



*Sawyer County Wisconsin*



Zoning and Conservation 02/08/2012

### Minutes

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### **Sawyer County Zoning and Conservation Committee**

**February 8, 2012**

Committee Members Present: Jim Bassett, Fred Zietlow, Bruce Paulsen, Warren Johnson, Chuck Gunderson, Bernie Kadlec. Zoning Staff: Dale Olson, Cindy Yackley, and Eric Wellauer.

Others Present: Mike Koehler, Dan Tyrolt, Len Eckerly, Dick Dewhurst, Phil Nies, Linda Zillmer, Thomas Wolf, Jim Purdin, P.J. Schaefer, Jim Henchel, Al Reinemann, and Mike Robers

The meeting was called to order at 8:30 a.m. by Chairman Bassett.

Olson requests to move the SEH Contract item on the agenda up to the top of New Business.

Motion by Johnson second by Bassett to approve the agenda as presented. Motion Carried.

Motion by Bassett, second by Zietlow to approve the January 11<sup>th</sup> minutes. Motion carried.

### Audience Recognition

Linda Zillmer spoke regarding the Forestry Departments decision to have the County Forester write a resolution regarding silviculture exemption and felt that the issue should be addressed at the ZAC committee also and then the resolution go to County Board. Paulsen clarified stating that under the EPA, forest roads were exempt from certain EPA regulations and permitting. The 9<sup>th</sup> District Court ruled that the exemption no longer applied and that forest roads need to be permitted and that this ruling has been over turned and that the states are recommending that the counties pass a resolution and send it to the president indicating that the counties want silviculture and forest roads exempt from the EPA. Bassett stated that County Forester Greg Peterson has been directed to write the resolution and have it ready for this month's County Board.

## **Old Business**

### Placid Lake Diversion Canal and Placid Lake Bids

Olson stated that a grant has been received for the removal of the diversion canal which will be completed this year. Request for bids were sent out with a return deadline of February 3, 2012. A compiled summary of the returned bids were handed out. The lowest bid was from Veit Company Inc. who is a company out of Duluth MN with a bid total of \$60,985.00. Discussion was held on the settling of soil and the time it would take before the soil was compacted enough to blacktop. Olson suggested that blacktopping be removed from the bid and have the Highway Department do the blacktopping after the soils settle over the winter. Zietlow motioned to approve the Veit Company Inc. bid, excluding the asphalt resurfacing contingent upon Olson finding out whether the asphalt portion of the bids can legally be excluded and then contact Veit Company Inc. The resurfacing of the road will then be done by the Highway Department consistent with their best management practices and in conjunction with the possibility of the township helping out with some periodic grading. Gundersen second the motion. Motion carried.

### Round Lake Watershed Management

Paulsen reported that at the last committee meeting, several proposals were received from the people of Round Lake and the task force was working on those proposals. The task force has drafted a response but the task force has not met since that time to review the response and asked that the SEH contract be delayed to give the task force time to review. He felt that this will/should be completed prior to next month's meeting. Jim Purdin spoke in favor of postponing until all parties had reviewed the proposed response. This issue will be placed on the March agenda. Paulsen also mentioned that some of the discussion was that it was the task force's opinion that it was the county's responsibility to establish and maintain the bench marks of Round Lake and Osprey Lake. More discussion will be held on this issue in March.

## **New Business**

### SEH Contract

Olson requested that this item be tabled to the March meeting as requested by Bruce Paulsen earlier. Paulsen stated he will contact SEH for clarification on the timeline.

### NRCS Business

Mike Koehler reported that signup for the Conservation Stewardship Program has ended with a total of 8 applications received but didn't believe there were any from Sawyer County. The EQIP Cost Share Program signup ended last week with a total of 5 applications from Sawyer County. He guessed that the total would be around 60-70,000.00 worth of applications and they are in the process of ranking all of the applications. The hope is that all applications will be funded.

### DNR Business

None

### LCO Business

Dan Tyrolt reported they have been busy with working on Musky Bay and the 303D listing, impaired water. A crew has been checking all the wood duck nesting structures and are updating the data base. DO (dissolved oxygen) testing is also being done. An aerator has been placed in Pike Lake (Al Capone's Hideout lake) and snow fence has been installed around the open water. Quarterly reports were due last month so they have been busy finishing those up.

### County Treasurer – Preference to Previous Owner

Olson reported for information only, that no action can be taken on this due to the failure of locating the corporation who sold the parcel to the individual under land contract and there is no record of the land contract being satisfied by the purchaser. The corporation who sold the property to the individual has been dissolved with no luck in tracking the individual(s) down. Discussion was held on who did the search and what will be done with the property. Olson stated that the county has taken the property for back taxes and that it will that it will be on the 2012 Land Sale.

### Farming in the Residential Zone District

The committee reviewed a list that was compiled of those counties that addressed farming in residential zone districts. Discussion was held with Zietlow stating it should be by conditional use. Jim Henchel and Mike Robers spoke in favor, Phil Nies spoke in opposition. Linda Zillmer stated that she had brought this issue before the Sawyer County Farm Bureau Federation a few years earlier. After some discussion, Olson was directed to do more research among other counties getting more specific details and bring back to the committee next month with a recommendation.

### Conditional Use Public Hearing for accessory buildings on vacant property when divided by a town road.

To help the Committee understand better, Olson drew an example on the board and stated that at the present time, a public hearing is required (CUP) for building an accessory structure across the road (vacant land) from the primary dwelling. Discussion was held on possibly using a Quit Claim Deed to tie the two parcels together instead of the public hearing process. Discussion was also held on possibly treating these situations as a Zoning Administrator/Town Board approval like the F-1 Special Use and the allowance of a dwelling in the A-1 zone district without being engaged in ag activities rather than a public hearing. The Committee determined that a conditional use permit is required in cases of accessory buildings on vacant land (across the road) and that part of the approval will be that the two parcels are to be tied together by Quit Claim Deed. The Committee also heard a situation where someone wanted to divide two parcels that had previously been tied together and the question was how to handle cases like this. After some discussion the Committee decided that a conditional use would also be required to separate the lots. This would give the committee the opportunity to determine if each parcel met all zoning requirements. Discussion was held on amending the ordinance to include these scenarios and it was determined that this will be considered "office policy for the time being.

### Vehicle Bids

Eric Wellauer handed out a chart listing the four companies he researched with the type of vehicle and total cost. Link's in Minong had the lowest bids for the 2012 Ford Fusion SE, the Ford Fusion S and the Ford Focus SE. Although the 2012 Ford Focus SE was the cheaper bid at \$14,783.00, Eric's recommendation was to purchase the 2012 Ford Fusion SE at a total cost of \$16,946.43 based on discussions he had with the county's mechanic and because it was a bigger vehicle and gets good gas mileage. A total of \$18,500.00 was budgeted for a new vehicle. Discussion was held on what's included for that price and the difference between the models. The possibility of purchasing a rental turn in was discussed but the consensus was to purchase new. Motion by Johnson, second by Paulsen to approve the bid from Links for the 2012 Ford Fusion SE at the price of \$16,946.43. Motion carried. Gundersen voted no.

### Septic System Inventory/Lake Survey Intern

Eric Wellauer handed out an action plan for the POWTS Inventory Survey which gave a timeline for each stage of the inventory process. Olson mentioned that he and Eric reviewed the Namekagon River survey which didn't have a property owners group on the river yet, but heard that a "Friends of the Namekagon" group was starting. Olson spoke with the Parks Service people who said they couldn't contribute any funds so he and Eric decided to get the baseline water quality data out of the river above and below the survey area and to possibly do this next year and to utilize the intern this year towards finishing up the POWTS inventory which is mandated by the State. The deadline for the inventory completion is October 1, 2013. Wellauer reviewed the action plan with the Committee and explained the Inventory Verification Form and what it will be used for. After some discussion, the Committee decided they would like to hear an update on this in August regarding the progress done by the summer intern. This issue will be placed on the August ZAC agenda.

### Review of and amendment to the Non-Metallic Mining Ordinance

Olson distributed a copy of the plan content, specifications and engineering requirements for large commercial non-metallic mine construction and stated that at the present time, Sawyer County has two large commercial mines according to the definition but the current mining ordinance does not address commercial mines. Large commercial mines are defined as being greater than 25 feet deep and/or 25 acres or more of active size. The plan consists of monitoring and reporting requirements, plan contents and specifications such as groundwater management surface and stormwater management, soil and overburden management, slope reconstruction, topsoil reestablishment, site revegetation and long-term slope stability. These issues are covered under NR135. Olson said this will need to be an amendment to the current non-metallic mining ordinance and that a public hearing will need to be held to adopt this language into the present ordinance. Discussion was held and Olson was directed to draw up the proposed amendment for the committee to review at the April meeting.

### Donation of land to Winter Depot Project/Friends Group

Johnson reported that at this time, this issue can be put off, stating the Friends of the Tuscobia are not going to incorporate the property into the design. Eventually it may be transferred over to them who will then donate it to the State and become part of the trail system.

### Monthly Work Report

Olson submitted the monthly calendar, monthly permits report and a list of claim amounts of individuals who claimed wildlife damage. The total assessed damage came to \$110,394.55, with total eligible claims of \$74,784.44. He also handed out a copy of 3 questions that are being proposed by the DNR to the Conservation Congress. The questions consist of consolidating jurisdiction for wetland management regulations to be controlled only by DNR. Consolidating jurisdiction for storm water management regulations and erosion control management regulations would be controlled only by the county. The DNR's reasoning for the proposed consolidations is to reduce the number of employees required and to make the permitting process easier to understand.

### Wildlife Damage Budget

Olson handed out the proposed Wildlife Damage Budget and stated that this is 100% funded by a grant and the budget is for the administrative portion only. Motion by Paulsen, second by Bassett to approve the proposed 2012 budget. Motion carried.

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### Review and Approve Monthly Vouchers

Discussion was held on the Pri-Ru-Ta membership dues and it was determined that since the organization was pretty much defunct that the department shouldn't pay the dues.

Motion by Paulsen, second by Johnson to approve the vouchers except the \$150.00 Pri-Ru-Ta dues. Motion carried.

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### Other Business for Discussion Only

Linda Zillmer presented a sample moratorium for the department to copy. Bassett stated that the form can also be found on the website. She also stated that this month's Center for Land Use Education newsletter is on sand mining as well as the DNR has come out with a new publication.

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### Adjournment

Motion by Johnson, second by Bassett to adjourn.

Minutes prepared by Cindy Yackley