

**MINUTES**  
**Bayfield County Planning / Zoning Committee Public Hearing / Meeting**  
**August 21, 2008 – 4:00 PM**  
**Board Room, County Courthouse, Washburn, WI 54891**

1. **CALL TO ORDER OF PUBLIC HEARING:** *By Chairman Beeksma at 4:01 PM.*

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

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

4. **REVIEW OF MEETING FORMAT:** *By Chairman Beeksma.*

5. **PUBLIC HEARING:**

**A. TOWN OF BARNES, OWNER / SUPERIOR FUEL CO., LESSEE CONDITIONAL USE REQUEST: Construct / Operate Bulk Fuel Storage Facility (LP gas), related equipment, small tank storage (up to 1000 gal. tank), and delivery truck storage** on 1.0-acre portion of 40-acre parcel (in part of ID# 04-004-2-45-09-34-1-04-000-12000) located in the SE ¼ NE ¼, Section 34, Township 45 North, Range 9 West, Town of Barnes.

*Mike Wiebe (Superior Fuel Company) recapped the proposal: no structures, will be fencing around pump area; truck on site; corporate headquarters is in Superior; no plans for building on site. Mike Furtak said a different company had submitted application in the past (same location) but didn't go forward with it. Wiebe said this may be constructed this November or Spring 2009; he is aware conditional use / land use permits are required as well as a State permit. Director Kastrovsky stated expansion(s) require another public hearing. Wiebe said the tank may be smaller than requested; there will be small tanks for residential use.*

**Support:**

*Gene Ratzel, Barnes: request was presented to Barnes land commission / Town board; meets comprehensive land use plan. Industrial park is run by the Town; they make certain all proper permits are obtained; Superior Fuel has followed proper procedures..*

**Opposition:**

*Jane Kriskovich, (General Manager Polar Gas) presented a handout; said the Town and others were not aware, and the public hearing notice did not indicate, that an 18,000 or 30,000 gallon storage tank was included in the plan. Kriskovich was also concerned that this area is not a compatible land use because there is a helicopter landing in the vicinity.*

*AZA Mike Furtak stated he spoke w/ the Town Chair and he indicated he was very well aware there would be 30,000 gallon storage there and noted some other members of the Board were also aware. Furtak said the heliport is about 350-400' away.*

*Director Karl Kastrovsky stated the public hearing notice didn't specifically say '30,000 gallon' but notes 'bulk fuel storage facility'; the Town has all proper permits for helicopter landing; area is blacktopped w/ a circle on it for life flight; it is not lighted, not high tech. There are no letters of support or opposition on file; the Town approved with the following statement, "Plan commission recommended approval, must meet all county & state zoning codes & fire codes & not impede any future development in the park".*

**B. CFS, LLC. REZONE REQUEST: Forestry-1 (F-1) / Agricultural-1 (Ag-1) to Agricultural-1 (Ag-1), Residential-Recreational Business (R-RB) and Commercial (C)** on 380-acre parcel(s) located in the N ½ S ½ NW SW (04-046-2-51-04-28-3-02-000-30000); S ½ S ½, NW SW (04-046-2-51-04-28-3-02-000-40000); and the SW SW (04-046-2-51-04-28-3-03-000-10000), in Section 28, Township 51 North, Range 4 West, Town of Russell  
*and*

*the NE NW (0 4-046-2-51-04-33-2-01-000-10000); NW NW (04-046-2-51-04-33-2-02-000-10000); SW NW (04-046-2-51-04-33-2-03-000-10000); SE NW (04-046-2-51-04-33-02-04-000-10000); NE SW (04-046-2-51-04-33-3-01-000-*

10000); NW SW (04-046-2-51-04-33-3-02-000-10000); SW SW (04-046-2-51-04-33-3-03-000-10000); SE SW (04-046-2-51-04-33-3-04-000-10000); in Section 33, Township 51 North, Range 4 West, Town of Russell.

**Annalisa Cariveau** (President / CEO of CFS, LLC) presented objectives for the rezone, their mission statement, and noted this request is a long term investment, high-end residential (over 10-20 years). Cariveau reviewed multiple year plans / phases noting this request is to gain support of the Committee / community in order for them to move forward, giving their investors security of feasibility w/ the rezone approval. She also said plans have been disclosed at local meetings and there was no opposition at last week's Town meeting; this fits w/ Town of Russell overlay and land use plan.

**Support:**

**Frank Graves** said he was speaking as a citizen and not on behalf of the Town or Planning Commission and supports this because of job creation in construction (5+ years), support facilities, hotel, restaurant, homes, airport; plus increased tax base, etc. as well as forest improvement.

**Stan Stevenson** of Apostle Highlands Inc. is supportive for basically the same reasons as Mr. Graves noting that second homes help w/ permanent employment.

**Director Kastrosky** reminded the Committee / audience that this Item/request is just the rezone and if the rezone is approved there will be conditional use requests on approximately three more levels in the future.

**Opposition:**

**Rick Dale** (a near neighbor) said he is in favor of 'appropriate development' and if local citizens are asking for development but opposed to 'checkerboard zoning', speculative projects to make money and this location. Dale owns Highland Valley Farm, believes this will have negative impact; opposed to low level aircraft over his business; said project jeopardizes what Bayfield now is / has.

**Russ Klinger** (owns property adjoining airstrip) opposed for reasons as listed above; airstrip area has been under water many times.

**Leo / Rosalie Coombs** (adjoining property owners) expressed opposition.

**Sam Atkins** (Town of Russell) believes project will ruin the resources; said it does not fit the land use plan, does not maintain rural character. Suggested this go back to the Town for public hearing; suggested a time limit be placed on the rezone-- if project doesn't happen in 3-5 years it would revert to original.

**Tom Galazen** (Town of Bayfield farmer), not compatible use, will impact environment / area residents; factors of noise / congestion from air traffic; environmental threat to Pike's Creek (Class 1 Trout Stream).

**Chris Bardon** (Town of Russell) said area is headwaters of Pike's Creek watershed; poor soils for large-development wastewater treatment; said there is an airport in Russell; road is generally closed in spring due to flooding; suggested they look for a more appropriate location.

**David Martinson** (Russell & Bayfield property owner) said 65 homes would severely draw down the water; E.I.S. should be done to discover the effect the development would have on Pike's Creek. He lives two valleys away and would not want to live there if this development takes place.

**The following persons spoke in opposition but did not sign-in as requested:**

**Tom Frizell** (property owner close to proposed project) has served on County Board / Forestry Committee and goal has been not to take land out of forestry unless it serves a higher purpose; this should be restored / kept in forestry. **Mr. / Mrs. Long** (??): (neighbors of Rick Dale) both totally opposed. **Dave Doring** (??) (Russell) land use plan states rural character is to be kept, this project will not. **Sheree Bye** (??) (Delta) worked on local surveys-- natural character / aesthetic character very important to residents. **David Thomas** (Madeline Island) opposed / concerned that self-contained airstrip will not be reality [speaking from experience on the Island]; concerned that tranquility will not be the case either; project is not compatible there. **BJ Larson** (Barksdale & Seattle WA) concerned due to fact people in gated communities usually stay / keep money within.

**Rebuttal:**

**Applicant** said she attended six regular monthly Town meetings which were posted as required and their request was on the agenda; that plans are for 'green development' with 150 acres of open space, vineyards and crops. Ms. Cariveau said some statements [today] were confused about the land being clear-cut; she said the property was purchased from a Mr. Strzok and that Strzok was the one who paid to have the acreage taken out of 'forest crop' and then clear-cut. She also stated she is aware an E.I.S. is required; the private airport use will be limited, not 'high-traffic'.

**David Thomas, Tom Galazen, Frank Graves** restated their respective positions (support / opposition).

**File Report:** Kastrosky noted one letter of opposition in the file from Casey & Ellen Jo Sullivan, however he reported they had their facts wrong, confusing this public hearing item with the campground in Iron River. The Town of Russell recommended approval as follows: (1) Owner will maintain a 100 ft. vegetative buffer, measured from the centerline of Compton Rd. consisting of an area screening which is a no tree cutting zone other than dangerous trees or those to be removed for runway safety per the Federal Aeronautics Administration.

Chairman Beeksmas called for a break at 5:45 PM; reconvened at 5:55 PM.

**C. ROBERT JOHNSON ET AL, OWNER, and NORTHERN CLEARING, INC., PROSPECTIVE BUYER: ENVIRONMENTAL IMPACT ANALYSIS (EIA) for Campground.**

**Agent Keith Johnson** (Coleman Engineering) addressed the Committee noting this request is allowable under Forestry-1. He reported a correction-- that Thos. / Karen Wacker are owners to the east, not Bayfield County. He said this plan doesn't just 'meet minimums' it exceeds them; the EIA has been w/ the Dept. since July. RE lake setback concerns at the Town meeting, he has now listed lakes within 1000 ft..

**Director Kastrosky** said this issue (consideration of the EIA) must be kept separate from the Conditional Use request; the Committee is only to address the EIA at this time. He noted Land Conservation reviewed the EIA. **Butch Lobermeier** (Conservationist, Land Conservation Dept.) stated he did not see any red flags, wetlands were delineated, forest ecology was addressed, found EIA to be satisfactory. He said a page 2 oversight notes multiple lakes present within one mile, there is actually one map-identified lake. **Kastrosky** said it is an unnamed lake less than two acres, not a Class 3, with setback of 75 ft.

**Support:** None

**Opposition:**

**Tom Wacker**, adjacent property owner, noted he has a letter on file regarding the EIA, expressing technical review of same. He believes there are three Class 3 lakes on the property. He said more needs to be taken into account about the nature of this multi-terrained property, more analyzing of ATV use on the sandy soils; average days of use are not in the EIA.

**Kastrosky** said unnamed lakes are identified by legal description, but not counted; he explained standards the Dept. applies. In answer to a citizen's question he stated that the applicant pays for the EIA and the County reviews it. In reply to another question he said the EIA must come to the Dept. with the conditional use application, if the Town didn't look at it, that is 'their issue'. There was further discussion regarding class 3 lakes, with Kastrosky stating the lake in question is not a Class 3; Tom Wacker disagreed.

**D. ROBERT JOHNSON ET AL, OWNER, and NORTHERN CLEARING, INC., PROSPECTIVE BUYER**  
**CONDITIONAL USE REQUEST: Construct / Operate a Campground (consisting of: 130 tent sites, 78 RV sites, 1 host site, 4 restrooms, 5 pavilions, 3 shower/restrooms, basketball court, office/convenience/restroom facility, 2 playground areas, arcade bldg, hot tub area, ATV wash station, dump station and walking trails).**  
Proposed campground is described as an approximate 77-acre portion out of 90(+)-acres, described as the NE ¼ of the SW ¼ (less RR) (ID# 04-024-2-47-08-11-3-01-000-10000); the SE ¼ of the SW ¼ (N of the Hwy) (ID# 04-024-2-47-08-11-3-04-000-10000); and that portion of the SW ¼ of the SW ¼ (between the railroad grade and US Hwy 2) (part of ID# 04-024-2-47-08-11-03-03-000-10000), all in Section 11, Township 47 North, Range 8 West, Town of Iron River.

**Agent Keith Johnson**, (Coleman Engineering) reviewed the request / maps for client Northern Clearing; pointed out a northern emergency access road; said they approximate 1-1/2 years before opening. He noted \$2,000 taxes per 40

now, will be approx. \$17,000 after development; CPR-trained person will be on site; campground is for summer season only.; no grading will be done within 1000 ft of lakes (including unnamed).

**Chairman Beeksm**a asked how far it was to the Wacker's property on the east side. Answer was about 250' off lot line on east for grading & campsites, structures are about 400-500'. It was also noted that one sign is allowed, part of the campground will be seen from the highway, a portion of the road will be blacktopped and the rest gravel; they will rent sites up to 7 days, they do not want long-term rentals, except for the campground host.

**Support:** none

**Director Kastrosky** explained, in response to earlier comments re town board meetings / county public hearings, that we have no idea whether towns will allow public input; the County is required to publish public hearing notices; if comments are allowed beyond the public hearing portion of the meeting we do so as a service to the public.

**Opposition:**

**Tom Wacker:** pointed out areas he said were within 1000' setbacks. He disputed the 250' distance to his property (he said it's 100'); he reported he has two easements but applicant only shows one; noted land owners a few hundred ft. away; pointed out gasoline pipeline; said nothing is set up for trespassers; said there will be problems putting in road between his property line / wetlands. He pointed out floodable areas.

**Steve Sandstrom:** (adjacent property owner) was concerned about his property on Long Lake if the campground becomes reality; concerned about traffic / use of the boat landing; about community 'small city' infrastructure and how emergency, fire, police coverage could be handled w/ 1000 campers; about trash issues, stormwater runoff. He noted the Town is just beginning the comprehensive planning process and would like them to consider this first; asked that this be tabled until the Town can get more information.

**Brad Strandquist:** (property owner to the west) concerned about noise, safety, ruining quality of life; more ATV traffic on now-overcrowded trails; fearful of number of wells to be drilled, safety issues, loss of property value.

**Chris Olson** (¼ mile west of project): Opposed because of increase in numbers of people in the area— will not know them as now know neighbors; concerned about County delay in arriving when help is needed; stated ATV trespassing is currently a problem as is lack of respect for local people; traffic/environment concerns

**John Letizia:** (property owner east) concerned about abuse of roads/lakes w/ increase in use; not enough patrol; requested this be tabled.

**Arthur (Chuck) Swanson:** (Long Lake resident) opposed to this in 'back yard'; concern this doesn't become a WI Dells; urged Committee to table until Long Lake Assoc. can meet and present conclusions to the Town board.

**Jim / Nan Olson:** (north end Long Lake): concerned about items previously addressed issues; noted emergency services are volunteer; about highway safety (access); 'party atmosphere'; about damage to shoulder of roads as ATVs tend to drive on ditch-lines (against WI law).

**Cheree Bye:** (Delta) expressed concerns; did not sign in.

**Rebuttal:**

**Sandra Worley, Northern Clearing:** Said this will not be an eyesore; it has been designed correctly from the beginning, they want to fulfill the laws; if there is a problem / something not in compliance, they will go back and fix it. They will try to work w/ the community, wanting to be good neighbors; they had no idea information was not shared w/ all the lake groups, etc. Want to be good neighbors; want to do business here.

**Kastrosky-- File report:** The Town recommended the Committee table this as they did not have enough information. He noted letters on file from: Tom & Karen Wacker, Bradley Strandquist; Mike O'Connell, Bradley & April Strandquist, and Mark Jelich.

**6. ADJOURNMENT OF PUBLIC HEARING:** Motion by Rondeau, seconded by Miller, adjourned at 7:32 PM.; carried 5 yes / 0 no.

Break called for at 7:32 P.M.

7. **CALL TO ORDER OF ZONING COMMITTEE MEETING:** *By Chairman Beeksma at 7:43 PM.*

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

9. **MINUTES OF PREVIOUS MEETING(S):** *Motion by Rondeau / Miller to **approve** the 07/17/2008 minutes as presented; carried 5 yes / 0 no.*

**10. BUSINESS:**

**A. TOWN OF BARNES, OWNER / SUPERIOR FUEL CO., LESSEE CONDITIONAL USE REQUEST: Construct / Operate Bulk Fuel Storage Facility (LP gas), related equipment, small tank storage (up to 1000 gal. tank), and delivery truck storage** on 1.0-acre portion of 40-acre parcel (in part of ID# 04-004-2-45-09-34-1-04-000-12000) located in the SE ¼ NE ¼, Section 34, Township 45 North, Range 9 West, Town of Barnes.

*Maki made a motion, seconded by Rondeau, to **approve** this conditional use request as presented. [see below\*\*]*

**File Report:** *Kastrosky said the Town approved this with the following: “must meet all county and state zoning codes and fire codes, and not impede any future development in the park”.*

**\*\* Maki then added the Town’s condition to his motion, Rondeau seconded the addition of the above quote.** *Kastrosky asked if they were considering the 30,000 gallon tank in their decision. Miller said he couldn’t think of better place to put it than in an Industrial Park.*

**\*\* Maki / Rondeau included approval of up to a 30,000 gallon tank in their motion and second; [approval of request as presented as well as approval of up to a 30,000 gallon tank, with the condition the Applicant must meet all county and state zoning codes and fire codes, and not impede any future development in the park]. Motion then carried – 5 yes / 0 no.**

**B. CFS, LLC. REZONE REQUEST: Forestry-1 (F-1) / Agricultural-1 (Ag-1) to Agricultural-1 (Ag-1), Residential-Recreational Business (R-RB) and Commercial (C)** on 380-acre parcel(s) located in the N ½ S ½ NW SW (04-046-2-51-04-28-3-02-000-30000); S ½ S ½, NW SW (04-046-2-51-04-28-3-02-000-40000); and the SW SW (04-046-2-51-04-28-3-03-000-10000), in Section 28, Township 51 North, Range 4 West, Town of Russell and the NE NW (04-046-2-51-04-33-2-01-000-10000); NW NW (04-046-2-51-04-33-2-02-000-10000); SW NW (04-046-2-51-04-33-2-03-000-10000); SE NW (04-046-2-51-04-33-02-04-000-10000); NE SW (04-046-2-51-04-33-3-01-000-10000); NW SW (04-046-2-51-04-33-3-02-000-10000); SW SW (04-046-2-51-04-33-3-03-000-10000); SE SW (04-046-2-51-04-33-3-04-000-10000); in Section 33, Township 51 North, Range 4 West, Town of Russell.

*Motion by Miller, seconded by Maki, to **approve** the rezone; no further discussion; carried 5 yes / 0 no.*

**C. ROBERT JOHNSON ET AL, OWNER, and NORTHERN CLEARING, INC., PROSPECTIVE BUYER: ENVIRONMENTAL IMPACT ANALYSIS (EIA) for Campground.**

*Jardine moved to **approve** the EIA as submitted based upon approval by Land Conservation Dept.; second by Maki; carried 5 yes / 0 no.*

**D. ROBERT JOHNSON ET AL, OWNER, and NORTHERN CLEARING, INC., PROSPECTIVE BUYER CONDITIONAL USE REQUEST: Construct / Operate a Campground (consisting of: 130 tent sites, 78 RV sites, 1 host site, 4 restrooms, 5 pavilions, 3 shower/restrooms, basketball court, office/convenience/restroom facility, 2 playground areas, arcade bldg, hot tub area, ATV wash station, dump station and walking trails).** Proposed campground is described as an approximate 77-acre portion out of 90(+)-acres, described as the NE ¼ of the SW ¼ (less RR) (ID# 04-024-2-47-08-11-3-01-000-10000); the SE ¼ of the SW ¼ (N of the Hwy) (ID# 04-024-2-47-08-11-3-04-000-10000); and that portion of the SW ¼ of the SW ¼ (between the railroad grade and US Hwy 2) (part of ID# 04-024-2-47-08-11-03-03-000-10000), all in Section 11, Township 47 North, Range 8 West, Town of Iron River.

*Jardine said there are three things they could do: table, disapprove, or approve contingent upon Iron River’s approval. Kastrosky asked the Committee if tabled, did they want to bring it back in public hearing format or as a business item. Miller said he preferred it be tabled for the Town to get more information, and bring back in the business portion of the*

ZC meeting. **Rondeau**: commented how they rely heavily on Town input and would like to see people get more involved with their townships prior to coming before the Zoning Committee.

Rondeau made a motion to **table this request, placing it on the business portion of the agenda when it comes before the Committee again.** Jardine seconded the motion; carried 5 yes / 0 no.

### **Agenda Review and Alteration**

#### **E. DISCUSSION / POSSIBLE ACTION: INCREASED SETBACKS ON LAKE SUPERIOR –**

Discussion followed on a recent meeting held at Northern Great Lakes Visitor Center; Karl noted changes affect new development, not current homes; they are getting close to putting it into ordinance language and then hold a public hearing. Motion by Maki, second by Rondeau, **to proceed and to schedule the Public Hearing when ready**; carried 5 yes / 0 no.

**BJ Larson** (Barksdale property owner) addressed the Committee with concerns, comments, and questions on this matter. He asked the Committee to reconsider moving forward with the setback proposal; was concerned that increased setbacks may not have distinguished between various factors which differ between the bay and the lake sides of the county, etc. and would like to see more factors brought in to create a 'complete picture.'

#### **F. DISCUSSION / POSSIBLE ACTION: CONSULTANT FOR COMPREHENSIVE PLANNING –**

**Director Kastrosky** said he would like Bill Sloan, Scott McKinney, and Jane Bucy recommended to the full board; he recommended hiring the best consultant for the job as opposed to the lowest bid. Motion by Maki, seconded by Rondeau, to allow the Comprehensive planning committee (includes Jim Beeksma / Shawn Miller) to proceed with consultant selection and recommendation to the Board; carried 5 yes / 0 no.

#### **G. DISCUSSION / POSSIBLE ACTION: PAINT BALL COURSE (Town of Kelly)**

- **Kastrosky**: Reported on concerns re Rick Nettleton's game farm on Hwy 63 who now has a paint ball course set up. There is no designation in the classification list; this is in the middle of a hayfield. Kastrosky said he doesn't have a problem w/ it. The Committee consensus was it probably won't last but at this time to "let it ride" see what happens.

#### **H. DISCUSSION / POSSIBLE ACTION 2009 BUDGET:**

**Kastrosky** reported that wages / fringes went up about \$9,000, total is up about \$6,000 and except for those, the budget is less than last year. He is concerned the need for levy dollars could go up but permit volume may go down.

#### **I. CITIZENS' CONCERNS / INPUT:**

- **Harold Maki**: would like to have a monthly report again, "not as detailed—could be simpler", but would like to be able to judge what is going on especially to see comparisons last year to this year. The Committee was in agreement.

#### **J. DISCUSSION / POSSIBLE ACTION NR115 REWRITE UPDATE: N/A**

#### **K. OTHER ITEMS THAT MAY COME BEFORE THE COMMITTEE (discussion only): N/A**

**11. MONTHLY REPORT:** Motion by Jardine/ Maki to **approve** the report; carried 5 yes / 0 no.

**12. ADJOURNMENT:** Motion by Jardine / Rondeau; carried; adjourned at 8:22 PM.

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

Prepared by MJJ 9/03/2008; Approved by KLK 9/10/2008  
cc: Administrator; Clerk; Corp.Counsel; DNR; Committee; Supervisors

KZC/Minutes/2008/August