

ONEIDA COUNTY PLANNING and DEVELOPMENT COMMITTEE
APRIL 3, 2019
COUNTY BOARD ROOM – 2ND FLOOR
ONEIDA COUNTY COURTHOUSE
RHINELANDER, WI 54501

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: Brian Desmond, Corporation Counsel

Guests present: See sign in sheet.

Call to order.

Chair Holewinski called the meeting to order at 12:30 p.m., in accordance with the Wisconsin Open Meeting Law.

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

Public comments. **None.**

Approve meeting minutes of March 6, 2019.

Motion by Mike Timmons, second by Billy Fried to approve the meeting minutes of March 6, 2019 as submitted. With all members present voting “aye”, the motion carried.

Discussion/decision related to County Materials Corporation Conditional Use permit on property described as part of Government Lot 1, & NE NW, Section 10, T38N, R6E, PIN HA 113-9, Town of Hazelhurst.

Mr. Jennrich stated that the application for the non-metallic mine and reclamation plan complete on October 20, 2018. Since that time there was a public hearing held on January 22, 2019.

Mr. Jennrich stated that there was an e-mail received suggesting that the meeting notice was incorrect. Attorney Stadler spoke on this, stating that the notice is correct and the agenda item can be discussed. Discussion was held by the committee on whether they agree with the notice being correct.

Motion by Billy Fried to re-notice the meeting. There was no second to the motion. The motion failed.

If the committee feels the general standards of approval have been met, staff would suggest the following conditions:

1. The nature and extent of the conditional use shall not change from that described in the application and approved in the Conditional Use Permit.
2. Maintain the proper buffers around perimeter of property pursuant to Section 9.60 (F) Non-Metallic Mining of the Oneida County Zoning and Shoreland Protection Ordinance (OCZ&SPO) as proposed (30' minimum).
3. Maximum depth of excavation to correspond with pit bottom areas as indicated on plans, approximately 1584' above mean sea level (MSL). A permanent benchmark to be placed on property to allow verification of maximum depth.
4. Hours of operation are 7:00 a.m. to 6:00 p.m. Monday through Friday. No weekend operations.
5. Non-metallic mine activities such as excavation, stripping and screening not to be conducted during the months of June, July, or August on HA 113-9.
6. No crushing of aggregates is approved with this conditional use permit.
7. Pursuant to Section 9.60 (C) Non-Metallic Mining of the Oneida County Zoning and Shoreland Protection Ordinance, no wash pond is approved with this permit.
8. Must supply dust control measures to comply with air quality requirements as regulated by the Wisconsin Department of Natural Resources.
9. Sanitary facilities provided for employees. Regular servicing and maintenance to be done as to not create a nuisance.
10. Parking area for employees shall be established away from pit and not obstruct access road, area of trucks hauling and/or other heavy equipment.
11. Equipment maintenance to be kept to a minimum; any major work to be done off site.
12. Solid waste materials to be contained and disposed of properly.
13. Any damage to County or Town property subject to Section 9.60 (J) of OCZ&SPO.
14. Any signage done is in accordance with the OCZ&SPO.
15. WPDES permit from the Wisconsin Department of Natural Resources (Stormwater management plan), be submitted to this department.
16. Onsites by staff during operation and upon completion of project to ensure compliance with approved CUP and reclamation plan. Committee reserves the right to revisit the Conditional Use Permit if complaints are received.
17. Subject to WI DOT approvals.
18. Subject to land division review if sale/exchange between adjoining takes place for the north 50' of parcel HA 113-9 that lies south of parcel HA 113-6.
19. Subject to Town of Hazelhurst review, approvals, concerns, and conditions.

The committee went through the nine standards of approval as follows:

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
Holewinski – Met.
Fried – Met.
Timmons – Met.
Sorensen – Met.
Cushing – Met.

2. The uses, values and enjoyment of neighboring property shall not be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
Holewinski – Met, with conditions.
Fried – Met, with conditions.
Timmons – Met with conditions.
Sorensen – Met.

3. The proposed conditional use is compatible with the use of adjacent land and any adopted local plans for the area.
Holewinski – Met.
Fried – Met.
Timmons – Met.
Sorensen – Met.
Cushing – Met.

4. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
Holewinski – Met.
Fried – Met, with conditions.
Timmons – Met.
Sorensen – Met.
Cushing – Met.

5. Adequate utilities, access roads, drainage and other necessary site improvements have been or will be provided for the conditional use.
Holewinski – Met.
Fried – Met.
Timmons – Met.
Sorensen – Met.
Cushing – Met.

6. Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.
Holewinski – Met.
Fried – Met, with conditions.
Timmons – Met.
Sorensen – Met.
Cushing – Met.

7. The conditional use shall conform to all applicable regulations of the district in which it is located.
Holewinski – Met.
Fried – Met.
Timmons – Met.
Sorensen – Met.

Cushing – Met.

8. The conditional use does not violate shoreland or floodplain regulations governing the site.

Holewinski – Met.

Fried – Met.

Timmons – Met.

Sorensen – Met.

Cushing – Met.

9. Adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.

Holewinski – Met.

Fried – Met, with conditions.

Timmons – Met, with conditions.

Sorensen – Met.

Cushing – Met, with conditions.

Motion by Mike Timmons, second by Jack Sorensen to approve the CUP application as the general standards of approval have been met and with the conditions suggested by staff. With all members present voting “aye”, the motion carried.

If the committee approves the reclamation plan, staff would suggest the following conditions:

1. Reclamation to be done in accordance with NR 135 and Chapter 22, Non-Metallic Mine Reclamation.
2. Reclamation shall ensure that water is internally drained; water is not allowed to drain offsite and shall comply with all reclamation standards.
3. Final grades of reclamation areas shall be no greater than three (3) to one (1) slopes.
4. All grades, including pit floor shall have adequate planting or reforestation to prevent erosion.
5. Subject to the voluntary reclamation of the existing disturbed areas, being the northwesterly 400' of parcel HA 114-4.
6. Financial Assurances in the amount of \$21,300 for 7.1 acres at \$3,000.00 per acre.

Motion by Ted Cushing, second by Mike Timmons to approve the reclamation plan with conditions suggested by staff. With all members present voting “aye”, the motion carried.

Discussion/decision on informational packets to be distributed to individuals that obtain shoreland zoning permits.

Mr. Jennrich stated that the department had been approached by the Oneida County Lakes and Rivers Association to provide informational packets to individuals that may be applying for zoning permits on their lakeshore property in Oneida County. Norris Ross, Oneida County Lakes and Rivers Association, was present to explain the reasoning behind the proposed handout.

Karl is going to do some research on how this handout will be funded and who will receive it.

Discussion/decision on ordinance amendments to Chapter 9, Article 9 of the Oneida County Zoning and Shoreland Protection Ordinance.

Mr. Jennrich stated these are the changes the WI DNR had the department make to certify the ordinance.

Motion by Ted Cushing, second by Jack Sorensen to accept the changes and schedule for public hearing. With all members present voting “aye”, the motion carried.

Discuss/decision/prioritization of 2019 Oneida County Planning and Zoning Department projects.
Tabled.

Refunds. **There is one refund. Motion by Billy Fried, second by Ted Cushing to approve the refund as requested. With all members present voting “aye”, the motion carried.**

Line item transfers, purchase orders and bills. **Motion by Billy Fried, second by Mike Timmons to approve the line item transfer, purchase orders and bills. With all members present voting “aye”, the motion carried.**

Approve future meeting dates. **April 17 and May 1 and 15, 2019.**

Public comments. **None.**

Future agenda items. **As discussed.**

CONDUCT PUBLIC HEARING ON THE FOLLOWING:

Ordinance Amendment #15-2018 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 underline; deletions noted by ~~striketrough~~

9.58 TOURIST ROOMING HOUSE

A. PURPOSE

The purpose of this ordinance is to ensure 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 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 Agriculture, Trade and Consumer Protection (DATCP), pursuant to §97.605, Wis. Stats., or a designated local health department pursuant to §97.625, Wis. Stats., directly or through its agent.
3. Bed and breakfast establishments.

C. DEFINITIONS

1. 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 Article 3, 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. Wherever 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. **Resident Agent:** An owner meeting the qualifications for a Resident Agent as set forth in Section 9.58 (G) or a person appointed by the owner of a tourist rooming house to act as agent on behalf of the owner.
 - i. **Short Term Rental:** A residential dwelling that is offered by rent for a fee and for fewer than twenty-nine (29) consecutive days as defined in §66.0615(1)(dk), Wis. Stats.
 - j. **State:** State of Wisconsin Department of Agriculture, Trade and Consumer Protection, or its designee.
 - k. **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.
 - l. **Tourist Rooming House:** Any lodging, place, tourist cabin, or cottage where sleeping accommodations are offered for pay to tourist or transients, or to persons who stay or intend to stay for thirty (30) days or less.

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 #2 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 (E).
 - d. On-street parking is prohibited, unless allowed by the governmental entity having jurisdiction over the public road.
 - e. No recreational vehicles, campers, tents, 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, in 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 of 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 the 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. Floor plan and requested maximum occupancy.
- b. Site plan including available onsite parking.
- c. POWTS information.
- d. Designation of the Resident Agent.
- e. Certification from the owner and Resident Agent that the property meets the requirements of Section 9.58 (D).
- f. Proof of general liability insurance in the amount of one million dollars (\$1,000,000) with thirty (30) days' notice of cancellation to be provided to the county.
- g. The application fee.

F. 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.

G. RESIDENT AGENT

- 1. A Resident Agent is required for all tourist rooming houses.
- 2. Resident Agent shall meet the following requirements.
 - a. Be an adult person residing in or within a twenty-five (25) mile radius of the location of the tourist rooming house or a corporate entity with offices located within a twenty-five (25) mile radius 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 the property permitted under this article for inspection and enforcement.
 - c. Proof of general liability insurance in the amount of one million dollars (\$1,000,000) with thirty (30) days' notice of cancellation to be provided to the county.

H. 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.

I. FEES

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

J. ENFORCEMENT AND PENALTIES

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

K. APPLICATION AFTER DENIAL OR REVOCATION

No applicant may reapply for twelve (12) months from the date of denial or revocation.

L. 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 this article.

Mr. Jennrich read the notice of public hearing into the record. Then notice was published on March 19 and March 26, 2019. Proof of publication is contained in the file. It was posted on the Oneida County Courthouse bulletin board on March 14, 2019.

Correspondence in the file includes:

- A letter from the Town of Three Lakes in favor of the proposed ordinance amendment.
- An e-mail from the Town of Schoepke in favor of the proposed ordinance amendment.
- A letter from the Town of Newbold in favor of the proposed ordinance amendment.
- A letter from the Town of Woodruff in favor of the proposed ordinance amendment.
- A letter from the Northwoods Association of Realtors.

Chair Holewinski opened the public portion of the public hearing.

- Eric Johnson spoke.
- Ron Welnetz spoke.
- Matt Seegert spoke.
- Cecily Dawson spoke.
- Dennis Boettge spoke.
- Patti Foerester spoke.
- Bill Liebert spoke.
- Leann Hayden spoke.
- Mary Sowinski spoke.

Chair Holewinski closed the public portion of the public hearing.

Motion by Mike Timmons, second by Jack Sorensen to table this item and bring back to a future agenda. With all members present voting “aye”, the motion carried.

Ordinance Amendment #1-2019 authored by the Planning and Development Committee to amend Chapter 13, Section 13. 15 – Definitions and Section 13. 51 – Septic Tank Maintenance Program of Chapter 13 the Oneida County Private Onsite Wastewater Treatment System Ordinance.

Additions noted by underline; deletions noted by ~~strikethrough~~

13.15 DEFINITIONS.

13.15 Remaining definitions remain unchanged.

Occasional Occupancy. Occupying a building that is serviced by a POWTS for less than 120 calendar days per year.

13.51 SEPTIC TANK MAINTENANCE PROGRAM

13.51 (1) and (4) through (7) remain unchanged.

- 2. All new and existing POWTS shall be visually inspected within three years of the date of installation and at least once every three years thereafter. Exception; the department may extend the required three-year visual inspection interval to a maximum period of five years for a POWTS serving an occasional occupied structure or facility, providing the owner of the POWTS makes a request in writing.
- 3. All new and existing septic tanks shall be pumped within three (3) years of the date of installation and at least once every three (3) years thereafter, unless upon visual inspection the tank is found to have less than 1/3 of the volume occupied by sludge and scum.

Mr. Jennrich read the notice of public hearing into the record. The notice was published in the Northwoods River News on March 19 and March 26, 2019. Proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on March 14, 2019.

There is no correspondence in the file.

Chair Holewinski opened the public portion of the public hearing.

Sue Thome spoke.

Chair Holewinski closed the public portion of the public hearing.

Motion by Mike Timmons, second by Ted Cushing to approve the ordinance amendment as presented and forward to the Oneida County Board of Supervisors. 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, Chair Holewinski adjourned the meeting.

Chair, Scott Holewinski

Planning & Zoning Director, Karl Jennrich