

ONEIDA COUNTY PLANNING & ZONING

March 16, 2011

12:30 pm – Closed Session

1:00 PM – Regular Meeting

2:00 PM – Public Hearing

COMMITTEE ROOM #2

ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501

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Members present: Scott Holewinski  
Gary Baier  
Billy Fried  
Mike Timmons

Department staff present: Karl Jennrich, Zoning Director  
Lila Dumar, Secretary III  
Nadine Wilson, Land Use Specialist

Other County Staff: Brian Desmond, Corporation Counsel  
Ken Korten Hof, Director, Emergency Management  
Art Hilgendorf, GIS Analyst, Land Information Office

Guests: Gene Uttech, MSA Surveyors  
Ben Loma  
Ed Choinski  
Tim Sanders  
David Schmitz  
Len Hyke  
Mike Warekois  
Dennis Nitzel  
Joann Wenzlick  
David Wenzlick

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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. All members are present with the exception of Dave Hintz, who is excused.

Approve the agenda.

**Motion by Billy Fried, second by Mike Timmons to approve the 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.

- a. Real estate transfer violation in the Town of Schoepke.

**12:32 pm - Motion by Mike Timmons, second by Billy Fried, to go into closed session. Roll call vote: Scott Holewinski: "aye", Gary Baier "aye", Mike Timmons "aye", Billy Fried "aye." The motion carried.**

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

**12:47 pm – Motion by Mike Timmons, second by Billy Fried to go into open session. Roll call vote: Scott Holewinski: "aye", Gary Baier "aye", Mike Timmons "aye", Billy Fried "aye." The motion carried.**

Scott Holewinski, Chairman, stated that while in closed session, the Committee discussed a real estate transfer violation in the Town of Schoepke. There was a motion made while in closed session. The secretary read the motion into the record.

**Motion by Gary Baier, second by Billy Fried to file a long-form compliant against Joan McKernan for a real estate transfer violation in the Town of Schoepke. The motion carried unanimously.**

12:48 pm – The Committee recessed.

1:00 pm – the Committee reconvened to conduct regular meeting.

Public comments.

There were no public comments at this time.

Approve meeting minutes of February 16, 2011.

**Motion by Billy Fried, second by Scott Holewinski to approve the meeting minutes of February 16, 2011 as presented. With all members voting "aye" the motion carried.**

First Addendum to the Alta Vista Resort condominium being part of Gov't Lots 3 and 4, Section 3, T38N, R7E, clarify unit expansions in limited common elements, clarify structures in common element, propose stairway location to pier, PIN's LT 1064, LT 1066, LT 1067, LT 1068, LT 1069 and LT 1069-1, Town of Lake Tomahawk.

Karl Jennrich, Zoning Director, noted that this was brought before the Committee on February 16, 2011. At that time, the Committee discussed whether this is something the County should be involved in, or if it is a civil matter between the condominium owners. At that time, it was the consensus of the Committee to take no action and that this should be reviewed by Corporation Counsel.

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Nadine Wilson, Land Use Specialist, reported that Corporation Counsel has since reviewed the file and has advised to take no action against the individuals in the condominium that built outside of their common element. The condominium association has provided a letter indicating that the projects were approved and after-the-fact permits were issued by Planning and Zoning for the construction. If anyone wishes to challenge the validity of the condominium association's approval, it would be an issue for private counsel and the condominium association.

Mr. Jennrich stated that the addendum complies with all zoning provisions and the complaint is an internal matter of the condominium association. Mr. Jennrich noted that an approval letter was submitted by the condominium association, and it is the Department's standard practice to accept such approval letters at face value.

Ms. Wilson recommended the following conditions of approval:

1. Statement on Plat: Approval of Zoning Permits is not implied nor guaranteed with approval of this Condominium Plat. Zoning Permits may be required for any improvements, expansions, and/or additions and shall comply with the current Oneida County Zoning and Shoreland Protection Ordinance. Structures depicted on the plat that are situated less than 75 feet from the OHWM may be subject to stricter zoning regulations/restrictions by the County and/or Town.
2. Amendments to Declarations to be reviewed by this Department prior to recording in the Register of Deeds office.

**Motion by Mike Timmons, second by Gary Baier to approve the 1<sup>st</sup> Addendum to the Alta Vista Resort Condominium subject to the conditions outlined by staff. With all members voting "aye" the motion carried.**

Two lot Certified Survey Map of Gareth Stange, owner and Gene Uttech, MSA Surveyors for property at 2088 Mohawk Trail described as part NE SW and SE NW, Section 34, T36N, R6E, PIN NO 518-2, Town of Nokomis.

Nadine Wilson, Land Use Specialist; and Gene Uttech, MSA Surveyors, are present. Karl Jennrich, Zoning Director, stated that this is a 2-lot minor CSM and normally would not require Committee review, but there are road issues. Pursuant to Section 15.23 (1) (C) & Section 15.23(2) (A) a 33 ft wide easement road is required. However, Section 15.23 I provides that when an existing easement road that provides access to newly created parcels does not meet these requirements, the subdivider must obtain approval from the town and Committee. Mr. Jennrich noted that Mr. Uttech has met with the Nokomis Town Board and that the 2-lot subdivision was approved by the Town with a 20 ft easement road and the addition of a turnaround for emergency vehicles. Mr. Jennrich noted that the minimum lot size and water front requirements have been met. Ms.

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Wilson will work with Mr. Uttech to correct and finalize the CSM on a few minor changes.

**Motion by Scott Holewinski, second by Billy Fried to approve the 2- lot Certified Survey Map of Gareth Stange, owner and Gene Uttech, MSA Surveyor, in the Town of Nokomis, with the provisions of Section 15.23 I being met, with a 20 ft wide existing easement road, and a turnaround for emergency vehicles. With all members voting “aye” the motion carried.**

FEMA / DNR Flood map updates. The Committee will discuss / act on digitizing Oneida County Floodplain maps.

Karl Jennrich, Zoning Director, stated that Oneida County has been contacted by the Wisconsin Department of Natural Resources on behalf of the Federal Emergency Management Agency (FEMA) on digitizing Oneida County floodplain maps. FEMA has been in the process of modernizing and digitizing floodplain maps over the past several years for all counties in the State of Wisconsin. Population flood risk is used to prioritize counties. Oneida County has reached its place in the priority listing. There will be no cost incurred by the County during this process.

The flood plain map modernization is very important to the Department for the reason that it will allow the county the ability to overlay aerial photography showing structures onto digital floodplain maps. Hopefully, obvious errors in the current mapping will be corrected, but there will be no changes to the classification of A Zones or AE Zones or changes to flood plain elevations from this effort.

This is also the first step to secure more accurate maps. If Oneida County obtains LiDar data, with both digitized maps and detailed elevation data, FEMA would be able to generate detailed floodplain maps. Detailed maps from an engineered study would reduce the number of A zones and provide more flood elevation information for both zoning and flood insurance decisions. For detailed studies, FEMA gives priority to counties that can provide LiDar. Detailed studies are *highly* dependent on funding available to FEMA.

Art Hilgendorf, GIS Analyst, stated that this is an interim step. This is not an update of the current FIRM maps. This is simply digitizing the existing FIRM maps. This is the first step that needs to be done, so that if the County chooses to obtain LiDar data, then the County will be able to go to the next step to update the FIRM maps. In the future, the digitized maps will be used as overlays on aerial maps, etc.

Ken Kortenhof, Emergency Management, stated that his focus is damage assessment in the event there is a flood. Digitizing and updating the FIRM maps will enable his Department, while in the field, to identify what structures are located within a

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floodplain. The Planning and Zoning Department would then administer any construction in those areas based on the Floodplain Ordinance.

**Motion by Gary Baier, second by Mike Timmons, to have the County's FIRM maps digitized by the DNR; and for the Zoning Director to continue to work with Emergency Management, the Land Information Office and DNR in this process. With all members voting "aye" the motion carried.**

Review and approve the 2010 annual report.

Karl Jennrich, Zoning Director, reviewed the 2010 Planning and Zoning Department's Annual Report with the Committee. The report is available online following approval by the County Board of Supervisors.

**Motion by Billy Fried, second by Mike Timmons, to forward the 2010 Planning and Zoning Department's Annual Report to the County Board for consideration at the April, 2011 meeting. With all members voting "aye" the motion carried.**

Line item transfers

Line item transfers. Wis Fund Grants – \$13,805.00. Transfer of monies received from the State of Wisconsin that was dispersed to grant recipients.

**Motion by Gary Baier, second by Mike Timmons, to approval the line item transfer of \$13,805.00. With all members voting "aye" the motion carried.**

Purchase orders and Bills.

Bills submitted for approval are \$242.00.

Purchase Orders submitted for approval are \$555.30

**Motion by Mike Timmons, second by Billy Fried to approve the purchase orders and bills as presented. With all members voting "aye" the motion carried.**

Refunds.

There were no refunds.

Approve future meeting dates: April 6 & 20, 2011.

Meeting dates of April 6 & 20, 2011 were confirmed.

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Public comments.

There were no public comments.

Future agenda items.

- Prioritization of programs
- Goals
- Signs

1:48 PM – The Committee recessed.

**2:00 PM - The Committee reconvened to conduct the public hearing.**

**Ordinance Amendment** #01-2011 authored by the Planning and Zoning Committee to create Section 9.56, Domesticated Chickens / Ducks to the Oneida County Zoning and Shoreland Protection Ordinance as follows:

9.56 Domesticated Chickens / Ducks

Purpose and Intent

1. It is the purpose of this Ordinance to provide standards for the keeping of domesticated chickens and ducks.

B. Definitions.

1. Chicken – The common fowl (Gallus gallus) especially when young; also: its flesh used as food.
2. Duck – Any of various swimming birds (family Anatidae, the duck family) in which the neck and legs are short, the feet typically webbed, the bill often broad and flat, and the sexes usually different from each other in plumage.

C. Number of Chickens and Ducks allowed.

1. The maximum number of chickens and /or ducks allowed is eight (8) per lot.

D. Location

1. Chickens and ducks pursuant to this Section are allowed in District #2, Single Family Residential, only.

Karl Jennrich, Zoning Director, read the notice of public hearing for Ordinance Amendment #01-2011. The notice was published in the Northwoods River News on March 1<sup>st</sup> and March 8, 2011; and in the Lakeland Times, Tomahawk Leader, Vilas News and Three Lakes News the week of February 28, 2011. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on February 24, 2011. The mailing list was also read into the record.

Mr. Jennrich stated that a previous public hearing was held on November 17, 2010 (Ordinance Amendment #09-2010 – copy is part of today's record). At the public hearing, following input from the public, the Committee deliberated and amended the

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ordinance amendment with less restrictive requirements. The following motion carried unanimously.

*Motion by Mike Timmons, second by Dave Hintz, to disregard the proposed Section 9.56 and to direct staff to develop language to add a permitted use in the single family residential zoning district to allow 8 adult chickens or ducks. With all members voting "aye" the motion carried.*

The ordinance amendment was forwarded to the County Board, but was pulled prior to the meeting due to the fact that Corporation Counsel recommended that a new public hearing was required because the ordinance amendment language that was approved by the Committee at the public hearing was substantially different from the original notice of public hearing that was published. Therefore, a new public hearing was scheduled and is being held today.

Mr. Jennrich stated that the following correspondence was received and is part of the record of today's public hearing:

- Correspondence from the Town(s) of Minocqua, Hazelhurst, Three Lakes, Newbold, and Lake Tomahawk opposed to Ordinance Amendment #01-2011.
- Email from Dave Hintz with his thoughts for approval of the ordinance amendment.
- Email from Jeff and Karol Mahner in support of the ordinance amendment.

Mr. Jennrich noted that currently chickens/ducks are allowed in the following zoning districts: Residential & Farming, Rural Residential, General Use, and Forestry 1-A with certain restrictions and in unzoned areas with no restrictions.

Mr. Holewinski opened the public hearing for comment from the audience. The following individuals spoke.

1. Len Hyke, Black Lake Road, Town of Newbold, stated his support of the ordinance amendment with the least restrictions being placed on it and no permit requirements.
2. Andrew Arnold, Driftwood Place, stated support of the ordinance amendment.
3. Mike Warekois, Black Lake Road, Town of Newbold, indicated his support of the ordinance amendment.
4. Ben Loma, Bay View Drive, Town of Newbold, stated his support of the ordinance amendment. Mr. Loma provided handouts to the Committee that are part of the record of today's hearing.
5. Tim Sanders, River Road, Town of Newbold, indicated his support.
6. Jack Young, Town of Crescent Supervisor, stated that he is not in favor of the ordinance amendment in its current form. The Town was in favor of the 1<sup>st</sup>

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version of the ordinance amendment. Mr. Young stated that a better ordinance is needed, perhaps a combination of both ordinance amendments.

7. Dave Schmitz, Northwestern Drive, Town of Newbold, indicated that he is not in favor of the ordinance amendment in its current form. The language is too wide open.
8. Ed Choinski, Gypsy Lake Road, Town of Newbold, stated he is not in favor of the ordinance amendment in its current form. More restrictive rules are needed.
9. Dennis Nitzel stated that this is a waste of time and that County Government has more important things to take care of. Mr. Nitzel is opposed to the ordinance amendment due to the fact that it is making a regulation that is not needed. Chickens should be allowed without County oversight.

Scott Holewinski asked if there was anyone else that wished to speak for or against Ordinance Amendment #01-2011. No one came forward.

Scott Holewinski asked a second time, if there was anyone else that wished to speak for or against Ordinance Amendment #01-2011. No one came forward.

**2:38 PM. The public hearing was closed for deliberation by the Committee.**

Karl Jennrich, Zoning Director, provided copies of both ordinance amendment #09-2010 and #01-2011 to the Committee. The Committee reviewed the documents and amended the proposed language as follows:

9.56 *Domesticated Chickens / Ducks*

A. *Purpose and Intent*

1. *It is the purpose of this ordinance to provide standards for the keeping of domesticated chickens/ducks. It is intended to enable residents to keep a small number of chickens/ducks on a non-commercial basis while limiting the potential adverse impacts on the surrounding neighborhood.*

B. *Definitions.*

1. *Chicken – The common fowl (Gallus gallus) especially when young; also: its flesh used as food.*
2. *Pen – shall mean a wire enclosure connected to a coop for the purpose of allowing chickens/ducks to leave the coop while remaining in an enclosed, predator-safe environment.*
3. *Duck – Any of various swimming birds (family Anatidae, the duck family) in which the neck and legs are short, the feet typically webbed, the bill often broad and flat, and the sexes usually different from each other in plumage.*
4. *Coop – shall mean a structure for the sheltering of chickens/ducks. An existing shed or garage can be used for this purpose if it meets the standards contained in this ordinance including the required setbacks from property lines.*

C. *Number and type of chickens/ducks allowed.*

1. *The maximum number of chickens and/or ducks allowed is eight (8) per lot.*
2. *Only chickens are allowed, no roosters. Male or female ducks are allowed. There is no restriction on chicken or duck species.*

D. *Coop and Pen construction*

*The chickens/ducks shall be provided with a covered coop and attached pen.*

E. *Location.*



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1. *Chicken/duck coops and pens shall not be located closer than fifty (50) feet to any lot line.*
  2. *Chicken coops and pens, pursuant to this Section are allowed in any zoning district.*
  3. *Minimum lot size is 1 acre.*

**Motion by Billy Fried, second by Mike Timmons to approve Ordinance Amendment #01-2011 as amended today and to bring the final draft back to the Committee for approval prior to sending to the County Board. With all members voting “aye” the motion carried.**

**2:10 pm - Motion by Gary Baier, 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