

**ONEIDA COUNTY PLANNING & ZONING**  
**November 17, 2010**  
**1:00 pm - Regular Session**  
**2:00 pm – Public Hearing**  
**COMMITTEE ROOM #2, SECOND FLOOR COURTHOUSE**  
**2<sup>ND</sup> FLOOR ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501**

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Members present: Scott Holewinski, Chairman  
Gary Baier, Vice-Chair  
Dave Hintz  
Billy Fried  
Mike Timmons

Department staff present: Karl Jennrich, Zoning Director  
Steven R Osterman, Planning Manager  
Lila Dumar, Secretary III

Guests: Ben Loma  
Steve Smeaton  
Dennis Nitzel  
Chet Moore  
Christine Heft

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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.

Approve the agenda.

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

Public Comments.

There were no public comments.

Approve meeting minutes of November 3, 2010.

**Motion by Dave Hintz, second by Gary Baier to approve the meeting minutes of November 3, 2010. With all members voting “aye” the motion carried.**

1<sup>st</sup> Addendum to Fryday’s Northwoods Condominium, Unit #3 a part of Gov’t Lot 4, Section 15, T37N, R7E, Town of Cassian.

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Karl Jennrich, Zoning Director explained that the purpose of the addendum is to expand the limited common element for one unit. Steven R. Osterman, Planning Manager, stated that an addition is proposed for Unit #3. It is a minor change, with no increase in the number of bedrooms. The Condominium Association has approved the project; the Town of Cassian has also approved the project. Mr. Osterman recommended approval.

**Motion by Mike Timmons, second by Dave Hintz, for approval of the 1<sup>st</sup> addendum to Fryday's Northwoods Condominium. With all members voting "aye" the motion carried.**

Zoning permit refund request of Kenneth Maciaz property located at 4406 County Hwy Y further described as part of the NW SW, Section 24, T37N, R6E, PIN LR 953-3, Town of Little Rice.

Karl Jennrich explained that Kenneth Maciaz has requested a refund of zoning permit fees for a change-of-use permit to change a structure from a garage to a dwelling. The drawings submitted with the original permit clearly depict a cabin, but the applicant insisted that it was a garage only. That is why the original permit was issued with the understanding that this was a garage permit only and that a change-of-use permit would be required if the structure was converted into living quarters. Following an onsite inspection by Kurt Bloss, Zoning Technician Mr. Maciaz filed an application for a change-of-use permit, but feels the Department misled him and has requested that the permit fees be refunded. Mr. Jennrich recommended that Mr. Maciaz's refund request be denied.

**Motion by Dave Hintz, second by Gary Baier to deny Mr. Maciaz's refund request of \$243.00. With all members voting "aye" the motion carried.**

2011 Planning and Zoning Long Range Plan.

Karl Jennrich, Zoning Director, distributed and reviewed the 2011 Planning and Zoning Long Range Plan and Department Information Document (DID) with the committee.

**Motion by Scott Holewinski, second by Dave Hintz to approve the 2011 Planning and Zoning Department Long Range Plan & DID as presented. With all members voting "aye" the motion carried.**

Line item transfers, purchase orders and bills.

Bills submitted for approval are \$1,814.50.

Purchase Orders submitted for approval are \$919.19.

**Motion by Dave Hintz, second by Billy Fried to pay the bills and purchase orders. With all members voting “aye” the motion carried.**

Approve future meeting dates: December 1 and December 15, 2010.

The Committee confirmed meeting dates for December 1, 2010 and December 15, 2010. In addition, a meeting will be held on November 29, 2010 for the ordinance revision (NR 115).

Public comments.

Ben Loma – Discussed storm water management provisions and lot line setbacks.

Future agenda items.

- Possibility of Towns to contract with County Zoning for on-premise sign regulation and enforcement. Brian Desmond, Corporation Counsel to look into this.
- Driveway issues in the Town of Minocqua and storm water runoff.
- Metallic Mining – from Forestry to Zoning
- Board of Adjustment Appeal 10-005

1:50 pm - The Committee recessed

**2:00 PM Conduct Public Hearings**

Conditional Use Permit Application of Crescent Lake Bible Camp, owner and Michael Jewell, agent to construct a 36 foot climbing tower at 2750 Bible Camp Road legally described as part Gov’t Lot 2, Section 20, T36N, R8E, PIN CR 257, Town of Crescent.

Karl Jennrich, Zoning Director, read the notice of public hearing for the conditional use permit application indicated. The notice was published in the Rhinelander Daily News on November 2, & November 9, 2010. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on October 28, 2010. The mailing list was also read into the record.

The following correspondence was received: Letter from the Town of Crescent dated October 12, 2010 recommending approval with no conditions.

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Steven R. Osterman, Zoning Manager, reviewed the application with the Committee. Mike Jewel, Crescent Lake Bible Camp, is also present. The project involves the construction of a 36 ft tall climbing and repelling tower in an open area on camp premises. The structure will be constructed of metal and fiberglass and will be placed on a 14 ft X 14 ft concrete foundation. The four-sided tower will be used for campers wishing to learn to climb and repel. A conditional use permit is required because the height exceeds 35 feet. The property is zoned recreational.

Steven R. Osterman, Planning Manager, read the CUP Review Report noting the general standards were supplied and the conditions set by the department include:

1. The nature and extent of the conditional use shall not change from that described and approved in this Conditional Use Permit.
2. Zoning permit to be submitted and approved by Department for construction of the tower.
3. Must post list of safety rules at base of tower in a location for individuals using tower to see.
4. Must secure tower when not in use.
5. Crescent Lake Bible Camp to work out any safety concerns and/or rescue operation plans with the Crescent Fire Department.

Mr. Holewinski asked if there was any public comment for or against the issue at hand. There was none.

**Motion by Billy Fried, second by Dave Hintz, to approve the Conditional Use Permit application of Crescent Lake Bible Camp, with the general standards being met and subject to staff conditions noted above. With all members voting "aye" the motion carried.**

Gary Baier stated that the 35-foot height limitation should be changed for projects like this so that a CUP is not required.

Ordinance Amendment #9-2010 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.

Karl Jennrich, Zoning Director, read the notice of public hearing for Ordinance Amendment #9-2010 to create Section 9.56, Domesticated Chickens/Ducks. The notice was published in the Rhinelander Daily News on November 2, & November 9, 2010; and in the Tomahawk Leader, the Lakeland Times and the Vilas County News the week of November 1, 2010. The notice was posted on the Oneida County Courthouse bulletin board on October 28, 2010. The mailing list was also read into the record.

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The following correspondence was received in support of the proposed ordinance language and is part of the file:

1. Ben Loma dated July 6, 2010 requesting the County to look at regulating chickens in SF.
2. Mildred Reinemann, dated November 14, 2010, with suggestions.
3. Steve Petersen dated October 19, 2010, with suggestions.
4. Ben Loma dated October 19, 2010, with suggestions.
5. Article from the "Parade" Magazine – "Cheep Chic" involving raising chickens in suburban backyard. Submitted by Ted Cushing, Oneida County Board Chair.

Karl Jennrich, Zoning Director, reviewed the ordinance language proposed for the regulation of chickens/ducks in the Single Family Zoning District. The Committee discussed the proposed language. Mr. Jennrich clarified the following:

1. A coop permit would only be required for a structure greater than 200 square feet or greater than \$2500.00 in value.
2. This language only affects the Single Family Residential zoned property.
3. Residential and Farming and Rural Residential allows raising chickens as a permitted use with 5 acres of land.

Mr. Holewinski asked if there was any public comment for or against the issue at hand.

Ben Loma, 4477 Fetke Lake Road, Rhinelander, WI

1. The "Purpose and Intent" provision is not suitable. The current wording is actually saying that raising chickens is not acceptable.
2. Section D – Increase number of chickens allowed from 6 to 8 chickens.
3. Allow male ducks.
4. Add an allowance for a couple of months to have more than the number of chickens allowed, while chicks are developing for distribution.
5. Setback requirements. Change to 25 feet from nearest residence.
6. Lot Size Requirement. Should have no minimum.

Dennis Nitzel, 5294 Highway 17 North, Rhinelander WI 54501

1. Spoke in opposition to the ordinance provisions due to limiting the number of chickens to 6, the chickens would essentially be pets.
2. Opposed to banning roosters.

Christine Heft, 7276 Long Lake Road, Rhinelander WI 54501

1. Currently has chickens on Crescent Road property and has never had anyone complain about noise or odor problems.
2. Chickens do not roam away from their food source.

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3. Minimum lot size is too large.
  4. You cannot tell the difference between male & female chicks until they mature. An allowance should be given for that if you are getting in a lot of chicks.

Chet Moore, Boyce Drive, Rhinelander WI 54501

1. Why does the whole county have to suffer for one person?
2. How is this going to be enforced?
3. The regulation of chickens is not necessary.

Karl Jennrich, Zoning Director, answered Mr. Moore's questions as follows:  
Raising domesticated fowl is not currently allowed in the single family zoning district. This ordinance will allow property owners to raise a small number of chickens in the single family zoning district, with these restrictions. There would be a permit required for raising chickens in single family residential. If a complaint is filed, the Department would have to follow up on it, just like any other complaint.

Mr. Holewinski asked if there was any other public comment for or against the issue at hand. Chairman Holewinski recognized Dennis Nitzel.

Dennis Nitzel asked why the County needs to do all this. Does there need to be this ordinance, or does the current ordinance need to be relaxed.

The public hearing was closed for Committee deliberation.

Gary Baier stated that the problem is we don't allow people to have chickens/ducks in single family residential, but in some areas they are allowed. Mr. Baier stated that most of Oneida County is in rural areas, where chickens should be allowed. Mr. Baier supported increasing the number of chickens to 8, with 25% being roosters, and the setback be set at 25 feet from the nearest residence.

Chairman Scott Holewinski stated that he would like the single family zoning district to allow 8 adult chickens as a permitted use with no other restrictions. If there is a problem, the committee can look at it again.

There was discussion by the Committee. Karl Jennrich, Zoning Director, stated that he would check with Corporation Counsel to be sure that another public hearing would not be required.

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.

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Adjourn.

**3:10 pm - Motion by Dave Hintz, second by Mike Timmons to adjourn. With all members voting "aye" the motion carried.**

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Scott Holewinski, Chairman

Karl Jennrich, Zoning Director