

ONEIDA COUNTY PLANNING AND DEVELOPMENT
November 7, 2012
COMMITTEE ROOM #2
ONEIDA COUNTY COURTHOUSE
RHINELANDER WI

Members present: Scott Holewinski
Jack Sorensen
Mike Timmons
Dave Hintz

Department staff present: Karl Jennrich, Planning & Zoning Director
Brian Desmond, Corporation Counsel
Lila Dumar, Secretary III
Nadine Wilson, Land Use Specialist
Kathy Ray, Land Use Specialist

Guests present: Rick Gensler
Wade Flannery
Bob Martini
Jimmy Rein
Stefanie Boismenu
Joe Pesara
Dick Dvorak
Dan Paugel
Jean Roach
Connie Anderson
Ed Cottingham
Norris Ross
Fred Knox
Bob Williams

Scott Holewinski, Chairman, called the meeting to order at 12:30 pm in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda was properly posted. All members are present except for Gary Baier who is excused.

Approve the agenda.

Motion by Jack Sorensen, second by Mike Timmons, to approve the agenda as posted. 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. Zoning violation in Town of Minocqua.
- b. Tourist rooming house violation in the Town of Sugar Camp.

12:31 pm - Motion by Jack Sorensen, second by Mike Timmons, to enter into closed session. Roll call vote: Scott Holewinski "aye," Dave Hintz "aye", Mike Timmons "aye", Jack Sorensen "aye." The motion carried.

12:45 pm - Motion by Jack Sorensen, second by Mike Timmons, to enter into open session. Roll call vote: Scott Holewinski "aye," Dave Hintz "aye", Mike Timmons "aye", Jack Sorensen "aye." The motion carried.

Chairman Holewinski announced that there was one motion made in closed session. The recording secretary read the motion.

Motion by Mike Timmons, second by Dave Hintz, to dismiss the citations that were issued and to file a long form complaint against Matt Cullen (Matt Morgan's). Roll call vote: Scott Holewinski "aye," Dave Hintz "aye", Mike Timmons "aye", Jack Sorensen "aye." The motion carried.

Public Comments.

Supervisor Bob Martini addressed the Committee regarding the Notice of Public Hearing for the pier revisions which reads that the "Planning and Zoning Committee" will hold a public hearing. Since there is no longer a Planning and Zoning Committee, Mr. Martini felt that no action should be taken at the public hearing. Brian Desmond, Corporation Counsel, stated that action can be taken since the notice is clear in what will be considered and its importance.

There were no other public comments.

Revocation of a non-metallic mine #037, Rick Gensler, owner on property described as part of SW SE, Section 22, T38N, R11E, PIN TL 655 and TL 655-2, Town of Three Lakes.

Rick Gensler; and Wade Flannery, Kemper Insurance are present. Karl Jennrich, Zoning Director informed the committee that Rick Gensler operates a non-metallic mine in Oneida County. There have been discussions over the years in closed session, regarding the lack of financial assurances for Pit 37. Mr. Jennrich has been sending multiple letters this year regarding that fact. Mr. Jennrich read the letter dated October 25, 2012 into the record. Mr. Jennrich has tried working with Mr. Gensler to have this taken care of, but Mr. Gensler does not have the finances available. Mr. Gensler has started to reclaim some of the areas off site, but does not have the 3:1 slope yet. The more areas that are reclaimed reduce the amount of financial assurances needed. So now the question is before the Planning and Development Committee. Wade Flannery, Kemper Insurance, is present to explain what he can do for Mr. Gensler.

Mr. Flannery stated that it is very hard to get a bond for a small business. Mr. Flannery is looking for companies that would give him a bond. Mr. Wade asked for an extension until April, when Mr. Gensler will be back in operation. Mr. Flannery and Mr. Gensler will attempt to get that bond by then.

Motion by Dave Hintz, second by Jack Sorensen for Mr. Gensler to provide financial assurances by a bond or cash in an amount determined by the Planning and Zoning no later than June 30, 2013 or the Department will start the process of revocation. The motion carried by a majority vote of 3, with Mr. Holewinski abstaining.

Proposed changes to Section 9.94, Ordinary High Water Mark Setbacks and Special Zoning Permission for Structures in Shoreland Setback.

Karl Jennrich, Zoning Director, distributed a handout from the DNR on what other counties are doing as far as regulating boathouses.

Karl Jennrich, Zoning Director, stated that this is regarding flat roofed boathouses. There have been requests to allow flat roofed boathouses. The problem is that flat roofs are easily converted to a deck, which is a prohibited use.

Tom Blake, Wisconsin Department of Natural Resources, has submitted an opinion that flat roofed boathouses can be permitted, but cautioned how that could undermine the intended use of a boathouse. Railings and stairways can be prohibited, but is difficult to enforce, due to safety issues.

Jimmy Rein, Wilderness Surveying, discussed his clients who have asked to have flat roofed boathouses, but are not allowed to so per the current ordinance. Mr. Rein brought the issue to the zoning department due to address their concerns.

The Committee concluded that this should be brought back next meeting for language revisions and then the Committee can look at a date this spring for the public hearing, if the Committee decides to move forward.

Discussion only. No action was taken.

Review a lot line adjustment for MI 2209-22 described as part of Gov't Lot 9, NE NE, Section 14, T39N, R6E, Town of Minocqua pursuant to The Oneida County Subdivision Ordinance section 15.31 (2) modification.

Jim Rein presented the lot line adjustment to the Committee. Basically, this is intended to clear up an encroachment issue. The lot is currently nonconforming, and will remain below the County's minimum standards, but will take care of the encroachment.

Motion by Jack Sorensen, second by Dave Hintz, to approve the lot line adjustment as presented by James Rein. With all members present voting "aye", the motion carried.

Electronic vouchers.

Dave Hintz discussed moving forward with digitizing forms and applications and improvement through technology. Mr. Hintz suggested iPads /laptops in vehicles for inspections, to record mileage, onsite measurements, photos and have mapping available and to keep in contact with the Department.

The Committee directed the Zoning Director to look for opportunities to move forward with better technology for the Department.

Discussion only. No action was taken.

Line item transfers, purchase orders and bills.

Motion by Scott Holewinski, second by Jack Sorensen to pay the bills. With all members present voting "aye", the motion carried.

Refunds

Mike Hartman - \$300.00 for two shoreland alteration permits that were not needed.

Motion by Scott Holewinski, second by Mike Timmons to approve the refunds as presented. With all members present voting "aye", the motion carried.

Approve future meeting dates: November 21 and December 5, 2012.

The Committee confirmed the meeting date of November 21, 2012 and December 5, 2012.

Public comments.

None.

Future agenda items.

Nothing was discussed.

2:00 PM CONDUCT PUBLIC HEARING ON THE FOLLOWING:

Ordinance Amendment # 4-2012 Section 9.98, Piers, Other Berth Structures, Shoreland Bulk Requirements authored by the Planning and Development Committee to amend Section 9.98, Piers, Other Berth Structures, Shoreland Bulk Requirements, of the Oneida County Zoning and Shoreland Protection Ordinance. The Committee will be considering removing Oneida County from regulating Piers or Other Berth Structures situated over the Ordinary high Water mark of a lake or stream. This includes regulating the number of berths, location of berths, dimensional requirements of berths, regulation of lighting and other issues related to the construction of piers. The Committee will also consider removing the regulation of Marinas, which is "an area on a river or lake devoted to marine and related recreational business and service".

Karl Jennrich, Zoning Director, read the notice of public hearing for Ordinance Amendment #04-2012 authored by the Planning and Development Committee for Oneida County to discontinue regulating piers or other berth structures in its entirety.

The notice was published in the Northwoods River News on October 24th & October 31, 2012. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on October 18, 2012. The mailing list was also read into the record.

Correspondence in File: Letter from Bob Mott, Oneida County Board Supervisor, addressed to Scott Holewinski, Chairman, Planning and Development Committee. Mr. Jennrich read the letter into the record. Email from Billy Fried, County Board Supervisor. Mr. Jennrich read the email into the record.

Karl Jennrich, Zoning Director, informed the Committee that although the Ordinance Amendment is to eliminate regulation of piers in Oneida County, the Committee does have the ability to listen to any comments regarding the pier regulations; suggestions for changes. However, a new public hearing may need to be held to notice it properly.

Karl Jennrich, Zoning Director, discussed several different pier complaints that the Department is working on. Enforcement usually comes through complaints received from the public. There are approximately 12 pier complaints per year.

Karl Jennrich, Zoning Director, discussed the Statement of Record provision from 1997. The DNR's recent change in regulations with the grandfather date of April 17, 2012 does not negate the County's Pier Ordinance. These rules are still in effect.

2:26 pm - Scott Holewinski opened the public hearing for public comments.

Bob Martini, County Board Supervisor, stated his opposition, due to the potential increase in the number of piers; the size potential; problems with marinas; aesthetics. Mr. Martini encouraged the Committee to continue to regulate piers and to look at sections to enhance the protection for public rights.

Jim Rein stated his support of the ordinance amendment due to the cost incurred by the County with no return; the inspections required by staff; DNR already regulates piers.

Stefanie Boismenu stated that she is in favor of pier regulation; the County should keep what we have and make it more stringent in order to protect what we have.

Joe Pesara stated that he is in favor of pier regulation; the County ordinance should stay in place; big impact on lake life; needs to be regulated.

Dick Dvorak stated that the pier planner works very well and are just a few differences between the County ordinance and the Pier Planner. Mr. Dvorak suggested the following:

- County adopt the DNR's regulations for consistency and that State Stats regulate both marinas and docks
- County ordinance currently prohibits swimming or fishing off a dock (9.98C (3)).
- Dimensional length. 50 feet requires a permit. With low water conditions almost everyone would need a CUP.
- Accessory construction. Need to include swivel seats, and water stairs for safety. Open railing should not require a CUP. Flag poles should be permitted. Docks should be for recreational use, not just for berthing a boat. Safety reflectors should not be required.
- Marina facilities. DNR regulations to be adopted as a model

Don Sidlowski, Three Lakes Town Chairman, encouraged the Committee to continue to regulate piers. The Towns can't do it and need the County to regulate.

Dan Paugel stated that he is in favor of pier regulation as stated by Mr. Martini. The control is needed to prevent an over proliferation of piers and docks.

Jean Roach stated she is in favor of pier regulation for the good of lakes and shorelines and to prevent degradation and destruction of our lakes.

Connie Anderson stated she is in favor of pier regulation.

Ed Cottingham stated he is in favor of keeping pier regulation.

Norris Ross stated he is in favor of keeping pier regulation.

Fred Knox stated that pier regulation is needed.

Bob Williams stated the County should keep the pier ordinance and modify it.

2:59 pm - Chairman Holewinski closed the public hearing from further public comment.

Discussion by Committee. The Committee concluded that the County should continue to regulate piers with modification, simplification and clarification of rules so staff can enforce the regulations without coming to the Committee; and to create an Oneida County Pier Planner.

Motion by Scott Holewinski, second by Mike Timmons, for staff to make modifications to the current pier ordinance and bring it back to the Committee. With all members present voting "aye", the motion carried.

3:10 pm – The meeting was adjourned on a motion by Scott Holewinski and second by Mike Timmons and with all members present voting "aye."

Scott Holewinski, Chairman

Karl Jennrich, Zoning Director