

**ONEIDA COUNTY PLANNING and DEVELOPMENT COMMITTEE**  
**NOVEMBER 28, 2018**  
**COUNTY BOARD ROOM – 2<sup>ND</sup> FLOOR**  
**ONEIDA COUNTY COURTHOUSE**  
**RHINELANDER, WI 54501**

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Members present: Scott Holewinski, Billy Fried, Mike Timmons, Jack Sorensen, and Ted Cushing

Members absent: None

Department staff present: Karl Jennrich, Director; Scott Ridderbusch, Land Use Specialist; Carla Blankenship, Land Use Specialist; and Julie Petraitis, Program Assistant

Other county staff present: None

Guests present: See sign in sheet.

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Call to order.

**Chair Holewinski called the meeting to order at 1:00 p.m., in accordance with the Wisconsin Open Meeting Law.**

**Approve the amended agenda. Motion by Ted Cushing, second by Jack Sorensen to approve the amended agenda. With all members present voting “aye”, the motion carried.**

**Public comments. Jeff Brown spoke.**

**Approve meeting minutes of November 7. Motion by Mike Timmons, second by Ted Cushing to approve the meeting minutes of November 7, as submitted. With all members present voting “aye”, the motion carried.**

**Preliminary Stone Lake Condominium, a conversion condominium, James & Rose Bartells, owners, and Soder Surveying, Kip Soder, surveyor, for the following described property: Lot 1 of CSM 2026, being in part of Government Lot 3, Section 3, T38N, R11E, 940 Golf Course Loop, PIN TL 410-4, Town of Three Lakes.**

This is a preliminary 6 Unit condominium conversion.

If the committee recommends approval of the request, Staff would suggest the following conditions:

- 1) Future amendments/addendums to be reviewed and approved by this department prior to recording.
- 2) Proper permits be obtained prior to any construction (Town/County/State).
- 3) Addressing and 911 information must be approved by Oneida County Land Information Department for condominium units.

- 4) No additional piers/berthing spaces allowed.

**Motion by Jack Sorensen, second by Mike Timmons to approve the Preliminary Stone Lake Condominium Conversion with the conditions suggested by Staff and the addition of condition number four (4). With all members present voting “aye”, the motion carried.**

Proposed 2 parcel lot split of Jack and Hester Werner, owners and Soder Surveying, Kip Soder, surveyor for the following described property: Part of Government Lot 7, Section 8, T39N, R11E, 8644 & 8650 Boettcher Road, PIN TL 982-7, Town of Three Lakes, The committee may be considering a modification pursuant to 15.31 (2) of the Oneida County Subdivision Control Ordinance.

Scott Ridderbusch, Land Use Specialist, provided the committee with a time line of events regarding this property.

**Motion by Mike Timmons second by Jack Sorensen to approve the request as recorded as a CSM, as recognized in Chapter 15, Section 15.31 of the Oneida County Subdivision Control Ordinance. With all members present voting “aye”, the motion carried.**

Discussion/decision on dates for holding a public hearing for Conditional Use Permit for CMC-Hazelhurst, LLC, part of Government Lot 1 and the NE NW, Section 10, T38N, R6E, lying east of the abandoned railroad and west of Highway 51, except for parcels HA 115-6, HA 113-6, HA 113-6A, and HA 113-7, Town of Hazelhurst.

CMC has submitted a Conditional Use Permit application and reclamation plan. The Town of Hazelhurst would like to hold this public hearing in the Town of Hazelhurst.

**The committee tentatively scheduled the public hearing for January 9, 2019 at 6:00 p.m. in the Hazelhurst Town Hall.**

Discussion/decision on permitting storage containers as sheds.

Permits have been applied for and issued for these. There are concerns that have come up with these.

**Motion by Mike Timmons, second by Ted Cushing to direct Staff to send a survey to the Towns for their input and bring back to the committee in the future. With all members present voting “aye”, the motion carried.**

Discussion/decision on long-range plan.

Mr. Jennrich provided the committee with a copy of the Planning and Zoning Department long-range plan.

**Motion by Ted Cushing, second by Mike Timmons to accept the 2019 long-range plan as submitted and forward to the Oneida County Board of Supervisors. With all members present voting “aye”, the motion carried.**

Discuss/decision/prioritization of 2018 Oneida County Planning and Zoning Department projects.

Mr. Jennrich provided the committee with a copy of the 2018 Planning and Zoning Department projects.

**No action taken.**

Discussion/decision on staff attendance to North East County Code Administrators district meetings for December 2018, January, February, and March of 2019 in Crandon and/or Kelly Lake.

Motion by Jack Sorensen second by Ted Cushing to approve staff attendance to North East County Code Administrators district meetings for December 2018, January, February, and March 2019. With all members present voting “aye”, the motion carried.

Discussion/decision concerning broadband towers on properties zoned Multi-Family, District #3 and Article 7, Section 9.72-Building Height Restrictions. The committee may specifically discuss property located at 11668 Deepwoods Road further described as SE SW, Section 27, T38N, R5E, PIN MI 1468 and MI 1468-1, Town of Minocqua.

Mr. Jennrich provided the committee with public comments received regarding this matter.

**Motion by Ted Cushing, second by Mike Timmons to determine that Broad Band Towers are essential service. With all members present voting “aye”, the motion carried.**

Refunds. There are two refunds.

**Motion by Ted Cushing to approve one refund, second by Jack Sorensen. With all members present voting “aye”, the motion carried. Mr. Jennrich will get more information on the second refund and bring it back to committee.**

Line item transfers, purchase orders, and bills.

**Motion by Mike Timmons, second by Jack Sorensen to approve the bills as submitted. With all members present voting “aye”, the motion carried.**

Approve future meeting dates: **December 5 and December 13, December 19, 2018, January 9, and January 23, 2019.**

Public comments. **None**

Future agenda items. **As discussed.**

CONDUCT PUBLIC HEARING ON THE FOLLOWING:

**Ordinance Amendment #7-2018** authored by the Planning and Development Committee to amend Chapter 9, Section 9.20, Accessory Uses and Structures.

Additions noted by underlined; deletions noted by ~~strikethrough~~

E. Accessory Uses and Structures (#83-2003, #35-2004, & #07-2005)

All of section 9.20(E) remains unchanged except for the following:

~~In those towns that have village powers and have passed a moratorium in accordance with State Statute, county zoning permits shall not be issued for accessory structures on lots on which there is no principal structure or zoning permit for the same for a period of 180 days~~

~~beginning immediately upon enactment by the County Board and publication until regulatory controls are adopted by the county or applicable town, whichever is sooner.~~

Mr. Jennrich read the Notice of Public Hearing into the record. The notice was published on November 6, and November 13, 2018. The proof of publication is contained in the file.

The notice was posted on the Oneida County Courthouse bulletin board on November 2, 2018.

There is no correspondence in the file.

Mr. Jennrich stated that the reason for the ordinance revision is for clean up, to eliminate language that is not needed.

Chair Holewinski opened the public portion of the public hearing.

There was nobody present to speak in favor of or opposition to the Ordinance Amendment.

Chair Holewinski closed the public portion of the public hearing.

**Motion by Billy Fried, second by Ted Cushing to approve Ordinance Amendment #7-2018. With all members present voting “aye”, the motion carried.**

1. **Ordinance Amendment #14- 2018** authored by the Planning and Development Committee to add Section 9.58-Tourist Rooming House to Chapter 9 of the Oneida County Zoning and Shoreland Protection Ordinance.

Additions noted by Underlined; deletions noted by ~~strikethrough~~

9.58 TOURIST ROOMING HOUSE

A. PURPOSE

The purpose of this ordinance is to ensure that the quality of tourist rooming houses operating within the county is adequate for protecting public health, safety and general welfare, including establishing minimum standards of space for human occupancy and for an adequate level of maintenance; determining the responsibilities of owners, operators, and resident agents offering these properties for tourists, for the proper collection of taxes, to protect the character and stability of all areas within the county; to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises; and provisions for the administration and enforcement thereof.

B. EXEMPTIONS

The following operations are exempt from complying with the requirements of this article:

1. A private boarding or rooming house, ordinarily conducted as such, not accommodating tourists or transients.

2. A hotel, motel, or resort license issued by the State of Wisconsin Department of Health, pursuant to §254.64, Wis. Stats., or a designated local health department pursuant to §254.015, Wis. Stats., directly or through its agent.
3. Bed and breakfast establishments.

C. DEFINITIONS

1. For the purpose of administering and enforcing this article, the terms or words used herein shall be interpreted as follows:
  - a. Words used in the present tense include the future.
  - b. Words in the singular number include the plural number.
  - c. Words in the plural number include the singular number.
2. The following definitions and conditions apply unless specifically modified:
  - a. **Corporate Entity:** A corporation, partnership, limited liability company, or sole proprietorship licensed to conduct business in this state.
  - b. **Department:** Oneida County Planning and Zoning Department.
  - c. **Dwelling:** A detached structure or part thereof designed or used as a residence or sleeping place and includes a manufactured home, but does not include boarding or lodging houses, motels, hotels, tents, or tourist cabins.
  - d. **Dwelling Unit:** A room or group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use as a living quarters for one family.
  - e. **Owner:** The owner of a short-term rental.
  - f. **Permit:** Administrative Review permit issued under section 9.36 Procedure for Administrative Review Permits.
  - g. **Person:** Shall include a corporation firm, partnership, association, organization, and any other group acting as a unit as well as individuals including a personal representative appointed according to law. Whenever the word person is used in any section of this article prescribing a penalty or fine as to partnerships or associations, the word shall include the partners or members hereof, and as to corporations, shall include the officers, agents, or members thereof who are responsible for any violation of such section.
  - h. **Property Manager:** Any person providing property management services to at least three (3) short-term rentals.
  - i. **Resident Agent:** An owner meeting the qualifications for a Resident Agent as set forth in section 9.58 (F) or a person appointed by the owner of a tourist rooming house to act as agent on behalf of the owner.
  - j. **Short Term Rental:** A residential dwelling that is offered by rent for a fee and for fewer than 29 consecutive days as defined in §66.0615(1) (dk), Wis. Stats.
  - k. **State:** State of Wisconsin Department of Health, or its designee.
  - l. **Tourist or Transient:** A person who travels from place to place away from his or her permanent residence for vacation, pleasure recreation culture, business, or employment.

- m. **Tourist Rooming House:** All lodging places and dwelling units for eight (8) or less persons, other than hotels and motels with four (4) or less rooms, in which sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourist or transients, or bed and breakfast establishments.

**D. TOURIST ROOMING HOUSE REQUIREMENTS**

1. No person may operate a tourist rooming house without an administrative review permit (ARP).
2. Every tourist rooming house shall be operated by a Resident Agent.
3. A tourist rooming house shall meet the following minimum requirements:
  - a. Tourist rooming house rentals of six (6) consecutive days or less are prohibited in the following zoning districts:
    - (1) District #1A Forestry
    - (2) District #1B Forestry
    - (3) District #1C Forestry
    - (4) District #02 Single Family
    - (5) District #08 Manufacturing/Industrial
    - (6) District #14 Residential & Retail
    - (7) District #15 Rural Residential
  - b. Maximum occupancy based upon the Private Onsite Wastewater Treatment System (POWTS) sizing for the number of bedrooms. Two (2) people per bedroom.
  - c. Off-street parking of 1.1 parking space for each bedroom in compliance with Article 7, Section 9.77(D).
  - d. On-street parking is prohibited, unless allowed by the governmental entity having jurisdiction over the public road.
  - e. No recreational vehicles, camper, tent, or other temporary lodging arrangements shall be permitted onsite as a means of providing additional accommodations for paying guests or other invitees.
  - f. Any outdoor events held at the tourist rooming house shall last no longer than one (1) day occurring between the hours of 10:00 A.M. and 9:00 P.M.
  - g. Compliance with all State, County, and Town regulations.
  - h. Signage. Nameplates or other signage shall not exceed one square foot. No other signage advertising the rental is permitted on site or any adjoining lake or water body. Off-site advertising in media channels relating to the availability of the rental may take place only after all town, county, and state permits and licenses have been obtained.
  - i. Trash and garbage removal shall be provided on a weekly basis. Such service shall be evident by a contract with a licensed garbage hauler or, if not contracted, by name of a private party responsible for weekly trash removal.

- j. Each tourist rooming house shall comply with all other provisions of Chapter 9 the Oneida County Zoning and Shoreland Protection Ordinance.

E. TOURIST ROOMING HOUSE ADMINISTRATIVE REVIEW PROCESS

1. All applications for a tourist rooming house administrative review permit shall be filed with the Zoning Director on forms provided. Applications must be filed by the owner of the tourist rooming house or by a previously licensed Resident Agent. Each applicant shall certify that the tourist rooming house that is the subject of the application can meet the requirements set forth in section 9.58(D).
2. An application for a tourist rooming house administrative review permit shall include the following and shall not be considered complete until all of the following are submitted:
  - a. A tourist rooming house license issued under §97.605 Wis. Stats. (A permit under this article may be conditionally granted upon issuance of this license and shall not take effect unless and until this license is issued.)
  - b. A copy of a completed Lodging Establishment Health Inspection form dated within two (2) years of the date of issuance or renewal.
  - c. The Wisconsin Department of Revenue Sales Tax Number.
  - d. Certification from the local governmental entity that no room tax is due and owing.
  - e. Proof of insurance.
  - f. Floor plan and requested maximum occupancy.
  - g. Site plan including available onsite parking.
  - h. POWTS information.
  - i. Designation of the Resident Agent.
  - j. Certification from the Resident Agent that the property meets the requirements of section 9.58(D).
  - k. The application fee.
3. Application Review Procedure. A tourist rooming house administrative review permit shall follow the procedure for administrative review permits as specified in Article 3, Section 9.36-Procedure for Administrative Review Permits.

F. RESIDENT AGENT

1. A licensed Resident Agent is required for all tourist rooming houses.
2. The owner of a tourist rooming house shall designate a licensed Resident Agent.
3. Resident Agent shall meet the following requirements:
  - a. Be an adult person residing in or within twenty-five (25) miles of the location of the tourist rooming house or a corporate entity with offices located within twenty-five (25) miles of the tourist rooming house that is the subject of the application.

- b. Be authorized by the owner to act as the agent for the owner for: (i) the receipt of service of notice of violation of this article's provisions, (ii) service of process pursuant to this article, and (iii) to allow the county to enter property permitted under this article for purposes of inspection and enforcement.
- c. The applicant shall provide proof that he or she is insured for general liability for a commercial rental operation.
- d. An owner that meets the qualifications for a resident agent is not required to pay a fee for a resident agent license.

G. NONTRANSFERABLE

Any permit issued under this article is nontransferable. The holder of any permit or license shall notify the Zoning Director in writing of any transfer of the legal control of any property covered by the permit.

H. FEES

The application fee, as periodically designated by the County Board, shall be paid when the application is filed.

I. ENFORCEMENT AND PENALTIES

Enforcement and penalties as specified by Article 8, Section 9.82 of the Oneida County Zoning and Shoreland Protection Ordinance.

J. APPLICATION AFTER DENIAL OR REVOCATION

No applicant may reapply for twenty-four (24) months from the date of denial revocation.

M. CONDITIONS ON PERMIT

The Department shall have the authority to place reasonable conditions on a permit when necessary to meet the requirements of section 9.58(D) with regard to the matters set forth in the article.

Mr. Jennrich read the Notice of Public Hearing into the record. The notice was published in the Northwoods River News on November 6, and November 13, 2018. Proof of notification is contained in the file.

The notice was posted on the Oneida County Courthouse Bulletin Board on November 2, 2018.

There is correspondence in the file from:

E-mail from Nicki Beer, Northwoods Property Management

E-mail from Todd Troskey, Oneida County Health Department.  
Comments from Scott Ridderbusch and Carla Blankenship, Land Use Specialists, Oneida County Zoning.  
E-mail from Lynn Zibell

Chair Holewinski opened the public portion of the public hearing.  
Bill Liebert spoke.  
Steven Schreier spoke.

Chair Holewinski closed the public portion of the public hearing.

**Motion by Scott Holewinski, second by Billy Fried to direct staff to review comments brought up regarding the proposed changes and bring language back to the committee. With all members present voting “aye”, the motion carried.**

Adjourn.

**2:50 p.m. There being no further matters to lawfully come before the committee, Chair Holewinski adjourned the meeting.**

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Chair, Scott Holewinski

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Planning & Zoning Director, Karl Jennrich