

ONEIDA COUNTY PLANNING and DEVELOPMENT COMMITTEE
MARCH 6, 2019
COUNTY BOARD ROOM – 2ND FLOOR
ONEIDA COUNTY COURTHOUSE
RHINELANDER, WI 54501

Members present: Billy Fried, Mike Timmons and Steve Schreier (appointed to create a quorum)

Members absent: Scott Holewinski, Jack Sorensen, and Ted Cushing

Department staff present: Karl Jennrich, Director; Pete Wegner, Assistant Director; and Julie Petraitis, Program Assistant.

Other county staff present: None

Guests present: See sign in sheet.

Call to order.

Vice-Chair Fried called the meeting to order at 1:00 p.m., in accordance with the Wisconsin Open Meeting Law.

Approve the agenda. **Motion by Mike Timmons, second by Steve Schreier to approve the agenda. With all members present voting “aye”, the motion carried.**

Public comments. **None.**

Approve meeting minutes of February 20, 2019. **Motion by Mike Timmons, second by Billy Fried to approve the February 20, 2019 meeting minutes as submitted. With all members present voting “aye”, the motion carried.**

Discussion/decision on the conditional approval of amendments to Chapter 9, Article 9, Zoning and Shoreland Protection Ordinance. The committee will be discussing a letter from Dale Rezabek, Shoreland Specialist, from the Wisconsin Department of Natural Resources.

Mr. Jennrich received a letter from the Wisconsin Department of Natural Resources, which states that they have certified the Oneida County Zoning and Shoreland Protection Ordinance with the changes that were made. They did have some language concerns that need to be remedied to bring the ordinance into compliance. Mr. Wegner informed the committee of the changes that need to be made.

Motion by Mike Timmons, second by Steve Schreier to direct staff to move forward with Chapter 9 changes as discussed and bring a draft back to committee for review and forward to public hearing for adoption. With all members present voting “aye”, the motion carried.

Discussion/decision related to the Oneida County Zoning and Shoreland Protection Ordinance Chapter 9, Article 9. The committee will be reviewing issues/concerns related to the administration of the ordinance during the 2018 construction season.

Staff will bring this back after an all staff meeting is held.

Discussion/decision on ordinance amendments to Chapter 9, Article 9 of the Oneida County Zoning and Shoreland Protection Ordinance. Committee may be directing staff to make changes in the ordinance.

No action taken.

Discussion/decision related to handouts to be provided to the public as part of a shoreland permit.

No action taken.

Discussion/decision on Chapter 9, Article 9.77 – Off-Street Parking and Loading Space as it relates to: Part of Government Lot 2, Part of Lot 3 CSM V4 P1007, Section 14, T39N, R6E, PIN MI 2205-16, Town of Minocqua. This item was not discussed as the owner changed his mind about the project.

Presentation of length of service award to Peter Wegner.

Mr. Jennrich presented Pete Wegner with an award certificate for twenty years of service.

Discuss/decision/prioritization of 2019 Oneida County Planning and Zoning Department projects.

Tabled.

Refunds. **None.**

Line item transfers, purchase orders and bills. **Motion by Mike Timmons, second by Billy Fried to approve the bills as submitted. With all members present voting “aye”, the motion carried.**

Approve future meeting dates. **April 3, 2019.**

Public comments. **Bob Mott spoke.**

Future agenda items. **As discussed.**

CONDUCT PUBLIC HEARING ON THE FOLLOWING:

Conditional Use Permit application by Rynders Companies, applicant and EJR5, LLC, landowner, to operate a non-metallic mine on the following described vacant properties: parts of the NE SW, SE SW, NW SE, SW SE, Section 6, T39N, R4E, PIN MI 601, MI 604, MI 606, and MI 607, Town of Minocqua.

Mr. Jennrich read the Notice of Public Hearing into the record. The Notice was published in the Northwoods River News on February 19 and February 26, 2019. Proof of publication is contained in the file. Notice was posted on the Oneida County Courthouse bulletin board on February 15, 2019.

Correspondence in the file includes a letter from the Town of Minocqua in support of the project contingent upon meeting all State and County requirements with the following set hours:

- 6:00 a.m. to 6:00 p.m. on weekdays
- 6:00 a.m. to 3:00 p.m. on Saturdays
- No crushing on weekends or holidays

Tom Ellenbecker, REI, was present to talk about the project.

Vice-Chair Fried opened the public portion of the public hearing.
Bob Mott spoke.

If the committee feels the general standards of approval have been met, Staff would suggest approval with the following conditions:

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 the proper buffers around perimeter of property pursuant to Section 9.60(F) Non-Metallic Mining of the Oneida County Zoning and Shoreland Protection Ordinance as proposed.
3. Maximum depth of excavation to correspond with pit bottom areas as indicated on plans, approximately 1560' 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 a.m. to 6:00 p.m. Monday through Friday. 6:00 a.m. to 3:00 p.m. Saturdays.
5. Crushing operations to commence during an unsegmented four-week period. Subject to notification of commencement for crushing operations.
6. Crushing hours of operation are 6:00 a.m. to 6:00 p.m. Monday through Friday. No crushing on weekends or holidays.
7. Pursuant to Section 9.60(C) Non-Metallic Mining of the Oneida County Zoning and Shoreland Protection Ordinance (OCZ&SPO), 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. Dust control measures to comply with air quality requirements as regulated by the Wisconsin Department of Natural Resources.
9. Sanitary facilities provided for employees. Regular servicing and maintenance to be done as to not create a nuisance.
10. Parking area for employees shall be established away from pit and not obstruct access road, area of trucks hauling and/or other heavy equipment.
11. Subject to WI DOT approvals and requirements for the two access points.
12. Equipment maintenance to be kept to a minimum, any major work to be done off site.
13. Solid waste materials be contained and disposed of properly.
14. Any damage to County or Town property subject to Section 9.60(J) of OCZ&SPO.
15. Any signage done is in accordance with the OCZ&SPO.
16. WPDES permit from the Wisconsin Department of Natural Resources (Stormwater management plan), be submitted to this department.

- 17. 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.
- ~~18. Subject to WIDOT approvals.~~
- 19. Subject to Town of Minocqua review, approvals, concerns, and conditions.
- 20. If the applicant would like to crush on a Saturday, approval would be needed by the Town and the Zoning Administrator notified.

Rynders Companies, applicant, and EJR5, owners, also filed for a reclamation plan on property described as part of the NE SW, SE SW, NW SE, SW SE, Section 6, T39N, R4E, PIN MI 601, MI 604, MI 606, and MI 607, Town of Minocqua.

If the committee approves the Conditional Use Permit, staff would suggest the following 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. Drainage swales and sediment basin be established as indicated on site plan.
- 4. Final grades of reclamation areas shall be no greater than four (4) to one (1) maximum slopes.
- 5. All grades, including pit floor, shall have adequate planting or reforestation to prevent erosion.
- 6. Maximum depth of excavation to correspond with pit bottom areas as indicated on plans, approximately 1560' above mean sea level (MSL). A permanent benchmark to be placed on property to allow verification of maximum depth.
- 7. Financial Assurances in the amount of \$89,370 for 30 acres, at \$2,979 per acre.

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.

Motion by Mike Timmons, second by Steve Schreier to approve the conditional use permit application as the general standards of approval have been met and with the conditions suggested by staff.

Amended motion by Mike Timmons, second by Steve Schreier to include a window of opportunity to include crushing on an occasional Saturday, if needed. With all members present voting “aye”, the motion carried.

Adjourn.

2:45 p.m. There being no further matters to lawfully come before the committee, Vice-Chair Fried adjourned the meeting.

Chair, Scott Holewinski

Planning & Zoning Director, Karl Jennrich