

LAND INFORMATION / ZONING COMMITTEE MINUTES

August 8, 2023

Chairman Willingham called the meeting of the Rusk County Zoning/Land Information Committee to order at 3:00 P.M. in the Law Enforcement Center in the Rusk County Government Center. Members present were David Willingham, Jonathan Unterschuetz, Terry Wedwick, Dan Gudis, and Mark Schmitt. Staff present: Yvonne Johnson, Mary Berg, Verna Nielsen, Nick Stadnyk, Colleen Schott, and John Fitzl.

Schmitt/Unterschuetz motion to approve the committee minutes from the July 11th meeting. Motion carried.

Public Comment: Lorraine & Chuck Toman informed the committee they would like to open a wine bar in the Town of Atlanta. Lorraine explained they have a 40 acre parcel zoned agriculture. Johnson stated there is nothing in the ordinance to operate a beverage bar. She will do more research.

Payment Approval Reports: Unterschuetz/Gudis motion to approve payment report. Motion carried.

Land Information Report: Fitzl reported there were 6 new fire numbers. Working with Sheriff Department on dispatch issues. Working on applying for grants. Will be receiving a grant from military affairs.

Register of Deeds Report: Berg reported recordings increased by 12 documents. 284 total documents in July 2023, vs 314 in July 2022. Vitals increased by 19 records. There was a total of 193 in July 2023 and 201 in July 2022. Added 3 veterans to the Honors Reward program. Scanning portion of ARPA – scanning project is completed. US Imaging is doing preliminary indexing, should have completed by October 10th. All images will be uploaded to system and put into work queues for Chrystal and Denise to work on. Continue to work on back indexing. Plats currently on the City View plats. Crystal is working on back scanning old documents from the basement. Out of county travel to Wisconsin Dells. Unterschuetz/Schmitt approve out of county travel. Motion carried.

Treasurer Report: Nielsen reported one property to be sold on tax deed. Hope to get it sold in September. Have wall maps for sale for \$65.00.

Zoning Report: Johnson stated the Land Use Permits to date are at 255 compared to 276 last year. Sanitary permits are currently at 74 in comparison to 68 in 2022. A total of 334 camper permits have been issued to date. Enforcement: 5 citations issued. Court date on September 12. There are 4 regarding campers without permits and an accessory structure as residence without property permitting. Three letters sent for sanitary/septic violations; buffer restoration; campground conditions not being met; campers on property with well no septic and unpermitted decks; garage compliance needed for settled citation from 2022; filling/grading violation; 8 RV

letters sent out with 4 resolved. Two enforcement letters sent with 3 resolved. BOA met on August 3, variance granted. Reported 11 new dwellings for the month of July.

Chairman Willingham recessed the zoning meeting at 3:20 P.M. to open a public hearing for a request to allow a tourist rooming house in the Town of Washington for Michael Mollett and Kathryn Wingate. Chairman Willingham closed the public hearing at 3:29 P.M. to reopen the zoning meeting. Reviewed the staff recommendations. Motion by Unterschuetz/Gudis to approve the request as presented with the staff recommendations as the conditions. Motion carried.

Land Conservation Report: Stadnyk reported their department will have a booth at the fair and giving a rain barrel demonstration. Water shed group doing a tour on August 19th. Land donation almost complete. Emerald ash borer has been located in Rusk County.

CSM Review: 2 lot map in the Town of Stubbs for Cheryl Campbell. Meets minimum lot size requirements. Motion by Schmitt/Unterschuetz to approved. Motion carried.

Public Hearing: Chairman Willingham recessed the zoning meeting at 3:40 P.M. to open a public hearing for a request to allow a telecommunication tower facility in the Town of Marshall for Monte Nitek & Kevin Nitek. Petitioner: North Tower Development, LLC. Chairman Willingham closed the public hearing at 3:44 P.M. to reopen the zoning meeting. Reviewed the staff recommendations. Motion by Gudis/Schmitt to approve the request as presented with the staff recommendations as the conditions. Motion carried.

CSM Review: Two 3 lot maps in the Town of Rusk for Dennis Barger. Johnson explained map. Town is not interested in adopting the road. She stated the buyer is trying to do everything required by zoning. Map approval contingent on road issue. Map will come back once the road issue is complete. Unterschuetz/Schmitt to approve once road issue resolved. Motion carried.

Discussion on possible action: Fee Update: Johnson is requesting an increase/review of fee schedule for 2024.

Budget review: Stadnyk presented/explained information on the 2024 budget.

RFP: Fitzl opened RFP for remonumentation of the Town of Atlanta. There are 91 corners. Rusk Surveying bid of \$89,180.00 and MSA bid of \$105,560.00 Schmitt/Gudis to approve going with Rusk Surveying. Motion carried.

The next regular meeting will be September 12th, 2023 at 3:00 P.M.

Chairman Willingham adjourned the meeting at 4:30 P.M.

Colleen Schott, Zoning Technician

NOT COMMITTEE APPROVED

ZONING COMMITTEE
PUBLIC HEARING
MICHAEL MOLLET & KATHRYN WINGATE
AUGUST 8, 2023
TOURIST ROOMING HOUSE

Members Present: David Willingham, Dan Gudis, Jonathan Unterschuetz, Terry Wedwick, and Mark Schmitt

Staff Present: Yvonne Johnson and Colleen Schott.

Chairman Willingham called the public hearing to order at 3:20 P.M. The purpose of the public hearing was a conditional use request to allow a tourist rooming house on the following described real estate:

Parcel in NW ¼ - NE ¼, the E 16' of Lot 1 all of lot 2 BLK 1 in Diamond Beach Plat, Section 19, T33N, R7W. Parcel ID #042-00892-0000
Site address: W11896 Oakwood Dr

Property owner: Michael Mollet & Kathryn Wingate
W11896 Oakwood Dr
Bruce WI 54819

Johnson read the notice of public hearing which was posted per the requirements of a Class (2) notice. The town clerk and owner were notified by Certified Mail and neighboring property owners within 500' were notified by First Class Mail. The DNR was notified by email, which is their preferred method. Reviewed the application.

Chairman Willingham asked for anyone to speak in favor of the request. Owner stated he wants to rent as an Airbnb for the summer and fall to pay for taxes.

Chairman Willingham asked for anyone to speak in opposition to the request. Neighbor Keith Krajewski stated he has concerns about it being a duplex. Johnson explained zoning allows it as a duplex. Not a committee issue. Johnson read letter from DNR.

Chairman Willingham said if there is no objection, he would close the public hearing. There being none, Chairman Willingham closed the public hearing at 3:29 P.M.

ZONING MEETING

Reviewed the staff recommendations. Motion by Unterschuetz/Gudis to approve the request as presented with the staff recommendations and conditions. Motion carried.

Colleen Schott
Zoning Technician

NOT COMMITTEE APPROVED

**ZONING COMMITTEE
PUBLIC HEARING
MONTE NITEK & KEVIN NITEK
AUGUST 8, 2023
CELLULAR TOWER**

Members Present: David Willingham, Mark Schmitt, Dan Gudis, Jonathan Unterschuetz, and Terry Wedwick.

Staff Present: Yvonne Johnson and Colleen Schott.

Call to Order: Chairman Willingham called the public hearing to order at 3:40 P.M. The purpose of the public hearing was a conditional use request to allow a telecommunication tower facility on the following described real estate:

A parcel in NW ¼ - NW ¼ Section 32, T33N, R5W. Parcel ID #024-00623-0000

Property address: new address to be assigned

Property owner: Monte Nitek & Kevin Nitek
W7648 Broken Arrow Road
Conrath WI 54731

Petitioner: Tower North Development LLC
600 Busse Hwy
Park Ridge IL 60068

Johnson read the notice of public hearing which was posted per the requirements of a Class (2) notice. The town clerk and owner were notified by Certified Mail and neighboring property owners within 500' were notified by First Class Mail. Reviewed the application.

Chairman Willingham asked for anyone to speak in favor of the request. Peter Shell, developer for Tower North Development, LLC, stated he was there to answer any questions. No questions were asked. Hoping to be operational in 2024.

Chairman Willingham asked for anyone to speak in opposition to the request. No one present.

Chairman Willingham said if there is no objection, he would close the public hearing. There being none, Chairman Willingham closed the public hearing at 3:44 P.M.

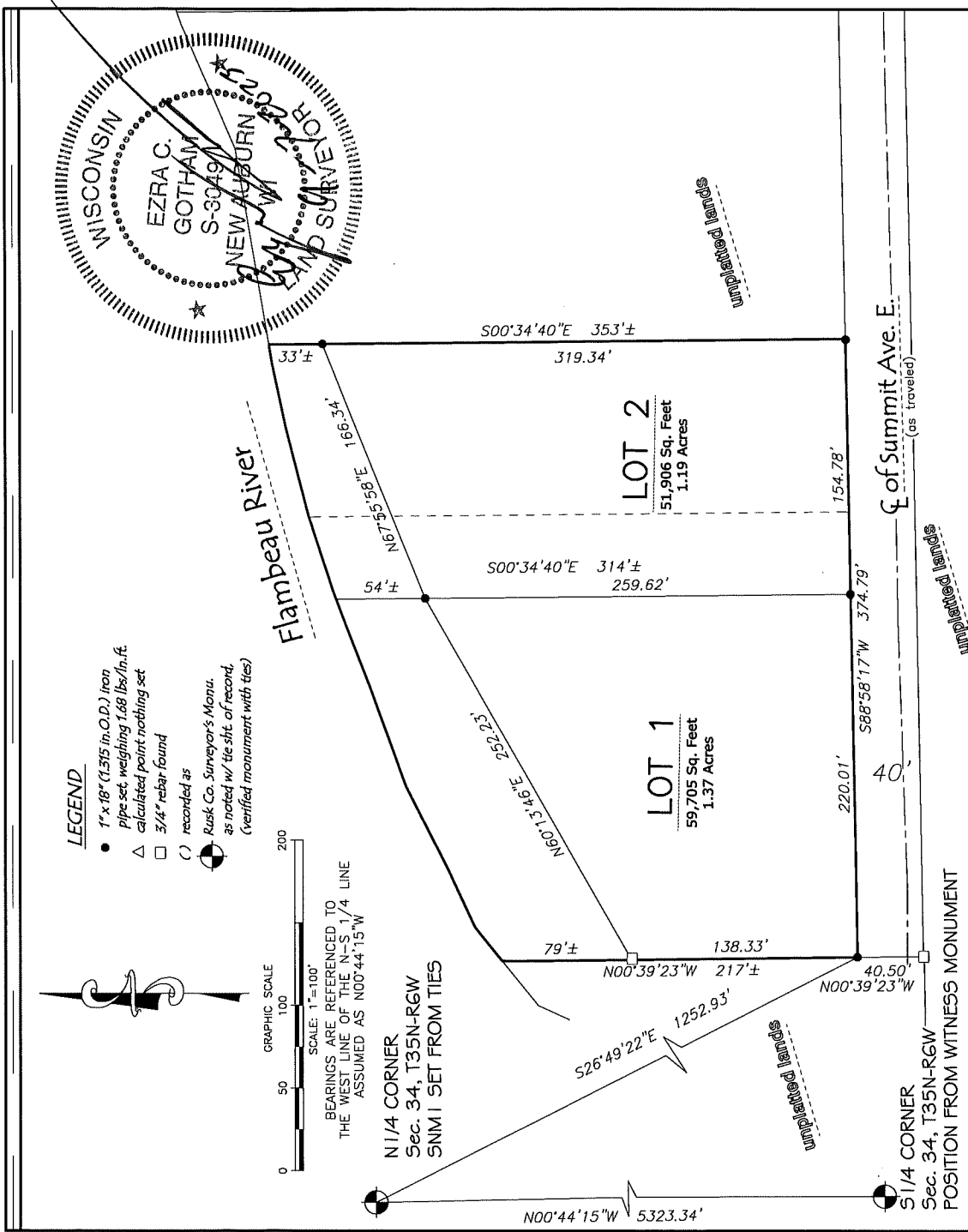
Reviewed the staff recommendations. Motion by Gudis/Schmitt to approve the request as presented with the staff recommendations as the conditions. Motion carried.

Colleen Schott
Zoning Technician

PRELIMINARY

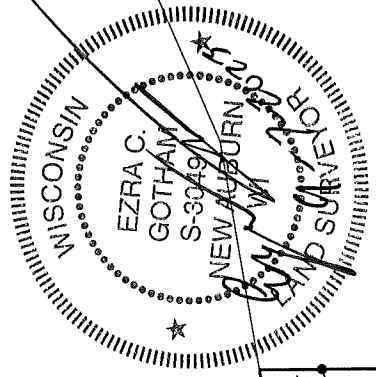
RUSK COUNTY CERTIFIED
SURVEY MAP No. _____

OF PART OF GOVERNMENT LOT 11 SECTION 34, T.35N., R.6W.,
TOWN OF FLAMBEAU, RUSK COUNTY, WISCONSIN



LEGEND

- 1" x 18" (1.515 in. O.D.) iron pipe set, weighing 1.68 lbs./in. ft.
- △ calculated point nothing set
- 3/4" rebar found
- () recorded as
- ⊙ Rusk Co. Surveyor's Moni. as noted w/ tie slit of record, (verified monument with ties)



N 1/4 CORNER
Sec. 34, T35N-R6W
SNM 1 SET FROM TIES

S 1/4 CORNER
Sec. 34, T35N-R6W
POSITION FROM WITNESS MONUMENT

SURVEYOR'S CERTIFICATE

I, EZRA C. GOTHAM,
PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED AND MAPPED PART OF GOVERNMENT LOT 11, SECTION 34, TOWNSHIP 35 NORTH RANGE 6 WEST, TOWN OF FLAMBEAU, RUSK COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID SECTION 34; THENCE S26°49'22"E, A DISTANCE OF 1252.93 FEET, TO THE POINT OF BEGINNING; THENCE N00°39'23"W, A DISTANCE OF 138.33 FEET; TO A MEANDER LINE OF THE FLAMBEAU RIVER; THENCE N60°13'46"E ALONG SAID MEANDER LINE A DISTANCE OF 252.23 FEET; THENCE N67°55'58"E, ALONG SAID MEANDER LINE, A DISTANCE OF 166.34 FEET TO THE END OF SAID MEANDER LINE; THENCE S00°34'40"E, A DISTANCE OF 319.34 FEET; THENCE S88°58'17"W, A DISTANCE OF 374.79 FEET; TO THE POINT OF BEGINNING, INCLUDING ALL LANDS LYING BETWEEN THE FLAMBEAU RIVER AND THE ABOVE DESCRIBED MEANDER LINE.

THE ABOVE BOUNDED AND DESCRIBED PARCEL IS SUBJECT TO ROAD RIGHT OF WAY AND TO ANY EASEMENTS OR RESTRICTIONS OF RECORD OR OF USE.

THAT I HAVE MADE SUCH SURVEY, LAND DIVISION, AND MAP BY THE DIRECTION OF JOHN KREEL, THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF: SUCH MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE SUBDIVISION THEREOF AND COMPLIES WITH THE PROVISIONS OF s.236.34 OF THE WISCONSIN STATUTES, A-E 7 OF THE WISCONSIN ADMINISTRATIVE CODE, AND SUBDIVISION REGULATIONS OF THE TOWN OF FLAMBEAU AND RUSK COUNTY, WISCONSIN IN SURVEYING AND MAPPING SAID LANDS.

Ezra C. Gotham P.L.S. No. S-3049
Dated this 7 Day of Sept 2023

This Certified Survey Map is hereby approved for recording

FIELD SURVEY COMPLETED: 9-8-2023
RUSK SURVEYING LTD.
115 W. 2nd STREET, SOUTH
LADYSMITH, WI 54848
715-532-5757

Rusk County Zoning
Dated this ___ day of ___, 2023

Zechariah or Laura Sporre Short Term Rental – September 12, 2023
Conditional Use Permit for short term rental house
Lot 1 CSM 952 in the NE ¼ - NE ¼ , Section 12, T34N, R7W.
Town of Thornapple
Site address: N4493 Townline Road

Staff Recommendations

1. Approval is based on the plans submitted at the time of application.
2. Occupancy is based on size of the holding tank and is limited to 10 persons.
3. Operational rules shall be provided that establish guidelines the tenants must comply with regarding, but not limited to; off-street parking, garbage collection, occupancy limits, fireworks, and excessive noise.
4. A local contact person shall be identified that will be responsible to manage the property.
5. Contact information shall be posted on an exterior wall near the main entrance of the residence and near the public right of way with a minimum display area of 8" x 10". The following must be provided:
 - Address of Property
 - Emergency contact information for police, fire, ambulance
 - Contact information for Rusk County Zoning
 - Owner's and local contact person's phone number
 - Maximum number of occupants allowed
 - Property line information.
6. One business sign may be placed on the property with a maximum display area of 12 square feet
7. An annual review shall be completed by the Rusk County Zoning Office. Upon occurrence of two (2) documented violations of the operational rules within a calendar year, the owner shall be subject to revocation of the permit.
8. Advertising for occupancy over the allowed limit is considered a violation.
9. No campers, tents, etc. are permitted.
10. All required local and state approvals and permits shall be obtained, including an operation license from the Rusk County Public Health Department.
11. Refuse and recycling services shall be provided for tenants
12. Off-street parking shall be provided for a minimum of 3 vehicles. Street parking shall not be permitted.
13. Discharge of firearms and fireworks on the property is prohibited
14. This permit shall be null and void if substantial progress has not been made on the project within 1 year of the date of approval or if the property transfers owners before completion of the project

Findings of fact – summary of the facts regarding the application or matter being decided

1. This property is zoned Ag.
2. Tourist rooming houses are permitted by conditional use permit under 50-141 (2) (m) of the Rusk County Code of Ordinances.
3. Town Board approved the conditional use permit application.
4. The Zoning Committee held a public hearing on September 12, 2023.
5. Surrounding land uses include residential and recreational.
6. No new construction is proposed.
7. A 2000 gallon holding tank was installed in 2008.

Conclusions of Law – statements explaining how the facts relate to the legal standards for the decision (legal standards are included in 59.69(1), as well as applicable ordinances)

Order and Determination – establishes whether the application is approved or denied and lists the conditions or contingencies

Any aggrieved party may appeal the decision of the Rusk County Zoning Committee to the Rusk County Board of Adjustment as outlined in Chapter 2, Article VI, Division 2 of the Rusk County Code of Ordinances.

Standards applicable to all conditional uses. In passing upon a conditional use permit, the county zoning committee shall evaluate the effect of the proposed use upon:

- a. The maintenance of safe and healthful conditions;
- b. The prevention and control of water pollution including sedimentation;
- c. Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage;
- d. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover;
- e. The location of the site with respect to existing or future access roads;
- f. The need of the proposed use for a shoreland location;
- g. Its compatibility with uses on adjacent land;
- h. The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems;
- i. Location factors under which:
 1. Domestic uses shall be generally preferred;
 2. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source;
 3. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.

Sec. 50-141. A-1 Agricultural District.

The A-1 Agricultural District is intended to provide for the continuation of general farming and related activities in those areas best suited for such development and to prevent the untimely and uneconomical scattering of residential, commercial or industrial development into such areas.

(1) *Permitted uses.*

- a. One-family and two-family farm residences and a single mobile home, but only when occupied by owners or persons engaged in farming activities on the premises.
- b. All agricultural land uses, buildings and activities, except farms for disposal of garbage or offal.
- c. Roadside stands for the sale of products grown on the premises, if sufficient off-street parking space for customers is provided.
- d. Agricultural processing industries and warehouses, except slaughterhouses, and rendering and fertilizer plants.
- e. Vacation farms and other farm-oriented recreational uses, such as riding stables, winter sports activities and game farms.
- f. Cemeteries and mausoleums.
- g. Essential services and utilities intended to serve a permitted principal use on the premises.
- h. Woodlots and tree farms.
- i. Customary uses, provided such uses are clearly incidental to a principal permitted use.
- j. Signs subject to the provisions of article III of this chapter.
- k. Residential dwellings and accessory structures on parcels that have an existing allowed residential use.

(2) *Uses authorized by conditional use permit.*

- a. One-family and two-family yearround dwellings.
- b. Mobile home parks and trailer parks, subject to the provisions of section 50-81.
- c. A primary housing unit provided the lot area and setback requirements of this district are met and the owner provides an accessory building or garage for storage purposes.
- d. Dumps for the disposal of garbage, sewage, rubbish or offal, subject to the applicable provisions of the Wisconsin Administrative Code and the provisions of section 50-80.
- e. Slaughterhouses, rendering and fertilizer plants.
- f. Public and semi-public uses, including, but not limited to, public and private schools, churches, public parks and recreation areas, hospitals, rest homes and homes for the aged, fire and police stations, historic sites. Sewage disposal plants and garbage incinerators shall not be permitted.
- g. Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures.
- h. Airports, subject to the provisions of section 50-33.
- i. Quarrying, mining and processing of products from these activities subject to the provisions of section 50-78.

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- j. Home-based businesses.
 - k. Storage rental units.
 - l. Private garages, carports, and accessory building where no principal structure exists on the property and the owner does not live within five miles of the property.
 - m. Tourist rooming houses.

(Code 1987, § 17.52; Res. No. 16-21 , 8-30-2016)

Sec. 50-144. F-1 Forestry District.

The F-1 Forestry District provides for the continuation of forest programs and related uses in those areas best suited for such activities. It is intended to encourage forest management programs and also to recognize the value of the forest as a recreational resource by permitting as a conditional use certain recreational activities, which, when adequately developed, are not incompatible to the forest.

- (1) *Permitted uses.*
 - a. Production of forest crops, including tree plantations.
 - b. Harvesting of wild crops, such as marsh hay, ferns, moss, berries, tree fruits and tree seeds.
 - c. Hiking trails, snowmobile trails and wildlife refuges.
 - d. Signs, subject to the provisions of article III of this chapter.
 - e. Hunting and fishing cabins.
 - f. Seasonal dwellings and customary accessory buildings, such as private garages and carports on the same lot as the seasonal dwelling unit.
 - g. A primary housing unit, provided the lot area and setback requirements of this district are met and the owner provides an accessory building or garage for storage purposes.
 - h. One-family and two-family yearround dwelling units and accessory buildings.
- (2) *Uses authorized by a conditional use permit.*
 - a. Public and private parks, playgrounds and winter sports areas.
 - b. Dams, plants for production of electric power and flowage areas.
 - c. Trailer camps subject to the provision of section 50-82.
 - d. Forest-connected industries, such as sawmills, debarking operations, chipping facilities and similar operations.
 - e. Recreation and youth camps.
 - f. Riding stables.
 - g. Shooting ranges.
 - h. Quarrying and mining operations subject to the provisions of section 50-78.
 - i. Yearround residence for caretakers of recreational areas.
 - j. Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures, radio and television stations and transmission towers, fire towers, and microwave relay towers.
 - k. Airports, subject to the provisions of 50-33.
 - l. Garbage and refuse disposal sites subject to the provisions of section 50-80.
 - m. Resorts/motels, tourist rooming houses and other similar business operations as approved by the zoning committee.
 - n. Private garages, carports, and accessory building where no principal structure exists on the property and the owner does not live within five miles of the property.

(Code 1987, § 17.55; Ord. No. 96-60A, 9-24-1996; Res. No. 16-21 , 8-30-2016)