

ONEIDA COUNTY PLANNING and DEVELOPMENT COMMITTEE
JUNE 5, 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 1:30 p.m., in accordance with the Wisconsin Open Meeting Law.

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

Public comments. **None.**

Approve meeting minutes of May 15, 2019. **Motion by Jack Sorensen, second by Mike Timmons to approve the meeting minutes of May 15, 2019 as submitted. With all members present voting “aye”, the motion carried.**

Discussion/decision on Chapter 9, Article 4 – Conditional Uses and Structures/Home Occupations. The committee will be looking at revisions to language related to conditional use permits as a result of 2017 Wisconsin Act 67.

Mr. Jennrich and Mr. Desmond discussed the changes to how the committee has to base their decisions of approving conditional use permits with the committee.

The committee is going to review the changes and Karl will re-work some of the language and discuss at the next meeting.

Discussion/decision on staff attendance to Wisconsin Counties Planning and Zoning Directors (WCPZD) on July 26, 2019 in Stevens Point, WI. No action taken.

Discuss/decision/prioritization of 2019 Oneida County Planning and Zoning Department projects.
No action taken.

Refunds. **There are two refunds. Motion by Ted Cushing, second by Jack Sorensen to approve the refunds as requested. With all members present voting “aye”, the motion carried.**

Line item transfers, purchase orders and bills. **Motion by Ted Cushing, second by Jack Sorensen to approve the purchase orders and bills as submitted. With all members present voting “aye”, the motion carried.**

Approve future meeting dates. **June 19, July 10, and July 24.**

Public comments. **None.**

Future agenda items. **As discussed.**

CONDUCT PUBLIC HEARING ON THE FOLLOWING:

Rezone Petition #2-2019 authored by Donald Helm, owner, to rezone from District #1A-Forestry to District #02-Single Family for property described as the NW SE, and part of SE NW, SW NE, SE NE, NE SW, lying south of Pine Lake Road and east of Swamsauger Heights Road, Section 10, T38N, R4E, Town of Minocqua.

Mr. Jennrich read the notice of public hearing into the record. The notice was published in the Northwoods River News on May 21 and May 28, 2019. Proof of publication is contained in the file. The notice was posted on the Courthouse bulletin board on May 16, 2019.

Correspondence in the file contains a letter from the Town of Minocqua stating the Board recommends approving the rezone request. The rezone has been requested so the owner can build a year round home.

Chair Holewinski opened the public portion of the public hearing.
Doug Brown spoke.

Chair Holewinski closed the public portion of the public hearing.

Motion by Mike Timmons, second by Jack Sorensen to postpone a decision until the owners can agree on access. With all members present voting “aye”, the motion carried.

Conditional Use Permit application by Don Bonham, applicant, Robert A. Rynders, owner, to construct a Tractor Supply Company retail store with outdoor display on the following described property: Lots 1-3, CSM V16 P3657, NW ¼, NE ¼, Section 10, T39N, R6E, PIN MI 2155-12, MI 2155-13, MI 2155-14, Town of Minocqua.

Mr. Jennrich read the notice of public hearing into the record. The notice was published in the Northwoods River News on May 21 and May 28, 2019. Proof of publication is contained in the file. The notice was posted on the Courthouse bulletin board on May 16, 2019.

Correspondence in the file contains a letter from the Town of Minocqua recommending approval with conditions.

Carla Blankenship, Land Use Specialist, explained the project to the committee.

Chair Holewinski opened the public portion of the public hearing.

Terry Pare, Cross Country Cruisers Snowmobile Club, spoke.

Chair Holewinski closed the public portion of the public hearing.

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

1. The project to be substantially commenced with 2 years of issuance date.
2. The nature and extent of the use shall not change from that described and approved in this Conditional Use Permit.
3. Final Certified Survey Map combining the parcels be recorded prior to the start of construction.
4. Subject to Oneida County Department of Health review/approval as required.
5. Stormwater Management/Erosion Control Plan(s) as required and approved by Wisconsin Department of Natural Resources.
6. Execute and record a long-term maintenance agreement of detention basins.
7. Proper permits to be obtained prior to construction. (Town /County/State)
8. Silt fence to be placed as required by WDNR review/approval.
9. Signage to comply with 9.78 Sign Regulations of the Oneida County Zoning and Shoreland Protection Ordinance as amended 7/1/18.
10. Parking to comply with 9.77 Off Street Parking and Loading Space of the Oneida County Zoning and Shoreland Protection Ordinance as amended 7/1/18.
11. Dumpster(s) to be screened from view) applicant to recycle waste materials as required).
12. Addressing and 911 information be considered and must be approved by the Oneida County Land Information Department and the Town of Minocqua.
13. Exterior lighting to be downcast and shielded from above.
14. Subject to Town conditions:
 - a. A privacy fence between the residential area and the property along the west lot line.
 - b. An in-depth review of storm water run-off plans by the county.
 - c. No on-site outdoor storage of shipping containers.

Motion by Ted Cushing, second by Mike Timmons to approve the conditional use permit as the general standards have been met and with the conditions outlined by the Town of Minocqua and Planning and Zoning Staff, with high emphasis on the Zoning Department looking over the Stormwater Runoff Plan. With all members present voting “aye”, the motion carried.

Ordinance Amendment #4-2019 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 ~~strikethrough~~

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, operations, 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 authorized 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 (TRH):** 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 #1B Forestry
 - (2) District #1C Forestry
 - (3) District #02 Single Family
 - (4) District #08 Manufacturing/Industrial
 - (5) District #15 Rural Residential
 - b. Maximum occupancy for a tourist rooming house served by a Private Onsite Wastewater Treatment System (POWTS) is limited to the number of occupants for which the POWTS was designed, or the occupancy granted by the State touring rooming house license, whichever is less.
 - c. Maximum occupancy for a tourist rooming house served by a public sewage facility is limited to the number of occupants authorized by the State tourist rooming house license issued by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection in accordance with Wisconsin Administrative Code ATCP 72.
 - d. Off-street parking of 1.1 parking space for each bedroom in compliance with Article 7, Section 9.77 (E).
 - e. On-street parking is prohibited, unless allowed by the governmental entity having jurisdiction over the public road.
 - f. 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.
 - g. Compliance with all state, county, and town regulations.

- h. Signage. Signage shall not exceed twelve square feet. No other signage is permitted on site or any adjoining lake or water body. A sign permit is required pursuant to Article 7, Section 9.78 (A) (2).
- i. Advertising the availability of the rental may take place only after all town, county and state permits and licenses have been obtained.
- j. 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.
- k. 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 applicant 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. 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 and/or his/her designee 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.

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. 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. The notice was published in the Northwoods River News on May 21 and May 28, 2019. Proof of publication is contained in the file. The notice was posted on the Courthouse bulletin board on May 16, 2019. Correspondence in the file includes an email from VACASA.

Mr. Jennrich summarized VACASA’s concerns.
Chair Holewinski opened the public portion of the public hearing.
Ryan Hanson spoke.
Chair Holewinski closed the public portion of the public hearing.

Motion by Mike Timmons, second by Ted Cushing to remove letter I from the definitions of ordinance amendment #4-2019. With all members present voting “aye”, the motion carried.

Motion by Mite Timmons, second by Ted Cushing to approve Ordinance Amendment #4-2019, with the changes, and forward to the Oneida County Board of Supervisors. With all members present voting “aye”, the motion carried.

Adjourn.

3:15 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