



COUNTY OF BURNETT  
**LAND USE AND INFORMATION COMMITTEE**  
Burnett County Government Center

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## MINUTES

Land Use and Information Committee  
June 4, 2020

**MEMBERS PRESENT** Norm Bickford, Brent Blomberg, Jim Paden, Jim Pearson, Chuck Awe, Craig Conroy and Chuck Anderson.

**CALL TO ORDER** Chairman Bickford called the meeting of the Land Use and Information Committee to order at 9:00 a.m. at the Highway/Forest and Parks Facility, 8150 State Road 70, Siren, Wisconsin.

### **NOTICE POSTED IN ACCORDANCE TO WIS. STAT. 19.84 OPEN MEETING LAW**

**PUBLIC COMMENTS - THREE MINUTE TIME LIMIT PER PERSON** There were no public comments.

**APPROVAL OF AGENDA ORDER** Motion to approve the agenda order was made by Supervisor Awe, seconded by Supervisor Blomberg. Motion carried, voice vote. Roll call vote: Supervisor Anderson, yes; Supervisor Awe, yes; Chairman Bickford, yes; Supervisor Blomberg, yes; Supervisor Conroy, yes; Supervisor Paden, yes; Supervisor Pearson, yes. Yes, 7. No, 0. Motion carried, roll call vote.

**PUBLIC HEARING** County Surveyor/Land Information Director/Zoning Administrator Jason Towne read the Notice of Public Hearing as published in the Burnett County Sentinel on May 13 and 20, 2020.

### **BURNETT COUNTY LAND USE /SHORELAND PROTECTION ORDINANCES**

**CONDITIONAL USE PERMIT #CUP-20-22 – VINDISH** Public notice is hereby given to all persons in the Town of Anderson, Burnett County, Wisconsin, that Stephen Vindish has made application for a conditional use permit per the terms of the Burnett County Land Use Code of Ordinances to have chickens on the parcel located at 20524 Bucktail Dr, in the RR-3 zoning district, in the W ½ of the SE ¼ of the NW ¼ of the SE ¼, Section 28, T37N R19W

Karen Vindish would like to have up to 20 chickens on Bucktail Drive in the Town of Anderson. She does not plan to have any roosters. The eggs would be for her family.

Supervisor Blomberg questioned how many chickens would she have.

Ms. Vindish responded up to 20 chickens.

Public hearing opened.

Public hearing closed.

Burnett County Staff Report Item – If considering approval then the following item(s) may be included in the motion; these are part of the guidelines from the staff:

1. No roosters allowed.
2. Maximum number of chickens shall be 20.
3. Follow all local, county, state and federal requirements for this activity.

Motion to approve Conditional Use Permit #CUP-20-22 – Vindish subject to recommendations of the staff was made by Supervisor Blomberg, seconded by Supervisor Pearson. Roll call vote: Supervisor Anderson, yes; Supervisor Awe, yes; Chairman Bickford, yes; Supervisor Blomberg, yes; Supervisor Conroy, yes; Supervisor Paden, yes; Supervisor Pearson, yes. Yes,7. No, 0. Motion carried, roll call vote.

**CONDITIONAL USE PERMIT #CUP-20-23 – COLUCCI** Public notice is hereby given to all persons in the Town of Siren, Burnett County, Wisconsin, that Christopher Colucci has made application for a conditional use permit per the terms of the Burnett County Land Use and Shoreland Protection Code of Ordinances to allow a camper year around for up to three years, located on Hideaway Rd, on Clam Lake, in the RR-1 zoning district, Lot 1 CSM V. 1 Pg. 31, in Government Lot 9, Section 3, T38N R16W.

Christopher and Paula Colucci have requested to keep a travel trailer on the lake property they recently purchased with the purpose to build a permanent structure.

Supervisor Awe questioned if there are two trailers on the property right now.

Ms. Colucci stated there is only one.

Supervisor Conroy questioned if there is a septic system or a holding tank.

Mark Krause from Wagner Surveying responded they are not there yet. They will be doing a flood plain elevation.

Supervisor Conroy commented they would need to put in a holding tank promptly if they approve this CUP because of the need to provide a sanitary facility.

Public hearing opened.

Mr. Towne commented there were three letters opposed to this CUP.

Ms. Colucci commented the three letters are all from the same family.

Public hearing closed.

Supervisor Conroy commented that September 1, 2020, is a long time from now and perhaps it should happen by August 15, 2020, to have the sanitary system installed.

Burnett County Staff Report Item – If considering approval then the following item(s) may be included in the motion; these are part of the guidelines from the staff:

1. Only one camper allowed on the parcel.
2. Sanitary system to be installed by 9/1/2020. RV transfer tank to be removed when sanitary system is installed.
3. Site address to be applied for by 6/15/2020.
4. Follow all local, county, state and federal requirements for this activity.

Motion to approve Conditional Use Permit #CUP-20-23 – Colucci subject to recommendations of the staff and change item #2 to have sanitary system to be installed by August 15, 2020, was made by Supervisor Conroy, seconded by Supervisor Anderson. Motion carried, voice vote. Roll Call Vote: Supervisor Anderson, yes; Supervisor Awe, yes; Chairman Bickford, yes; Supervisor Blomberg, yes; Supervisor Conroy, yes; Supervisor Paden, yes; Supervisor Pearson, yes. Yes, 7. No, 0. Motion carried, roll call vote.

**CONDITIONAL USE PERMIT #CUP-20-06 – NORTH CAMP PROPERTIES II** Public notice is hereby given to all persons in the Town of Oakland, Burnett County, Wisconsin, that Mike Hershberger and Steve Austin have made application for a conditional use permit per the terms of the Burnett County Land Use and Shoreland Protection Code of Ordinances to divide the existing parcels into four different parcels consisting of the following: the existing bar/lodge with one existing cabin on approximately 1.1 acres, the existing house on approximately 0.7 acres, the existing cabins on approximately 2.5 acres, and up to 15 manufactured homes and 74 camping units (89 total) on approximately 18.6 acres. Over time transitioning the 15 manufactured home sites into camping unit sites. One storage shed up to 12 ft. x 14 ft. in size and one deck up to 12 ft. x 14 ft. in size per cabin, manufactured home and camping unit. Also adding up to 60 mini storage units. All changes to take place over the next three years, located at 29402 and 29460 CCC Rd, on Gull Lake, in the RR-2 zoning district, parcels in Government Lots 1 and 2, Section 2, T40N R16W.

Steve Austin from North Camp Properties II commented this is a continuance and follow-up from the previous meeting. Mark Krause will update the septic testing and erosion control plan. He has removed the rubbish pile, several of the trailers have been removed and silt fence is up and he has purchased an additional six acres so the density would be less. Mr. Austin talked with County Conservationist Dave Ferris on the shoreline protection program. He stated probably at least half of the manufactured homes would not be there by the end of summer.

Mark Krause commented since the last meeting the property was purchased, a full ALTA survey was done on the property which included all structures, accessory buildings and hard surfaces, which has been filed with the county surveyor's office. Since that time, the RV sites and mobile homes have been removed. There is a soil erosion control plan in the packet. The engineers have been given all the hard surfaces, numbers and units and the septic system locations. They have started the design process. As far as septic systems go, cabins one through six were replaced last October; cabins seven through 12 have approved septic systems through the state that have not been put in yet but are ready to be installed. Mr. Krause explained more of the septic system plan. The total number of units is 23 fewer than the original proposed, which is 100 units including cabins. They will have 24 to 25 acres total on this site; there will be four sites per acre. The bar and house have been separated already. The 50-foot setback will be maintained from all adjoining property owners. The 50-foot setback

between the cabins and RVs will not be maintained as far as a 50-foot buffer, but there will be more than 50 feet of space or 75 feet a piece. There is an existing new road in that strip and a septic system that crosses the lines between the campground and the 15 cabins. They share driveways and septic systems and it will be hard to separate this area. Northwest Engineering is doing the erosion control plan. The final design is not in because they do not know the exact location of the roads and the numbers for sites is not yet specific. The shower house would be constructed to use as a storm shelter.

Chuck Anderson questioned the storm shelter.

Mr. Austin commented the shower house built in block would be the storm shelter. The bar has a basement as well to use.

Supervisor Conroy questioned the transition of the manufactured homes.

Mr. Austin commented they could not transfer or sell their units.

Mr. Krause stated the septic plan is not complete due to the manufactured homes.

Chairman Bickford questioned the setback for the shorelines and any structures.

Mr. Austin commented it would be at least 75 feet. He stated there are a couple of small shacks but they will be removed.

Chairman Bickford questioned the driveway.

Mr. Austin stated the driveway would be on the south side of the parking lot.

Mark Krause commented the driveway is between the bar and the garage and would have it looped between the campground and cabins and down to the lake and would be in the 50-foot buffer area.

Chairman Bickford questioned the private boat landing.

Mr. Austin commented he had a discussion with the Department of Natural Resources regarding the boat landing and it would have to be a public hearing. At the moment he can use that spot for campers.

Chairman Bickford said the Town of Oakland would like screening between the campground and CCC Road and asked if that is a possibility.

Mr. Austin answered, absolutely.

Mr. Krause explained he is not sure what the screening would do because the cabins are 200 feet from the road back to the campground. The backside is all vegetative right now and the front side is open to the cabins and the RV units would be 200 feet up behind the hill. There are trees out there but they have lost some.

Public hearing opened.

Attorney Mary Beth Peranteau represented the Concerned Citizens for the Preservation of the Minerva Chain of Lakes. She sent a letter dated May 27, 2020, on the reasons why legally this CUP should be denied on the grounds specific to the ordinance. She would like to speak to the violations of lot size and density standards. Others will speak to the economics and substantial evidence of the applicant. The application should be denied because it proposes a land condition that essentially takes up all the density of the lot area that is required for the cabins. The 88 units proposed are on 24.75 acres of land; however, Ms. Peranteau stated Mr. Towne said there are 89 units and less acreage. This is a large expansion. The Houman expansion was a completely different layout. The ordinance is very specific on how much acreage is needed for each cabin, which is 1.5 acres, and they have 12-13 cabins on 2.5 acres that actually needs 19.5 acres. They are creating a sub-standard lot size, which is clearly a violation.

Rick Remington represented Landmark Conservancy that owns 310 acres on the Minerva Chain. He stated he provided an analysis to the committee. This analysis provides property values on other lakes with similar high-density recreational campgrounds. Devils Lake and Webb Lake property values are 13% - 20% less. Approving this CUP application would be a clear violation to the ordinance. They have a vested interest to protect our homes.

John Casswell stated the applicant's proposal to put 88 RV sites and 12 cabins on 27 acres does not conform to the county's ordinance and zoning office. The property values with an RV park fall below properties elsewhere without RV parks. The history of the applicant does not follow the county's ordinance and the CUP requirements; live up to prior conditions before granting an expansion. Please turn down this CUP.

Jerry Krause says to reject the applicant's CUP. Mr. Krause has many concerns on the site plans such as driveways, easements, roadways, walkways and congestions at the boat landing.

Peter Truitt will be moving to his permanent address in a few weeks to Burnett County. He enjoys the wilderness and this should be protected. He has concerns about water quality, septic issues, Aquatic Invasive Species (AIS), destroyed shoreline due to boats, ATV noise, diminished fishing and less wildlife. He opposes this CUP.

Aaron Hill has done his best over the last 15 years to comply with the rules, regulations and ordinances of Burnett County. Mr. Hill explained you can use your property as a bar, residence or a campground and cannot use it for all three things. This is excess density and is not allowed in the ordinance. For these reasons, the CUP-20-06 should be denied. Another reason is Mr. Austin does not think the setback is important.

John Day encouraged the board to reject this CUP on the grounds of the contract for the rental of 109 campsites violates the Wisconsin state statute. The lawmakers in Wisconsin clearly state the intention of a campground is temporary, overnight or seasonal for 30 days in nature. You cannot camp for more than eight months. The law does not define what type of unit or how long. This is permanent and not camping. This proposal, if the campground was full, would be larger than the population of Danbury. The residents of North Camp have everything a resident of the county would have such as a home for 365 days a year, utilities, water and sewer. They would also have police protection, fire fighters, access to trails, lakes and rivers, except they do not pay any property tax.

Tim Graves has the resort across the street and is concerned about erosion and septic compliance.

Suzanne Vitale is in support of the Concerned Citizens of the Minerva Chain of Lakes. She read the five-page letter and has five separate points written for the Minerva Chain of Lakes and each one of those points should lead you to deny this CUP. She is appalled by the things they are trying to do. Please deny this CUP.

David Madson has concerns about the emergency services. If something happened at the campground, the rest of the county would be left without police services, ambulance services and fire services. Let us consider the citizens that live in this community all the time. He is afraid there will be fights and someone will get drunk and fall into the fire at the campground therefore using up our emergency resources. Why are we trying to bring financial gain to one individual?

Bill Dummer is against this big expansion for one reason. These are small lakes and we cannot have what he is doing. It is not right to put in 75 docks on Gull Lake. The boat landing is full on the weekends. The lakes are too small for this expansion.

Steve Nicol loves being part of this community. These people are here for one reason: to better the community we live in today. There are over 100 people in this room right now and 41 online. The records show there have been violations in the past.

Christine Madson stated the ordinances are clear and this CUP needs to be rejected.

Mr. Towne stated they have all the letters in the packet or they were emailed. It is known the majority are opposed to the request. There is a handful supporting Mr. Austin. There are a lot of letters and correspondence from various attorneys, neighbors and landowners.

Public hearing closed.

Supervisor Conroy commented he would like to bring clarity to this. The Houman's expansion request a year ago of 64 sites, was approved, and was not appealed, so it is not part of the discussion. This committee at the initial public hearing recommended reducing the number of sites requested which was 46 additional campsites. We are talking about a 23-site expansion over the 64 sites that were approved for a total of 87 sites. Much of the work they could be doing was already under the approval through the Houman's request since it was an approved conditional use permit. Mr. Conroy stated having a manufactured home is a separate license under the state and there can be two manufactured homes within a campground under DATCP 79. The difference between a manufactured home and park model units is the maximum size a campground can allow.

Supervisor Awe wants clarification on the ordinance and statutes as recited by public comments.

Mr. Towne explained what the attorney said. There are 29 acres; 19.5 acres would be needed for the cabins and 10 acres would be remaining. If you look at the ordinance, it does allow for 10 campers per acre and would have 10 acres left for 100 camping units. Department of Agriculture, Trade and Consumer Protection (DATCP) does not care if the campground has giant additions on them but they care about 10 feet between each campsite and they look at the water spigot. Any sanitary system issue is a county problem.

Supervisor Conroy stated the state campground code permits park model units.

Attorney Mary Beth Peranteau discussed the acreage and the number of camping units.

Mr. Towne commented the applicant owns 29 acres.

Supervisor Blomberg addressed the point in regards to the 2030 comprehensive plan shall not diminish property values of surrounding neighbors. It is a very worthy point.

Chairman Bickford commented there was a typographical error on Mr. Solum's report on page 29. It had an item on there about a parcel on Birch Island Lake but down below it says 150 foot of frontage on Yellow Lake. Yellow Lake and Birch Island Lake are quite a ways apart.

Supervisor Conroy has spent over 30 years in zoning and land surveying. He discussed base comparables and other comparables and noted there were substantial differences in house site elevations and proximity to other campgrounds that did not appear to be taken into account with effect on property values.

Supervisor Paden questioned what the violations are at the Oakridge Campground and requested the information from Mr. Towne.

Chairman Bickford said to give the violations of the present campground.

Mr. Towne listed the violations noted in the application staff report.

Mark Krause listed the violations that have been resolved.

Chairman Bickford and Mr. Towne explained the violation process and gave examples.

Supervisor Awe stated a lot of authority was taken away from the counties by the state and for Conditional Use Permits if the applicant meets the requirements or assures they will meet the requirements, the county cannot deny.

Mr. Towne explained he is not an attorney and there are many opinions.

Supervisor Awe is concerned about the infrastructure that supports the proposal and CCC Road is a narrow road and is a boat launch. The road is very congested and people were parked on both sides. He has concerns emergency vehicles might not get through.

Chairman Bickford commented the proposal does not mean they will have to park there.

Comments from the public continued and were allowed even though the public hearing was already closed.

Burnett County Staff Report Item – If considering approval then the following item(s) may be included in the motion; these are part of the guidelines from the staff:

1. All sanitary systems to be serviced and reported to the county by 6/1/2020.
2. Sanitary systems for cabins 7-13 need to be evaluated by a Wisconsin licensed plumber and appropriate reports filed with the county by 6/1/2020 or the cabins will need new sanitary systems by 6/1/2020.
3. All land use permits to be obtained for all violations by 12/1/2020.

4. A complete campground/manufactured home park (including all existing structures and camping units) map needs to be completed for the entire parcel and filed with the Land Services Department (signed by a licensed architect, engineer or surveyor) which shows the entire layout location of all sites, roads, property lines, setbacks, structures, water supplies, private waste disposal system (s), recreation areas and any other information the Land Use and Information Committee shall deem necessary within three years of this approval. Any proposed changes in the approved campground/manufactured home park shall be presented to the Land Services Department for approval. No implementation of the proposed changes shall take place until written approval is received from the Land Services Department.
5. Land Use Permits to be obtained for all items before construction/placement of new items. This includes all decks/patios/sheds/etc.
6. No recreational vehicle transfer tanks shall be used. All camping units shall be attached to a POWTS (Private Onsite Wastewater Treatment System).
7. Screening shall consist of sufficient pine trees and bushes between North Camp Properties II, LLC and neighbors.
8. A copy of the state campground license must be provided to the county Land Services Department within nine months of this approval.
9. Camping units shall meet Wisconsin camping unit requirements.
10. All mobile homes/manufactured homes need to be removed from the site by 6/1/2022. Applicant modified this item to be, "over time transitioning the 15 manufactured home sites into camping unit sites."
11. Follow all local, county, state and federal requirements for this activity.
12. The number of campsites reduced by 23 from the original proposed conditional use permit.
13. Provide a more precision erosion control plan.
14. Establish a water-runoff management plan.
15. Establish a grading scale plan.
16. Identification of all existing septic systems.
17. Test soils to identify areas to accommodate new septic systems.
18. Each campsite shall have sufficient area for at least one vehicle parking on site.
19. Each annual camper shall be required to sign a season contract substantially similar to the attached agreement.

Motion to approve Conditional Use Permit #CUP-20-06 – North Camp Properties II subject to recommendations of the staff items 3 - 19, was made by Supervisor Paden, seconded by Supervisor Conroy. Mr. Conroy stated there is substantial evidence that the transition of 35 manufactured home sites to campground campsites will result in a code derived wastewater flow reduction of approximately 2/3 along with substantial reduction in impervious surface runoff; further engineered plan addressing storm water runoff and individual site derived runoff have been provided. Impact will be equivalent or less than what the result from the previous approval of Houman's expansion to 64 total manufactured home and campsites that was approved a year ago. Roll Call Vote: Supervisor Anderson, yes; Supervisor Awe, no; Chairman Bickford, yes; Supervisor Blomberg, no; Supervisor Conroy, yes; Supervisor Paden, yes; Supervisor Pearson, yes. Yes, 5; No, 2. Motion carried, roll call vote.



**LAND SERVICES REPORT** Land Services Department Director Jason Towne submitted department reports and answered committee questions. Chairman Bickford asked about the aerial mapping. Mr. Towne commented it should be done in October.

**FUTURE AGENDA ITEMS** There are currently six CUPs for July. The application deadline for the July meeting is Friday at 4:30 p.m. Discuss updating the ordinances and mileage reimbursements for site visits.

**ADJOURNMENT** Motion to adjourn was made by Supervisor Awe, seconded by Supervisor Conroy. Motion carried, voice vote. Chairman Bickford adjourned the meeting at 11:14 a.m.