

NOTICE OF MEETING

COMMITTEE: PLANNING & DEVELOPMENT
DATE: FEBRUARY 7, 2018
PLACE: ONEIDA COUNTY COURTHOUSE – COUNTY BOARD ROOM
TIME: 1:00 P.M. REGULAR MEETING
2:00 P.M. PUBLIC MEETING

ALL AGENDA ITEMS ASSUMED TO BE DISCUSSION / DECISION

1. Call to order.
2. Approve the agenda.
3. Public comments.
4. Approve meeting minutes of January 10 and January 17.
5. Resolution for rezone petition #11-2017 in the Town of Hazelhurst. The committee will be reviewing the resolution to forward to the Oneida County Board of Supervisors.
6. Discussion/decision on Section 9.17, Unsafe Structures of the Oneida County Zoning and Shoreland Protection Ordinance. The committee will be reviewing Section 9.17 and prohibiting unsafe structures and Article 10, adding a definition of unsafe structure.
7. Discussion/decision on 2017 Wisconsin Act 59 as it relates to the prohibition on local municipalities from prohibiting rentals for less than thirty (30) consecutive days.
8. Discussion/decision on the fee schedule for staff review for all types of permits; including but not limited to zoning, septic, and land division. Resolution for fee schedule. The committee will be reviewing the resolution to forward to the Oneida County Board of Supervisors.
9. Discussion/decision on AB 713 “Conforming a floodplain ordinance to a federal letter of map amendment.” The committee will be discussing the bill and may take a position for or against the assembly bill.
10. Discussion/decision on staff attendance to US Geological Survey Tribal Mining Workshop on February 14 and 15 in Keshena, WI.
11. Discussion/decision on staff attendance to UW Extension Local Land Use, Planning and Zoning during the months of February – May 2018.
12. Discuss/decision/prioritization of 2018 Oneida County Planning and Zoning Department projects.
13. Refunds.
14. Line item transfers, purchase orders, and bills.
15. Approve future meeting dates: February 14 and February 21.

16. Public comments.

17. Future agenda items.

CONDUCT PUBLIC HEARING ON THE FOLLOWING:

18. **Conditional Use Permit** application by Peter Nomm, proposed owner/applicant, to construct and operate Northern Waters Distillery for production and retail operations with outdoor seating on the following vacant property: Lot 2 CSM 4096, being part of NW ¼ NE ¼, SW ¼ NE ¼, Section 23, T39N, R6E, PIN MI 2328-1, Town of Minocqua.
19. **Ordinance Amendment #1-2018** authored by the Planning and Development Committee to amend Chapter 13, Subchapter 5, 13.51, Septic Tank Maintenance Program and 13.53, Property Transfer Requirements.

Additions noted by underline and deletions by ~~strikethrough~~:

13.51 SEPTIC TANK MAINTENANCE PROGRAM.

6. The owner or owner's agent of a POWTS shall furnish, in a manner specified by the county, the Department with a copy of the inspection report verifying the condition of the tank, whether wastewater or effluent from the POWTS is ponding on the ground surface and the date of pumping within 30 calendar days of the date of inspection and pumping. Reports shall include all information required in SPS 383.55, Wisconsin Administrative Code, and be signed by the person(s) inspecting and pumping the private sewage system. Other maintenance or management reports required by SPS 383 or SPS 384, Wisconsin Administrative Code, shall be included with this report.

13.51 (1) through (5) and (7) remain the same.

13.53 PROPERTY TRANSFER REQUIREMENTS is being deleted in its entirety to comply with 2015 Wisconsin Act 55.

20. **Ordinance Amendment #1-2018** authored by the Planning and Development Committee to amend Chapter 15, Section 15.16 Application and Review of Minor Subdivisions and Section 15.18 Application and Review of Proposed Town, County, and State Subdivisions.

Additions noted by underline and deletions by ~~strikethrough~~

15.16 APPLICATION AND REVIEW OF MINOR SUBDIVISIONS.

15.16 (1) through (2)(r) remain the same and 15.16 (3) through (10) remain unchanged.

S. POWTS Inspection (POWTS installed prior to July 1, 1980)

1. An existing POWTS inspection is required for all minor subdivisions for POWTS installed prior to July 1, 1980. A system regulated by the mandatory maintenance program specified in Chapter 13.53(1) of the Oneida County Private Onsite Wastewater Treatment Systems Ordinance at the time of division or transfer may be precluded from this section at the discretion of the Zoning Administrator. An existing system inspection is not required if a letter from the host municipality is

submitted to the Zoning Office stating a date by which the structure is required to be connected to a sanitary sewer.

2. To adequately determine whether an existing POWTS in failing under conditions defined in s. 145.245(4), Stats., an existing system inspection must include:
 - a. An observation boring described by a certified soil tester extending 3' below the bottom of the absorption area which is large enough to clearly depict the presence of groundwater, bedrock, or seasonally saturated soils which adversely affect the operation of the system. The Zoning Office may allow use of a previously filed soil test conducted in an area near the failing system to verify soil conditions if deemed reliable by the Zoning Director.
 - b. A report provided by a plumber, certified septage servicing operator, certified POWTS inspector or other person(s) authorized to do so by SPS 383, Wisconsin Administrative Code, relative to the condition, capacities, and code compliance of any existing treatment or holding tanks.
 - c. A report provided by a plumber, certified POWTS inspector, or other person(s) authorized to do so by SPS 383, Wisconsin Administrative Code, relative to the condition, capacities, and code compliance of all other system components.
 - d. A plot plan prepared by a plumber, certified soil tester, certified POWTS inspection, or other person(s) authorized to do so by SPS 383, Wisconsin Administrative Code, including information specified in §13.31(3)(D)3, unless an accurate plot plan is on file with the department.
 - e. An evaluation of the use and wastewater flow of the structure(s) served relative to the capacity of the existing POWTS.
 - f. Verification that all domestic wastewater from the structure discharges into the POWTS.
 - g. A county inspection to verify the results of the existing system inspection may be required. Any cost associated with the inspection including, but not limited to backhoe pits or pumping fees are the responsibility of the owner at the time of the inspection.
 - h. Existing system inspection reports must be submitted to the Zoning Office on forms obtained from the Zoning Office within thirty days of completion of inspection.

15.18 APPLICATION AND REVIEW OF PROPOSED TOWN, COUNTY AND STATE SUBDIVISIONS.

15.18 (1) and 15.18 (3) through (7) remain the unchanged.

2. Preliminary Plat Submittal Requirements. The items outlined for a minor subdivision in Subsections 15.16(2)(A - P S) shall apply to town, County, and State subdivisions in addition to the following:

- A. The preliminary plat shall be by a land surveyor registered in Wisconsin and comply with the requirements of §236.11, Wis. Stats.

21. Adjourn.

NOTICE OF POSTING

TIME: 2:00 PM ~ DATE: FEBRUARY 2, 2018 ~ 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 AND/OR FAX – DATE: FEBRUARY 2, 2018 TIME: Approx. 2:30 PM

Lakeland Times	WJFW-TV 12
Star Journal	Vilas County News
WXPR Public Radio	Tomahawk Leader
WERL/WRJO Radio	WLSL

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 Tracy Hartman at 715-369-6144 with specific information on your request allowing adequate time to respond to your request.

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