

**MINUTES**  
**Bayfield County Planning / Zoning Committee Public Hearing / Meeting**  
**November 16, 2006**  
**Board Room, County Courthouse, Washburn, WI 54891**

1. **CALL TO ORDER OF PUBLIC HEARING:** *By Chairman Beeksma at 1:00 PM.*

2. **ROLL CALL:** *Beeksma, Jardine, Maki, Miller, Rondeau; all present.*

3. **AFFIDAVIT OF PUBLICATION:** *Read by ZA Kastroosky.*

4. **REVIEW OF MEETING FORMAT** *by Chairman Beeksma.*

**5. PUBLIC HEARING:**

**A. DONALD / JUNE FREY REZONE REQUEST (Agriculture-1 to Residential-Recreation Business):** on 6-acre parcel (ID #014-1033-01-000) located in the S ½ of the S ½ of the SE ¼ of the NE ¼ W. of Lenawee Rd., Section 8, Township 50 North, Range 7 West, Town of Clover.

*Donald Frey said he wants to rezone to divide property into two lots; survey map was presented; would like parcel to flow with the other properties in that area.*

**Others in Support:** *none; Opposition: none*

Director Kastroosky: *Town approval is on file but no letters of support or opposition. L.U.S. Tulowitzky presented the overview from Map Viewer on wall screen. AZA Casina pointed out the rezoned areas which have not yet been reflected on Map Viewer. Supervisor Maki asked if the stream shown on the map was a problem for building setbacks and Casina answered 'no'.*

**B. JON MCKINNEY REZONE REQUEST (Residential-1 to Commercial)** on 3.38-acre parcel (ID #012-1051-06-000) described as part of the NW ¼ of the NW ¼, W of the Road, Section 19, Township 43 N, Range 7 W, Town of Cable.

*Barb McKinney stated Town Board approval was given. AZA Furtak pointed out the location and zoning of surrounding properties stating residential is between commercial and industrial zoning districts. Dir. Kastroosky reported this request conforms with the Town's land use plan and that no letters of opposition or support were received.*

**Others in Support:** *none; Opposition: none*

**C. NELS RITOLA CONDITIONAL USE REQUEST- Sand / Gravel Pit (to also include screening)** on 30-acre parcel (part of ID#'s 026-1046-02-990 and 026-1046-03) described as the S ½ of the NW ¼ of the SW ¼, and the SW ¼ of the NE ¼ of the SW ¼, Section 22, Township 46 North, Range 5 West, Town of Kelly. Included in this request will be the requirement(s) of the reclamation plan, which will be addressed separately. [Be advised any conditions placed on the reclamation plan shall pertain to the reclamation plan only, and any conditions placed on the non-metallic site shall pertain to the conditional use application.]

*Nels Ritola addressed the Committee. L.U.S. Tulowitzky presented view of all sand pits in Bayfield County including those in the Town of Kelly and the Ritola pit. Answering a question regarding pit visibility to the roads, Tulowitzky said it is not to Roy Anderson Road but didn't know about Maple Ridge; Ritola said "it would be pretty much concealed because of digging down in that area".*

*Kastroosky read the Town's conditions (as follows) which were proposed by Mr. Ritola and adopted by the Town:*

- Sand pit area operation will be approximately 1 to 2 acres and not more than 5 acres at any one time.
- Operating hours of the pit are 6 AM to 7 PM.
- Trees and vegetation along Roy Anderson Road will be left in place as a buffer zone.
- Ritola, Inc. will help with road repair if damaged because of hauling.

Re concern of the number of weekdays of operation: Supervisor Miller asked if they wanted to haul on Saturdays. Ritola said they would at times. Jardine asked Ritola if he would object to no Sunday operation. Ritola said no Sunday operation would be fine. Supervisor Maki asked if there would be crushing; Ritola answered no because it is sand, and they would want to screen topsoil. Kastrosky reminded the Committee it is important for the Committee to specifically state in their motion what they allow or disallow and pointed out the reclamation plan is to be addressed as a separate issue from the conditional use permit and noted Land Conservation approved Ritola's reclamation plan on August 18, 2006. He also said the Town approved this request with this statement, "meet our needs for the Town of Kelly" and they also attached the the [above-listed] conditions".

**Support:** none

**Opposition:**

- **John Wheeler** (of Roy Anderson Rd.): said he is not against sand pits but the land use plan doesn't want this along Maple Ridge corridor; was approved at Town level because of Ritola's reputation; wants conditions placed; more tree-screening; disagrees with 100' depth / large amount of acreage-- wants it "pared down". Jardine said the reclamation plan covers size allowances. Wheeler clarified his recommendation to have no more than two acres open at a time with depth limit of 40-50 ft. AZA Furtak commented that two acres is small considering access areas, stock piles and screening areas, and might not even include area for open mining.
- **Chris Duke** (across Maple Ridge from pit area) said this is inconsistent with the Town land use plan-- there is support for light industry if location is agreeable but this is in the middle of the Township, it sets a precedence; sand deposits along County E would meet the criteria / needs; scenic Ag land should be considered; most every household is opposed to this pit and Rowley pit (last month's agenda). Duke stated this was approved because of Ritola being a "good guy" but personalities are not grounds for objectivity and fairness; is concerned about condition of repairing truck damage to roads but questioned how they would determine whose trucks using the roads caused the damage; asked the Committee to reconsider what the Town allowed.
- **Don Kinney** (Mason): opposed due to what might happen to the major assets of White River and Maple Ridge. He read from a letter from Assemblyman Gary Sherman however the Committee corrected him as the letter was referring to another gravel pit on last month's agenda.
- **Shirley Kinney** (West of proposed sand pit on Maple Ridge Road): concerned about more dust problems for her organic gardening business, more trucks/traffic, more road problems.
- **Nancy Lewandowski** (Maple Ridge): opposed to increased traffic; wants reconsideration of Town's approval.

Director Kastrosky: noted **Paula Yankee opposition letter** on file.

Jardine questioned the reclamation plan and process. Kastrosky said Ritola's plan was approved by ABDI Land Conservation Dept., re the post-mining land use phase and plan covers turning property into productive grasslands. Ritola said it would actually be productive field land.

Jardine said they (Zoning Committee) need to allow the public opportunity for comment on reclamation plans. Kastrosky said they will handle the plan in the business portion but if there are any public comments then will take it through the public hearing process but requirements of reclamation plans must be addressed separately (from conditional uses). He added that after allowing comments, the motion to approve or deny the reclamation plan must be made separately from the conditional use. **Beeksma** said he didn't know if the audience knew they could comment on the reclamation plans.

**D. IMPACT SEVEN, INC., OWNER AND WILLIAM BAY, AGENT Conditional Use Request - Machine Shop:** on 72-acre parcel (ID#'s 006-1002-01, 006-104-03, 006-1003-10, & 006-1005-04) described as the SE ¼ of the NE ¼, the SW ¼ of the NE ¼, the NW ¼ of the SE ¼, and the NE ¼ of the SE ¼, Section 1, Township 50 N, Range 4 W, and part of Gov't Lot 3, Section 6, Township 50 N, Range 3 W, Town of Bayfield.

**William Bay, President, and Assistant Angela Kazmierski** addressed map location; stated the piece will be surveyed. Director Kastrosky said this was publicly noticed on the 72-acre parcel but not noticed per the five acres where the request for the machine shop is to be located with impact for this activity. Ms. Kazmierski said they understand they would have to come in for another conditional use permit for any other buildings. Kastrosky said if they receive approval for 72 acres for this activity, then each structure would require a separate conditional use, yet approval for the whole parcel would be given; he added Town approval is on file.

Kazmierski reported this is in the Pike's Bay Sanitary District however they are also pursuing the possibility of a private system and are looking at all options, including Red Cliff's sanitary district. Kastrosky asked if the sanitary district is aware they may not hook up. Tom Gordon (Town of Bayfield Chair) stated the sanitary district is 2.5 miles away and if

no pipe is there then it won't be the sanitary district. He also said the Town is very supportive; it will possibly bring 20-25 jobs; the 72-acre parcel may become Town property in the future. Kastrosky asked why there was no petition to rezone this parcel for future development. Gordon answered that it may be developed differently in the future, with a variety of plans as options. Kazmierski explained there is legal easement access off County Hwy J. Supervisor Maki asked when the project will be underway; the answer is they are optimistic for the winter months and to finish construction in spring.

**Others in Support:** none; **Opposition:** none

Kastrosky noted a file letter from Edward Notebaart primarily with questions and concerns; an opposition letter from Robert Aardahl; and Town Board approval.

**6. ADJOURNMENT OF PUBLIC HEARING:** Motion by Rondeau, seconded by Jardine to adjourn at 2:10 PM; carried 5 yes, 0 no.

**7. CALL TO ORDER OF ZONING COMMITTEE MEETING:** By Beeksma at 2:10 PM.

**8. ROLL CALL:** Beeksma, Jardine, Maki, Miller, Rondeau, all present.

**9. MINUTES OF PREVIOUS MEETING(S):**

Motion by Maki, second by Miller, to approve the Oct.19, 2006 minutes. **Discussion:** Jardine recommended disapproval of the minutes as the Committee was in error at the Oct. 19, 2006 meeting in addressing the [Carol Kangas] Ralph Frostman gravel pit reclamation plan [plan was still with Land Conservation and not approved at that time] therefore they "have to redo it". Kastrosky said possible options are they could disapprove those minutes and ask for a correction at next month's meeting, or "try to amend them here and reflect those corrections". He said the safest is to disapprove, "calling them back next month with the required corrections". Maki then withdrew his motion, seconded by Miller.

Motion by Jardine, seconded by Maki to revisit the minutes at the December meeting, resubmitting with corrections and attaching the memo [which was before the Committee and now attached to these minutes]. Motion carried, 5 yes / 0 no; carried.

**10. BUSINESS:**

**A. DONALD / JUNE FREY REZONE REQUEST (Agriculture-1 to Residential-Recreation Business):** on 6-acre parcel (ID #014-1033-01-000) located in the S ½ of the S ½ of the SE ¼ of the NE ¼ W. of Lenawee Rd., Section 8, Township 50 North, Range 7 West, Town of Clover.

Motion by Maki to approve the rezone from Ag-1 to R-RB, Jardine seconded the motion; carried 5 yes / 0 no.

**B. JON MCKINNEY REZONE REQUEST (Residential-1 to Commercial)** on 3.38-acre parcel (ID #012-1051-06-000) described as part of the NW ¼ of the NW ¼, W of the Road, Section 19, Township 43 N, Range 7 W, Town of Cable.

Motion by Rondeau, second by Jardine to approve rezone from Residential-1 to Commercial; carried 5 yes, 0 no.

**C. NELS RITOLA CONDITIONAL USE REQUEST- Sand / Gravel Pit (to also include screening)** on 30-acre parcel (part of ID#'s 026-1046-02-990 and 026-1046-03) described as the S ½ of the NW ¼ of the SW ¼, and the SW ¼ of the NE ¼ of the SW ¼, Section 22, Township 46 North, Range 5 West, Town of Kelly. Included in this request will be the requirement(s) of the reclamation plan, which will be addressed separately. [Be advised any conditions placed on the reclamation plan shall pertain to the reclamation plan only, and any conditions placed on the non-metallic site shall pertain to the conditional use application.]

Beeksma reminded the Committee that two motions were required.

Jardine moved to approve the gravel pit with conditions the Town approved, as follows: sand pit area operation will be approximately one to two acres and not more than five acres at any one time; operating hours of the pit are 6:00 AM to 7:00 PM.; trees and vegetation along Roy Anderson Road will be left in place as a buffer zone; Ritola, Inc. will help with road repair if damaged because of hauling; plus the additional condition of Monday through Saturday operation, no operation on Sunday.

Rondeau seconded the motion. **Discussion:** Kastrosky asked if the motion included the ability to do material-screening. Jardine **amended his motion** to **approve screening** as well; second by Rondeau to **approve the amended motion**; carried, 5 yes / 0 no.

**Reclamation Plan:** Motion by Miller, seconded by Maki to **accept and approve the reclamation plan** as presented. Motion carried 5 yes / 0 no.

**D. IMPACT SEVEN, INC., OWNER AND WILLIAM BAY, AGENT Conditional Use Request - Machine Shop:** on 72-acre parcel (ID#'s 006-1002-01, 006-104-03, 006-1003-10, & 006-1005-04) described as the SE ¼ of the NE ¼, the SW ¼ of the NE ¼, the NW ¼ of the SE ¼, and the NE ¼ of the SE ¼, Section 1, Township 50 N, Range 4 W, and part of Gov't Lot 3, Section 6, Township 50 N, Range 3 W, Town of Bayfield.

Motion by Maki, second by Miller to **approve** the conditional use request for a machine shop on five acres as presented. **Discussion:** Kastrosky asked for clarification of the legal description of the five acres and it was stated it will be identified prior to the permit being issued. He asked if their map will be a certified survey map and the answer was 'yes'. Motion then carried, 5 yes / 0 no.

#### **Agenda Review and Alteration**

**E. RONALD / CATHERINE ROCKENBACH SPECIAL USE REQUEST - Hobby Farm** (3 horses) on 7.70-acre parcel (part of ID# 018-1041-04) in the NE 1.4 of the NE ¼, Section 31, Township 44 N, Range 7 W., Town of Drummond.

Director Kastrosky reported that he was asked by a realtor, as well as the Rockenbachs, when this parcel was offered for sale, if horses were allowed and he told them 'yes'. He said this property is a narrow strip, zoned Ag but near the lake and horses can be allowed only with a special use permit; the Rockenbach's purchased on grounds of his answer adding "this was an 'honest error, the map exaggerates the Ag use, therefore they are before the Committee at this time'".

Ronald Rockenbach said the Town approved this. Beeksma emphasized the importance of good fencing. Mike Furtak reported the property is fenced. Rondeau said the Town considered this for no more than three horses, that it is 500' from the lake, and the fact that there is Ag land surrounding it.

**Others in Support:** none; **Opposition:** none

Motion by Rondeau, seconded by Jardine, to **approve** the special use hobby farm, **with a limit of no more than three (3) horses**. **Discussion:** AZA Furtak suggested they may want to consider this to be valid only for the current owners because of horses being located 500' from the lake and initially a neighbor had concerns. After discussion **motion carried as stated**, 5 yes / 0 no.

**F. BOB BREVAK (DBA: B&B LOGGING), OWNER (JEANNETTE & MICHAEL LANG, AGENTS) SPECIAL USE REQUEST - Hobby Farm** (2-4 horses, 2-4 alpaca, some chickens & 6 sheep) on a 23-acre parcel (#022-1070-03) in Govt. Lot 4, Section 26, Township 47 N, Range 9 W, Town of Hughes.

Mr. & Mrs. Lang stated they are seeking approval prior to purchasing this property. They said the Town of Hughes denied their application primarily due to "manure runoff" (as recorded on TBA form). It was suggested they go to (ABDI) Land conservation for water runoff input. AZA Casina reported he just received a memo from MaryJo Gingras of ABDI Land Conservation Dept. with a soils/land map and their approval report, which he distributed to the Committee.

AZA Furtak spoke as a Town of Hughes supervisor explaining the Town's concerns with manure runoff / nutrient problems, and concerns about wetlands in the area and said the Town told the Applicants they wanted to see if Land Conservation could alleviate their concerns and send it back to the Town for reconsideration. Jardine said it must be sent back to the Town. Miller said he doesn't have problem with bypassing the Town Board in this situation due to Land Conservation's recent approval.

Kastrosky noted this portion of the meeting is not a public hearing but there possibly were persons in the audience wishing to speak.

**Speaking in Support:** none

Director Kastrosky reminded the Committee that the request is for two-to-four horses, two-to-four alpaca, 'some' chickens, and six sheep, 'in the next four-to-six years'. Mrs. Lang said they would be fine with approval of only horses if that would make a difference in their approval.

#### Speaking in Opposition:

- **Richard Canfield** (east adjacent property owner) expressed concern that property is basically sand and rock, with difficulty in growing pasture, adding it would take a lot of fertilizer to do so and neighboring wetlands would be affected. He felt runoff would be a 'huge problem' in this area with other lakes in close proximity; is opposed to animals in that area, and 'animal noise'.
- **Mary Moore** (adjacent property owner who doesn't reside there but spends some week ends) doesn't want a farm behind their property; there have been several accidents in that area (due to condition/layout of the road – no shoulders) is afraid of addition of "horse-traffic"; suggested applicants buy Ag-zoned land; concerned with additional animals being a "wolf-magnet".
- **Joanne Canfield:** Concerned about the 'buffer zone', the land being logged off and having animals on that property, stating, "It is not a horse community."

Jardine: read the Land Conservation approval covering the area(s) Town of Hughes was concerned about.

Kastrosky noted an opposition letter on file from **Richard & Joanne Branzell** (from Reno, NV) who own adjoining property.

Jeannette Lang: description of property is for 23 acres; plans include year 'round home; horses will not be there until they are; they did not clear-cut the property.

Jardine said the issue is with the Town and recommended this be sent back to Hughes noting what the Town instructed the Applicant to do, and then come back to the Zoning Committee. Beeksma asked about the road safety factor. Mrs. Lang said they plan to place a house and barn on their property but do not plan to have horses by "the lake place".

Jardine made a motion, seconded by Maki, to **approve the hobby farm contingent upon Town Board approval.**

#### Discussion followed...

- Richard Canfield spoke again in opposition questioning location of horses.
- Mrs. Lang pointed out a red outlined area on the map where the horses will not be located and indicated the areas where the horses could be placed safely; she said they will be 300' from any wet areas; identified non-pasturelands (nothing outside the red line).
- Michael Lang addressed concerns from the Town re manure run-off and said they just received the Land Conservation report which was dated two days prior (Nov. 14, 2006); Land Conservation Staff drew the maps which were before the Committee; he presented photos of the buffer zones around wetland areas.

**Further Discussion:** Jardine said they should "work it out with the Town" but his motion stood per application request: two-to-four horses, two-to-four alpaca, 'some' chickens, and six sheep, 'in the next four-to-six years, and it is up to the Town if they want to change that.

Kastrosky said it may save some stress if the Applicant's change the request to just horses as she is willing to do. Mrs. Lang said they may amend her request to four horses only. **Motion amended** by Jardine, seconded by Maki, to **approve a hobby farm for one-to-four horses only, contingent upon Town Board approval;** Motion carried 5 yes / 0 no.

#### G. DISCUSSION / POSSIBLE ACTION - NR115 RE-WRITE UPDATE:

Kastrosky said an approved, simplified draft is "in the works" and noted that of 72 counties in the State, the DNR looked for three people from zoning offices to participate in these plans and he volunteered. Maki asked if he was "on payroll" when he goes to these meetings. Karl said he usually takes a County vehicle, the DNR buys lunch, and he doesn't stay over night; when he volunteered he didn't anticipate it would take four years.

#### H. CITIZENS CONCERNS / INPUT:

- Harold Maki reported on the **Wayne Nelson property** on Eagle Bluff stating he is constantly receiving calls and complaints. AZA Casina said he did an inspection for a new septic on the property recently and asked Nelson when things would be moved. He added there is hope for a rezone, thus materials would be moved to

another property. Maki said there are two very concerned people living there and it is a problem with having a junk yard next to some "high class property"; also problem with road names and confusion with ambulance calls. Kastrosky said that is an Emergency Govt. concern. Beeksma asked if there should be a "time line". Casina reported Nelson has cleaned up some things, painted and organized some, and 'technically is not as visually obtrusive now'; he moved some materials into semi trailers. Kastrosky said "maybe we can make a deal next time he comes in". Maki said he [Nelson] "pushes the limit every time". Beeksma asked Casina to document and get some photos as well as to see what was actually issued there.

#### I. OTHER ITEMS THAT MAY COME BEFORE THE COMMITTEE (Discussion Only)

- The Committee agreed that **maps** presented on the **overhead screen** (used for the first time today) was helpful.
- Karl reported that **ABDI hired a new director**, Butch Lobemeier and he feels he will do good job and will be an asset to the Dept.; will meet w/ him soon.
- Karl said he was called w/ a question about **farm butchering** which is an "issue" because there is no place where one can take an animal and have it slaughtered. The question presented was if a conditional use could be obtained for a farmer, for his use and others, to have slaughtered and inspected, and possibly 'sharp frozen'. He said this question has come up before and slaughter houses are only allowed in Industrial zones, however this would be a small operation with an estimated 50 head per year, in Cable in the country, which will "possibly be controversial". Karl stated he would have them fill out a conditional use application and see what happens.
- Karl noted the **Mathey gravel pit in Barnes** is up for appeal and will be before the B.O.A. to see if the time period is up to rehear it, or have someone appeal it. He believes the time period is up, he believes everyone was noticed properly and proper procedures were followed. There is an attorney from Plymouth WI involved.
- Maki questioned the **Bony Lake situation** and Karl answered the Development is ongoing, there is no appeal but the County lost the decision to deliberate in closed session.
- Shawn Miller said he believed the Town of Kelly gave the **Rowleys (gravel pit)** a 'raw deal' when denying them and approving **Ritola** who is just down the road. Kastrosky said with the septagennnn

11. **MONTHLY REPORT:** Motion by Jardine, second by Miller to **approve**; carried 5 yes / 0 no.

12. **ADJOURNMENT:** Motion by Rondeau, second by Miller to adjourn at 3:20 PM. Carried.

**Karl L. Kastrosky, Planning / Zoning Director  
Bayfield County Planning / Zoning Dept.**

Prepared by MJJ on 11/21/06  
Approved by KLK on 12/11/06

cc: Administrator; Clerk; Corp.Counsel; DNR; Committee; Supervisors

K/ZC/Minutes/2006/Nov