

ONEIDA COUNTY PLANNING and DEVELOPMENT COMMITTEE
April 17, 2024
COUNTY BOARD ROOM – 2ND FLOOR
ONEIDA COUNTY COURTHOUSE
RHINELANDER, WI 54501

Members Present: Scott Holewinski, Bob Almekinder, Mike Timmons, Dan Hess

Members Absent: Mitchell Ives

Department Staff Present: Karl Jennrich, Director; Todd Troskey, Assistant Director; Scott Ridderbusch, Land Use Specialist; Carla Blankenship, Land Use Specialist; Erica Sauer, Program Assistant

Other County Staff Present: Michael Fugle, Corporation Counsel

Guests Present: See Sign-In Sheet.

Call to order.

Chair Holewinski called the meeting to order at 12:30 p.m. in accordance with the Wisconsin Open Meeting Law.

Approve the agenda. Motion by Bob Almekinder, second by Mike Timmons, 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 April 1, 2024.
- b. Long-Form Complaint concerning PIN’s MI 3239 & MI 3240.
- c. Private Onsite Wastewater Treatment System (POWTS) concerning PIN CR 162-6.

Motion by Bob Almekinder, second by Dan Hess, 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 Bob Almekinder, to return to open session. Aye: Unanimous.

Recess at 12:53 p.m.

Return from recess at 1:00 p.m.

Announcement of any action taken in closed session.

- a. Tabled, no action taken.
- b. Discussion only, no action taken.
- c. Discussion only, no action taken.

CONDUCT PUBLIC HEARING ON THE FOLLOWING:

Conditional Use Permit application by Scott and Jenny Symonds, applicants and owners, to operate a restaurant within the existing building that includes outdoor seating and outdoor music on the following described property: Lot 1, CSM 1912, being part of Government Lot 7, Section 35, T37N, R6E, PIN CA 540-A, 3800 Highway 51, Town of Cassian. Mr. Jennrich read the details of the matter. The Notice of Public Hearing was published in the Northwoods River News on April 2 and 9, 2024. A Proof of Publication is contained in the file. The Notice was posted on the Oneida County Courthouse Bulletin Board on March 28, 2024. An Affidavit of Mailing and mailing list are also contained in the file. An email from the Town of Cassian is contained in the file. No public comments were received. Mr. Ridderbusch read the report.

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. License for operation of the food service must be approved by the Oneida County Health Department prior to opening.
3. Signage to comply with 9.78 Sign Regulations of the Oneida County Zoning and Shoreland Protection Ordinance. Subject to department approval for existing signage refacing.
4. Parking to comply with 9.77 Off-Street Parking & Loading Space of the Oneida County Zoning and Shoreland Protection Ordinance.
5. Dumpsters to be screened from view, applicant to recycle waste materials as required.
6. Subject Private Onsite Wastewater Treatment System (POWTS) requirements for restaurant operations. Proposed changes that increase seating capacities and employees are subject to department review.
7. No live outdoor music past 10:00 PM.

Chair Holewinski opened the public portion of the public hearing.

Patti Francoeur spoke.

Chair Holewinski closed the public portion of the public hearing.

The committee discussed the matter.

Motion by Mike Timmons, second by Dan Hess, to approve the Conditional Use Permit as presented, subject to the seven (7) conditions being met and that the general standards have been met. With all members present voting "Aye," the motion carried.

Public comments. None.

Approve meeting minutes of March 20 and April 1, 2024. Motion by Bob Almekinder, second by Mike Timmons, to approve the meeting minutes of March 20 and April 1, 2024. All members present voted as follows:

Bob Almekinder: "Aye."

Mike Timmons: "Aye."

Chair Holewinski: "Aye."

Dan Hess: "Abstain."

The motion carried.

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Discussion/decision concerning a Conditional Use Permit application pursuant to Section 9.42(C)(2) for property described as Lot 1, CSM 4633, being part of Government Lot 5, Section 3, and Government Lot 1, Section 4, T38N, R7E, 8168 Lark Road, PIN LT 35-5, Town of Lake Tomahawk. The committee will be discussing and determining an extension for the review time for the application. Mr. Jennrich discussed the details of the matter. Due to scheduling issues, the applicant requested an extension pursuant to Section 9.42(C)(1) to extend the time frame for review by the committee up to 180 days. Motion by Bob Almekinder, second by Dan Hess, for an extension up to one hundred eighty (180) days for item 9 on the agenda. With all members present voting “Aye,” the motion carried.

Preliminary eight (8) lot County Plat of Yawkey View Estates, Brandon & Kristin Newman Revocable Trust, owner, and submitted by Vreeland Associates, Inc., Timothy Vreeland, surveyor, for following vacant lands further described as Lots 1 and 2, CSM 5434, being a part of Government Lot 1, and part of the NE-NE, Section 22, T38N, R6E, PINs HA 294 and HA 295, Town of Hazelhurst. Mr. Jennrich discussed the details of the matter and background information for Dan Hess on procedural matters in front of the committee for review pursuant to the Oneida County Chapter 15 Subdivision Ordinance. Mr. Ridderbusch read details and the report.

If the Committee finds the subdivision requirements have been met, and recommends approval of this plat, staff would suggest the following conditions of approval prior to recording the final Plat of Tomahawk River Acres:

1. Addressing and 911 information must be approved by Oneida County Land Information Office prior to the placement of a structure that requires a site address.
2. Proper certificates/signatures be obtained prior to recording of final plat.
3. Subject to change in zoning district approval for the development of this plat from District #04 Residential & Farming to District #02 Single Family.

The committee conferred with Mr. Jennrich.

Motion by Bob Almekinder, second by Mike Timmons, to approve the subdivision, subject to the three (3) conditions being met. With all members present voting “Aye,” the motion carried.

Preliminary five (5) lot land division of Patricia Lakes Estates Condominium I, containing multiple owners, and submitted by Wilderness Surveying, Inc., Jim Rein, surveyor, for the following property currently described as: Patricia Lake Estates Condominium I, being a part of Government Lot 4, Section 9, T39N, R6E, PINs MI 7245 thru MI 7251, Town of Minocqua. Mr. Jennrich discuss the details of the matter. The matter was previously before the committee on December 20, 2023. The committee took no action and asked that the matter be brought back at a later date. Mr. Ridderbusch read the revised report. The committee conferred with Mr. Jennrich, Mr. Ridderbusch, and Jimmy Rein. Motion by Mike Timmons, second by Bob Almekinder, to approve the revised preliminary five (5) lot land division for Item #11 on the Agenda, subject to the three (3) conditions being met. With all members present voting “Aye,” the motion carried.

Preliminary Shady Point Condominiums Plat, a four (4) unit conversion condominium, Bergman Family III LLC, owner, and submitted by Eagle Landmark Surveying Inc., Tom Boettcher, surveyor, for the following property described as Part of Government Lot 14, Section 29, T37N, R9E, PINs PL 609-5, 4050, 4051, and 4058 Shady Point Drive, Town of Pine Lake. Mr. Jennrich discussed the details of the matter. Mr. Ridderbusch read the report.

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If the Committee recommends approval of this Preliminary Condominium Plat, staff would suggest the following conditions:

1. Proper certificates/signatures be obtained prior to recording of final plat.
2. Condominium Declarations to be submitted to this department for review prior to recording.
3. Subject to readdressing and 911 information as recommended by the Land Information Office for Units 1 & 2.
4. Future amendments/addendums to be reviewed and approved by this department prior to recording.

The committee conferred with Mr. Jennrich, Mr. Ridderbusch, and Tom Boettcher.

Motion by Dan Hess, second by Bob Almekinder, to approve Item #12 on the Agenda, subject to the four (4) recommended conditions being met. With all members present voting "Aye," the motion carried.

Discussion/decision concerning a Conditional Use Permit application by Ed Rynders, applicant and acting owner of Tri-County Sand and Gravel LLC and EJR5 LLC, to revise Conditional Use Permit #1900127 for the expansion to the existing Non-Metallic Mine limits and to include hot mix asphalt plant and wash plant operations on the following described properties: Parts of the NW-SE, NE-SW, SW-SE, SE-SW, NE-SE, and the Fractional NE, Section 6, and part of the NE-NW, Section 7, T39N, R4E, PINs MI 599, MI 605, MI 606, MI 606-1, MI 604, and MI 613, 14300 State Highway 70, Town of Minocqua. Mr. Jennrich discussed the details of the matter.

A public hearing was held on April 3, 2024. The committee conferred with Mr. Jennrich, Jimmy Rein, and Kevin, a blasting representative, regarding concerns brought forth during public comments at the public hearing, questions the committee had, and substantial evidence.

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 and will supersede the conditions set forth in Conditional Use Permit #1900127.

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 and setbacks from applicable boundaries, wetlands, and waterbodies 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 (OCZ&SPO).
3. Maximum depth of excavation to correspond with pit bottom areas as indicated on plans, approximately 1535' above mean sea level (MSL). A permanent benchmark to be placed on property to allow verification of maximum depth.
4. Hours of operation are 6:00 am to 6:00 pm Monday through Friday. 6:00 am to 3:00 pm on Saturdays.
5. Crushing, hot mix asphalt, wash plant and blasting operations are 6:00 am to 6:00 pm Monday through Friday. No crushing or blasting on weekends or holidays.
6. Dust control measures to comply with air quality requirements as regulated by the Wisconsin Department of Natural Resources.
7. Sanitary facilities provided for employees. Regular servicing and maintenance to be done as to not create a nuisance.
8. Parking area for employees be maintained away from pit and not obstruct access road, area of trucks hauling and/or other heavy equipment.
9. Subject to WI DOT approvals and requirements for the two existing access points.

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10. Equipment maintenance to be kept to minimum, any major work to be done off site.
11. Solid waste materials be contained and disposed of properly.
12. Any damage to Town, County, State property subject to Section 9.60 (J) of the OCZ&SPO.
13. Any signage proposed in accordance with the OCZ&SPO.
14. WPDES permit from the Department of Natural Resources (Stormwater Management plan) be submitted to this department.
15. 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.
16. If applicant would like to operate outside of designated hours of operation for crushing, hot mix, wash plant operations, approval would be needed by the Town of Minocqua and the Zoning Administrator shall be contacted for approval.
17. If hours of operation need to be extended for DOT purposes, the Zoning Administrator shall be contacted for approval.
- ~~18. Subject to Section 9.60 (E) requirements of the OCZ&SPO for a rock quarry.~~
19. Subject to DNR Managed Forest Law withdrawal/revision requirements per the DNR.
- ~~20. Any damage to surrounding property owners will be the responsibility of the pit owners.~~
21. Notify surrounding property owners of blast dates.
22. Sign postings with no trespassing/warning – every 50’
23. No Non-Metallic Mining operations to take place south of State Highway 70.

The applicant, Ed Rynders, and acting owner of Tri-County Sand & Gravel LLC and EJR5 LLC, also filed for a reclamation permit for the increase in mining acreage as described above and includes the following described properties: Parts of the NW-SE, NE-SW, SW-SE, SE-SW, Section 6, and part of the NE-NW, Section 7, T39N, R4E, PINs MI 606-1, MI 604, and MI 613 (excludes MI 599, MI 605, MI 606), 14300 State Highway 70, Town of Minocqua. A public hearing was held on April 3, 2024, and the committee will be continuing deliberations concerning the application.

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 established per plan at four (4) to one (1) slopes per plans.
4. Drainage and dewatering sediment basins be established and designed as indicated on the site plan.
5. Maximum depth of excavation of 1535’ MSL.
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 \$2,567.57 per open acres.
8. Proper reclamation approvals for parcels MI 599, MI 605, and MI 606 will need to be filed in the future if mining operations are to take place within these parcels.

The committee conferred with Mr. Jennrich, Mr. Ridderbusch, Jimmy Rein, and Ed Rynders.

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Motion by Chair Holewinski, second by Bob Almekinder, to remove Item #20. With all members present voting “Aye,” the motion carried.

Motion by Chair Holewinski, second by Dan Hess, based on substantial evidence that the CUP meets the General Standards of Approval and that the CUP and Reclamation Plan are approved along with the revised twenty-one (21) conditions for the CUP, and the eight (8) conditions for the Reclamation Plan.

The committee had discussions concerning financial assurances.

Amended motion by Chair Holewinski, second by Dan Hess, to raise Item #7 to \$3,000 per acre per the advice of the Zoning Director. With all members present voting “Aye,” the motion carried.

Discussion/decision concerning the revision fees for sanitary permits. Mr. Jennrich discussed a permit situation and asked for direction for future permits and fees. The committee conferred with Mr. Jennrich. The committee provided direction to staff and the \$75 fee does not need to be charged. Discussion only, no action taken.

Discussion/decision concerning the Oneida County Planning & Zoning Conditional Use Permit (CUP) Application as it relates to Section 9.42(D) of the Oneida County Zoning and Shoreland Protection Ordinance. The committee will be reviewing the proposed changes to the CUP Application. Mr. Jennrich discussed the application and the background of the procedures for a conditional use permit. The committee conferred with Mr. Jennrich, Mr. Ridderbusch, and Ms. Blankenship concerning the general standards, the application process, and the proposed changes on the Conditional Use Permit Application. Motion by Dan Hess, second by Chair Holewinski, to approve the Conditional Use Permit Application as presented with the addition of questions. With all members present voting “Aye,” the motion carried.

Discussion/decision – Planning & Zoning Department permit activity/revenue. None.

Refunds. None.

Approve future meeting dates. May 1 and 15, 2024.

Future agenda items. As discussed.

Adjourn.

2:26 p.m. There being no further matters to lawfully come before the committee, Chair Holewinski adjourned the meeting.

Scott Holewinski, Chair

Karl Jennrich, Planning & Zoning Director