

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

Members present: Scott Holewinski
Gary Baier
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
Bob Williams
Bob Mott

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. Dave Hintz is excused from today's meeting. Billy Fried will be joining the meeting in session.

Approve the agenda.

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

Public Comments.

There were no public comments at this time. Public comments will be taken throughout the meeting.

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.

Discussion was held on NR 151 involving wetlands. Gary Baier stated that NR 115 and NR 151 mirror each other. Mr. Baier asked if the Committee should be considering NR 151 in the current ordinance revisions. It was the conclusion of the Committee to continue with NR 115 and not to incorporate NR 151 into the process.

The Committee continued the discussion on policy and goals from the March 10, 2011 meeting.

Stormwater Runoff.

Mike Timmons noted that stormwater runoff should not be directed to public roads without the consent of the town or other government entity. Gary Baier stated that there are other ways to handle stormwater runoff, filtering systems.

It was the conclusion of the Committee for stormwater runoff to be confined to the property as much as possible.

Soil Disturbance.

Discussion was held on soil disturbance for the construction of a new home and the requirement for a special permit if the soil disturbance exceeds 10,000 square ft. It was noted that the DNR only looks at sites if there is a slope toward the waterfront.

The Committee directed staff to look at the existing language and to modify it to only regulate if there is a slope toward the water.

Wetlands.

The Committee discussed the fact that if there is a setback requirement to a wetland, many lots would become unbuildable.

It was the conclusion of the Committee to keep the 5 ft setback from a wetland for excavating or grading.

Education of Landowners.

It was the consensus of the Committee that the landowners need to be educated and should be kept informed of changes. The Committee discussed the following.

- Permit requirements and citations
- Contractors, landscapers and builders help to educate landowners
- TO update handouts and add to the material currently available
- Lake Associations to help to distribute information to landowners

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- Develop a booklet for waterfront development
 - Include information in tax bills

Lake Classifications

The Committee has taken the position to only have one lake classification, which would basically eliminate lake classifications. Those lake associations or towns that wish to do so can be more restrictive. A public hearing will be required.

Mitigation

Currently, Peter S. Wegner, Assistant Zoning Director, reviews the more complex mitigation plans. Zoning Technicians or Permit Specialists review mitigation plans that are considered to be more basic, such as lots that are heavily wooded. Currently mitigation requirements include:

- Vegetation of the 35-ft buffer
- Replant Trees
- Establish Side Lot buffer
- Septic Inspection
- Spoil pile placed greater than 75 from OHWM
- Mitigation is used for nonconforming properties, boathouses, etc.

It was the consensus of the Committee to keep mitigation requirements as they are.

1:32 pm – Billy Fried joined the meeting.

Vegetative Buffer Zone.

It was the consensus of the Committee to keep the vegetative buffer at 35 feet and the viewing corridor at 30 feet.

NR 115 Impervious Surfaces.

Mr. Holewinski stated that impervious surface requirements take away the rights of the property owner and that water runoff into the lake is a greater concern. If the stormwater runoff is managed correctly, impervious surfaces shouldn't matter.

It was the consensus of the Committee for the goal on impervious surfaces is to look at where the storm water goes and manage that with no percentage requirements for impervious surfaces on a lot. If this is not acceptable to the DNR, then the percentage requirements for impervious surfaces will be reviewed again.

Property Rights.

The Committee discussed property rights and felt that it was covered in the other topics discussed so far. The Committee also discussed the following.

- The vegetative buffer is not public property; it belongs to the property owner.
- New construction on vacant land is not the problem.
- Developed properties are the problem area
- Maximize the property owner's rights while working within the goals set.
- One size does not fit all in Oneida County.
- Oneida County currently has the most lenient zoning ordinance in the State.
- Oneida County will become more restrictive with NR 115.

Peter S. Wegner, Assistant Zoning Director, reviewed the memo sent to the Planning and Zoning Committee dated March 17, 2011. The memo addressed some areas that needed clarification.

The Committee discussed the following:

1. Structures located 0-40 feet from OHWM will be limited to only maintenance and repair.
2. Nonconforming language for 0-40 and 40-75 feet from the OHWM will be kept as we have it now, and not 0-35 and 35-75 feet from the OHWM as in NR 115.
3. Create language that would require a nonconforming principal structure to be moved back $\frac{1}{2}$ the distance between the existing setback and 75 feet from the OHWM (move back provision).
 - 0-75 feet from OHWM nonconforming principle structure can be replaced in same footprint and same elevation, but to enlarge must use "move back" provision.
 - The move back provision is for structures located between 0 – 75 feet from the OHWM.
 - Move back provision cannot allow a structure to be less than 40 feet from OHWM.
 - If using the move back provision, will be treated as if at the 75 feet setback.
 - Create criteria of what would constitute an alternative buildable area in addition to adding language that would allow expansion parallel to the OHWM at the new setback.
 - Mitigation will be required for anything located 0-75 feet from the OHWM in conjunction with the proposed move back provision.

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4. Create language that will prompt moving a structure back to 75 feet (what is more new than old?) Discussion involved when 25% of the existing footprint is structurally altered or replaced or if the total length of the existing external walls are modified or replaced over the life of the structure exceeding 25% of the original total perimeter.
 5. The possibility of a hardship clause was discussed. Mr. Wegner will research hardship clauses in any other ordinances and bring back to the Committee.
 6. Add language for to situations where a wetland or a slope greater than 45% creates a barrier for construction to meet all setbacks (similar to the shallow lot provision.)
 7. Retaining walls. Discussion on the following:
 - Gard Bill to allow retaining walls from 35-75 feet from the OHWM.
 - Allow existing retaining walls that serve to divert runoff/erosion.
 - Allow retaining walls used in conjunction with a stairway to gain access to water.
 - Require a special permit for retaining walls with staff onsite.
 - Remove "structure" from the definition of a structure.
 8. Storm water runoff/soil disturbance.
 - Add language that storm water runoff cannot be diverted onto adjoining properties.

Approve meeting minutes of February 24, 2011.

Motion by Gary Baier, second by Billy Fried, to approve the meeting minutes of February 24, 2011 as presented. With all members present voting "aye" the motion carried.

Approve future meeting dates.

The Committee confirmed the following meeting dates:

April 7, 2011 & April 21, 2011 at 1:00 pm.

Public comments.

Bob Mott discussed scenic beauty.

Norris Ross commended the Committee on their work on the ordinance revisions.

Future agenda items.

There was nothing discussed.

Adjourn.

3: 17 pm - Motion by Mike Timmons, second by Billy Fried to adjourn the meeting.

Scott Holewinski, Chairman

Karl Jennrich, Zoning Director