

ONEIDA COUNTY PLANNING and DEVELOPMENT COMMITTEE

April 5, 2023

COUNTY BOARD ROOM – 2<sup>ND</sup> FLOOR

ONEIDA COUNTY COURTHOUSE

RHINELANDER, WI 54501

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Members present: Scott Holewinski, Bob Almekinder, Mike Timmons

Members absent: Tommy Ryden, Mike Roach

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

Other county staff present: Michael Fugle, Corporation Counsel

Guests present: See sign in sheet.

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**Call to order.**

Chair Holewinski called the meeting to order at 1:45 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 all members present voting “aye”, the motion carried.

**Approve Public Participation Policy for all Planning and Development public hearings and public comment agenda items:**

- a. **Anyone having interest may attend and be heard. Interested parties who are unable to attend may send written comments to Karl Jennrich at Oneida County Courthouse, Planning and Zoning Department, P.O. Box 400, Rhineland, WI 54501 or zoning@co.oneida.wi.us at the County.**
- b. **Speakers must be present to speak.**
- c. **Public comments will be limited to a maximum of three (3) minutes per speaker.**
- d. **All correspondence received via email prior to the start of the meeting will be part of the record as long as it states the person’s name, residency address, and if they are a tax payer of Oneida County with that address listed.**

Committee discussed the details of the proposed Public Participation Policy as well as a reasonable time to receive and review comments to add them into the record for consideration. Motion by Bob Almekinder, second by Mike Timmons to adopt the Public Participation Policy along with an additional stipulation for written public comments to be received no less than two (2) hours prior to the commencement of meetings to allow comments to be reviewed and added into the record for consideration. With all members present voting “aye”, the motion carried.

**Discussion/decision concerning Ordinance Amendment #06-2022 to amend Chapter 9, Article 7 General Performance Standards, Section 9.74 Fences, Walls, and Hedges, and Article 10 Definitions of the Oneida County Zoning & Shoreland Protection Ordinance. The committee**

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**will be discussing Ordinance Amendment #06-2022 forwarding a resolution to the Oneida County Board of Supervisors.** A public hearing was held on March 29, 2023 and a motion was made to forward Ordinance Amendment #13-2022 to the County Board for further approval. **Motion by Mike Timmons, second by Bob Almekinder to approve and forward Resolution to County Board.** With all members present voting “aye”, the motion carried.

**Discuss/decision/prioritization of 2023 Oneida County Planning and Zoning Department projects.** No action taken. Tabled.

Recess at 1:55 p.m.

Return from recess 2:00 p.m.

### CONDUCT PUBLIC HEARING ON THE FOLLOWING:

**Conditional Use Permit application by Keith Troutman, acting owner of BBP, LLC, revises Conditional Use Permit #2200014 by proposing to expand the existing recreational event venue for outdoor events and activities such as ATV bog races, event camping, music, vendors, food and beverage items, and extend live music hours of operation to 2:00 AM on the following described property: Lot 1, CSM 5412, being part of the SW-SE, Section 15, and part of the NW-NE, Section 22, T36N, R6E, PIN #NO 328-1, 2777 Olson Road, Town of Nokomis.** Mr. Troskey read the Notice of Public Hearing into the record. The Notice was posted in the Northwoods River News on March 21 and 28, 2023 and a copy of the Proof of Publication is contained within the file. The Notice was posted on the Oneida County Courthouse Bulletin Board on March 16, 2023. The mailing list was read into the record and contained within the file. The Town letter was also read into the record and contained within the file. Public comments were received and read into the record. All comments are contained within the file as received. Mr. Ridderbusch read the Report into the record for the matter and further explained the details of the Conditional Use Permit.

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. Subject to the Conditions set forth in **Conditional Use Permit #2200014.**
3. Subject to ATCP 79.26 Special Event Campgrounds requirements for camping expansion area.
4. Parking to comply with 9.77 Oneida County Zoning & Shoreland Protection Ordinance.
5. Signage to comply with 9.78 Sign Regulations Oneida County Zoning & Shoreland Protection Ordinance and proper permits to be obtained prior to placement.
6. If exterior lighting is installed in expansion area, it must be downcast and shielded from above.
7. Subject to maintenance of portable toilets as required within expansion area.
8. Live music to be no later than 2:00 a.m.

Chair Holewinski opened the public portion of the public hearing.

Mark Casey spoke.

Ed Smith spoke.

Keith Troutman spoke.

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Chair Holewinski closed the public portion of the public hearing.

Motion by Chair Holewinski, second by Bob Almekinder to change Condition #8 from 2:00 a.m. to 12:00 a.m. With all members present voting “aye”, the motion carried.

Motion by Bob Almekinder, second by Mike Timmons motion to approve Conditional Use Permit subject to the eight (8) conditions being met. With all members present voting “aye”, the motion carried.

**Conditional Use Permit application by Brian Thusius, applicant & owner to operate a watercraft shrink wrap service business with outdoor storage and commercial storage unit facility on the following described property: Part of the SW ¼ of the SW ¼, Section 30, T36N, R6E, PIN #NO 463, 2282 County Y, Town of Nokomis.** Mr. Troskey read the Notice of Public Hearing into the record. The Notice was posted in the Northwoods River News on March 21 and 28, 2023 and a copy of the Proof of Publication is contained within the file. The Notice was posted on the Oneida County Courthouse Bulletin Board on March 16, 2023. The mailing list was read into the record and is contained within the file. The Town letter was read into the record and is contained in the file. One (1) public comment was received, read into the record, and contained in the file. Mr. Ridderbusch read the Report into the record for the matter and further explained the details of the Conditional Use Permit.

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. A copy of the WPDES grading permit from the Wisconsin Department of Natural Resources and Stormwater plans be submitted to the department for the land disturbance activity greater than one (1) acre.
3. Zoning permits applied for and approved prior to construction of the Shop building and storage units. State approved plans and permits, as applicable.
4. Signage if proposed, to comply with 9.78 Sign Regulations of the Oneida County Zoning and Shoreland Protection Ordinance.
5. Parking to comply with 9.77 Off-Street Parking & Loading Space of the Oneida County Zoning and Shoreland Protection Ordinance.
6. If exterior lighting is installed, must be downcast and shielded from above.
7. Dumpster(s) if used must be screened from view and recycle waste materials as required.
8. Lease/rental agreement to prohibit storage of hazardous and/or explosive materials in storage unit facility.
9. If changes to outdoor storage areas occur outside of designated areas, applicant to contact department to verify if additional permits are needed.

Chair Holewinski opened the public portion of the public hearing.

Brian Thusius spoke.

Chair Holewinski closed the public portion of the public hearing.

Motion by Mike Timmons, second by Bob Almekinder to approve the Conditional Use Permit subject to the nine (9) conditions being met. With all members present voting “aye”, the motion carried.

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3:16 p.m. Bob Almekinder excused self. Meeting breaks to ensure a quorum is present.

3:17 p.m. Bob Almekinder returns. Meeting resumes.

**Conditional Use Permit application by Brad Allen, applicant, and Minocqua Hospitality Holdings LLC, owner, to add outdoor seating to the rooftop of the building, boathouse roof and lawn area on the following described property; Lot 2 CSM 1816, Lake View Park, Part of Lot 11 and Part of Lot 12, Section 14, T39N, R6E, 8290 Highway 51, PIN# MI 3551-2, Town of Minocqua.** Mr. Troskey read the Notice of Public Hearing into the record. The Notice was posted in the Northwoods River News on March 21 and 28, 2023 and a copy of the Proof of Publication is contained within the file. The Notice was posted on the Oneida County Courthouse Bulletin Board on March 16, 2023. The mailing list is contained in the file. Public comments were received, read into the record, and contained in the file. Ms. Blankenship read the Report into the record for the matter and further explained the details of the Conditional Use Permit.

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 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. County Shoreyard Alteration permit to be obtained prior to construction.
5. Stormwater Management/Erosion Control Plan(s) as required by Wisconsin Department of Natural Resources.
6. Property owner to obtain a lease agreement from the WisDOT for the parking spaces located in the highway right-of-way.
7. Property owner to obtain written permission from Minocqua Lake Condominium for use of the three (3) parking spaces shown on Minocqua Lake Condominium property.
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.
11. Dumpster(s) to be maintained in designated area. Waste material to be recycled as required.
12. Subject to the order of the Oneida County Board of Adjustment case number 22-002.
13. Continued variance of parking stall density and size requirements.
14. Retain same number of parking spaces on property and square footage of the existing parking spaces on property.
15. No off-site parking areas (parking not contiguous to property) are to be designated as part of the CUP application.
16. Applicant to apply for a pedestrian accommodation from WisDOT for pedestrian access point from the sidewalk to the property (Town is aware that this may be denied by WisDOT).

Committee discussed changing Condition #6 to reflect the property owner “applying for parking spaces” vs. “obtaining a lease agreement for parking spaces”. Committee also discussed with the

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property owner to clarify the intention of the hours of operation. The record will reflect that the property owner's intent is to operate between the hours of 6:00 a.m. and 2:00 a.m.

Chair Holewinski opened the public portion of the public hearing.

Billy Fried spoke.

Chair Holewinski closed the public portion of the public hearing.

Motion by Chair Holewinski, second by Mike Timmons to remove Conditions #13, #14, #15, and #16. With all members present voting "aye", the motion carried.

Motion by Chair Holewinski, second by Mike Timmons to approve the Conditional Use Permit subject to the remaining twelve (12) conditions being met. With all members present voting "aye", the motion carried.

**Conditional Use Permit application by Sand County Environmental, applicant and Musson Brothers, Inc., owner to revise Conditional Use Permit #2201119 non-metallic mine operations to add a hot mix asphalt plant and wash ponds on the following vacant property further described as: The NE ¼ of the NE ¼, and part of the NW ¼ of the NE ¼, Section 29, T36N, R9E, PINs PE 400 & PE 401-1, Town of Pelican.**

**The applicant and owner also filed for a reclamation permit for the increase in mining acreage for the above described project and described as: The NE ¼ of the NE ¼, and part of the NW ¼ of the NE ¼, Section 29, T36N, R9E, PINs PE 400 & PE 401-1, Town of Pelican.** Mr. Troskey read the Notice of Public Hearing into the record. The Notice was posted in the Northwoods River News on March 21 and 28, 2023 and a copy of the Proof of Publication is contained within the file. The Notice was posted on the Oneida County Courthouse Bulletin Board on March 16, 2023. Public comments were received, read into the record, and contained in the file. The Town letter was received, read into the record, and contained in the file. Mr. Ridderbusch read the Report into the record for the matter and further explained the details of the Conditional Use Permit and the Reclamation Permit.

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. Subject to the conditions set forth in **Conditional Use Permit #2201119**, omitting Condition #12.
3. 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.
4. 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.
5. 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.

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6. Obtain a WPDES/SWPPP permit from the Wisconsin Department of Natural Resources (Stormwater management plan), as required.
7. 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.
8. Dust control measures be applied as required.
9. Portable toilets be maintained as serviced as required.
10. 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 4<sup>th</sup> of July, and Labor Day, operations are to cease at 12:00 PM.
11. If hours of operation need to be extended for DOT purposes, the Zoning Administrator shall be contacted for approval.

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 Reclamation Permit:

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 1563' MSL for Phases I and II.
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 \$6,660 per open acres.

Chair Holewinski opened the public portion of the public hearing.

Julie Bruyette spoke.

Dean Schwab spoke.

Chair Holewinski closed the public portion of the public hearing.

Motion by Chair Holewinski, second by Mike Timmons to postpone decision and ask staff to bring back detailed items as discussed as well as meet with representatives to speak with committee on the matter.

**Refunds.** There are no refund requests.

**Purchase orders, line item transfers, and bills.** Motion by Mike Timmons, second by Bob Almekinder to approve the bills as submitted. With all members present voting "aye", the motion carried.

**Discuss holding future meetings to alternate between Rhinelander and Minocqua.** Committee discussed intentions and plans for coordinating alternating meetings between Rhinelander and

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Minocqua office locations. Motion by Chair Holewinski, second by Mike Timmons for P&Z staff to schedule alternating meetings between Rhinelander and Minocqua. With all members present voting “aye”, the motion carried.

**Approve future meeting dates.** April 19 and May 3, 2023

**Future agenda items.** As discussed.

### **Adjourn.**

3:54 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