

**PLANNING & ZONING COMMITTEE
PUBLIC HEARING AND REGULAR MEETING
Douglas County Board of Supervisors
Wednesday, January 12, 2022, 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, Charlie Glazman. Absent – Nick Baker, Jim Borgeson (remote). Others present – Terri Luebbe, Tessah Behlings, Zach DeVoe, Robin Schaffer, Ashley Vande Voort, Jon Fiskness, Marissa Hanson, Candy Anderson, Janice Newsome, Jan Jenson, Carolyn Pierce, Shelley Nelson, Brandon Lende, Char Jakubek, Katie Fleming (remote), Kaci Lundgren (Committee Clerk).

APPROVAL OF MINUTES: Motion by Glazman, second Ryan, to approve minutes from the December 8, 2021, meeting. Motion carried.

PUBLIC HEARING:

Amendment to Ordinance 8.0 Zoning Ordinance: Included with agenda; changes read aloud. Approval received from the majority of towns in Douglas County. Changes would not be implemented for 2022 permitting season if not approved at this time; specific concerns can be addressed with future amendments.

Janice Newsome, Jan Jenson, and Steve Trainor, spoke on concerns of parcel size requirements regarding campgrounds, length of time to review changes, and complexity of ordinance amendments.

ACTION (RESOLUTION): Motion by Glazman, second Ryan, to approve ordinance amendments as presented, with the understanding that additional revisions will be done throughout 2022 and presented at a future date for approval, and refer to County Board. Motion carried unanimously.

Amendment 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 Lane), Town of Hawthorne: Request to rezone to A-1 for hobby farm. Original request was to rezone to R-2, but town asked for change to A-1.

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

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

5-minute break taken at 9:44 a.m.

Conditional-Use Permits:

Charlotte Jakubek: Request is for a home occupation (winery); no objections from town.

ACTION: Motion by Ryan, second Glazman, to approve with the following conditions: No development or fill to occur in mapped wetland, other than area identified by wetland ID as upland; all applicable local, county, state, and federal alcohol and health permits/licensure must be obtained prior to operation; one 200 square foot parking space for every 5 patrons to be accommodated must be provided; building must adhere to all applicable commercial building requirements; POWTS permit must be acquired. Motion carried.

Solon Springs Quarry, LLC: Request is for a concrete plant; no objections from town.

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

Ryan and Michelle Shold: Request is for a hobby farm; no objections from town.

ACTION: Motion by Ryan, second Glazman, to approve with the following conditions: Limited to 30 chickens and 2 pigs; animals to be adequately contained; structures housing animals subject to hobby farm setbacks as outlined in Douglas County Zoning Ordinance Section III 3.4 (2)(c). Motion carried.

Kathryn Fleming: Request is for a campground expansion (18 additional sites); no objections from town.

ACTION: Motion by Glazman, second Ryan, to approve with the following conditions: Campsites limited to 30 sites; all health department regulations must be met and licensure obtained; adequately sized POWTS system permit must be obtained before permit will be issued; all structures in campgrounds must be permitted. Motion carried.

Conditional-Use Permit Revisions:

Scott Udeen/Robin Cich (operator) / Robin/William Cich (owner): Revisions made for access purposes; no objections from town.

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

Milestone Materials (operator) / Mathy Construction (owner): No objections from town.

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

Michael Michalski (owner/operator): No objections from town.

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

Summit Township (operator) / Douglas County Forestry (owner): Revisions made for

access purposes; no objections from town.

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

Conditional-Use Permit Renewals:

Milestone Materials (operator) / Mathy Construction (owner): Non-metallic mine permit renewal; no objections from town. Additional conditions added to agreement with Brian and Linda Denston include: Washing Operations and stockpiling may occur in area north of the “lower floor”, east of the existing driveway in part of the NE ¼ - NE ¼ - NW ¼, and in part of the NW ¼ - NW ¼ - NE ¼ pending creation of a berm on the north and east sides of the area; no blasting may occur in this area; no wells will be installed for washing operations; and a “Trucks Hauling” sign will be located before the entrance on both sides of the driveway on US Highway 2. The signs will be placed under the direction of the Douglas County Highway Department.

ACTION: Motion by Ryan, second Glazman, to approve with the following conditions: Permit approved for three-year period, expiring March 8, 2025; 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; must comply with conditions agreed upon with adjoining property owners Brian and Linda Denston; access to be approved by WisDOT within 6 months of permit issuance; must comply with additional conditions hereby incorporated as part of this permit. Motion carried.

Solon Springs Concrete, LLC (operator) / Solon Springs Quarry, LLC (owner): Non-metallic mine permit renewal; no objections from town.

ACTION: Motion by Glazman, second Ryan, to approve with the following conditions: Permit approved for three-year period, expiring March 8, 2025; 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; days and hours of operation are Monday through Friday, 6 a.m. to 7 p.m., Saturday 6 a.m. to 6 p.m. and no mining or hauling on holidays; must cooperate with Douglas County Highway Department regarding any required signage. Motion carried.

Trusty Trucking, Inc. (owner/operator): Non-metallic mine permit renewal; no correspondence received from town.

ACTION: Motion by Glazman, second Ryan, to refer to future meeting to await town input. Motion carried.

Michael Michalski (owner/operator): Non-metallic mine permit renewal; no objections from town.

ACTION: Motion by Ryan, second Glazman, to approve with the following conditions: Permit approved for five-year period, expiring March 13, 2027; 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; must maintain Wisconsin DNR stormwater permit licensure and comply with all provisions of DNR stormwater permit regulations. Motion carried.

Wascott Township (operator) / Douglas County Forestry (owner): Non-metallic mine permit renewal; no objections from town. Pit is split between Town of Gordon and Town of Wascott; permit only approved for one-year so its renewal schedule falls in line with Town of Wascott's portion.

ACTION: Motion by Ryan, second Glazman, to approve with the following conditions: Permit approved for one-year period, expiring March 8, 2023; must comply with Ordinance 8.0, Section VI, Sub 6.2; no financial assurance required for municipal mines; must comply with Ordinance 8.9 to include NR 135 annual reporting requirements; must comply with all provisions of DNR stormwater permit regulations. Motion carried.

Summit Township (operator) / Douglas County Forestry (owner): Non-metallic mine permit renewal; no objections from town.

ACTION: Motion by Ryan, second Glazman, to approve with the following conditions: Permit approved for five-year period, expiring March 13, 2027; must comply with Ordinance 8.0, Section VI, Sub 6.2; no financial assurance required for municipal mines; must comply with Ordinance 8.9 to include NR 135 annual reporting requirements. Motion carried.

Reclamation Plan Approvals:

Milestone Materials (operator) / Mathy Construction (owner): No correspondence from town.

ACTION: Motion by Glazman, second Ryan, to refer to future meeting to await town input. Motion carried.

Solon Springs Concrete, LLC (operator) / Solon Springs Quarry, LLC (owner): 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 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 10 days of filing); 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; 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.

Trusty Trucking, Inc. (owner/operator): No correspondence from town.

ACTION: Motion by Ryan, second Glazman, to refer to future meeting to await town input. Motion carried.

Michael Michalski (owner/operator): No objections from town.

ACTION: Motion by Glazman, second Ryan, to approve with the following conditions: At the time mining ceases, site must be restored 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 10 days of filing); 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; 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.

Wascott Township (operator) / Douglas County Forestry (owner): No objections from town.

ACTION: Motion by Glazman, second Ryan, 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.

Summit Township (operator) / Douglas County Forestry (owner): Request to refer to future meeting pending updates.

ACTION: Motion by Ryan, second Glazman, to refer to future meeting for updates. Motion carried.

DEPARTMENT REPORTS:

Planning and Zoning/Board of Adjustment: 3 applications for Board of Adjustment; interviews held for front desk position; Zoning Inspector position reposted. 2021 was extremely high revenue year.

Land Conservation: Agriculture Tech began as a shared position between Ashland, Douglas, Bayfield, and Iron Counties.

Surveyor: Working in-office drafting corner sheets.

Land Records: Land Records Modernization Plan approved by Land Information Council in December; 2022 grant approval given by state. Redistricting data requested from state; 911 server upgraded.

Real Property Lister: Town of Gordon had an issue with its levy amount; tax statements were mailed out late for that municipality.

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

ACTION ITEMS:

Recording Funding of \$19,223.19 from the Lake Monitoring and Protection Network Grant: Already received and recorded funds; no action needed.

Request to Refund Variance and After-the-Fact Fees: Letter explaining reasons for refund request from property owner included with agenda. Due to the proximity to water and time between projects, applications were considered separately.

ACTION: Motion by Glazman, second Ryan, to deny request to refund variance and after-the-fact fees. Motion carried.

FUTURE AGENDA ITEMS: Ordinance revisions; any referred applications.

ADJOURNMENT: Motion by Ryan, second Glazman, to adjourn. Motion carried. Meeting adjourned at 10:35 a.m.

Submitted by,
Kaci Lundgren
Committee Clerk