

NOTICE OF MEETING

COMMITTEE: PLANNING & DEVELOPMENT
DATE: APRIL 3, 2019
PLACE: ONEIDA COUNTY COURTHOUSE – COUNTY BOARD ROOM
TIME: 12:30 P.M. REGULAR MEETING
2:00 P.M. PUBLIC HEARING

A quorum may be present consisting of members of the Administration Committee; Conservation & UW-EX Education Committee; Forestry, Land & Recreation Committee; Labor Relations & Employee Services Committee; Public Works Committee; and Social Services Committee. No governing body will exercise any responsibilities, authority or duties except for the Planning and Development Committee.

ALL AGENDA ITEMS ASSUMED TO BE DISCUSSION / DECISION

1. Call to order.
2. Approve the agenda.
3. Public comments.
4. Approve meeting minutes of March 6.
5. 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.
6. Discussion/decision on informational packets to be distributed to individuals that obtain shoreland zoning permits.
7. Discussion/decision on ordinance amendments to Chapter 9, Article 9 of the Oneida County Zoning and Shoreland Protection Ordinance.
8. Discuss/decision/prioritization of 2019 Oneida County Planning and Zoning Department projects.
9. Refunds.
10. Line item transfers, purchase orders, and bills.
11. Approve future meeting dates.
12. Public comments.
13. Future agenda items.

CONDUCT PUBLIC HEARING ON THE FOLLOWING:

15. **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 Underlined; deletions noted by ~~strike through~~

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. 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. **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 #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(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, 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 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 8, 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.

16. **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 Underlined; 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.

17. Adjourn.

NOTICE OF POSTING

TIME: 3:00 PM ~ DATE: MARCH 28, 209 ~ PLACE: COURTHOUSE BULLETIN BOARD

SCOTT HOLEWINSKI, COMMITTEE CHAIR

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: MARCH 28, 2019 TIME: Approx. 3:30 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.



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

- 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