

**ONEIDA COUNTY PLANNING & ZONING**  
**September 30, 2010**  
**10:00 AM - REGULAR SESSION**  
**COMMITTEE ROOM #2, SECOND FLOOR COURTHOUSE**  
**2<sup>ND</sup> FLOOR ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501**

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Members present: Scott Holewinski, Chairman  
Dave Hintz  
Billy Fried  
Gary Baier

Department staff present: Karl Jennrich, Zoning Director  
Pete Wegner, Assistant Zoning Director  
Lila Dumar, Secretary III

Other County Staff: Brian Desmond, Corporation Counsel

Guests Who Signed In: Bob Martini  
Bill Liebert  
Norris Ross  
Bob Williams

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Call to order.

Scott Holewinski, Chair called the meeting to order at 10:00 a.m., in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda was properly posted.

Approve the agenda.

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

Approve meeting minutes of July 21, 2010.

**Motion by Gary Baier, second by Dave Hintz, to approve the meeting minutes of July 21, 2010. With all members voting “aye” the motion carried.**

Public Comments.

Bill Liebert - Appreciation of being allowed of give public comment.

Bob Martini – Clarification of process for giving public comment during the ordinance re-write.

Review revisions to Chapter 9, Section 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.

Karl Jennrich, Zoning Director and Peter S. Wegner, Assistant Zoning Director advised the Committee how the re-write process would take place. The Committee will go

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through the revisions at several Committee meetings. There will be a public hearing when the Committee has developed its final draft. If there are a lot of changes as a result of the public hearing, after the changes have been made, a 2<sup>nd</sup> public hearing will be scheduled. If there are more changes made as a result of the 2<sup>nd</sup> public hearing, after the changes have been made, a 3<sup>rd</sup> public hearing will be scheduled. When the Committee has approved a final draft, it will be taken to the County Board. This process will take several months. Each draft will be dated and saved so it can be seen how the ordinance re-write evolved. Mr. Holewinski reminded the Committee that they have to write an ordinance that meets the minimum requirements of NR 115. It was further noted by Brian Desmond, Corporation Counsel, that the final draft must be approved by the Department of Natural Resources.

Peter S Wegner, Assistant Zoning Director distributed a list ordinance sections which will require amendments in order to comply with NR 115 (Exhibit #1)

The Committee proceeded to review/discuss the proposed ordinance revisions.

Section 9.94. Impervious Surface Provisions are being added to this section.

Section 9.94 (A)(2)(a). Change 35 feet from the OHWM to 40 feet from the OHWM. It was the consensus of the Committee to keep the setback at 40 feet. Scott Holewinski would also support a setback of 50 feet.

Mr. Wegner noted that the portion that is stricken pertains to averaging for open decks or patios, which will not be permitted under NR 115.

The Committee discussed the method for averaging. Mr. Wegner noted that the setback for a principal structure may be reduced by averaging with the adjacent properties within 250 feet of the proposed principal structure, but the setback cannot be closer than 40 feet from the OHWM. There was discussion on how the 40 foot setback is measured. Mr. Wegner noted that it would be measured to the eaves. Mr. Holewinski asked that this be clarified in the proposed ordinance language.

There was discussion on averaging for decks or patios. Mr. Wegner explained that averaging for an accessory structure is not permitted. An open porch, being part of the principal structure, can benefit from the averaging provisions. The Gard Bill can be implemented for placement of a 200 square ft deck or patio from 35-75 feet. But if the principal structure is placed less than 75 feet from the OHWM, the 200 square feet allowed under the Gard Bill is taken up by the principal structure.

There was discussion on whether or not to leave the averaging provisions in the ordinance at all. The County could be more restrictive and require a 75 ft setback for all.

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It was the consensus of the Committee to keep the averaging provisions in the ordinance, with a minimum setback of 40 feet. Mr. Holewinski would support a greater setback, which could be discussed at the public hearing.

The Committee discussed erosion control, building at 40 feet, and going into the 35-ft setback during excavation. Mr. Wegner noted that there will be inspections done before, during and after construction.

Section 9.94 (A)(2)(b). Shallow Lots.

Karl Jennrich, Zoning Director, explained that the shallow lot provisions were implemented to reduce the number of variances. It is for the lot that is located between a road and a water body and the minimum setback(s) cannot be met for the construction of a principal structure. Reduced setbacks from the road/water body can be granted for a 30 foot deep building envelope.

There was discussion on the term “building envelope,” which does not include the eaves or overhangs. Mr. Wegner explained that the building envelope and measuring setbacks are separate issues. A 30 foot deep structure can be permitted under this provision, but placement of the 30 foot deep structure is measured from the OHWM to the eaves, which cannot be less than 40 feet.

It was the consensus of the Committee that the minimum waterfront setback for shallow lots shall be at 40 feet from the OHWM, measured from the eaves. The Committee asked that it be clarified that the measurement for placement of a principal structure for a shallow lot shall be to the eaves. Mr. Wegner stated that he could create language that would make it clear that a 30-foot building envelope can be permitted, but the minimum setback of 40 feet is measured from the eaves. Mr. Wegner advised the Committee that the definition of “building envelope” is taken directly from NR 115. Mr. Holewinski suggested that the County create its own definition and get approval from the DNR. Staff will work on this to make it more understandable, possibly with diagram(s).

Section 9.94 (A)(2)(d). Boathouse.

Karl Jennrich, Zoning Director, stated that it is a policy decision by the Committee whether or not to allow boathouses within the waterfront setback. Boathouses do not have to be permitted less than 75 feet from the OHWM. It was the consensus of the Committee to allow boathouses less than 75 feet from the OHWM. For the record, Gary Baier is opposed to allowing boathouses.

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Section 9.95 (A) (5). View corridor.

There was discussion held on view corridor(s). Currently, boathouses must be placed within the view corridor. Under the new language, more than one view corridor could be allowed, which would allow a 2<sup>nd</sup> view corridor, not necessarily in front of the principal structure, where a boathouse could be located. There is no regulation in NR 115 on the separation of one view corridor from another. Brian Desmond, Corporation Counsel, suggested that this be clearly stated in the ordinance revision so that the DNR will know that it is the County's intention is allow more than one view corridor. Scott Holewinski suggested allowing one 30-ft view corridor, but to also allow another view corridor for a boathouse, as long as the 30% is not exceeded. Mr. Holewinski would like to see a mechanism to prevent a 200 ft wide view corridor on a large lot. Bob Martini suggested that a maximum width for a view corridor be established. There was discussion held on that concept. Billy Fried noted that there are several terms "viewing corridor," "viewing area" and "access corridor" that all mean the same thing. Staff will clean this up.

Discussion was held on establishing a maximum width for a viewing corridor or limiting the cutting in a view corridor, so that it is not clear cut. Staff noted that would be impossible to regulate. Mr. Wegner stated that he could write language to allow up to 200 ft of view corridor(s) not to exceed 30% of the shoreline and to allow a walkway, boathouse or a tram in separate view corridors, if there is enough shoreline to permit the view corridors.

Discussion was held on requiring a buffer between view corridors. Mr. Wegner stated that he could write language to require a vegetative buffer between view corridors.

Staff attendance in the NR 115 Implementation Advisory Committee.

Karl Jennrich, Zoning Director, requested that staff be authorized to attend the NR 115 Implementation Advisory Committee meetings in Wausau, Wisconsin. The purpose of the meetings are to develop topic-related guidance for Wisconsin Counties to address how existing county lake classifications and associated regulations are best maintained or enhanced while counties are codifying and implementing new state-required provisions of NR 115. This is a continuation of the NR 115 Advisory Committee that WCCA participated in. A portion of the expenses will be paid by the DNR.

**Motion by Gary Baier, second by Dave Hintz to allow up to two (2) staff members to attend the NR 115 Advisory Committee meetings in Wausau, Wisconsin. With all members voting "aye" the motion carried.**

Approve Staff attendance at WCCA 2010 fall conference.

Karl Jennrich, Zoning Director, requested that staff be authorized to attend the WCCA 2010 Fall Conference.

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**Motion by Billy Fried, second by Scott Holewinski to allow up to two (2) staff members to attend the WCCA 2010 Fall Conference. With all members voting “aye” the motion carried.**

Typist III vacancy.

Karl Jennrich, Zoning Director, informed the Committee that Kim Gauthier, Typist III, has submitted her resignation. She has accepted a position as the Town of Newbold Clerk. There was discussion held by the Committee.

It was the consensus of the Committee to follow the 6-month vacancy review process for the Typist III position.

Line item transfers, purchase orders and bills.

There were no line item transfers or purchase orders.

The bills submitted are for \$265.00.

**Motion by Scott Holewinski, second by Dave Hintz to approve payment of the bills. With all members voting “aye” the motion carried.**

Refunds.

There were no refunds submitted.

Approve future meeting dates.

The following meeting dates were scheduled:

October 6, 2010  
October 7, 2010 – Ordinance Revisions (NR 115)  
October 20, 2010

Public comments.

Norris Ross and Bill Liebert addressed the Committee.

Future Agenda Items.

- Removal of the Lake Classifications from the zoning ordinance.
- The Sign Ordinance
- Drive Way issue in Minocqua WI
- Chickens in Single Family Zoning District.

**Motion by Billy Fried, second by Dave Hintz to adjourn. With all members voting “aye” the motion carried.**

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Scott Holewinski, Chairman

Karl Jennrich, Zoning Director