

ONEIDA COUNTY PLANNING and DEVELOPMENT COMMITTEE
AUGUST 6, 2014
COUNTY BOARD ROOM
2ND FLOOR, ONEIDA COUNTY COURTHOUSE
RHINELANDER WI 54501

Members present: Scott Holewinski, Dave Hintz, Mike Timmons, Billy Fried and Jack Sorensen

Department staff present: Karl Jennrich, Zoning Director, Julie Petraitis, Secretary III and Nadine Wilson, Land Use Specialist.

Other county staff present: Tom Wiensch, Assistant Corporation Counsel

Guests present: See sign in sheet.

Call to order.

Chairman Scott Holewinski called the meeting to order at 12:30 P.M., in accordance with the Wisconsin Open Meeting Law.

Discussion/decision of the amended agenda.

Motion by Jack Sorensen, second by Dave Hintz to approve the amended agenda as presented. 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. Weekly rental in District #2, Single Family Residential in the Town of Woodruff.
- b. Approve closed session minutes.

It is anticipated that the Committee may meet in closed session pursuant to Wisconsin Statutes, Section 19.85 (1)(f), considering financial, medical, social or personal histories or disciplinary data of specific charges, which, if discussed in public, would likely have a substantial adverse effect on the reputation of the person referred to in such data. (Zoning Director)

12:31 p.m. Motion by Billy Fried, second by Jack Sorensen to go into closed session. On roll call vote: Jack Sorensen, “aye”; Billy Fried, “aye”; Mike Timmons, “aye”; Dave Hintz, “aye” and Scott Holewinski, “aye”.

1:55 pm - Motion by Scott Holewinski, second by Dave Hintz to go into open session. On roll call vote: Jack Sorensen: "aye", Billy Fried: "aye", Mike Timmons: "aye", Dave Hintz, "aye" and Scott Holewinski, "aye".

**Recess
Reconvene**

Announcement of any action taken in Closed Session.

Motion by Jack Sorensen, second by Dave Hintz to work with Corporation Counsel to initiate a long form complaint if there is enough evidence. With all members present voting "aye" the motion carried.

Public Comment. None

Discussion/decision of the meeting minutes of July 2, 2014.

Motion by Mike Timmons, second by Jack Sorensen to approve meeting minutes of July 2, 2014 as submitted. With all members present voting "aye" the motion carried.

Discussion/decision of the meeting minutes of July 16, 2014.

Motion by Mike Timmons, second by Jack Sorensen to approve meeting minutes of July 2, 2014 as submitted. With all members present voting "aye" the motion carried.

Rezone Petition #9-2014 of Terry and Hallie Moline. Government Lot 9, Section 15, T38N, R7E, East of South Bluebird Road to include PIN's LT 191-6, LT 191-5, LT 191-2 and LT 191-1 and all of Government Lot 8 to include PIN's LT 188-7, LT 188-9, LT 188-5, LT 188-4, LT 188-8, LT 188-2, LT 188-1 and LT 188, Town of Lake Tomahawk. The Committee will be acting to approve or deny the Rezone Petition.

This item went to Public Hearing July 16, 2014 in Lake Tomahawk. The Town has sent a letter of approval.

Motion by Mike Timmons, second by Jack Sorensen to approve Rezone Petition #9-2014. With all members present voting "aye" the motion carried.

Ordinance Amendment #9-2014. The Committee will be forwarding Ordinance Amendment #9-2014 to the Oneida County Board of Supervisors, a rezone in the Town of Lake Tomahawk.

Motion by Mike Timmons, second by Dave Hintz to forward Ordinance Amendment #9-2014 to the Oneida County Board of Supervisors. With all members present voting "aye" the motion carried.

Preliminary Third Addendum to Lake Terrace Estates (alter lot lines) on property described as part Government Lot 3, Section 8 and part Government Lot 1, Section 9, T38N, R11E, PIN TL 3422, Town of Three Lakes.

They are asking to alter the lot line because there is a lot line encroachment.

Motion by Dave Hintz second by Mike Timmons to approve the lot line alteration as presented. With all members present voting “aye” the motion carried.

Section 9.52, Mobile Home, Manufactured home, and House Trailer Parks. The Committee will be discussing modifications to this section including removing the impervious surface requirements.

The Committee received a Memo from Pete Wegner, Assistant Director, dated July 31, 2014 regarding this item. The Committee talked about making some changes as a result of some issues in the Town of Woodruff.

Motion by Dave Hintz, second by Mike Timmons to schedule the proposed language (removing A 2 (g) for public hearing. With all members present voting “aye” the motion carried.

Amended motion by Dave Hintz, second by Jack Sorensen to remove both A 2 (g) and (h) from Section 9.52. With all members present voting “aye” the motion carried.

Section 9.33 F, Recreational Vehicle/Camping Tent. The Committee will be discussing the placement of recreational vehicles on personal property. Staff will provide examples of regulations from other counties and seek direction from the Committee.

This has been brought up to the Committee in the past. Discussion was held on whether or not the County would like to regulate/limit camping on private properties.

Mr. Jennrich will do some more research on this. No action taken.

Section 9.20, Zoning Districts. The Committee will be reviewing draft language.
Tabled.

Section 9.57, Domesticated Horses. The Committee will be discussing allowing horses, with conditions, in District #2, Single Family.

As part of the Section 9.20 discussion the Town of Three Lakes thought it may be advisable to allow domesticated horses in District #02, Single Family Residential, with restrictions. Mr. Jennrich supplied the Committee with draft language. He also supplied a copy to the Three Lakes Town Clerk who shared it with interested individuals, one of which is present today with some comments.

The Committee discussed language to be drafted to take to a public hearing.

Motion by Scott Holewinski, second by Dave Hintz to draft language reflecting the following: Five (5) acres minimum for a maximum of two (2) horses and one

additional acre for each additional horse; 50' setback to any lot line; 75' setback to OHWM for horse barns and horse sheds and 50' setback to a lot line for storage of manure and to schedule a public hearing. With three members present voting "aye" and two members voting "nay" the motion carried.

Line item transfers, purchase orders and bills. **Motion by Mike Timmons, second by Scott Holewinski to approve purchase orders and bills as presented. With all members present voting "aye" the motion carried.**

Refunds. Refund of \$425.00 to amend a Conditional Use Permit application of Minocqua Capital Inc. and refund of \$475.00 for a sanitary permit that was not required for Dale Schlieve.

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

Approve future meeting dates: August 20, September 3 and September 17, 2014.

Public comments. Bob Williams spoke.

Future agenda items. Special metallic mining permits.

Rezone Petition #6-2014 of the Town of Cassian to rezone from District #5, Recreational to District #2, Single Family Residential on property described as Government Lots 1-6 and Government Lots 8-10 and the SE SE, all located in Section 6, T37N, R7E, and Government Lots 5 and 6, Section 5, T37N, R7E, Town of Cassian, Oneida County, Wisconsin.

Karl Jennrich, Zoning Director, read the notice of public hearing for Rezone Petition #6-2014 of the Town of Cassian to rezone from District #5, Recreational to District #2, Single Family Residential on property described as Government Lots 1-6 and Government Lots 8-10 and the SE SE, all located in Section 6, T37N, R7E, and Government Lots 5 and 6, Section 5, T37N, R7E, Town of Cassian, Oneida County, Wisconsin.

The notice was published in the Northwoods River News on July 22 and July 29, 2014. The notice was posted on the Oneida County Courthouse bulletin board on July 17, 2014. The mailing list was also read into the record.

Correspondence in file:
An e-mail from Dale Woller.
A letter from Dave and Patty Zych.

Denny Thompson was present to inform the Committee that the Town Board is in support of the change.

Discussion was held on why not all landowners in the area were notified of the change.

Denny Thompson spoke.
Betty Jung spoke.
Landelin Koppa spoke.

Sue Wellnitz spoke.
Jeanne Merwin spoke.
MaryAnn Jackson spoke.
Gail Winnie spoke.
Wynne Kayser spoke.

The public portion of the public hearing closed.

Mr. Holewinski asked Mr. Jennrich who is required to be informed for a zoning change. Mr. Jennrich stated that the Department is required to send a Class II Notice to the official newspaper. The Department has sent notices to adjacent land owners in the past. The Department did discuss this with Mr. Thompson when the request to rezone was submitted. By Statutes the Department is not required to notify anyone aside of publishing the Class II Notice in the official paper.

Mr. Thompson stated that there were two meetings at the Town level regarding this rezone request.

Motion by Dave Hintz, second by Mike Timmons to postpone this agenda item until all landowners can be notified and that the County work with the Town to reconsider which properties will be included in the rezone petition.

Discussion – who will notify the landowners? This will be discussed with the Town of Cassian.

With all members present voting “aye” the motion carried.

Rezone Petition #8-2014 of the Town of Three Lakes, for Kathy Miller, owner, Mike Miller, agent to rezone from District #2, Single Family Residential to District #4, Residential and Farming for property described as all of Government 1, Section 27, T38N, R11E, PIN TL 725, lying East of Big Lake Loop Road E, Town of Three Lakes, Oneida County, Wisconsin.

Karl Jennrich, Zoning Director, read the notice of public hearing for Rezone Petition #8-2014 for Kathy Miller, owner, Mike Miller, agent to rezone from District #2, Single Family Residential to District #4, Residential and Farming for property described as all of Government 1, Section 27, T38N, R11E, PIN TL 725, lying East of Big Lake Loop Road E, Town of Three Lakes, Oneida County, Wisconsin.

The notice was published in the Northwoods River News on July 22 and July 29, 2014. The notice was posted on the Oneida County Courthouse bulletin board on July 17, 2014. The mailing list is contained in the file.

Correspondence in file:

A letter from the Town of Three Lakes dated August 6, 2014 approving the petition to rezone.

An e-mail dated August 4 from Pamela Mahachek, 6107 E Big Lake Loop Road and Barbara Porter, 6097 E Big Lake Loop Road in opposition to the rezone change.

The public portion of the public hearing was opened.

Kathy and Mike Miller was present and in favor of the change.

Diane Hapka was present and in favor of the change.

Bob Williams spoke in favor of the change.

The public portion of the public hearing closed.

Motion by Dave Hintz, second by Jack Sorensen to approve rezone petition #8-2014 as amended on June 13, 2014. With all members present voting “aye” the motion carried.

Ordinance Amendment #5-2014 authored by the Planning and Development Committee to amend Section 9.56, Domesticated Chickens / Ducks of the Oneida County Zoning and Shoreland Protection Ordinance as follows:

9.56 DOMESTICATED CHICKENS/DUCKS (#1-2011)

A. Purpose and Intent

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.

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 female 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. Chickens/ducks shall not be allowed out of the coop or pen.

E. Location

1. Chicken/duck coops and pens shall not be located closer than fifty (50) feet to any lot line.
2. Chicken/duck coops and pens shall not be located closer than seventy-five (75) feet from the ordinary high water mark (OHWM) of any lake, river or stream.
3. Chicken coops and pens, pursuant to this section are allowed in District #2 - Single Family Residential, District #4 - Residential and Farming, District #10 - General Use, District #14 - Residential & Retail and District #15 - Rural Residential
4. Minimum lot size is one acre.

F. Other Provisions

Poultry are still allowed in District #4 - Residential and Farming, District #10 - General Use, District #14 - Residential and Retail, and District #15 - Rural Residential pursuant to the requirements in those sections.

Karl Jennrich, Zoning Director, read the notice of Ordinance Amendment #5-2014 authored by the Planning and Development Committee to amend Section 9.56, Domesticated Chickens / Ducks of the Oneida County Zoning and Shoreland Protection Ordinance.

The notice was published in the Northwoods River News on July 22 and July 29, 2014. The notice was posted on the Oneida County Courthouse bulletin board on July 17, 2014. The mailing list is contained in the file.

Correspondence in file:
None.

Mr. Fried asked for a definition of a chicken.

The public portion of the public hearing was opened.

Mr. William asked a question regarding the selling of eggs on non-commercial property.

The public portion of the public hearing was closed.

Motion by Mike Timmons, second by Billy Fried to proceed with the changes as presented. With all members present voting “aye” the motion carried.

Adjourn.

3:20 p.m. There being no further matters to lawfully come before the Committee, a motion was made by Mike Timmons, second by Dave Hintz to adjourn the meeting. With all members present voting “aye”, the motion carried.

Chairman Scott Holewinski

Karl Jennrich
Planning & Zoning Director