RESOLUTION # 56-2025 1 2 REZONE PETITION FOR THE TOWN OF STELLA 3 **REZONE PETITION #05-2025** 4 5 Resolution offered by the Planning and Development Committee 6 7 Resolved by the Board of Supervisors of Oneida County, Wisconsin: 8 9 WHEREAS, the Planning and Development Committee having considered Rezone Petition 05-10 2025 (copy attached), which was filed June 13, 2025, to amend the Master Zoning District Document and the Oneida County Official Zoning District Boundary Map, and having given 11 notice thereof as provided by law and having held a public hearing thereon August 20, 2025, 12 pursuant to § 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to 13 14 the changes which are as follows: 15 To rezone land from District #11 Shoreland-Wetland to District #02 Single Family Residential for 16 17 property described as being part of Government Lots 6 and 7, Section 12, T37N, R10E, PIN ST-18 588, Town of Stella, Oneida County, Wisconsin. 19 This is a wetland disturbance described as an area of fill approximately 983.4 square feet with a 20 total fill amount of 0.02 acres of wetland for the purposes of constructing an attached garage. 21 22 23 And being duly advised of the wishes of the people in the area affected as follows: 24 25 WHEREAS, the owner is requesting the rezone to construct a 28 foot by 34 foot attached 26 garage; and 27 28 WHEREAS, the garage is to be located in a mapped shoreland wetland designated as "S3K" 29 shrub swamp wetland community on the Wisconsin Wetland Inventory Map; and 30 31 WHEREAS, the owner has received the Wisconsin Department of Natural Resources' approval GP-NO-2024-44-01092 allowing 1,186 square feet or 0.027 acres of fill; and 32 33 WHEREAS, the Town of Stella approved the request (copy attached); and 34 35 36 WHEREAS, On August 20, 2025, the Planning and Development Committee held a public hearing and the adjoining landowners were provided with a written notice of the change and 37 there were no public comments received, 0 people spoke in favor, 0 people spoke against, and 38 0 people spoke in ambiguity of the proposed changes; and 39 40 41 WHEREAS, the Planning & Development Committee has reviewed the general standards as 42 specified in Section 9.86(F) of the Oneida County Zoning & Shoreland Protection Ordinance 43 and concluded that the standards have been met. The Planning & Development Committee recommends passage. 44

**WHEREAS**, the Planning and Development Committee has reviewed the general standards as specified in Section 9.91(F)(2) of the Oneida County Zoning and Shoreland Protection Ordinance and concluded that the proposed rezoning will not result in a significant adverse impact upon any of the following:

- a. Storm and flood water storage capacity;
- b. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
- c. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- d. Shoreline protection against soil erosion;
- e. Fish spawning, breeding, nursery or feeding grounds;
- f. Wildlife habitat; or
- g. Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04 which can be accessed at the following web site: http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf

NOW THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS: Petition #05-2025:

- Section 1: Any existing ordinances, codes, resolutions, or portion thereof in conflict with this ordinance shall be and are hereby repealed as far as any conflict exists.
- Section 2: The ordinance shall take effect the day after passage and publication as required by law.
- 71 Section 3: If any claims, provisions, or portions of this ordinance are adjudged
- unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.
- 74 Section 4: Rezone Petition #05-2025 is hereby adopted amending the Master Zoning
- 75 District Document and the Oneida County Official Zoning District Boundary Map, by changing
- the zoning district classification from District #11 Shoreland-Wetland to District #02 Single
- 77 Family Residential on property described as follows:

Being part of Government Lots 6 and 7, Section 12, T37N, R10E, PIN ST-588, Town of Stella, Oneida County, Wisconsin.

The County Clerk shall, within seven (7) days after adoption of Rezone Petition #05-2025 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to the Stella Town Clerk.

Approved for presentation to the County Board by the Planning and Development Committee this 3<sup>rd</sup> day of September, 2025.

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127	Tracy Hartman, County Clerk	Russ Fisher, (	Jounty Board	vice-Chair

# Consent Agenda

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Resolution # 51 – 2025: Offered by the Supervisors of the Public Works and Land Records Committees to Release and Convey Excess CTH G Right-of-Way to Justin R. Lechner and Markella L. Lechner. Resolution # 52 – 2025: Offered by the Supervisors of the Land Records Committee to Convey Tax Foreclosed and other County Real Estate PIN: PE-177-1A to Anthony Richard Jones.

Resolution #53 – 2025: Offered by the Supervisors of the Conservation and UW-Extension Education Committee to Apply for a WDNR Clean Boats, Clean Waters Grant.

Resolution #54 – 2025: Offered by the Supervisors of the

Conservation and UW-Extension Education Committee to Apply for a WDNR Lake Monitoring and Protection Network (LMPN).

Resolution # 55 – 2025: Offered by the Supervisors of the Public

Works and Solid Waste Committee to Reimburse the Town of Minocqua One-Half of the Cost of Installing a Culvert Over Little Willow Creek on Price County Road.

Resolution # 56 – 2025 / Rezone Petition # 05 – 2025: Offered by the Resolution # 56 – 2025 / Rezone Petition # 05 –

Resolution # 56 – 2025 / Rezone Petition # 05 – 2025: Offered by the Supervisors of the Planning and Development Committee to Rezone Land from District #11 Shoreland-Wetland to District #02 Single Family Residential for Property Described as Pin ST-588 in the Town of Stella.

Resolution # 57 – 2025 / Rezone Petition # 04 – 2025: Offered by the Resolution # 57 – 2025 / Rezone Petition # 04 – 2025:

Resolution #57 – 2025 / Rezone Petition #04 – 2025: Offered by the Supervisors of the Planning and Development Committee to Rezone Land from District #04 Residential and Farming to District #02 Single Family Residential for Property Described as PIN's NE-229, NE-229-5, NE-229-6, NE-229-7 and NE-229-8 in the Town of Newbold.

Resolution # 58 – 2025: Offered by the Supervisors of the Executive Committee to Authorize the Expenditure of Opioid Settlement Funds Allocated to Oneida County in Accordance with Wisconsin Act 57 Of 2021 and Oneida County Resolution #58 – 2022 for the Purpose of Creating and Funding 50% of Peer Support Positions.

Resolution # 59 – 2025: Offered by the Supervisors of the Executive Committee to Authorize the Reimbursement of Stipend and Expenses Submitted Retroactively for a Limited Time.

# Rezone Petition #05-2025 Town of Stella to change from District #11 Shoreland Wetland District to District #2 Single Family Residential.

Property described as being part of Government Lots 6 and 7, Section 12, t37N, R10E, PIN ST-588, Town of Stella.

This is a wetland disturbance described as an area approximately 983.4 square feet with a total fill amount of .02 acres of wetland for the purposes of constructing an attached garage.

Authored by: Lee and Joan Neustedter Landowner: Lee and Joan Neustedtler Public Hearing: August 20, 2025

Lee and Joan Neustedter would like to fill a portion of a Shoreland Wetland, a mapped wetland designated as "S3K" shrub swamp wetland community on the Wisconsin Wetland Inventory Map. The purpose of the wetland fill is to construct an attached garage 28x34' garage. The Neustedtler's have received the following approvals:

1. Wisconsin DNR approval GP-NO-2025-44-01092

An enclosed map shows the actual area that is requested to be rezoned and filled.

In order for the committee to approve a wetland-rezoning petition the committee must review Section 9.91(F) of the Oneida County Zoning and Shoreland Protection Ordinance.

Summary review of Section 9.91 (F) 2.

- 2. A wetland, or a portion thereof, in the Shoreland-Wetland District, shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
  - a. Storm and flood water storage capacity;
  - b. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
  - c. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
  - d. Shoreline protection against soil erosion;
  - e. Fish spawning, breeding, nursery or feeding grounds;
  - f. Wildlife habitat; or
  - g. Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04 which can be accessed at the following web site: http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf

# ONEIDA COUNTY PLANNING & ZONING DEPARTMENT

Courthouse Building

1 South Oneida Avenue, P.O. Box 400

Rhinelander, WI 54501 Phone: (715)369-6130 Fax: (715)369-6268

Email: zoning@oneidacountywi.gov

#20 in 1

June 13, 2025

Stacy Schickert Stella Town Clerk P.O. Box 1141 Rhinelander, WI 54501

RE:

Rezone Petition #05-2025 by Lee and Joan Neustedter, owners, to rezone from District #11 Shoreland-Wetland to District #02 Single Family Residential for property described as being part of Government Lots 6 and 7, Section 12, T37N, R10E, PIN ST-588, Town of Stella.

Minocqua Branch Office

415 Menominee Street, P.O. Box 624

Minocqua, WI 54548

Phone: (715)369-6130

Email: zoning@oneidacountywi.gov

Dear Ms. Schickert:

Enclosed for your review and consideration is a Rezone Petition for the above-described property. The request is to change the zoning designation from District #11 Shoreland-Wetland to District #02 Single Family Residential. A section for each district contained in Chapter 9, Article 2 of the Oneida County Zoning and Shoreland Protection Ordinance is enclosed for your reference to show the uses for the districts. The reason for the change request is to allow filling of a mapping shoreland wetland for the construction of a garage.

The Planning and Development Committee will be holding a public hearing after action by your Town Board. I have also enclosed a mailing list with individuals that will be notified of the public hearing that the County will be holding. Your town may want to notify the individuals on the list when your Planning Commission and/or Town Board is discussing and/or taking action on the request. The County also requests that your Town Planning Commission/Town Board review the proposed Rezone Petition to see if it is consistent with your adopted Comprehensive Plan or Coordination Plan.

If you have any questions or concerns, please feel free to contact our department at the number listed above.

Respectfully,

Karl Jennrich Director

KJ/mt

Enclosures:

Rezone Petition

Mailing List

Chapter 9, Article 2

Cc w/encl.:

Greg Oettinger, District #8 Supervisor

# 9.22 SINGLE FAMILY RESIDENTIAL (DISTRICT 2) (#08-2000, 19-2001, 83-2003 & 11-2004, 14-2008)

# A. Purpose

The purpose of the Single Family Residential District is to provide an area of quiet seclusion for families. This is the county's most restrictive residential zoning classification. Motor vehicle traffic should be infrequent and people few.

# B. Permitted Uses

- 1. Single family dwellings, including long-term single-family rental and lease arrangements requiring a 30 consecutive day minimum length of stay.
- 2. Community and other living arrangements as allowed by sec. 59.69, Wis. Stats., that are properly licensed by the appropriate state agency and that have the capacity for eight or fewer persons.
- 3. Silviculture
- 4. Gardens and greenhouses for home use
- 5. Historical markers
- 6. Growing and harvesting of any wild crop such as wild rice, ferns, mosses, berries, mushrooms, tree fruits and seeds, and marsh hay.
- 7. An accessory structure may be constructed on a vacant unimproved lot but only in conformity with Section 9.20(E).

# C. Administrative Review Uses

- 1. Cemeteries
- 2. Day care centers if a home occupancy, and only in accordance with the provisions of section 9.43 regarding home occupations
- 3. Telephone and public utility lines and transmission facilities. Communication structures regulated pursuant to section 9.54 are prohibited in this district, except for government owned or contracted operations
- 4. Customary home occupations, provided the space requirements do not exceed that which is customary for a family dwelling and accessory buildings and only in accordance with the provisions of section 9.43 regarding home occupations
- 5. Professional and service offices such as: doctor, dentist, lawyer, accountant, insurance, artist and musician when situated in a dwelling and only in accordance with the provisions of section 9.43 regarding home occupations
- 6. Bed and breakfast establishments with 2 or fewer guest rooms

# D. Conditional Uses

- 1. Churches, schools, libraries, community buildings and museums
- 2. Community living arrangements with 9 or more residents. The county may review the CUP after issuance, pursuant to sec. 59.69, Wis. Stats.
- 3. Governmental uses
- 4. Bed and breakfast establishments with 3 or more guest rooms
- 5. Public parks and playgrounds

6. Pre-existing, licensed resorts, hotels, motels and tourist rooming houses, individual unit replacements or expansions consistent with the number and/or square footage permitted under Appendix A.

# E. Prohibited Uses

Any expansions in size, capacity or hours of operation are strictly prohibited for existing, camps, campgrounds, marinas, and business establishments other than D(6) above, located in the Single Family Residential District that were established and operating prior to December 27, 2004.

# F. Minimum Lot Sizes

The minimum lot size requirements for the Single Family Residential District are contained in Appendix A, which is incorporated herein by reference. For any lot or tract of land that does not meet the minimum size requirements for this district as set forth in Appendix A, see Section 9.75 of this ordinance.

# 9.91 SHORELAND-WETLAND ZONING (DISTRICT 11)

# A. Purpose

This district is adopted to maintain safe and healthful conditions, to prevent water pollution, to protect fish, aquatic life, fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

# B. Designation

This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory maps as depicted on the Department of Natural Resources Surface Water Data Viewer <a href="https://dnrmaps.wi.gov/H5/?viewer=SWDV">https://dnrmaps.wi.gov/H5/?viewer=SWDV</a>.

# C. Shoreland-Wetland District Boundaries

Where an apparent discrepancy exists between the Shoreland-Wetland District boundary shown on the Wisconsin Wetland Inventory maps and actual field conditions at the time the maps were adopted, the zoning administrator shall contact the Northern Region Service Center of the DNR to determine if the Shoreland-Wetland District boundary, as mapped, is in error. If the DNR staff concur with the zoning administrator that a particular area was incorrectly mapped as a wetland or meets the wetland definition the zoning administrator shall have the authority to immediately grant or deny a permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the Wisconsin Wetland Inventory maps, the zoning administrator shall be responsible for initiating a shoreland-wetland map amendment within a reasonable period of time.

# D. Permitted Uses (NR 115.04(3))

The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of chs. 30, 31 and s. 281.36, Wis. Stats., and the provisions of other applicable local, state and federal laws:

- 1. Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating except as allowed under sections 9.91(D)(1, 2 and 3).
  - a. Hiking, fishing, trapping, hunting, swimming, and boating;
  - b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
  - c. The pasturing of livestock;
  - d. The cultivation of agricultural crops;
  - e. The practice of silviculture, including the planting, thinning, and harvesting of timber; and
  - f. The construction or maintenance of duck blinds.

- 2. Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
  - a. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.
  - b. The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries.
  - c. The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible.
  - d. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance.
  - e. The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance.
  - f. The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- 3. Uses which require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:
  - a. The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
    - (1) The road cannot as a practical matter be located outside the wetland:
    - (2) The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in section 9.91(F)(2);
    - (3) The road is designed and constructed with the minimum crosssectional area practical to serve the intended use; and
    - (4) Road construction activities are carried out in the immediate area of the roadbed only.
  - b. The construction or maintenance of nonresidential buildings provided that:
    - The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;
    - (2) The building cannot, as a practical matter, be located outside the wetland:
    - (3) Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area; and
    - (4) Only limited filling or excavating necessary to provide structural support for the building is authorized.
  - c. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish

hatcheries, and public boat launching ramps and attendant access roads, provided that:

- (1) Any private development is used exclusively for the permitted use and the applicant has received a permit or license under ch. 29, Wis. Stats., where applicable;
- (2) Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in section 9.91(D)(3)(a)(1-4); and
- (3) Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
- d. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:
  - (1) The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
  - (2) Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in section 9.91(F)(2).

# E. Prohibited Uses

Any use not listed in section 9.91(D) is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with sec. 59.69(5)(e), Wis. Stats., Wis. Admin. Code NR 115, and section 9.91(F) of this ordinance.

# F. Rezoning

- For all proposed text and map amendments to the Shoreland-Wetland District, the Northern Region Service Center of the DNR shall be provided with the following:
  - a. A copy of every petition for a text or map amendment to the Shoreland-Wetland District, within five (5) days of the filing of such petition with the County Clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;
  - b. Written notice of public hearing to be held on a proposed amendment, at least ten (10) days prior to such hearing.
  - c. A copy of the committee's findings and recommendations on each proposed amendment, within ten (10) days after the submission of those findings and recommendations to the County Board; and d. Written notice of the County Board's decision on the proposed amendment, within ten (10) days after it is issued.
- 2. A wetland, or a portion thereof, in the Shoreland-Wetland District, shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

a. Storm and flood water storage capacity;

b. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;

c. Filtering or storage of sediments, nutrients, heavy metals or organic

compounds that would otherwise drain into navigable waters;

- d. Shoreline protection against soil erosion;
- e. Fish spawning, breeding, nursery or feeding grounds;

f. Wildlife habitat: or

- g. Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04 which can be accessed at the following web site: http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf
- 3. If the DNR has notified the committee that a proposed amendment to the Shoreland-Wetland District may have a significant adverse impact upon any of the criteria listed in section 9.91(F)(2) of this ordinance, that amendment, if approved by the County Board, shall contain the following provision:

"This amendment shall not take effect until more than thirty (30) days have elapsed since written notice of the County Board's approval of this amendment was mailed to the DNR. During that 30 day period the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the county under sec. 59.692(6), Wis. Stats. If the Department of Natural Resources does so notify the County Board, the effect of this amendment shall be stayed until sec. 59.692(6), Wis. Stats., adoption procedure is completed and otherwise terminated."

GIS_PIN	GIS_PIN OWNERSEARCHNAMES	PstlAddressLine1	PstlCity	PetiState	Det 7in	Rriof Logal	Τουν.	Touton Continu	Cortion
ST-171	ST-171 JEF INCOME TRUST	5171 WILDLIFE TRL	THREE LAKES	W		28/728022 PT G L1 16.35CA MFL CLOSED #44 055 2014 728022 FOR DEED	NZET	R10E	12
ST-172	JEF INCOME TRUST	5171 WILDLIFE TRL	THREE LAKES	IM	54562	Doc 734428/728022 G L 2 45.77CA MFL CLOSED #44 055 2014 SEE T37N DOC 728022 FOR DEED	NZET	R10E	12
51-174	ST-174 RICHARD FRENCH JR ETAL	2311 SPRING DR	RHINELANDER	W	54501	Doc 827958/814373 PT G.L. 8 DESC IN ? SHLD EXC PLAT SEE V805-477 FOR DEED (3 OWNERS) MFL CLOSED #44 016 2020 23.54A (MFL DOCS 801138 & 814373)	N7ET	R10E	
ST-174-A	ST-174-A JEF INCOME TRUST	5171 WILDLIFE TRL	THREE LAKES	W	54562	Doc 734428/728022 PT G L 6 1.75CA/-SA SEE DOC #728022 FOR T37N DEED MFL CLOSED #44 055 2014 SCRIV ERR DOC 728022 SEE LIO LTR	T37N	R10E	12
ST-588	NEUSTEDTER REVOC TRUST	17100 LAKE RD	BROOKFIELD	IW	53005-5721	Doc 493276/359-629 PT G.L. 7 & G 130' WF LOT 1 UNRCD GEORGE WOLFF'S PLAT (SM 81382)	NZET	R10E	12
ST-589	ST-589 JOSEF ACKERMANN MATTHEW ACKERMANN	9410 LAMBERT ST	ROTHSCHILD	WI	54474	Doc 593777/412-204 PT G.L. 7 & 6 LIFE EST GEORGE & HELEN ACKERMANN LOT 2 & S 1/2 LOT 3 UNRCD GEORGE WOLFF'S PLAT (SM B1382)	NZET	R10E	12
ST-591	MICHAEL HICKERSON LESLIE HICKERSON	5075 WILDLIFE TRL	THREE LAKES	IM	54562	Doc 714546/661537 PT G.L. 7 & 6 2.32CA/-SA LOT 4 & PT LOT 3 SM B1382	T37N	R10E	12
ST-592	RUSSELL DURKEE LIVING TRUST BINU PHILIP DURKEE LIVING TRUST	E2995 HAILEY LN	EAU CLAIRE	M	54701	Doc 848457/832023 PT G L 7 & 6 LOT 5 UNRCD GEORGE WOLFF'S PLAT SM B8328 1.37SA	T37N	R10E	12
ST-593	ST-593 DEAN BAUMANN	161435 RIVER HILLS RD	WAUSAU	W	54403	Doc 750475/643519 PT G L 7 & G LOT 6 UNRCD GEORGE WOLFF'S PLAT (SM B1382) LIFE EST BETTY K BAUMANN SEE DOC 643519 FOR OWNERSHP	T37N	R10E	12
ST-696	ST-696 WILLIAM PETERS ETAL	7117 PINE GROVE LN	TWO RIVERS	MI	54241	Doc 727008/711904 BIRCH RIDGE LOT 1 BNG PT G L 8 & 9 (4 OWNERS) OWNERSHIP INT IN ? DOC 727008 SEE LIO LTR	T37N	R10E	12
ST-697	ST-697 BRIAN STOTT	W285N7558 BARK RIVER RD	HARTLAND	M	53029	Doc 838403/616649 BIRCH RIDGE LOT 2 150'	T37N	R10E	12

### **FEIIIIUN**

Petition No. 05-2

Receipt No. 1/2 To: Oneida County Board of Supervisors \$1000,00 Oneida County Clerk, Courthouse P.O. Box 400 OFFICE OF COUNTY CLERK Rhinelander, WI 54501 RECEIVED ONEIDA COUNTY JUN 1 3 2025 MAY 1 9 2025 Ladies and Gentlemen: ONEIDA COUNTY ONEIDA COUNTY CLERK The undersigned hereby petitions the Oneida County Board of Supervisors to change the Zoning district classification the following described land in the Town Oneida County, Wisconsin, from #11Shoreland Wetlandzoning district to #2 Single zoning district: Insert property description. Attach map. a Bedroom cabin located on wildlife on 1.98 Acre lot with an approved Reason for rezone: Build a garaje Respectfully submitted on the 15<sup>th</sup> day of May Àgent Owner Name: Name: Veustedter Kevac TRUST Address: City/State/Zip: Telephone No: Signature

# **NOTICE TO PETITIONERS**

Procedures to rezone/amend this ordinance are required to comply with the provisions of statute and administrative rule as described in Section 9.86 of the Oneida County Zoning and Shoreland Protection Ordinance.

- 1. You are required to pay a fee in the amount of \$600.00 payable to Oneida County Planning and Zoning at the time your petition is filed.
- 2. Petitions shall be filed with the County Clerk at least two weeks in advance of the County Board meeting at which your petition will be considered.
- 3. Notice of Public Hearing on your petition will be published as a Class II Notice under Chapter 985, Wisconsin Statutes. You or your agent are required to attend the hearing and will be notified of the time and location.
- 4. You must provide a (plat/wetland/floodplain) map with the boundaries of any area you wish to rezone clearly depicted.
- 5. The criteria which the Planning & Development Committee must consider in order to reach a decision on your petition are stated in the ordinance:

Section 9.86 – Floodplain & Comprehensive Section 9.91 (F) – Shoreland – Wetland

You must provide a written statement to the committee addressing each of these criteria as they relate to your proposed amendment/rezoning.

# Shoreland-Wetland Rezoning/Amendment Criteria

<u>Section 9.91 (F)(2)</u> A wetland, or a portion thereof, in the Shoreland-Wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

- 1. Storm and flood water storage capacity.
- 2. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland.
- 3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.
- 4. Shoreline protection against soil erosion.
- 5. Fish spawning, breeding, nursery or feeding grounds.
- 6. Wildlife habitat.
- 7. Areas of special recreational, scenic or scientific interest, including scarce wetland types.

Section 9.91 (F)(3) If the Department of Natural Resources (DNR) has notified the committee that a proposed amendment to the Shoreland-Wetland District may have a significant adverse impact upon any of the criteria listed in Section 9.91 (F)(2) of this ordinance, that amendment, if approved by the County Board, shall contain the following provision: "This amendment shall not take effect until more than thirty (30) days have elapsed since written notice of the County Board's approval of this amendment was mailed to the DNR. During that 30-day period the DNR may notify the County Board that it will adopt a superseding Shoreland Ordinance for the county under sec. 59.692 (6), Wis. Stats. If the DNR does so notify the County Board, the effect of this amendment shall be stayed until sec. 59.692 (6), Wis. Stats., adoption procedure is completed and otherwise terminated."

May 14th 2025

Oneida County Board of Supervisors Oneida County Clerk, Courthouse PO Box 400 Rhinelander, WI 54501

Enclosed along with this petition are maps with the boundaries of the area to be rezoned along with the documentation that explains the proposed project in the following areas

- Approval from DNR General Permit for Wetland Disturbance GP-NO-2025-44-01092
- Wetland Delineation Report
- Project Description/Purpose
- Methods of Construction
- Erosion Control Measures
- Long Term Site Management
- Excavating Assessment

Please review and if any additional details is necessary please let us know

Lee & Joan Neustedter 17100 Lake Road Brookfield, WI 53005 State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
107 Sutliff Ave.
Rhinelander, Wi 54501

Tony Evers, Governor Karen Hyun, Ph.D., Secretary Telephone 608-266-2621 Toll Free 1-888-936-7463 TTY Access via relay - 711



5/8/2025

GP-NO-2025-44-01092

Joan Neustedter 17100 Lake Road Brookfield, WI 53005

RE: Coverage under the wetland statewide general permit (WDNR-GP1-2023) for Wetland Disturbance - Residential/Commercial/Industrial, located in the Town of Stella, Oneida County

Dear Joan Neustedter:

Thank you for submitting an application for a General Permit for Welland Disturbance of 1,186 square feet for residential use located in the SE 1/4 of NW 1/4, Section 12, Township 37, Range 10E, Town of Stella, Oneida County. Based on the application information submitted, your project meets the eligibility criteria for this activity, so you may proceed with your project.

### FINDINGS OF FACT

1. The project consists of expanding an existing residential dwelling with an attached garage.

resulted in reducing to the maximum extent practicable to 1,186 square feet.

- 2. The Department has completed an evaluation of the project site and plans and has determined that the project site and project plans as described in the submitted application meet the standards to qualify for this General Permit.
- 3. The proposed project, if constructed in accordance with this permit, will not adversely affect water quality, will not increase water pollution in surface waters, and will not cause environmental pollution as defined in s. 283.01(6m), Wis. Stats.
- 5. No practicable alternative exists which would avoid adverse impacts to wellands, and the project will result in the least environmentally damaging practicable alternative taking into consideration practicable alternatives that avoid welland impacts.
  6. All practicable measures to minimize adverse impacts to the functional values of the welland have been taken. The project planning began with proposed welland fill above 3,000 square feet and through preapplication meetings with the Department,

# STANDARDS AND CONDITIONS

You are responsible for meeting all general permit eligibility standards and permit conditions. Please re-read the permit eligibility standards and conditions attached to this letter in the final statewide general permit document. This includes notifying the Department before starting the project and submitting photographs within one week of project completion. Please note your coverage is valid for 5 years from the date of the department's determination or until the activity is completed, whichever occurs first.

You are also responsible for obtaining any other local, state, tribal, or federal permits that are required before starting your project. Note that U.S. Army Corps of Engineers and local zoning authorization for work in floodplains or shorelands may also be required for your project.

### **EXPIRATION**

This activity is authorized under WDNR-GP1-2025 for a period of 5 years from the date of this letter or until the activity is completed, whichever occurs first.

### INSPECTIONS AND PROJECT MODIFICATIONS

The Department conducts routine and annual compliance monitoring inspections. Our staff may follow up and inspect your project to verify compliance with state statutes and codes and the requirements and conditions of this general permit.

### NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions shall be filed. To seek a contested case hearing under section 227.42, Wis. Stats., you have 30 days after the date of the decision to serve a petition for hearing on the Department. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

If you have questions about this letter or need to modify your project, please contact me, your local Water Management Specialist, Nicole Hays, at (715) 628-0069 or at nicole.hays@wisconsin.gov to discuss your proposed modifications and determine next steps.

Sincerely,

Nicole Hays

Water Management Specialist

Email CC:

USACE Project Manager County Local Zoning Administrator

WDNR Conservation Warden



# WDNR Professionally Assured Wetland Delineation Report

Neustedter Property

Town of Stella

Oneida County, Wisconsin

November 18, 2023





# WDNR PROFESSIONALLY ASSURED WETLAND DELINEATION REPORT

# NEUSTEDTER PROPERTY TOWN OF STELLA ONEIDA COUNTY, WISCONSIN

November 18, 2023

Prepared for:

Neustedter Revocable Trust 17100 Lake Road Brookfield, Wisconsin 53005

Prepared By:

Wetlands and Waterways, LLC 5742 Warbonnet Lane Hazelhurst, Wisconsin 54531 (715) 892-4211

Ann M. Key, PSS, PWS, CST WDNR Professionally Assured Wetland Delineator

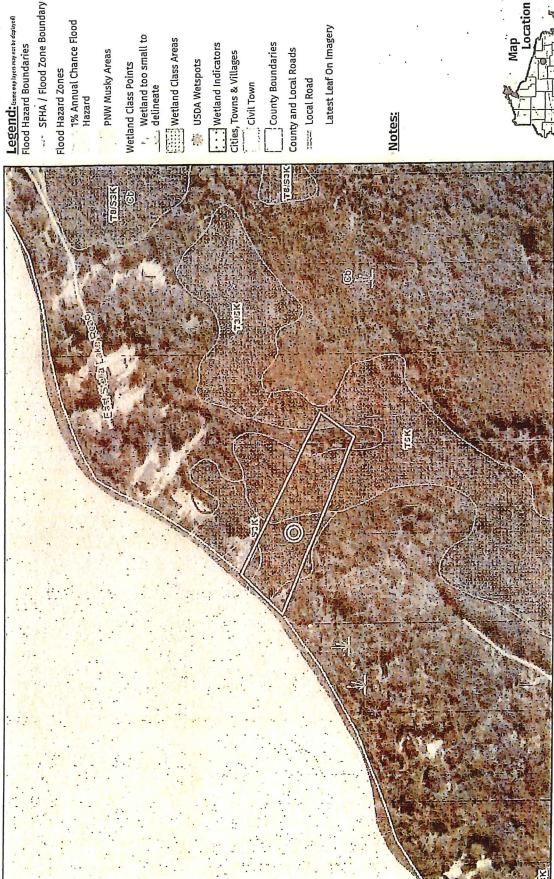
Ann Key



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Service Layer Credits:
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PNW Musky Areas

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Wetland Class Areas

USDA Wetspots

... Wetland Indicators Cities, Towns & Villages

Civil Town

County Boundaries County and Local Roads ---- Local Road Latest Leaf On Imagery

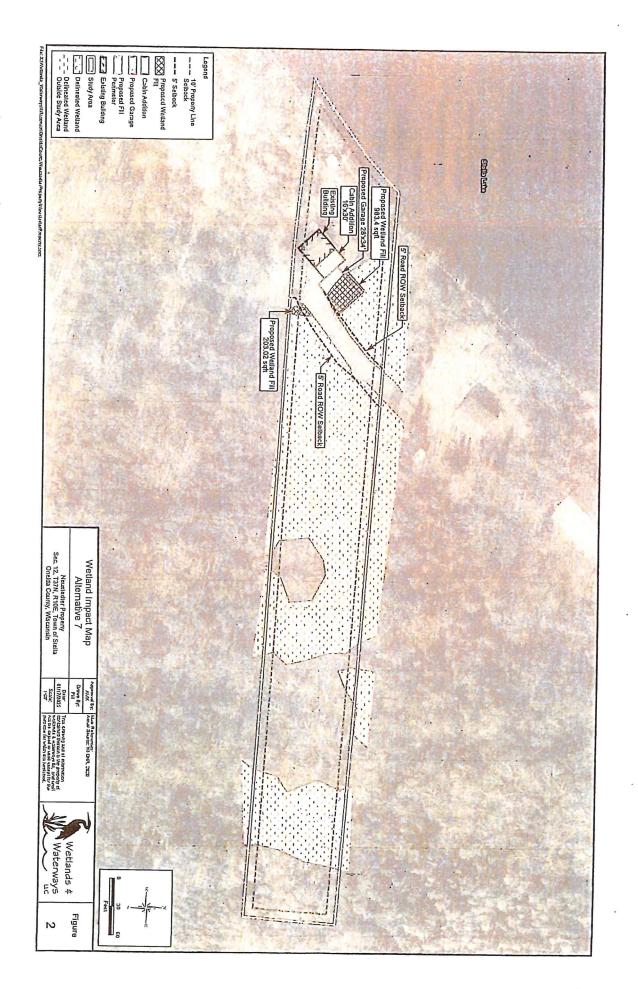
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Ugina tente or survey and we have been prepared for or be sutable for legal, engineering, or surveying purposes. The user is solely responsional for informational purposes only and may not have been prepared for or be sutable for legal, engineering, or surveying purposes. The user is solely responsional for information before using for any purpose. By using this product for any purpose user is agrees to be bound by all discrisimens found hore: <a href="https://drawdiscomes.comes">https://drawdiscomes.come

550 Feet

Date Printed: 4/10/2025 8:42 AM



Project Narrative
Neustedter Property
5051 Wildlife Trail, Town of Stella, Oneida County, Wisconsin

TOTAL Proposed Wetland Disturbance = 1,186.43 square feet (0.027 acres)

Site Background and Proposed Project

# Site History

Lee & Joan Neustedter purchased a lot on Stella Lake in 1972 and built a 2 bedroom 1 bath cabin in 1976 for themselves and their four young children. Now 50 years later the family has grown to include 8 grandleds that all enjoy vacationing at the cabin with their parents and grandparents. However, the cabin has always been too small to have more than one family stay at the same time and to store their boat and outdoor items between visits. Lee is now 87 and Joan 85 and they want to have room for the kid's families and for them to vacation together and a shared family cabin for the years to come. The Neustedters have lived in the Milwaukee their entire lives yet the cabin is the place of the most special memories for the family.

The property is on 1.98 acres with lake frontage. The cabin was built on solid ground in 1976 yet the surrounding area on both sides of the private Wildlife Trail that leads to the cabin are designated as a wetland. For the first ten years of ownership, there were only trailers on Wildlife Trail. Over the years since, the private road at least five of the fifteen property owners have moved the private road back away from the lake to build their cabins and multi-car garages. Our lot is where the road dead ends and there is only one trailer remaining on Wildlife Trail. The lot to the south is accessible by a different road, Spring Drive that you get to from Highway C near Rhinelander. Due to township and preferences of the Spring Drive landowner, the roads do not connect. Both of the Neustedter's immediate neighbors have owned their property the entire time that they have or longer.

Stella Lake has a lake association for which those on the private Wild Life Trail all contribute to the annual maintenance of the road that branches off of East Stella Lake Road. The association does other lake projects such as stocking walleye in the lake and addresses community concerns that might impact Stella Lake.

# Purpose and Need for Project

The property is titled the property in the name of a trust (Neustedter Revocable Trust) because it is Lee and Joan's intent for the lids and grandkids to share in the years to come. The Neustedter's intend to build a garage with a small workshop, have on-site storage and be able to park a car inside. The on-site storage would be for our 21ft deck boat, snow blower, lawn tractor and for each family to have a stall to store their items. The families' items include a kayak, canoe, paddleboards, mountain bikes and two future snowmobiles/trailer and to park a car inside during the winter. The Neustedters are unable to store their motor boat on site out of the elements and have to transport some items back and forth to Milwaukee.

The utility that the additional garage space would provide would allow generations of the Neustedter family to enjoy the Northwood's area. The families are not able to experience their vacations together with the cabin and lack of storage as it is today. They need to transport the items mentioned above for off-site storage with each season or each visit.

Oneida County Planning & Zoning has visited the site for a building permit to embark on a small expansion to the family room and to add a bedroom and bath. The Oneida Country Zoning Technician provided reassurance that the plans presented here are reasonable and that their office would issue the building permit if there was first a wetland delineation request approved. Additionally an excavator has surveyed the lot and determined building the garage would "suitable to place a foundation for a structure".

The limited cabin space requires that each family allot their time separately and not leave their recreation items at the cabin. The best use of the property would be with family not to having to transport their equipment

# Wetland General Permit Application Project Narrative

back and forth 200 miles to Milwaukee. The families take turns who can go to the cabin in the winter and the summer. They also are starting to go more in the fall and the spring and would like to spend time there year round as they near their retirement years.

# Proposed Project

The proposed project is to build a garage for parking and storage on the only available land. There are two feasible building spots on the property, located to the north or the north east of the cabin due to property and frontage setback restrictions. These two building sites are separated by Wildlife Trail and both are designated as wetland. The proposed garage would be built on the west side of the existing road to the north of the cabin. The preferred alternative site would disrupt a minimal area of wetland. The total wetland fill requested for this project would be limited to 1,186.42 square feet or 1.36% of the property.

### Methods of Construction

The garage will be constructed primarily in wetland with mucky soils. Prior to any soil disturbance, silt fence will be placed along the outer perimeters of the proposed fill areas and will remain in place during construction to prevent erosion or accidental filling of wetlands beyond the permitted areas. Wetland flagging and stakes are in place to ensure that contractors place silt fence in the appropriate location and are aware of wetland boundaries during construction.

The proposed impact areas will first be cleared of vegetation and stubbed and grubbed. Removal of muck or excavation of existing soils may be required for the garage slab and to provide a level compact surface for construction. Any soil and/or vegetation excavated from the building site must be bauled to an approved upland location where it cannot drain or erode into any adjacent wetlands or waterbodies.

Geotextile fabric will be placed prior to placement of fill in the permitted wetland areas. Fill will consist of grading from large rock at the base of the fill, topped with smaller rock, and final gravel aggregate at the surface, all compacted frequently to ensure a solid building base. A slab and the proposed garage structure will be constructed on top of the aggregate fill pad. The fill area sideslopes are proposed to be 1:1 to in order to reduce the overall fill footprint and minimize wetland fill to the maximum extent possible.

### Schedule and sequence of work

The project is proposed to occur between May 27th 2025 and November 1st, 2025 depending on contractor availability, materials availability and weather.

The schedule is subject to change slightly based on the landowner and contractor schedules.

- 1. Stubbing and grubbing of woody vegetation within construction area 2025 May 27th May 30th
- 2. Installation of erosion control along construction area perimeter 2025 June 2nd.
- 3. Construction of aggregate fill pad 2025 June 15th through June 31st
- 4. Construction of footings, slabs and structures 2025 July 1st through November 1st.

### Erosion Control Measures

Silt fence will be placed along the outer perimeter of the proposed fill areas and will remain in place during construction to prevent erosion or accidental filling of adjacent wetlands. Clean, weed-free rock and aggregate will be hauled to the property by dump truck and dumped at the site in an approved upland location and carefully spread into place with an excavator.

All exposed areas will be compacted in 6 to 8-inch lifts during the construction process. Additional erosion control measures, including rock bags for silt fence relief, ditch checks and rip-rap may be used where necessary to stabilize slopes and prevent post-construction erosion where applicable. Silt fence and any other temporary erosion control measures should remain in place until the site is well stabilized.

# Wetland General Permit Application Project Narrative

Sideslopes will be stabilized with erosion control mat or other appropriate materials to reduce erosion and sedimentation of exposed soils into adjacent wetlands.

If any exposed areas can be revegetated, then seeding with a native seed mix shall be conducted. Certified "Weed Free" seed mix shall be used in to prevent introduction of invasive species.

# Disposal Area for Dredged Materials

Removal of muck or excavation of existing soils will be required for concrete footings and to provide a level compact surface for construction. Any soil and/or vegetation excavated from the building site must be hauled to an approved upland location where it cannot drain or erode into any adjacent wetlands or waterbodies.

# **Proposed Wetland Impacts**

Approximately 1,186.42 square feet (0.027 acres) of Wetland 1, classified as a Shrub Swamp (S3K) wetland community, is proposed to be impacted as part of this project.

# Average dimensions of the proposed wetland fill areas:

# Garage construction;

- 32' long (north to south) x 30.7' wide (west to east)
- 131 cubic yards of wetland fill

# Dominant Wetland Vegetation in Wetland 1 near proposed cabin and garage expansion

The dominant vegetation within the proposed wetland impact area of Wetland 1 consists of;

- Acer rubrum (Red Maple FAC)
- Fraximus nigra (Black Ash FACW)
- Alnus incana ssp. rugosa (Speckled Alder FACW)
- Carex lacustris (Lake Sedge OBL)
- Onoclea sensibilis (Sensitive Fern FACW)
- Equisetum sylvaticum (Woodland Horsetzil FACW)

A wetland delineation was conducted on September 20, 2023 by Ann M. Key, PSS, PWS, CST, WDNR Professionally Assured Wetland Delineator. The wetland delineation report has been submitted to the WDNR Professional Assurance Program Coordinator. The wetland delineation report along with Wetland Data Sheets is included with this application.

# Long-Term Site Management

The Neustedter family will be responsible for inspection and maintenance of the construction area and perimeter. If erosion or other failures are observed, immediate action can be taken to correct the problems and protect the adjacent undisturbed wetland areas.

# Distance to Nearest Stream or Waterbody

Stella Lake is located approximately 75 feet west of the project area.

Wetland General Permit Application
Project Narrative

<u>Plans and Specifications</u> 5051 Wildlife Trail, Town of Stella, Oncida County, Wisconsin

TOTAL Proposed Wetland Disturbance = 1,186 square feet (0.207 acres)

The proposed project is to construct a garage while utilizing every sq. foot of-available upland, thereby minimizing the total wetland impacts to the maximum extent practicable. In addition, the minimum size building necessary is proposed and sideslopes are reduced from 2:1 to 1:1 to minimize the overall wetland fill footprint. Erosion control mat or another appropriate slope stabilizing material will be placed along the sideslopes to provide the best stability for the sideslope and reduce erosion and sedimentation into the adjacent wetland. This proposed slope is a 1:1 sideslope, much steeper than a typical 2:1 slope. The proposed minimization efforts reduce to the total wetland impact from a maximum of 3,640 sq. feet to 1,186 sq. feet.

# Garage Expansion

The garage will be constructed primarily in wetland with mucky soils. Prior to any soil disturbance, silt fence will be placed along the outer perimeters of the proposed fill areas and will remain in place during construction to prevent erosion or accidental filling of wetlands beyond the permitted areas. Wetland flagging and stakes are in place to ensure that contractors place silt fence in the appropriate location and are aware of wetland boundaries during construction.

The proposed impact areas will first be cleared of vegetation and stubbed and grubbed. Removal of muck or excavation of existing soils may be required for concrete footings and the garage slab to provide a level compact surface for construction. Any soil and/or vegetation excavated from the building site must be hauled to an approved upland location where it cannot drain or erode into any adjacent wetlands or waterbodies.

Geotextile fabric will be placed prior to placement of fill in the permitted wetland areas. Fill will consist of grading from large rock at the base of the fill, topped with smaller rock, and final gravel aggregate at the surface, all compacted frequently to ensure a solid building base. Concrete footings, a slab and the proposed garage structure will be constructed on top of the aggregate fill pad. The fill area sideslopes are proposed to be 1:1 to in order to reduce the overall fill footprint and minimize wetland fill to the maximum extent possible.

If any exposed areas can be revegetated, then seeding with a native seed mix shall be conducted. Certified "Weed Free" seed mix shall be used in to prevent introduction of invasive species.

In addition, measures are proposed to be taken by the contractor to ensure that spread of invasive species does not occur.;

- 1. Prior to leaving the contaminated site, wash machinery and ensure that the machinery is free of all soil and other substances that could possibly contain exotic invasive species;
- 2. Drain all water from construction equipment, trailers, engine compartments, and any other area where water may be trapped;
- 3. Complete the inspection and removal procedure before equipment is brought to the project site and before the equipment leaves the project site.

# Schedule and sequence of work

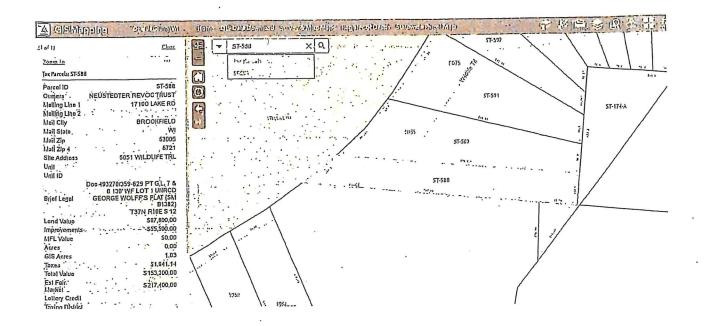
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The schedule is subject to change slightly based on the landowner and contractor schedules.

1. Stubbing and grubbing of woody vegetation within construction area 2025 – May 27th – May 30th

# Wetland General Permit Application Plans and Specifications

- Installation of erosion control along construction area perimeter 2025 June 2nd.
   Construction of aggregate fill pad 2025 June 15th through June 31st
   Construction of footings, slabs and structures 2025 July 1st through November 1st.



Oettinger Excavating & Septic, Inc.
Greg Oettinger
4402 Tenderfoot Rd
Rhinelander, WI 54501
715-369-2872
Fax 715 369-5118

February 2, 2025

Re: 5051 Wildlife Trail, Town of Stella, Oneida County

The site appears suitable to place a foundation for a structure. After the vegetation and organics are removed, the texure of the existing soil would determine if stone would be needed for a base to place the sand. The site would require filling and compaction.

Greg Oettinger MSPR 688033

# TOWN OF STELLA ONEIDA COUNTY 2496 CTH C P.O. Box 1141 Rhinelander, WI 54501

Jerome Pokorny - Supervisor (715) 420-0182

William Crump – Chairperson (715) 550-8434 Richard Hirman - Supervisor (715) 493-0301

Sara Zastrow - Treasurer (715) 367-8440

Stacy Schickert - Clerk (715) 369-2292

July 17, 2025

Mr. Karl Jennrich Oneida County Planning & Zoning P.O. Box 400 Rhinelander, WI 54501-044

RE: Rezone Petition #05-2025 by Lee and Joan Neustedter, owners, to rezone from District #11 Shoreland-Wetland to District #02 Single Family Residential for property described as being part of Government Lots 6 and 7, S12, T37N, R10E, PIN S-588, Town of Stella

Mr. Jennrich,

The Stella Town Board has reviewed Rezone Petition #05-2025. The Town Board finds that the appropriate petition and DNR permit(s) have been filed. The Town Board further finds that rezoning this property from District #11 Shoreland-Wetland to District # 02 Sigle Family Residential is in line with the Land Use as outlined in the Town of Stella's Comprehensive Plan. Therefore, the Town of Stella has no objection to this rezone petition.

Please advise if you have any questions or concerns.

Sincerely,

Stacy Schickert

Stacy Schickert Town of Stella Clerk

