

**ONEIDA COUNTY PLANNING and DEVELOPMENT COMMITTEE  
DECEMBER 16, 2020  
COUNTY BOARD ROOM – 2<sup>ND</sup> FLOOR  
ONEIDA COUNTY COURTHOUSE  
RHINELANDER, WI 54501**

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

Members absent: None

Department staff present: Karl Jennrich, Zoning Director; Scott Ridderbusch, Land Use  
Specialist; Deanna Tushoski, Administrative Support; and Julie  
Petraitis, Program Assistant

Other county staff present: Brian Desmond via ZOOM

Guests present: See sign in sheet.

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Call to order.

**Chair Holewinski called the meeting to order at 12:45 p.m. in accordance with the Wisconsin Open Meeting Law.**

Approve the agenda. Motion by Mike Timmons, second by Ted Cushing 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, §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. 13CV345- Eagle Cove Camp & Conference Center, Inc. et al., vs. Oneida County Board of Adjustment, et al.

**Motion by Ted Cushing, 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 Ted Cushing, second by Mike Timmons to return to open session. Aye: Unanimous.**

Announcement of any action taken in closed session.

**Motion by Ted Cushing, second by Mike Timmons to not file a response to the petition for certiorari at this time, unless requested. Aye: Unanimous.**

Public comments. None.

Approve meeting minutes of November 18, 2020. **Motion by Jack Sorensen, second by**

**Ted Cushing to approve the meeting minutes of November 18, 2020. With all members present voting “aye”, the motion carried.**

Preliminary one (1) lot and one (1) Outlot Certified Survey Map land division of RHLM LLC, owner and Wilderness Surveying, Inc., Jimmy Rein, surveyor for the following described property further described as: Lot 2, CSM 4788, being part of the SW ¼ of the SE ¼, Section 1, T39N, R6E, 8840 Highway 47 & 8863 Sarah B Lane, PIN WR 10-13, Town of Woodruff. The committee will be reviewing the outlot pursuant to 15.12 (2) of the Oneida County Subdivision Control Ordinance.

Mr. Jennrich stated that this is before the committee because pursuant to 15.12 (2) “lands deemed unsuitable may, with the approval of the committee, be divided and designated as an outlot defined in ch. 15.33 (Definitions). It must be designated as an outlot on the face of the plat or certified survey map. Furthermore, it must be noted on the face of the plat or certified survey map it is unsuitable for habitable structures, sanitary facilities or other development uses.”

Jimmy Rein, surveyor, explained that this is for an expansion area. The Town has no objections to this request.

**Motion by Mike Timmons, second by Jack Sorensen to approve with the following conditions:**

- 1. Must be noted on the face of the plat / CSM it is unsuitable for habitable structures, sanitary facilities or other development uses.**
- 2. Easement for the landowner to access the outlot for maintenance purposes.**

**With all members present voting “aye”, the motion carried.**

Discussion/decision on after the fact permit fees for structures on property described as Part of the SE SW, Section 34, T39N, R6E, PIN MI 2501-6, Town of Minocqua.

Mr. Jennrich stated that the department received a complaint regarding construction of two storage units without benefit of permits. Mr. Jennrich provided the committee with the history of the property. After checking department records and visiting the property, staff determined there were no permits for the third and fourth buildings. Mr. Schiffmann was notified and has applied for the permits needed. Triple after-the-fact fees apply to construction without permits. Mr. Schiffmann was present and informed the committee he was not aware that he did not have permits for the construction of the two buildings.

**Motion by Jack Sorensen, second by Ted Cushing to waive the after-the-fact fees. With all members present voting “aye”, the motion carried.**

Discussion/decision concerning extending a moratorium as specified in Chapter 9, the Oneida County Zoning and Shoreland Protection Ordinance, Section 9.57, Moratorium on Livestock Facilities Licensing.

Mr. Jennrich stated that this is a request for an extension on a moratorium on Livestock Facilities Licensing. This will be an ordinance amendment and will need a public hearing.

**Motion by Ted Cushing, second by Jack Sorensen to extend the moratorium on Livestock Facilities Licensing six months. With all members present voting “aye”, the motion carried.**

Discussion/decision regarding 9.20 (F) of the Oneida County Zoning and Shoreland Protection Ordinance, 9.20 (F) Unclassified and Unspecified Uses. The committee will be discussing Wedding Barns and Wedding Banquet Facilities in 9.24, District 4, Residential and Farming.

Mr. Jennrich stated that the department has been getting requests for banquet/wedding facilities in areas zoned District 4, Residential and Farming. He would like to get permission to add that type of use to that zoning district.

**Motion by Ted Cushing, second by Jack Sorensen to add this use to Section 9.24, District 4, Residential and Farming. With all members present voting “aye”, the motion carried.**

Discussion/decision related to 9.58, Tourist Rooming House. The committee will be discussing all provisions of 9.58. The committee will also be discussing a contract with Granicus; a private company that works with municipalities for compliance monitoring.

Mr. Jennrich stated that at the last meeting the committee approved \$2,250.00 to try to get a sampling of 100 possible illegal TRH’s. Mr. Thome supplied the committee with that report. Mr. Jennrich and Mr. Thome presented that to Granicus and they said they did not want a partial contract. They offered a 5% discount for their initial portion of their program. Since the last meeting, Granicus has identified 700 units. The Health Department has licensed 280 units. Planning and Zoning has permitted 100 of those 280 units. Granicus has five different modules to choose from to help identify unlicensed/unpermitted units.

**Motion by Ted Cushing, second by Jack Sorensen to proceed with the contract for the identification of the TRH units with Granicus. With all members present voting “aye”, the motion carried.**

Discussion/decision on 2019 Annual Report and forward to Oneida County Board of Supervisors.

**Motion by Jack Sorensen, second by Ted Cushing to forward the 2019 Planning and Zoning Annual Report to the Oneida County Board of Supervisors. With all members voting “aye”, the motion carried.**

Discuss/decision/prioritization of 2020 Oneida County Planning and Zoning Department projects.  
**No action taken.**

Discussion/decision – Planning and Zoning Department permit activity/revenue.  
**No action taken.**

Refunds. **None.**

Purchase orders, line item transfers, and bills. **None.**

Approve future meeting dates. **January 6 and 20, 2021.**

**CONDUCTION PUBLIC HEARING ON THE FOLLOWING:**

Conditional Use Permit application by One Energy Development, applicant, Eric Udelhofen, agent and the Dorothy Kopp Living Trust, owner to install and operate a seven and half (7.5) megawatt solar photovoltaic facility on the following vacant parcels further described as being: Parts of Government Lots 1, 2, 3 and part of the SW ¼ of the NW ¼, Section 13, T36N, R8E, PIN’s CR 175-11, CR 176, CR 177, and CR 178, Town of Crescent.

Mr. Jennrich read the Notice of Public Hearing into the record. The notice was published in the Northwoods River News on December 1 and December 8, 2020. Proof of publication is contained in the file. It was posted on the Courthouse bulletin board on November 25, 2020.

Correspondence in the file includes the following, which Mr. Jennrich read into the record:

- Town of Crescent (In favor)
- William Bailey, President for Cheq Bay Renewables (In favor)
- WI Conservative Energy Forum (In favor)
- O’Melia, Schiek and McEldowney on behalf of Jake and Joann Bishop (In opposition)
- One Energy on behalf of Brittany Ferrell and The Wisconsin Asthma Coalition (In favor)
- Renew Wisconsin (In favor)
- Oneida County Economic Development Corporation (In favor)
- Mike Haasl (In favor)
- Tracy Beckman, (In favor)
- Bob Thome
- Dr. Jonathan Temte, WI Health Professionals for Climate Action (In favor)
- Eric Hanson (In favor)
- Andrew Lewandowski sent an email with questions about the project.
- Wisconsin Health Professionals for Climate Action and Wisconsin Environmental Health Network (In favor)
- Mark and Linda Horwath sent a letter with concerns about the project.
- Dan Butkus (In favor with concerns over the site access)

Eric Udelhofen, One Energy Development, LLC, presented the project to the committee.

Scott Ridderbusch, Land Use Specialist, gave his report to the committee in which he provided pictures of the proposed project area.

Pursuant to Wisconsin Statutes 66.0401(1m); *No political subdivision may place any restriction, either directly or in effect, on the installation or use of a solar energy system, as defined in s.13.48(2)(h)l.g., or a wind energy system, unless the restriction satisfies one of the following conditions:*

- a. *Serves to preserve or protect the public health or safety.*
- b. *Does not significantly increase the cost of the system or significantly decrease its efficiency.*
- c. *Allows for an alternative system of comparable cost and efficiency.*

If the committee feels the applicant has met or agrees to meet all 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 (including the revisions listed above).
2. Subject to WDNR permits for land disturbance greater than one acre and be submitted to this department.
3. Subject to 9.92, Shoreland-Wetland Restrictions of the Oneida County Zoning and Shoreland Protection Ordinance.
4. Signage, if proposed, to comply with 9.78, Sign Regulations, of the Oneida County Zoning and Shoreland Protection Ordinance.

5. Subject to the regulations and requirements under Wisconsin Statutes 66.0401.
6. Vegetative screening be established and maintained over the life of the project as indicated in the permit application (including all revisions listed above).
7. Proper permits be obtained prior to construction (Town/County/State).
8. All structures must meet all applicable setbacks pursuant to Chapter 9, Oneida County Zoning and Shoreland Protection Ordinance.
9. A Certified Survey Map is required to combine tax parcels to comply with zoning setbacks for the placement of solar panel structures.

Chair Holewinski opened the public portion of the public hearing.

Attorney Schiek, representing Jake and Joanne Bishop, wanted to confirm setbacks, screening, traffic, access, signage, State and Federal Laws.

Steve Richardson, Town of Crescent, spoke regarding the conditions of the roads and that during the time of construction the traffic be routed through Hwy 17.

Jean and Daniel Grunst, stated they were shocked about the project as they purchased their home, which abuts this property, last November and were not informed of the project. They have concerns about setbacks, toxic waste from the panels, access, and property values.

Pete Yentzer asked if no trees be planted in front of his home and if there was any way for any of the surrounding landowners be compensated, free solar panels to power their homes.

Kim Goerg stated he is the closest property to the project. He stated that he has a vegetative screen on the corner of the property and he wants to know if it will remain there. He also asked about what the total coverage of the panels on the property was going to be. Setbacks was another concern. Also, heat generation concerns in the summer.

Linda Horwath reiterated that there is a lot of concern about the environmental impact that are general and how other places have been affected, specifically what it will do to property values.

Jenna Jirik asked what the overall benefit is for Oneida County.

Michele Sadauskas, Oneida County Land Conservationist, requested that the Oneida County Land and Water Conservation Department voiced concerns about the pollinator habitat and screening area plantings. The consideration of solar panel reflectivity to help decrease bird crashes and landings. Also concerns of wildlife friendly fencing.

Bob Thome, County Board Supervisor, supported Ms. Sadauskas' concerns. He also has concerns about access, and the location of the project and would encourage Energy One to address the concerns of the seven property owners in closest proximity to the project.

Chair Holewinski closed the public portion of the public hearing.

Chair Holewinski stated that he would like the committee to hold off on taking action on this until the Applicant can address the concerns brought up by the public and hear from the DOT regarding access off Hwy 17.

Brian Desmond, Corporation Counsel, reminded the committee that they have a time limit to approve or deny the permit and that there are State Statutes that have to be followed for this type of project.

**Motion by Mike Timmons, second by Jack Sorensen to table and bring back to the January 6, 2021 meeting. With all members present voting "aye", the motion carried.**

Public comments. **None.**

Future agenda items: As discussed.

It is anticipated that the committee may meet in closed session pursuant to Wisconsin Statutes, Section 19.85 (1) (c) for purposes of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

- a. Conservation/Planning and Zoning Director Annual Performance Evaluation.

**Tabled.**

Adjourn.

**4:00 p.m. There being no further matters to lawfully come before the committee, Chair Holewinski adjourned the meeting.**

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Chair, Scott Holewinski

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Planning & Zoning Director, Karl Jennrich