

MINUTES
Bayfield County Planning / Zoning Committee Public Hearing / Meeting
November 20, 2008 – 1:00 PM
Board Room, County Courthouse, Washburn, WI 54891

1. **CALL TO ORDER OF PUBLIC HEARING:** *By Chairman Beeksma at 1:01 PM.*
2. **ROLL CALL:** *Beeksma, Jardine, Miller, Rondeau; Maki, absent. Maki arrived at 1:02 PM.*
3. **MINUTES OF PREVIOUS MEETING(S):** *October 16, 2008 Motion by Rondeau / Miller to approve the Oct. 16, 2008 minutes as prepared; carried.*
4. **REVIEW OF MEETING FORMAT:** *by Jim Beeksma.*
5. **BUSINESS:**

AGENDA REVIEW and ALTERATION

A. RICK NETTLETON (NETTLETON HOLDINGS LLC) SPECIAL USE REQUEST - Private Fish Hatchery for Bait: located in the W 1/2 , NE ¼ of NW ¼ & NW ¼ of the NW ¼, Section 7, Township 46N, Range 5W, (Parcel ID# 026-1013-030-000) Town of Kelly.

Terry Hogan (*Agent, who is seeking to purchase said property*) spoke on behalf of this request. He noted this venture would consist of an aquatic farm, ponds, warm-water growth of fish-- primarily bait fish, possibly game fish in the future; minnows, white suckers, & shiners. Hogan noted this business is highly regulated by the DNR and Dept. of Ag.; many permits and licenses are required (well permits, Chap. 30 permits, for water discharge, wells, EPA. Part of the plan is to create a settling pond which acts as a biofilter for runoff.

L.U.S. Travis Tulowitzky noted the Town of Kelly Clerk said the Town discussed this issue. The Town recently implemented a Planning Commission and mailings [of this request] did not get to them in time but they will meet in December, therefore the Town tabled the request until information comes from the Planning Commission.

Hogan reported that this is 'managed farming; ponds will be in different stages, minimal amounts of water is introduced to begin with and more added as needed. He said when the pond is at full level, they put cool air into the ponds in the evening. The ponds are clay based; they work w/ a consultant for guidance and planning; there are controls for disease, they are veterinarian certified; they are required to have an environmental plan. Hogan said he has experience w/ this business in other areas [Hayward included]; his grandfather started this business 50 years ago.

Public Comments:

Joe Lulich, adjoining landowner / dairy farmer, was concerned about the three large wells that would be on site; wondered how much water is available, if it would cause problems for future expansion of area dairy farms and their water supply. He questioned run-off / settling pond issues; what would happen to waste and if it will be land-spread.

Maki asked if the dairy farms would affect the fish hatchery, noting that the Town of Russell had to re-drill a well after fish hatcheries were put in. **Hogan** said high capacity wells were approved, the aquifer was considered in that; test well went down 200 ft; as wells are put in, they will do 'draw-down tests'. He also noted the 'Great Lakes Conference' also looks at the plans; no water is trucked off or removed from the property; average water usage is about 96,000 gallons a day and capacity is up to 750 a minute-- full capacity with all wells running. He also stated that some days no water is pumped at all; he is not required to do 'draw down tests' but wants to be a good neighbor and the wells have to be in before draw down tests can be conducted, however, he could do one on the test well. Hogan also said the wells have to be metered-- the DNR can check them at any time. Part of his purchase agreement is to know if he can actually use the land.

Chairman Beeksma said he would like to see results of draw down tests. **Maki** asked how long it would take to dig 50 ponds. The answer was possibly a pond a week during good digging conditions, probably taking two to three years.

Jason Fischbach (Ag Agent) said he working w/ area farmers and questioned regulations re no manure spreading within 1,000' of a pond. **Hogan** said private fish hatchery waste first goes into the settling pond, is composted, can be spread over a field, and is regulated by the Dept. of Ag; runoff goes into a drainage ditch.

Supervisor Maki suggested the Town should make their decision then send it back to the Committee.

Director Kastrosky reminded the Committee that the Zoning Dept. deals w/ land use issues, that technical issues are left for the DNR and others to handle. He said our job is to understand the intent, the use of the land, and the magnitude of the facility. Karl noted there is a struggle for economic development in the County and believes this is an opportunity for a local land owner to sell property for business use. He also stated that the Town Planning Commission doesn't have a "plan" yet so they can't make a recommendation to the Town Board, therefore to wait for the Planning Commission is not a very viable decision. Karl advised that if the Committee recommend approval, the applicant put more wells in and do draw down tests, thereby giving a "preliminary nod for the concept", and send it back to the Town. He said this would be most fair to all concerned, including adjoiners, applicant, and the Town.

Hogan said their goal is to clear most of the permits by January 2009, then being able to send for contractor quotes. **Kastrosky** said this could be re-heard after the Town's December meeting.

Supervisor Rondeau made a motion, considering the Town's Planning Commission is just beginning, for the Zoning Committee to embrace the idea of this project, and welcome it back and readdress it, once the Town has looked at it and made recommendation, and once draw down tests on wells are done. **Jardine** seconded the motion.

Discussion: **Kastrosky** said a County permit wouldn't be issued until further steps are completed high capacity wells are in, grading permits, etc. are obtained; point of motion when meet criteria of all permits but contingent upon Town approval, other permits. **Travis Tulowitzky** asked for clarification whether the intent is to place this request on the December Zoning Committee agenda no matter what the Town decides; Karl answered 'yes'.

Joe Lulich asked how land spreading would affect area farm fields. **Hogan** said probably the first two years waste, which is fertilizer, would be used up by spreading on runways on their property, then may have to be trucked out possibly at the rate of five truck loads a year.

The **motion then carried**, 4 yes / 1 no (Shawn Miller).

B. D.L. STORAGE INC. SPECIAL USE REQUEST - Expand Mini-Storage (two more units) located on a 3.56-acre parcel (#04-020-2-47-05-09-4 02-000-25000) in the NW ¼ of the SE ¼, Section 9, Township 47N, Range 5W, Town of Eileen.

Don Lulich said his storage facility is approximately ten years old, there is a need in the area for more units, his land has been surveyed and he wants to add on to the east side; buildings would match the current structures.

Motion by **Jardine / Rondeau** to **approve**; carried 5 yes / 0 no.

C. CITIZENS' CONCERNS / INPUT:

- **Harold Maki:** Questioned a building project on the lakeside at Whittlesey Creek. Travis said it is Ralph Dusenberry's property; location is the only location not in flood plain or wetland and 100' away from the creek on his 50 acres; it is on old sand fill brought in over 50 yrs ago; soil tests indicate he could have an 'at grade' sanitary system; owner does have a permit.
- **Maki:** asked about Sue Defoe issue. Karl said he doesn't believe the situation is County or wetland issue-- it is in the DNR's hands right now; it is a legal battle between property owners.
- **Maki:** asked about the Buscher case in Bayview. Travis said it is settled, there is a court judgment with deadlines; it never went to court / was settled out of court.

D. DISCUSSION / POSSIBLE ACTION: Comprehensive Planning

Kastrosky said there are meetings this week, it is progressing well; he is happy with the consultant. **Miller** said it should be fairly simple for the Towns—the work is being done for them. **Karl** said guidance is needed what to do w/

the Town of Iron River as they don't do anything, don't show up at meetings although they committed money; [given past history] he believes they need it the most. **Beeksma** said there is a need to keep forcing the issue. **Kastrosky** stated if they don't show up the county will need to send them a bill; the County is responsible to build a plan for those who don't show up. **Karl** will address this with them by letter / bill.

E. DISCUSSION / POSSIBLE ACTION: NR115 Re-Write Update

Karl said there are some new proposals coming out; will update on that next month.

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

- **Maki:** asked about the airport / development plans in Russell and if it is being monitored. **Kastrosky** said 'yes, to some extent'. **Maki** noted digging of the hillside going on about two weeks ago.
- **Kastrosky:** Discussed a 'disconnect' with the DNR re 'rip rap permits'; rip rap being placed improperly and where not needed but the DNR has no enforcement desire. He said there is 'game playing' going on and questioned if this could be 'meshed' and have better control if Zoning issued rip rap permits. **Miller** said 'we have enough restrictions'. **Kastrosky** presented some before / after photos from Lake Namakagon (owner from Mpls.). **Tulowitzky** said the 'after pictures' were for rip rap repair and noted the DNR issues permits without going on site; we should issue shoreland grading for any rip rap permits they issue. **Maki** suggested the Dept. go ahead and ask about this. **Karl** said he will; will report back.
- **Kastrosky:** RE septic issues... said he will be looking at increasing the fine to those who won't comply rather than letting taxpayers in general cover it.

6. MONTHLY REPORT: Motion by Rondeau / Jardine to **approve** as prepared; carried 5 yes / 0 no.

7. ADJOURNMENT: Motion by Jardine / Rondeau at 2:35 PM; carried.

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

Prepared by MJJ on 12/1/2008
Approved by KLK on 12/3/2008

cc: Administrator; Clerk; Corp.Counsel; DNR; Committee; Supervisors; Sheree Bye 62245 Delta Lake Rd, Iron River WI 54847

K/ZC/Minutes/2008/November