

**ONEIDA COUNTY PLANNING & ZONING**  
**February 24, 2011**  
**1:00 PM**  
**COMMITTEE ROOM #2**  
**ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501**

---

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

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

Other County staff: Brian Desmond, Corporation Counsel

Guests: Bob Martini  
Norris Ross

---

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.

Approve the agenda.

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

Public Comments.

There were no public comments.

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.

Peter S. Wegner, Assistant Zoning Director, reviewed the proposed revisions to Chapter 9—The Oneida County Zoning and Shoreland Protection Ordinance.

Mr. Wegner stated that at the last meeting, there were presentations made on the various pervious surface products—permeable pavers, porous asphalt, porous concrete

---

and also gravel. Mr. Wegner asked the Committee if they were prepared to make decisions on what is to be pervious and what is not pervious.

The Committee discussed pervious surfaces with staff. The discussion entailed the following:

Billy Fried stated that it is important to give the public as many options as possible. Even an impervious asphalt surface could be claimed to be pervious as long as the drainage system was pervious. A pervious product could be impervious if it was not set up right. Mr. Fried stated that he would include everything that falls under the guidelines of being pervious. The products are available and should be used.

Dave Hintz stated that he would agree with Mr. Fried and stated that the NR 115 50% rule—if 50% of water soaks in, it is pervious, should be used. If a landowner can prove that 50% of the water soaks in, it should be permissible, whether it is a high-tech system or not. The problem is that there are no standards for applying the 50% rule, it leads to interpretation. The Committee could re-define that rule to make it more specific, but at the same time, do not want to make it too complex. It should be easy for property owners and staff alike.

Gary Baier stated that at the planned meeting with the landscapers, contractors, etc., there will be presenters at the meeting that will explain how the process works. Some of the retaining blocks used now are pervious, but we call them structures. Mr. Baier stated that there is maintenance with these products, and that the problem is not just runoff, there is shoreland erosion. Many shoreland projects that were done using natural means are failing. Mr. Baier stated that the Committee needs to re-define what a structure is—a garage, house, or building and not a rock, retaining block or fire pit. Mr. Baier added that there is a need for language to trigger when a permit is required so the average person understands it. Many projects are done under “ordinary maintenance and repair,” when a permit was required.

Peter S. Wegner, Assistant Zoning Director, suggested that staff be directed to allow permeable pavers, porous pavers, porous asphalt and porous concrete to be pervious, if they are specifically designed, constructed and maintained to be pervious. Mr. Wegner added that a lot of it has to do with how it is installed and the base layer; there is the question of maintenance, but proper installation is more important. Mr. Wegner suggested a means to determine whether or not a surface is pervious, dump a certain volume at a time, and look at how much infiltrates and how much stays on top.

Mike Timmons disagreed. Mr. Timmons stated that even grassy soils can be impervious sometimes and cause issues. There are other factors involved. A large rain event the day prior to staff doing an inspection could throw it off because the soils would already be saturated and nothing more could be absorbed. It could take weeks before the soils could take on anymore water during a wet summer. Mr. Timmons stated that there has to be trust that the contractor will install the products correctly, which is more important than the maintenance.

Peter S Wegner, Assistant Zoning Director, stated that most of the time, gravel is impervious. The pervious products are dependent upon the installation and some trust needs to be given to the company's reputability. Mr. Wegner added that these products are durable, and maintenance every 5-10 years is recommended; and even then, most often, the products are found to be working properly.

Scott Holewinski stated that the rule is wide open for interpretation. The property owners will be looking for loop holes, ways to get around it. In most cases driveways are on the back side of the house, away from the lake and do not impact runoff to the lake. Why even include them? Mr. Holewinski stated that gravel is impervious, and water will run off of it, but what if you have the drainage system on the side of the road that allows the runoff to drain, then is it pervious?

Peter S Wegner, Assistant Zoning Director, asked about grasscrete. The Committee previously decided that grasscrete is pervious, but now it is questionable. Mr. Wegner stated that he needs the Committee to decide on what is impervious and what is not impervious. Mr. Wegner stated that the Committee needs to look at the top surface, whether or not it is impervious, and not look at anything else as far as gravel and asphalt surfaces are concerned.

Bob Martini discussed creating County policy for impervious surfaces and to allow staff to make judgments based on the policy. The applicant would show how he is diverting as much runoff as possible, and staff would decide if it meets the goals of the policy. As an example, if staff decides that the proposal from the landowner is going to divert 40% - 50% of the runoff to the lake, then those structures would not be counted. But if there was impervious gravel, that would be counted. The Committee discussed Mr. Martini's concept. Mr. Hintz noted that you cannot write the ordinance to fit every circumstance and every product. There is a need to write and show the protective nature of the policy. This would also allow the landowner with options.

Mr. Holewinski directed Mr. Wegner to contact the DNR with today's ideas, and see what their reaction may be. If they are on-board with it, it would eliminate a lot of problems with the ordinance re-write.

The Committee and staff then reviewed the changes that were made as a result of the February 10, 2011 meeting. Dave Hintz questioned the following:

Page 4.

(f)(3)--How would the property owner put in their boat? It was clarified that the intent is to allow one boathouse, boat shelter or a boat launch. Every lot on a lake cannot have a boat launch and a boathouse and a boat shelter.

3 (a): "Whenever and wherever practicable...." Mr. Wegner will correct this language.

Page 6.

B (4). "...that covers at least 70% of the half of the 75 foot setback area that is nearest to the water." Mr. Wegner will change this to be 37.5 feet.

4 (b). "...successive property owners to establish or maintain..." This will stay as written.

5 (a). "A zoning permit and onsite inspection is required pursuant to Section 9.32." Mr. Hintz questioned whether a permit would be required to seal an asphalt driveway. Mr. Wegner explained that this would be maintenance and repair, which is exempted under Section 9.32.

Peter S. Wegner, Assistant Zoning Director, went over the changes that were made to the previous draft on pages 4, 7, 8, 11, 13 & 14. The changes were accepted by the Committee.

The Committee continued to review the draft, beginning on page 17. Mr. Wegner reminded the Committee, as discussed at the last meeting, that NR 115 does not supersede Chapter 59.69 (nonconforming.) Mr. Wegner stated that the Committee could submit the existing language for nonconforming to the DNR and see if it passes.

Mr. Wegner stated that he had contacted the DNR and asked if he could submit portions of the revised ordinance and see if it passes, rather than waiting until the end and having multiple problems to deal with. The DNR had no problem with that. Therefore, the Committee could submit what is done so far, along with the existing nonconforming language for the DNR to review; or review the proposed changes that Mr. Wegner had already developed involving nonconforming. Mr. Wegner stated that the proposed nonconforming language protects the resources more, but takes away some options that are available through the existing nonconforming language.

Scott Holewinski asked what the goal really is, water quality or to remove nonconforming structures. Billy Fried stated that there is more than just one goal—and they need to work together. It is both aesthetic and water quality.

Peter Wegner, Assistant Zoning Director, noted that Oneida County is the only county that allows to "demolish and rebuild" a nonconforming structure less than 40 feet from the ordinary high water mark. Dave Hintz stated that the Committee should have a discussion and come to a conclusion on a policy for nonconforming structures—either eliminate or let them be rebuilt. Mr. Holewinski stated that this will be an agenda item for the next meeting, to establish policies and goals for shoreland zoning.

Gary Baier discussed hardship cases and establishing a policy for exemptions, rather than changing the ordinance every time a situation arises that does not conform to the ordinance, but is reasonable based upon the situation. There was discussion on the ADA provisions of the ordinance.

2:28 PM – Billy Fried was excused from the meeting.

Scott Holewinski stated that the Committee should develop their policies and what is best for Oneida County before they go any further. The following topics for policies were suggested:

1. Nonconforming
2. Buffer Zones
3. Impervious Surfaces
4. Mitigation
5. Lake Classifications
6. Setbacks and averaging
7. Structure – what is it?
8. Purpose Statement
9. Erosion Control
10. Retaining Walls
11. Storm water Management

Approve future meeting dates.

The Committee confirmed the following meeting dates.

Regular Meeting dates:

March 2, 2011  
March 16, 2011

Ordinance Revision Meeting dates:

March 10, 2011  
March 24, 2011 – Dave Hintz is excused from this meeting.

Public comments.

There were no public comments at this time.

Future agenda items.

Nothing discussed.

Adjourn.

**2:56 pm - Motion by Dave Hintz, second by Mike Timmons to adjourn. With all members voting “aye” the motion carried.**