

**PLANNING & ZONING COMMITTEE  
PUBLIC HEARING AND REGULAR MEETING  
Douglas County Board of Supervisors  
Wednesday, April 12, 2023, 9:00 a.m., Government Center, Boardroom 201  
1316 North 14th Street, Superior, Wisconsin**

Meeting called to order by Chair Mary Lou Bergman.

## **1. ROLL CALL**

Present – Mary Lou Bergman, Scott Luostari, Joseph Moen, Bill Fennessey. Absent – Jim Borgeson (remote). Others present – Robin Schaffer, Terri Luebbe, Mark Liebaert, Jon Fiskness, Marissa Hanson, Ashley Vande Voort, Zach DeVoe, Mark Graves, Dan Corbin, Shelley Nelson, Liz Zappitello, Sherry Amys, Katie Flemming, Terri LaFlamme (remote), Emily Cahill (Committee Clerk).

## **2. APPROVAL OF MINUTES**

Motion by Fennessey, second Luostari, to approve minutes from the March 8, 2023, meeting. Motion carried.

## **3. SUSPEND REGULAR MEETING; ADJOURN TO PUBLIC HEARING**

## **4. PUBLIC HEARING**

### **a. Amendments to the Douglas County Zoning Ordinance 8.0**

- 1) Petition No. 23-04: Mark & Anna Graves, Lake Nebagamon, WI – NE SE Section 14, T46N-R11W; (HI-016-01119-00, 8247 S Oakdale Rd), Town of Highland:** Request to rezone from F-1 Forestry to A-1 Agricultural for proposed use: pumpkin farm, catfish farming, maple syrup tree tapping; no objections from town.

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

- 2) Petition No. 23-05: Mark & Terri LaFlamme, Foxboro, WI – SE SE Section 6, T45N-R14W #707013; (SU-028-00075-00, 2725 E Anderson Rd), Town of Summit:** Request to rezone from F-1 Forestry to A-1 Agricultural for proposed hobby farm use; no objections from town.

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

- 3) Petition No. 23-06: Elizabeth & Paul Zappitello, Superior, WI – NW NW Section 20, T45N-R12W; (SO-026-00944-00, 10898 S Pierce Rd), Town of Solon Springs:** Request to rezone from F-1 Forestry to A-1 Agricultural for proposed hobby farm use; no correspondence received.

**ACTION:** Motion by Luostari, second Fennessey, to refer to future meeting pending town input. Motion carried.

**b. Conditional-Use Permit Revision**

- 1) Town of Amnicon (operator) / James & Holly Lundberg, Jason & Rachel Deatherage (owners):** Non-metallic mine conditional-use permit revision; no correspondence received from town.

**ACTION:** Motion by Fennessey, second Moen, to approve pending town input. Motion carried.

**c. Conditional-Use Permit Renewals**

- 1) Town of Amnicon (operator) / James & Holly Lundberg, Jason & Rachel Deatherage & Douglas County (owners):** Non-metallic mine permit #25321 renewal request; no correspondence received from town.

**ACTION:** Motion by Fennessey, second Luostari, to approve pending town input, with conditions as presented. Motion carried.

- 2) Town of Dairyland (operator / owner):** Non-metallic mine permit #21355 renewal request; town approved with conditions.

**ACTION:** Motion by Moen, second Fennessey, to approve with conditions as presented. Motion carried.

**d. Reclamation Plan Approvals**

- 1) Town of Amnicon (operator) / James & Holly Lundberg, Jason & Deatherage & Douglas County (owners):** Plan attached to agenda; no correspondence received from town.

**ACTION:** Motion by Fennessey, second Moen, to approve pending town input with conditions as presented. Motion carried.

- 2) Town of Dairyland (operator / owner):** Plan attached to agenda; no objections from town.

**ACTION:** Motion by Fennessey, second Moen, to approve with conditions as presented. Motion carried.

- 3) Douglas County Highway Department (operator) / Douglas County (owner):** Plan attached to agenda; no objections from town.

**ACTION:** Motion by Fennessey, second Luostari, to approve with conditions as presented. Motion carried.

## **e. Recap of Zone Change Recommendations for County Board**

- 1) Two recommended to County Board for approval.

*Public hearing adjourned at 9:14 a.m.*

## **5. RESUME AGENDA**

## **6. 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, Register of Deeds.

## **7. ACTION ITEMS**

### **a. Capital Project Requests**

#### **1) Land Conservation**

- a) 2023 Groundwater Testing:** Request of \$10,000; funding to be used to sample an additional 100 wells. Total cost of well test is \$107; well owners are charged a fee of \$20.

**ACTION (REFERRAL):** Motion by Bergman, second Luostari, to approve request to fund Groundwater Testing out of the 2023 capital improvement fund in the amount of \$10,000 and refer to Administrator and Administration/Executive Committees. Motion carried.

- b) Truck Replacement:** Request of \$40,000; funding to be used for a truck replacement. In 2022, the Land Conservation Department spent \$2,254 on truck maintenance; the budgeted amount of \$500 was overspent.

**ACTION (REFERRAL):** Motion by Luostari, second Moen, to approve request to fund truck replacement out of the 2023 capital improvement fund in the amount of \$40,000 and refer to Administrator and Administration/Executive Committees. Motion carried.

- c) St. Croix Flowage Assessment and Planning:** Request of \$17,000; funding to be used as match for grant-funded project to perform a vegetation assessment, update the aquatic plant management plan, and compose a comprehensive management plan for the St. Croix Flowage.

**ACTION (REFERRAL):** Motion by Fennessey, second Luostari, to approve request to fund project out of the 2023 capital improvement fund in the amount of \$17,000 and refer to Administrator and Administration/Executive Committees. Motion carried.

## 2) Land Services

- a) **Pictometry:** Request of \$71,082.17; funding to be used for 3<sup>rd</sup> payment of the 2022 flight due in 2024. These flights are critical infrastructure to the County and are used extensively by many departments and the general public. The acquisition of new images every three years has become the expectation of the county employees and the general public.

**ACTION (REFERRAL):** Motion by Fennessey, second Moen, to approve request to fund third Pictometry payment out of the 2023 capital improvement fund in the amount of \$71,082.17 and refer to Administrator and Administration/Executive Committees. Motion carried.

- b) **Remonumentation:** Request of \$30,000; funding to be used for remonumentation contract.

**ACTION (REFERRAL):** Motion by Luostari, second Fennessey, to approve request to fund remonumentation out of the 2023 capital improvement fund in the amount of \$30,000 and refer to Administrator and Administration/Executive Committees. Motion carried.

**Capital Projects Requests Priorities:** Preferred order of requests: 1<sup>st</sup> – Pictometry, 2<sup>nd</sup> – 2023 Groundwater Testing, 3<sup>rd</sup> – Truck Replacement, 4<sup>th</sup> – Remonumentation, 5<sup>th</sup> – St. Croix Flowage Assessment and Planning.

**ACTION (REFERRAL):** Motion by Fennessey, second Moen, to approve priorities order of capital projects requests and refer to Administrator and Administration/Executive Committees. Motion carried.

### b. Non-Metallic Highwalls:

- 1) **Professional Engineer Certification:** Reclamation plans for non-metallic mines specify that rock highwalls must be certified by a professional engineer to meet a stability factor of 1.3, or have safety fencing installed before considered complete.
- 2) **Financial Assurance:** Nonmetallic mines with rock highwalls must have financial assurance established with the County which is equivalent to the estimated expense to stabilize the highwall to meet a stability factor of 1.3.

**ACTION:** Motion by Luostari, second Fennessey, to refer Professional Engineer Certification and Financial Assurance to future meeting to allow for additional information. Motion carried.

### c. Resolution: PFAS Testing for Biosolids: Current concerns about PFAS in

biosolids spreading from Duluth and applied to farmlands in Douglas County has lead to encouraged testing. The current resolution does not list who would pay for the testing. Douglas County does not have the right to require testing, only to request it.

**ACTION (RESOLUTION):** Motion by Fennessey, second Moen, to approve resolution and refer to the County Board. Motion carried unanimously.

#### **d. Budgetary Transfers**

##### **1) Record funding of \$65,159 for County Lake Grant**

**ACTION (REFERRAL):** Motion by Luostari, second Fennessey, to approve and refer to Administration Committee. Motion carried.

##### **2) Record funding of \$22,473 for Department of Agriculture Trade and Consumer Protection Cost-Share**

**ACTION (REFERRAL):** Motion by Bergman, second Fennessey, to approve and refer to Administration Committee. Motion carried.

### **8. INFORMATIONAL ITEMS**

**a. Recap of Zoning Conference:** Conference was well-attended; survey was given out to attendees with results encouraging another conference soon and more individually-gearred agenda. It was suggested to steer next conference towards contractors and realtors, with an evening session to gain more interest.

**b. Douglas County Zoning Ordinance 8.0 Update:** No preliminary draft yet available; hoping to collaborate with Zoning Committee prior to presenting. Committee members encouraged to review current draft and discuss again at a future meeting.

*Katie Flemming, campground owner, spoke regarding concerns about ordinance setbacks and minimum 300 ft. width requirement.*

### **9. FUTURE AGENDA ITEMS**

None.

### **10. ADJOURNMENT**

Motion by Luostari, second Bergman, to adjourn. Motion carried. Meeting adjourned at 10:41 a.m.

Submitted by,

Emily Cahill, Committee Clerk