

ONEIDA COUNTY PLANNING & ZONING
March 4, 2009 2:00 P.M.
PUBLIC HEARING – COMMITTEE ROOM #2
ONEIDA COUNTY COURTHOUSE
RHINELANDER, WI 54501

Members present: Scott Holewinski
Ted Cushing
Larry Greschner
Charles Wickman
Frank Greb

Department staff present: Karl Jennrich, Zoning Director
Steve Osterman, Planning Manager
Nadine Wilson, Land Use Specialist
Kim Gauthier, Secretary

Other County Staff: (None)

Guests present: Kevin Jenkins, Gene Uttech

Call To Order:

Chair, Scott Holewinski called the meeting to order at 2:00 p.m., in Committee Room #2, 2nd Floor Oneida County Courthouse, Rhineland, Wisconsin in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda was properly posted, the media notified and the courthouse is handicap accessible.

Approve the agenda

Motion by Larry Greschner, second by Ted Cushing to approve the agenda. With all members present voting “aye”, the motion carried.

Rezone Petition #1-2009 of Evergreen Land Company, owner to rezone lands from Forestry1-A District to District #4 Residential and Farming for property described as NE SW, and SE SW, Section 29, T36N, R6E, PIN#'s NO 448, NO 448-1 and NO 445. The general location is the intersection of Hwy Y and Lee Road in the Town of Nokomis.

Karl Jennrich, Zoning Director read the notice of public hearing into the record. Mr. Jennrich offered proof of publication from the Rhineland Daily News, published on February 16, 2009 and February 23, 2009, along with the Tomahawk Leader the week of February 16, 2009. The notice was posted on the Oneida County courthouse bulletin board February 12, 2009. The certified and first class mailing list was read into the record. Mr. Jennrich noted the notice recipient list was part of the record and available for review.

Mr. Jennrich indicated the following correspondence was received:

- Letter from the Town of Nokomis approving of the rezone on January 13, 2009 with no objection.

Mr. Osterman referred to the report provided (PH Exhibit #1) as described. Mr. Osterman read the general standards for approval and noted the department recommends approval.

Gene Uttech, Surveyor, present and agreed with rezone as presented.

Mr. Holewinski asked if there was any public comment for or against the issue at hand (two times). No comment was made.

Motion by Larry Greschner, second by Frank Greb to approve the rezone petition #1-2009 of Evergreen Land Company, agenda item number three with the general standards having been met and forward onto the county board. With all members present voting “aye”, the motion carried.

Conditional Use Permit of Greg Oettinger, d/b/a Oettinger Excavating & Septic, owner to operate a non-metallic mine on property described as NE SE, Section 35, Township 36 North, Range 8 East, PIN#'s CR 479-2 and CR 479-3, Town of Crescent.

Greg Oettinger, Oettinger Excavating & Septic, owner also filed for a reclamation permit on property described as NE SE, Section 35, Township 36 North, Range 8 East, PIN#'s CR 479-2 and CR 479-3, Town of Crescent.

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.

Karl Jennrich, Zoning Director read the notice of public hearing into the record. Mr. Jennrich offered proof of publication from the Rhinelander Daily News, published on February 17, 2009 and February 24, 2009, along with the Tomahawk Leader the week of February 16, 2009. The notice was posted on the Oneida County courthouse bulletin board February 12, 2009. The certified and first class mailing list was read into the record. Mr. Jennrich noted the notice recipient list was part of the record and available for review.

Mr. Jennrich indicated the following correspondence was received:

- Notice to Town of Crescent was refused and the department is waiting for formal approval.

Nadine Wilson, Land Use Specialist, referred to the report provided (PH Exhibit #2). Ms. Wilson read the general standards regarding a non-metallic mine. Ms. Wilson noted the DNR permit is being submitted, but there are no problems as indicated by the DNR verbally. Ms. Wilson indicated the department recommends approval with the following conditions:

1. Project must be commenced within three years of permit issuance date.
2. The nature and extent of the conditional use shall not change from that described in the application and approved in the Conditional Use Permit.
3. Survey map indicates separate lots. Lots must be combined prior to operation of gravel pit. Parcel Identification numbers CR 479-2 and CR 479-3 must be combined.
4. Maintain a 30 foot buffer around perimeter of property per Section 9.60(F) of Oneida County Zoning and Shoreland Protection Ordinance.
5. Maximum depth of excavation no less than 1 foot above ground water. A permanent benchmark to be placed on property to allow verification of maximum depth.
6. Reclamation shall ensure that water is internally drained; water is not allowed to drain off site and shall comply with all reclamation standards.
7. Hours of operation are 6:30 am to 6:30 p.m. Monday through Friday and 6:30 am to 3:00 pm Saturdays. No work to be done on Sunday and holidays. Crushing to take place within hours specified above.
8. Occasional truck hauling between 6:30 p.m. and 9:00 p.m. Monday through Fridays.
9. Crusher is not permanently placed on property and will be used up to 3 times per year.

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10. Crusher not to be placed any closer than 50 feet from neighboring property lines.
 11. No hot mix asphalt plant is approved with this application.
 12. 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 pond. Wash pond to be drained and filled upon completion of project.
 13. Must supply dust control measures, including a truck tracking pad of gravel to highway.
 14. If sanitary facilities are provided for employees, regular servicing and maintenance to be done as not to create a nuisance.
 15. 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 wetlands. (Applicant will need to erect soil berm between the gravel pit and wetland to protect the area)
 16. Any damage to County or Town property subject to Section 9.60(J) of the Oneida County Zoning and Shoreland Protection Ordinance.
 17. Any signage done in accordance with Oneida County Zoning and Shoreland Protection Ordinance.
 18. WPDES Permit from the Wisconsin Department of Natural Resources (Stormwater Management Plan)
 19. Onsites by staff during operation and upon completion of project to ensure compliance with approved CUP.
 20. Committee reserves the right to revisit the Conditional Use Permit if complaints are received.
 21. Bond requirements to be met per Chapter 22 of Oneida County Code and NR 135 upon Conditional Use Permit approval.
 22. Town of Crescent concerns, if any.

Committee discussed modifying the conditions as shown above.

Mr. Holewinski asked is there was any public comment for or against the issue at hand (two times). No comment was made.

Motion by Ted Cushing, second by Frank Greb to approve the conditional use permit of Greg Oettinger contingent on the conditions changes/modified along with formal town approval. With all members present voting "aye", the motion carried.

Mr. Jennrich noted the committee will review the reclamation plan as described. Mr. Jennrich indicated there is no objection by the department.

Mr. Oettinger indicated he plans to open up a couple acres at a time, not to exceed four acres at one time.

Mr. Holewinski asked if there was any public comment for or against the issue at hand (two times). No public comment was made.

Motion by Frank Greb, second by Larry Greschner to accept the reclamation plan as presented. With all members present voting "aye", the motion carried.

Rezone Petition #5-2009, authored by the Town of Nokomis to rezone property from district #2 Single Family Residential to District #7 Business on property described as All of Gov't Lot 2

lying north of the Bearskin Creek, PIN# NO 24-2 and NO 24-1 and all of SW NE lying north of the Bearskin Creek, PIN# NO 19, all located in Section 2, T36N, R6E, Town of Nokomis.

Karl Jennrich, Zoning Director read the notice of public hearing into the record. Mr. Jennrich offered proof of publication from the Rhinelander Daily News, published on February 20, 2009 and February 23, 2009, along with the Tomahawk Leader the week of March 2, 2009. The notice was posted on the Oneida County courthouse bulletin board February 24, 2009. The certified and first class mailing list was read into the record. Mr. Jennrich noted the notice recipient list was part of the record and available for review.

Mr. Jennrich indicated the following correspondence was received:

- Letter from the Town of Nokomis dated February 12, 2009 approving of the rezone.

Mr. Osterman presented a report and map pertaining to rezone #5-2009 (PH Exhibit #3). Mr. Osterman noted this rezone was authored by the town because the town owns a portion of the property.

Brendan Kunda, property owner, commented that he recently purchased the property in issue and he plans to build a "green" construction business.

Mr. Osterman read the general standards of approval and noted the department recommends approval and there have been no objections by neighboring property owners.

Mr. Holewinski made note that there was no members of the public present to make comment for or against.

Motion by Ted Cushing, second by Frank Greb to approve rezone #5-2009, authored by the town, with general standards having been met and forward onto the county board for approval. With all members present voting "aye", the motion carried.

Adjourn

3:02 p.m. Motion made by Frank Greb, second by Ted Cushing to adjourn the public hearing. With all members present voting "aye", the motion carried.

Scott Holewinski, Chair

Karl Jennrich, Zoning Director