinski, "aye"; Mike Timmons, "aye" and Billy Fried, "nay". The motion failed.**

**Motion by Billy Fried, second by Mike Timmons to remove the language 'Decks and patios are NOT permitted' from #8. On roll call vote: Jack Sorensen, "nay"; Dave Hintz, "aye"; Scott Holewinski, "aye"; Mike Timmons, "aye" and Billy Fried, "aye". The motion carried.**

**Motion by Billy Fried, second by Scott Holewinski to change #2 to read: "The construction of a boathouse shall be at least 10 feet from the side yard lot line." Discussion on motion. The motion is contrary to NR 115. The motion was rescinded.**

**Motion by Billy Fried, second by Mike Timmons to delete #9; "decks, platforms, & other construction not essential for berthing of boats are prohibited." Discussion on motion.**

**Motion by Jack Sorensen, second by Scott Holewinski to rescind all previous motions and move forward with what is on the agenda. Discussion on the motion. On roll call vote: Jack Sorensen, “aye”; Dave Hintz, “aye”; Scott Holewinski, “aye”; Mike Timmons, “aye” and Billy Fried, “nay”. Motion carried.**

**Motion by Jack Sorensen, second by Billy Fried to accept the changes as proposed today and forward to the Oneida County Board of Supervisors. On roll call vote; Jack Sorensen, “aye”; Dave Hintz, “aye”; Scott Holewinski, “aye”; Mike Timmons, “aye”; and Billy Fried, “aye”.**

**Motion by Scott Holewinski, second by Mike Timmons to direct staff to research changes in items #1, 5, 7, 8, and 9 regarding the changes proposed at today’s meeting. With all members present voting “aye”, the motion carried.**

Ordinance Amendment #7-2015 authored by the Planning and Development Committee to amend Section 9.98, Piers, Other Berth Structures, Shoreland Bulk Requirements, of the Oneida County Zoning and Shoreland Protection Ordinance as follows: (See attached Notice of Public Hearing)

Karl Jennrich read the notice of public hearing into the record. The notice was published in the Northwoods River News on June 30 and July 7, 2015 and posted on the Oneida County Bulletin Board on June 25, 2015. Proof of publication is contained in the file.

There is no correspondence in the file.

Pete Wegner, Assistant Zoning Director, gave a history of the ordinance amendment. He then presented the proposed changes. The proposed changes are a copy of the language that resulted from the public hearing and also proposed changes based on the result of the survey. On page 2 of the handout there are two options. Option A is to strike all the language with the idea that not all properties follow through with registering their piers. There is a new date, which is part of Option A, which the DNR is using to say anything that existed prior to April 17, 2012 may be maintained. Option B would be to keep the language the way it is today which has an effective date of 1998.

Discussion was held on whether Motion 520 refers to piers or not.

The Location of Berth Structures: Option A is to keep the language without changes. Option B is to make changes which were based on the survey.

Dimensional Requirements: Leave as written

Width: Option A is to leave the language as is. Option B is to strike the language that requires a CUP to have an 8’ wide deck at the end of a pier for persons with disabilities.

The rest of the changes are a result of language that came from the survey which allow for flag poles, benches, hand rails, relaxation of standards for persons with disabilities and remove the reflector requirement.

Finally, M which deals with boathouses in this portion (9.98) of the ordinance. It is the same language that was covered in Section 9.94.

Mr. Holewinski opened the public portion of the public hearing.

Bill Liebert spoke  
Karen Matchulat spoke  
Glen Schiffmann spoke  
Bob Williams spoke  
Bob Rynders spoke  
Adam Redman spoke  
Norris Ross spoke

Mr. Holewinski closed the public portion of the public hearing.

**Motion by Dave Hintz, second by Jack Sorensen for the County to remain in the pier business with some updates to that portion of the ordinance as follows and forward the proposed changes to the DNR for review:**

**Compliance: Option A – Add New Language to 9.98 (B)**  
**Location of Berth Structures: Option A – Keep without changes to 9.88(E)**  
**Dimensional Requirements: Keep as written**  
**Width: Option B – Strike and Add Language to 9.98(F)(2), (H), (I) & (M)**  
**G – No changes**  
**H-M Keep as written with updates.**

**On roll call vote: Jack Sorensen, “aye”; Dave Hintz, “aye”; Scott Holewinski, “aye”; Mike Timmons, “aye”; and Billy Fried, “aye”. The motion carried.**

Adjourn.

7:50 p.m. There being no further matters to lawfully come before the Committee, a motion was made by Mike Timmons second by Billy Fried to adjourn the meeting. With all members present voting “aye”, the motion carried.

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Chairman Scott Holewinski

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Karl Jennrich  
Planning & Zoning Director