

**ONEIDA COUNTY PLANNING and DEVELOPMENT COMMITTEE
OCTOBER 5, 2022
COMMITTEE ROOM #2 – 2ND FLOOR
ONEIDA COUNTY COURTHOUSE
RHINELANDER, WI 54501**

Members present: Scott Holewinski, Bob Almekinder, Mike Timmons, Mike Roach

Members absent: Tom Ryden

Department staff present: Karl Jennrich, 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 1:00 p.m. in accordance with the Wisconsin Open Meeting Law.

Approve the agenda. Motion by Mike Timmons, second by Bob Almekinder to approve the agenda with it noted that the meeting has moved from the County Board Room to Committee Room #2 (signs posted at both rooms). With all members present voting “aye”, the motion carried.

It is anticipated that the committee may meet in closed session pursuant to Wisconsin Statutes, §19.85 (1) (g), conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved. A roll call vote will be taken to go into closed session.

- a. Minocqua Brewing Company/Kirk Bangstad Correspondence and Enforcement**
- b. Approve closed session minutes of September 21, 2022**

Motion by Mike Timmons second by Bob Almekinder to go into closed session. Aye: Unanimous.

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

Motion by Mike Timmons second by Mike Roach to return to open session. Aye: Unanimous.

Recess at 1:08 p.m.

Return from recess at 1:30 p.m.

Announcement of any action taken in closed session.

- a. Discussion only, no action taken.

Planning and Development

- b. Motion by Mike Roach, second by Bob Almekinder to approve the closed session minutes of September 21, 2022. Aye: Unanimous.

Public comments. None

Approve meeting minutes of September 21, 2022. Motion by Bob Almekinder, second by Mike Timmons to approve the meeting minutes of September 21, 2022. With all members present voting “aye”, the motion carried.

Discussion/decision concerning a building project for Wisconsin Public Service (WPS) on properties described as NE 957 and NE 957-1. Mr. Jennrich provided background information. Motion by Scott Holewinski, second by Mike Timmons to direct staff to approve the permit based on prior approval, the lifetime lease, and it’s in the public’s interest to allow it. With all members present voting “aye”, the motion carried.

Discussion/decision concerning Ordinance Amendment #7-2022 authored by the Planning and Development Committee to amend Chapter 9, Article 5, Section 9.58 Tourist Rooming House of the Oneida County Zoning and Shoreland Protection Ordinance. Counsel advised that Crescent’s recommendations were well intentioned, but very close to unconstitutional and shouldn’t be incorporated. Motion by Bob Almekinder, second by Mike Timmons to approve ordinance amendment #7-2022 and bring back in resolution format to send to County Board and to update the fee schedule with renewal cost. With all members present voting “aye”, the motion carried.

Discussion/decision regarding Ascent permitting software. Staff will be giving an update on the implementation of the new software including POWTS maintenance cards and POWTS special assessment. Chair Holewinski confirmed that the intent of the \$5 charge was that every address/building associated with a POWTS receive the charge, not \$5 per system. Mr. Jennrich confirmed that is how Ascent is calculating the charge for the special assessment. Informational/discussion only, no action taken.

CONDUCT PUBLIC HEARING ON THE FOLLOWING:

Conditional Use Permit application by Sand County Environmental, applicant and Musson Brothers, Inc., owner to operate a non-metallic mine on the following vacant property further described as the NE NE and part of the NW NE, Section 29, T36N, R9E, PIN PE 400 and PE 401-1, Town of Pelican.

The applicant and owner also filed for a reclamation permit on property described as the NE NE and part of the NW NE, Section 29, T36N, R9E, PIN PE 400 and PE 401-1, 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 noting that the meeting had been moved to Committee Room #2 (signs posted at both rooms). The notice was published in the Northwoods River News on September 20 and 27, 2022. The proof of publication is contained in the file. It was posted on the Courthouse bulletin board on September 15, 2022. The Town approved of the CUP application. There were no other comments in the file.

Planning and Development

Scott Ridderbusch read the report to the committee.

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.
2. Maintain buffers from applicable boundaries and wetlands as noted per plans. 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 9.92 Shoreland Wetland Restrictions of the Oneida County Zoning & Shoreland Protection Ordinance, no grading or other land disturbing activities shall be permitted closer than five (5) feet from the edge of a shoreland wetland. Silt fencing required if disturbance activity takes place within twenty-five (25) feet of a shoreland wetland.
4. Non-shoreland wetlands on property shall be protected and not filled or altered unless proper permits are sought from and issued by the WDNR. Maintain erosion control methods to protect wetlands.
5. Obtain a WPDES/SWPPP permit from the Wisconsin Department of Natural Resources (Stormwater management plan), as required.
6. 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.
7. Dust control measures be applied as required.
8. Portable toilets be maintained as serviced as required.
9. Hours of operation (including crushing operations) are 6:00 a.m. to 6:00 p.m. Monday through Friday and 7:00am to 12:00pm on Saturdays. No work to be done on Sundays and holidays. On Fridays prior to Memorial Day, the 4th of July, and Labor Day, operations are to cease at 12:00 PM.
10. If hours of operation need to be extended for DOT purposes, the Zoning Administrator shall be contacted for approval.
11. Conditions of this CUP be recorded with the Oneida County Register of Deeds.

Conditions for Reclamation:

1. Reclamation to be done in accordance with NR 135, Chapter 9.60 of the Oneida County Zoning & Shoreland Protection Ordinance, and Chapter 22 of the Non-Metallic Mine Reclamation Ordinance.
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) maximum slopes.
4. All grades including pit floor shall have adequate planting or reforestation to prevent erosion.
5. Maximum depth of excavation of 1554' MSL for Phase I and an elevation of 1559' MSL for Phase II as indicated. A permanent benchmark to be placed near this site to allow verification of maximum depth, if needed.

Planning and Development

6. 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.
7. Financial Assurances in the amount of \$113,220 for 17 acres, at \$6,660 per acre.

Chair Holewinski opened the public portion of the public hearing.

Jeff Pritchard spoke of concerns about groundwater contamination and noted that a NMM doesn't fit Pelican's future land use plan.

Chair Holewinski closed the public portion of the public hearing.

Motion by Scott Holewinski, second by Mike Roach to add condition #12 stating that no hot mixing or washing operations is approved with this CUP. With all members present voting "aye", the motion carried.

Motion by Bob Almekinder, second by Mike Timmons to approve the CUP application with the 12 conditions presented and reclamation plan, changing reclamation condition #7 to be \$6660 per open acre. With all members present voting "aye", the motion carried.

Conditional Use Permit application by Victor Anderson, applicant, and 8668 North LLC property owner to construct a coffee shop with drive-thru and outdoor seating on the following described properties: part of the SW NE, Section 11, T39N, R6E, PIN MI 2171-7, Town of Minocqua. Mr. Jennrich read the Notice of Public Hearing into the record noting that the meeting had been moved to Committee Room #2 (signs posted at both rooms). The notice was published in the Northwoods River News on September 20 and 27, 2022. A copy of the proof of publication is contained in the file. It was posted on the Courthouse bulletin board on September 15, 2022. The Town, Lakeland Sanitary District and the WI DOT approved of the CUP application. There were no other comments in the file.

Carla Blankenship read the report to the committee.

The Committee's decision to approve or deny the conditional use permit must be supported by substantial evidence. "Substantial evidence means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion" pursuant to Wis.Stats.§59.69(5e)(a)(2). Any conditions imposed must be related to the specified use and to all other relevant provisions of the ordinance.

1. The project to be substantially commenced within three (3) years of issuance date.
2. The nature and extent of the use shall not change from that described and approved in this Conditional Use Permit.
3. Proper permits to be obtained prior to construction (Town/County/State).
4. Subject to Oneida County Health Department requirements and licensing.
5. Dumpster to be screened from view, applicant to recycle waste materials as required.
6. County Shoreyard alteration permit to be obtained prior to construction.

Planning and Development

7. Stormwater Management/Erosion Control Plan(s) as required by Wisconsin Department of Natural Resources.
8. Signage to comply with 9.78 Sign Regulations of the Oneida County Zoning and Shoreland Protection Ordinance.
9. Parking to comply with 9.77 Off Street Parking and Loading Space of the Oneida County Zoning and Shoreland Protection Ordinance.
10. Exterior lighting to be downcast and shielded from above.

Chair Holewinski opened the public portion of the public hearing.

Nick, the Engineer of the project spoke in favor.

Chair Holewinski closed the public portion of the public hearing.

Motion by Mike Timmons second by Bob Almekinder to approve the CUP application with the 10 conditions presented. With all members present voting “aye”, the motion carried.

Ordinance Amendment #15-2022 authored by the Planning and Development Committee to amend Chapter 9, Article 5, Section 9.59 Placement of Shipping Containers of the Oneida County Zoning and Shoreland Protection Ordinance. Mr. Jennrich read the Notice of Public Hearing into the record noting that the meeting had been moved to Committee Room #2 (signs posted at both rooms). The notice was published in the Northwoods River News on September 20 and 27, 2022. A copy of the proof of publication is contained in the file. It was posted on the Courthouse bulletin board on September 15, 2022. Minocqua Chair Mark Hartzheim commented that District #6 Business B-1 should have been stricken from 9.59 (C)(6). There were no other comments in the file.

Motion by Mike Timmons, second by Mike Roach to amend 9.59(C)(6) by striking District #6, Business B-1. With all members present voting “aye” the motion carried.

Chair Holewinski opened the public portion of the public hearing.

Nobody spoke.

Chair Holewinski closed the public portion of the public hearing.

Motion by Mike Timmons, second by Mike Roach to approve ordinance amendment #15-2022 and bring back in resolution format to send to County Board. With all members present voting “aye”, the motion carried.

Refunds. There is one request. **Purchase orders, line item transfers, and bills.** Motion by Scott Holewinski, second by Mike Timmons to approve the refund and bills as submitted. With all members present voting “aye”, the motion carried.

Approve future meeting dates. October 19 (Timmons to chair), November 2 and 16.

Public comments. None

Future agenda items. As discussed.

Planning and Development

Adjourn.

2:52 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