

**ONEIDA COUNTY PLANNING & ZONING**  
**January 25, 2011**  
**1:00 PM**  
**COMMITTEE ROOM #2**  
**ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501**

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Members present: Scott Holewinski  
Gary Baier  
Dave Hintz  
Billy Fried  
Mike Timmons

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

Guests: Bob Martini  
Norris Ross

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Call to order.

Scott Holewinski, Chairman, called the meeting to order at 1:00 p.m. in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda was properly posted. All members are present, with the exception of Mike Timmons, who will join the meeting shortly. Mr. Timmons arrived at approximately 1:07 p.m.

Approve the agenda.

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

Public Comments.

There were no public comments.

Dave Hintz asked that agenda item #6 be heard first. There were no objections.

Review progress/status of revisions to Chapter 9, Section 9 of the Oneida County Zoning and Shoreland Protection Ordinance due to changes in NR 115.

Dave Hintz placed this item on the agenda for discussion. Mr. Hintz offered the following alternate approaches:

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1. Assignment of areas to a particular committee member(s) to develop an expertise in that area and report back to the committee.
  2. Move away from NR 115 and look at the current ordinance and what areas need to be improved.
  3. Develop goal/mission for key areas (buffer zones, grandfathering).
  4. NR 115 may be repealed, put it on the middle burner and continue work on areas in need of improvement and clarity of existing ordinance.

The Committee and staff discussed each item. The following suggestions were made:

1. Develop clear rules that are easy to understand and enforce.
2. Invite experts to come to meeting, Brian Pitlik (gravel), etc.
3. Be more efficient.
4. Hold more meetings, closer together.
5. Keep on schedule to ensure an adopted zoning ordinance in place by February 1, 2012 deadline.
6. Plan to hold public hearings during times when seasonal property owners will be in the area.
7. Schedule pages or portions of ordinance to be discussed at each meeting to enable the Committee to prepare for meetings. Members will then come to meeting prepared with their concerns to discuss.
8. Identify grey areas. DNR cannot help, move forward.

**It was the consensus of the Committee to continue as they have been, and pre-plan what will be discussed at meetings. Other suggestions noted above to be considered during the process.**

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 reviewed the handout “Additional Language/Ordinance Sections That Need to be Addressed.” This is a list of other ordinance sections that need to be addressed, based on comments from the Committee and also changes that are needed due to making changes in one section of the ordinance affecting another section of the ordinance. #17 retaining walls needs to be added.

Mr. Wegner stated that he has researched other County Ordinances pertaining to impervious surfaces. Mr. Wegner stated that there are six types of surfaces that some counties called impervious while other counties called them pervious. Mr. Wegner

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provided pamphlets from vendors, which he noted may be considered biased because it comes from vendors. Mr. Wegner also looked at universities and private individuals regarding impervious and pervious surfaces. Mr. Wegner stated that the Committee will have to make a decision on the six types of surfaces.

1. Open deck or patio with ¼ inch between boards and with a pervious surface below. It was the consensus of the Committee that it would be a pervious surface.
2. Gravel Surfaces. The Committee discussed types of gravel at length. It was the consensus of the Committee that there are too many variables and that more research is needed before a decision can be made.
3. Grass Pavers. This is concrete lattice pavers with grass or gravel in the block's open cores. It was the consensus of the Committee that grass pavers would be pervious

Discussion was held on obtaining more information about the different products that are on the market before going any further. Staff was directed to have someone come in to talk about gravel, blacktop and pavers and the maintenance required. Brian Pitlik (Pitlik & Wick), County Concrete and Concrete Products were suggested as possible presenters. Jean Hansen, Land Conservation Department, may also have some contacts.

#### Section 9.95 A Shoreland Protection Area.

(Note: Add tree cutters to list for planned contractors, landscapers meeting.)

Should there be a permit or an onsite inspection required to cut down a tree and/or pruning within the Shoreland Protection Area? It was the consensus of the Committee that a permit and an onsite inspection will be required. It was the consensus of the Committee that no permit fee will be charged for this permit. The Department will try to onsite this type of activity when in the area and not make a trip just to onsite a dead tree for removal; it can be combined with sanitary inspections or other zoning onsite inspections.

Mr. Wegner stated that he would need to combine #4, #6 and #8 on pages 7 & 8 of the draft.

#### Section 9.95 A (15).

This was added to allow existing lawns to be maintained by cutting and mowing.

#### Section 9.97 C (1)(a).

Change definition of shoreyard to be within 300 feet to match NR115 language and also change the name of the Shoreland Alteration Permit to Shoreyard Alteration Permit, and also replace the word shoreland with shoreyard wherever necessary.

Section 9.97 C (1) (b & c). Stricken.

Section 9.97 C (2) (a, b & c.) Stricken.

Section 9.98 E (4).

Mr. Wegner stated that language was added to confine berth structures to the viewing area to go along with the new walkway language.

Billy Fried objected to the proposed language and telling property owners where to put their piers or park their boat. The Committee discussed the issue. It was the consensus of the Committee to strike the proposed language.

The question rose whether Oneida County should be regulating piers at all. Oneida County is one of the few counties that regulate piers and berth structures. This will be placed on a future meeting agenda for a more in-depth discussion.

Section 9.99 C (1).

Peter Wegner informed the Committee that he believes this may be in conflict with NR 115. This states that a legal pre-existing use can be expanded up to 100%. NR 115 states: "An ordinance enacted under those provisions may not prohibit the continuation of the lawful use of a building, structure or property, that exists when an ordinance or ordinance amendment takes effect, which is not in conformity with the provisions of the ordinance or amendment." Mr. Wegner stated that to allow a legal pre-existing use to expand by 100% goes beyond the NR 115 language, which only allows the structure or use to continue, not to be expanded upon. Mr. Wegner indicated that this is information to the Committee so they are aware that this may come up during review by the DNR.

Section 9.99 D (3).

All language allowing changes to a legal pre-existing accessory structure to be stricken. Language is added to allow only ordinary maintenance and repair to a legal pre-existing accessory structure.

Section 9.94 (5).

Mr. Wegner informed the Committee that he believes there is a conflict between NR 115 as it relates to impervious surfaces where it states: *"Replacement of existing impervious surfaces with similar surfaces within the existing building envelope is permitted."* It does not mention setbacks, so an open deck or patio, a garage or anything less than 75 feet from the OHWM can be replaced. These are all accessory structures. There is no language in NR 115 that addresses accessory structures. Only principle structures are addressed. Mr. Wegner stated that he sent another email to get a final answer on it, but he does not think he will get an answer. It was the consensus of the Committee to move forward and make a decision without an answer from the DNR.

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Section 9.94 C (5)(b).

Mr. Wegner stated that language could be added to state: *“Replacement or existing impervious surfaces with similar impervious surfaces within the existing building envelope, meeting the applicable setbacks (or greater than 75 feet from the OHWM.)”*

Section 9.99 D (3).

Mr. Wegner stated that this language could stay. This allows for both accessory structure and principle structure legal pre-existing language. The language that says you can keep 200 square feet of open deck or patio within the view corridor between 35-75 feet from the OHWM could stay. All the things that have been stricken could be put back in, as long as it was understood that anything other than an open deck or patio would be gone, which is what the language says now, and has said since 2001.

Section 9.96 C.

This language will be put back in (previously stricken). With this change, Section 9.94 B Special Zoning Permission will no longer be an issue. Section 9.99 D 3 will be brought back and the new (3) will be stricken.

Mr. Wegner will make the changes discussed today, and the Committee will start on page 17 at the next meeting.

Mr. Wegner distributed diagrams of different scenarios that would be allowed per NR 115. Information to the Committee, to be discussed at a later meeting.

Billy Fried asked that the definition of accessory structure and impervious structure be added. Mr. Wegner will review those definitions and update as needed.

Review draft Resolution concerning NR 115 to be forwarded to the Oneida County Board of Supervisors in February.

The Committee reviewed the draft County Board Resolution concerning NR115. Additional whereas statements will be added and are forthcoming. The resolution will be brought back to the Committee for final approval.

Approve future meeting dates.

Meeting dates of February 10 & 24, 2011 at 1:00 PM were confirmed.

Public comments.

There was a discussion on rain gardens.

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Future agenda items.

Section 9.98 Piers and Berth Structures will be placed on a future meeting agenda.

Adjourn.

3:30 pm – Motion by Dave Hintz, second by Mike Timmons to adjourn. The motion carried unanimously.

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Scott Holewinski, Chairman

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Karl Jennrich, Zoning Director