

July 11, 2013

Zoning Committee Public Hearing  
Conditional Use Permit  
Andrew and Jennifer Cator

This public hearing was called to order at 1:14 p.m. by Zoning Committee Chairman Bob Schneider. This hearing has been posted and published as is required by Wis. Stats and LdF Zoning Ordinance 93-4.

Introductions were made. Zoning Committee members present were: Chairman Bob Schneider, Janet Konopacki and Colette Welch. Also representing the Town were Sue Ackland, Town Zoning Administrator and Teri Shaw, Zoning Committee Secretary.

Also present is Andrew and Jennifer Cator. Ms. Cator has turned in 10 green cards today.

On today's agenda is the request from Andrew and Jennifer Cator to allow an outdoor family recreational park that would include wagon and sleigh rides, pony rides, petting zoo, play area, small mining/western town and a souvenir/snack shop.

The committee has viewed the property and asked the Cator's what their plans were.

Andrew Cator replied: We are proposing a "Bad Bart's" adventure park with a themed wagon ride through the woods that would have a staged mock robbery. Also, we would like to propose a small sized petting zoo, a play ground area for children to play in and a picnic area.

Chairman Bob Schneider asked about the location being on STH. 70 and that the driveway/entrance area was shared with Mr. Zoromski.

Mr. Cator confirmed the location and the fact that the driveway/entrance was shared. The proper documentation has been supplied to this effect.

Discussion took place on the exact location of the proposed recreational park, shared driveway/entrance and the buildings that face STH. 70 that are owned by Mr. Zoromski.

Discussion took place about what this property's current zoning is. It was established that the property was currently zoned recreational.

Janet Konopacki asked if the Cator's had received any comments regarding this proposed adventure park and if they had spoken to any of the neighbors.

Mr. Cator stated that the neighbors they did speak to all had positive comments regarding this proposal.

Discussion took place about the Cator's possibly incorporating Eagle Farms into wagon rides for seasonal pumpkin picking. It was established that this was not a part of this CUP as proposed and was just a random thought for the possible future.

Chairman Bob Schneider asked Sue Ackland if a property zoned recreational could be used for a business of this nature.

Discussion took place on what the uses that were listed in the Lac du Flambeau zoning ordinance for a property zoned recreational;. It was established that an outdoor recreational park was included in the usage list for a recreational zoned property.

Discussion took place about the proposed "mining" tank area, whether or not it was going to be fenced in for safety. General consensus of the Board was to have this area securely fenced in and monitored.

Discussion took place about the cleaning schedule – where and how the animal waste material would be contained and disposed of. It was determined that the animal waste would be stored in the rear corner of the property, away from the general public. The waste material would be removed from the property every two (2) weeks or sooner if needed. The original CUP application states that the animal waste material would be removed from the premises two (2) times a week. The animal waste in the pasture/trail area would be raked and/or graded so it could dissipate naturally back into the soil. The public area and rest rooms/sanitation areas will be cleaned several times a day as needed per customer volume.

It was established that the proposed recreational park would be in operation spring through fall. The animals would be kept on the premises during that time, but removed from the premises for the winter months. The animals will be at the Cator's place of residence in Minocqua during the winter months.

Discussion took place about Wisconsin licenses that are required for a business of this nature. Ms. Cator stated that she had contacted the Wisconsin Department of Agriculture, the number that Sue had given her, for the required permit and was told that one was required by them, but was not needed at this time because the business was not ready to open or become operational at this time. Ms. Cator was also told there should be no problem obtaining it because this was a small scale business of this nature.

Sue Ackland stated that she talked to the state veterinarian and was told that this proposed business was not required to be licensed by the state but did need to be registered by the state of Wisconsin. There was not a state inspection required for a business of this size and nature.

Colette Welch stated that in addition to the required state registration, a Class C license was also required by APHIS/USDA (Animal and Plant Health Inspection Service/United States Department of Agriculture) to open the proposed petting zoo. If you are not licensed through APHIS and open a business of this nature you would be in violation of Federal Government Regulations.

Discussion took place about APHIS and it's regional department location, application process and contact information. Ms. Cator stated that they had no problem getting all of the necessary permits and/or registrations required to establish this proposed business and complying with all the rules and/or requirements required.

Sue Ackland asked if the Cator's contacted Pecks Wildlife Park or the Minocqua Wildlife Center to inquire about what permits were required for them.

Mr. and Ms. Cator stated that they did not. The reason being , that Pecks and the Wildlife Center have wild animals and zoo animals and their proposed business involves farm animals and is a much smaller operation also.

Ms. Cator stated that they had been in contact with people they know that currently run business's involving farm animals such as the Minocqua riding stable.

Colette Welch asked if the Minocqua riding stable said anything about required permits and/or registrations.

Ms. Cator : No they did not, but she will contact them again regarding this.

Colette Welch brought up the fact that the state of Wisconsin also requires goats to have up to date Tuberculosis and Brucellosis vaccines, which are a \$50 per shot fee.

Discussion took place about the vaccination requirements on the animals.

Ms. Cator stated that again they had no problem what so ever in keeping her animals vaccinations current with whatever was required.

Discussion took place about the petting zoo area. It was established that the public would only be able to pet the mini donkey and mini horse through the fencing, not be able to walk around amongst them. The public would be able to walk in with the goats in a separate fenced in area.

Ms. Cator stated that at this time they do not have a mini donkey or pot bellied pig, but she was advised by Ms. Ackland to include all of the possible current/future animals at this time in this CUP application.

Discussion took place about the Cator's providing lockers or a designated place for customers to put their personal property prior to going into the petting zoo area. Colette Welch brought up the fact that the CDC (Center for Disease Control) has detailed concerns about the transmission of diseases between humans and animals in regards to petting zoos.

Discussion took place about area petting zoos allowing personal property in amongst the animals in their petting zoo areas.

Janet Konopacki stated that this proposed adventure park was a huge, new learning experience for the Town of Lac du Flambeau and this Zoning Committee. That this was the first time a business of this nature was ever proposed to us. That she thought that this was a good and doable business, but she thought the plan brought forth to the committee was vague. She felt that more solid information was needed to be made available to the Zoning Committee before they would be able to approve this CUP.

Discussion took place about the Petting Zoo guidelines handout that Sue Ackland handed out.

Ms. Cator stated that they had no problems complying with any and all requirements set by the State, Federal Government or this Board.

Discussion took place again about what Peck's Wildlife Park allows the public to do at their business and what their registration/permit requirements may be.

Sue Ackland stated that this was not Peck's Wildlife Park, but a CUP brought forth by the Cator's in Lac du Flambeau. That the Lac du Flambeau Zoning Committee could put its own requirements and conditions on this permit that would have to be met and satisfied by the Cator's .

Ms. Cator stated that they understood that, but the business that they were proposing was a much smaller scaled operation than Peck's and she felt that the Lac du Flambeau Zoning Administrator and the Zoning Committee were coming down unjustly hard on them. Ms. Cator stated that she felt that Sue Ackland was "attacking" her personally.

Discussion took place regarding this issue.

Sue Ackland stated that she didn't want any misunderstanding to be made by anyone.

Bob Schneider stated that there seems to be many regulations, registrations and/or permits required from many different agencies involved in this sort of business that you have proposed to us. We as a committee are going to require you to get all of the necessary permits and registrations required and abide by all of the requirements of these State and Federal agencies. We will leave this up to you. As a committee we need to look at the big picture and how this proposed business will impact the neighbors and the surrounding area. The Cator's agreed to this.

Chairman Bob Schneider asked if there were any other issues that the committee wanted to discuss at this time.

Colette Welch stated that she was concerned about the shelter for the animals.

Discussion took place about the animal shelters. It was determined that the smaller animals were to be separated from the large draft horses.

Lengthy discussion took place about the proposed livestock fencing and shelters, whether they were going to be adequate to keep the animals safe from area predators.

Janet Konopacki stated that she felt that the Cator's needed to get their required registrations/permits – if required – and/or paperwork pertaining to these registrations/permits, complete with contact names and the dates when they talked, then come back and present all of this information to the Zoning Committee so that they have current, definite information to make an informed decision in regards to this proposed adventure park.

The Cator's discussed with the committee how this whole process has been a "roller coaster ride" to get to this point in their application for this CUP. They voiced their frustration about having registration and/or permit requirements that other similar, but much larger operations don't seem to need.

Ms. Cator questioned where the authority came from to regulate issues concerning the proposed adventure park/petting zoo.

Sue Ackland stated the the Lac du Flambeau Zoning Committee had the authority to regulate any proposed business in Lac du Flambeau on taxable fee land, not Tribal owned land.

Discussion took place on what information the committee felt was still needed to be brought forth before them.

Sue Ackland suggested to the Board that a motion be made for this hearing to be postponed to a future date based on that the Cator's would comply with any and all regulating entities that we discussed today, along with any unknown at this time. Bring forth this information back and present it to the Zoning Committee.

Discussion took place on what the Cator's aspirations were for their proposed adventure park/petting zoo and what would be needed to be done to move this project forward.

Lengthy discussion took place about "shining for deer" and the safety implications that may present.

Chairman Bob Schneider interrupted the conversation stating that we didn't seem to be getting anywhere at this point. He had two suggestions. One, for the Zoning Committee to come up with a series of conditions that the Committee could put upon the Cator's so they could approve this Proposed CUP.

Or

The other option is to have the Cator's bring back more accurate, definite information at a future hearing date.

Chairman Bob Schneider asked the Board if that was a possibility, are we at that point?

Discussion took place again on what information would be needed to be brought in for the Zoning Board to review.

Discussion took place about the driveway/parking spaces shared with Mr. Zoromski and the DOT sheet filled out by the Cator's.

Discussion took place on scheduling the next hearing for as soon as possible, because the Cator's would like to start building before the cold weather sets in.

Chairman Bob Schneider asked if the Committee had any further questions and concerns.

Janet Konopacki stated that she was concerned about the animal shelters and fencing to keep the animals safe from predators. She also was concerned about fencing in the mining area.

Colette Welch stated that her main concerns were that more investigation was needed to be done by the Cator's in regards to the licensing, registrations, rules and regulations required to open and run a business of this nature.

Sue Ackland discussed what Greg Harrold – Town Attorney had requested that the Cator's supply to the Zoning Committee for review. The Cator's were made aware of these stipulations and stated that they would supply all the information required.

Chairman Bob Schneider stated that it was obvious that the Board could not come to a decision today based on the current information presented. He wanted to suggest that we set up another hearing in two weeks to go over the requested information at that time.

Listing the Committee's concerns as follows:

1. Animal shelters and the size and type of fencing to be used.
2. Secure fencing around the mining area.
3. Information on or obtaining all the required registrations and/or permits required by known and unknown entities for this area.

Discussion took place about removing the petting zoo aspect from the proposed business since it seems to be the major problem causing issue.

Janet Konopacki suggested not to drop the petting zoo from the proposed project, because it is clearly something that the Cator's would like to do and it is something that can be done and is a great, fun idea.

Chairman Bob Schneider asked if the Board had any further questions or concerns regarding the proposed adventure park/petting zoo business.

Hearing none, I'd like to make a motion to adjourn this hearing to a future date, approximately two weeks from today.

Hearing none: May I have a motion?

Janet Konopacki: In favor

Colette Welch: in favor

All in favor: Passed, with the direction to schedule another hearing within the approximate two week time frame.

A motion was made by Bob Schneider and seconded by Janet Konopacki to adjourn at 2:33pm. Motion carried.

Respectfully submitted,

Teri Shaw  
Secretary Zoning Committee

THERE IS A TAPE RECORDING OF THIS PUBLIC HEARING ON FILE AT THE TOWN OF LAC DU FLAMBEAU OFFICES.