

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

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

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

4. AFFIDAVIT OF PUBLICATION: *Read by Director Karl Kastrosky.*

5. PUBLIC HEARING:

A. PAUL SOLBERG AND JACQUELINE THORN REZONE REQUEST – (F-2 to R-2) on their 13-acre parcel (ID #004-1102-05), in the NW ¼ of the NW ¼, lying South and East of Pease Road in V. 914 Page 586, Section 12, Township 44 North, Range 9 West, Town of Barnes. (Z.C. on 2/16/06)

Motion by Maki, second by Compton, to place Items A & B at the bottom of the public hearing agenda as applicant was not present and AZA Furtak had not yet arrived; carried.

Mike Furtak stated he was contacted re this rezone by e-mail, realized what had taken place was an illegally-created lot, approximately 13 acres, zoned F-2, where the minimum size is 35 acres. He said a permit would subsequently be denied because of this illegal creation, therefore, they wish to rezone this parcel as residences are not allowed in F-2. He said Town approval was given and this was formerly owned by Plum Creek.

One letter of opposition in file: from Shirley Frierhood Heise; Wm. & Joyce Frierhood; & Gary Frierhood.

No one in support / opposition.

B. PAUL SOLBERG AND JACQUELINE THORN REZONE REQUEST – (F-2 to F-1) on their 80-acre parcel (ID #'s 004-1036-09 and 004-1041-01), in the SE ¼ of the NE ¼ and the NE ¼ of the SE ¼, Section 1, Township 44 North, Range 9 West, Town of Barnes. (Z.C. on 2/16/06)

Motion by Maki, second by Compton, to place Items A & B at the bottom of the public hearing agenda as applicant was not present and AZA Mike Furtak had not yet arrived; carried.

AZA Furtak reported this request is from the same applicants but is a different parcel, not adjoining "A" (above). He said Plum Creek was the former owner also; applicant originally purchased 80 acres, the father-in-law of [one of] the applicants owns property south of this parcel but is not party to these 80 acres. The Town denied this request with the opinion it is not in an area they are interested in rezoning or subdividing; they feel they could allow a five acre rezone to construct a residence in the future but not all 80 acres, division into five acre parcels is not in their land use plan.

Opposition letter from Jerry Frierhood is on file.

Dixie Chermak, Town Supervisor, stated the reason the Town disapproved is it's is on the fringe of forestry that they are trying to keep from being fragmented.

No one else spoke in support / opposition.

C. KATHRYN & PETER WRIGHT REZONE REQUEST (Ag-1 to R-3) on their 5.78-acre parcel (ID #012-1013-09), in the SE ¼ of the SE ¼, Section 5, Township 43 North, Range 7 West, Town of Cable. *Peter Wright stated he has two parcels in Cable, zoned Ag 1 (5.8 acres) and is hoping to change to R-3 so he can sell approximately two acres for a relative to build next to them. He said the property is*

surrounded on three sides by R-3, and in the Cable Land Use Plan the parcel is already designated for residential use. Mr. Wright also said that in 1981 the land was a farmstead, he bought 40 acres, has remodeled the barn as a residence and lives there; in 1981 the rest was zoned R-3; rezoning this parcel now would allow them to accomplish what they wish to do.

Wright stated that the Town was opposed to the rezone at their meeting, stating they didn't want to introduce R-3 here and felt the map was in error. He said he called the Zoning Dept. the next day, was assured it was zoned correctly, and subsequently explained that to some Town officials and those he talked with seemed to feel that would make a difference in their decision.

Director Kastrosky said he and Mike Furtak researched the reason for disapproval. He said they felt the Town was in error in doing this, there is no Ag production, it is overgrown land, and their future land use map shows residential use, they erred with two forties to the west, which are actually zoned R-3, and not Ag. Kastrosky said "the Town didn't withdraw their disapproval but it may not be as big of a problem as they thought, it does comply with their land use, but isn't compatible with their plan of wanting larger tracts of land". He also said no letters of support or opposition are on file.

No one else spoke in support / opposition.

D. TOWN OF RUSSELL - PAUL (ROCKY) TRIBOVICH, AGENT, CONDITIONAL USE EXPANSION

(expand existing 16-site campground to additional 20 tent sites, 10 RV sites, and a shower facility: on the Town's 5.43-acre parcel (ID#'s 046-1094-01 through 046-1094-05; 046-1096-08 through 046-1096-10; 046-1097-01 through 046-1097-07, and 046-1100-04) described as Lots 6-10, Block 1; Lots 1-10, Block 3 and Lot 1, Block 5 all in South Shore Subdivision, Section 32, Township 52 North, Range 4 W, Town of Russell.

Kastrosky reported that Agent Tribovich was unable to be present. AZA Casina reviewed this request stating the EIA had been waived, the property is in a sewer district, is adjacent to Natl. Park Service property, a shower facility which is on Park Service property is used by agreement of the two agencies, it meets zoning requirements and has Town approval. Director Kastrosky said no letters of support or opposition were received.

No one spoke in support / opposition.

E. WAYNE & MIROSLAVA NELSON REZONE REQUEST (R-RB to R-4) on their 5.9-acre parcel (ID #006-1030-05-001), located in Lot 1 of CSM 1225, Section 14, Township 50 North, Range 4 W, Town of Bayfield.

Wayne Nelson said they got advice before purchasing this property and went forward under the original basis and has planned for a house, laundromat, tanning salon, internet café, and possibility of other leased business units. He purchased the property under the formula for 15,000 sq. ft. allowance in R-RB, he went under that premise but with the Town's new overlay district and regulations it affects his situation.

Mr. Nelson said he isn't seeking action yet by the Zoning Committee as he was called away on an family emergency and was unable to attend the Town's meeting, however, wanted to still address this [today] in public hearing format. He also added that he wasn't notified of the Town meeting.

AJ Long (Bayfield) asked if businesses placed at this location would affect traffic and view. He said County J was moved recently due to those very problems and is concerned it may go back to that. Supervisor Maki answered that the State of WI is the regulatory agency for that, not the Zoning Committee.

Director Kastrosky reported that one letter of opposition was on file from Richard Carrier, and that no Town input was received. Supervisor Compton said the Town of Bayfield Planning Commission will have

to consider this and then make recommendation to the Town Board, which would probably occur in April.

No one else spoke in support; none in opposition.

F. WAYNE NELSON REZONE REQUEST (Ag-1 to R-RB) on his 15-acre parcel (ID #006-1032-06-004), located in Lot 4 of CSM 1379, Section 15, Township 50 North, Range 4 W, Town of Bayfield.

Nelson said he lives in this Ag area, and stores his business construction equipment on site; has looked for commercial property to buy but none was available; has sold some property for residential use, but held back some for R-RB or commercial use. Nelson stated he spoke with Director Kastrosky on this and there are three other rezones (Ag to R-RB) in the area. He said his property, which has two access points, is partially bordered by commercial zoning.

As with Item E. above, Nelson asked that this request be held also until the Town considers it. Kastrosky reported no Town input and no letters of support or opposition were received..

No one else spoke in support / opposition.

5. ADJOURNMENT OF PUBLIC HEARING: Motion by Rondeau, second by Maki to adjourn at 1:57 PM; carried (4 yes / 0 no).

6. CALL TO ORDER OF PLANNING & ZONING COMMITTEE MEETING: By Vice Chairman Beeksma at 1:57 PM.

7. ROLL CALL: Beeksma, Compton, Maki, Rondeau, present; Jardine, absent.

8. MINUTES OF PREVIOUS MEETING: Motion by Maki, second by Compton and carried (4 yes, 0 no), to approve the 02/16/06 minutes as prepared.

9. BUSINESS:

A. PAUL SOLBERG AND JACQUELINE THORN REZONE REQUEST – (F-2 to R-2) on their 13-acre parcel (ID #004-1102-05), in the NW ¼ of the NW ¼, lying South and East of Pease Road in V. 914 Page 586, Section 12, Township 44 North, Range 9 West, Town of Barnes. (Z.C. tabled on 2/16/06)

Kastrosky reported the Town approved the rezone stating, “[it] conforms to adjoining lots in the area”; there is an opposition letter on file (from Shirley Friermood Heise / Wm. & Joyce Friermood / Gary Friermood); and this was a fragmented parcel from past land divisions.

Beeksma asked how this “creation of illegal lots” can be handled in the future and AZA Furtak answered that if found during the purchase, they would be advised it needs correction, the property owner would be notified to bring it into compliance by purchasing more land, etc., but can only be addressed if found.

Compton asked if this is just “buyer beware” if it doesn’t fit in with the land use plan. Kastrosky said they would have to take recourse against the seller and “we don’t rezone to fix a problem unless there is a realistic and good reason to rezone”. Mike Furtak said the Zoning Dept. is very proactive with things like this, he has contacted Plum Creek, and the Dept. holds realtor / surveyor [informational] meetings.

Motion by Compton to approve the rezone from F-2 to R-2 being it is consistent with the land use plan, and is not inconsistent in trying to accomplish a reasonable use of the land on an illegally formed lot. Motion seconded by Rondeau and carried (4 yes / 0 no).

B. PAUL SOLBERG AND JACQUELINE THORN REZONE REQUEST – (F-2 to F-1) on their 80-acre parcel (ID #'s 004-1036-09 and 004-1041-01), in the SE ¼ of the NE ¼ and the NE ¼ of the SE ¼, Section 1, Township 44 North, Range 9 West, Town of Barnes. (Z.C. tabled on 2/16/06)

AZA Furtak said the applicant would need to define the five acres that would actually be developed on this parcel. Director Kastrosky expressed concern [regarding F-2 lands] because Plumb Creek has about 32,000 acres they want to sell, "so we need to do this on a case-by-case basis. Maki said he believes that will create problems for us. Kastrosky said there have been numerous meetings with them, telling them to apprise buyers that the property may not be rezoned.

Motion by Compton, second by Rondeau, to follow the Town & the Land Use Plan and **deny** this rezone request. **Discussion:** Maki said he wanted included in the motion the possibility of five acres in each of the parcels to be allowed to be rezoned to F-1, however, this was not made part of the motion. Motion carried as stated to **deny**; with 3 yes votes / 1 no (Maki).

C. KATHRYN & PETER WRIGHT REZONE REQUEST (Ag-1 to R-3) on their 5.78-acre parcel (ID #012-1013-09), in the SE ¼ of the SE ¼, Section 5, Township 43 North, Range 7 West, Town of Cable.

Rondeau stated he has discussed this Item with Cable Board members and they said they did have misinformation, otherwise would have approved it.

Motion by Rondeau, second by Maki, to **approve pending Town approval**. **Discussion:** Kastrosky asked if he should "agenda this in the future?" The consensus was "yes", and to send it on to the Full Board after hearing approval from the Town of Cable.

Compton requested the Dept. send a letter to the Town asking for their review, advising of the fact the Committee wants them to sign off on this. Kastrosky suggested perhaps he or Mike Furtak could attend the Town's meeting and explain the situation. Motion carried (4 yes / 1 no).

D. TOWN OF RUSSELL - PAUL (ROCKY) TRIBOVICH, AGENT, CONDITIONAL USE EXPANSION (expand existing 16-site campground to additional 20 tent sites, 10 RV sites, and a shower facility: on the Town's 5.43-acre parcel (ID#'s 046-1094-01 through 046-1094-05; 046-1096-08 through 046-1096-10; 046-1097-01 through 046-1097-07, and 046-1100-04) described as Lots 6-10, Block 1; Lots 1-10, Block 3 and Lot 1, Block 5 all in South Shore Subdivision, Section 32, Township 52 North, Range 4 W, Town of Russell.

Motion by Maki to **approve** as presented in the request, second by Rondeau; carried (yes 4 / 1 no).

E. WAYNE & MIROSLAVA NELSON REZONE REQUEST (R-RB to R-4) on their 5.9-acre parcel (ID #006-1030-05-001), located in Lot 1 of CSM 1225, Section 14, Township 50 North, Range 4 W, Town of Bayfield.

Compton said this needs to go through the Town and the Planning Commission, therefore made a motion to table this request, waiving the public hearing, until Town input is received. Second by Rondeau. **Discussion:** Director Kastrosky suggested they may want to bring it back in public hearing format as it may get contentious. Compton said he believes it will be contentious, however, seeing it is the Committee's decision to do this, he didn't feel the applicant should be charged again for a public hearing. Compton then asked for representation from the Zoning Dept. when it comes before the Town. Motion and second was then withdrawn by Compton / Rondeau and amended. Compton made a motion to **table this request, send it back to the Town of Bayfield, wait for their input, and bring it back in public hearing format but with no additional charge to the applicants;** motion seconded by Rondeau and carried (4 yes / 0 no).

F. WAYNE NELSON REZONE REQUEST (Ag-1 to R-RB) on his 15-acre parcel (ID #006-1032-06-004), located in Lot 4 of CSM 1379, Section 15, Township 50 North, Range 4 W, Town of Bayfield.

Compton made a motion to **table this request, send it back to the Town of Bayfield, wait for their input, and bring it back in public hearing format but with no additional charge to the applicants;**

motion seconded by Rondeau and carried (4 yes / 0 no).

AGENDA REVIEW AND ALTERATION

G. SL LEGACY FARMS, LLC SPECIAL USE REQUEST– Hobby Farm (for cattle – number unknown) located on 230-acres, Parcel #012-1066-07 SE ¼ of the SE ¼; Parcel #012-1068-02 SW ¼ of the SW ¼; #012-1068-03 SE ¼ of the SW ¼ less the W 10 acres; #012-1068-07 NW ¼ of the SE ¼; and #012-1068-06 NE ¼ of the SE ¼; and #012-1068-08-990 N ½ of the S 1/2 SE all in Section 23, Township 43 N, Range 7 W, Town of Cable.

Charlie Larson Jr., Agent & Asst. Mgr. of SL Legacy Farms, addressed the Committee on behalf of this request. He said he met with the Town last week and they are concerned about ten acres in the middle or the Farm's property owned by Sandra Lang Unseth. He is considering putting a five-acre radius around that area and has agreed to stay 500' away from that property. Mr. Larson requested 20 cows with calves, and one bull for a total of 50 head. He said a lot of the acreage is open land and not fenced.

There was discussion on fencing and property lines. Mike Furtak said there is a probability that Unseth's mound system is possibly on the Farm property. Supervisor Rondeau said the only concern he's heard was regarding fencing and cost-sharing. Larson said they plan four strands of barbed wire with the addition of two strands of electric fence on the perimeters.

Karl Kastrosky noted a letter, dated 3/16/06 was received from Sandra Lang Unseth asking that her property (10 acres surrounded by Legacy Farms) have a 500' buffer zone surrounding it as well as a request that there be no cost to her family involved in this venture.

*Motion by Rondeau to **approve with the Town's conditions**: "Maintain 500' radius of house currently owned by Sandra Lang; do not allow cattle within 300' of all waterways; no more than 50 cattle total on 230 acres"; **as well as the following conditions**: fencing cost will all be Legacy Farms'; four-strand fence is to be used on the perimeter of the land. Maki seconded the motion; carried (4 yes / 0 no).*

H. BAYFIELD ELECTRIC CO-OP SPECIAL USE REQUEST – Sausage Plant / Retail Store (fish or meat, wholesale, storage or curing) on a 3.95-acre parcel (#024-1177-09-002) in the W ½ of the SE ¼ of the NE ¼, Section 8, Township 47 N, Range 8 w, Town of Iron River.

Jim Kling, of the Iron River Meat Market spoke. He wants to relocate his business due to lack of room at his current location; is seeking to move to the above property (Willow Run, north of Hwy 2). Doug Casina said a special use permit is required because of the Industrial zoning. Mr. Kling said he will purchase the land from Bayfield Electric if this permit is approved.

*Motion made by Rondeau, second by Compton, to **approve**. **Discussion**: AZA Casina reminded Mr. Kling that a permit will still be required for the actual building and it was noted that no conditions were placed by the Town. Motion carried (4 yes / 0 no).*

I. DUANE KICK– FINAL PLAT APPROVAL (6) Iron River

*Tim Oksiuta from Nelson Surveying, presented the final plat. Director Kastrosky said it was reviewed by the County Surveyor, was approved and meets all statutory requirements, however no Town Board recommendation is on file. Motion by Rondeau, second by Maki, to **approve** the final plat. AZA Casina reminded the Committee that Town Board approval is required by ordinance. **Discussion**: Kastrosky said the Town Chairman has to sign the plat so that would constitute Town approval. Motion carried (4 yes / 0 no).*

J. DISCUSSION / POSSIBLE ACTION - Lot Division Requirements (ZC on 1/19/06)

Director Kastrosky said this was before the Committee in January as a petition to amend the ordinance, there were some concerns from the audience but it was approved, knowing there would be some additional corrections. The Committee recommended it go to Full Board but then he realized it should not be put before the Full Board until the March meeting. In the interim period, significant changes would be made to the revisions with plans to go to Full Board the end of March. Karl said the Committee will receive a list of changes, which hopefully will clean up a lot of things, and said he has plans to spend time in a Staff meeting on this and bring back for a public hearing in April, however as a Full Board agenda item, they need a motion to send it back to them (Zoning Committee).

K. DISCUSSION / POSSIBLE ACTION - NR115 Re-Write Update: *Kastrosky said there was nothing new to report.*

L. CITIZENS CONCERNS / INPUT: *N/A*

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

- **Curtis Poppe Tire Situation / Complaint:** *Kastrosky said he & Mike inspected the site, a lawsuit subsequently was filed, and within a week the tires were removed but there is still ill-will and the Town won't forgive Economic Development for bringing Poppe in there.*
- **Non-metallic Mining:** *Kastrosky said the Dept. had to get pretty tough w/ some individuals, including some Townships, but it's been over five years and the toughness now paid off. He added that Land Conservation has been very helpful through the process. Travis Tulowitzky said 14 applicants finally came in on the deadline day; pit operators were advised of the deadline multiple times; six letters went out after Mar. 1st again reminding them; "there are just a handful left". Kastrosky asked the Committee if major complaints are received (from the letter that was sent), "advise them to come to the Zoning Committee".*
- **Munson Animal Refuge:** *Maki asked for an update on a past hobby farm / refuge application which was withdrawn by the applicant. He said there are still irritated neighbors because the same number of animals are on site. Travis said the application was withdrawn for the 'animal rescue operation' but they are allowed to have animals because they are in Ag zoning. He added he inspected the site recently and the rescue operation sign is down, the aluminum can collection bin is gone (for fund-raising); he saw no signs of continued operation; and it is now considered just a hobby farm allowed in Ag-1. Maki said some of the complaints were because of animals getting out and animal care. Travis said that is an Animal Control or Sheriff's Dept. issue. Karl said Travis can monitor in a month if he wishes.*
- **Large Animal Ordinance:** *Karl said he and Travis have begin work on the 'large animal' ordinance.*
- **Enforcement:** *Karl reported the Dept. is keeping up w/ enforcement.*
- **Salvage Yards:** *Travis said he is currently working on, and has sent out three letters within the Town of Mason re "quasi" salvage yards.*

N. MONTHLY REPORT: *Motion by Compton, second by Rondeau, to receive the Feb. monthly report; carried (4 yes / 0 no).*

O. ADJOURNMENT: *Motion by Maki, second by Rondeau to adjourn at 3:09 PM; carried (4 yes / 0 no).*

Karl L. Kastrosky, Director
Bayfield County Planning & Zoning Department

K/ZC/Minutes/2006/March
Prepared by MJJ on 3/24/06 - Approved by KLK on 3/24/06
Cc: Admin., Bussey, Clerk, Committee, DNR, Supervisors