

**ONEIDA COUNTY PLANNING & ZONING  
DECEMBER 3, 2008 2:00 P.M.  
PUBLIC HEARING – COMMITTEE ROOM #2  
ONEIDA COUNTY COURTHOUSE  
RHINELANDER, WI 54501**

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Members present: Scott Holewinski  
Ted Cushing  
Larry Greschner  
Charles Wickman  
Frank Greb

Department staff present: Karl Jennrich, Zoning Director  
Pete Wegner, Assistant Zoning Director  
Nadine Wilson, Land Use Specialist  
Kim Gauthier, Secretary

Other County Staff: Bart Sexton, Solid Waste; Mike Fugle, Assistant Corporation  
Counsel

Guests present: Kevin Jenkins, Scott Soder, Tom Boettcher, Tom Blake, Walter  
Binder, Mark Patulski, Bill Liebert, Mark Schultz

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Call To Order:

Chair, Scott Holewinski called the meeting to order at 2:03 p.m., in Committee Room #2, 2<sup>nd</sup> Floor Oneida County Courthouse, Rhineland, Wisconsin in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda was properly posted, the media notified and the courthouse is handicap accessible.

Approve the agenda

**Motion by Ted Cushing, second by Larry Greschner to approve the agenda. With all members present voting “aye”, the motion carried.**

Conditional Use Permit Application of Oneida County, owner; Bart Sexton, Solid Waste Director, agent, for a new demolition landfill at 7450 County K, further described as the NW NE, Section 1, T36N, R7E, PIN# WB 2, Town of Woodboro.

Karl Jennrich, Zoning Director read the notice of public hearing into the record. Mr. Jennrich offered proof of publication from the Rhineland Daily News, published on November 18, 2008 and November 25, 2008. The notice was posted on the Oneida County courthouse bulletin board November 14, 2008. The certified and first class mailing list was read into the record. Mr. Jennrich noted the notice recipient list was part of the record and available for review.

Mr. Jennrich indicated there was no correspondence.

Bart Sexton indicated the town of Woodboro has no concerns and described the demolition site and proposed use.

Nadine Wilson, Land Use Specialist described the proposal as noted in the report provided (PH Exhibit #1). Ms. Wilson indicated the standards of approval were supplied and the following conditions required:

1. The nature and extent of the use shall not change from that described in the application and approved in the CUP.
2. Follow the conditions of the DNR permit.
3. Report any accidental spills or hazardous materials dumped to Oneida County Emergency Management and DNR.
4. Town approval.

Mr. Sexton noted the DNR soil sampling is in process.

Mr. Holewinski asked if there was any public comment for or against the issue at hand (two times). No public comment, therefore, the public comment portion of the hearing was closed.

**Motion by Larry Greschner, second by Charles Wickman to approve the conditional use permit application of Oneida County, owner Bart Sexton, Solid Waste Director for a new demolition landfill in the Town of Woodboro, with the general standards of approval having been met and staff concerns and town approval. With all members present voting “aye”, the motion carried.**

Rezone Petition #18-2008 authored by the Planning and Zoning Director to zone land inadvertently omitted as part of Rezone Petition #49 described as Henry Payne’s Subdivision 1<sup>st</sup> Addition which includes Parcel Identification Numbers MI 3421, MI 3421-1 and MI 3421-3, further described as part of Gov’t Lot 5, Section 14, T39N, R6E, Town of Minocqua. The rezone petition will zone the lands described above to District #06 Business.

Karl Jennrich, Zoning Director read the notice of public hearing into the record. Mr. Jennrich offered proof of publication from the Rhinelander Daily News, published on November 18, 2008 and November 25, 2008. The notice was posted on the Oneida County courthouse bulletin board November 13, 2008. The certified and first class mailing list was read into the record. Mr. Jennrich noted the notice recipient list was part of the record and available for review.

Mr. Jennrich indicated the town approved with no conditions.

Mr. Osterman provided a map of the parcel with notes (PH Exhibit #2, #3). Mr. Osterman noted this was an error in zoning descriptions which the town officials brought to the departments attention. The town supports the omitted lands from 1991.

Mr. Holewinski asked if there was any public comment for or against the issue at hand (two times). No public comment, therefore, the public comment portion of the hearing was closed.

**Motion by Ted Cushing, second by Frank Greb to approve the rezone petition #18-2008, agenda number four, town of Minocqua and forward to the full County Board. With all members present voting “aye”, the motion carried.**

Ordinance Amendment #20-2008, Section 9.78 Sign Regulations, authored by the Planning and Zoning Committee to amend Section 9.78 of the Oneida County Zoning and Shoreland Protection Ordinance as follows:

Additions noted by underline; deletions noted by strikethrough

Section A-B 2 b to be unchanged

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- c. ~~Electronic message signs to display commercial messages that pertain to products or services of a business located and / or used on the same premises. Message signs shall be a maximum of 32 sq. ft. in size, consist of numbers or letters only; consist of white or amber lights only, and have a minimum message change of no signage on the premises allowed under Section 9.78 (B) of this ordinance. Electronic message signs shall only be located in those zoning districts designates as #06 Business and #07 Business (Amend #26-2004).~~  
Electronic message signs shall comply with all of the following:
1. Be a maximum size of 32 square feet.
  2. Consist of numbers or letters only.
  3. Consist of white or amber lights only.
  4. Each change of message shall:
    - a. Be accomplished in one second or less.
    - b. Remain in a fixed position for at least 6 seconds.
    - c. The use of traveling or segmented messages is prohibited.

Electronic message signs shall be allowed as part of the total signage on the premises allowed under Section 9.78(B) of this ordinance. Electronic message signs shall only be located in those zoning districts designated as #06 Business and #07 Business (Amend #26-2004).

The remainder of the Section to be unchanged.

Karl Jennrich, Zoning Director read the notice of public hearing into the record. Mr. Jennrich offered proof of publication from the Rhinelander Daily News, published on November 18, 2008 and November 25, 2008 along with the Tomahawk Leader, Lakeland Times and Vilas County News Review the week of November 17, 2008. The notice was posted on the Oneida County courthouse bulletin board November 17, 2008. The certified and first class mailing list was read into the record. Mr. Jennrich noted the notice recipient list was part of the record and available for review.

Mr. Jennrich noted there was no correspondence received. Mr. Jennrich read the proposed ordinance as posted.

Mike Fugle, Assistant Corporation Counsel also referred to Wis. State Statute and Trans. 201.20(5), (B), (C), (D), (E), (F), (G), noting this language also pertains to the statutes identified.

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

Kevin Jenkins commented on the City of Rhinelander who allowed events to be advertised. Mr. Jenkins recommended a provision for community events to be advertised. Mr. Jenkins also recommended a single color be allowed that is not specifically white or amber. Mr. Jenkins commented that he believes the department may need to allow signage in light industrial.

No other public comment, public comment portion of the hearing was closed.

Committee agreed that community events should be allowed to be advertised.

Mr. Fugle commented that Section 9.78(E), exemptions apply to community events and the committee should be aware of this fact.

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**Motion by Ted Cushing, second by Larry Greschner instructing staff to research part C of Section 9.78 and include language that would allow for advertising community events. With all members present voting "aye", the motion carried.**

Mr. Jennrich will bring the information back to the committee at the December 17, 2008 meeting.

**Ordinance Amendment #21-2008**, Section 9.96, Shoreland Mitigation Plan, authored by the Planning and Zoning Committee to amend Section 9.96, Shoreland Mitigation Plan as follows:

Additions noted by underline; Deletions noted by ~~striketrough~~

9.96 SHORELAND MITIGATION PLAN (#30-2001 & 02-2006, 14-2008)

The construction, alteration, reconstruction or structural repair of such structures located in close proximity to our navigable waters can cause severe erosion, sedimentation, pollution and nutrient loading of such waters. Prior to such construction, alteration, reconstruction or structural repair, the land owner shall be required to submit a plan to mitigate the adverse affects of such structures as related to the buffer area for review and approval by the Department, if the existing conditions do not meet the minimum requirements set forth below. The Department may require consultation with the Land Conservation Department, a certified arborist or certified landscaper prior to the issuance of a permit. A copy of the approved mitigation plan, or amendment there of shall be signed by the property owner, and filed with the Department. Mitigation plans shall be completed within one year of issuance of the related zoning permit.

The Plan shall include an implementation schedule for the following requirements:

- A. Any sanitary system associated with a structure located within seventy five feet (75') of the OHWM shall be brought up to current standards for new construction.
- B. A buffer zone at least 35 feet from, and parallel to the ordinary high water mark shall be planted or restored and maintained with vegetation native to the area to the fullest practicable extent possible with effective and permanent erosion and sediment control. Existing natural beaches or beaches which have been or may be permitted by the DNR shall be allowed to be continued and maintained. Open decks or patios within the viewing corridor located less than 40 feet from the ordinary high water mark shall not be enclosed, covered or expanded, but replacement of up to 200 square feet shall be allowed. All other accessory structures including open decks or patios located outside of the viewing corridor and less than 35 feet from the ordinary high water mark must be removed. In addition, the minimum vegetation density for trees shall be 1 per 200 sq. ft. evenly spaced with a minimum one inch (1") diameter, subject to the provisions of 9.95. The minimum vegetation density for shrubs shall be 3 per 200 sq. ft. evenly spaced, subject to the provisions of section 9.95. Those structures issued special zoning permission under section 9.94(B) shall establish a vegetation buffer that covers at least 70% of the half of the 75-foot setback area that is nearest to the OHWM. (Amend. #08-2000).

**Sections C&D to remain unchanged.**

Karl Jennrich, Zoning Director read the notice of public hearing into the record. Mr. Jennrich offered proof of publication from the Rhinelander Daily News, published on November 18, 2008 and November 25, 2008 along with the Tomahawk Leader, Lakeland Times and Vilas County News Review the week of November 17, 2008. The notice was posted on the Oneida County courthouse bulletin board November 13, 2008. The certified and first class mailing list was read into the record. Mr. Jennrich noted the notice recipient list was part of the record and available for review.

Mr. Jennrich noted the following correspondence was received:

- Memo from legal counsel dated 11/3/08, as read.
- Email from legal counsel dated 9/3/08, as read.

Mr. Jennrich read the proposed language as provided in the agenda.

Mr. Wegner read an email from Tom Blake, DNR indicated they are not in favor of the proposal and could not give an answer to the legalities of this proposal.

Mr. Holewinski asked if Mr. Blake had any other comments. Mr. Blake indicated, "No".

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

Mr. Blake presented statements to the committee, as read by Mr. Jennrich.

Mark Patulski commented on the people who own this land and who pay the taxes and what they get out of mitigation. Mr. Patulski recommended the DNR look at parks, etc. and leaves the tax payers alone.

Jim Rein commented on the intent of the deck removal.

William Liebert commented from both a personal aspect and clients view and asked where this language is coming from, as there are ramifications. Mr. Liebert discussed a 1920's lodge as an example and what it does to a structure of this nature. Mr. Liebert recommended these old structures not be labeled "illegal" and to protect the rights of property owners. Mr. Liebert commented he would like to see this language come back again for discussion.

John Skow, Wausau, commented that he believes this makes good sense and should be passed.

Noel Scholtz, Minocqua, commented that there are an extensive amount of decks that have to be removed and will still require mitigation. Mr. Scholtz commented that this proposal will at least allow a deck even if it is only 200 square feet and will still require restoring vegetation. Mr. Scholtz commented that he believes the DNR should be ecstatic that this requires more vegetation as this is a good compromise.

Wally Binder, Wausau, commented that the proposal will allow replacement of a deck and is a good compromise. Mr. Binder commented that it sounds like repairs are allowed and this is more for serious work that would abate existing conditions. Mr. Binder commented he believes this brings balance and makes things better for the DNR.

Mr. Blake, DNR, commented that with out this language there would be less development and with this language more development will occur.

Mr. Scholtz commented on Mr. Blake's comment stating this is ridiculous, as this will affect homes that are already existing not new construction. Mr. Scholtz commented that this proposal does not mean more development, but more mitigation which will reduce the impact.

Mr. Patulski asked if the other structure language refers to gazebos, walkways, etc.

Mr. Liebert asked if the language was an amendment to decks and commented he thought the issue was is there a deck. Mr. Liebert commented that the replacement will only allow 200 square feet and although he understands the purpose of the language, a structure that is already present should be replaced. Mr. Liebert commented that he does not agree with the accessory structure language either.

Mr. Binder commented that as of today the county can take away any of these "accessory structures".

Mr. Holewinski asked if there was any other public comment from anyone who had not already spoken. No other comment, public comment portion of the hearing was closed.

Mr. Holewinski asked if the existing rule says either the deck or home may be replaced if the home is removed.

Mr. Wegner indicated that is correct. Mr. Wegner explained that with new construction there must be one foot of basil area and a boat house is permitted and one walkway.

Mr. Holewinski asked Mr. Blake if this proposed language opposes NR115.

Mr. Blake commented that he does not feel the DNR would oppose the language and will not challenge this proposal.

Committee discussion that this is a good compromise and there will be no increase in development. Committee would like the accessory structures not included be specified.

**Motion by Ted Cushing, second by Larry Greschner to direct staff to reword amendment #21-2008 to define excluded accessory structures without changing the intent of the language and bring back to the next meeting for signing and forward to county board. Ted Cushing "aye", Larry Greschner "aye", Frank Greb "nay", Scott Holewinski "aye", Charles Wickman "aye". The motion carried.**

Adjourn

**3:22 p.m. Motion made by Ted Cushing, second by Frank Greb to adjourn the public hearing. With all members present voting "aye", the motion carried.**