

**ONEIDA COUNTY PLANNING & ZONING**  
**December 1, 2010**  
**1:00 pm - Regular Session**  
**2:00 pm – Public Hearing**  
**COMMITTEE ROOM #2, SECOND FLOOR COURTHOUSE**  
**2<sup>ND</sup> FLOOR ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501**

---

Members present: Scott Holewinski, Chairman  
Gary Baier, Vice-Chair  
Dave Hintz  
Billy Fried  
Mike Timmons

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

Other Department staff: Brian Desmond, Corporation Counsel

Guests: Eric Johnson  
Jim Rein, RLS  
Norris Ross

---

Call to order.

Scott Holewinski, Chairman, called the meeting to order at 12:30 p.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 Mike Timmons to approve the amended agenda.  
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.

1. Driveway issue in the Town of Minocqua.
2. Conditional Use Permit for a truck repair and sales in the Town of Minocqua.

**12:30 pm - Motion by Dave Hintz, second by Billy Fried to go into closed session. Roll call vote: Scott Holewinski “aye”, Billy Fried “aye”, Gary Baier “aye”, Dave Hintz “aye”, Mike Timmons “aye.” The motion carried.**

---

A roll call vote will be taken to return to open session.

**1:00 pm - Motion by Scott Holewinski, second by Dave Hintz to go into open session. Roll call vote: Scott Holewinski “aye”, Billy Fried “aye”, Gary Baier “aye”, Dave Hintz “aye”, Mike Timmons “aye.” The motion carried.**

Chairman Scott Holewinski announced that while in closed session the committee held discussion on the driveway issue in the Town of Minocqua with no action taken.

Regarding the Conditional Use Permit for a truck repair and sales in the Town of Minocqua, the following motion was made while in closed session.

**Motion By Gary Baier, second by Dave Hintz, not to appeal the Board of Adjustment’s decision for appeal #10-005 involving Scott’s Northwoods Diesel, CUP #10-766. Roll call vote: Scott Holewinski “aye”, Gary Baier “aye”, Billy Fried “aye”, Dave Hintz “aye”, Mike Timmons: “aye”. The motion carried unanimously.**

Public comments.

There were no public comments.

Preliminary 4-lot Certified Survey Map for Anchor Bank FSB on property described as Gov’t Lot 1, a/k/a Squirrel Lake Resort Condominium, Section 9, T39N, R5E, PIN MI 7443 through MI 7462, Town of Minocqua.

James Rein, Wilderness Surveying, and Kathy Ray, Land Use Specialist are present. This property was recently rezoned to single family. The property is now going to be removed from condominium ownership. Mr. Rein noted that Lot 3 does not meet the minimum lot size requirements, but is allowable under Section 9.93—Lot Size Modification.

Kathy Ray, Land Use Specialist, recommended approval subject to the following conditions:

1. Town review.
2. Recorded removal instrument to remove the property from the condominium provisions of Wis Stats Chapter 703 prior to filing the final CSM.
3. Recorded road maintenance agreement to be approved by this Department prior to recording.
4. Addressing and 911 information must be approved by the Oneida County Land Information Department once a zoning permit has been issued.
5. Lot 3 subject to Oneida County Zoning and Shoreland Protection Ordinance, Section 9.97 for construction on steep slopes.

---

Gary Baier commented that Lake Classifications should be abolished and to stay with 100 ft width for all. Secondly, Mr. Baier stated that the definition of a structure should not include retaining walls.

**Motion by Scott Holewinski, second by Dave Hintz, to approve the 4-lot Certified Survey Map for Anchor Bank FSB, item #6 on today's agenda as presented, subject to staff conditions and town review. With all members voting "aye" the motion carried.**

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, reviewed the proposed revisions to Chapter 9 – The Oneida County Zoning and Shoreland Protection Ordinance.

Mr. Wegner noted that as requested, the committee was sent information on the past history of the pier provisions in a memo dated November 23, 2010, from Karl Jennrich, Zoning Director.

Mr. Wegner reviewed and updated the Committee of the changes that were made as a result of the November 3, 2010 meeting on revisions to Chapter 9. The Committee continued on from that point.

Impervious surfaces. The Committee discussed what an impervious surface is and whether a garage would be an impervious surface. Mr. Wegner will be getting further clarification on that. The Committee discussed different types of pavers and what would be acceptable per the DNR. Mr. Wegner will be getting further clarification on that also. The Committee would like a list of the questions that need to be followed up on, and what section they go along with.

Jim Rein commented that NR 115 specifically allows for engineered products. There are no specifications as to what it is; but an engineer just has to approve it. Mr. Wegner commented that the County will have the DNR sign off on the engineered products so that no one is misled.

Section 9.95 Shoreland Vegetation Protection Area.

Peter S. Wegner stated that at the last meeting the committee viewed slides of shoreland properties with existing viewing areas. The purpose of that was to show that the majority of the scenarios are existing viewing areas with existing structures within a viewing area, existing vegetation or absence of vegetation. Mr. Wegner stated that two meetings ago, the committee talked about how we would want to deal with the 30 ft viewing area (9.95 A (6)). The proposed language is taken from the DNR. Previously

---

the committee had concerns with allowing up to 200 feet for a single viewing area. The committee had asked staff to look at the existing language where you can have 30 feet of opening; 70 feet vegetated, 30 feet of opening, etc. And to also look at allowing a certain percentage of vegetation on either side of a viewing area. Mr. Wegner stated that the proposed language of NR 115 and that suggestion will cause a lot of problems, mainly because of the majority of the time you are dealing with existing conditions. If you have a property that already has an opening or has a structure there, based on the language we have now and what is proposed, it is difficult to define where a viewing area starts or stops. Mr. Wegner provided examples for the committee. Mr. Wegner suggested that the committee keep what they have and clarify the 30% language to say either combined or just allow one viewing area. Mr. Wegner commented that it is not possible to separate lots with existing conditions from an undeveloped lot for viewing areas.

Gary Baier discussed the WDNR's recommendation on trimming trees and grass to aid in the prevention of forest fires. Peter S. Wegner commented that the Department cannot follow these recommendations because they conflict with the zoning ordinance.

It was the consensus of the committee to allow multiple viewing corridors, with the maximum of 30 ft for any viewing corridor with vegetation in between any other view corridor(s).

Norris Ross commented that the committee should not confuse the viewing corridor with the ability to see the lake; it is not the same thing. Mr. Ross cautioned the committee to be more protective whenever possible.

Scott Holewinski reminded the committee that this will go to a public hearing; it is not advisable to go too strongly either one way or another. Dave Hintz commented that it should be kept as simple as possible, so that it is easily understood by an average individual.

Mr. Wegner will work on the language for viewing areas; to have more than one viewing corridor, but not to exceed 30 feet in width. This will be discussed again at the next meeting on the ordinance revisions.

Section 9.95 A (1) & (2). Language was stricken relating to placement of stairways, walkways because everything now has to be in the viewing area.

Section 9.95 A (7). This is new language. Mr. Wegner stated there would need to be two changes to this language; adding "With a permit" at the very beginning and adding "native species" at the end. "*With a permit*, the county may.....replace by replanting *native species* in the ..." The committee discussed the requirement for a permit for this. Mr. Wegner stated that this is mandated directly from NR 115. The County has no choice. Mr. Wegner stated that under 9.95 (6) a permit would be required for creating a

---

viewing area also. Mr. Jennrich stated that this is how it is going to be. Permits will be required for vegetation removal; for any impervious surface regardless of value. Onsites will be required before, during and after just to meet the requirements of NR 115 to monitor ongoing projects.

Section 9.95 A (9). This section was modified to eliminate “25% of the living crown of a tree...” Mr. Wegner stated it is impossible to go out and determine what 25% of the living crown of a tree is. Mr. Wegner added that this is outside of the viewing area and does not require a permit.

Section 9.95 A (10). This language was stricken because there is nothing in NR 115 that addresses boat launches or boat landings. In addition, there are very few requests for this. The existing language in the ordinance does not say what to do with a boat launch, only that a shoreland alteration permit is required. There are no criteria in the ordinance for a boat launch as far as location or mitigation, etc.

The committee discussed boat launches. It was the consensus of the committee to develop language to address boat launches. The language will be expanded with more criteria for placement, etc. and will be re-located to a different section of the zoning ordinance. Mr. Wegner will work on this.

Section 9.95 A (15). It was the consensus of the committee to strike this language.

Section 9.95 B (1) & (2). Deleted.

Section 9.96 Shoreland Mitigation Plan. The first paragraph is stricken and new language added (taken from model ordinance.)

It was the consensus of the committee to strike the sentence: “The Department may require consultation...prior to the issuance of a permit.”

There was discussion on the mitigation completion date which was changed from 12 to 18 months. Billy Fried suggested extending the date further to 24 months due to the area’s limited planting season.

Section 9.96 B “No cutting or mowing is permitted in the buffer zone” was added.

Section 9.96 C is stricken because mitigation requirements could not be met and allow open decks or patios within the viewing area. The zoning ordinance non-conforming language does not address accessory structures.

Dave Hintz asked about the Department’s staffing levels, and how the new requirements will affect that. Peter S. Wegner stated that this had been looked at before and it would require 2.5 to 3 additional employees. Karl Jennrich stated that the reality is that new

---

staff will not be added unless the Department has offsetting revenues. Right now, the Department cannot onsite every zoning permit on water because of the volume. Scott Holewinski stated that after all the ordinance changes have been completed, the committee will take a second look and determine when an onsite inspection is required; then try to make changes so that staff is not required to go out to verify every little thing, like a diseased tree. Mr. Wegner stated that the County has no choice; either more staff will be added, or the Department will not be able to comply with the requirements of NR 115. Staff will also project the staffing levels if the economy were to take a turn and permit levels increased.

Section 9.96 D (3). This was added for mitigation to be required.

Peter S. Wegner, Assistant Zoning Director, stated that if you look at the model ordinance and other counties, there are numerous methods of mitigation. Some deal with point systems, removal of outhouses, adding rain gardens. Mr. Wegner stated that he has been told at the very minimum, if you would maintain your 35-ft buffer, just leaving it alone that would suffice to meet the mitigation requirements. Mr. Wegner stated that the County is currently more restrictive than just the minimum requirements. Currently the County requires the addition of vegetation; septic system evaluations; excavation spoils to be placed at greater than 75 feet from the OHWM; and side lot buffer. These are above and beyond the minimum requirements of NR 115. The benefit of the current language is that it is easier to administer and understand. It will do a better job once we follow through with the final onsite inspections to see if the mitigation was completed. Currently the Department does not conduct a final onsite inspection unless it is an enforcement case. This method will save time and staff for the County. It will also benefit the homeowner rather than an extravagant point system. The Committee will start the next meeting with Section 9.97 Shoreland Alteration Permits.

Line item transfers, purchase orders and bills.

Bills submitted for approval are \$12,923.00

Purchase Orders submitted for approval are \$144.47.

Refunds.

There were no refunds today.

Approve future meeting dates: December 15, 2010.

The Committee confirmed the December 15, 2010 meeting as scheduled.

Public comments.

There were no public comments today.

Future agenda items.

David Hintz asked to put on a future agenda for discussion, yard signs, and signs on private property.

Billy Fried asked to put on a future agenda for discussion, the possibility of the Towns to contract with County Zoning for on-premise sign enforcement. Brian Desmond, Corporation Counsel, was going to look into this.

Adjourn.

2:55 p.m. Motion by Mike Timmons, second by Dave Hintz to adjourn. With all members voting "aye" the motion carried.

---

Scott Holewinski, Chairman

---

Karl Jennrich, Zoning Director