

COMPREHENSIVE PLANNING OVERSIGHT COMMITTEE
JULY 15, 2011
COUNTRY BOARD ROOM
ONEIDA COUNTY COURTHOUSE
RHINELANDER, WI 54501

Members present: Chairman Gary Baier
Tom Rudolph
Harland Lee
John Hoffman
Don Sidlowski
John Young
Mike Timmons
Billy Fried

Department staff present: Karl Jennrich, Planning & Zoning Director
Julie Petraitis, Planning & Zoning Secretary

Other county staff present: Brian Desmond, Corporation Counsel

Guests present: Darryl Landeau, NCWRPC
Dennis Lawrence, NCWRPC
Dick Dvorak
Chuck Moore
Dennis Schoeneck
Beth Kroeger
Margaret Beals
Bob Reimert
Alan VanRaalte
Tom Tiffany

Call to order.

Chairman Gary Baier called the meeting to order at 9:30 a.m., in accordance with the Wisconsin Open Meeting Law. For the record, Bill Bell was excused.

Approve the agenda:

Motion by John Hoffman second by Tom Rudolph to approve the agenda. With all members present voting "aye", the motion carried.

Approve meeting minutes of April 7, 2011

Motion by Don Sidlowski, second by Harland Lee to approve the April 7, 2011 meeting minutes with no corrections or additions. With all members present voting “aye”, the motion carried.

Review public comments of May 17, 2011 Public Hearing.

Chairman Baier stated that the Committee members received a copy of the comments made at the Public Hearing. Mr. Jennrich stated that all the Town Clerks and Town Chairs received a copy as well.

Don Sidlowski stated that he felt the majority of the comments made at the public hearing had nothing to do with Comprehensive Planning. Mr. Sidlowski stated that he felt there is a lot of misinformation, disinformation and topics that weren't pertinent to 66.1001, Comprehensive Planning.

Gary Baier stated that he wanted to discuss the comment about the Resolution that was passed to do the Land Use Plan. A concern was that the Resolution stated it was a “bottom up” Plan which it will be once all of the Town's have submitted their Plan. Mr. Baier also stated that there were concerns about the difference between “shall” and “may”.

Mr. Sidlowski stated that he took the time to look at Municipal Law 66.1001 and it states that “the local governmental unit shall comply with all of the following before a Comprehensive Plan shall take effect”. Mr. Sidlowski was making the point that Mr. Patulski made a misleading statement at the public hearing. Corporation Counsel, Brian Desmond, confirmed that the law regarding 66.1001 hasn't changed.

Mr. Baier commented on behalf of the Town of Nokomis. Mr. Baier stated that the Town of Nokomis has adopted a Coordination Plan.

Mr. Hoffman asked what the difference would be if the County changed the wording from Comprehensive to Coordination but kept everything else the same. Mr. Lawrence, North Central Wisconsin Regional Planning Director replied by giving a brief background on the process of adopting a Comprehensive Plan. He stated that the Committee was aware of the Resolution that was passed by the County Board to incorporate the Town's Plans as presented by the Towns. There were a few that did a Coordination Plan, which were incorporated the same as a Comprehensive Plan. Legally, Mr. Lawrence stated there is no substantial difference.

Mr. Baier stated that the Town of Nokomis adopted a Land Use Plan that has Coordination in it. He stated that the Comprehensive Plan also has Coordination in it. Mr. Baier stated that “coordination” means equal not subordinate and harmonious adjustment of working together. Mr. Baier stated that some of the Towns are doing that. Mr. Baier stated that nothing should supersede the Town's Plan. He'd like to see that language in the County Plan.

Mr. Sidlowski read aloud the opinion of the Attorney General which stated that *“the use of the word coordination in various Wisconsin Statutes dealing with municipal planning does not by itself authorize Towns to invoke a power of coordination that would impose affirmative duties upon certain municipalities that are in addition to any other obligations that are imposed under those Statutes with respect to development of an amendment of Comprehensive Plans Wisconsin Statutes 66.1001 is to be followed by the local governmental units and political subdivision identified in that section.”*. Corporation Counsel confirmed that this is still the law and that Oneida County is following the legal process for putting this Plan together.

Mr. Desmond stated that the County Board Resolution that was passed stated the County would adopt a Comprehensive Plan, not a Coordination Plan. He does not feel this Committee has the authority to change that directive.

Tom Tiffany stated that he was attending in the capacity as a Town of Little Rice Board member. Mr. Tiffany wanted to address the opinion of the Attorney General. He felt the question posed to the Attorney General was a narrow question. Mr. Tiffany stated that he believes the Attorney General's opinion is that the agencies have to coordinate with the local units of government. Mr. Tiffany asked the Committee where the Resolution, which was passed November 5, 2008, stands. The Resolution states that no plan by a Town or City would be changed after it is adopted. Mr. Sidlowski responded that the Comprehensive Planning Committee has followed that Resolution. Mr. Tiffany stated that he expects the Town of Little Rice's Land Use Plan to be in the Comprehensive Land Use Plan and it will not be superseded in any way by the County. Mr. Sidlowski confirmed that was correct. Mr. Tiffany then asked if the language would be explicitly in the Comprehensive Plan that the County would not supersede the Town's Land Use Plan.

Mr. Tiffany stated that he feels there is uncertainty as to what language is going to go into the County's Comprehensive Plan and asked that the Committee delay any Resolution to the Comprehensive Plan until the Town of Little Rice's Land Use Committee has a chance to review the document to see if it fits with their Town Land Use Plan.

Mr. Lawrence reminded the Committee and those present that they've had this document for a year already. The only two Townships that have not responded with a Plan of one kind or another are Enterprise and Schoepke.

Mr. Tiffany asked again if the language would explicitly state that the County Plan does not supersede the Town Plan.

Mr. Baier asked that the audience take a turn to speak on behalf of their Town. Mr. Dick Dvorak, Town of Schoepke Clerk, stated that they adopted their Coordination Plan two days ago. They took the Coordination approach to allow their residents maximum use of their land. They have met all nine elements required.

Mr. Sidlowski reiterated that the County respects any Towns that choose to adopt a Coordination Plan.

Mr. Chuck Moore agreed with Mr. Dvorak. Mr. Moore stated that he felt the Town's were being treated as though they were subordinate of the County, not equal and he feels they should be treated equally.

Mr. Leonard Guth, Enterprise Town Chair. Mr. Guth stated that his biggest problem is that they have been given a County Plan without even having submitted a Town Plan. Until their Plan is completed they have no intentions of supporting the County Plan.

Mr. Alan VanRaalte, member of Little Rice Land Use Planning Committee. Mr. VanRaalte stated that he feels there are some inconsistencies in language in the Plan. He felt some of the issues were at the Regional level rather than the County level.

Mr. Treder, Crescent Town Chair stated that the Town of Crescent feels the same way as Schoepke and Enterprise.

John Hoffman stated that the Town of Pelican adopted a Comprehensive Plan because they understand that there is no real difference between the two. He is curious as to how this will be enforced.

Mr. Jennrich replied that it will be easy for the Planning and Zoning staff because everything will follow each Town's Plan that has been adopted.

Mr. Hoffman stated that Comprehensive Planning is not zoning. The Comprehensive Plan can be changed by the Town.

Mr. Jennrich agreed. Mr. Jennrich stated that it will be almost impossible for the Planning and Zoning Office and Committee to go against any Town because of the Comprehensive or Coordination Plan the Town has implemented.

Mr. Tiffany asked that if there were a conflict how would it be resolved.

Mr. Jennrich asked what the conflict would be. Mr. Tiffany asked if the Town Plan would always prevail. Mr. Lawrence replied that the Town Plan is the only Plan. Mr. Lawrence stated that if there is a problem it is a problem with the Plan that was created at the Town level.

Mr. Desmond stated that as far as any Conditional Use Permits or Rezoning Petitions the Town's Land Use Plan must be met before either of these could be approved.

Mr. Baier stated that he received a phone call from Steve Margitan regarding the soils map. Mr. Lawrence responded that the information on the soils maps is from the

Wisconsin Soils Survey. It is existing background information. It provides an overview of the different soil types in the County.

Mr. Jennrich explained that is just what a soil test does, from the County perspective. It gives background information of what you may be up against. A soil survey does not dictate the type of soil absorption system is installed on a piece of property.

Mr. Rudolph stated that he felt the meeting was turning into a Public Hearing and it was not posted as a Public Hearing. He also stated that the Town of Newbold has no objections with the County proceeding and moving forward with the Comprehensive Plan.

Mr. Dvorak requested the Committee look at Chapter 3 of the Comprehensive Plan. Mr. Dvorak stated that the Goal, Objective and Policies are in direct conflict with the Town of Schoepke's Plan. He felt the County was dictating to the Towns what they should be doing. Mr. Sidlowski stated that the language states "encourage", the County is not dictating to the Towns.

Mr. Young asked what happens if two Townships have a conflict with each other.

Mr. Baier stated that nobody's Plan will conflict with each other.

Mr. Young agreed with Mr. Rudolph that this meeting is becoming a Public Hearing and has not been posted as a Public Hearing.

Mr. Desmond, Corporation Counsel, stated that most of the comments do come under agenda item #5.

Mr. Jennrich asked Mr. Tiffany how much more time he and his Township needs to review the draft Plan.

Mr. Baier feels the next agenda should be sent to the Towns thirty (30) days prior to the meeting.

Mr. Desmond stated that had already been done in May for the County Board meeting.

Mr. Baier asked the Town of Enterprise and the Town of Schoepke how long it would be before they submit their Plans. They both replied that it would be within a few weeks.

Mr. Guth stated that the Town of Enterprise has a problem with being told they have to do a Plan. He stated that his Father did the first Plan 20 years ago. The deadlines keep getting put off. He feels that North Central Wisconsin Regional Planning Commission (NCWRPC) has done generic plans for all the Towns.

Plan changes / update per Public Hearing comments.

This was done under number 4.

Status of two local plan efforts: Enterprise and Schoepke.

Mr. Baier stated that these need to be submitted soon. Each Town stated they would be submitted within the next two weeks.

Mr. Rudolph stated that he feels the Committee needs to finish this process.

Mr. Baier asked what the deadline is for this project. Mr. Jennrich stated the deadline is past. Mr. Lawrence explained that Oneida County is the last County to finish their Comprehensive Plan. The deadline was January 1, 2010. Extensions were provided for those Counties and local units that had grants. Oneida County did not have a grant.

Billy Fried stated that he does not want to force a date to finish this project until all the Townships are comfortable with the County Plan.

Mr. Baier asked if NCWRPC could get updated information for the census information in the Comprehensive Plan. Mr. Lawrence explained that they do have updated data now and have been revising the Plan.

Mr. Hoffman suggested that there be a paragraph in the beginning of the Comprehensive Plan explaining that each Township Plan supersedes everything.

Harland Lee quoted from Chapter 9 of the Draft Comprehensive Plan the Town and County relationship. Section 9.7 states that "local town plans are the basis for this county plan, particularly as it relates to land use. Therefore it is critical for each town and the county to communicate regularly regarding local plan amendments and updates, since these local plans will be used". Mr. Lee feels this is the answer to Mr. Tiffany's question.

Mr. Baier stated that another Public Hearing is not necessary. The next meeting will be a public informational meeting where everyone who wants to can speak.

Mr. Guth asked how many Towns developed their own Plan and how many adopted NCWRPC Plans.

Mr. Lawrence replied that NCWRPC worked with five Townships assisting them to develop a plan and provided background information. There were also a couple other consulting firms that helped some of the Towns and some Towns developed their own Coordination Plans.

Approve future meeting dates. August 30, 2011 at 3:00 p.m.

Public comments.

Mr. Schoeneck stated that he felt this meeting was to hear comments from the public and that this was the final meeting.

Future agenda items.

There was nothing further discussed.

Adjourn.

11:10 a.m. A motion was made by John Hoffman, second by Tom Rudolph to adjourn the meeting. With all members present voting “aye”, the motion carried.

Chairman, Gary Baier

Karl Jennrich
Planning & Zoning Director