

ONEIDA COUNTY PLANNING and DEVELOPMENT COMMITTEE
FEBRUARY 2, 2022
COUNTY BOARD ROOM – 2ND FLOOR
ONEIDA COUNTY COURTHOUSE
RHINELANDER, WI 54501

Members present: Scott Holewinski, Jack Sorensen, Ted Cushing, Bob Almekinder, Mike Timmons

Members absent: None

Department staff present: Karl Jennrich, Director; Todd Troskey, Assistant Director; Scott Ridderbusch, Land Use Specialist; Carla Blankenship, Land Use Specialist; Deanna Tushoski, Administrative Support

Other county staff present: Michael Fugle, Corporation Counsel; Chad Lynch, Assistant Corporation Counsel

Guests present: See sign in sheet.

Call to order.

Chair Holewinski called the meeting to order at 12:15 p.m. in accordance with the Wisconsin Open Meeting Law.

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

It is anticipated that the committee may meet in closed session pursuant to Wisconsin Statutes, Sec.19.85(1)(c), Considering employment, promotion, compensation or performance evaluation data of any public employee over which this body has jurisdiction or responsibility. A roll call vote will be taken to go into closed session.

a. Performance evaluation of Zoning Director

Motion by Jack Sorensen, second by Ted Cushing to go into closed session. Aye: Unanimous.

A roll call vote will be taken to return to open session.

Motion by Ted Cushing, second by Jack Sorensen to return to open session. Aye: Unanimous.

Recess at 12:36 p.m.

Return from recess at 1:00 p.m.

Announcement of any action taken in closed session. No motions made, did the performance evaluation of the Zoning Director.

Planning and Development

Public comments.

Keith Troutman spoke.

Approve meeting minutes of January 19, 2022. Motion by Ted Cushing, second by Mike Timmons to approve the meeting minutes of January 19, 2022. With all members present voting “aye”, the motion carried.

Discussion/decision concerning section 9.58, Tourist Rooming House. The committee will be discussing all aspects of the ordinance and tourist rooming house enforcement statistics.

Mr. Jennrich read the most recent letter and citation statistics.

Carla Blankenship provided information about other county’s ordinances and provided draft ordinance language to the committee.

The committee would like a requirement that parking must remain on the rental property and not be in the right-of-way added to language, trailers included.

Motion by Mike Timmons, second by Ted Cushing to keep moving forward with ordinance amendment, have Corporation Counsel review language, then bring back to Committee. With all members voting “aye”, the motion carried.

Discussion/decision concerning proposed ordinance amendment to create Section 9.59 Placement of Shipping Containers of the Oneida County Zoning and Shoreland Protection Ordinance.

Mr. Jennrich read correspondence from the Town of Minocqua Chairman. Mr. Jennrich read the proposed language, there is some confusion over the setbacks listed in (C)(3) and (D)(3). The committee would like the wording rephrased or list a different setback for (D)(3) and bring back revised language. No action taken.

Discussion/decision concerning ordinance amendment 11-2021 of Chapter 9 Oneida County Zoning and Shoreland Protection Ordinance.

Michael Fugle went over draft language proposals. Motion by Scott Holewinski, second by Ted Cushing to accept the second proposal presented, add at the end that 66.0119 is a special inspection warrant and send language to public hearing. With all members present voting “aye”, the motion carried.

Discussion/decision concerning condition #12, proposed fencing, on conditional use permit #2200014 for property described as part NW NE, Section 22, T36N, R6E, PIN NO 328-1, Town of Nokomis.

Keith Troutman advised the committee that the current fence is a solid 6’ panel that is placed one foot off the ground for a total fence height of 7’ and provided a photo of the current fence. Mr. Troutman has been unable to find panels that are 8’ tall and would like to continue to use the 6’ panels placed one foot off the ground. Motion by Mike Timmons, second by Bob Almekinder to amend condition #12 on CUP#2200014 to match the photo provided of a 6’ dog-ear fence, placed one foot off the ground. Aye: Holewinski, Cushing, Timmons, Almekinder Nay: Sorensen Motion passed.

Discussion/decision concerning refund request for after-the-fact fees for conditional use permit on property described as part NW NE, Section 22, T36N, R6E, PIN NO 328-1, Town of Nokomis.

Scott Ridderbusch provided background information, the department received a complaint from the Town of Nokomis about a building and activities without permit. Mr. Jennrich stated that the Fall Ride event was never approved by a conditional use permit, but has been taking place for 20

Planning and Development

years. The addition of the Bog Bash event in the last 3 years prompted the after-the-fact fee amount when the conditional use permit was applied for. Motion by Mike Timmons, second by Bob Almekinder to refund the after-the-fact fees on the conditional use permit. With all members voting “aye”, the motion carried.

CONDUCT PUBLIC HEARING ON THE FOLLOWING:

Ordinance Amendment #1-2022 authored by the Planning and Zoning Director to amend Chapter 9, Article 5, Section 9.57 Livestock Facilities Licensing of the Oneida County Zoning and Shoreland Protection Ordinance. Mr. Jennrich read the Notice of Public Hearing into the record. The notice was published in the Northwoods River News on January 18 and 25, 2022. A copy of the proof of publication is contained in the file. It was posted on the Courthouse bulletin board on January 13, 2022. There is public comment in the file from Sue Thome (in favor of).

Chair Holewinski opened the public portion of the public hearing.
Bob Thome spoke in favor of the moratorium.
Chair Holewinski closed the public portion of the public hearing.

Motion by Mike Timmons, second by Jack Sorensen to approve Ordinance Amendment #1-2022 and forward to the County Board. With all members present voting “aye”, the motion carried.

Conditional Use Permit application by Steve Margitan, Little Rice Town Chair, applicant and the Town of Little Rice to operate a non-metallic mine on the following vacant property further described as: The NW SW, the NE SW, Section 36, T37N, R5E, PINs LR 1145, LR 1144, Town of Little Rice.

The Town of Little Rice, owner also filed for a reclamation permit on the property further described as: The NW SW, the NE SW, Section 36, T37N, R5E, PINs LR 1145, LR 1144, Town of Little Rice.

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 January 18 and 25, 2022. The proof of publication is contained in the file. It was posted on the Courthouse bulletin board on January 13, 2022. There is no correspondence in the file.

If the applicant has met or agrees to meet to all the requirements and condition of permit issuance, staff would suggest the following conditions be placed on 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.

Planning and Development

2. Maintain buffers from applicable boundaries and wetlands as required. Minimum buffer standards of thirty (30) feet be met pursuant to Section 9.60(F) of the Oneida County Zoning and Shoreland Protection Ordinance.
3. Pursuant to Section 9.60(C) of the Oneida County Zoning & 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 an artificial lake. The applicant is requesting flexibility to create a wildlife pond.
4. Dust control measures be applied as required.
5. Wetlands on property shall be protected and not filled or altered unless proper permits are sought from and issued by the WDNR. Maintain no less than undisturbed 30 foot buffer zone to wetland. Maintain erosion control methods to protect wetland.
6. Obtain a WPDES/SWPPP permit from the Wisconsin Department of Natural Resources (Stormwater management plan), if applicable.
7. 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.
8. Ingress and egress locations be reviewed by the Oneida County Highway Department for traffic safety.

Conditions for Reclamation:

1. Reclamation to be done in accordance with NR 135 and Chapter 22 of the Non-Metallic Mine Reclamation Ordinance.
2. A copy of the reclamation plans be provided to this department.
3. Reclamation shall ensure that water is internally drained; water is not allowed to drain offsite and shall comply with all reclamation standards.
4. Final grades of reclamation areas shall be no greater than three (3) to one (1) maximum slopes.
5. All grades including pit floor shall have adequate planting or reforestation to prevent erosion.
6. Maximum depth of excavation of 1510' MSL as indicated. A permanent benchmark to be placed near this site to allow verification of maximum depth, if needed.

Steve Margitan stated that they intend to go in stages and reclaim as they go, but don't have exact number of what would be open at once.

The committee changed reclamation condition #6 exception for depth to go below 1510' to allow for the creation of a wildlife pond as stated in CUP condition #3.

Chair Holewinski opened the public portion of the public hearing.

Steve Margitan spoke in favor.

Bob Thome is in favor.

Chair Holewinski closed the public portion of the public hearing.

Motion by Mike Timmons, second by Jack Sorensen to approve with the conditions read into the record. With all members present voting "aye", the motion carried.

Planning and Development

Resolution for Ordinance Amendment #1-2022 authored by the Planning and Development Committee to amend Chapter 9, Article 5, Section 9.57 Livestock Facilities Licensing of the Oneida County Zoning and Shoreland Protection Ordinance. Motion by Ted Cushing, second by Jack Sorensen to approve and forward resolution for ordinance amendment #1-2022 to the County Board. With all members present voting “aye”, the motion carried.

Discussion/decision concerning the response from the Wisconsin Legislature regarding a letter dated March 12, 2021 from the Planning and Development Committee. The committee will be discussing 59.692(1 f)(b)(2) and Article 9 of the Oneida County Zoning and Shoreland Protection Ordinance. The committee reviewed the letter response draft and made revisions. Ted will hand deliver the letter next week. Discussion only, no action taken.

Discussion/decision concerning a definition of vegetation, revegetation of an access and viewing corridor and the vegetative buffer 35’ from the ordinary high water mark. The committee will be discussing multiple portions of Article 9 of the Oneida County Zoning and Shoreland Protection Ordinance. The committee discussed proposed and current language. The committee would like to see maps that show the proposals and also a list of what is allowed/not allowed within 35’-75’ of the ordinary high water mark. Discussion only, no action taken.

Discussion/decision concerning ordinance amendment 3-2022 of Chapter 9 Oneida County Zoning and Shoreland Protection Ordinance. Did not discuss.

Discussion/decision concerning amendments to 9.74 Fences, Walls and Hedges of the Oneida County Zoning and Shoreland Protection Ordinance. Did not discuss.

Discussion/decision concerning an administrative review permit application for a tourist rooming house for property described as Lot 11 Moens Park Plat, Section 25, T37N, R9E, PIN PL1007, Town of Pine Lake. The committee will be discussing an objection from the Town of Pine Lake pursuant to 9.36(A)(3) of the Oneida County Zoning and Shoreland Protection Ordinance. Mr. Jennrich read the letter from the Town of Pine Lake. The committee agreed that the letter is a written objection from the town and the applicant must proceed with a conditional use permit for the use. Discussion only, no action taken.

Discuss/decision/prioritization of 2022 Oneida County Planning and Zoning Department projects. Did not discuss.

Refunds. There are no requests.

Purchase orders, line item transfers, and bills. Motion by Ted Cushing, second by Mike Timmons to approve the bills as submitted. With all members present voting “aye”, the motion carried.

Approve future meeting dates. February 16, March 2 and 16.

Public comments. None.

Future agenda items. As discussed.

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Adjourn.

3:24 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