

**MINUTES**  
**Bayfield County Planning / Zoning Committee Public Hearing / Meeting**  
April 16, 2009 – 1:00 PM  
Board Room, County Courthouse, Washburn, WI 54891

1. **CALL TO ORDER OF PUBLIC HEARING:** *By Vice Chairman Brett Rondeau at 1:05 PM.*
2. **ROLL CALL:** *Jardine, Miller, Rondeau, present; Beeksma absent; Maki absent / excused.*
3. **AFFIDAVIT OF PUBLICATION:** *Read by ZA Kastrosky*
4. **REVIEW OF MEETING FORMAT:** *By Vice Chair Rondeau.*
5. **PUBLIC HEARING:**

- A. SUSAN DEFOE CONDITIONAL USE REQUEST - short-term rentals of four existing structures each on stand alone lots.** Legal descriptions are: a 1.448-acre parcel (ID# 04-006-2-50-04-28-1-04-000-10000), described as Lot 1 of CSM 736, Section 28, Township 50 N, Range 4 W; a 1.011-acre parcel (ID#04-006-2-50-04-27-2-05-002-40000), described as Lot 7 of CSM 1190, Section 27, Township 50 N, Range 4 W; a 0.906-acre parcel (ID# 04-06-2-50-04-28-1-04-000-02000), described as Lot 8 of CSM 1190, Section 28, Township 50 N, Range 4 W; and a 0.689-acre parcel (ID# 04-006-2-50-04-27-2-05-002-30000), described as Lot 9 of CSM 1190 all in Section 27, Township 50 North, Range 4 West, Town of Bayfield.

*Susan Defoe-Prevost explained the reason for her request: change in Zoning Dept. requirements; has two four-unit short-term rentals.*

*Audience Support / Opposition: None*

*File Report: Director Kastrosky said town input was not available due to the Town's meeting being after today's public hearing; there were no letters of support / opposition on file. Kastrosky said because the parcels are contiguous, and units were built as such, this becomes a conditional use rather than a Class B Special Use. AZA Doug Casina noted there are two more short-term rental cottages in the area (different owners).*

- B. MATHY CONSTRUCTION CO. CONDITIONAL USE REQUEST RECLAMATION PLAN – Continue to Operate Existing Non-metallic Mine (gravel pit) (#55-007-00000-0146).** Property is described as an 80–acre parcel (ID#’s 04-024-2-47-08-26-3-01-000-10000 & 04-024-2-47-08-26-3-04-000-10000), located in the NE ¼ of the SW ¼ and the SE ¼ of the SW ¼ (aka: E ½ SW ¼), Section 26, Township 47 North, Range 8 West, Town of Iron River.

*Agent Richard Forsythe explained the main request encompasses renewal / extension of a ten-year conditional use but this item is for extension of the reclamation plan from 4-5 yrs ago. Forsythe noted it is the same Rec Plan but needs to be tied to this renewal. Kastrosky noted the Rec Plan has been reviewed/approved by Land Conservation.*

*Audience Support / Opposition: None*

- C. MATHY CONSTRUCTION CO. CONDITIONAL USE REQUEST – Continue to Operate Existing Non-metallic Mine (gravel pit) (#55-007-00000-0146).** The request includes crushing, screening or sizing, and washing operations. Property is described as an 80–acre parcel (ID#’s 04-024-2-47-08-26-3-01-000-10000 & 04-024-2-47-08-26-3-04-000-10000), located in the NE ¼ of the SW ¼ and the SE ¼ of the SW ¼ (aka: E ½ SW ¼), Section 26, Township 47 North, Range 8 West, Town of Iron River.

*Agent Richard Forsythe requests an extension of the ten-year conditional use permit which expired the end of March, 2009; they are asking for at least a five-year, preferably ten year extension, however, they will come back as often as the Committee requires. AZA Casina noted we do not have a standard for how many years we can extend these permits.*

Audience Support / Opposition: None

File Report: **Director Kastrosky** said Iron River approved the request without duration or reason for approval; no other letters in support or opposition were on file.

**Forsythe** said he believes duration of ten years is appropriate; they are unsure how long the pit will last. **Kastrosky** noted the property is 80 acres; it might be wise to take a look at it again in ten years and advised the Committee that we review pits on an annual basis.

- D. **JAMES / SHIRLEY MOREY CONDITIONAL USE REQUEST – Two (2) short-term rentals:** on a 5.5-acre parcel (ID# 04-034-2-43-06-09-2-05-003-14000), in Lot 1 of CSM 41, being a part of Gov't Lot 3, Section 9, Township 43 N, Range 6 W, Town of Namakagon.

**James Morey** said this is part of a resort his grandfather built (Junek's Point) and this is the 50<sup>th</sup> year.

Audience Support / Opposition: None

File Report: **Kastrosky** noted Town approval with w/ 'boilerplate' conditions as follows: 'No other structures or vehicles, permanent or temporary, can be placed on the property for human habitation or business, excepting a single trailer/vehicle occupied by the Owner if the vehicle was used this way prior to this permit application.'

**Morey** explained they live in Hayward, have a camper on the property during the summer months which they stay in on week ends to check guests in and do other pertinent week end work there.

- E. **LARRY D., DENNIS A., & JEFFREY L. RASMUSSEN (Owners) / MARK RASMUSSEN (Agent) CONDITIONAL USE REQUEST - to continue operating existing non-metallic mine (i.e. gravel pit) (#55-007-00000-0057) RECLAMATION PLAN.** Property described as an 8.27-acre parcel (ID# 04-012-2-43-08-24-1-01-000-50000), located in the NE ¼ of the NE ¼, Section 24, Township 43 N, Range 8 W, Town of Cable.

**Agent Mark Rasmussen** said their Rec Plan is on file and has been reviewed / accepted by the Land Conservation Dept.

Audience Support / Opposition: None

File Report: **Kastrosky** reported no correspondence for/against on file

- F. **LARRY D., DENNIS A., & JEFFREY L. RASMUSSEN (Owners) / MARK RASMUSSEN (Agent) CONDITIONAL USE REQUEST - to continue operating existing non-metallic mine (i.e. gravel pit) (#55-007-00000-0057).** Property described as an 8.27-acre parcel (ID# 04-012-2-43-08-24-1-01-000-50000), located in the NE ¼ of the NE ¼, Section 24, Township 43 N, Range 8 W, Town of Cable.

**Agent Mark Rasmussen** said they want to continue the conditional use; it was permitted for ten years; footprint of pit has not changed. Request is to haul six days a week with crushing done only every other year for a brief period of time; they have a 300' buffer; Planning Commission and Town approved the request.

Audience Support / Opposition: None

**Kastrosky** asked if the Town placed conditions. **Rasmussen** answered operation during business hours of 7:00 AM to 7:00 PM; present 'on record' conditions apply; no duration was discussed. **Kastrosky:** no correspondence on file.

- G. **PETITION BY KARL KASTROSKY, BAYFIELD COUNTY PLANNING & ZONING DIRECTOR ON BEHALF OF THE BAYFIELD COUNTY PLANNING & ZONING COMMITTEE REQUESTING AMENDMENTS TO THE BAYFIELD COUNTY ZONING ORDINANCE INCLUDING THE FOLLOWING:**

1. **Repeal and re-creation of Section 13-1-28(a), (b), and (c), pertaining to campgrounds,** establishing new requirements for information to be submitted with applications to establish or expand campgrounds, and new site standards for campgrounds, including area, density, setback, frontage, shoreland vegetation protection area, and use requirements and limitations.

2. **Creation or revision of definitions for “campground,” “camping unit,” “campsite,” and “group campsite.”**

**Director Kastrosky** presented background / reviewed proposal; the Zoning Committee had instructed the Dept. to develop a campground ordinance which has been developed over the past two years with Corp. Counsel Bussey [attachment to minutes]. He said the proposal includes EIAs, conditional use permits in R-RB and Forestry with the same language as today except inland lakes / Class 1's need five acres; there is 125' setback on all classes which today is 75'.

Audience Support: None

**Opposition:**

- **Sheree Bye** (Delta; representing the Town's Planning Commission): 'is concerned more than opposed' and suggested limiting campsites to four in the woods and three per acre on water, instead of ten and five. They believe 'site standards of 40% of the camping units to be used for short-term occupancy only' is too low and want to see that percentage higher. RE density on water (site standards), they believe five campsites per acre is too many. They also would like the cap on total numbers of campsites allowed on a lake to be based upon the classification of each lake; they are concerned as well about the total number of people allowed on campsites.

**Supervisor Jardine** said he didn't feel this could be acted on today; **Supervisor Rondeau** agreed, and said additional 'tweaking is necessary'. **Supervisor Miller** said we have to remember that property owners who water/jet ski, and fish, etc. also have rights on the lakes they live on.

- **Jane Swenson** (area 'Lakes' volunteer) questioned 'group campsites'. **Kastrosky** said consideration is how it can be handled / regulated fairly with scout groups, etc. He said they may be able to have a fair maximum and 'overflows' could get individual sites. **Ms. Swenson** was apprehensive about campgrounds now in place which may be in violation, if they would be allowed to apply for more sites. **Kastrosky** said violations would have to be corrected before more would be allowed, however, if in compliance with the old ordinance, they would not have to remove 'grandfathered' sites; if campgrounds are in compliance they should be allowed to expand; they must comply with all State regulations, County health certificates, etc.

Concern was expressed that location of each site to be included in the map / designation of each site (i.e. RV or tent). **Kastrosky** said this could be made more specific if it isn't clear. There was concern RE having proper site standards and 'losing lakes'. **Kastrosky** said there are twelve thresholds to review in considering campgrounds—standards will have to be met. RE questions on short-term campsites and number of group campsites, he stated these items are 'arbitrary'; in the past there was no threshold; the challenge is to 'fill in the blanks'.

**Swenson** recommended raising the number of short-term camping units (Site Standards) from 40% to 50 or 60%; was concerned about environmentally appropriate locations, site standards, campground paths, shoreland standards, dead trees. **Director Kastrosky and AZA Mike Furtak** commented about approval(s) noting it will not be 'automatic'-- Land Conservation will be required to approve.

- **Jim Brakken** (Cable) said he represents 22 lakes associations across the County; believes this proposal needs further study; is not opposed to camp ground development as long as laws are followed. One concern is for short-term occupancy, which differs from most seasonal renters and/or property owners as there tends to be more lack of respect or taking 'ownership'-- many visit once and are gone.

**Brakken** was most concerned about smaller, more vulnerable Class 2 & 3 lakes; wants to see campgrounds only where heavier development can withstand it. He believes if applicants are unwilling to go to a Class 1 Lake, then they should find property for off-shore campgrounds. He gave an example of Class 2 Wiley Lake with ten cabins or homes within the shoreline; if a campground is put in most sites would have two – six people, therefore if there were fifty units, it could potentially raise the pressure from 20 people to 120 to 300+. He added lakes classification is important to consider; feels minimum of ten acres should be required to have a campground; if there is a public boat landing, then

no private launch should be allowed on lakes; is concerned about businesses developing campgrounds in the County; also concerned about modern camping methods and the outcome on our lakes. Recommendation: not approve 'as is'.

**AZA Furtak** said this doesn't address state or federal campgrounds. He said they tend to be violators of regulations; would like to see added language they must comply.

6. **ADJOURNMENT OF PUBLIC HEARING:** Motion by Jardine / Miller; adjourned at 2:25 PM.

7. **CALL TO ORDER OF ZONING COMMITTEE MEETING:** By Vice Chairman Rondeau at 2:25 PM.

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

9. **MINUTES OF PREVIOUS MEETING(S):** Motion by Jardine / Miller to **approve** the March 19<sup>th</sup> minutes as prepared; carried 3 yes / 0 no.

10. **BUSINESS:**

A. **SUSAN DEFOE CONDITIONAL USE REQUEST - short-term rentals of (4) existing structures each on stand alone lots.** Legal descriptions are: a 1.448-acre parcel (ID# 04-006-2-50-04-28-1-04-000-10000), described as Lot 1 of CSM 736, Section 28, Township 50 N, Range 4 W; a 1.011-acre parcel (ID#04-006-2-50-04-27-2-05-002-40000), described as Lot 7 of CSM 1190, Section 27, Township 50 N, Range 4 W; a 0.906-acre parcel (ID# 04-06-2-50-04-28-1-04-000-02000), described as Lot 8 of CSM 1190, Section 28, Township 50 N, Range 4 W; and a 0.689-acre parcel (ID# 04-006-2-50-04-27-2-05-002-30000), described as Lot 9 of CSM 1190 all in Section 27, Township 50 North, Range 4 West, Town of Bayfield.

Motion by Jardine / Miller to **approve**. Jardine then **amended his motion** to include **'approve pending Town Board approval'**; Miller seconded the amendment. **Discussion:** Kastrovsky noted the Town meets after the ZC meeting this month. The motion then **carried** 3 yes / 0 no.

B. **MATHY CONSTRUCTION CO. CONDITIONAL USE REQUEST RECLAMATION PLAN – Continue to Operate Existing Non-metallic Mine (gravel pit)** (#55-007-00000-0146). Property is described as an 80–acre parcel (ID#’s 04-024-2-47-08-26-3-01-000-10000 & 04-024-2-47-08-26-3-04-000-10000), located in the NE ¼ of the SW ¼ and the SE ¼ of the SW ¼ (aka: E ½ SW ¼), Section 26, Township 47 North, Range 8 West, Town of Iron River.

Motion by Miller / Jardine to **approve the Reclamation Plan**; no further discussion; carried 3 yes / 0 no.

C. **MATHY CONSTRUCTION CO. CONDITIONAL USE REQUEST – Continue to Operate Existing Non-metallic Mine (gravel pit)** (#55-007-00000-0146). The request includes crushing, screening or sizing, and washing operations. Property is described as an 80–acre parcel (ID#’s 04-024-2-47-08-26-3-01-000-10000 & 04-024-2-47-08-26-3-04-000-10000), located in the NE ¼ of the SW ¼ and the SE ¼ of the SW ¼ (aka: E ½ SW ¼), Section 26, Township 47 North, Range 8 West, Town of Iron River.

Motion by Jardine / Miller to **approve this application with a duration of ten years**; no discussion; motion carried 3 yes / 0 no.

D. **JAMES / SHIRLEY MOREY CONDITIONAL USE REQUEST – Two (2) short-term rentals:** on a 5.5-acre parcel (ID# 04-034-2-43-06-09-2-05-003-14000), in Lot 1 of CSM 41, being a part of Gov't Lot 3, Section 9, Township 43 N, Range 6 W, Town of Namakagon.

Motion by Miller / Jardine to **approve and including the Town's conditions** ('No other structures or vehicles, permanent or temporary, can be placed on the property for human habitation or business, excepting a single trailer/vehicle occupied by the Owner if the vehicle was used this way prior to this permit application.') No discussion: motion carried 3 yes / 0 no.

E. **LARRY D., DENNIS A., & JEFFREY L. RASMUSSEN (Owners) / MARK RASMUSSEN (Agent) CONDITIONAL USE REQUEST - to continue operating existing non-metallic mine (i.e. gravel pit)** (#55-007-00000-0057) **RECLAMATION PLAN**. Property described as an 8.27-acre parcel (ID# 04-012-2-43-08-24-1-01-000-50000), located in the NE ¼ of the NE ¼, Section 24, Township 43 N, Range 8 W, Town of Cable.

Motion by Miller / Jardine to **approve the Reclamation Plan**; no further discussion; motion carried 3 yes / 0 no.

- F. **LARRY D., DENNIS A., & JEFFREY L. RASMUSSEN (Owners) / MARK RASMUSSEN (Agent) CONDITIONAL USE REQUEST - to continue operating existing non-metallic mine (i.e. gravel pit) (#55-007-00000-0057).** Property described as an 8.27-acre parcel (ID# 04-012-2-43-08-24-1-01-000-50000), located in the NE ¼ of the NE ¼, Section 24, Township 43 N, Range 8 W, Town of Cable.

Motion by Miller / Jardine to **approve, extending trucking to Monday through Saturday 7:00 AM**

**to 7:00 PM, with no addition to current crushing hours; for a five year duration.** No further discussion; motion carried - 3 yes / 0 no.

- G. **PETITION BY KARL KASTROSKY, BAYFIELD COUNTY PLANNING & ZONING DIRECTOR ON BEHALF OF THE BAYFIELD COUNTY PLANNING & ZONING COMMITTEE REQUESTING AMENDMENTS TO THE BAYFIELD COUNTY ZONING ORDINANCE INCLUDING THE FOLLOWING:**

1. **Repeal and re-creation of Section 13-1-28(a), (b), and (c), pertaining to** applications to establish or expand campgrounds, and new site standards for campgrounds, including area, density, setback, frontage, shoreland vegetation protection area, and use requirements and limitations.
2. **Creation or revision of definitions for “campground,” “camping unit,” “campsite,” and “group campsite.”**

**Discussion:** *Vice Chair Rondeau suggested this Item be postponed, rather than tabled, as tabling would require it to be heard again next month. Kastrosky stated he heard of more ‘bumps in the road than opposition’ at this meeting and didn’t actually expect approval today, it is a public hearing. Motion by Jardine / Miller to **postpone this Item until further work / discussion has been held.** Motion carried 3 yes / 0 no.*

### **Agenda Review and Alteration**

- H. **SUSAN ERICKSON SPECIAL USE REQUEST – Home-Based Business (Pre-School two days per week during school year):** 20-acre parcel (#04-020-2-47-05-10-3-02-000-30000) in the NW ¼ of the SW ¼, section 10, Township 47 N, Range 5W, Town of Eileen.

**Susan Erickson** said she is licensed under ‘child care’ for this pre-school for up to eight children. **LUS Travis Tulowitzky** said this home-based business is in the lower level of the home and requires a Class B Special Use; there is health inspection approvals (County / State) under day care licensing.

Motion by Miller / Jardine to **approve.** Discussion / File Report: **Kastrosky** noted Town Board approval with no conditions. Motion carried 3 yes / 0 no.

- I. **DIANNE HESS SPECIAL USE REQUEST – Home-Based Business (Gun Sales / Repair):** on 5.69-acre parcels (#04-004-2-45-09-18-4-00-200-13000; 04-004-2-45-09-18-4-00-200-19000; 04-004-2-45-09-18-4-00-134-20000) in the N ½ of Lot 80 and Lots 16 and 22, Iroquois Addition to Potawatomi, Section 18, Township 45N, Range 9W, Town of Barnes.

**Jim Olson & Dianne Hess** spoke. They said this property is in a trust with Diane Hess being the trustee. **Kastrosky** noted there is no Town input as they meet at 4:00 PM today. **Olson** stated they will go through the rigorous approval process required for firearms. **AZA Furtak** said there have been concerns RE this request. **Olson** said there are no plans to shoot on the premises; no plans to have a sign; he does plan to have 10-12 guns in stock and to become a gun smith.

Motion by Miller / Jardine to **approve this home-based business contingent on Town Board approval;** no further discussion; motion carried- 3 yes / 0 no.

- J. **CITIZENS’ CONCERNS / INPUT:** None

**K. DISCUSSION / POSSIBLE ACTION – COMPREHENSIVE PLANNING:**

- o **Kastrosky** reminded the Committee they had notices in their packets regarding two open houses coming up this month for which he would like to have the County Board & Comp. Planning Committee present. He said they will have an exhibit at the 'Big Top Chautauqua Pie & Politics' event, as well as a display at the County fair.

**L. DISCUSSION / POSSIBLE ACTION – NR115 REWRITE: None**

**M. DISCUSSION / POSSIBLE ACTION RE SATELLITE OFFICE IN CABLE:**

- o **Kastrosky** reported that the office we have used in Cable has been sold; we will move to an existing building owned by Jon McKinney (for which a rezone may have to be done).

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

- o **Sign Issues: Kastrosky** said the State is not enforcing their sign ordinance which makes our job harder; options are to follow the State and ignore our ordinance, or forget about the State and do our part alone. He noted if the sign is off-premise and on the State Hwy then the DOT has jurisdiction. **Tulowitzky** said there are lots of illegal signs in the County and more going up-- if we let one go by then more show up.
- o **[Sanitary] Maintenance and Tracking: Kastrosky** reported that maintenance / tracking is almost complete (hopefully by June 1); after that the State cannot deny 'agent status' where we can review / approve applications and be able to keep funds here.

11. **MONTHLY REPORT:** Motion by Jardine / Miller to **approve**. Discussion: Kastrosky noted we are down \$11,000 from last year, expenses are down as well; in the past 10 years the Zoning Dept. had excess revenue; motion carried- 3 yes / 0 no.

**At this time it was noted the public hearing / meetings will be back on the summer schedule beginning May 21<sup>st</sup> (4:00 PM).**

12. **ADJOURNMENT:** Motion by Jardine / Miller to adjourn at 2:52 PM; carried.

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

Prepared by MJJ on 04/27/2009  
Approved by 04/27/2009

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

K/ZC/Minutes/2009/April