

ONEIDA COUNTY PLANNING and DEVELOPMENT COMMITTEE
MAY 6, 2015
COUNTY BOARD ROOM – 2ND FLOOR
ONEIDA COUNTY COURTHOUSE
RHINELANDER, WI 54501

Members present: Scott Holewinski, Mike Timmons, Jack Sorensen, Dave Hintz and Billy Fried

Members absent: None

Department staff present: Karl Jennrich, Zoning Director; Pete Wegner, Assistant Zoning Director and Julie Petraitis, Program Assistant

Other county staff present: None

Guests present: See sign in sheet.

Call to order.

Chairman Scott Holewinski called the meeting to order at 1:00 P.M., in accordance with the Wisconsin Open Meeting Law.

Approve the agenda.

Motion by Jack Sorensen, second by Dave Hintz to approve the agenda. With all members present voting “aye” the motion carried.

Public Comments. **None**

Discuss format of the public hearing for piers and boathouses scheduled for public hearing June 18, 2015, in the Town of Woodruff.

Mr. Wegner provided proposed language to the committee. Mr. Hintz suggested that the survey results be reviewed at the public hearing. The committee will review the language provided to them and talk about it at a future meeting.

Discuss 9.95 Shoreland Vegetation Protection Corridors and viewing areas.

Discussion was held on viewing areas and the placement of boathouses within the viewing areas. Discussion only.

Review revisions to Chapter 9, Section 9 of the Oneida County Zoning and Shoreland Protection Ordinance due to changes in NR 115. Staff will present language for the committee to review.

Mr. Wegner gave the committee an update on changes being made to the ordinance language to be in compliance with NR 115. Mr. Wegner asked the committee for permission to re-write the language completely from 2011.

Motion by Billy Fried, second by Jack Sorensen to direct Mr. Jennrich to send a letter to Kathy Stepp requesting someone from the DNR to attend a meeting here to answer the questions the committee and staff have. With all members present voting "aye" the motion carried.

Line item transfers, purchase orders, and bills.

Motion by Jack Sorensen, second by Dave Hintz to approve the bills as presented. With all members present voting "aye" the motion carried.

Refunds. None

Approve future meeting dates. May 20, 2015 (Jack gone)

Public Comment: Bob Williams spoke

Future agenda items. As discussed

CONDUCT PUBLIC HEARING ON THE FOLLOWING:

CONDITIONAL USE PERMIT application of P. Hagen Kuczmarski, owner and Dean Bettinger, agent to crush approximately 10,000 yards of waste rock to be used for road gravel on property abutting 1960 S. River Road further described as part SE SE, Section 33, T36N, R8E, PIN CR 451, Town of Crescent.

Mr. Jennrich read the notice of public hearing into the record. The notice was published in the Northwoods River News on March 21 and 28, 2015 and was posted on the Oneida County Courthouse Bulletin Board on April 21, 2015. The proof of publication is contained in the file.

Correspondence in file: A letter from the Town of Crescent, dated April 23, 2015, stating that this matter was heard at the monthly town meeting on April 21, 2015. The Town Board approved the Conditional Use Permit with the condition that the Oneida County Planning and Zoning Department approve it also. There is no other public correspondence in the file.

Mr. Jennrich stated that Mr. Bettinger is present. He further stated that the property is zoned District #10, General Use. Mr. Bettinger is not required to get any reclamation because there is already a large amount of potato rock on the property. Bettinger is going to crush the rock and haul the gravel off the property. There will be no mining or excavating of the rock. The conditions of approval are as follows:

1. The nature and extent of the conditional permit shall not change from that described in the application and approved in the Conditional Use Permit.
2. The project is commenced within 3 years from date of issuance.

3. Maintain a 30' buffer around perimeter of property per Section 9.60(F) of the Oneida County Zoning and Shoreland Protection Ordinance.
4. No excavation of site approved with this permit. Crushing and hauling of waste rocks only.
5. Hours of operation are 7:00 a.m. to 5:00 p.m. Monday thru Saturday. No work to be done on Sundays and holidays. Crushing to take place within hours specified above.
6. Crusher is not permanently placed on property. Applicant states this is a short-term operation.
7. Crusher not to be placed any closer than 50 feet from neighboring property lines.
8. No hot mix asphalt plant is approved with this application.
9. Must supply dust control measures and monitor site as needed.
10. Sanitary facilities provided for employees if needed. Regular servicing and maintenance to be done as to not create a nuisance.
11. parking area for employees shall be established away from crushing operation and will not obstruct access road, area of trucks hauling and/or other heavy equipment.
12. Any damage to County or Town property subject to Section 9.50(J) of the OCZ & SPO.
13. Any signage done is in accordance with the OCZ&SPO.
14. Onsites by staff during operation and upon completion of project to ensure compliance with approved CUP.
15. Town of Crescent concerns, if any.

Ms. P Hagen Kuczmariski, owner, was present in favor of the project.

Motion by Mike Timmons, second by Jack Sorensen to approve the Conditional Use Permit as all standards have been met with the conditions as outlined. With all members present voting "aye" the motion carried.

Conditional Use Permit application of Bergman Rev Trust #1 (Peter Bergman), owner and Musson Bros, Inc., agent to operate a non-metallic mine on property described as SW SE, Section 27, T36N, R9E, PIN PE 382, Town of Pelican.

Dean Schwab, Musson Bros, Inc., agent also filed for a reclamation permit on property described as SW SE, Section 27, T36N, R9E, PIN PE 382, Town of Pelican.

An opportunity will be provided to give testimony on this proposal including reclamation related matters in accordance with Chapter 22, Section 22.07 Oneida County Non-metallic Mining Reclamation Code.

Mr. Jennrich read the notice of public hearing into the record. The notice was published in the Northwoods River News on March 21 and 28, 2015 and was posted on the Oneida County Courthouse Bulletin Board on April 21, 2015. The proof of publication is contained in the file.

Correspondence in file: A letter from the Town of Pelican, dated April 20, 2015, stating the Town Board of Pelican has no objections to the Conditional Use Permit application subject to State and County regulations being met and also on the condition that there are no objections to the CUP at the public hearing to be held May 6, 2015.

There is also an open-records request from Ben Bolte and Scott Cirilli contained in the file.

Mr. Jennrich stated that this application has two separate issues. One is the CUP, which authorizes the use of the property. The second is regarding reclamation. That is the technical aspects of how Musson Brothers is proposing to reclaim the pit.

Dean Schwalb explained the operation to the committee.

Mr. Jennrich stated that if the committee finds the general standards have been met staff would suggest the following conditions of approval:

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 a 30' buffer around perimeter of property per Section 9.60(F) of code. Applicant states 30 to 50 feet of buffer.
3. Maximum depth of excavation to be at 1575 feet with the final contour of 1575 to be maintained. A permanent benchmark to be placed on property to allow verification of maximum depth. *Staff recommends that a max depth be placed on the gravel pit to ensure neighboring wetlands and springs are protected.*
4. Reclamation shall ensure that water is internally drained; water is not allowed to drain offsite and shall comply with all reclamation standards.
5. Hours of operation are 7:00 a.m. to 7:00 p.m. Monday through Friday. No work to be done on Sundays and holidays. Crushing to take place within hours specified above.
6. Crusher is not permanently placed on property and will be used 1 time a year for a duration of no greater than 4 weeks. Generally in the spring.
7. Crusher not to place any closer than 50 feet from neighboring property lines.
8. No hot mix asphalt plant is approved with this application.
9. 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.
10. Must supply dust control measures, including a truck tracking pad of gravel to highway.
11. Sanitary facilities provided for employees. Regular servicing and maintenance to be done as to not create a nuisance.
12. Wetlands on property shall be protected and not filled or altered unless proper permits are sought from and issued by the county, Army Corp of Engineers, and WDNR. Maintain no less than undisturbed 30 foot buffer zone to wetland. Maintain erosion control methods to protect wetland.
13. Parking area for employees shall be established away from pit and not obstruct access road, area of trucks hauling and/or other heavy equipment.

14. Equipment maintenance to be kept to a minimum any major work to be done off site.
15. Any damage to County or Town property subject to Section 9.60(J) of OCZ&SPO
16. Any signage done is accordance with the OCZ&SPO
17. WPDES permit from the Wisconsin Department of Natural Resources (Stormwater management plan), if applicable.
18. Onsites by staff during operation and upon completion of project to ensure compliance with approved CUP and reclamation plan.
19. Committee reserves the right to revisit the Conditional Use Permit if complaints are received.
20. Town of Pelican concerns if any.

The Town of Pelican has no objections to the CUP application upon approval of County regulations and also on the condition that there are no objections to the CUP.

Scott Cirilli, Attorney representing Judy and David Richardson and Casey Richardson, spoke on behalf of his clients who are opposed to the CUP.

Peter Bergman, owner, spoke.
Dean Schwalb, agent, spoke.

Public portion of public hearing closed.

Motion by Billy Fried, second by Jack Sorensen to send the CUP back to the town of Pelican for a recommendation to the committee. With all members present voting “aye” the motion carried. No action taken.

Rezone Petition #4-2015 Duane Domaszek, owner to rezone from District #15, Rural Residential to District #05, Recreational for property described as that part of the NE NW, PIN MI 2142-3, that part of the NW NE, PIN MI 2142-3, and all of NE NE, PIN MI 2142 all in Section 9, T39N, R6E, Town of Minocqua, and the rezone from District #14, Residential and Retail to District #04, Residential and Farming for property described as that part of the NW SW, PIN WR 38, and that part of the SW SW, PIN WR 38, all in Section 3, T39N, R6E, Town of Woodruff.

Mr. Jennrich read the notice of public hearing into the record. The notice was published in the Northwoods River News on March 21 and 28, 2015 and was posted on the Oneida County Courthouse Bulletin Board on April 21, 2015. The proof of publication is contained in the file.

Correspondence in the file: A letter from the Town of Woodruff, dated March 25, 2015, stating that the rezone petition was discussed at the Town Board meeting held on March 24, 2015 and was approved. A letter from the Town of Minocqua, dated April 20, 2015, stating that the Town of Minocqua recommends approval of the rezone petition.

Don Tatalovich spoke.

Kristin Dixon spoke.

Bill Gardner spoke.

Fannie Richardson spoke.

Public portion of the public hearing is closed.

Motion by Jack Sorensen, second by Mike Timmons to approve the rezone petition as presented and forward the resolution, parts A and B, to the Oneida County Board of Supervisors. With all members present voting “aye” the motion carried.

Conditional Use Permit application by Duane Domaszek to expand the zoo, Peck Wildwood Wildlife Park and Nature Center, to include safari rides on the following described properties: part of the SW SE, Section 4, T39N, R6E, 10298 Country Lane, PIN WR 38, Town of Woodruff and part NE NW, part NW NE, part SW NE and part SE NE, Section 9, T39N, R6E, PIN MI 2142 and MI 2142-3, Town of Minocqua.

Mr. Jennrich read the notice of public hearing into the record. The notice was published in the Northwoods River News on March 21 and 28, 2015 and was posted on the Oneida County Courthouse Bulletin Board on April 21, 2015. The proof of publication is contained in the file.

Correspondence in file: A letter from the Town of Minocqua dated April 20, 2015, approving the CUP of Duane Domaszek contingent upon meeting all County and State requirements. A letter from the Town of Woodruff, dated March 25, 2015, approving the CUP of Duane Domaszek as presented. There is also public comment in the file from Karl Gruber and John Butwinski.

Discussion was held on what kinds of animals and noise will be added to the existing zoo.

If the committee were to approve the CUP, staff would suggest including the following conditions of approval:

1. The nature and extent of the use shall not change from that described and approved in this Conditional Use Permit.
2. Subject to USDA regulations and licensing prior to opening.
3. Subject to Town of Minocqua and Town of Woodruff reviews.
4. No land disturbance allowed within 5 feet of a wetland.
5. Signage must comply with 9.78, Sign Regulations, of the Oneida County Zoning and Shoreland Protection Ordinance as amended 10-12-14.
6. Hours of operation to coincide with hours of operation of the zoo.
7. Ingress/egress off Country Lane to be limited to personal use or occasional use for business operations. Not to be used by the public for zoo entrance.

Don Tatalovich spoke.

Kristin Dixon spoke.

Fannie Richardson spoke.

Public portion of the public hearing was closed at this time.

Motion by Dave Hintz, second by Scott Holewinski to approve the CUP with the general standards being met and the conditions of approval by staff. With all members present voting “aye” the motion carried.

3:55 p.m. There being no further matters to lawfully come before the Committee, a motion was made by Mike Timmons second by Scott Holewinski to adjourn the meeting. With all members present voting “aye”, the motion carried.

Chairman Scott Holewinski

Karl Jennrich
Planning & Zoning Director