

**PLANNING & ZONING COMMITTEE
PUBLIC HEARING AND REGULAR MEETING
Douglas County Board of Supervisors
Wednesday, November 10, 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, Pat Ryan, Nick Baker, Charlie Glazman, Jim Borgeson. Others present – Terri Luebbe, Tessah Behlings, Zach DeVoe, Ashley Vande Voort, Jon Fiskness, Marissa Hanson, Robin Schaffer, Mark Liebaert, Knute Pedersen, Nancy Pedersen, Chris Askay, Shelley Nelson, Roger Le Tourneau, Cherie Hunt, Janice Newsome, Jan Jenson, Sherry Amys, Margaret Braun, Gary Brown, Mary Brill, Robert Martin, Julie Kimmes, Kaci Lundgren (Committee Clerk).

APPROVAL OF MINUTES: Motion by Ryan, second Glazman, to approve minutes from the October 13, 2021, meeting. Motion carried.

PUBLIC HEARING:

Amendments to the Douglas County Zoning Ordinance 8.0:

Petition No. 21-15: Carl Kurtz, Lake Nebagamon, WI – from the October 13, 2021, hearing - NE NW NW, Section 32, T47N-R11W; (HA-014-00511-00, 6769 S Lasch Ln), Town of Hawthorne: Request to rezone to R-2 for hobby farm. Town requested rezone to A1; refer to future meeting for amended application.

ACTION: Motion by Glazman, second Borgeson, to refer to future meeting. Motion carried.

Petition No. 21-16: Nicholas Gaynor & Melissa Goodiel, Solon Springs, WI – SW SW, Section 22, T45N-R12W & NW SW, Section 22, T45N-R12W; (SO-026-00970-00, 00969-00, 11202 S Ferguson Rd), Town of Solon Springs: Request to rezone to A1 for hobby farm. No objections from town.

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

Petition No. 21-17: Nicole Flamang & Brandon Ergen, Minong, WI – S-187' of N-287' of Gov't Lot 3, Section 29, T43N-R11W; (WA-032-00731-00, 16320 S Carol Court), Town of Wascott: Request to rezone to RR-1 to conform with dimensional standards and requirements of zoned district. No objections from town.

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

Recap of Zone Change Recommendations to County Board: One referred; two approved.

Conditional-Use Permits:

TG & DS Investments, LLC: No correspondence from town.

ACTION: Motion by Borgeson, second Ryan, to refer to future meeting to await town correspondence. Motion carried.

Vanessa McCahon/John Gergen: No objections from town; request for a private campground to hold two campers.

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

Conditional-Use Permit Renewals:

Douglas County Highway Department (operator) / Douglas County (owner) Conditional-Use #24815: No correspondence from town.

ACTION: Motion by Baker, second Glazman, to approve with the following conditions: Permit approved for three-year period, expiring November 14, 2024; must comply with Ordinance 8.0, Section VI, Sub 6.2; financial assurance instrument required based on cost for Douglas County to reclaim this site in accordance with Ordinance 8.9 and NR 135; must comply with Ordinance 8.9 to include NR 135 annual reporting requirements. Motion carried.

Phoenix Gravel (owner / operator) – Conditional-Use #8672: No objections from town.

ACTION: Motion by Ryan, second Borgeson, to approve with the following conditions: Permit approved for three-year period, expiring November 14, 2024; must comply with Ordinance 8.0, Section VI, Sub 6.2; financial assurance instrument required based on cost for Douglas County to reclaim this site in accordance with Ordinance 8.9 and NR 135; must comply with Ordinance 8.9 to include NR 135 annual reporting requirements. Motion carried.

Reclamation Plan Approvals:

Steve Balcsik (operator) / Scotch Pine Partners (owner) – Reclamation Plan #RP-22916: No objections from town.

ACTION: Motion by Ryan, second Glazman, to approve with the following conditions: At the time mining ceases, site must be restored to a contoured and seeded building site as defined in the reclamation plan; financial assurance instrument required based on cost for Douglas County to reclaim this site in accordance with Ordinance 8.9 and NR 135; no mining activities can occur until financial assurance is accepted by Douglas County. Notification must be provided to Douglas County for the following reasons: Any changes to the financial instrument (reported within one month); bankruptcy (reported within one month); prior to a change in mine operators or land ownership; and when reclamation activities are completed. Reclamation plan and financial assurance must be revised prior to expanding mine acreage or depth outside the parameters of what is specified in the reclamation plan; must comply with Ordinance 8.9 to include NR 135 annual reporting

requirements. Motion carried.

Town of Superior (owner / operator) – Reclamation Plan #RP-6963: No objections from town.

ACTION: Motion by Ryan, second Borgeson, to approve with the following conditions: At the time mining ceases, site must be restored to a contoured and seeded building site as defined in the reclamation plan; financial assurance instrument required based on cost for Douglas County to reclaim this site in accordance with Ordinance 8.9 and NR 135; no mining activities can occur until financial assurance is accepted by Douglas County. Notification must be provided to Douglas County for the following reasons: Any changes to the financial instrument (reported within one month); bankruptcy (reported within one month); prior to a change in mine operators or land ownership; and when reclamation activities are completed. Reclamation plan and financial assurance must be revised prior to expanding mine acreage or depth outside the parameters of what is specified in the reclamation plan; must comply with Ordinance 8.9 to include NR 135 annual reporting requirements. Motion carried.

Solon Springs Concrete, LLC (owner / operator) – Reclamation Plan #RP-7135: No objections from town.

ACTION: Motion by Ryan, second Borgeson, to approve with the following conditions: At the time mining ceases, site must be restored to a contoured and seeded building site as defined in the reclamation plan; financial assurance instrument required based on cost for Douglas County to reclaim this site in accordance with Ordinance 8.9 and NR 135; no mining activities can occur until financial assurance is accepted by Douglas County. Notification must be provided to Douglas County for the following reasons: Any changes to the financial instrument (reported within one month); bankruptcy (reported within one month); prior to a change in mine operators or land ownership; and when reclamation activities are completed. Reclamation plan and financial assurance must be revised prior to expanding mine acreage or depth outside the parameters of what is specified in the reclamation plan; must comply with Ordinance 8.9 to include NR 135 annual reporting requirements. Motion carried.

Douglas County Highway Department (operator) / Douglas County (owner) – Reclamation Plan #RP-24815: No correspondence from town.

ACTION: Motion by Baker, second Glazman, to approve with the following conditions: At the time mining ceases, site must be restored to a contoured and seeded building site as defined in the reclamation plan; financial assurance instrument required based on cost for Douglas County to reclaim this site in accordance with Ordinance 8.9 and NR 135; no mining activities can occur until financial assurance is accepted by Douglas County. Notification must be provided to Douglas County for the following reasons: Any changes to the financial instrument (reported within one month); bankruptcy (reported within one month); prior to a change in mine operators or land ownership; and when reclamation activities are completed. Reclamation plan and financial assurance must be revised prior

to expanding mine acreage or depth outside the parameters of what is specified in the reclamation plan; must comply with Ordinance 8.9 to include NR 135 annual reporting requirements. Motion carried.

Phoenix Gravel (owner / operator) – Reclamation Plan #RP-8672: No objections from town.

ACTION: Motion by Ryan, second Borgeson, to approve with the following conditions: At the time mining ceases, site must be restored to a contoured and seeded building site as defined in the reclamation plan; financial assurance instrument required based on cost for Douglas County to reclaim this site in accordance with Ordinance 8.9 and NR 135; no mining activities can occur until financial assurance is accepted by Douglas County. Notification must be provided to Douglas County for the following reasons: Any changes to the financial instrument (reported within one month); bankruptcy (reported within one month); prior to a change in mine operators or land ownership; and when reclamation activities are completed. Reclamation plan and financial assurance must be revised prior to expanding mine acreage or depth outside the parameters of what is specified in the reclamation plan; must comply with Ordinance 8.9 to include NR 135 annual reporting requirements. Motion carried.

Five minute break taken at 9:23 a.m.

DEPARTMENT REPORTS:

Planning and Zoning/Board of Adjustment: One cabin permitted at Dairyland Outdoor Veterans Retreat; two resignations within department. Pre-existing mobile home park in Town of Parkland is a health hazard with ten trailers uninhabitable (no sewer service) due to non-payment. Working with town, Health Department, Corporation Counsel and state departments to find solution.

Rural Housing Authority: Resolutions provided as action item to continue grant service.

Land Conservation: 170 property owners participated in groundwater testing. Ag Enterprise area was approved and in effect January 1, 2022. Spoke to leadership class regarding farm education.

Surveyor: End-of-year report to be distributed at future meeting.

Land Records: Land Records Modernization Plan to be resubmitted to state with updates; forestry server migration complete. New district maps will be presented for approval to County Board tonight.

Real Property Lister: Awaiting special assessments and charges from towns; working on property transfers.

Register of Deeds – Retained Fees Account: Included with agenda.

ACTION ITEMS:

Funding Consideration of the Housing Rehabilitation Program for the Northwest Region Housing Program (10 counties) Application- Resolution Adopting a Citizen Participation Plan: Annual approval allows Community Development Block Grant to continue.

ACTION (RESOLUTION): Motion by Ryan, second Glazman, to approve resolution and Citizen Participation Plan as presented and refer to County Board. Motion carried unanimously.

Resolution Authorizing Submission of the Application: Allows Community Development Block Grant to continue.

ACTION (RESOLUTION): Motion by Glazman, second Ryan, to approve resolution as presented and refer to County Board. Motion carried unanimously.

After-the-Fact Fee Waiver Request: Realtor listing shows deck existing prior to purchase by current owners.

ACTION: Motion by Glazman, second Baker, to waive after-the-fact fee due to proof by realtor listing that deck existed prior to current ownership. Motion carried.

INFORMATIONAL ITEMS:

Town Names on Fire / Address Number Signs: All towns in favor of adding municipal name to signs. Dave Sletten to review Primary Structure Address Ordinance with Public Safety Committee.

Hobby Farms / Animal Units: Animal unit attachment included with agenda obtained from Nutrient Management Program used by farmers for proper manure use/application/disposal. Hobby farms only allowed in R2 and A1 zone districts, with R2 requiring a permit; conditions may be applied to permit by committee. Behlings to review City of Superior requirements for animals on private property within city limits.

Campgrounds and Fees: After discussion with Corporation Counsel, additional fees per camping space may not be charged by county; only allowed at municipal level. An increased fee may be charged for large-scale campground permits.

Bottled Water: Bayfield County involved in legal matter due to artesian well water application. A request could be presented to Douglas County in the future due to proximity of lake.

Waiving After-the-Fact Fees: Burden of proof that illegal structure existed prior to ownership to fall on property owner. To discuss what constitutes proof at future meeting.

Ordinance 8.0 Proposed Revision: Ordinance revisions presented to committee at previous meetings; revisions sent to towns with reply needed by mid-December; approval

of 50% of towns necessary to adopt amended ordinance. Additional changes may be presented after initial amendments are adopted.

FUTURE AGENDA ITEMS: Zoning Ordinance 8.0; after-the-fact fee waiver requests; campground permit fee increase; renewable energy.

ADJOURNMENT: Motion by Ryan, second Borgeson, to adjourn. Motion carried. Meeting adjourned at 10:38 a.m.

Submitted by,

Kaci Lundgren
Committee Clerk