

**ONEIDA COUNTY PLANNING and DEVELOPMENT COMMITTEE
JANUARY 22, 2019
HAZELHURST COMMUNITY BUILDING – TOWN OF HAZELHURST**

Members present: Scott Holewinski, Billy Fried, Jack Sorensen, and Ted Cushing

Members absent: Mike Timmons

Department staff present: Karl Jennrich, Zoning Director; Scott Ridderbusch, Land Use Specialist; and Julie Petraitis, Program Assistant

Other county staff present: None

Guests present: See sign in sheet.

Call to order.

Chair Holewinski called the meeting to order at 5:30 p.m., in accordance with the Wisconsin Open Meeting Law.

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

Public comments. **None.**

Discuss standards and responsibilities in reviewing applications for conditional use permits. Outside Counsel, Ron Stadler, was present and informed the committee about the changes in State Law regarding Conditional Use Permits (2017 WI Act 67).

Approve future meeting dates. **January 23 – cancelled and February 6, 2019.**

Public comments. **None.**

Future agenda items. **As discussed.**

CONDUCT PUBLIC HEARING ON THE FOLLOWING:

Conditional Use Permit authored by James Small, applicant, and Nationwide Limited Partnership, owners, to operate a non-metallic mine on property described as part of Gov't Lot 1 and the NE NW, Section 10, T38N, R6E, PIN HA 113-9, Town of Hazelhurst.

Mr. Jennrich read the Notice of Public Hearing into the record. The Notice was published on January 8 and January 15, 2019. Proof of publication is contained in the file. It was posted on the Oneida County Courthouse bulletin board on January 2, 2019.

Correspondence in the file includes:

E-mail from Patti Foerster

E-mail from Joe Cincotta

E-mail from Karl Fate

E-mail from Jack and Janice@frontier.com

Mr. Jennrich gave a brief summary of the project. This is a non-metallic mining application and reclamation application and a conditional use permit for a non-metallic mine on the property. The property is currently zoned District #08, Manufacturing and Industrial. A non-metallic mine is allowed upon issuance of a conditional use permit. It is a conforming use. The Town of Hazelhurst has not yet acted on this request.

Jim Small, Geologist for County Materials Corporation, presented a summary of the project. The request would disturb seven point one (7.1) acres of the ten point two (10.2) acre parcel. Mr. Small stated that no crushing will be done at this site. Mr. Small stated they will have the project, including reclamation, completed in ten years.

Mr. Jennrich stated that if the committee feels the standards of approval have been met and approve the conditional use permit staff would suggest the following conditions for the CUP:

1. The nature and extent of the conditional use shall not change from that described in the application and approved in the conditional use permit.
2. Maintain the proper buffers around perimeter of property pursuant to Section 9.60(F), Non-metallic Mining of the Oneida County Zoning and Shoreland Protection Ordinance as proposed.
3. Maximum depth of excavation to correspond with pit bottom areas as indicated on plans, approximately 1584' above mean sea level (MSL). A permanent benchmark to be placed on property to allow verification of maximum depth.
4. Hours of operation are 7:00 AM to 6:00 PM Monday through Friday. No weekend operations.
5. Mine stripping and screening not to be conducted during the months of June, July, or August.
6. No crushing of aggregates approved with this conditional use permit.
7. Pursuant to Section 9.60 (C) Non-Metallic Mining of the Oneida County Zoning and Shoreland Protection Ordinance, any part of the excavation in which water collects for 30 or more consecutive days shall be drained or filled to prevent such collection of water unless the committee gives approval for creation of the wash pond. Wash pond to be drained and filled upon completion of project.
8. Must supply dust control measures to comply with air quality requirements as regulated by the Wisconsin Department of Natural Resources.
9. Sanitary facilities provided for employees. Regular servicing and maintenance to be done as to not create a nuisance.
10. Parking area for employees shall be established away from pit and not obstruct access road, area of trucks hauling and/or other heavy equipment.
11. Equipment maintenance to be kept to a minimum. Any major work to be done off site.
12. Solid waste materials be contained and disposed of properly.
13. Any damage to County or Town property subject to Section 9.60(J) of OCZ & SPO.

14. Any signage done is in accordance with the OCZ & SPO.
15. WPDES permit from the Wisconsin Department of Natural Resources (Stormwater management plan), be submitted to this department.
16. Onsites by staff during operation and upon completion of project to ensure compliance with approved CUP and reclamation plan. Committee reserves the right to revisit the Conditional Use Permit if complaints are received.
17. Subject to WI DOT approvals.
18. Subject to Town of Hazelhurst review, approvals, concerns, and conditions.

Conditions for the reclamation to be as follows:

1. Reclamation to be done in accordance with NR 135.
2. Reclamation shall ensure that water is internally drained; water is not allowed to drain offsite and shall comply with all reclamation standards.
3. Final grades of reclamation areas shall be no greater than three (3) to one (1) slopes.
4. All grades including pit floor shall have adequate planting or reforestation to prevent erosion.
5. Financial Assurances in the amount of \$15,914.00 for 7.1 acres, at \$2,121.91 per acre.

Chair Holewinski opened the public portion of the public hearing.

Rick Winger spoke.

Ted Ronk spoke.

Patti Foerster spoke.

Jack Thiesen spoke.

Lisa Tadych spoke.

Eileen Lonsdorf spoke.

Greg Harrold spoke.

Joyce Bant spoke.

Pat Winger spoke.

Dean Olson spoke.

Stephanie Burrell spoke.

Chair Holewinski closed the public portion of the public hearing.

Mr. Small, Mr. Jennrich and Attorney Stadler answered some of the questions that were asked during public comment.

Motion by Ted Cushing, second by Jack Sorensen to not make a final decision on the CUP tonight. To review all the comments of the public, review the e-mail received (today) from Attorney Cincotta and schedule the deliberation for this project until after the Town of Hazelhurst has met. With all members present voting “aye”, the motion carried.

Adjourn.

7:33 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