

**PLANNING & ZONING COMMITTEE  
PUBLIC HEARING AND REGULAR MEETING  
Douglas County Board of Supervisors  
Wednesday, January 13, 2021, 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, Patricia Ryan, Jim Borgeson (remote), Nick Baker (remote), Charlie Glazman (remote). Others present – Sue Radzak, Terri Luebbe, Tessah Behlings, Marissa Hanson, Ashley Vande Voort, Blake Johnson (remote), Zach DeVoe, Jon Fiskness, Greg Ogren, Candy Anderson, Ed Grube, Brandon Lende, Katie Petzel, Kaci Lundgren (Committee Clerk).

**APPROVAL OF MINUTES:** Motion by Ryan, second Baker, to approve minutes from the December 9, 2020, meeting. Motion carried.

**PUBLIC HEARING:**

**Ordinance: Repeal and Re-create Ordinance #8.3, Floodplain Zoning Ordinance:** State recommended adoption of new ordinance to capture changes.

**ACTION (ORDINANCE):** Motion by Baker, second Ryan, to approve ordinance with addition as follows in section I, sub. 1.5 (2) (b) (6): Case-by-Case floodplain analysis for the Cranberry Creek Flowage Dam removal located in the NE ¼ of the SE ¼ of Section 23, Township 46N, Range 13W, Town of Oakland by Long Island Engineering, LLC. Approved by the Department of Natural Resources on May 6, 2019, including: a. Map Dated April 30, 2019 and titled “Flood Shadow”; b. Floodway data table dated April 30, 2019 and titled “Floodway Data”; c. Flood profiles dated April 30, 2019 and titled “Cranberry Flowage Plan: No Dam Steady State” and refer to County Board. Motion carried unanimously.

**Amendments to the Douglas County Zoning Ordinance 8.0:**

**Petition No. 20-08: 18th Hole LLC, Superior, WI – from the December 9, 2020 hearing – N1/2 SE NE & Pt S1/2 SE NE, Section 35, T47N-R12W; (7070 S 18th Street Road; HA-014-00925-00; 00925-01), Town of Hawthorne – from the R-2; Residential zoning district to the F-1: Forestry zoning district, (proposed use: non-metallic mine), filed 11-13-2020 in the County Clerk’s Office.**

Applicant not present; no objections from Town of Hawthorne.

**ACTION:** Motion by Ryan, second Baker, to approve. Motion carried.

**Petition No. 20-09: Steven LePage, Lake Nebagamon, WI – from the December 9, 2020 hearing – NW NW, Section 31, T47N-R11W; (6892 S County Road D; HA-014-00486-00), Town of Hawthorne – from the R-2: Residential zoning district to the I-1: Industrial zoning district, (proposed use: salvage/dumpster storage - (see c1 below)), filed 11-13-2020 in the County Clerk’s Office.**

Applicant not present; correspondence from Town of Hawthorne indicated objection, with recommendation to deny.

**ACTION (RESOLUTION):** Motion by Ryan, second Baker, to deny. Motion carried unanimously.

**Conditional-Use Permits:**

**Steven LePage, Lake Nebagamon, WI – from the December 9, 2020 hearing – Salvage/Dumpster Storage/Dumpster Rental Business – NW NW, Section 31, T47N-R11W; (6892 S County Road D; HA-014-00486-00), Town of Hawthorne.**

Applicant not present; no correspondence from Town of Hawthorne. Application was dependent on zone change approval.

**ACTION:** Motion by Baker, second Glazman, to deny. Motion carried.

**Security State Bank, Iron River, WI – Class D sign / billboard – Lot 3, CSM #1051, Vol 7, Pgs 243-244, Pt SE SE, Section 30, T48N-R12W; (7599 E County Road E, AM-002-00730-02), Town of Amnicon.**

Applicant representative present; no correspondence from Town Amnicon.

**ACTION:** Motion by Ryan, second Baker, to approve pending town approval. Motion carried.

**Conditional-Use Permit Modifications/Revisions:**

**18th Hole LLC, Superior, WI (owner/operator) – from December 9, 2020 hearing – revise non-metallic mine permit #8520 to include S1/2 SE NE, Section 35, T47N-R12W; (7070 S 18th Street Road; HA-014-00925-01) & NW NW, Section 36, T47N-R12W; (6990 S 18th Street Road; HA-014-00946-00); & to remove NW NE, SW NE, NE NW, SE NW, Section 36, T47N-R12W (HA-014-00942-00; 00943-00; 00945-00 & 00949-00), Town of Hawthorne.**

Applicant not present; no objections from Town of Hawthorne.

**ACTION:** Motion by Ryan, second Borgeson, to approve. Motion carried.

**Udeen Trucking Inc, Superior, WI (owner/operator) – revise non-metallic mine permit #8150 to include Pt SE SE, Section 20, T47N-R14W; ( 3180 E County Road B; TS-030-00457-00), Town of Superior.**

Applicant not present; no correspondence from Town of Superior.

**ACTION:** Motion by Ryan, second Borgeson, to approve pending town approval. Motion carried.

**Conditional-Use Transfer:**

**Mathy Construction Company, Onalaska, WI (current owner) – Johnson Family Holdings, LLC, South Range, WI (buyer) – Northern Interstate Construction, Inc (operator) - Transfer of Conditional Use Permit #15312 and Reclamation Plan #RP-15312 from Mathy**

**Construction Company to Johnson Family Holdings, LLC (owner) & Northern Interstate Construction, Inc (operator) – W1/2 NW SW, Section 28, T47N-R14W; E1/2 NE SE, Section 29, T47N-R14W (3384 E Dump Rd, TS-030-00717-01; 00735-01), Town of Superior.**

Applicant representative present; no correspondence from Town of Superior.

**ACTION:** Motion by Ryan, second Glazman, to approve pending town approval. Motion carried.

**Conditional-Use Permit Renewals/Reclamation Plan Renewals/Approvals:  
Glacier Hill Sand, LLC, Superior, WI (owner/operator) – non-metallic mine permit #5870 renewal and approval of reclamation plan – Pt NW NE, Lyg W of State Hwy R/W & SW NE, Lyg W of State Hwy R/W Section 28, T47N-R14W (6595 S State Hwy 35; TS-030-00709-00; TS-030-00711-00), Town of Superior.**

Applicant not present; no objections from Town of Superior.

**ACTION:** Motion by Ryan, second Baker, to approve with the following conditions: Approved for a five-year period, expiring March 6, 2026; must comply with Ordinance 8.0, section VI, sub. 6.2; financial assurance instrument required based on cost for Douglas County to reclaim site in accordance with Ordinance 8.9 and NR 135; must comply with Ordinance 8.9 to include NR-135 annual reporting requirements; subject to conditions of town dated March 31, 2010. Motion carried.

**Reclamation Plan:** Town needs to approve revisions made to plan.

**ACTION:** Motion by Ryan, second Glazman, to refer reclamation plan to future hearing to allow town review. Motion carried.

**Charles & Beverly Allen, Foxboro, WI (owner/operator) – non-metallic mine permit #5902 renewal and approval of reclamation plan – NE NE & SE NE, Section 29, T47N-R14W (6428 S Allen Rd; TS-030-00720-00; 00723-00), Town of Superior.**

Applicant not present; no objections from Town of Superior.

**ACTION:** Motion by Ryan, second Borgeson, to approve with the following conditions: Approved for a five-year period, expiring March 6, 2026; must comply with Ordinance 8.0, section VI, sub. 6.2; financial assurance instrument required based on cost for Douglas County to reclaim site in accordance with Ordinance 8.9 and NR 135; must comply with Ordinance 8.9 to include NR-135 annual reporting requirements; subject to conditions of town dated March 31, 2010. Motion carried.

**Reclamation Plan:** Approved by Town of Superior.

**ACTION:** Motion by Glazman, second Baker, to approve. Motion carried.

**Mathy Construction Co (owner) / Milestone Materials (operator), Amery, WI – non-metallic**

**mine permit #7128 renewal and approval of reclamation plan – Pt NE NW, Pt NW NW, SW NW, Section 29, T47N-R14W; (2952 E County Road B / 6498 S Point of Rocks Rd; TS-030-00724-00; 00726-00; 00728-00), Town of Superior.**

Applicant representative present; no objections from Town of Superior.

**ACTION:** Motion by Ryan, second Borgeson, to approve with the following conditions: Approved for a five-year period, expiring March 6, 2026; must comply with Ordinance 8.0, section VI, sub. 6.2; financial assurance instrument required based on cost for Douglas County to reclaim site in accordance with Ordinance 8.9 and NR 135; must comply with Ordinance 8.9 to include NR-135 annual reporting requirements; subject to conditions of town dated March 31, 2010. Motion carried.

**Reclamation Plan:** Approved by Town of Superior.

**ACTION:** Motion by Ryan, second Borgeson, to approve. Motion carried.

**Mathy Construction Co (owner) / Milestone Materials (operator), Amery, WI – non-metallic mine permit #7131 renewal and approval of reclamation plan – Pt SW SW, Section 31, T48N-R12W & Pt W1/2 NW, Section 6, T47N-R12W; (4749 S & 4827 S Sam Anderson Rd; AM-002-00756-00; 00221-00), Town of Amnicon.**

Applicant representative present; no correspondence from Town of Amnicon.

**ACTION:** Motion by Ryan, second Borgeson, to approve pending town approval, with the following conditions: Approved for a five-year period, expiring March 6, 2026; must comply with Ordinance 8.0, section VI, sub. 6.2; financial assurance instrument required based on cost for Douglas County to reclaim site in accordance with Ordinance 8.9 and NR 135; must comply with Ordinance 8.9 to include NR-135 annual reporting requirements; areas of wetland should have a 75 foot undisturbed vegetated buffer between wetlands and actively mined areas unless a wetland filling and grading permit is obtained from the Wisconsin DNR; and town approval required (if additional or revised conditions are requested by the town, the application will be brought back to committee). Motion carried.

**Reclamation Plan:** Town approval required.

**ACTION:** Motion by Ryan, second Baker, to approve pending town approval. If additional or revised conditions are requested by the town, the reclamation plan will be brought back to committee. Motion carried.

**Udeen Trucking, Inc, / Northern Horizon LLP / Scott Udeen, et al, Superior, WI (owners/operators) – non-metallic mine permit #8150 renewal and approval of reclamation plan – Pt SW SW, Section 21, T47N-R14W; Pt SE SE, Section 20, T47N-R14W; (3204 E County Road B; TS-030-00495-00; TS-030-00497-00; TS-030-00498-00, TS-030-00457-00), Town of Superior.**

Applicant not present; no objections from Town of Superior.

**ACTION:** Motion by Ryan, second Baker, to approve with the following conditions: Approved for a three-year period, expiring March 10, 2024; must comply with Ordinance 8.0, section VI, sub. 6.2; financial assurance instrument required based on cost for Douglas County to reclaim site in accordance with Ordinance 8.9 and NR 135; must comply with Ordinance 8.9 to include NR-135 annual reporting requirements; must address zoning district conflicts by January 13, 2022; continue compliance with conditions on May 16, 2008, renewal regarding maintenance of County Road B; subject to conditions of town dated March 31, 2010. Motion carried.

**Reclamation Plan:** Town needs to approve revisions made to plan.

**ACTION:** Motion by Ryan, second Baker, to refer reclamation plan to future hearing to allow town review. Motion carried.

**Olson Brothers, Inc, Brule, WI (owner/operator) – non-metallic mine permit #8196 renewal and approval of reclamation plan – NW NW, Section 24, T48N-R10W; (3640 S County Road H; BR-006-00761-00), Town of Brule.**

Applicant not present; no objections from Town of Brule.

**ACTION:** Motion by Borgeson, second Ryan, to approve with the following conditions: Approved for a three-year period, expiring March 10, 2024; must comply with Ordinance 8.0, section VI, sub. 6.2; financial assurance instrument required based on cost for Douglas County to reclaim site in accordance with Ordinance 8.9 and NR 135; must comply with Ordinance 8.9 to include NR-135 annual reporting requirements; must obtain DNR blasting permit(s) as required. Motion carried.

**Reclamation Plan:** Town needs to approve revisions made to plan.

**ACTION:** Motion by Ryan, second Borgeson, to refer reclamation plan to future hearing to allow town review. Motion carried.

**18th Hole, LLC, Superior, WI (owner/operator) – non-metallic mine permit #8520 renewal and approval of reclamation plan – N1/2 SE NE, S1/2 SE NE, Section 35 & NW NW, SW NW, Section 36, T47N-R12W; (7070 S 18th Street Rd; HA-014-00925-00; 00925-01; 00946-00; 00947-00), Town of Hawthorne.**

Applicant not present; no objections from Town of Hawthorne.

**ACTION:** Motion by Ryan, second Glazman, to approve with the following conditions: Approved for a three-year period, expiring March 10, 2024; must comply with Ordinance 8.0, section VI, sub. 6.2; financial assurance instrument required based on cost for Douglas County to reclaim site in accordance with Ordinance 8.9 and NR 135; must comply with Ordinance 8.9 to include NR-135 annual reporting requirements; mining will not occur on parcels HA-014-00943-00 and HA-014-00942-00 until the reclamation plan is revised to include the anticipated extent of mining

along with any additional permitting or details of planned reclamation for these parcels. Motion carried.

**Reclamation Plan:** Approved by Town of Hawthorne.

**ACTION:** Motion by Ryan, second Borgeson, to approve. Motion carried.

**Grube Aggregate, LLC, Poplar, WI (owner/operator) – non-metallic mine permit #14985 renewal and approval of reclamation plan – NW SE, Section 15, T47N-R12W; (8676 E Berg Park Rd; AM-002-00398-00), Town of Amnicon.**

Applicant representative present; no correspondence from Town of Amnicon.

**ACTION:** Motion by Baker, second Ryan, to approve pending town approval with the following conditions: Approved for a three-year period, expiring March 10, 2024; must comply with Ordinance 8.0, section VI, sub. 6.2; financial assurance instrument required based on cost for Douglas County to reclaim site in accordance with Ordinance 8.9 and NR 135; must comply with Ordinance 8.9 to include NR-135 annual reporting requirements; contact USACE to verify operation is compliant with section 404, Clean Water Act; and town approval required (if additional or revised conditions are requested by the town, the application will be brought back to committee). Motion carried.

**Reclamation Plan:** Town needs to approve revisions made to plan.

**ACTION:** Motion by Baker, second Borgeson, to refer reclamation plan to future hearing to allow town review. Motion carried.

**Johnson Family Holdings, LLC, (owner) - Northern Interstate Construction, Inc, (operator) –South Range, WI – non-metallic mine Permit #15312 renewal and approval of reclamation plan – W1/2 NW SW, Section 28, T47N-R14W; E1/2 NE SE, Section 29, T47N-R14W; (3384 E Dump Rd, TS-030-00717-01; 00735-01), Town of Superior.**

Applicant representative present; no correspondence from Town of Superior.

**ACTION:** Motion by Ryan, second Borgeson, to approve pending town approval with the following conditions: Approved for a three-year period, expiring October 9, 2024; must comply with Ordinance 8.0, section VI, sub. 6.2; financial assurance instrument required based on cost for Douglas County to reclaim site in accordance with Ordinance 8.9 and NR 135; must comply with Ordinance 8.9 to include NR-135 annual reporting requirements; subject to conditions of town dated March 31, 2010. Motion carried.

**Reclamation Plan:** Town approval required.

**ACTION:** Motion by Ryan, second Glazman, to approve pending town approval. If additional or revised conditions are requested by the town, the reclamation plan will be brought back to committee. Motion carried.

**Mathy Construction Co (owner) / Milestone Materials (operator), Amery, WI – non-metallic mine Permit #18960 renewal and approval of reclamation plan – SW NW, Outlot 1 CSM #1190, PT SE NW, Section 13, T47N-R14W; (5731 S County Road A; TS-030-00291-00; 00293-01), Town of Superior.**

Applicant representative present; no objections from Town of Superior.

**ACTION:** Motion by Ryan, second Borgeson, to approve pending town approval with the following conditions: Approved for a five-year period, expiring March 6, 2026; must comply with Ordinance 8.0, section VI, sub. 6.2; financial assurance instrument required based on cost for Douglas County to reclaim site in accordance with Ordinance 8.9 and NR 135; must comply with Ordinance 8.9 to include NR-135 annual reporting requirements; subject to conditions of town dated March 31, 2010. Motion carried.

**Reclamation Plan:** Approved by Town of Superior.

**ACTION:** Motion by Ryan, second Baker, to approve. Motion carried.

**Mathy Construction Co (owner) / Milestone Materials (operator), Amery, WI – non-metallic mine permit #21107 renewal and approval of reclamation plan – Lots 1 & 2, CSM #958, Vol 7, Pgs 46-47, SE SE SE, Section 36, T48N-R13W; (7197 E Bayfield Rd; PA-024-00749-00; 00749-01), Town of Parkland.**

Applicant representative present; no objections from Town of Parkland.

**ACTION:** Motion by Ryan, second Borgeson, to approve with the following conditions: Approved for a three-year period, expiring March 10, 2024; must comply with Ordinance 8.0, section VI, sub. 6.2; financial assurance instrument required based on cost for Douglas County to reclaim site in accordance with Ordinance 8.9 and NR 135; must comply with Ordinance 8.9 to include NR-135 annual reporting requirements; intent dated March 9, 2016, to adopt current reclamation plan submitted by former operator Rueben Johnson and Sons. Motion carried.

**Reclamation Plan:** Approved by Town of Parkland.

**ACTION:** Motion by Ryan, second Glazman, to approve. Motion carried.

*Five minute break taken at 9:44 a.m.*

**DEPARTMENT REPORTS:**

**Planning and Zoning/Board of Adjustment:** A-2 zoning district will be addressed.

**Rural Housing Authority:** Contract with Northwest Regional Planning Commission complete.

**Land Conservation:** Reviewing reclamation plans, working on cost share projects and grant reimbursements.

**Surveyor:** Working on county line in south corner.

**Land Records:** Grant application approved; redistricting begins April 1, 2021.

**Real Property Lister:** 37,280 tax bills printed.

**Register of Deeds – Retained Fees Account:** Report distributed.

**ACTION ITEM/REFERRAL:**

**Request to Waive Permit Fee:** Current owners claim shed was placed on land without permit by previous owner and are requesting forgiveness of after-the-fact fee. No exemptions exist for moveable structures or to waive fees based on whether current or previous property owner placed the structure.

**ACTION:** Motion by Baker, second Borgeson, to deny request. Motion carried.

**INFORMATIONAL ITEMS:**

**Boat Storage in the C-1: Commercial Zoning District:** Not addressed in ordinance; consider adding when ordinance is revised.

**FUTURE AGENDA ITEMS:** Boat storage in C-1: Commercial Zoning District; after-the-fact permit fees.

**ADJOURNMENT:** Motion by Ryan, second Borgeson, to adjourn. Motion carried. Meeting adjourned at 10:20 a.m.

Submitted by,

Kaci Lundgren  
Committee Clerk