

NOTICE OF MEETING

COMMITTEE: PLANNING & DEVELOPMENT
DATE: JUNE 15, 2016
PLACE: ONEIDA COUNTY COURTHOUSE – COUNTY BOARD ROOM
TIME: 12:30 P.M. CLOSED SESSION
1:00 P.M. REGULAR MEETING
2:00 P.M. PUBLIC HEARING

ALL AGENDA ITEMS ASSUMED TO BE DISCUSSION / DECISION

1. Call to order.
2. Approve the agenda.
3. 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. Junkyard in the Town of Woodboro.
 - b. Dilapidated structure in the Town of Cassian.
 - c. Approve closed session minutes of March 2, March 16, April 5 and May 25, 2016.
4. A roll call vote will be taken to return to open session.
5. Announcement of any action taken in closed session.
6. Public comments.
7. Approve meeting minutes of May 18, May 25 and June 1, 2016.
8. Section 9.78, Sign Regulations. The committee will be looking at exempt signs pursuant to Section 9.78 E in light of Reed vs. Town of Gilbert Supreme Court Case.
9. Oneida County enforcement of dilapidated structures, junkyards and declared Public Health Nuisances.
10. Resolution 1-2016, a rezone in the Town of Cassian. The committee will be reviewing Resolution 1-2016 to forward to the Oneida County Board of Supervisors.
11. Refunds.
12. Line item transfers, purchase orders, and bills.
13. Approve future meeting dates: June 22, June 29, and July 6, 2016.
14. Public comments.
15. Future agenda items.

CONDUCT PUBLIC HEARING ON THE FOLLOWING:

16. **Conditional Use Permit Application** by Alec and Christine Stenli, owner d/b/a Northern Pines Greenery to construct a storage building for business use with outdoor storage on property described as Hill Lake Pines Lot 6, Section 9, T39N, R6E, Hill Lake Drive, PIN MI 5744, Town of Minocqua.
17. **Ordinance Amendment #2-2016** 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:

9.94 OHWM SETBACKS AND SPECIAL ZONING PERMISSION FOR STRUCTURES IN SHORELAND SETBACK (Amend. #08-2000, 29-2001, 71-2002, 87-2003, 14-2005, 02-2006, 12-2006, 13-2007, 14-2008)

A. OHWM Setbacks

There shall be setbacks from the ordinary high water mark (OHWM) on lots that abut or are within 75 feet of a navigable waterbody.

1. To remain unchanged.
2. Exceptions to the 75-foot setback from the OHWM of a navigable water body. See Appendices C through G for illustrative purposes only. The text in this section shall be controlling and will supersede the appendices if there are any conflicting interpretations.

a through c to remain unchanged.

d. Boathouse. A riparian owner may construct a boathouse subject to the following restrictions:

- ~~(1) No part of any boathouse shall extend into the lake or stream beyond the OHWM.~~
- ~~(2) The construction of a boathouse is confined to the viewing area and shall be at least 10 feet from the side yard lot line.~~
- ~~(3) With the exception of 9.94(A) (2) (d) (10) below, boathouses shall be designed and constructed solely for the storage of boats and related equipment. Patio doors, fireplaces, plumbing, living facilities and other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.~~
- ~~(4) The main door shall face the water.~~
- ~~(5) One boathouse is permitted in the first 100 feet of shoreline. In any additional increment of 100 feet of shoreline, a boathouse may be permitted only upon the issuance of a conditional use permit.~~
- ~~(6) A boathouse shall not exceed a total height of twelve (12) feet.~~
- ~~(7) A boathouse shall not be constructed on slopes 20% or greater.~~
- ~~(8) Boathouses shall be constructed in conformity with local floodplain zoning standards.~~
- ~~(9) The maximum width of a boathouse parallel to the OHWM shall not exceed the lesser of 75 percent of the viewing area(s) or 36ft. The overhang and eaves are not included in the maximum width and shall not exceed two feet. The maximum length of a boathouse landward and away from the OHWM shall not exceed 36 feet.~~
- ~~(10) A boathouse shall have a pitched roof with a minimum pitch of 2.3 to 12.~~
- ~~(11) Decks, platforms, & other construction not essential for berthing of boats is prohibited.~~
- ~~(12) A boathouse shall contain no plumbing.~~
- ~~(13) A boathouse shall contain no living facilities.~~
- ~~(14) A boathouse cannot be constructed if the riparian landowner has a permanent boat shelter.~~
- ~~(15) A boathouse cannot be constructed if the riparian landowner has an existing "wet" boathouse extending over a navigable waterway.~~
- (1) The construction or placement of boathouses below the ordinary high water mark of any navigable waters shall be prohibited.

- (2) The construction of a boathouse is confined to the viewing area and shall be at least 10 feet from the side yard lot line.
- (3) With the exception of 9.94(A) (2) (d) (10) below, boathouses shall be designed and constructed solely for the storage of boats and related equipment. Patio doors, fireplaces, plumbing, living facilities and other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.
- (4) The main door shall face the water.
- (5) One boathouse is permitted on a lot as an accessory structure.
- (6) Any boathouse which may be permitted within the setback area shall be of one story only. The basement definition does not apply to a boathouse and therefore constitutes a story. The sidewalls of a boathouse shall not exceed 12 feet in height as measured from the top of wall to the floor.
- (7) Boathouse construction is subject to the requirements of Section 9.97.
- (8) Boathouses shall be constructed in conformity with local floodplain zoning standards.
- (9) The maximum width of a boathouse parallel to the OHWM shall not exceed the lesser of 75 percent of the viewing area(s) or 36ft. The overhang and eaves are not included in the maximum width and shall not exceed two feet. The maximum length of a boathouse landward and away from the OHWM shall not exceed 36 feet.
- (10) The maximum total footprint shall not exceed 1008 square feet.
- (11) Flat roofs that shed water away from the OHWM are permitted.
- (12) The roof of a boathouse may be used as a deck provided that:
 - (a) The boathouse has a flat roof.
 - (b) The roof has no side walls or screens.
 - (c) The roof may have a railing that meets the State of Wisconsin Uniform Dwelling Code.
- (13) The number of berths within a boathouse shall be subject to the provisions of section 9.98(D).

9.96 SHORELAND MITIGATION PLAN (#08-2000, 30-2001, 02-2006, 14-2008, 21-2008)

The opening paragraph and A through E remain unchanged.

Mitigation requirements A-E above shall be implemented for the following:

- 1. Properties requiring a permit under sections 9.32(E) and 9.33(B) and meet the requirements of section 9.99.
- 2. ~~New boathouse construction on properties with existing dwellings or principal buildings.~~

18. Adjourn.

NOTICE OF POSTING

TIME: 2:00 PM ~ DATE: June 9, 2016 ~ PLACE: COURTHOUSE BULLETIN BOARD

SCOTT HOLEWINSKI, COMMITTEE CHAIRMAN

Notice posted by the Planning & Zoning Department. Additional information on a specific agenda item may be obtained by contacting the person who posted this notice at 715-369-6130.

NEWS MEDIA NOTIFIED VIA E-MAIL:

Northwoods River News	Date: June 9, 2016	Time: Approx. 2:30 p.m.
Lakeland Times	Date: “	Time: “
Buyer’s Guide/Our Town	Date: “	Time: “
WXPR Public Radio	Date: “	Time: “
WERL/WRJO Radio	Date: “	Time: “

NEWS MEDIA NOTIFIED VIA FAX:

WHDG Radio Station	Date: June 9, 2016	Time: Approx. 2:30 p.m.
WJFW-TV 12	Date: “	Time: “

Vilas County News
Tomahawk Leader
WLSL

Date: “
Date: “
Date: “

Time: “
Time: “
Time: “

Notice is hereby further given that pursuant to the Americans with Disabilities Act reasonable accommodations will be provided for qualified individuals with disabilities upon request. Please call Mary Bartelt at 715-369-6144 with specific information on your request allowing adequate time to respond to your request.

See reverse side of this notice for compliance checklist with the Wisconsin Open Meeting Law.

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GENERAL REQUIREMENTS:

1. Must be held in a location which is reasonably accessible to the public.
2. Must be open to all members of the public unless the law specifically provides otherwise.

NOTICE REQUIREMENTS:

1. In addition to any requirements set forth below, notice must also be in compliance with any other specific statute.
2. Chief presiding officer or his/her designee must give notice to the official newspaper and to any members of the news media likely to give notice to the public.

MANNER OF NOTICE:

Date, time, place and subject matter, including subject matter to be considered in a closed session, must be provided in a manner and form reasonably likely to apprise members of the public and news media.

TIME FOR NOTICE:

1. Normally, a minimum of 24 hours prior to the commencement of the meeting.
2. No less than 2 hours prior to the meeting if the presiding officer establishes there is good cause that such notice is impossible or impractical.
3. Separate notice for each meeting of the governmental body must be given.

EXEMPTIONS FOR COMMITTEES & SUBUNITS

Legally constituted sub-units of a parent governmental body may conduct a meeting during the recess or immediately after the lawful setting to act or deliberate upon the subject which was the subject of the meeting, provided the presiding officer publicly announces the time, place and subject matter of the sub-unit meeting in advance of the meeting of the parent governmental body.

PROCEDURE FOR GOING INTO CLOSED SESSION:

1. Motion must be made, seconded and carried by roll call majority vote and recorded in the minutes.
2. If motion is carried, chief presiding officer must advise those attending the meeting of the nature of the business to be conducted in the closed session, and the specific statutory exemption under which the closed session is authorized.

SYNOPSIS OF STATUTORY EXEMPTIONS UNDER WHICH CLOSED SESSIONS ARE PERMITTED:

1. Concerning a case which was the subject of Judicial or quasi-judicial trial before this governmental body Sec. 19.85(1) (a)
2. Considering dismissal, demotion or discipline of any public employee or the investigation of charges against such person and the taking of formal action on any such matter; provided that the person is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action is taken. The person under consideration must be advised of his/her right that the evidentiary hearing be held in open session and the notice of the meeting must state the same. Sec. 19.85(1)(b).
3. Considering employment, promotion, compensation or performance evaluation data of any public employee over which this body has jurisdiction or responsibility. Sec. 19.85(1)(c).
4. Considering strategy for crime detection or prevention. Sec. 19.85(1)(d).
5. Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session. Sec. 19.85(1)(e).
6. Considering financial, medical, social or personal histories or disciplinary data of specific person, preliminary consideration of specific personnel problems or the investigation of specific charges, which, if discussed in public, would likely have a substantial adverse effect on the reputation of the person referred to in such data. Sec. 19.85(1)(f), except where paragraph 2 applies.
7. 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. Sec. 19.85(1)(g).
8. Considering a request for advice from any applicable ethics board. Sec. 19.85(1)(h).

PLEASE REFER TO CURRENT STATUTE SECTION 19.85 FOR FULL TEXT

CLOSED SESSION RESTRICTIONS:

1. Must convene in open session before going into closed session.
2. May not convene in open session, then convene in closed session and thereafter reconvene in open session within twelve hours unless proper notice of this sequence was given at the same time and in the same manner as the original open meeting.

3. Final approval or ratification of a collective bargaining agreement may not be given in closed session.
4. No business may be taken up at any closed session except that which relates to matters contained in the chief presiding officer's announcement of the closed session.
5. In order for a meeting to be closed under Section 19.85(1)(f) at least one committee member would have to have actual knowledge of information which he or she reasonably believes would be likely to have a substantial adverse effect upon the reputation involved and there must be a probability that such information would be divulged. Thereafter, only that portion of the meeting where such information would be discussed can be closed. The balance of that agenda item must be held in open session.

BALLOTS, VOTES AND RECORDS:

1. Secret ballot is not permitted except for the election of officers of the body or unless otherwise permitted by specific statutes.
2. Except as permitted above, any member may require that the vote of each member be ascertained and recorded.
3. Motions and roll call votes must be preserved in the record and be available for public inspection.

USE OF RECORDING EQUIPMENT:

The meeting may be recorded, filmed, or photographed, provided that it does not interfere with the conduct of the meeting or the rights of the participants.

LEGAL INTERPRETATION:

1. The Wisconsin Attorney General will give advice concerning the applicability or clarification of the Open Meeting Law upon request.
2. The municipal attorney will give advice concerning the applicability or clarification of the Open Meeting Law upon request.

PENALTY:

Upon conviction, any member of a governmental body who knowingly attends a meeting held in violation of Subchapter IV, Chapter 19, Wisconsin Statutes, or who otherwise violates the said law shall be subject to forfeiture of not less than \$25.00 nor more than \$300.00 for each violation.

Prepared by Oneida County Corporation Counsel Office - 5/16/96