

**ONEIDA COUNTY PLANNING and DEVELOPMENT COMMITTEE
NOVEMBER 17, 2021
COUNTY BOARD ROOM – 2ND FLOOR
ONEIDA COUNTY COURTHOUSE
RHINELANDER, WI 54501**

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

Members absent: Bob Almekinder

Department staff present: Karl Jennrich, Director; Todd Troskey, Assistant Director; Scott Ridderbusch, Land Use Specialist; Deanna Tushoski, Administrative Support
Via Zoom: Keith Cohrs, Zoning Technician; Carla Blankenship, Land Use Specialist

Other county staff present: None

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 amended agenda. Motion by Jack Sorensen, second by Ted Cushing to approve the amended 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, §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. Approve closed session minutes of October 27, November 3 and 9, 2021.
- b. Shoreland zoning violations, town of Minocqua

Motion by Jack Sorensen, second by Mike Timmons to go into closed session. Aye: Unanimous.

A roll call vote will be taken to return to open session. Motion by Jack Sorensen, second by Ted Cushing to return to open session. Aye: Unanimous.

Announcement of any action taken in closed session.

- a. Motion by Ted Cushing second by Mike Timmons to approve the closed session minutes of October 27, November 3 and 9, 2021. Aye: Unanimous.
- b. Motion by Ted Cushing, second by Jack Sorensen to file a long form complaint against Brandon Isaacson. Aye: Unanimous.

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Public comments. Via Zoom: Billy Fried spoke regarding #10 on today's agenda.

Approve meeting minutes of November 3 and 9, 2021. Motion by Jack Sorensen, second by Mike Timmons to approve the meeting minutes of November 3 and 9, 2021. With all members present voting "aye", the motion carried.

Introduction – McKenzie Slack, Zoning Technician. Informational only, no action taken.

Preliminary nine (9) lot County Plat of GPS II Inc., owner and Wilderness Surveying Inc., Jimmy Rein, surveyor for the following described vacant property further described as; Part of Government Lot 1, and part of the SE NW, Section 8, T39N, R8E, PIN NE 1008-1, NE 1006-21, Town of Newbold. Scott Ridderbusch read the report to the committee.

If the Committee recommends approval of this preliminary land division, staff would suggest the following conditions:

- 1) Addressing and 911 Information must be approved by Oneida County Land Information Department and/or Town of Newbold prior to the construction of a structure that requires a site address.
- 2) County Plat naming be approved prior submittal of final plat.
- 3) Subject to roadway requirements being met pursuant to 15.23 Public, Private and Easement Roads, of the Oneida County Subdivision Control Ordinance.
- 4) Subject to 15.20 Installation & Improvements, of the Oneida County Subdivision Control Ordinance for the completion of roadways.
- 5) Subject to a recordable Road Maintenance Agreement that is to be submitted to this department for review prior to recording final plat.
- 6) Subject to WDNR Storm Water permit if land disturbance is greater than 1 acre for roadway construction.
- 7) Subject to proper signatures and certificates for final recording.
- 8) Subject to the Town of Newbold concerns and recommendations.

The committee removed condition #8 and revised #5 so that it states the agreement is on the final plat.

Motion by Mike Timmons, second by Ted Cushing to approve the preliminary nine (9) lot County Plat of GPS II Inc., remove condition #8 and revise #5 to include that the road maintenance agreement be on the final plat. With all members voting "aye", the motion carried.

Discussion/decision concerning a Conditional Use Permit on property described as part Government Lot 1 and 5, Section 36, T37N, R9E, PIN PL 686, Town of Pine Lake, pursuant to 9.36(A)(2) of the Oneida County Zoning and Shoreland Protection Ordinance. Mr. Jennrich provided background information. The committee agreed that an administrative review permit is ok unless the town disagrees, then applicant must apply for a conditional use permit.

Discussion/decision concerning Tourist Rooming Houses. The committee will be reviewing the most recent statistics. Informational only, no action taken.

Refunds. There are six requests. Motion by Ted Cushing, second by Jack Sorensen to approve the refunds as requested. With all members present voting "aye", the motion carried.

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

Approve future meeting dates. December 1 and 15, 2021.

Public comments. None.

Future agenda items. Tourist rooming house issues and possible amendments to the ordinance.

1:44 p.m. recess

2:00 p.m. return from recess

CONDUCT PUBLIC HEARING ON THE FOLLOWING:

Conditional Use Permit application by James Peterson Sons, Inc., owner and Randy Palmer, agent to operate a non-metallic mine on the following vacant properties further described as: the SW SE, Section 15, NW NE, Section 22, T37N, R6E, Town of Cassian.

James Peterson Sons, Inc., owner also filed for a reclamation permit on property described as: the SW SE, Section 15, NW NE, Section 22, T37N, R6E, Town of Cassian.

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 November 2 and 9, 2021. The proof of publication is contained in the file. It was posted on the Courthouse bulletin board on October 28, 2021. There is correspondence in the file from Robert Kleeman, Maggie Frost, Jayne Stenstrom, Bob Guzzetta, Sandy Conrady, Colton Nehm, and John Frost.

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. Subject to Conditional Use Permit #1600059.
3. Maintain buffers from applicable boundaries and wetlands per site plan. Minimum buffer standards be met pursuant to Section 9.60(F) of the Oneida County Zoning and Shoreland Protection Ordinance.
4. Hours of operation (including crushing and hot mix operations) are 6:00 a.m. to 6:00 p.m. Monday through Friday and 7:00am to 3:00pm 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 (CUP #16-59).

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5. Crusher is not to be permanently placed on property.
6. Crusher not to be placed any closer than 50 feet from neighboring property lines.
7. 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 the wash pond. Wash pond to be drained and filled upon completion of project.
8. Must supply dust control measures as required.
9. 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.
10. Equipment maintenance to be kept to a minimum any major work to be done off site.
11. Obtain a WPDES permit from the Wisconsin Department of Natural Resources (Stormwater management plan), if applicable.
12. 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.
13. If hours of operation need to be extended for DOT purposes, the Zoning Administrator shall be contacted for approval.
14. Subject to Dot requirements: "Pit entrance be paved at least 200' as to not bring dirt onto Highway 51."
15. 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.
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 1540' MSL as indicated on plans. A permanent benchmark to be placed near this site to allow verification of maximum depth, if needed.
6. Financial Assurances in the amount of \$306,600 for 73 acres, at \$4,200 per acre.

The committee changed #9 of CUP conditions: buffer to be 100' to match the front page of report.

Sean Bohan (James Peterson representative) presented information to the committee. The project moves in phases and there is only approximately 35 acres open at one time. When they move to a new phase, the old area is reclaimed. There is 5' to the water table. There is approximately 25 acres open at the moment.

Randy Palmer of James Peterson Sons spoke regarding previous complaints.

Chair Holewinski opened the public portion of the hearing.
Al Frost spoke against the project.

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Marcus Motkowski spoke against the project.

Brad Goessl spoke against the project.

Chair Holewinski closed the public portion of the hearing.

It was noted that the berm around the perimeter is 6' tall.

Motion by Mike Timmons, second by Jack Sorensen to approve the conditional use permit application by James Peterson Sons Inc. with the 15 conditions of the conditional use permit and to add condition #7 to the reclamation conditions: Post land use is to be passive recreation/forestry. With all members present voting "aye", the motion carried.

Adjourn.

3:03 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