

**PLANNING & ZONING COMMITTEE
PUBLIC HEARING AND REGULAR MEETING
Douglas County Board of Supervisors
Tuesday, January 11, 2023, 9:00 a.m., Government Center, Boardroom 201
1316 North 14th Street, Superior, Wisconsin**

Meeting called to order by Chair Mary Lou Bergman.

ROLL CALL: Present – Mary Lou Bergman, Scott Luostari, Joseph Moen, Bill Fennessey. Absent – Jim Borgeson (remote). Others present – Tessah Behlings (remote), Terri Luebbe, Mark Liebaert, Jon Fiskness, Marissa Hanson, Zach DeVoe, Ashley Vande Voort, Matt Johnson, David Marsh, Mary Brill, Candy Anderson (remote), Jan Jenson (remote), Dan Corbin, Sherry Amys, Katie Flemming, Shelley Nelson, Adam Staupe, Brian Tedford, Eric Brye, Kevin Conley, Mark Hazelbaker (remote), Kaci Lundgren (Committee Clerk).

APPROVAL OF MINUTES: Motion by Luostari, second Moen, to approve minutes from the December 6, 2022, meeting. Motion carried.

PUBLIC HEARING:

Amendments to the Douglas County Zoning Ordinance 8.0:

Petition No. 23-01: Kathryn Fleming, So St Paul, MN – Pt Gov't lot 2, Section 25, T43N-R13W, as Desc'd in #750431 Bng Pcl D & E, (Pos by Fred Zietlow), Ex CSM 1470 Vol 11 Pgs 139-140; (WA- 032-01872-00; 16139 S Chipmunk Hollow Rd), Town of Wascott: Request to rezone from RR-1 Residential Recreational to RRC-1 Residential Recreational/Recreational Commercial for proposed use of campground expansion; no objections from town.

ACTION (ORDINANCE): Motion by Fennessey, second Luostari, to approve and refer to County Board. Motion carried unanimously.

Conditional-Use Permits:

Kathryn Fleming: Maps associated with permit request to be updated; request to refer.

ACTION: Motion by Moen, second Fennessey, to refer to future meeting. Motion carried.

Adam Staupe: Temporary campground permit request for music festival special event; no complaints from previous year.

ACTION: Motion by Moen, second Fennessey to approve with the following conditions: Reasonable fencing (snow fence or similar) around campground area or property lines to delineate areas where camping is allowed and to prevent trespassing on neighboring properties; temporary campsites not to exceed 200 sites; adequate off-street parking must be provided per Douglas County Zoning Ordinance 8.0, Section IV (4.3)(2)(d); obtain proper permitting licensure for a temporary campground through Douglas County Health Department; one satellite toilet per fifty people must be provided; and if food is to be served, all applicable Douglas County Health Department regulations must be met. Campground to be operational from September 11, 2023, to September 21, 2023. Motion carried.

Northwoods Paving (Operator) / Trusty Trucking, Inc. (Owner): Application for temporary

asphalt plant.

ACTION: Motion by Bergman, second Luostari, to approve application, with verification of town approval and the following conditions: Asphalt plant to be located in accordance with the site sketch submitted by applicant; dates of operation are the 2023 construction season; hours of operation are Monday through Friday, 6 AM to 8 PM, Saturday, 7 AM to 3 PM, and no Sunday or holiday operation; plant setup and tear down may be conducted Monday through Friday, 6 AM to 8 PM, and Saturday, 7 AM to 3 PM; operation must meet all state and federal regulations and obtain all permits necessary; and hot mix asphalt production shall use odor neutralizer in asphalt (ecosorb). Motion carried.

Conditional-Use Permit Renewals:

Town of Wascott (Operator) / Douglas County Forestry (Owner): Non-metallic mine permit #15892 renewal request; town approved with conditions.

ACTION: Motion by Moen, second Fennessey, to approve with the following conditions: Permit approved for three-year period, expiring March 8, 2026; must comply with Ordinance 8.0, Section VI, Sub 6.2; financial assurance instrument is not required for municipalities in accordance with Ordinance 8.9 and NR 135; must comply with ordinance 8.9 to include NR 135 annual reporting requirements. Motion carried.

Town of Wascott (Operator)/ Douglas County Forestry (Owner): Non-metallic mine permit #16266 renewal request; town approved with conditions.

ACTION: Motion by Luostari, second Fennessey, to approve with the following conditions: Permit approved for three-year period, expiring March 6, 2026; must comply with Ordinance 8.0, Section VI, Sub 6.2; financial assurance instrument is not required for municipalities in accordance with Ordinance 8.9 and NR 135; must comply with Ordinance 8.9 to include NR 135 annual reporting requirements; must comply with all provisions of Wisconsin DNR stormwater permit regulations; and a 75 foot undisturbed vegetated buffer between wetlands and actively mined areas is required unless a wetland filling and grading permit is obtained from the Wisconsin DNR. Motion carried.

Douglas County Highway Department (Operator) / Douglas County (Owner): Non-metallic mine permit #16487 renewal request; town approved.

ACTION: Motion by Fennessey, second Luostari, to approve with the following conditions: Permit approved for three-year period, expiring March 6, 2026; must comply with Ordinance 8.0, Section VI, Sub 6.2; financial assurance instrument is not required for municipalities in accordance with Ordinance 8.9 and NR 135; must comply with Ordinance 8.9 to include NR 135 annual reporting requirements; must comply with all provisions of Wisconsin DNR stormwater permit regulations; and subject to conditions approved by Town of Superior dated March 31, 2010. Motion carried.

Reclamation Plan Approvals:

Town of Wascott (Operator) / Douglas County Forestry (Owner): Plan attached to agenda; no objections from town.

ACTION: Motion by Moen, second Fennessey, to approve with the following conditions: At the

time mining ceases, site must be restored as defined in the reclamation plan; financial assurance instrument not required for municipalities in accordance with Ordinance 8.9 and NR 135; notification must be provided to Douglas County for the following reasons: Bankruptcy (reported within 10 days of filing); prior to a change in mine operators or land ownership; and when reclamation activities are completed. Reclamation plan must be revised prior to expanding mine acreage or depth outside the parameters of what is specified in the reclamation plan; material changes to the mine operation that may affect the submitted reclamation plan or its conditions should be authorized by Douglas County prior to their implementation; other departments or agencies that may have authority over the proposed changes should also be consulted and any changes approved by them as well; must comply with Ordinance 8.9 to include NR 135 annual reporting requirements. Motion carried.

Town of Wascott (operator) / Douglas County Forestry (owner): Plan attached to agenda; no objections from town.

ACTION: Motion by Moen, second Luostari, to approve with the following conditions: At the time mining ceases, site must be restored as defined in the reclamation plan; financial assurance instrument not required for municipalities in accordance with Ordinance 8.9 and NR 135; notification must be provided to Douglas County for the following reasons: Bankruptcy (reported within 10 days of filing); prior to a change in mine operators or land ownership; and when reclamation activities are completed. Reclamation plan must be revised prior to expanding mine acreage or depth outside the parameters of what is specified in the reclamation plan; material changes to the mine operation that may affect the submitted reclamation plan or its conditions should be authorized by Douglas County prior to their implementation; other departments or agencies that may have authority over the proposed changes should also be consulted and any changes approved by them as well; must comply with Ordinance 8.9 to include NR 135 annual reporting requirements. Motion carried.

Recap of Zone Change Recommendations for County Board: One recommended to County Board for approval.

Public hearing adjourned at 9:11 a.m.

DEPARTMENT REPORTS:

The following departments reported on departmental activities: Planning and Zoning/Board of Adjustment, Rural Housing Authority, Land Conservation, Surveyor, Land Records and Real Property Lister.

ACTION ITEM:

Resolution: Wisconsin DNR Surface Water Grants (Authorization of Agent): Annual approval required; included with agenda.

ACTION (RESOLUTION): Motion by Luostari, second Fennessey, to approve and refer to County Board. Motion carried unanimously.

INFORMATIONAL ITEMS:

Zoning Conference: Conference for stakeholders to be held March 28, 2023, 9 AM at the Solon Springs Community Center.

Douglas County Zoning Ordinance 8.0 Update: Suggested amendments distributed.

Katie Flemming, David Marsh, Brian Tedford, campground owners, and Mark Hazelbaker, Wisconsin Campground Association representative, spoke regarding concerns of ordinance amendments affecting existing campgrounds, including setbacks, parking, deck and accessory building size requirements, and expansion ability.

Mary Brill, Town of Oakland Planning Commission member, spoke regarding the zone district change requirements.

Sherry Amys and Kevin Conley spoke commending towns for amount of work involved in updates and the opportunity for comments.

Hazelbaker to draft ordinance amendment suggestions on behalf of campground owners to provide to committee to review.

FUTURE AGENDA ITEMS: Ordinance amendments.

ADJOURNMENT: Motion by Moen, second Fennessey, to adjourn. Motion carried. Meeting adjourned at 10:19 a.m.

Submitted by,

Kaci Lundgren, Committee Clerk