

**ZONING COMMITTEE PUBLIC HEARING AND REGULAR MEETING**  
**Douglas County Board of Supervisors**  
**Wednesday, August 8, 2007, 9:00 a.m., Government Center Board Room**  
**1316 North 14<sup>th</sup> Street, Superior, Wisconsin**

Meeting called to order by Chair Carol Johnson.

**ROLL CALL:** Present – Carol Johnson, Richard Thompson, George Graven, Nick Baker. Absent and excused – Keith Allen. Others present – Jean Gottwald, Jan Dalbec, Tina Carlson, Shane Begley, Gary Newton, Sherry Amys, Gary Amys, Jim DeChambeau, Donna DeChambeau, William Coleman, Jim Tewey, Joyce Coleman, Crystal Hintzman, George Kornstad, Kenneth Thoreson, Irene Thoreson, Elizabeth Schnuckle, Richard Schnuckle, Kenneth Bromen, Eric Lumberg, Steve Rannenberg, Sue LaVine, Linda Fritz, Committee Clerk.

**APPROVAL OF MINUTES:** Motion by Thompson, second Baker, to approve the minutes from the July 11, 2007 and July 17, 2007 meetings. Motion carried.

**BUDGET REVIEW/TRANSFERS:** Rannenberg reported they are currently working on 2008 budget; no dramatic changes from last year. On August 9, 2007, Rannenberg will be meeting with City and County Clerks and others to discuss pre-census work that relates to mapping. Rannenberg explained the Census Bureau has developed a process called LUCA where they require updated address lists. It is a fairly complex and time intensive process to provide them the data they need.

**PLATS – PRELIMINARY AND/OR FINAL:** None.

**OLD BUSINESS**

**Adoption of Compliant Floodplain Zoning Ordinance:** Ordinance is currently being worked on in the County Clerk's Office; there are significant changes. Will be on Zoning Committee agenda for September.

**NEW BUSINESS**

**LUCA (Local Update of Census Addresses):** Discussed above. Rannenberg stated that all municipalities are being asked to participate in this; it is not a mandate.

**REFERRALS FROM COUNTY BOARD:**

**Correspondence From Polar Gas Company:** Correspondence regarding placement of abandoned tanks. Rannenberg stated there appears to be two issues here; first, all tanks are located close to roadways, and second, the tanks pose a potential fire/safety hazard. Regarding the fire hazard, Rannenberg determined that is not a zoning issue, but rather a fire department issue. With regard to the tanks in relation to setback requirements, that is, in a sense, a zoning issue in terms of Section 5 of the Zoning Ordinance as it relates to advertising signs. Discussion. Committee concurred a letter would be a reasonable way to address these problems. Rannenberg will write letter.

**BILLS AND CLAIMS:** Included with members' agenda.

**ACTION:** Motion by Baker, second Thompson, to approve the bills and claims. Motion carried.

**CORRESPONDENCE:** None.

**RURAL HOUSING AUTHORITY:** Meeting scheduled for August 29<sup>th</sup>; update on current applications and budget.

**DEPARTMENT REPORTS:** Brief by exception. Discussion. Rannenbergs provided update on Comprehensive Planning meeting; Johnson requested it be placed on future Zoning Committee agendas for updates.

**ENFORCEMENT ACTIONS:** Brief by exception.

**SUSPEND THE RULES:** Motion by Baker, second Thompson, to suspend the rules and take up Such Other Matters on the agenda. Motion carried.

**SUCH OTHER MATTERS AS AUTHORIZED BY WISCONSIN STATUTES:**

**Board of Adjustment Composition:** Dan Corbin addressed committee requesting composition of Board of Adjustment be reconsidered to have five members with no alternates. He further expressed concern with open meeting laws and potential violations with having a three member board. Corbin distributed and reviewed list of what other counties are doing with their Boards of Adjustment. It was noted that some counties appear to have no alternates even though State Statutes require Boards of Adjustment to have two alternates. Rannenbergs concurred that issues with open meeting laws is a valid concern, clarifying that Board of Adjustment members are citizens and not County Board Supervisors and are not privy to all the exposure and information regarding open meeting laws. Rannenbergs further noted that with regard to having a three member board, as soon as a motion is made and seconded, that is the vote. If there is a dissenting view, oftentimes it is not taken into consideration when there are only three members. Rannenbergs suggested that some research be done as to whether or not a County Board Supervisor can sit on a Board of Adjustment while looking for citizen members. Koszarek stated he tends to agree with what has been said here and explained the Board went from five to three members, with two designated as alternates. He stated State Statutes require the announcement of voting members annually. Rannenbergs further stated that in discussions with Corporation Counsel, he has stated that open meeting laws could make the existing structure of the Board of Adjustment an issue. The financial component to going with a larger board was also discussed. Discussion continued. This will be on Zoning Committee agenda for August 29, 2007 meeting.

*Suspend regular meeting at 9:46 a.m.*

**PUBLIC HEARING**

1) Proposed Amendment to 8.0 Zoning Ordinance – Section III. Zoning Districts – 3.6 A-1: Agriculture District.

Recommendation is to allow one- and two-family year-round and seasonal dwellings as a permitted use.

**ACTION:** Motion by Baker, second Thompson, to approve amendment to 8.0 Zoning Ordinance – Section III. Zoning Districts – 3.6 A-1: Agriculture District. Motion carried.

2) Application by the **Town of Hawthorne** (owner and buyer), P.O. Box 142, Hawthorne, WI/**Douglas County** (seller) and **Colette and Michael Potthier** (seller), P.O. Box 66, Hawthorne, WI from the July 11, 2007 hearing for a petition for amendment to the Douglas County Zoning Ordinance from the R-2: Residential zoning district to the C-1: Commercial zoning district (proposed use: fire hall and town hall), located in (Lots 1 through 3, Block 3, HA-014-00969-00), (Lots 2 and 3, Block 2, HA-014-00968-00), (Lot 1, Block 2, HA-014-00967-00, Douglas County), (Part of Lots 3 and 4, Block 1, HA-014-00965-00, Potthier), and (South 1/2 of Lot 4, Block 1, Except West 100', HA-014-00966-00, Potthier), and alley to be vacated all in the Townsite of Hawthorne, Section 3, T46N-R12W, Town Hall Road, Town of Hawthorne.

Rannenberg explained the intent of Town of Hawthorne is to replace the town hall/fire hall, however it is not an allowed use in the R2 district, thus the request to rezone to C1. Johnson noted the town met last night and approved.

**ACTION:** Motion by Thompson, second Baker, to approve the application as presented. Motion carried.

3) Application by **James Stearns, et. al.**, 6806 Tower Avenue, Superior, WI to revise or revoke conditional use permit #10144 for a noncommercial salvage yard, located in Part of the Southeast 1/4 of the Southeast 1/4, Section 14, T48N-R14W (TS-030-01396-00, County Road C), Town of Superior.

Applicant not present. Rannenberg stated he spoke to applicant last week when he visited the property. Photographs provided for committee to view; permit history reviewed. A condition of the permit was to reduce the number of vehicles to six by the end of June 2007. Zoning Department visited the property prior to July Zoning Committee meeting where it was clear there were more than six vehicles. Rannenberg reviewed options committee has for taking action. Discussion.

**ACTION:** Motion by Baker, second Graven, to revoke conditional use permit #10144. Rannenberg stated that if the permit were to be revoked, applicant would be given adequate notice and time to come into compliance and revocation does not prevent applicant from submitting a new application to continue his salvage yard. Discussion. Motion carried.

4) Application by **Christopher Gay**, 5556S Midbon Road, Superior, WI to revise or revoke conditional use permit #18683 for a home occupation for storage of empty portable toilets, located in the Southwest 1/4 of the Southwest 1/4, Section 11, T47N-R15W (TS-030-01101-00), Town of Superior.

Applicant present. Johnson stated that in reviewing the permit, one of the stipulations was that a fence be constructed and questioned whether that was done and whether Rannenberg had visited the site. Rannenberg replied in the negative. Johnson questioned applicant as to his plans for constructing a fence. Applicant stated that since the last meeting he has constructed a fence on the north and south side of storage building; provided photographs for committee to view. Applicant stated that with regard to other stipulations of permit, the town has been very good with dust control and there has never been more than 120 toilets on the property at any given time. Tina Carlson, neighbor, expressed her pleasure with how well the fence is working and requested fence be maintained. Discussion.

**ACTION:** Motion by Baker, second Thompson, to revise conditional use permit #18683 to include that the fence must be maintained. Motion carried.

5) Application by **Peter Waletzko**, 5820 Banks Avenue, Superior, WI from the July 11, 2007 hearing for a petition for amendment to the Douglas County Zoning Ordinance from the R-2: Residential and F-1: Forestry zoning districts to the C-1: Commercial zoning district (proposed use: commercial business), located in the South 1/2 of the North 1/2 of the Northwest 1/4, Section 22, T47N-R14W (TS-030-00512-00, State Road 35), Town of Superior.

Applicant not present. Correspondence received from Town of Superior recommends denial. Discussion.

**ACTION:** Motion by Baker, second Thompson, to deny application as presented. Motion carried.

6) Application by **Eric and Deborah (fka Slavik) Lumberg**, 4498S Westline Road, Poplar, WI/**Minnesota Towers, Inc.**, (agent), N3054 Fumee Lake Road, Iron Mountain, MI/**Cellular One**, Shane Bagley (agent), 14114S Country Circle, Gordon, WI from the July 11, 2007 hearing for a conditional use permit for a communications facility to include a 300 foot tower with equipment platform and buildings, located in the Southeast 1/4 of the Southwest 1/4, Section 25, T48N-R12W (AM-002-00578-00, Westline Road), Town of Amnicon.

Eric Lumberg and Shane Bagley (Cellular One), present. Rannenber stated discussion at previous meeting revolved around the siting and height of proposed tower. Correspondence received from Town of Amnicon indicating if the tower were moved to the northwest corner of the property, the 300' tower with shaded lights would be approved, or if the tower were to remain in the present location, it would have to be lowered so as not to require lights. Bagley stated the proposed tower would be in the same location but on the section line, 500' - 600' to the west. He stated they have received final FAA clearance on the original site as well as DNR compliance, etc. The current location they are looking at is on the edge of a tree line and it is very well screened; visual screening will not change from the original application. If tower is moved to the west, they will have to take out a lot more trees, thus eliminating vegetation and trees that are already there. Bagley stated they have offered to put light shades on the tower and is requesting tower remain at original site. Discussion. Rannenber reviewed correspondence from the town, with Johnson stating the town makes it clear that if the tower remains in the original location, the height would have to be lowered so as to not require lights. Rannenber questioned Bagley as to the affect of coverage in moving the tower location. Bagley stated that in its original location, better coverage will be provided to the Village of Poplar; as the tower gets moved it tends to play with the propagation. Lumberg stated that the visual is no different by moving the tower 500'. The reason he does not want the tower moved is because many of his trees would have to be cut down. Discussion continued, with application to be held in abeyance to allow further discussion between Bagley and Lumberg.

7) Application by **Equity Trust Company Custodian FBO**, c/o Michael J. Gottwald, 673 - 4<sup>th</sup> Avenue North, Park Falls, WI for a petition for amendment to the Douglas County Zoning Ordinance from the F-1: Forestry zoning district to the R-2: Residential zoning district (proposed use: residential), located in the Southwest 1/4 of the Southwest 1/4, Section 35 and in Part of the Southeast 1/4 of the Southeast 1/4 (Lying East of Beauregard Lake Road), Section 34, T45N-R10W (HI-016-00650-00 and 000634-01, Beauregard Lake Road), Town of Highland.

Jean Gottwald present. Correspondence received from Town of Highland recommending approval. No correspondence received from adjoining property owners objecting to application. Rannenber stated this parcel consists of approximately 50 acres. He had a conversation with the Highland Town Chair regarding the role of the town and the zoning process. Discussion ensued on spot zoning, with Rannenber stating this is contrary to other land uses and goes to the heart of why there are zoning districts in the first place. The intent of having zone districts is to have some consistency with land uses without having conflicting land uses across from each other.

*Jean Gottwald* distributed and reviewed handout with regard to rezone issues and specific responses to rezone. She stated that R2 zone district is not spot zoning as there are other R2 zone districts in the area. She stated she does not think the application should be denied just because someone does not like what their plans are. She emphasized they would like to have the guarantee that the people who will purchase the lots will have the ability to construct a dwelling on that property. Rannenber addressed the question of R2 zone districts in other areas and effective dates of ordinance in those areas. Discussion continued, with Johnson questioning whether or not approving this request would constitute spot zoning. Rannenber stated that what is different about this request, is whether there is spot zoning adjacent to this property and there is not.

*Sherry Amys* provided a petition objecting to request, stating ten-acre parcels are allowed in the F-1 district. She indicated the town took action prior to notifying adjacent property owners and received no community input. One of the reasons for objecting to the request is the lake is considered a seepage lake. Amys referenced Ordinance 8.4 which she stated spells out specific reasons for not approving this request.

*Dick Nystrom*, adjacent property owner directly to the north of the property in question, expressed concern with why the applicants are requesting a rezone when ten-acre parcels are allowed in current zoning. He expressed concern that applicant's property is relatively high and drains into the swamp that is part and parcel of Beauregard Lake. He stated ten-acre parcels are adequate and would not have significant impact on the lake like smaller parcels would. He urged committee to deny application.

*Janice Johnson*, Town of Highland Chair, stated the town came to this conclusion (approval) because it was for one- or two-family dwellings and had no idea about the spot zoning problem. She stated they contacted a lawyer from the Towns Association who indicated there would be no reason not to approve this request. She talked to Rannenberg and the DNR and was told the same thing. J. Johnson stated that she would hope that this committee would take care of this and not send it back to the town. Discussion ensued, with Baker indicating it should be sent back to the town to resolve, as there are a number of people from the community that have concerns and the town should listen to them. Gottwald reiterated they are only looking for a guarantee that the parcels can be built on without having to apply for a conditional use permit. She stated they are not looking at a subdivision; it will be five ten-acre lots. Rannenberg reviewed e-mail received from an adjoining property owner opposed to request to rezone, stating it would have a highly negative impact on the lake and R-2 zoning is inappropriate and does not meet evaluation criteria. Discussion continued.

**ACTION:** Motion by Baker, second Johnson, to deny application as presented. Rannenberg reviewed options before committee, clarifying that a conditional use permit is not a variance; nothing is being requested that is not allowed by ordinance. Discussion. Roll call vote taken and failed with 2 Yes, 2 No, 1 Absent. Voting yes were Johnson and Baker. Absent was Allen. Committee agreed application to be placed on agenda for September Zoning Committee Public Hearing.

**8)** Application by **Jacqueline Lange**, P.O. Box 247, Lake Nebagamon, WI for a petition for amendment to the Douglas County Zoning Ordinance from the C-1: Commercial zoning district to the RR-1: Residential-Recreation zoning district (proposed use: residential), located in Part of Government Lot 1, known as Parcel 3, Section 10, T46N-R11W (BE-004-00090-00, Minnesuing Acre Road), Town of Bennett.

Applicant not present. No correspondence received from town; meets Monday. Rannenberg indicated his recommendation is to hold application to allow town to make their decision without the appearance of Zoning Committee making a decision without their input.

**ACTION:** Motion by Thompson, second Baker, to hold application. Motion carried.

**9)** Application by **Jacqueline Lange**, P.O. Box 247, Lake Nebagamon, WI for an appeal to the Douglas County Subdivision Ordinance to create a parcel less than the minimum lot width and lot area required, located in Part of Government Lot 1, known as Parcel 3, Section 10 and Part of Government Lot 2, Section 9, T46N-R11W (BE-004-00090-00 and 000985-00, Minnesuing Acre Road), Town of Bennett.

Applicant not present. No correspondence received from town; meets Monday. Rannenbergs explained there is an existing dwelling, storage building, and garage on the property. Owner lives in existing dwelling. Her intention is to create a separate parcel to allow her daughter to build on the property. There are issues with minimum lot size and encroachments. Rannenbergs recommendation is to hold this to allow the town to make a decision. Discussion.

**ACTION:** Motion by Thompson, second Johnson, to hold application. Motion carried.

**10)** Application by **Edwards Revocable Trust** (sellers), Gordon, WI/**Joseph Bergstrom and Andrea Galatowitsch** (buyers), 16386 Java Lane, Lakeville, MN for a conditional use permit for an accessory building, located in the North 1/2 of the South 1/2 of the Northeast 1/4 of the Northeast 1/4, Section 27, T46N-R11W (Part of BE-004-00380-00, Kelly Road), Town of Bennett.

Applicant not present.

**ACTION:** Motion by Baker, second Graven, to approve application as presented. Motion carried.

**11)** Application by **Mark and Diane Hubbard, et. al.**, 70 Billings Drive, Superior, WI for a conditional use permit for a garage, located in Part of the Northwest 1/4 of the Southwest 1/4, Section 7, T46N-R13W (OA-022-00112-00, Tri Lakes Road), Town of Oakland.

Applicant present. Telephone call received from Town of Oakland recommending approval.

**ACTION:** Motion by Thompson, second Baker, to approve application as presented. Motion carried.

**12)** Application by **Gary and Janine Newton, et. al.**, 382 County Road Y, Baldwin, WI for a conditional use permit for a second dwelling, located in the Southeast 1/4 of the Southeast 1/4, Section 20, T45N-R12W (SO-026-00951-00, Otmer Road (fka Ohmer Road), Town of Solon Springs.

Applicant present. No correspondence received from town; meets Monday.

**ACTION:** Motion by Johnson, second Thompson, to approve application, contingent on town approval. Motion carried.

**13)** Application by **Kenneth and Margaret Thoreson**, 5035 Call of the Wild Road, Barnes, WI for a conditional use permit for a year round dwelling, located in the Northeast 1/4 of the Southeast 1/4, Section 29, T46N-R11W (BE-004-00420-00, Firetower Road), Town of Bennett.

Applicant present. No correspondence received from town; meets August 13<sup>th</sup>.

**ACTION:** Motion by Johnson, second Graven, to approve application, contingent on town approval. Rannenbergs noted there is an existing driveway that crosses a navigable stream; wetlands on the property; septic system permit received. Motion carried.

**14)** Application by **Jared and Janice Nelson**, 4603S Ahola Road, Maple, WI for a conditional use permit to relocate a year-round dwelling, located in the North 1/2 of the Northeast 1/4 of the Southwest 1/4, Section 36, T48N-R11W (MA-020-00729-00, Ahola Road), Town of Maple.

Applicant not present. No correspondence received from town.

**ACTION:** Motion by Baker, second Thompson, to hold application. Brian Tapiny, adjacent landowner to the north, expressed concern that applicants' driveway, as well as a portion of existing home, is on his property. Discussion. Motion carried.

**15)** Application by **Trent Sprague**, 2116 - 16 1/2 Street, Rice Lake, WI for a conditional use permit for a campground, located in the Southeast 1/4 of the Southeast 1/4, Section 18, T44N-R14W (DA-010-00970-01, Moose Road), Town of Dairyland.

Applicant not present. Correspondence received from Town of Dairyland recommending approval, assuming all county/state requirements are met.

**ACTION:** Motion by Thompson, second Graven, to approve application as presented. Discussion. Motion carried.

**16)** Application by **Jens Gregerson, Jr.**, 6533S Jacksino Road, South Range, WI for a conditional use permit for a noncommercial salvage yard, located in the Southeast 1/4 of the Northeast 1/4, Section 26, T47N-R13W (OA-022-00741-00, Jacksino Road), Town of Oakland.

Applicant not present. No correspondence received from town; meets Tuesday. Rannenberg explained this started out as a violation. Applicant has since come into compliance.

**ACTION:** Motion by Thompson, second Baker, to approve application, contingent on town approval. Motion carried.

**17)** Application by the **Town of Dairyland**, 791E Kingsdale Road, Dairyland, WI for a conditional use permit for a quarry, located in Part of the Northwest 1/4, Section 14, T43N-R15W (DA-010-00581-00, Town Road TT), Town of Dairyland.

Correspondence received from Town of Dairyland recommending approval. Rannenberg explained that due to an error, legal description is incorrect and will need to be readvertised.

**ACTION:** Motion by Johnson, second Graven, to hold application. Motion carried.

**18)** Application by **Solon Springs Quarry LLC**, Anthony Roffers, P.O. Box 235, Solon Springs, WI to renew conditional use permit #7135 for a quarry, located in the Northwest 1/4 of the Northwest 1/4, Section 18, T45N-R11W (SO-026-00414-01, Heyer Road), Town of Solon Springs.

Applicant not present. No correspondence received from town; meets Monday. Zoning has no specific concerns; reclamation plan and financial assurance in place.

**ACTION:** Motion by Graven, second Baker, to approve application, contingent on town approval. Motion carried.

**6)** Continued. Begley indicated that in speaking with the landowner, he would prefer not to move the tower to the Northwest corner of the property. Begley requests approval of the 300' tower in its current location, stating that is in the best interest of the community. Begley stated they would be willing to put light shades on the tower. Discussion continued.

**ACTION:** Motion by Johnson, second Graven, to approve the proposed 300' tower, at the original location, with red strobes at night and white strobes during the day, and light shades included. Motion carried.

*Reconvene regular meeting at 11:40 a.m.*

**ZONE CHANGE RECOMMENDATIONS TO THE COUNTY BOARD:** Ordinance 8.0, Town of Hawthorne, and Waletzko denial to go to County Board.

**ACTION (ORDINANCE/RESOLUTION):** Motion by Johnson, second Thompson, to send Ordinance 8.0, zone change for Town of Hawthorne, and denial of zone change for Peter Waletzko to the County Board. Motion carried unanimously.

**ADJOURNMENT:** Motion by Johnson, second Thompson, to adjourn. Motion carried. Meeting adjourned at 11:49 a.m.

Submitted by,

Linda C. Fritz, Committee Clerk