

**MINUTES**  
**Bayfield County Planning / Zoning Committee Public Hearing / Meeting**  
**January 15, 2009 - 1:00 PM**  
**Board Room, County Courthouse, Washburn, WI 54891**

1. **CALL TO ORDER OF PUBLIC HEARING:** *By Vice Chair Brett Rondeau at 1:06 PM.*
2. **ROLL CALL:** *Jardine, Maki, Miller, Rondeau, all present; Beeksma absent/excused.*
3. **AFFIDAVIT OF PUBLICATION:** *Read by AZA Doug Casina in Karl Kastrosky's absence.*
4. **REVIEW OF MEETING FORMAT:** *By Vice Chair Rondeau.*
5. **PUBLIC HEARING:**

**A. BAYFIELD COUNTY CONDITIONAL USE REQUEST:** For the purpose of **measuring winds with a 30-50 meter tower** at the site listed below. (Site is potential location of a "within-the-fence" or "behind-the-meter" wind project serving the WDNR Lester Voigt (Bayfield) Fish Hatchery and interconnected through the hatchery to Xcel Energy at 12.5 kV. (Should the wind resource prove adequate after a year's measurements, this site could host wind turbine(s), measuring up to 100 meters.) Property is 163.74-acre parcel (ID# 04-008-2-50-04-32-2-01-000-10000) further described as the NE ¼ of NW ¼, Section 32, Township 50 North, Range 4 West, Town of Bayview.

*Mike Amman of Bayfield County Forestry Dept. stated that the first step is a permit for test equipment to see if there is adequate wind at the above location. Wind-resource testing would be conducted for one year to see if there is justification for project completion. Amman explained the system, referred to the site-assessment cost estimates, and answered questions. He said it is estimated there is an eight to ten year pay-back on like systems; anticipated life span is approx. 30 years. Amman said this request does not commit the County but if the test works, there wouldn't be a need to come back for another conditional use permit.*

*L.U.S. Travis Tulowitzky answered questions that came up regarding notification of adjoining property owners. He reported that everyone within 300 ft. (five property owners in all directions, as well as the Town of Bayview) was notified by the Zoning Dept. as required.*

*Paul Lundberg, County Forest Administrator, reported the Town of Bayfield Planning Commission has discussed, and is in favor of this project although project is in Bayview. **Supervisor Maki** asked where this project's money is coming from; he stated he is afraid the County might be left with enormous expenses. **Amman** reported grants and other programs are available, as well as a portion borrowed.*

*After discussion **Tulowitzky** reminded the Committee that the ordinance does not currently include commercial wind turbines-- they have the option to approve all, a portion, or to table it. It was noted that funds for the test tower has already been budgeted. **Supervisor Rondeau** noted the Town of Bayview approved only the test tower. **Tulowitzky** said part of the request before the Committee is to see if the idea 'has the blessing' of Zoning, neighbors, and the Town at that location as a potential site for a wind turbine if grant money is available.*

***Maki** again expressed concern that this won't have funding and will fall on the County. **Lundberg** said construction would not happen even with a 'yes vote' today if all permits are not 'lined up' and the wind is not adequate. If those things are successful then the request would come before the Board with the financial package.*

**Speaking in Support:**

***Jim Bratley**, Mt. Ashwabay Board Member, stated that that Board is in approval of this project and wants to see it proceed.*

**Opposition:**

***Mark Hart** (Bayview resident on Whiting Road) said he is not against one tower close to his property, but would like just the 'test' approved at this time; requested other tests be considered more inland where towers would be less obvious; was fearful that one tower might set a precedent and more would be allowed at that location as needs for renewable energy increase.*

**AZA Mike Furtak** corrected a comment Hart made referring to this request as a 'rezone'; he said this property is not up for rezoning, it is a conditional use. **Maki** asked if it would be rezoned if there is enough wind; the answer was 'no'; it is zoned 'forestry' and is allowed with a conditional use permit; property is owned by Bayfield County.

**Bill Maki:** (property owner: Barksdale, Clover, Orienta) in opposition to granting even one permit. Maki read portions of his recent published 'letter to the editor', relating his reasons of opposition to wind towers; stated Xcel Energy has the bases of alternative energy covered; believes the project would fail; concerns included maintenance, costs, planes, birds.

**B. PETITION BY KARL KASTROSKY, BAYFIELD COUNTY PLANNING / ZONING DIRECTOR, ON BEHALF OF BAYFIELD COUNTY PLANNING / ZONING COMMITTEE, REQUESTING AMENDMENTS TO THE BAYFIELD COUNTY ZONING, SUBDIVISION CONTROL, SANITARY and PRIVATE SEWAGE ORDINANCES, INCLUDING THE FOLLOWING:**

1. Amendment of Sec. 13-1-4(a)(61) and Sec. 14-1-5(n) to exclude public road right of way from the measurement of shoreline frontage.
2. Amendment of Sec. 13-1-21(b)(3) regarding non-habitable structures.
3. Amendment of Sec. 13-1-21(e) to increase fees for certified soil test review, private sewage systems, and Board of Adjustment hearings; to establish a fee for mounds and systems requiring pre-treatment; and to revise fees for subdivisions and additional lot divisions to cost-based fees.
4. Amendment of Sec. 13-1-27(i)(1) to require a Class B special use permit for use of a mobile home as a storage or accessory structure.
5. Amendment of Sec. 14-1-40(d) to add additional requirements for certified survey maps.
6. Amendment of Sec. 15-1-19(a) regarding holding tank agreements.

**AZA Casina** reviewed the proposed ordinance changes; clarified that Land Records will determine and collect the fees for lot divisions rather than zoning in the future. **Casina** explained sanitary fee increases noting the County is required to pay State increases [formerly \$75 / now \$100 for each permit issued]. **AZA Furtak** detailed the expenses involved in mound systems justifying Dept. increase. **Casina** noted the Dept. issued 285 sanitary permits in 2008, collecting \$46,680 for the County yet losing over \$1700 w/ the current fee schedule.

Some Committee members were upset over State charges, UDC costs, etc. **Casina** explained that the Zoning Dept. has no control over State mandates. **Supervisors Maki and Miller** were disturbed that the Dept. doesn't complain to the State. After further discussion, **Furtak** said it is more fair that the citizens building homes take care of related fees rather than having all taxpayers share in those costs.

**Jardine** said he is troubled by the nearly 700,000 acres of unusable land in the County (i.e. conservancy, fisheries, reserves, etc.) and noted we have to be more concerned for the County's citizens and not just its visitors. **Maki** said not enough concern is paid to citizens.

**Support / opposition to amendments:** None

**6. ADJOURNMENT OF PUBLIC HEARING:** Motion by Jardine / Maki at 1:55 PM; carried.

**7. CALL TO ORDER OF ZONING COMMITTEE MEETING:** By Vice Chair Rondeau at 1:55 PM.

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

**9. MINUTES OF PREVIOUS MEETING(S):** Motion by motion by Miller / Jardine to approve the Dec. 18, 2008 minutes as prepared; carried 4 yes / 0 no.

**10. BUSINESS:**

**A. BAYFIELD COUNTY CONDITIONAL USE REQUEST:** For the purpose of measuring winds with a 30-50 meter tower at the site listed below. (Site is potential location of a "within-the-fence" or "behind-the-meter" wind project

serving the WDNR Lester Voigt (Bayfield) Fish Hatchery and interconnected through the hatchery to Xcel Energy at 12.5 kV. Should the wind resource prove adequate after a year's measurements, this site could host wind turbine(s) measuring up to 100 meters.) Property is 163.74-acre parcel (ID# 04-008-2-50-04-32-2-01-000-10000) further described as the NE ¼ of NW ¼, Section 32, Township 50 North, Range 4 West, Town of Bayview.

*Motion by Maki / Miller **to allow a test tower to be erected but to deny the original request** [for permanent placement of a wind turbine without further approval]. Motion carried 4 yes / 0 no*

**B. PETITION BY KARL KASTROSKY, BAYFIELD COUNTY PLANNING / ZONING DIRECTOR, ON BEHALF OF BAYFIELD COUNTY PLANNING / ZONING COMMITTEE, REQUESTING AMENDMENTS TO THE BAYFIELD COUNTY ZONING, SUBDIVISION CONTROL, SANITARY and PRIVATE SEWAGE ORDINANCES, INCLUDING THE FOLLOWING:**

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*Motion by Jardine / Miller to **approve the amendments**; no further discussion; carried 4 yes / 0 no.*

**Agenda Review and Alteration**

**C. RICK NETTLETON (NETTLETON HOLDINGS LLC) SPECIAL USE REQUEST [tabled 12/18/2008] - 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.

*Agent Terry Hogan said since the last meeting, he met w/ the Town and they granted approval and had test wells completed. He reported statistics on his well and three others in the area (Joan Lulich, David Lulich, Art Sechen); he said there was no significant drawdown.*

*Motion by Jardine / Rondeau to **approve**. Discussion: Casina noted Town approval is on file.*

*Discussion: Neighbor, David Lulich, said he would like to see this project succeed, doesn't want to stifle progress, and wants to generate business but is concerned about his well / farming business. Maki asked if there is a process to help adjoining land owners in a situation where their wells are affected and Hogan said he is concerned about neighboring wells, and ran the 'non-required' tests, because he cares. He noted his well is required to be monitored, metered, with water levels regulated. Tulowitzky said if disputes between neighbors arise, the DNR does not get involved -- that is a civil matter.*

*Vice Chairman Rondeau called for question / roll call vote was taken: Jardine- yes, Maki- no, Miller- yes, Rondeau- yes. Motion carried and special use request was approved-- 3 yes / 1 no.*

**D. JAY CABLK / CARRIE LINDER SPECIAL USE REQUEST [tabled 12/18/2008] TREE SERVICE - (COMPOST, FIREWOOD, PLANT STORAGE) W/ THREE FULL-TIME EMPLOYEES WORKING OFF-SITE:** on a 40-acre parcel (#026-1007-03) in the SW ¼ of the NW ¼, Section 4, Township 46 North, Range 5 West, Town of Kelly.

*Motion by Maki / Miller to **approve**; carried 4 yes / 0 no.*

**E. CITIZENS' CONCERNS / INPUT: None**

**F. DISCUSSION / POSSIBLE ACTION – Comprehensive Planning:**

**Shawn Miller** reported the recent survey is being compiled; there were 3,000 (out of 15,000) surveys returned. Miller noted that some towns “don’t have a clue” and consultant help will be given. Meetings are upcoming at the end of January, separately for the north and south in the county (Great Lakes Visitor Center and Grand View).

**G. DISCUSSION / POSSIBLE ACTION – NR115 Re-write Update:** No report; Karl Kastrosky was absent.

**H. OTHER ITEMS THAT MAY COME BEFORE THE COMMITTEE (Discussion only):**

- **Harold Maki** further discussed the wind tower issue being concerned about the ‘unknowns’. Travis Tulowitzky said currently there are no parameters or policies on wind turbines.
- **February Zoning Committee Meeting:** Due to absence of some Committee members on the third Thursday of February, the meeting will be held on **Monday, February 16, 2009**.

**11. MONTHLY REPORT:** Motion by Jardine / Miller to **approve** as prepared. It was noted the revenue is down. Motion carried 4 yes / 0 no.

**12. ADJOURNMENT:** Motion by Jardine / Maki at 2:33 PM.

**Doug Casina, Assistant Planning / Zoning Administrator  
Bayfield County Planning / Zoning Dept.**

Prepared by MJJ on 01/20/2009  
Approved by DDC on 01/21/2009

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

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