

MINUTES
Bayfield County Planning / Zoning Committee Public Hearing / Meeting
February 21, 2008
Board Room, County Courthouse, Washburn, WI 54891

1. **CALL TO ORDER OF PUBLIC HEARING:** *By Chairman Jim Beeksma at 1:00 PM.*
2. **ROLL CALL:** *Beeksma, Jardine, Maki, Rondeau, all present; Miller, absent.*
3. **AFFIDAVIT OF PUBLICATION:** *Read by ZA Kastroosky*
4. **REVIEW OF MEETING FORMAT:** *By Chairman Beeksma*
5. **PUBLIC HEARING:**

A. TOWN OF BAYFIELD – PETITION TO AMEND ORDINANCE (Section 13)

Petition made by David Good, Clerk for the Town of Bayfield, requesting **text amendments** to the Bayfield County Zoning Ordinance, in the form of amending **Section 13-1-62(a)** for permissible uses only located in the Town of Bayfield and by adding an overlay district Section 13-1-64 specific to the Town of Bayfield to allow for more restrictive permitting standards and requirements than those currently utilized under the Bayfield County Zoning Ordinance; specifically to outdoor advertising signs.

Director Kastroosky reported the sign ordinance would be ‘loosened slightly’ with this amendment for the Bayfield Township. He said the Town of Bayfield was the only town which spoke in opposition when the sign ordinance was amended therefore they are petitioning now for something different within their jurisdiction; they cannot be less restrictive than the County, but they can be more restrictive.

Dick Carver spoke on behalf of the Town Board, as well as the Town’s Planning Commission (both of whom are in support of this petition). He stated that the old ordinance was more effective for their needs and desires, with one exception of billboards. He said the current sign ordinance allows more and larger on-premise signs, which they oppose.

Support:

- *Nancy Sandstrom and Julie Casper, Town of Bayfield residents and business owners, spoke in support.*

Supervisors Jardine and Maki expressed their fears and concerns regarding more problems in the future as towns want changes due to their land use plans, overlay districts, etc.

Kastroosky stated current signs would not have to be taken down but all new signs would need to comply. A question was asked regarding the size of a Roy’s Point Marina sign; Doug reported he issued that permit and believes it is under the 50 sq. ft. requirement. There was discussion on the differences between the former and current ordinance and reasons for Bayfield’s request and the process of applying through the County first, with input from the Town. Kastroosky noted the former sign ordinance was ‘convoluted’ and changes were necessary.

Opposition:

- *None*

B. MICHAEL GERMANO RECLAMATION PLAN – NON-METALLIC MINE (Sand & Gravel Pit) on a 65.91–acre parcel (Legacy ID# 024-1034-01-990) located in W ½ of the NE ¼ and the N ½ of the SE ¼, West of Primrose Lane, Section 15, Township 47 North, Range 8 West, Town of Iron River.

Patrick Germano spoke on behalf of Michael Germano. He explained their desire to close and reclaim their existing ‘permitted permit’ and open a new one [see Item C. below] if approval is received [for Item B. and Item C]. Director Kastroosky said this reclamation plan has been reviewed and approved by the Land Conservation Dept.

Support / Opposition / Questions: *None*

C. MICHAEL GERMANO CONDITIONAL USE PERMIT – NON-METALLIC MINE (including crushing and washing operations) on a 65.91-acre parcel (Legacy ID# 024-1034-01-990) located in W ½ of the NE ¼ and the N ½ of the SE ¼, West of Primrose Lane, Section 15, Township 47 North, Range 8 West, Town of Iron River.

Patrick Germano addressed the Committee. He said this pit was permitted to the Vernon's (Northern Clearing) but never used; permit lapsed; Michael Germano is the current owner. Germano stated they have a reclamation plan on this permit and operating this permit increases the availability of affordable and readily available sand. Crushing and washing will be part of this operation.

Kastrosky reported Town Board approval is on file with no conditions. **Ralph Frostman** was in the audience and stated that Iron River has a noise ordinance allowing operation from 6:30 AM to 6 PM, and 6:30 AM to 5 PM on Saturdays in the summer but noise ordinance only refers to crushing, not to sand pit operation.

Support / Opposition: None

D. JAY ZOGG REZONE REQUEST (R-2 to R-3) on his 21.3-acre parcel (Legacy ID #012-1107-05-990) described as part of SE ¼ of the SE ¼ of Section 13, and part of the NE ¼ of the NE ¼ less the South 200 feet and 400 feet from the centerline of U.S. Highway 63, Section 24, Township 43 North, Range 8 West, Town of Cable.

Jay Zogg stated he is a builder and wants R-3 zoning so he can have additional lots (approximately six lots of around two acres, depending upon the terrain on his property which is about ½ mile out of Cable); property does not have [city] water or sewer; soil is sandy.

AZA Mike Furtak said he spoke with Bob Lang, Cable Town Supervisor, as well as David Popelka of the Cable Sanitary District and was told there are no plans to extend the sanitary district south of Town. *Kastrosky* reported Town Board minutes and approval are on file and that the property is across from an Industrial zone where a business (Truss Works) had been located about 20 years ago. He said the 'industrial character' has diminished over the years.

Support: None

Opposition:

- *Joanne Lang* questioned whether the part presently zoned 'commercial' will be left as such. It was explained that the only part being rezoned to R-3 is that part which is now R-2; the entire parcel consists of 21.3 acres but the commercial part of that whole will not be rezoned. Ms. Lang was **not opposed** as long as that is the case.
- **Opposition File Letter from Linda Hallen** (Waukesha, WI), property adjoiner, received via e-mail on 02/21/08 was read; opposition concerns density and 'peace and quiet' issues..

E. JAMES PETERSON SONS, INC. (Agent: Ralph Frostman) RECLAMATION PLAN - NON-METALLIC MINE (Clay Borrow Pit) on a 40-acre parcel (Legacy ID# 048-1042-08-000) located in the NW ¼ of the SW ¼, Section 30, Township 48 North, Range 8 West, Town of Tripp.

Karl Kastrosky explained that the Reclamation Plan is 'in question' whether it has met all requirements. The Plan is still with Land Conservation and he (*Kastrosky*) was informed that Ben Dufford has not yet approved it, however it evidently was 'close'. Dufford was presently out of town at a training meeting therefore unable to finalize the Plan; it could not be considered at this meeting.

Agent Ralph Frostman said he had seen part of the Plan; there were plans to reclaim and re-seed and possibly install pond(s). He added there are no plans to use this pit 'next year'.

Support / Opposition: None

F. JAMES PETERSON SONS, INC. (Agent: Ralph Frostman) CONDITIONAL USE REQUEST - NON-METALLIC MINE (Clay Borrow Pit) on a 40-acre parcel (Legacy ID# 048-1042-08-000) located in the NW ¼ of the SW ¼, Section 30, Township 48 North, Range 8 West, Town of Tripp.

Kastrosky reviewed the file and reported the Town Board approval form had not been received prior to the meeting; *Agent Frostman* said the Town did approve this request.

Support: None

Opposition:

- **Jim Sheskey & Judy Pilger:** Expressed concern about clay run-off onto their property and into the unnamed creek as well as noise and dust concerns. They also presented the Committee with a letter expressing these issues.

Mike Furtak noted a permit is necessary from the DNR to address the 'run-off concerns'; Doug
stated the engineer is aware of the regulations that they have to comply with the DNR.

Casina

6. ADJOURNMENT OF PUBLIC HEARING: Motion by Maki, seconded by Jardine to adjourn; a break was called for and motion carried at 2:10 PM.

7. CALL TO ORDER OF ZONING COMMITTEE MEETING: By Chairman Beeksma at 2:19 PM.

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

9. MINUTES OF PREVIOUS MEETING(S): Motion by Jardine, second by Maki to approve the Jan. 17, 2008 minutes without addition(s)/correction(s); carried 4 yes / 0 no.

10. BUSINESS:

A. TOWN OF BAYFIELD – PETITION TO AMEND ORDINANCE (Section 13)

Petition made by David Good, Clerk for the Town of Bayfield, requesting **text amendments** to the Bayfield County Zoning Ordinance, in the form of amending **Section 13-1-62(a)** for permissible uses only located in the Town of Bayfield and by adding an overlay district Section 13-1-64 specific to the Town of Bayfield to allow for more restrictive permitting standards and requirements than those currently utilized under the Bayfield County Zoning Ordinance; specifically to outdoor advertising signs.

Kastroosky stated the options in this case of: the Town passing this apart from the County but then the County wouldn't be involved in the permitting process or able to advise applicants; this could be addressed by a land use permit only; or, the most effective way – to include it in the County ordinance. Jardine stated he agrees on this one issue however is fearful of the future [as he noted in the public hearing].

Motion by Jardine, seconded by Rondeau to **approve**. **DISCUSSION:** Maki said he doesn't like the two sets of rules and is opposed. Motion carried 3 yes / 1 no (Maki).

B. MICHAEL GERMANO RECLAMATION PLAN – NON-METALLIC MINE (Sand & Gravel Pit) located in the NW ¼, SE ¼, SW ¼, NE ¼, Section 15, Township 47N, Range 8 West, Town of Iron River.

Motion by Jardine, seconded by Maki to **approve**; motion carried 4 yes / 0 no.

C. MICHAEL GERMANO CONDITIONAL USE PERMIT – Non-Metallic Mine (including crushing and washing operations) on a 65.91-acre parcel (Legacy ID# 024-1034-01-990) located in W ½ of the NE ¼ and the N ½ of the SE ¼, West of Primrose Lane, Section 15, Township 47 North, Range 8 West, Town of Iron River.

Motion by Maki, second by Rondeau to **approve with hours of operation per the Town of Iron River ordinance**; motion carried 4 yes / 0 no.

D. JAY ZOGG REZONE REQUEST (R-2 to R-3) on his 21.3-acre parcel (Legacy ID #012-1107-05-990) described as part of SE ¼ of the SE ¼ of Section 13, and part of the NE ¼ of the NE ¼ less the South 200 feet and 400 feet from the centerline of U.S. Highway 63, Section 24, Township 43 North, Range 8 West, Town of Cable.

Motion by Rondeau, second by Jardine to **approve**; motion carried 4 yes / 0 no.

E. JAMES PETERSON SONS, INC. (Agent: Ralph Frostman) RECLAMATION PLAN - NON-METALLIC MINE (Clay Borrow Pit) on a 40-acre parcel (Legacy ID# 048-1042-08-000) located in the NW ¼ of the SW ¼, Section 30, Township 48 North, Range 8 West, Town of Tripp.

Due to the unavailability of the Reclamation Plan, motion made by Rondeau, second by Jardine to **TABLE this until the March 2008 public hearing** (it was noted by Kastrosky that the opportunity must be given in public hearing format for inspection, comments, etc. on the Plan); Motion carried 4 yes / 0 no.

F. JAMES PETERSON SONS, INC. (Agent: Ralph Frostman) CONDITIONAL USE REQUEST - NON-METALLIC MINE (Clay Borrow Pit) on a 40-acre parcel (Legacy ID# 048-1042-08-000) located in the NW ¼ of the SW ¼, Section 30, Township 48 North, Range 8 West, Town of Tripp.

Motion to **approve the conditional use permit contingent upon approval of the Rec. Plan.** Motion carried 4 yes / 0 no.

Agenda Review and Alteration

G. JULIE CASPER / BRUCE MARTINSEN SPECIAL USE PERMIT – Acupuncture located on a 20-acre parcel (ID# 006-1017-03) in the N ½ of the NW ¼, NE ¼, Section 10, Township 50 N, Range 4 W, Town of Bayfield.

Julie Casper said she will be ready to open her business as soon as the licensing is completed; she plans to place a small sign at her driveway and possibly a small directional sign on Hwy J.

Support: *Dick Carver* stated there is “enthusiastic support” from the Town as well as the Land Use Planning Committee.

Kastrosky noted that the Town approved this request stating it is “consistent with goals and objectives of the comprehensive plan” and reminded the Applicant that home-based businesses are limited to 25% of the home.

Motion by Jardine, seconded by Rondeau to **approve**; motion carried – 4 yes / 0 no.

H. CITIZENS’ CONCERNS / INPUT:

- **Harold Maki** asked how timely permits were being issued and the reply was the Dept. is getting permits out in a timely manner and noted numbers are ‘down’ from last year.

I. DISCUSSION / POSSIBLE ACTION – DAIRYLAND POWER COOPERATIVE:

Karl Kastrosky explained that this Item relates to the County’s tower ordinance (50+ ft. height requirement); Dairyland Power needs to put up five 80 ft. power poles with a transmitter on top. He said in reviewing this w/ Corp Counsel Bussey, the belief is these power poles need conditional use permits because with the transmitters, it changes from just being a normal power pole and the height exceeds the limit. Kastrosky said this was placed on the agenda to see what direction the Committee wanted to go and to give them a ‘heads up’ prior to placing conditional use permits on the agenda if that is the subsequent decision today.

John Wickland, and **Kurt Baumgarten**, Dairyland Power Representatives from La Crosse, were present. Mr. Wickland stated this request is on behalf of Bayfield Electric as they own the substations, or are under permit (lease) with the Forest Service for some, where the poles would be placed. He said they would be erected within existing fences at current substations and beamed to towers. Mr. Wickland also said they have a deadline when this must be completed and time is fast approaching.

February 2, 2008 faxed correspondence [and copied for the Committee] from Mr. Wickland to Karl states in part, “For the substation installations antennas are mounted on existing equipment buildings or on the steel structure itself wherever possible. This will be the case at the Bayfield, Herbster, and Iron River substations. In most cases, additional height is required in order to have dependable communication paths. For these situations, Dairyland will install wood utility poles for the antenna installations. The standard height above ground level of these installations is 79 feet. There are five substations located within Bayfield County that will require pole installations. They are Barksdale, Bibon, Cable, Pilsen, and Telemark [locations].”

Kastrosky recommended that Dairyland come before the Committee next month to be permitted for these utility poles and that the EIAs could be waived.

After much discussion, Maki made a **motion to exempt these poles from conditional use permits**; Beeksma seconded the motion.

DISCUSSION: AZA Mike Furtak said 'we can't break the ordinance'. LUS Travis Tulowitzky said if the Applicant is willing to obtain conditional use permits, it would behoove the County to go that route since waiving this would leave no one to defend the County should there be a future problem because Corp Counsel Bussey's opinion is that permits are required. John Wickland reported "they have to guarantee the power grid" so one way or the other they have to proceed.

Motion by Maki to **rescind his original motion**; second by Beeksma. Kastrosky said he would like to see the ordinance changed to 100' in the future. Motion by Maki, second by Beeksma, **to waive the EIA for these poles and put the conditional use on the March agenda**; motion carried 4 yes / 0 no.

J. DISCUSSION / POSSIBLE ACTION – NR115 RE-WRITE UPDATE:

- Karl reported there is still a lot of work to be done, it is not yet approved; they may continue to provide guidance but then it is probably 4+ years out for implementation; he noted Bayfield County is actually 'way ahead' of the State in this area. Maki expressed concern about the amount of County money spent on this issue.

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

- **Karl** asked for a working session before the next meeting re overlay districts / planning efforts; 4:00 PM on a Thursday was suggested.
- **Maki** asked about a sign that recently went up noting the start of a dog race. It was determined it was an informational sign put up by the Highway Dept. at the gravel pit; no action needed.
- **Butch Lobermeier** (Land Conservation) appeared with the unsigned reclamation plan in question for Agenda Item E; it was explained that it will be required for the March meeting.

11. MONTHLY REPORT: None available

12. ADJOURNMENT: Motion by Jardine, seconded by Rondeau to adjourn at 3:12 PM. Carried.

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

Prepared by MJJ on 2/29/2008
Proofed/approved by T.T. on behalf of KLK- 3/5/08

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

K/ZC/Minutes/2008/Feb