

**MINUTES**  
**TUESDAY, MAY 31, 2016 – 9:00 AM**  
**BOARD OF ADJUSTMENT COMMITTEE**  
**ROOM #1004 – 1<sup>ST</sup> FLR COURTHOUSE BUILDING “A”**  
**301 WASHINGTON STREET, OCONTO, WI 54153-1699**  
[www.co.oconto.wi.us](http://www.co.oconto.wi.us)

(Draft minutes until approved by Committee)

COMMITTEE PRESENT: Ragen, Sleeter, Stranz, and Wellens

ABSENT: Ballestad

OTHERS PRESENT: Gabe Moody

1. Moved by Ragen, seconded by Stranz, to approve the agenda. Motion voted on and carried.
2. Approval of Minutes
  - a. Business Meeting  
Motion by Wellens, seconded by Ragen, to approve minutes of May 2, 2016. Motion voted on and carried.
  - b. Public Hearings  
Moved by Wellens, seconded by Stranz to approve the minutes of
    - i. May 25, 2016
      1. Dennis Hensel
      2. Lawrence Yopp Jr.
      3. Charles Raether
      4. Northeast Asphalt, Inc.
3. Public Comments/Miscellaneous  
Report on idling truck at Westenberg Trucking.
4. Hearing Dates
  - a. The Board selected June 27, 2016 as the public hearing date.
  - b. The Board selected June 30, 2016 as the business meeting date.
6. Adjournment  
Moved by Ragen, seconded by Stranz to adjourn. Motion voted on and carried.

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Melissa Wellens – Secretary

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Alan Sleeter – Chair

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
May 25, 2016

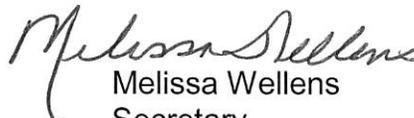
OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 6/1/16 BY ms

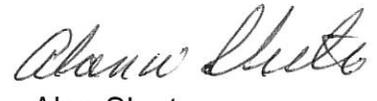
1. Hearing called to order at 8:45 AM
2. Roll Call: Present:        Mr. Alan Sleeter  
                                      Mr. Allan Stranz, Vice-Chairman  
                                      Mrs. Melissa Wellens, Secretary  
                                      Mr. Robert Pott  
                                      Mr. Elmer Ragen  
  
Absent:                         Mr. Karl Ballestad  
  
Others Present:             Mr. Gabe Moody, Assistant Zoning Administrator  
                                      Mr. Dennis Hensel
3. Mr. Moody read the Notice of Public Hearing pertaining to Dennis Hensel's application for a conditional use permit for mini storage units. Location of the property is in Section 25, T26N, R20E, Town of Little Suamico.
4. Mr. Moody stated that the notice was mailed to the petitioner, DZA for posting, adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Moody stated that the petition was filed on April 14, 2016. He provided the required notices, application, plot plan and maps.
6. Appearances:
  - A. Mr. Dennis Hensel appeared and was sworn in. He stated that he is requesting a conditional use permit for mini storage units. Will construct 2-40' x 102' buildings that will have 20 units. Each unit will be 10' x 20' with 9' x 8' roll up doors and 2' overhang. They will be the same as the existing units. Plans to construct additional buildings in the future. Owns 3 ¼ acres.
  - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
  - A. Town Recommendation form and minutes from the Town of Little Suamico – Recommends approval;
8. Testimony closed at 9:56 AM
9. Deliberation/Discussion: The BOA discussed the conditions. This is a reasonable use of the property. It's a good plan.
10. Decision: Moved by Stranz, seconded by Pott to grant a conditional use permit for mini storage units with the following conditions:

1. Hours of Operation – 24 hours a day – 7 days a week;
2. All exterior colors to be the same;
3. No electricity or heat in the units;
4. Dusk to dawn lighting;
5. NO outside storage after 7 days;
6. No human occupancy;
7. Gravel between buildings;
8. Future buildings will need a wetland delineation to be performed on the property before permits are issued;
9. No storage of flammables;

Roll Call Vote: Pott, Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.

11. Hearing adjourned at 8:57 AM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
~~Vice~~-Chairman

Gabe Moody  
Assistant Zoning Administrator

**NOTICE OF DECISION AND ORDER  
OCONTO COUNTY ZONING BOARD OF ADJUSTMENT**

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 6/1/16 BY MS

CASE NO: CU-20160014

**FINDINGS OF FACT:** Having heard all the testimony and considered the entire record herein, the Board finds the following facts:

1. The applicant is Dennis Hensel, 5274 Twilight Ln, Little Suamico, WI, 54141.
2. The applicant is the owner of record of parcel number 024-192504342A2 located in the NW¼, SW¼, Section 25, T26N, R20E, Town of Little Suamico.
3. The conditional use permit application was filed with the Board Secretary on April 14, 2016, noticed, as provided for by law, on May 11, 2016 and May 18, 2016, and a public hearing was held by the Oconto County Board of Adjustment on May 25, 2016.
4. The property is zoned General Commercial District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use permit for mini storage units.
6. The applicant is requesting a conditional use permit under the provisions of the Oconto County Zoning Ordinance.

**CONCLUSIONS OF LAW:** Based upon the above Findings of Fact, the Board concludes that:

1. The Board has jurisdiction of this matter under the provisions of the Oconto County Zoning Ordinance.
2. Violations of the Oconto County Zoning Ordinance will not exist as a result of this action.

**DETERMINATION AND ORDER:** On the basis of the above Findings of Fact, Conclusions of Law and the record herein, the Board determines and orders as follows:

**GRANT OF CONDITIONAL USE PERMIT**

The requested conditional use permit for mini storage units is hereby granted subject to the following conditions:

1. Hours of Operation – 24 hours a day – 7 days a week;
2. All exterior colors to be the same;
3. No electricity or heat in the units;
4. Dusk to dawn lighting;
5. NO outside storage after 7 days;
6. No human occupancy;
7. Gravel between buildings;
8. Future buildings will need a wetland delineation to be performed on the property before permits are issued;
9. No storage of flammables;

**GENERAL CONDITIONS**

Any privileges granted by this decision and order are subject to the conditions herein stated. Any period of time during which this decision and order is stayed by order of and court or operation of law shall not be counted in determining the time for exercise of the privileges granted.

This order may be revoked by the Board, after notice and opportunity to be heard, for violation of any of the conditions or limitations imposed.

A review of this decision and order may be obtained by filing an action of certiorari with the Circuit Court for Oconto County within 30 days of the filing date of this decision and order. The County assumes no liability and makes no warranty as to the legality of any construction commenced prior to the expiration of this 30 day period. The granting of the conditional use permit does not relieve the applicant of the obligation to obtain sanitary and zoning permits.

  
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Melissa Wellens, Secretary  
Oconto County Board of Adjustment

5-31-16  
\_\_\_\_\_  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
May 25, 2016

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 6/1/16 BY ML

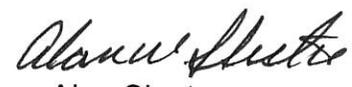
1. Hearing called to order at 10:30 AM
2. Roll Call: Present:       Mr. Alan Sleeter, Chairman  
                                  Mr. Allan Stranz, Vice-Chairman  
                                  Mrs. Melissa Wellens, Secretary  
                                  Mr. Robert Pott  
                                  Mr. Elmer Ragen  
  
Absent:                       Mr. Karl Ballestad  
  
Others Present:            Mr. William Bartz Jr, Assistant Zoning Administrator  
                                  Mr. Pete Renteria – Deputy Zoning Administrator  
                                  Mr. Larry Yopp – Trillium Group LLC
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Lawrence Yopp Jr's application for a conditional use permit for a retail or wholesale business involving the sale of goods and/or services for a wood working business. Location of the property is in Section 13, T31N, R16E, Town of Mountain.
4. Mr. Bartz, Jr. stated that the notice was mailed to the petitioner, DZA for posting, adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Bartz, Jr. stated that the petition was filed on April 24, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. Lawrence Yopp Jr. appeared and was sworn in. He stated that he is requesting a conditional use permit for a business involving a wood working business. Purchased lots 4 & 5 in the industrial park. Dovetail Construction will move the business from Lake Geneva. Will construct a 120' x 60' building for the woodworking shop and office. The lots have been combined in order to keep the trees. Will do custom woodworking possibly using local materials. The majority of the orders are done electronically through builders and architects. There will be no customer traffic at the business. Will hire 1-2 employees initially and will hire more as needed. May build other buildings if necessary. Work hours vary and would like to be able to work when necessary. His grandparents moved to the area in 1924. No chemicals are used, all materials will be stored in the building and the sanitary process has been started.
  - B. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
  - A. Town Recommendation Form from the Town of Mountain
8. Testimony closed at 10:48 AM

9. Deliberation/Discussion: The BOA discussed the conditions. All plans are in order.
10. Decision: Moved by Stranz, seconded by Ragen to grant a conditional use permit for a retail or wholesale business involving the sale of goods and/or services for a wood working business with the following conditions:
1. Hours of Operation – 24 hours a day – 7 days a week;
  2. Dusk to dawn lighting;
  3. Proper disposal of waste materials;
  4. Adequate parking;
  5. No outside storage;
  6. Obtain all State & Federal permits;
  7. CSM must be recorded before obtaining sanitary & land use permits;

Roll Call Vote: Pott, Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.

11. Hearing adjourned at 10:53 AM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
Chairman

William Bartz Jr.  
Assistant Zoning Administrator

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 6/1/16 BY MO

**NOTICE OF DECISION AND ORDER**  
**OCONTO COUNTY ZONING BOARD OF ADJUSTMENT**

CASE NO: CU-20160014

**FINDINGS OF FACT:** Having heard all the testimony and considered the entire record herein, the Board finds the following facts:

1. The applicant is Lawrence Yopp Jr, PO Box 175, Lake, WI, 53147.
2. The applicant is the owner of record of parcel number 029-13130272304 & 029-13130272305 located in the SW¼, NW¼, Section 13, T31N, R16E, Town of Mountain.
3. The conditional use permit application was filed with the Board Secretary on April 24, 2015, noticed, as provided for by law, on May 11, 2016 and May 18, 2016, and a public hearing was held by the Oconto County Board of Adjustment on May 25, 2016.
4. The property is zoned General Commercial District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use permit for a retail or wholesale business involving the sale of goods and/or services for a wood working business.
6. The applicant is requesting a conditional use permit under the provisions of the Oconto County Zoning Ordinance.

**CONCLUSIONS OF LAW:** Based upon the above Findings of Fact, the Board concludes that:

1. The Board has jurisdiction of this matter under the provisions of the Oconto County Zoning Ordinance.
2. Violations of the Oconto County Zoning Ordinance will not exist as a result of this action.

**DETERMINATION AND ORDER:** On the basis of the above Findings of Fact, Conclusions of Law and the record herein, the Board determines and orders as follows:

***GRANT OF CONDITIONAL USE PERMIT***

The requested conditional use permit for a retail or wholesale business involving the sale of goods and/or services for a wood working business is hereby granted subject to the following conditions:

1. Hours of Operation – 24 hours a day – 7 days a week;
2. Dusk to dawn lighting;
3. Proper disposal of waste materials;
4. Adequate parking;
5. No outside storage;
6. Obtain all State & Federal permits;
7. CSM must be recorded before obtaining sanitary & land use permits;

**GENERAL CONDITIONS**

Any privileges granted by this decision and order are subject to the conditions herein stated. Any period of time during which this decision and order is stayed by order of and court or operation of law shall not be counted in determining the time for exercise of the privileges granted.

This order may be revoked by the Board, after notice and opportunity to be heard, for violation of any of the conditions or limitations imposed.

A review of this decision and order may be obtained by filing an action of certiorari with the Circuit Court for Oconto County within 30 days of the filing date of this decision and order. The County assumes no liability and makes no warranty as to the legality of any construction commenced prior to the expiration of this 30 day period. The granting of the conditional use permit does not relieve the applicant of the obligation to obtain sanitary and zoning permits.

  
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Melissa Wellens, Secretary  
Oconto County Board of Adjustment

5-31-16  
\_\_\_\_\_  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
May 25, 2016

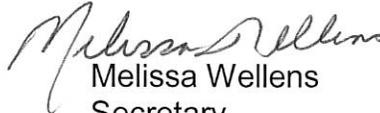
OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 6/1/16 BY MS

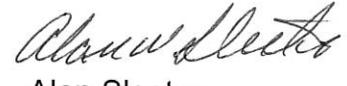
1. Hearing called to order at 10:55 AM
2. Roll Call: Present:       Mr. Alan Sleeter, Chairman  
                                  Mr. Allan Stranz, Vice-Chairman  
                                  Mrs. Melissa Wellens, Secretary  
                                  Mr. Robert Pott  
                                  Mr. Elmer Ragen  
  
Absent:                       Mr. Karl Ballestad  
  
Others Present:            Mr. William Bartz Jr, Assistant Zoning Administrator  
                                  Mr. Pete Renteria – Deputy Zoning Administrator  
                                  Mr. Harry Smith
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Charles Raether's application for a variance to create a lot less than 20,000 sq. ft. Location of the property is in Section 13, T31N, R16E, Town of Mountain.
4. Mr. Bartz, Jr. stated that the notice was mailed to the petitioner, DZA for posting, adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Bartz, Jr. stated that the petition was filed on May 2, 2016. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. Harry Smith appeared and was sworn in. He stated that he is the agent/surveyor for Charles Raether. He is requesting a variance to create a lot less than 20,000 sq. ft. Mr. Raether hired Northeast Surveying to survey the property and found the drilled well is on the neighbor's property. The neighbor deeded the property around the well to the Raether's which required them to have a certified survey done to combine the properties into one lot. The new lot is 10,491 sq. ft.
  - B. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
8. Testimony closed at 11:04 AM
9. Deliberation/Discussion: The BOA discussed the Findings of Fact and agrees this request meets the 3 steps to grant a variance.
  1. Unique Physical Property Limitation – size of the lot;
  2. No Harm to Public Interested – No actual change;
  3. Hardship – The lot size and the location of the well are existing. The issue is unique to the property.

Charles Raether Public Hearing  
May 25, 2016  
Pg. #2

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 6/1/16 BY MS

10. Decision: Moved by Ragen, seconded by Pott to reduce the required 20,000 sq. ft. lot size to 10,491 sq. ft. Roll Call Vote: Pott, Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.
11. Hearing adjourned at 11:06 AM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
Chairman

William Bartz Jr.  
Assistant Zoning Administrator

**NOTICE OF DECISION AND ORDER  
OCONTO COUNTY BOARD OF ADJUSTMENT**

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 6/1/16 BY MS  
CASE NO: VA-20160012

**FINDINGS OF FACT:** Having heard all the testimony and considered the entire record herein, the Committee finds the following facts:

1. The petitioner is Charles Raether, 1700 Circle Dr, New Holstein, WI 53061
2. The petitioner is the owner of record of parcel number 029-131316043X located in the SW ¼, SE ¼, Section 13, T31N, R16E, Town of Mountain.
3. The petition for variance was filed with the Board Secretary on May 2, 2016, noticed, as provided for by law, on May 11, 2016 and May 18, 2016, and a public hearing was held by the Oconto County Board of Adjustment on May 25, 2016.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The proposed relief sought by the petitioner is a variance from the requirement that a certified survey lot is larger than 20,000 sq. ft. Specifically, the petitioner is requesting create a 10,491 sq. ft. lot.
6. The hardship claimed in this matter is the size of the lot and the condition is existing.
7. The applicant is requesting a variance under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance.

**CONCLUSIONS OF LAW:** Based upon the above Findings of Fact, the Board concludes that:

1. The Board has jurisdiction of this matter under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance.
2. Violations of the Oconto County Zoning Ordinance will not exist as a result of this action.
3. A literal enforcement of the terms of the Oconto County Zoning Ordinance (will / will not) result in practical difficulty or unnecessary hardship to the applicant because the need to bring the lot into compliance.
4. The unique physical limitation of the property is the size of the lot.
5. The variance will not be contrary to the public interest and spirit of the Oconto County Zoning Ordinance.

**DETERMINATION & ORDER:** On the basis of the above Findings of Fact, Conclusions of Law and the record herein, the Committee determines & orders as follows:

**GRANT OF VARIANCE**

The requested variance to reduce the required 20,000 sq. ft. lot size to 10,491 sq. ft. is hereby granted.

**GENERAL CONDITIONS**

Any privileges granted by this decision and order are subject to the conditions herein stated. Any period of time during which this decision and order is stayed by order of and court or operation of law shall not be counted in determining the time for exercise of the privileges granted.

This order may be revoked by the Committee, after notice and opportunity to be heard, for violation of any of the conditions or limitations imposed.

A review of this decision and order may be obtained by filing an action of certiorari with the Circuit Court for Oconto County within 30 days of the filing date of this decision and order. The County assumes no liability and makes no warranty as to the legality of any construction commenced prior to the expiration of this 30 day period. The granting of this variance does not relieve the applicant of the obligation to obtain sanitary and zoning permits.

  
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Melissa Wellens, Secretary  
Oconto County Board of Adjustment

5-31-16  
\_\_\_\_\_  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
May 25, 2016

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 6/1/16 BY MS

1. Hearing called to order at 11:58 AM
2. Roll Call: Present:       Mr. Alan Sleeter, Chairman  
                                  Mr. Allan Stranz, Vice-Chairman  
                                  Mrs. Melissa Wellens, Secretary  
                                  Mr. Robert Pott  
                                  Mr. Elmer Ragen  
  
Absent:                       Mr. Karl Ballestad  
  
Others Present:            Mr. William Bartz Jr, Assistant Zoning Administrator  
                                  Mr. Pete Renteria – Deputy Zoning Administrator  
                                  Mr. Matt Matuszak  
                                  Mr. Dennis Rohde  
                                  Mr. Terry Rohde  
                                  Mr. Pete Kozak
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Northeast Asphalt, Inc's application for a conditional use permit to operate a quarry. Location of the property is in Section 15, T31N, R15E, Town of Townsend.
4. Mr. Bartz, Jr. stated that the notice was mailed to the petitioner, DZA for posting, adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Bartz, Jr. stated that the petition was filed on March 17, 2016. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. Pete Kozak appeared and was sworn in. He stated that he is requesting a conditional use permit to operate a quarry. He is the agent for Northeast Asphalt Inc. The property was purchased 9 years ago and is adjacent to property owned by the Town of Townsend. A rezone was completed for a quarry overlay. There is 120 acres and 60% has reasonable material that will be removed in stages. The Town owns 40 acres that Northeast Asphalt takes materials from. Future plans include a portable asphalt plant. There will be no blasting or washing at this time. The Town prefers that truck traffic goes from Valley View to Hwy 32 unless hauling is for area projects. No plans to remove the tree buffer along Valley View.
  - B. Mr. Matt Matuszak appeared and was sworn in. He stated that the ground water will not be impacted. No pumping will be needed. Work will be done the same as in the past when Northeast Asphalt operated the Town's Quarry. Discussed maintenance hours.
  - C. Mr. Dennis Rohde appeared and was sworn in. He stated that he is opposed to the quarry. He is concerned with noise, smell, traffic and the decrease in value of his property. Owns 40 acres across the road from the Northeast Asphalt Property.
  - D. Mr. Terry Rohde appeared and was sworn in. He stated that he owns property on Valley View Rd and is opposed to the conditional use permit because he feels it will bring down

the value of his land and the dust and noise associated with a quarry. Likes walking down the road. Has safety concerns.

E. Mr. Pete Kozak re-appeared to discuss the portable asphalt plant. Hours would be the same. Permits have to be obtained from the DNR, Federal EPA and guidelines followed. Daily reports must be made.

F. Mr. Bill Bartz, Jr. appeared and was sworn in.

7. Correspondence

A. Town Recommendation Form from the Town of Townsend – Recommends approval;

8. Testimony closed at 12:27 PM

9. Deliberation/Discussion: The BOA discussed conditions of the permit.

10. Decision: Moved by Stranz, seconded by Ragen to discuss the conditional use permit to operate a quarry and portable hot mix plant with the following conditions:

1. Hours of Operation
  - a. Quarry Hours
    - i. 6:00 AM to 7:00 PM – Monday thru Friday
    - ii. 6:00 AM to 2:00 PM on Saturday
  - b. Portable Asphalt Plant
    - i. 6:00 AM to 7:00 PM Monday thru Friday
  - c. Maintenance
    - i. 24 hours a day – 7 days a week
2. Dust control measures must be taken according to EPA standards;
3. A pipe gate must be at the entrance;
4. Reclamation plan according to Oconto County Ordinances;
5. Must maintain a vegetative tree buffer along Valley View Rd. of 100' from the centerline of the road;
6. All State & Federal permits are required;
7. Designated truck route shall be Valley View Road to Hwy 32;
8. Expiration date May 25, 2021

Roll Call Vote: Pott, Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.

11. Hearing adjourned at 12:50 PM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
Chairman

William Bartz Jr.  
Assistant Zoning Administrator

**NOTICE OF DECISION AND ORDER  
OCONTO COUNTY ZONING BOARD OF ADJUSTMENT**

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES

DATE 6/1/16 BY [Signature]  
CASE NO: CU-20160010

**FINDINGS OF FACT:** Having heard all the testimony and considered the entire record herein, the Board finds the following facts:

1. The applicant is Northeast Asphalt, Inc, 1524 Atkinson Dr, Green Bay, WI, 54303.
2. The applicant is the owner of record of parcel number 042-151507232, 042-151507333 & 042-222207122 located in the W¼, SW¼, Section 15, T31N, R15E, Town of Townsend.
3. The conditional use permit application was filed with the Board Secretary on March 17, 2016, noticed, as provided for by law, on May 11, 2016 and May 18, 2016, and a public hearing was held by the Oconto County Board of Adjustment on May 25, 2016.
4. The property is zoned Forest District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use permit to operate a quarry.
6. The applicant is requesting a conditional use permit under the provisions of the Oconto County Zoning Ordinance.

**CONCLUSIONS OF LAW:** Based upon the above Findings of Fact, the Board concludes that:

1. The Board has jurisdiction of this matter under the provisions of the Oconto County Zoning Ordinance.
2. Violations of the Oconto County Zoning Ordinance will not exist as a result of this action.

**DETERMINATION AND ORDER:** On the basis of the above Findings of Fact, Conclusions of Law and the record herein, the Board determines and orders as follows:

**GRANT OF CONDITIONAL USE PERMIT**

The requested conditional use permit to operate a quarry is hereby granted subject to the following conditions:

1. Hours of Operation
  - a. Quarry Hours
    - i. 6:00 AM to 7:00 PM – Monday thru Friday
    - ii. 6:00 AM to 2:00 PM on Saturday
  - b. Portable Asphalt Plant
    - i. 6:00 AM to 7:00 PM Monday thru Friday
  - c. Maintenance
    - i. 24 hours a day – 7 days a week
2. Dust control measures must be taken according to EPA standards;
3. A pipe gate must be at the entrance;
4. Reclamation plan according to Oconto County Ordinances;
5. Must maintain a vegetative tree buffer along Valley View Rd. of 100' from the centerline of the road;
6. All State & Federal permits are required;
7. Designated truck route shall be Valley View Road to Hwy 32;
8. Expiration date May 25, 2021

**GENERAL CONDITIONS**

Any privileges granted by this decision and order are subject to the conditions herein stated. Any period of time during which this decision and order is stayed by order of and court or operation of law shall not be counted in determining the time for exercise of the privileges granted.

This order may be revoked by the Board, after notice and opportunity to be heard, for violation of any of the conditions or limitations imposed.

A review of this decision and order may be obtained by filing an action of certiorari with the Circuit Court for Oconto County within 30 days of the filing date of this decision and order. The County assumes no liability and makes no warranty as to the legality of any construction commenced prior to the expiration of this 30 day period. The granting of the conditional use permit does not relieve the applicant of the obligation to obtain sanitary and zoning permits.

[Signature]  
Melissa Wellens, Secretary  
Oconto County Board of Adjustment

5-31-16  
Date