

**ONEIDA COUNTY PLANNING and DEVELOPMENT COMMITTEE**  
**July 26, 2023**  
**COUNTY BOARD ROOM – 2<sup>ND</sup> FLOOR**  
**ONEIDA COUNTY COURTHOUSE**  
**RHINELANDER, WI 54501**

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Members present: Mike Timmons, Bob Almekinder, Tommy Ryden, Mike Roach

Members absent: Scott Holewinski

Department staff present: Karl Jennrich, Director; Todd Troskey, Assistant Director; Scott Ridderbusch, Land Use Specialist; Monique Taylor, Administrative Support

Other county staff present: Michael Fugle, Corporation Counsel; Outside Counsel, Andrew Jones; Billy Fried; Steven Schreier; Diana Harris; Linnaea Newman; Debbie Condado; Robb Jensen; Terri Hook; Tyler Young

Guests present: See sign in sheet.

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**Call to order.**

Mike Timmons called the meeting to order at 12:30 p.m., in accordance with the Wisconsin Open Meeting Law.

**Approve the agenda.** Motion by Tommy Ryden, 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, Section 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 June 28, 2023.
- b. Administrative Review Permit #2200112 and proposed Conditional Use Permit for MI 3239 and MI 3240.

Motion by Bob Almekinder, second by Mike Roach 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.

**Announcement of any action taken in closed session.**

- a. Approve closed session minutes of June 28, 2023. Tabled, no action taken.
- b. Administrative Review Permit #2200112 and proposed Conditional Use Permit for MI 3239 and MI 3240. Discussion only, no action taken.

**CONDUCT PUBLIC HEARING ON THE FOLLOWING:**

**Conditional Use Permit application by Gabriel and Denise Pospyhalla, applicants and owners, and Greg Bubolz, agent, to develop a campground that includes sixty (60) campsites and four (4) cabins on the following described vacant property: Part of the NW ¼ of the SW ¼, Section 19, T36N, R6E, PIN NO 287, Town of Nokomis.**

Mr. Jennrich read the Notice of Public Hearing into the record. The Notice was published in the Northwoods River News on July 11 and 18, 2023 and the Proof of Publication is contained in the file. The Notice was also posted on the Oneida County Courthouse Bulletin Board on July 6, 2023. An Affidavit of Mailing with an attached mailing list are also contained within the file. Mr. Jennrich read public comments both in opposition and in support of the CUP.

If the applicant has met or agrees to meet all of the requirements and conditions 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. The project be substantially commenced within three (3) years of issuance date.
3. Subject to the provisions of 9.53 Campgrounds of the Oneida County Zoning and Protection Ordinance.
4. Fifty (50) foot vegetative green space buffer along all property boundaries must remain in place pursuant to 9.53 (E) of the Oneida County Zoning & Shoreland Protection Ordinance.
5. A one hundred (100) foot setback from all property boundaries and a seventy-five (75) foot setback from the Right of Way of County Y be maintained for all campsites and structures pursuant to 9.53 (B) (1) of the Oneida County Zoning & Shoreland Protection Ordinance.
6. Subject to WDNR Stormwater and Grading permits for land disturbance greater than one acre and be submitted to this department. Erosion control be in place per prior to excavation.
7. Subject to Oneida County Health Department approvals and licensing.
8. Signage to comply with 9.78 Sign Regulations of the Oneida County Zoning and Shoreland Protection Ordinance. Sign permits as required.
9. Parking to comply with 9.77 Off-Street Parking and Loading Space and 9.53 (D) of the Oneida County Zoning and Shoreland Protection Ordinance.
10. Proper permits be obtained prior to construction (Town/County/State). State Plan approvals as required.
11. Proper Private Onsite Wastewater Treatment Systems (POWTS) permits be submitted and approved by this department.
12. Exterior lighting must be downcast and shielded from above.
13. Dumpsters be screened from view and recycle waste materials as required.
14. Subject to addressing and road naming requirements per the Oneida County Land Information Office.
15. Subject to Oneida County Highway Department approvals and requirements for access locations along County Highway Y.
16. Fencing if installed to comply with the requirements of 9.74 Fences of the Oneida County Zoning & Shoreland Protection Ordinance.

**Town Recommendations:**

17. No future expansions.
18. Eight (8) foot fence.
19. List that there is a shooting range adjacent to the property in contract.
20. Put up signs warning of shooting range.

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Mike Timmons opened the public comments.  
Darren Demmin spoke.  
Amy Deschane spoke.  
Unknown male spoke.  
Mike Timmons closed the public comments.

Committee conferred with Mr. and Ms. Pospyhalla and Mr. Jennrich to address and clarify concerns brought forth through public comments.

Motion by Bob Almekinder, second by Mike Roach to approve the CUP, subject to all conditions being met. With all members present voting, “aye”, the motion carried.

**Administrative Review Permit #2200112 authored by the Planning and Development Committee to consider amending, suspending, or revoking Administrative Review Permit #2200112 for property described as: Village of Minocqua, Lot 2, Block 3, Section 14, T39N, R6E, PIN’s MI 3239 and MI 3240, 329 E. Front Street, Town of Minocqua.**

**Pursuant to Section 9.82(D) of the Oneida County Zoning and Shoreland Protection Ordinance: The Committee shall retain continuing jurisdiction over all activities authorized by the permit for the purpose of assuring compliance with this ordinance and other ordinances and the terms of the permit. Such authority shall be in addition to the enforcement authority of the Zoning Administrator. Upon notice to the Committee of an alleged violation of any permit, in its sole discretion, the Committee may hold a public hearing to consider amending, suspending or revoking the permit. Notice of the hearing and alleged violation shall be served upon the property owner and permit holder either in person or via certified mail to the address provided on the permit application form or otherwise provided to the Department a minimum of 72 hours prior to conducting the public hearing. The notice shall contain the date, time and place of the hearing, a description of the property, a description of the activity authorized by the permit, and a statement of the alleged violation(s). Notice shall also be published as a class 2 notice. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Committee at its sole discretion may hold additional public hearings. If the Committee finds after the hearing that the permit holder is not in compliance with the terms of the permit, it may amend, suspend or revoke the permit. The decision of the Committee shall be furnished to the permit holder in writing, stating the reasons therefore.**

- a. **Staff will be giving a presentation that will include describing Administrative Review Permit (ARP) #2200112 and the Conditions attached to the Permit, correspondence between the applicant and Oneida County Staff and Representatives, and a timeline of staff observed violations of ARP #2200112.**
- b. **The applicant will be given an opportunity to provide comment/testimony.**
- c. **Public comments (limited to 3 minutes per person).**

Mr. Fugle noted the presence of a court reporter and requested that all parties speak one at a time and to speak their names, stating first name and spelling last name. Mike Timmons read the details of the agenda item into the record for the meeting. Mike Timmons also stated on the record that the public hearing topic for the meeting of July 26, 2023 was to be related to the Administrative Review Permit. Mr. Jennrich read the Notice of Public Hearing into the record, which was published in the Northwoods River News on July 11 and 18, 2023. The Proof of Publication is contained in the file. The Notice was also posted on the Oneida County Courthouse Bulletin Board on July 6, 2023. An Affidavit of Mailing with an attached mailing list are also contained within the file. Mr. Jennrich stated on the

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record that public comments were received and provided to the committee. Mr. Jennrich started his presentation with Administrative Review Permit (ARP) #2200112 that was issued on March 8, 2022 and provided to Christopher Naumann. A letter of approval sent to Mr. Christopher Naumann on March 8, 2022 was read into the record, which included the conditions of the ARP and informed the receiving parties that “Failure to comply with all of these conditions will invalidate this approval”, as well as information to appeal the decision to the Oneida County Board of Adjustment within 30 days from the date of the letter as a deadline to file an appeal. Mr. Jennrich further read emails from Chair Holewinski and the Town of Minocqua.

Mr. Jennrich continued his presentation to the committee using two (2) timelines, a “Master Timeline” and an “Investigation Timeline”, both dated July 29, 2022 through July 25, 2023, that included emails and letters between Planning and Zoning Staff, Planning and Development Committee, Town of Minocqua, Corporation Counsel, Mr. Bangstad, Mr. Naumann, and Attorneys Collin Schaefer, Joseph Goode, Mark Leitner, and Lester Pines, details of issued citations, and descriptions of photos taken of violations of the conditions of ARP #2200112.

Correspondence was read into the record, issued citations stated on the record, and photos of the property showing alleged violations of ARP #2200112 were explained and dates read into the record for each day violations occurred.

Mr. Jennrich called Attorney Lester Pines to speak on behalf on Mr. Bangstad. Mr. Bangstad commented on the committee members that were present and absent. Mike Timmons stated that there was a quorum to conduct the meeting and that Mr. Bangstad needed to stay in order.

Attorney Lester Pines spoke over the phone to committee on behalf of Mr. Bangstad. Mr. Pines stated that the intention of representing Mr. Bangstad is to open the lines of communication, improve the relationships between the County, Town, and Mr. Bangstad, and to assist in correcting the violations.

Mr. Bangstad started his presentation. Mike Timmons stated that the topic to be heard would be for the Administrative Review Permit violations. Mr. Bangstad continued his presentation, but needed to be reminded multiple times to stay in order.

Mike Timmons called a five (5) minute break.

Mike Roach left early at 1:45 p.m.

Recess at 2:46 p.m.

Return at 2:51 p.m.

Mr. Bangstad was still out of order and Mike Timmons adjourned the meeting.

**Public comments.** None.

**Approve meeting minutes of June 28, 2023.** Tabled, no action taken.

**Discussion/decision concerning an Americans with Disabilities Act (ADA) accessible walkway project for property located at 4341 Lake Mildred Road, further described as: Part of**

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**Government Lots 3 & 4, Lot 1 CSM V4 P1157, Section 20, T37N, R8E, PIN NE 196-21, Town of Newbold.** Tabled, no action taken.

**Discussion/decision concerning an Americans with Disabilities Act (ADA) accessible walkway project for property at 8529 Highway D, further described as: Part of Government Lot 3, Section 8, T38N, R7E, PIN LT 94, Town of Lake Tomahawk.** Tabled, no action taken.

**Discussion/decision concerning delivery methods to Town Chairs and Town Clerks regarding Conditional Use Permits (CUPs) and Administrative Review Permits (ARPs). The committee will be discussing using email transmittal as a main delivery method for Notices of Public Hearings.** Tabled, no action taken.

**Discussion/decision concerning delivery transmittal to Town Chairs and Town Clerks regarding complaint letters/correspondence. The committee will be discussing using email transmittal as a main delivery method for copies of complaint letters/correspondence.** Tabled, no action taken.

**Discussion/decision concerning Ordinance Amendment #07-2023. The committee will be reviewing the proposed changes to amend Chapter 9, Article 5, Section 9.53, Campgrounds and Recreational Vehicle Parks of the Oneida County Zoning and Shoreland Protection Ordinance.** Tabled, no action taken.

**Discussion/decision concerning establishing a policy for department refunds. Staff will be discussing standard refunds for overpayments and refund requests that staff will be bringing to the committee.** Tabled, no action taken.

**Discussion/decision concerning a refund request of Cynthia Waring, owner, for property described as: SE SE, Section 36, T37N, R6E, PIN CA 562-2A, Town of Cassian.** Tabled, no action taken.

**Refunds.** Tabled, no action taken.

**Line item transfers, purchase orders, and bills.** Tabled, no action taken.

**Approve future meeting dates.** August 9, 2023.

**Future agenda items.** None discussed.

**Adjourn.**

**2:51 p.m. There being no further matters to lawfully come before the committee, Mike Timmons adjourned the meeting.**

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Scott Holewinski, Chair

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Karl Jennrich, Planning & Zoning Director