

**ONEIDA COUNTY PLANNING AND ZONING  
MARCH 7, 2012  
COMMITTEE ROOM #2  
ONEIDA COUNTY COURTHOUSE  
RHINELANDER WI  
12:30 P.M. CLOSED SESSION  
1:00 P.M. REGULAR MEETING**

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Members present: Scott Holewinski  
Gary Baier  
Billy Fried  
Mike Timmons

Department staff present: Karl Jennrich, Planning & Zoning Director  
Peter S. Wegner, Assistant Zoning Director  
Lila Dumar, Secretary  
Nadine Wilson, Land Use Specialist

Guests present: Bob Williams  
Bob Mott  
Marcus Nesemann, Northwoods River News

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Call to order.

Chairman Scott Holewinski called the meeting to order at 12:30 P.M., in accordance with the Wisconsin Open Meeting Law. Dave Hintz is excused from today's meeting. All other members are present.

Discussion/decision of the agenda.

**Motion by Billy Fried, second by Mike Timmons, to approve the agenda as posted. With all members present voting "aye", the motion carried.**

It is anticipated that the Committee may meet in Closed Session pursuant to Wisconsin Statutes, Section 19.85 (1)(g), 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. A roll call vote will be taken to go into closed session.

- a. Weekly rentals in Single Family Residential – various Townships.
- b. Riparian rights property dispute Lost Lake, Town of Sugar Camp.

**12:31 pm - Motion by Billy Fried, second by Gary Baier, to go into closed session. Roll call vote: Scott Holewinski: "aye", Gary Baier "aye", Mike Timmons "aye", Billy Fried "aye." The motion carried.**

**1:00 pm – Motion by Billy Fried, second by Mike Timmons to go into open session. Roll call vote: Scott Holewinski: "aye", Gary Baier "aye", Mike Timmons "aye", Billy Fried "aye".**

Chairman Scott Holewinski announced that while in closed session the committee held discussion on weekly rentals in Single Family Residential in various townships. The secretary read the motion in the record:

**Motion by Scott Holewinski, second by Mike Timmons to hold off until the end of the Senate session and to proceed with the long-form complaints only if Senate Bill 482 does not pass. Roll call vote: Scott Holewinski: "aye", Gary Baier "aye", Mike Timmons "aye", Billy Fried "aye." The motion carried.**

Public Comment:

There were no public comments at this time.

Approve meeting minutes of December 7, 2011.

**Motion by Mike Timmons, second by Billy Fried to approve the meeting minutes of December 7, 2011 as presented. With all members voting "aye" the motion carried.**

Approve meeting minutes of December 21, 2011.

**Motion by Mike Timmons, second by Billy Fried to approve the meeting minutes of December 21, 2011 as presented. With all members voting "aye" the motion carried.**

Approve meeting minutes of January 4, 2012.

**Motion by Mike Timmons, second by Billy Fried to approve the meeting minutes of January 4, 2012 as presented. With all members voting "aye" the motion carried.**

Approve meeting minutes of February 1, 2012.

**Motion by Mike Timmons, second by Billy Fried to approve the meeting minutes of February 1, 2012 as presented. With all members voting "aye" the motion carried.**

Third Addendum to the Neptune's Resort Condominium being part of Gov't Lots 1 and 2 and part SW NE and SE NW, Section 33, T39N, R10E, to revise LCE around Unit 8 and LCE parking areas for Units 8, 9, 10, 11, 12 and 20, PIN SU 2014 (Unit 8), Town of Sugar Camp.

Nadine Wilson, Land Use Specialist, reviewed this with the Committee. Ms. Wilson informed the Committee that there will be no change in the number of units. The intention of the 3<sup>rd</sup> Addendum is to reflect the condominium "as built." Ms. Wilson recommended approval with the condition that a statement is put on the plat that states: "Final Plat to NOTE: Approval of zoning permits is not implied nor guaranteed with approval of this condominium plat. Zoning permits may be required for any improvements, expansions, and/or additions and shall comply with the current OCZ&SP Ordinance."

**Motion by Scott Holewinski, second by Billy Fried for approval of the 3<sup>rd</sup> Addendum of Neptune's Resort Condominium as presented subject to the recommendations of staff and Town concerns, if any. With all members voting "aye" the motion carried.**

Addendum to the Pleasant Point Condominium, Unit 6, being part of SE SE, Section 34, T36N, R6E, to show unit 6 as built detail and limited common element around Unit 6, PIN NO 1358, Town of Nokomis.

Nadine Wilson, Land Use Specialist, reviewed this with the Committee. Ms. Wilson informed the Committee that there was a complaint which prompted the Addendum. There will be no change in the number of units. The intention of the Addendum is to reflect the condominium "as built." Ms. Wilson stated that Unit 6 was expanded without a zoning permit or approval of condominium. After-the-fact permit(s) have been applied for and issued. The Town Board has not approved this yet. Approval from the condominium is also needed. Ms. Wilson recommended approval with the condition that a statement is put on the plat that states: "Final Plat to NOTE: Approval of zoning permits is not implied nor guaranteed with approval of this condominium plat. Zoning permits may be required for any improvements, expansions, and/or additions and shall comply with the current OCZ&SP Ordinance." In addition, approval is contingent upon approval the by the Town and by the Condominium Association.

**Motion by Mike Timmons, second by Gary Baier to approve the Addendum to the Pleasant Point Condominium as presented, subject to staff recommendations and the approval of the Town of Nokomis and the Condominium Association. The motion carried.**

Section 9.78, Sign Regulations. The Committee will be reviewing revisions to the Sign Ordinance. A Public Hearing was held on February 1, 2012.

Karl Jennrich, Zoning Director, reviewed the draft dated March 7, 2012 with the Committee. There was one other change made on page 5, 9.78 C (7). Mr. Jennrich will make the correction, and put it into Ordinance Amendment format, for the March 20, 2012 County Board Meeting.

**Motion by Billy Fried, second by Gary Baier to approve the changes to 9.78 Sign Ordinance as proposed and prepare for the County Board. With all members voting "aye" the motion carried.**

2011 Senate Bill 482. The Committee will be directing Staff to take a position on this Bill.

Karl Jennrich, Zoning Director, reviewed Senate Bill 482 with the Committee. This bill prohibits a political subdivision (any city, village, town, or county) from enacting or enforcing an ordinance that prohibits, or unreasonably restricts, an individual from renting out his or her home for seven consecutive days or longer. The bill defines "home" as any residential dwelling owned by an individual as either a primary or secondary dwelling. If any political subdivision has such an ordinance in effect on the effective date of the bill, the ordinance does not apply and may not be enforced.

Mr. Jennrich noted that this bill will take away local control of this type of activity, especially on the waterfront. There are issues with other businesses, such as resorts, motels, hotels, that are required to follow specific regulations for this type of business such as health inspections and payment of room tax. This bill exempts the property owners who choose to rent their home for 7 consecutive days or longer from these requirements.

The Committee discussed the issue and concluded that the committee's position is to oppose passage of this bill. The Committee concluded that Karl Jennrich should represent the County on this issue including testifying during the hearings in Madison.

**Motion by Billy Fried, second by Mike Timmons, to oppose Senate Bill 482 (2011) and authorize Karl Jennrich to represent the Committee in Madison and to testify at the hearings on this matter. With all members voting "aye" the motion carried.**

2011 Assembly Bill 472. The Committee will be directing Staff to take a position on the Bill.

Karl Jennrich, Zoning Director, reviewed Assembly Bill 472 (2011) with the Committee. This bill prohibits a county from enacting, and prohibits a county, city, or village from enforcing, any provision in a county shoreland zoning ordinance that regulates the use, location, maintenance, expansion, replacement, or relocation of a nonconforming structure if that provision is more restrictive than the shoreland zoning standards for nonconforming structures promulgated by DNR.

The Committee and Staff discussed 2011 Assembly Bill 472. The Committee was supportive of the term "non-conforming" being removed from State and County Code because it will protect the property rights of the property owner.

Peter S. Wegner, Assistant Zoning Director, has issues with the 50% Rule, and differentiation of non-conforming use and non-conforming structure; and principle structure and accessory structures. Mr. Wegner noted that this bill will prevent the County and Towns from being more restrictive than the DNR.

Scott Holewinski polled the Committee and all members present were in favor of this bill.

**Motion by Gary Baier, second by Mike Timmons, to support 2011 Assembly Bill 472 and authorize Peter S Wegner, Assistant Zoning Director to represent the Committee on this issue. With all members voting “aye” the motion carried.**

Robert Mott asked the Committee how this might affect expansion & mitigation for these structures. The Committee discussed the following:

1. If this bill would prevent the County from treating structures less than 75 Ft from the OHWM differently because of the setback;
2. If the County could or could not require mitigation for the pre-existing structure;
3. If there would be no limits on expansion of the structure;
4. If this bill would only permit maintenance of the structure to allow the structure to remain as is.
5. Whether expansion is related to the use or to the structure itself.
6. Protection of property values and property rights.
7. If the County could be more restrictive than the DNR.

The Committee concluded that this bill would allow the structure to remain as is, any expansion would be controlled by the County ordinances. At the same time, the Committee was unsure if they understood the bill completely because there are parts of the bill that are contradictory. Scott Holewinski suggested that the Committee go on record supporting the bill, but the County would control any expansion of such a structure.

This discussion will be continued, and in the meantime, Peter S. Wegner will research the bill further and bring back to the Committee.

Review revisions to Chapter 9, of the Oneida County Zoning and Shoreland Protection Ordinance due to changes in NR 115. Staff will present language for the Committee to review.

Peter S. Wegner, Assistant Zoning Director, lead the discussion with the Committee. Mr. Wegner summarized the process the Committee has been going through with NR 115 and the ordinance revisions to comply by 2012. The Committee developed policies and went from there to draft language to meet those policies. When the deadline was advanced to 2014, the Committee wanted to move forward with the newly developed language; there was some disagreement whether or not the Committee intended to enact the new language right away or to wait for NR 115.

Mr. Wegner stated that today's draft, March 7, 2012, contains changes that are related to NR 115 (95%). Mr. Wegner does not want to move forward with the changes, not knowing what NR 115 will be and with the Assembly and Senate Bills that are being proposed. Mr. Wegner

indicated that the County's current ordinance language maybe acceptable in the end. The DNR has recommended that the County's wait until NR 115 comes out before making any changes.

Mr. Wegner discussed the proposed impervious surface language, which would make the County more restrictive than the DNR. And would also be more monitoring, more onsites and more costly. Mr. Holewinski suggested to forget impervious surfaces and instead, require on the permit to show where the runoff water goes, make it part of the permit. Mr. Wegner noted that it would create additional onsite inspections, because it would have to be followed up on. It will require rain gardens; french drains, water treatment systems, etc.

Mr. Wegner discussed the move back provision with the Committee. Mr. Wegner noted that this language is more restrictive than what the current ordinance requires. It was developed by the Committee as a concept as a compromise with NR 115 requirements. Mr. Wegner felt that it would be better if the Committee waited for NR 115 to be completed and see what the minimum requirements will be.

The Committee concluded that changes for NR 115 compliance do not have to be made now, but the Committee can still go through the revisions and make some changes.

Line item transfers, purchase orders and bills.

Bills total \$1, 199.26.

Blank purchase orders are \$541.43

**Motion by Billy Fried, second by Gary Baier to pay the bills. With all members voting "aye" the motion carried.**

Refunds.

Refund of \$125.00 to James Plautz for an onsite inspection that was not required.

**Motion by Mike Timmons, second by Billy Fried, to approve the refund request of James Plautz. With all members voting "aye" the motion carried.**

Approve future meeting dates: March 21, 2012.

Meeting dates were approved for March 14, 2012 1 PM (Chapter 9); March 21, 2012 (Regular meeting) and March 28, 2012 (Chapter 9). Mike Timmons is excused from the March 14, 2012 meeting.

Public comments.

None

Future agenda items.

None.

**2:52 pm - There being no further matters to lawfully come before the Committee, a motion was made by Mike Timmons, second by Gary Baier 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