

**PLANNING & ZONING COMMITTEE
PUBLIC HEARING AND REGULAR MEETING
Douglas County Board of Supervisors
Wednesday, October 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 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, Knute Pedersen, Nancy Pedersen, Alvin Tangen, Craig McNeil, Christine McNeil, Gerald McNeil, Jan Jenson, Lynn Koalska, Beverly Allen, Shane Begley, Shannon Jorgenson, Rick Gondik, Julie Kimmes, Jessica Kimmes, Roger LeTourneau, Pete Hanson, Shelley Nelson, Janice Newsome, Brad DeColon (remote), Vernon Haas (remote), Kate Brewner (remote), Kaci Lundgren (Committee Clerk).

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

PUBLIC HEARING:

Amendments to the Douglas County Zoning Ordinance 8.0:

Petition No. 21-11: Mark & Lynn Simonson, South Range, WI (sellers) / Marc Nault, Foxboro, WI (buyer) – from the September 8, 2021 hearing – E-1/2 SW SW, Section 35, R47N-T13W, Desc 428 RP 461; (OA-022-00946-00, 6469 E County Road B), Town of Oakland: Request to rezone to RR-1 for campground. Campground will require a conditional-use permit. No objections from town.

ACTION: Motion by Borgeson, second Ryan to approve application. Roll call vote taken and passed with 3 – Yes, 2 – No, 0 – Absent. Voting no – Glazman, Baker.

Petition No. 21-13: Craig & Christine McNeil, Gordon, WI – Lot 1 CSM #316, Vol 2 Pg 131-2, Pt Gov't Lot 4, Section 22, T43N-R13W; (WA-032-01746-00, 6375 E Pine Oak Rd), Town of Wascott: Request to rezone to R-2 for hobby farm. Definition of spot zoning read. No objections from town.

Rick Gondik, Knute Pedersen, Julie Kimmes, Jessica Kimmes, Nancy Pedersen, Beverly Allen and Shannon Jorgenson spoke in opposition citing concerns of spot zoning, odors, health concerns from horse manure, groundwater safety and proximity to roads and homes.

Jan Jenson spoke regarding Town of Wascott decision and public notice given.

Lynn Koalska spoke regarding Town of Wascott Planning Commission recommendation and the circumstances surrounding it.

ACTION: Motion by Ryan, second Glazman, to deny application as it constitutes spot zoning. Roll call vote taken and passed with 4 – Yes, 1 – No, 0 – Absent. Voting no – Bergman.

Five minute break taken at 10:00 a.m.

Petition No. 21-14: Alvin Tangen, Maple, WI – SE NE, Section 22, T48N-R11W; Ex CTH F R/W (1.60AC); (MA-020-00490-00, 00487-00, 3745 S County Road F), Town of Maple: No objections from town. Two tiny homes on property with no running water; utilized as Airbnb. Property secluded with 80 acres.

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

Petition No. 21-15: Carl Kurtz, Lake Nebagamon, WI – NE NW NW, Section 32, T47N-R11W; (HA-014-00511-00, 6769 S Lasch Ln), Town of Hawthorne: No correspondence from town.

ACTION: Motion by Borgeson, second Glazman, to refer to next meeting to await town input. Motion carried.

Conditional-Use Permits:

Brad and Celia DeColon: No objections from town.

ACTION: Motion by Glazman, second Baker, to approve with review in one year and the following conditions: Limited to four camping units; all campsite structures (decks, sheds) to be permitted; camping units to be direct plumbed to holding tank onsite; holding tank onsite is pre-existing. Inspection and compliance with current code required; camping units must meet all dimensional setbacks; compliance with ATCP 79 required. Motion carried.

Craig and Christine McNeil: Zone change not approved; permit not applicable.

TG & DS Investments, LLC (John Hartwick): No correspondence from town. Request to add a ten-unit campground.

Roger Letourneau, adjacent owner, spoke on concerns of noise, wetlands and campfire smoke.

ACTION: Motion by Baker, second Glazman, to refer to next meeting to await town input. Motion carried.

Jessica Bloomquist: No objections from town. Town of Gordon covenant on property requires habitation on premises in specific timeframe. Three camping units to remain on premises for living purposes while construction of permanent structure is occurring.

Kate Brewner spoke on concerns of covenant restrictions and other neighbor opposition

to placement of campers on property.

ACTION: Motion by Ryan, second Glazman, to approve application with the following conditions: Limited to three camping units; conditional use permit will expire October 13, 2025, to adhere to Town of Gordon's restrictive covenant on Gordon Estates; camping units to meet all dimensional setbacks. Motion carried.

Conditional-Use Revision:

Town of Gordon (operator) / Douglas County Forestry (owner): Revision to add additional parcel to permit.

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

Conditional-Use Permit Renewal /Reclamation Plan Approval – Dwayne and Karen Proffit (operator) / Robert Groepper (owner):

Renewal Permit #19965: Renewal of permit; no changes; no objections from town.

ACTION: Motion by Ryan, second Glazman, to approve with the following conditions: Permit approved for five-year period, expiring November 14, 2026; 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 Permit #RP-19965: Updated reclamation plan; 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; any changes to the financial instrument must be reported to Douglas County within one month of the change; notification of bankruptcy must be provided to Douglas County within one month of the change; notification must be provided to Douglas County prior to a change in mine operators or land ownership; notification must be provided to Douglas County 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.

Conditional-Use Permit Revocation: Terry Bubb, Permit #26778: Condition of permit was to install fencing to contain animals; did not comply by Zoning Department's first review. An inadequate fence has since been installed.

ACTION: Motion by Glazman, second Baker, to revoke conditional-use permit due to inadequate fencing. Motion carried.

Recap of Zone Change Recommendations for County Board: Two approvals, one denial, one referred.

DEPARTMENT REPORTS:

Planning and Zoning/Board of Adjustment: Department has already met revenue goal; sending out sanitary system record update reminders.

Rural Housing Authority: Northwest Regional Planning Commission will present next round of grant application processes in November.

Land Conservation: Beginning groundwater testing (150-200 participants).

Surveyor: Collecting corners.

Land Records: Land Information Council approved one-time funding from Retained Fees Account for GIS position; working on Forestry server migration; continuing redistricting efforts with City of Superior; upgrade to be done to 911/CAD system. Received Land Records Modernization Plan comments back from state; will update and resubmit.

Real Property Lister: 50% of lottery credit letters returned.

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

ACTION: Motion by Glazman, second Baker, to extend meeting beyond two-hour limit. Motion carried.

ACTION ITEMS:

Grant Application: Brule Aquatic Plant Management (APM) Planning Grant: Grant to assist with creation of Aquatic Invasive Species Plan.

ACTION: Motion by Baker, second Borgeson, to approve APM grant application. Motion carried.

Planning Pre-Applications:

2022 Stop Spiny Regional Prevention Campaign – CD Besadny Grant: Grant to assist with campaign to prevent Spiny Water Flea.

Stop Spiny Multi-County Prevention Campaign – Surface Water Grant: Grant to assist with campaign to prevent Spiny Water Flea.

ACTION: Motion by Baker, second Ryan, to approve the CD Besadny and Surface Water Grant applications. Motion carried.

2022 Environmental Reserve Fund Request in the Amount of \$1,000 for Stop Spiny Prevention Campaign: Funds will assist with campaign to prevent Spiny Water Flea.

ACTION (REFERRAL): Motion by Baker, second Borgeson, to approve funding in the amount of \$1,000 from the Environmental Reserve Fund in 2022 for the Stop Spiny Prevention Campaign and refer to Administration Committee. Motion carried.

Budgetary Transfers – Purple Loosestrife / Bridge Funding: Transfer to accept funding for purple loosestrife prevention.

ACTION (REFERRAL): Motion by Glazman, second Borgeson, to approve and refer to Administration Committee. Motion carried.

After-the-Fact Fee Waiver Request: Current property owner did not place structure; existed prior to property transfer.

ACTION: Motion by Baker, second Glazman, to refer to future meeting to acquire proof of structure existing prior to ownership by applicant. Motion carried.

INFORMATIONAL ITEMS:

ACTION: Motion by Ryan, second Baker, to refer informational items to next meeting. Motion carried.

FUTURE AGENDA ITEMS: Zoning Ordinance 8.0 amendments; after-the-fact fee waiver requests.

ADJOURNMENT: Motion by Ryan, second Baker, to adjourn. Motion carried. Meeting adjourned at 11:10 a.m.

Submitted by,

Kaci Lundgren
Committee Clerk