

**ONEIDA COUNTY PLANNING and DEVELOPMENT COMMITTEE**  
**June 19, 2019**  
**COUNTY BOARD ROOM – 2<sup>ND</sup> FLOOR**  
**ONEIDA COUNTY COURTHOUSE**  
**RHINELANDER, WI 54501**

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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.

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Call to order.

**Chair Holewinski called the meeting to order at 1:00 p.m., in accordance with the Wisconsin Open Meeting Law.**

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

Public comments. **None.**

Approve meeting minutes of June 5, 2019. **Motion by Jack Sorensen, second by Ted Cushing to approve the meeting minutes of June 5, 2019 as submitted. With all members present voting “aye”, the motion carried.**

Discussion/decision on rezone petition #2-2019 authored by Donald Helm, owner, to rezone from District #1A – Forestry to District #02-Sing Family for property described as the NW NSE, 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.

**Motion by Mike Timmons, second by Jack Sorensen to approve rezone petition #2-2019 and forward to the County Board of Supervisors for approval. With all members present voting “aye”, the motion carried.**

Discussion/decision on Wisconsin Realtors Association filing amicus brief in pier case for property described as part of Government Lot 3 and Government Lot 8, Section 5, T38N, R7E, Town of Lake Tomahawk, PIN LT 56-4 and LT 56-10, Oneida County Case No. 2017FO000569.

**Informational only. No action taken.**

Discussion/decision on Section 9.58, Tourist Rooming House forms.

The committee discussed the proposed forms.

**Motion by Ted Cushing, second by Mike Timmons to approve the application forms for Tourist Rooming House with the modifications as outlined. With all members present voting “aye”, the motion carried.**

Discussion/decision on portable storage sheds/garages.

Staff conducted a survey of other counties to see if they allow these.

**Karl will do more research and bring back to the committee.**

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.

**The committee discussed the language and made a few changes. Karl will have Counsel review the amended language and bring back to the committee.**

Discussion/decision related to administrative review permits general standards for approval. 9.36 (C)of the Oneida County Zoning and Shoreland Protection Ordinance.

**The committee discussed this with item nine (9) above.**

Discussion/decision to review and approve the LTE Zoning Technician position and LTE Project Assistant Position for the year 2020.

**Motion by Ted Cushing, second by Mike Timmons and Jack Sorensen to approve the LTE positions as requested and forward to LRES for consideration. With all members present voting “aye”, the motion carried.**

Discuss/decision/prioritization of 2019 Oneida County Planning and Zoning Department projects.

**No action taken.**

Refunds. There is a request for a full refund for a permit that was reviewed and issued. The land owner cannot get access across a neighboring property to bring his building materials etc. in.

**Motion by Billy Fried, second by Ted Cushing to deny the refund request. With all members present voting “aye”, the motion carried.**

There are four (4) requests for refunds for overpayment of permit fees.

**Motion by Mike Timmons, second by Ted Cushing to approve the refunds as requested. With all members present voting “aye”, the motion carried.**

The last refund request is for the appeal to the Board of Adjustment of an Administrative Review Permit. Staff does not have time into the appeal. **Motion by Mike Timmons, second by Scott Holewinski to approve the refund request as submitted. On roll call vote:**

**Sorensen, “nay”.**

**Holewinski, “aye”.**

**Cushing, “aye”.**

**Timmons, “aye”.**

**Fried, “nay”.**

**Motion failed.**

**Motion by Billy Fried, second by Ted Cushing to reconsider the refund request. With four (4) “aye” votes and one (1) “nay” vote the motion passed.**

**Motion by Ted Cushing, second by Billy Fried to refund \$250 of the \$750 paid. With all members present voting “aye”, the motion passed.**

Line item transfers, purchase orders and bills. **Motion by**

Approve future meeting dates. **July 10 and July 24, 2019.**

Public comments. **None.**

Future agenda items. **Ted would like to discuss a junkyard in Hazelhurst.**

CONDUCT PUBLIC HEARING ON THE FOLLOWING:

**Conditional Use Permit application by Thomas Ellenbecker / Greg Hilgendorf, agent, and Arts Enterprises, LLC, owner, to operate a non-metallic mine on property described as NE ¼ of the NW ¼, Section 34, T36N, R7E, 8121 Hwy 8, PIN WB 504, Town of Woodboro.**

Thomas Ellenbecker / Greg Hilgendorf, agent, and Arts Enterprises, LLC also filed for a reclamation permit on property described as NE ¼ of the NW ¼, Section 34, T36N, R7E, 8121 Highway 8, PIN WB 504, Town of Woodboro.

Karl Jennrich read the notice of public hearing into the record. The notice was published in the Northwoods River News on June 4 and June 11, 2019. Proof of publication is contained in the file. The notice was posted on the Courthouse bulletin board on May 31, 2019.

Correspondence in the file contains a letter from the Town of Woodboro suggesting approval with the following conditions:

1. Mining must be completed and reclaimed within seven (7) years.
2. The Town of Woodboro Comprehensive Plan object 1.2.2 mining or processing of extracted materials will not be allowed within 2000 feet of a residence. Therefore, notify the four (4) residents within approximately 2000 feet of the proposed mine as identified on map.
3. The property owned by Arts Enterprises, LLC must be cleaned up BEFORE C.U.P. is issued.

Scott Ridderbusch read his report into the record. If the committee feels the general standards of approval have been met, staff would suggest approval with the following conditions:

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. Subject to Conditional Use Permit #1800094.

3. Maintain a 30' buffer from the north right-of-way boundary along Highway 8, per Section 9.60 (F) of the Oneida County Zoning and Shoreland Protection Ordinance.
4. Maximum depth of excavation of 1530' MSL as indicated on plans. A permanent benchmark to be placed near this site to allow verification of maximum depth.
5. Hours of operation are 6:00 a.m. to 8:00 p.m. Monday through Friday. 6:00 a.m. to 2:00 p.m. on Saturday. No work to be done on Sundays and holidays.
6. Crushing operations are 6:00 a.m. to 8:00 p.m. Monday through Friday. No crushing on weekends and holidays.
7. Crusher not to be placed any closer than feet from neighboring property lines.
8. Pursuant to Section 9.60 (C) 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.
9. Must supply dust control measures as required.
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. Any damage to County or Town property subject to Section 9.60 (J) of the Oneida County Zoning and Shoreland Protection Ordinance.
13. Subject to the Wisconsin Department of Natural Resources Storm Water Pollution Prevention Plan (SWPPP).
14. 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.
15. Subject to WI DNR Managed Forest Lane (MFL) boundaries.
16. Proper permits be obtained for the removal of structures within site area prior to issuance of CUP.
17. Subject to Town of Woodboro conditions and recommendations.

Conditions for Reclamation:

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 four (4) to one (1) maximum slopes.
4. All grades including pit floor shall have adequate planting or reforestation to prevent erosion.
5. Maximum depth of excavation to correspond with pit bottom areas as indicated on plans approximately 1530' above mean sea level (MSL). A permanent benchmark to be placed on property to allow verification of maximum depth.
6. Financial Assurances in the amount of \$15,870 for 10 acres, at \$15,687 per acre.

Chair Holewinski opened the public portion of the public hearing.

There was nobody present to speak for or against the CUP.

**Motion by Jack Sorensen, second by Mike Timmons to approve the conditional use permit as the general standards have been met and with the conditions suggested by the Town of Woodboro and staff. With all members present voting “aye”, the motion carried.**

**Motion by Jack Sorensen, second by Ted Cushing to add condition #18, if times need to change for special projects the Town needs to approve and notify the County. With all members present voting “aye”, the motion carried.**

Adjourn.

**2:30 p.m. There being no further matters to lawfully come before the committee, Chair Holewinski adjourned the meeting.**

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Chair, Scott Holewinski

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Planning & Zoning Director, Karl Jennrich