

**ONEIDA COUNTY PLANNING & ZONING
DECEMBER 17, 2008 2:00 P.M.
PUBLIC HEARING – COMMITTEE ROOM #2
ONEIDA COUNTY COURTHOUSE
RHINELANDER, WI 54501**

Members present: Scott Holewinski
Ted Cushing
Larry Greschner
Charles Wickman
Frank Greb

Department staff present: Karl Jennrich, Zoning Director
Pete Wegner, Assistant Zoning Director
Kim Gauthier, Secretary

Other County Staff: (None)

Guests present: (See Sign-In Sheet)

Call To Order:

Chair, Scott Holewinski called the meeting to order at 2:03 p.m., in Committee Room #2, 2nd Floor Oneida County Courthouse, Rhineland, Wisconsin in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda was properly posted, the media notified and the courthouse is handicap accessible.

Approve the agenda

Motion by Ted Cushing, second by Charles Wickman to approve the agenda. With all members present voting “aye”, the motion carried.

Ordinance Amendment #22-2008, Section 9.33, Recreational Vehicle / camping Tent, authored by the Planning and Zoning Committee to amend Section 9.78 of the Oneida County Zoning and Shoreland Protection Ordinance as follows:

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

Section 9.33 A-E to remain unchanged

F. Recreational Vehicle/Camping Tent

1. Single Family Residential (District #2), Business (B1) (District #6) and Business (B2) (District #7).

A zoning permit shall not be required for the placement of recreational vehicles or a camping tent on property, provided any of the following apply:

- a. ~~The One~~ One recreational vehicle or camping tent is being stored on property where a permanent dwelling has already been constructed.

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- b. There is occasional guest parking and use of a one recreational vehicle or camping tent, not to exceed two consecutive weeks where permanent dwelling has already been established; or
 - c. There is occasional guest parking and use of one recreational Vehicle or camping tent, not to exceed two consecutive weeks, on a vacant parcel of property of five (5) acres or larger in size; or
 - e.d. The One recreational vehicle or camping tent is used on the owner's property for a period not to exceed two years while a permanent dwelling is under construction, provided that a zoning permit has been granted for the dwelling unit under construction and a notation was placed on the application for permit that a recreational vehicle is going to be used; or
 - ~~d.e.~~ The recreational vehicle or camping tent is placed in a campground or recreational vehicle park in accordance with section 9.53 of this ordinance.
 - d. ~~The act of camping does not create a nuisance.~~
2. Zoning Districts other than Single Family (District #2), Business B1 (District #6) and Business B2 (District #7).

A zoning permit shall not be required for the placement of a recreational vehicles or a camping tents on property- provided any of the following apply:
~~Recreational vehicle, tent, and/or primitive camping is allowed in all zoning districts in Oneida County as long as the act of camping does not create a nuisance. Any act of camping that would constitute a campground as defined in this ordinance must comply with the provisions found in Section 9.53.~~

- a. The recreational vehicle is being stored on property where a permanent dwelling has already been constructed.
- b. The recreational vehicles or camping tents are used on the owner's property for a period not to exceed 90 consecutive days; or
- c. The recreational vehicle is placed in a campground or recreational vehicle park in accordance with Section 9.53 of this Ordinance.

Sections G-H to remain unchanged.

Karl Jennrich, Zoning Director read the notice of public hearing into the record. Mr. Jennrich offered proof of publication from the Rhinelander Daily News, published on December 2, 2008 and December 9, 2008, along with the Tomahawk Leader, Lakeland Times and Vilas County News the week of December 1, 2008. The notice was posted on the Oneida County courthouse bulletin board November 26, 2008. The certified and first class mailing list was read into the record. Mr. Jennrich noted the notice recipient list was part of the record and available for review.

Mr. Jennrich indicated the following correspondence was received:

- Letter from the Town of Sugar Camp objecting to the proposed language.
- Email from the Town of Nokomis objecting to the proposed language.
- Letter from Bruce and Beth Jacobson in favor of the proposed language.
- Letter from Steve Garbowicz supporting the amendment.

Mr. Jennrich noted a former zoning committee requested language similar to the language proposed today. However, since that time there was much discussion by the committee after concern from the public and the changes were made as read. Mr. Jennrich commented that since the overlay district was removed, requests are coming into the department to place park model homes on vacant property with sanitary hook-up. The department does not have a permit system for this type of unit due to its size.

Mr. Greschner submitted letters and pictures to the group.

Mr. Jennrich read the letter dated May 29, 2008 from the Town of Woodruff asking for regulations on camping, as read. Mr. Jennrich noted the picture submitted are of a camper in single family zoning.

Mr. Holewinski asked if there was any public comment for or against the issue at hand.

Mark Patulski, Prune Lake Road, commented that he contacted the Woodruff Police Department who indicated they have had no complaints within the last year of camping except for one walk-in complaint. Mr. Patulski commented that he disagrees with the committee holding a public hearing on camping in December when most people who camp are not in the areas at this time to comment. Mr. Patulski commented on the recent article in the Lakeland Times speaking of Vilas and Oneida County support of tourism and the affect of the camping ordinance on tourist. Mr. Patulski recommends keeping the nuisance language of the ordinance and stop wasting the county's time and money on this issue.

Mark Varekois, Town of Newbold, asked why we are discussing this again as this is taking property rights away from people. Mr. Varekois commented that receiving one complaint for every 10,000 people is not a sufficient reason to change the ordinance. There is nothing wrong with the septic system requirement keep that the way it is. There should be no restriction on camping. Mr. Varekois commented on allowing his grandson to camp on his forty acres and that right should not be taken away. Mr. Varekois suggested the neighbor in Woodruff who is complaining about camping to look out the other side of their property if they don't want to look at a camper.

John and Judy Allen, Town of Woodruff, presented exhibits and a letter dated November 10, 2008 as previously submitted. Ms. Allen also supplied photos of her neighbor's property with a camper being utilized. Ms. Allen commented that she has to deal with this all year not just seasonally. Ms. Allen commented that she has addressed this personally and as a Town of Woodruff representative. This is not the purpose of single family zoning and have rezoned in the past for the purpose of greater restriction. I wanted to ensure the most restrictive zoning for my home and if a person wants to camp they should be in a different zoning district. Ms. Allen referred back to the letter from Nathan Marks, Assessor who indicated he will look at possibly re-assessing the area in Woodruff depending on the committee's decision today. Ms. Allen noted she supports this ordinance proposal.

Mr. Wickman asked that Ms. Allen read the assessors letter. Ms. Allen read the letter into the record.

Mike Timmins, Woodruff Chairman, commented that the town has had more complaints than the two previously discussed. Mr. Timmins discussed taxes paid and noted 98% of the town's land

is not on the tax role due to the area being primarily State owned land. Mr. Timmins commented on treating people differently due to their zoning district.

Joe Handrick, Town of Minocqua, commented that he supports the proposed language. Mr. Handrick gave the example of allowing a restaurant to operate in single family zoning and that there are zoning districts that allow this type of business. Mr. Handrick noted there are a lot of private campgrounds available in this area for camping purposes.

George Denis, Woodruff, owner of Indian Mounds Campground indicated he has no comment for or against and offered to answer any questions the committee may have related to camping and/or park model campers.

John Beauchamp, commented he is the owner of the property next to Ms. Allen. Mr. Beauchamp indicated that prior to purchasing the property he asked the zoning department if a camper would be allowed. Mr. Beauchamp indicated his taxes are \$1300 and he is contributing to the tax base. Mr. Beauchamp described his plans to build in the future and explained his driveway access.

Jim Rein, Town of Minocqua commented on the purpose of single family zoning and stated the ordinance language and its restrictions.

Dave Schmitts, Town of Newbold asked if the property in issue is in single family. Mr. Schmitts commented that he does not believe the amendment will address the tightening up single family zoning. I understand peoples' concern, but should we really penalize the person with forty acres. Maybe there should be language that says you can't camp within 300 feet of a home or something similar. This would be a better solution than saying no camping in the business district across the board. I own business property and have a potential buyer from Appleton who wants to build a shed and place his camper inside. No one will see the shed because it's forty acres away from anyone else and now people are saying he should go to a campground. Mr. Schmitts commented that he would not want to take his kids to a campsite to learn the kind of language they would learn in this setting. The buyer wants to come to the Northwood's and spend quality time with his kids and eventually build a home and he should be allowed to do this. If you're looking at places that are densely populated like Woodruff and Minocqua then maybe their districts should restrict camping, but not for all business districts. Mr. Schmitts also commented that he would recommend addressing the nuisance portion, but most of the complaints are coming out of Woodruff and should not be restricted county wide in an area that wants to be tourist oriented.

Len Hyke, Town of Newbold, commented that this is putting zoning into a class society of them against us. Mr. Hyke commented that in his situation he is particularly offended by intolerant neighbors, fortunately I don't have them were I live. It doesn't matter if they are rich or poor what I would like to have is a good neighbor with tolerance. Mr. Hyke noted in his case his property value would go down if a rich neighbor moved next to my property. What I worry about most is a half-million dollar home destroying my property value for me. Why are we always looking at the other side of that? I would like you to look at the county zoning map and if we are going to impose regulations this restrictive lets go back to spot zoning. Mr. Hyke commented on his seasonal neighbors concern of spot zoning on his fifty acres of land. Mr. Hyke commented that this would be observed to regulate someone with this size of acreage. We should consider Oneida County as a whole. Mr. Hyke recommended that the department find a way to not divide the county because of Woodruff and Minocqua.

Ben Loma, Town of Newbold, commented that he owns both single family and business property and believes multiple camping units should be allowed on a property. Mr. Loma commented on the example of a farmer in the southern part of the state who may have a neighbor complain about his livestock and then suddenly he's put out of business. Mr. Loma commented that neighbor complaints like this should not dictate ordinance language. Mr. Loma also referred to a family gathering where several campers may be present for a given period of time for a reunion, etc. and that the ordinance should not hinder this activity. Mr. Loma also commented that a garage with a bathroom in it could be a camping unit also. Mr. Loma questioned why the committee took out the nuisance language when this is what should really be enforced.

Connie Anderson, Town of Crescent, commented she is in support of the amendment.

Bill Liebert, Rhinelander, Newbold and Hazelhurst property owner, commented that he would duplicate many comments already made by those against the proposal. Mr. Liebert commented on individual townships and their land use plans. Mr. Liebert spoke of the need for neighborly communication and what should be resolved amongst neighbors. Mr. Liebert mentioned that a person who is selling property should consider that this area is full of recreation and this should be considered when buying or selling property. Mr. Liebert commented that he believes the real issue driving the changes are in Woodruff and could be resolved if the neighbors would talk to each other. Mr. Liebert commented that the proposed language is full of problems that can't be supported.

Jim Shoe, Boom Lake, asked for clarification of his one concern of a pick-up camper towing another camper. Mr. Shoe asked if the language would apply to recreational vehicles, ATV's, motorcycles, etc. Mr. Shoe commented that he believes a park model home is really a temporary mobile home less than 500 square feet in size with plumbing. Mr. Shoe commented on skirting and that this could classify this structure as a home. Mr. Shoe commented that if he had a neighbor with a camper his only concern would be the septic system.

Ron Callcum, Rhinelander, commented that he owns a vacant lot and pays taxes which go up every year. Mr. Callcum also commented that when he visits his vacant lot he also spends money patronizing the area businesses. Mr. Callcum indicated he objects to the proposed language.

Kevin Jenkins, Northwood's Association of Realtors, commented that when this issue was presented to his board they voted "no position" on this matter. Mr. Jenkins indicated he was contacted by residence that the majority were in support of the proposed language, but some do not. Mr. Jenkins indicated he also surveyed the government affairs that showed support from one extreme to another as described.

Mr. Holewinski asked if there was any other comment (two times). No other public comment, therefore, the public comment portion of the hearing was closed.

Mr. Wickman discussed the first zoning authority that began in May 1933 and referenced the letter submitted by the Bowmar Assessor.

Mr. Greb commented that the assessor letter is very objective and "it's not worth the paper it was written on". Mr. Greb commented on the other side of this issue and asked what people would think if a several million dollar home was built next to their property and the effect as described.

Mr. Cushing commented that he believes there is a fine line between property protectors and rights. Yes, it would be good to solve problems between each other and as neighbors. Mr. Cushing recommended staff work with legal counsel to make this an individual town issue to be fair to all. Mr. Cushing commented that he has not seen a problem with camping in Hazelhurst. Mr. Cushing also gave an example of his neighbor who camped for a short time and noted there were no problems.

Mr. Holewinski recommended creating another zoning district and leaves it up to each town to decide what they want regarding camping or no camping.

Mr. Cushing commented that regarding Mr. Beauchamp, he was told by the department it was ok to camp on his property and believes he should be allowed to continue.

Mr. Greschner questioned legal counsel on the issue of allowing individual town zoning.

Mr. Desmond commented that town's can not have their own zoning ordinances, but a different district may be an option and would need further research. Mr. Desmond commented that non-conforming uses are still allowed to continue after a rezone is completed and would apply in Mr. Beauchamp's situation.

Motion by Ted Cushing, second by Larry Greschner to instruct staff to work with legal counsel to resolve the camping in single family issue and come up with a means to allow town's to control their own destiny and allow camping in a particular zoning district. Ted Cushing "aye", Larry Greschner "aye", Frank Greb "aye", Charles Wickman "aye", Scott Holewinski "aye". The motion carried.

Mr. Greb commented on his own example of obtaining property and camping on it until he was able to build. Mr. Greb commented on his belief that the county should not take away someone's ability to camp on their own property. Mr. Greb commented that he will not vote against camping in single family zoning districts.

Mr. Greschner asked Mr. Jennrich about the possibility of changing the intent of single family zoning. Mr. Jennrich commented that Jim Rein was referring to the purpose statement

Adjourn

3:29 p.m. Motion made by Ted Cushing, second by Larry Greschner to adjourn the public hearing. With all members present voting "aye", the motion carried.

Scott Holewinski, Chair

Karl Jennrich, Zoning Director