

**MINUTES**  
**BAYFIELD COUNTY PLANNING / ZONING COMMITTEE**  
**Board Room, County Courthouse – Washburn, WI**  
**Public Hearing / Meeting – 1:00 PM - February 17, 2011**

1. **CALL TO ORDER OF PUBLIC HEARING:** *By Chairman Rondeau at 1:02 PM.*
  2. **ROLL CALL:** *Jardine, Miller, Rantala, Rondeau, all present; Maki, absent.*
  3. **AFFIDAVIT OF PUBLICATION:** *Presented by Director Karl Kastrosky.*
  4. **REVIEW OF MEETING FORMAT:** *By Chairman Rondeau.*
  5. **PUBLIC HEARING:** *Called to order by Rondeau at 1:02 PM.*
- A. **TOM / BARB DONAHUE (Owners) MIKE HANSEN (Agent) CONDITIONAL USE REQUEST: Exceed 35' height restriction by 1'4" (36'4").** Property is 4.38-acre parcel (ID# 04-012-2-43-07-03-1-05-001-70000) Lot 1, CSM 1721, Section 3, Township 43 N, Range 7 W, Town of Cable.

*Agent Mike Hansen (Builder/Contractor) noted they have exceeded the restriction by 1'4". AZA Mike Furtak noted the house is not yet completed. Hansen said they were unaware of this to begin with, but then filed for this conditional use; he is working w/ a walkout basement structure which is tucked into 40 degree of hill. Furtak said the existing cabin was torn down, existing foundation removed, and site refilled, therefore where the footings were set, ended up being one foot over.*

**Support / Opposition:** *none.*

**File Report – Kastrosky:** *the Town approved, noting, "It does not conflict with our land use plan and especially because of the plant buffer between the land structure and the lake." There was no other correspondence.*

- B. **NAMAKAGON CO., INC. / PHILIP RASMUSSEN (Agent) RE-ZONE REQUEST (R-RB to F-1):** 35.00-acre parcel (ID# 04-034-2-43-06-21-2-04-000-10000), described as SE ¼ of the NW ¼, less V. 426 P. 337; less Vol. 770 P. 990, less Lots 1-5 and less Units A & B of Lot 6 of the Lakewood's Forest Ridges Condominiums Pine Ridge Subdivision, and their 29.00-acre parcel (ID# 04-034-2-43-06-21-2-03-000-10000), described as SW ¼ of the NW ¼, all located lying south of County Hwy M, in Section 21, Township 43 North, Range 6 West, Town of Namakagon. (\*Note: parcels within one thousand (1,000) feet landward of the ordinary high water mark of navigable lakes, ponds or flowages or within three hundred (300) feet landward of the ordinary high water mark of navigable rivers or streams or to the landward side of the floodplain, whichever distance is greater is deemed a shoreland and/or wetland zone.)

*AZA Furtak presented background information noting these are two parcels directly across from each other; there is an old gravel pit where maintenance buildings are; the Town desires to buy gravel from Lakewoods Inc. to use on Rock Lake Rd. which runs between the two parcels. Plans are to lease five acres in the SW corner for a cell tower site. The rezone is necessary because they are not allowed in R-RB (Residential-Recreational Business). A rezone to F-1 allows both gravel pit and cell tower applications to proceed in the future yet continues to allow the golf course and multiple unit development. The cell tower will be applied for by Norvado (formerly Chequamegon Telephone) – rezone is to allow them to apply.*

**Support / Opposition:** *None*

**File Report - Kastrosky:** *The Town approved as is consistent w/ their Comp Plan & ordinances.*

- C. **BAYFIELD COUNTY (Owner) and MIKE AMMAN / MARK ABELES-ALLISON (Agents) CONDITIONAL USE REQUEST** in order to measure winds at the site listed below, with a 60 meter tower. Site is potential location of a "within-the-fence" wind project serving the WDNR Lester Voigt (Bayfield) Fish Hatchery & interconnected through the hatchery to Xcel Energy at 12.5 KV. Should the wind resource prove adequate after a year's measurements, site could host wind turbine(s) measuring up to 100 meters. [40-acre parcel (ID# 04-006-2-50-04-30-4-04-000-10000), described as the SE ¼ of the SE ¼, Section 30, Township 50 N, Range 4 W, Town of Bayfield.

**Agent Mark Abeles-Allison** reported this is the second test tower; the first, a recording test tower has been operating the past 18 months and will come down this spring. The County has done preliminary checking with feedback and study. The cost is quite expensive with payback in the eight-to-twelve year range w/ annual paybacks. Approximate cost of \$30,000/year includes installation, rental, removal; grant funds would be received from Madeline Island. Site would be to the west & north of existing site, further into Bayfield County forest; surrounding property owners are DNR, Mt. Ashwabay, & Bayfield County.

**Kastrosky** noted height of 190' & under the threshold of 200' for lighting requirements. **Abeles-Allison** said he doesn't believe light is required but would have to go back to the Town & Zoning Committee if that changed by the FAA. Discussion followed re wind speeds, variations, feasibility, etc. **Kastrosky** stated they should consider if this might also be compatible w/ a communication dish. When questioned by **Jardine** about maintenance / cost, **Abeles-Allison** reported they "aren't that far yet"; they are looking at 18 mos. of study, if it looks good then they need to go back to consider the type of tower, etc.

**Speaking in Support:** **Joe Johanik** said he lives below site and is in favor of wind energy but has concerns w/ nearness to the ski hill. He noted that wind turbines are not all free/clear & there is documentation of health effects—especially on children affecting the inner ear. He noted this would be about 1/3 of a mile from a number of people and further distances of 3 miles away is what is being proposed [for safety]. He also asked the Committee to consider putting the test site farther away before more money is spent.

**Opposition:** None

**File Report - Kastrosky:** The application requests 60 meters, if it exceeds that, another hearing would be required; the Town Planning Commission approved this unanimously, however, there was no Town report as they meet after the Zoning Committee this month.

6. **ADJOURNMENT OF PUBLIC HEARING:** Motion by **Jardine / Miller** to adjourn; carried 4 yes / 0 no.
7. **CALL TO ORDER PLANNING / ZONING COMMITTEE MEETING:** By Chairman **Rondeau**.
8. **ROLL CALL:** **Jardine, Miller, Rantala, Rondeau**, all present; **Maki**, absent.
9. **MINUTES OF PREVIOUS MEETING:** **Miller / Rantala** motioned to approve the 01/20/2011 minutes as prepared; carried 4 yes / 0 no.
10. **NEW BUSINESS:**

- A. **TOM / BARB DONAHUE (Owners) MIKE HANSEN (Agent) CONDITIONAL USE REQUEST: Exceed 35' height restriction by 1'4" (36'4").** Property is 4.38-acre parcel (ID# 04-012-2-43-07-03-1-05-001-70000) Lot 1, CSM 1721, Section 3, Township 43 N, Range 7 W, Town of Cable.

Motion by **Jardine / Miller** to approve. Discussion: **Kastrosky** said the Town approved because of existing screening, possibly they might want to consider a condition to keep screening / vegetative buffer intact. **Jardine / Miller** rescinded the original motion, amended to approve with provision the Donohues must comply with the buffer area zoning regulations. **AZA Furtak** said there was a residence & stairway on this property previously, they are allowed thinning a few trees in the viewing corridor/stairway area. **Kastrosky** noted screening should be kept in place. **Furtak** noted the residence is in the hillside and nothing rises above it; there is to be a filtered view in a 30' viewing corridor; they are discouraged from cutting any 'canopy'. Motion carried 4 yes / 0 no.

- B. **NAMAKAGON CO., INC. / PHILIP RASMUSSEN (Agent) RE-ZONE REQUEST (R-RB to F-1):** 35.00-acre parcel (ID# 04-034-2-43-06-21-2-04-000-10000), described as SE ¼ of the NW ¼, less V. 426 P. 337; less Vol. 770 P. 990, less Lots 1-5 and less Units A & B of Lot 6 of the Lakewood's Forest Ridges Condominiums Pine Ridge Subdivision, and their 29.00-acre parcel (ID# 04-034-2-43-06-21-2-03-000-10000), described as SW ¼ of the NW ¼, all located lying South of County Hwy M, in Section 21, Township 43 North, Range 6 West, Town of Namakagon.

**Miller** motioned to approve seeing it is in accord w/ the Town plan; seconded by **Rantala**. Discussion: **Kastrosky** said this is a shoreland/wetland rezone and acknowledged the DNR was notified, which was not mentioned in public hearing portion of the meeting. Motion carried 4 yes / 0 no.

- C. **BAYFIELD COUNTY (Owner) and MIKE AMMAN / MARK ABELES-ALLISON (Agents) CONDITIONAL USE REQUEST** in order to measure winds at the site listed below, with a 60 meter tower. Site is potential location of a "within-the-fence" wind project serving the WDNR Lester Voigt (Bayfield) Fish Hatchery & interconnected through the hatchery to Xcel Energy at 12.5 KV. Should the wind resource prove adequate after a year's measurements, site could host wind turbine(s) measuring up to 100 meters. [40-acre parcel (ID# 04-006-2-50-04-30-4-04-000-10000), described as the SE ¼ of the SE ¼, Section 30, Township 50 N, Range 4 W, Town of Bayfield.

*Motion by Miller / Rantala to approve. Discussion: Kastrosky reminded the Committee that in order to not supersede the Town they might consider making their approval contingent on the Town of Bayfield approval. Motion amended by Miller / Rantala to approve contingent upon Town approval; carried 4 yes / 0 no.*

### **Agenda Review & Alteration**

- D. **SCOTT / COURTNEY ROUSH SPECIAL USE REQUEST – Home-Based Business (sale of handmade tools, arts, crafts):** 10+/- acre parcel (#04-008-2-49-04-19-04 4-000-11000) in SE ¼ of SE ¼, Section 19, Township 49 N, Range 4 W, Town of Bayview.

*AZA Doug Casina business would consist of selling tools, arts, & crafts from their garage. Miller / Rantala motioned to approve. Discussion: Kastrosky noted the Town approved; it is compatible w/ their Plan; he also said this business includes custom knife making & blacksmithing. Carried 4 yes / 0 no.*

- E. **BIG ROCK RANCHES (Owner) / Sandra Woerle (Agent) SPECIAL USE REQUEST – Seasonal Straw Processing & Packaging Operation:** (#04-002-2-48-05-32-2 01-000-10000) NE ¼ of NW ¼, Section 32, Township 48 N, Range 5 W, Town of Barksdale.

*Kastrosky reported the Applicant requested this Item be tabled, but not acted upon or withdrawn, at this time. It was noted the potential for this business has grown rapidly that the applicants may need to go elsewhere. Motion by Miller / Jardine to postpone this request; carried 4 yes / 0 no.*

## **11. OTHER BUSINESS:**

- F. **DISCUSSION / POSSIBLE ACTION - FEMA CORRESPONDENCE:** Kastrosky noted the Committee had a copy in their packet re base flood elevations / new flood plain maps which affect Lake Superior mostly. This summer/fall new flood plain maps will have to be adopted which are more accurate. They may include about 50 not previously in floodplain before and will eliminate approximately 200; Bayfield County is one of the last counties to be mapped.

- G. **DISCUSSION / POSSIBLE ACTION ON TOWN OF CABLE CORRESPONDENCE:** Kastrosky said the correspondence [re County-approved Glen Harvey re-zone] is on the agenda because recently we were faced twice w/ insufficient, incomplete, or untimely correspondence from Cable. After further discussion, the Committee was in agreement to 'just let this ride' without any further action. Rondeau noted the Committee 'did due diligence' bringing an applicant back two months and the Town still did not finalize their responsibility. Miller said the Town needs to get their 'stuff done'.

- H. **DISCUSSION / POSSIBLE ACTION ON COMPREHENSIVE PLANNING:** Kastrosky discussed / updated the Committee and noted how to amend the comp plan, and procedures for Town when/if they amend their plans. He has received no feedback on amendments to date.

- I. **DISCUSSION / POSSIBLE ACTION - NR115:** Kastrosky noted this was almost done, but the committee he chairs has a document about ready to be sent to press after being reviewed by membership on 3/30/2011, but are waiting as long as possible. Also plan to continue the plan if the Governor changes something w/ NR115; if that happens, there is a plan to meet w/ him and/or Staff to present solutions, etc. The group Kastrosky has been working with is very knowledgeable w/ old both the old NR115 and the new. He said if mandates are required 'someone' has to pay for it.

- J. **DISCUSSION / POSSIBLE ACTION – PROPOSED SOLUTION FROM 07/15/2010 JOINT MEETING:** Kastrosky reported Rob is about 35% done w/ scanning/entering mitigation plans in the database. He, Mark Abeles-Allison, and Ben Dufford will meet 03/24/2011 to discuss how to implement/enforce issues for non-compliance and determine who will handle separate aspects. Jardine said he believes there should be a person from each County committee at the meeting.

**DISCUSSION ON CFS:** **Kastrosky** said this issue is complex and gets more confusing as days go by. There are two separate issues: the rezone action is in circuit court, was heard two times and now sent back to both attorneys. Judge's decision would be within 30 days with the attorneys to report how the rezone complies and how it is not compatible; then he will decide noting he was 'close, on the fence', but not convinced by either attorney. **Kastrosky** said the separate issue is the appeal of Zoning Committee decision to the BOA – based on allegations that your decision was not consistent w/ the comp plan & didn't take 12 decision-making factors into account under the conditional use application. **Kastrosky** noted the private airstrip is allowed in either zoning district; also sent out invitations to attend the court hearing with notice that there may be a quorum of the Committee there, so that base is covered.

**12. MONTHLY REPORT:** Motion by **Jardine / Rantala** to **approve / place on file**; carried 4 yes / 0 no.

**13. ADJOURNMENT:** [No time noted on audio recording.]

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

Prepared/finalized from audio recording by mjj: 3/10/2011  
Approved by KLK on 3/17/2011

Cc: Committee; County Board, Admin., & Clerk; DNR; Web