

# VILAS COUNTY ZONING & PLANNING COMMITTEE

August 1, 2013

## Minutes of Conditional Use Permit #03-2013 Public Hearing

Lac du Flambeau Town Hall

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Chris Mayer, Chairman, calls the Public Hearing to Order at 9:00 AM at the Lac du Flambeau Town Hall, 109 Old Abe Rd., Lac du Flambeau, Wisconsin.

**Members Present:** Chris Mayer, Chairman; Lorin Johnson, Vice-Chairman; Chuck Hayes; Kathleen Rushlow; Ralph Sitzberger.

**Others Present:** Dawn Schmidt, Zoning Administrator; Jennifer Cator, Applicant; Sue Ackland, Town of Lac du Flambeau; John Annin, Town of Land o' Lakes.

The Zoning Administrator reads the public notice.

The Committee members introduce themselves.

No onsite inspection will be conducted.

The Zoning Administrator swears in Jennifer Cator, owner and applicant, of Minocqua, Wisconsin.

Ms. Cator explains the plans for a family outdoor amusement facility that she and her husband have, including but not limited to a petting zoo, food, and wagon rides.

No members of the public wish to testify.

One written public comment is entered, from Martin Land, who wishes to register in opposition but not comment.

The Zoning Administrator swears in Sue Ackland, Lac du Flambeau Zoning Administrator, or Lac du Flambeau, WI.

Ms. Ackland states that the Town of Lac du Flambeau Zoning Committee placed five conditions on their Conditional Use Permit and relays those conditions to the Committee. Discussion regarding the conditions and concerns of the Town.

Discussion regarding what type of fencing is proposed or will be required considering the different activities and animals proposed to be present.

Discussion regarding the potential liability of the County in issuing a CUP for the proposed outdoor amusement facility.

Discussion regarding the storage and removal of animal waste.

Discussion regarding the access from STH 70 and ADA access for public facilities.

The hearing is closed to public comment.

Discussion regarding the standards for issuing the CUP and potential conditions.

The committee members complete the findings of fact decision form regarding the standards of issuance for the Conditional Use Permit as follows:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort, or general welfare because the facility will conform to all the conditions imposed by the Town of Lac du Flambeau, Vilas County, and other applicable regulatory agencies and requirements of the applicable zoning district.
2. The uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall in no foreseeable manner be substantially impaired or diminished by establishment, maintenance, or operation of the conditional use because the proposed use is allowable with conditions in the surrounding area and precautions will be taken regarding animal waste and lighting to prevent any impairment to surrounding properties.
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district because the proposed use is a recreational use in a Recreation (REC) district and is allowed in all neighboring properties with a CUP.

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4. Adequate utilities, access roads, drainage and other necessary site improvements have been or will be provided as shown in the submitted plans.
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets because the Wisconsin Department of Transportation has addressed ingress and egress issues through the issuance of a permit for access to STH 70.
6. The conditional use shall conform to all applicable regulations of the district in which it is located because outdoor amusement facilities are allowed in a Recreation (REC) district through issuance of a Conditional Use Permit and the use has been permitted by the local municipality prior to the public hearing.

### **Motion by Chuck Hayes, seconded by Ralph Sitzberger, to issue the Conditional Use Permit 03-2013 with the following conditions:**

1. All proper licenses and permits are required.
2. Adequate fencing must be provided.
3. Provisions must be made to remove animal waste at least bi-weekly when animals are on the grounds.
4. Adequate liability insurance must be acquired and maintained.
5. All lighting must be shielded so that no other properties are affected.

Roll call vote:

Chris Mayer - Aye

Lorin Johnson - Aye

Chuck Hayes – Aye

Kathleen Rushlow – Abstains

Ralph Sitzberger – Aye

Motion carried; permit issued with conditions.

The Chairman adjourns the public hearing at 10:02 AM.

*Minutes reflect the recorder's notations and are subject to approval by the appropriate board or committee.*