

## NOTICE OF MEETING

**COMMITTEE: PLANNING & ZONING**  
**DATE: NOVEMBER 4, 2009**  
**TIME: 12:30 P.M. CLOSED SESSION - COMMITTEE ROOM #2**  
**1:00 P.M. REGULAR MEETING – COMMITTEE ROOM #2**  
**2:00 P.M. PUBLIC HEARTING – COMMITTEE ROOM #2**

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### **ALL AGENDA ITEMS ASSUMED TO BE DISCUSSION / DECISION**

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1. Call to order.
2. Approve the agenda.
3. 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. Enforcement of junkyard complaint in the Town of Newbold.
  - b. Enforcement of excessive excavation in the Town of Woodboro.
4. A roll call vote will be taken to return to open session.
5. Approve regular meeting minutes of July 29, 2009.
6. Approve regular and public hearing meeting minutes of August 5, 2009.
7. Approve regular and public hearing meeting minutes of August 19, 2009.
8. Preliminary 7-lot Certified Survey maps of Tomahawk Log and Country Homes Inc., owner for property described as part of N ½ of SE ¼, Section 27, T36N, R6E, PIN# NO 417, Town of Nokomis.
9. Living quarters in garages and other accessory buildings.
10. Section 9.93 D, Minimum Lot Area.
11. Section 15, Subdivision Control Ordinance.
12. Line item transfers, refunds, purchase orders and bills.
13. Approve future meeting dates: November 18 and December 2, 2009.
14. Public comments.
15. Future agenda items.

### **CONDUCT PUBLIC HEARING ON THE FOLLOWING:**

16. Conditional Use Permit Application of Ritchie Lakeland Oil / N&J Investments to expand the existing business by constructing a new office building and truck storage building. Project to include demolition and additions to existing structures. Project to include relocation of Hansen Road approximately 150' east of the current intersection with Balsam Street on property described as part NE NE, and Gov't Lot 1, Lots 1 & 2 CSM V3 P688 of Section 11 and

part NW NW and Gov't Lot 1, Section 12, all in T39N, R6E, 8783 Hansen Road, PIN#'s MI 2169-5 (incl MI 2187-1), MI 2169-7 and MI 2169-10, Town of Minocqua.

17. Ordinance Amendment #9-2009, Section 9.42 E, General Standards for Approval of CUP, authored by the Planning and Zoning Committee to amend Section 9.42 E, of the Oneida County Zoning and Shoreland Protection Ordinance as follows:

Additions noted by underline; Deletions noted by ~~strike through~~.

#### 9.42 E GENERAL STANDARDS FOR APPROVAL OF CUP

No application for a CUP shall be approved or conditionally approved, unless the Committee finds that the following standards are fulfilled.

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.
2. The uses, values and enjoyment of neighboring property shall not ~~in any foreseeable manner~~ be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
3. The proposed conditional use is compatible with the use of adjacent land and any adopted local plans for the area.
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.
5. Adequate utilities, access roads, drainage and other necessary site improvements have been or will be provided for the conditional use.
6. Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.
7. The conditional use shall conform to all applicable regulations of the district in which it is located.
8. The conditional use does not violate shoreland or floodplain regulations governing the site.
9. Adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.

18. Ordinance Amendment #10-2009, Section 9.52, Mobile Home, Manufactured Home and House Trailer Parks, authored by the Planning and Zoning Committee to amend Section 9.52, of the Oneida County Zoning and Shoreland Protection Ordinance as follows:

Additions noted by underline; Deletions noted by ~~strike through~~.

#### Section 9.52, Mobile Home, Manufactured Home and House Trailer Parks

9.52 A To Remain Unchanged.

#### ~~B~~.B. Yards and Setbacks

The following minimum setback regulations shall apply:

1. No building, structure, mobile home, manufactured home or house trailer shall be located within 100 feet of the adjacent property lines when the adjacent property is located in Use District #2, Single-Family Residential District, Use District #3, Multi-Family Residential

District, Use District #14, Residential and Retail District, or Use District #15, Rural Residential District. For all other use districts, the distance shall be 50 feet.

2. No building, structure, mobile home, manufacture home or house trailer shall be closer than 75 20 feet to any state, County or Township highway or road or arterial street or roadway right-of-way.
3. Mobile homes, manufactured homes and house trailers shall be setback a minimum of 15 feet from the traveled portion of any street or roadway within the park.
4. No part of any mobile home, manufactured home or house trailer, or any addition or appurtenance thereto, shall be located within 20 feet of any other mobile home, manufactured home or house trailer, or any addition or appurtenance thereto, nor within 50 feet of any accessory/service/community building.

9.52 C – G To Remain Unchanged

~~H.H.~~ Location

- ~~1. Existing parks. The mobile homes, manufactured homes and house trailers in an existing park shall remain located pursuant to section 9.73. The space between the structure and the grade or slab shall be covered with materials compatible in design and appearance with the exterior of the structure. With the written consent of the park owner, the town in which the park is located may allow mobile homes, manufactured homes and house trailers to comply with the dwelling requirements in section 9.22(G) of this ordinance.~~
- ~~2.2. New parks. The Town in which the proposed park is to be located may require the mobile homes, manufactured homes, and house trailers in the proposed park to comply with the dwelling requirements in Section 9.21(A)(7) of this ordinance.~~

~~H.H.~~ Placement Requirement

- ~~1. Manufactured homes, mobile homes or house trailers which may be permitted in parks after the effective date of this ordinance shall be located at its park site pursuant to the applicable provisions of section 9.73 of this ordinance at the park site in accordance with the manufacturer's installation instructions, if available, otherwise pursuant to accepted industry standards.~~
2. The space between the structure and the grade or slab shall be covered with materials compatible in design and appearance with the exterior of the structure

19. Adjourn.

**NOTICE OF POSTING**

**TIME: 3:00 PM DATE: OCTOBER 29, 2009 PLACE: COURTHOUSE BULLETIN BOARD**

**SCOTT HOLEWINSKI, COMMITTEE CHAIRMAN**

Notice posted by the Planning & Zoning Department. Additional information on a specific agenda item may be obtained by contacting the person who posted this notice at 715-369-6130.

**NEWS MEDIA NOTIFIED VIA E-MAIL:**

|                        |                |                         |
|------------------------|----------------|-------------------------|
| Rhineland Daily News   | Date: 10/29/09 | Time: Approx. 3:30 p.m. |
| Lakeland Times         | Date: "        | Time: "                 |
| Buyer's Guide/Our Town | Date: "        | Time: "                 |
| WXPR Public Radio      | Date: "        | Time: "                 |
| WERL/WRJO Radio        | Date: "        | Time: "                 |
| News of the North      | Date: "        | Time: "                 |

**NEWS MEDIA NOTIFIED VIA FAX:**

|                    |                |                         |
|--------------------|----------------|-------------------------|
| WHDG Radio Station | Date: 10/29/09 | Time: Approx. 3:30 p.m. |
| WJFW-TV 12         | Date: "        | Time: "                 |
| Vilas County News  | Date: "        | Time: "                 |
| Tomahawk Leader    | Date: "        | Time: "                 |
| WLSL               | Date: "        | Time: "                 |

Notice is hereby further given that pursuant to the Americans with Disabilities Act reasonable accommodations will be provided for qualified individuals with disabilities upon request. Please call Robert Brusio at 715-369-6144 with specific information on your request allowing adequate time to respond to your request.

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See reverse side of this notice for compliance checklist with the Wisconsin Open Meeting Law.

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#### GENERAL REQUIREMENTS:

1. Must be held in a location which is reasonably accessible to the public.
2. Must be open to all members of the public unless the law specifically provides otherwise.

#### NOTICE REQUIREMENTS:

1. In addition to any requirements set forth below, notice must also be in compliance with any other specific statute.
2. Chief presiding officer or his/her designee must give notice to the official newspaper and to any members of the news media likely to give notice to the public.

#### MANNER OF NOTICE:

Date, time, place and subject matter, including subject matter to be considered in a closed session, must be provided in a manner and form reasonably likely to apprise members of the public and news media.

#### TIME FOR NOTICE:

1. Normally, a minimum of 24 hours prior to the commencement of the meeting.
2. No less than 2 hours prior to the meeting if the presiding officer establishes there is good cause that such notice is impossible or impractical.
3. Separate notice for each meeting of the governmental body must be given.

#### EXEMPTIONS FOR COMMITTEES & SUBUNITS

Legally constituted sub-units of a parent governmental body may conduct a meeting during the recess or immediately after the lawful setting to act or deliberate upon the subject which was the subject of the meeting, provided the presiding officer publicly announces the time, place and subject matter of the sub-unit meeting in advance of the meeting of the parent governmental body.

#### PROCEDURE FOR GOING INTO CLOSED SESSION:

1. Motion must be made, seconded and carried by roll call majority vote and recorded in the minutes.
2. If motion is carried, chief presiding officer must advise those attending the meeting of the nature of the business to be conducted in the closed session, and the specific statutory exemption under which the closed session is authorized.

#### SYNOPSIS OF STATUTORY EXEMPTIONS UNDER WHICH CLOSED SESSIONS ARE PERMITTED:

1. Concerning a case which was the subject of Judicial or quasi-judicial trial before this governmental body Sec. 19.85(1)(a)
2. Considering dismissal, demotion or discipline of any public employee or the investigation of charges against such person and the taking of formal action on any such matter; provided that the person is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action is taken. The person under consideration must be advised of his/her right that the evidentiary hearing be held in open session and the notice of the meeting must state the same. Sec. 19.85(1)(b).
3. Considering employment, promotion, compensation or performance evaluation data of any public employee over which this body has jurisdiction or responsibility. Sec. 19.85(1)(c).
4. Considering strategy for crime detection or prevention. Sec. 19.85(1)(d).
5. Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session. Sec. 19.85(1)(e).
6. Considering financial, medical, social or personal histories or disciplinary data of specific person, preliminary consideration of specific personnel problems or the investigation 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. Sec. 19.85(1)(f), except where paragraph 2 applies.
7. 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. Sec. 19.85(1)(g).
8. Considering a request for advice from any applicable ethics board. Sec. 19.85(1)(h).

#### PLEASE REFER TO CURRENT STATUTE SECTION 19.85 FOR FULL TEXT

#### CLOSED SESSION RESTRICTIONS:

1. Must convene in open session before going into closed session.
2. May not convene in open session, then convene in closed session and thereafter reconvene in open session within twelve hours unless proper notice of this sequence was given at the same time and in the same manner as the original open meeting.

3. Final approval or ratification of a collective bargaining agreement may not be given in closed session.
4. No business may be taken up at any closed session except that which relates to matters contained in the chief presiding officer's announcement of the closed session.
5. In order for a meeting to be closed under Section 19.85(1)(f) at least one committee member would have to have actual knowledge of information which he or she reasonably believes would be likely to have a substantial adverse effect upon the reputation involved and there must be a probability that such information would be divulged. Thereafter, only that portion of the meeting where such information would be discussed can be closed. The balance of that agenda item must be held in open session.

#### BALLOTS, VOTES AND RECORDS:

1. Secret ballot is not permitted except for the election of officers of the body or unless otherwise permitted by specific statutes.
2. Except as permitted above, any member may require that the vote of each member be ascertained and recorded.
3. Motions and roll call votes must be preserved in the record and be available for public inspection.

#### USE OF RECORDING EQUIPMENT:

The meeting may be recorded, filmed, or photographed, provided that it does not interfere with the conduct of the meeting or the rights of the participants.

#### LEGAL INTERPRETATION:

1. The Wisconsin Attorney General will give advice concerning the applicability or clarification of the Open Meeting Law upon request.
2. The municipal attorney will give advice concerning the applicability or clarification of the Open Meeting Law upon request.

#### PENALTY:

Upon conviction, any member of a governmental body who knowingly attends a meeting held in violation of Subchapter IV, Chapter 19, Wisconsin Statutes, or who otherwise violates the said law shall be subject to forfeiture of not less than \$25.00 nor more than \$300.00 for each violation.

Prepared by Oneida County Corporation Counsel Office - 5/16/96