

**MINUTES  
BAYFIELD COUNTY PLANNING AND ZONING COMMITTEE  
PUBLIC HEARING AND PUBLIC MEETING  
MAY 19, 2011**

1. **Call to Order of Public Hearing:** Chairman Rondeau called the public hearing to order at 4:00 pm.

2. **Roll Call:** Jardine, Maki-absent, Miller, Rantala, and Rondeau.

Others present were: Director-Karl Kastrosky and Mike Furtak-AZA.

3. **Affidavit of Publication:** Kastrosky showed the audience the affidavit of publication.

4. **Review of Meeting Format –** Chairman Rondeau explained the procedure of the meeting. He stated if you plan to speak at today's meeting please sign in and when they step up to the microphone please state their name. He stated they will listen to those that wish to speak in favor; followed by those that wish to speak in opposition. The Board will then ask for rebuttal if they so chose from either side.

5. **Public Hearing:**

A. **Bayfield County Highway Dept, owner and Tom Toepfer, agent (Namakagon) – reclamation plan** [8.0-acre parcel (ID# 04-034-2-43-06-02-3-05-004-10000), described as Gov't Lot 4 in V. 205 P. 492 and V. 204 P. 331, a 5.0-acre parcel (ID# 04-034-2-43-06-02-3-05-003-30000), described as a parcel in Gov't Lot 3 in V. 205 P. 492, and a 0.25-acre parcel (ID# 04-034-2-43-06-02-3-05-004-20000), described as Hwy parcel in Gov't Lot 4 in V. 231 P. 600 all in Section 2, Township 43 North, Range 6 West, Town of Namakagon, Bayfield County, WI]

**Tom Toepfer** spoke from the audience stated the Committee has heard it all. **Rondeau** stated yes they heard it all and know what it's about. **Rondeau** asked if anyone would like to speak in favor. He asked Karl to review the file. **Kastrosky** noted the Committee waived the EIA but not necessarily the rec. plan. He stated the reclamation plan was approved by the Land Conservation Department as past practice on 4/18/2011. **Jardine** questioned whether the plan was on file. **Kastrosky** stated **Jardine** questioned not seeing it at last month's meeting and as in the past and with the direction of the Committee if Land Conservation reviewed it, that was good enough-not that they didn't want to see it but because it's a technical review and the Committee didn't feel they would want to review those type of issues and that the plan is available in the office. **Jardine** stated after giving it some thought he recalled a discussion where the Committee authorized the Dept to go ahead and have the reviews done prior to the meeting because of time issues.

**Furtak** noted that the reason the EIA was waived was because this was a shoreland/wetland rezone and the DNR reviews those types of issues and they waived their requirements of an EIA. They felt it was OK and felt there was no reason for us to run it down.

Discussion ended.

- B. Bayfield County Highway Dept, owner and Tom Toepfer, agent (Namakagon) - conditional use permit to operate a non-metallic mine** [8.0-acre parcel (ID# 04-034-2-43-06-02-3-05-004-10000), described as Gov't Lot 4 in V. 205 P. 492 and V. 204 P. 331, a 5.0-acre parcel (ID# 04-034-2-43-06-02-3-05-003-30000), described as a parcel in Gov't Lot 3 in V. 205 P. 492, and a 0.25-acre parcel (ID# 04-034-2-43-06-02-3-05-004-20000), described as Hwy parcel in Gov't Lot 4 in V. 231 P. 600 all in Section 2, Township 43 North, Range 6 West, Town of Namakagon, Bayfield County, WI]. **Discussion regarding waiver of the Environment Impact Analysis (EIA) was at the April 21, 2011 monthly meeting. Included in this request will be the requirement(s) of the reclamation plan, which will be addressed separately.**

**Rondeau** asked if anyone would like to speak in favor of proposal. No one spoke. He opened the floor for opposition. No one spoke.

**Kastrosky** explained in the file, the town board of Namakagon recommended approval, reviewed it and stated that is was compatible with their comprehensive plan. No other letters of support or concern in the file.

Discussion ended.

- C. Namakagon Co., Inc., owner and Phil Rasmussen, agent (Namakagon) – reclamation plan** [29-acre parcel (ID# 04-034-2-43-06-21-2-04-000-10000 and a 35-acre parcel (ID# 04-034-2-43-06-21-2-03-000-10000), located in the SW ¼ of the NW ¼, Section 21, Township 43N, Range 6 W, Town of Namakagon.

**Rondeau** asked if anyone was in favor or opposition of the reclamation plan, no one spoke in favor or opposition. He then asked **Kastrosky** if there was anything in the file.

**Kastrosky** stated that the plan was approved by Land Conservation May 5<sup>th</sup> 2011.

**Furtak** stated this is an old pit and is used by Lakewoods and mining will take place in a small area to the west. Character of the area is not really changing. **Jardine** asked if it was near the water. **Furtak** explained that it is not. It is located south of County Highway M road bed is higher and acts as damn, some small ponds that are less than 1,000 feet from mining site but should have no impact from the mining.

Discussion ended.

- D. Namakagon Co., Inc., owner and Phil Rasmussen, agent (Namakagon) – conditional use for a non-metallic mine** [29-acre parcel (ID# 04-034-2-43-06-21-2-04-000-10000 and a 35-acre parcel (ID# 04-034-2-43-06-21-2-03-000-10000), located in the SW ¼ of the NW ¼, Section 21, Township 43N, Range 6 W, Town of Namakagon.

**Kastrosky** explained the EIA was received May 17<sup>th</sup> he reviewed it and based on what he received there is very little impact on the site. Most of the material will go to Rock Lake Fire Lane which is right on the site and will not have to be hauled out of the site. This was an existing mine about 20 years ago. He stated this was reviewed by the town board and they approved it because it's compatible with their land use plan. He also stated a little of the material will be used for the golf course.

No one spoke in support or opposition.

Discussion ended.

- E. **Dean & Robynn Trzynka (Hughes) – conditional use to construct two (2) single family dwellings on a parcel of land that cannot be subdivided.** [4.67-acre parcel ID# 04-22-2-47-09-02-4-04-000-12000), described as Lot 2, CSM 1545, Section 2, Township 47N, Range 9 W, Town of Hughes, Bayfield County, WI]

**Rondeau** asked if the owner would like to speak please come forward.

**Trzynka** stated the purpose of this proposal is to be able to have his father build on his property that cannot be subdivided. The property is 4.5 acres and in the zoning district it cannot be subdivided. **Kastrosky** clarified that if a certified survey map was done which identifies how big the parcel is and a 4.5 acre parcel would be legal in the forestry zone. **Rantala** asked if the owners father builds a house what will happen years down the road, would it stay as one family unit. **Trzynka** stated that is the plan and that it would go to his children. **Miller** asked what the sewer system was and **Trzynka** stated that it was conventional and that Jeff Rasmussen was out to his property and it would be possible to run both places in one system. **Rondeau** asked if well would be joined as well. **Trzynka** said yes. **Rantala** asked if the intention was to not try and split property later on and keep it as joined and the answer was yes that was the intention. **Trzynka** also stated that Doug was at the site and approved it. **Furtak** wanted to mention that it is highly unlikely that this property will ever be subdivided in the future unless the rules change. Both would have to be sold at one.

No one came forward in support or opposition.

**Rondeau** asked **Kastrosky** if there was anything in the file and he explained that the file states it is consistent with the town's comprehensive plan. **Kastrosky** stated the owner has to understand that if the property were ever to be sold it would have to be all or nothing and it is unlikely that a variance would be issued. Also, after it is approved the conditional use that is granted goes right on the deed for future owners.

Discussion ended

**6. Adjournment of Public Hearing:**

*Jardine made a motion to adjourn, Rantala seconded. Motion carried. Adjourned.*

7. **Call to Order of Planning and Zoning Committee Meeting:** Kastrosky called the meeting to order.

8. **Roll Call:** Jardine, Maki - absent, Miller, Rantala, and Rondeau.

Others present were: Director Karl **Kastrosky** and Mike **Furtak**, AZA.

9. **Minutes of Previous Meeting(s):** *Rondeau stated minutes were from April 21, 2011.*

*Miller motioned to approve and Jardine seconded. No further discussion. Motion carried.*

**10. New Business:**

- A. **Bayfield County Highway Dept, owner and Tom Toepfer, agent (Namakagon) – reclamation plan** [8.0-acre parcel (ID# 04-034-2-43-06-02-3-05-004-10000), described

as Gov't Lot 4 in V. 205 P. 492 and V. 204 P. 331, a 5.0-acre parcel (ID# 04-034-2-43-06-02-3-05-003-30000), described as a parcel in Gov't Lot 3 in V. 205 P. 492, and a 0.25-acre parcel (ID# 04-034-2-43-06-02-3-05-004-20000), described as Hwy parcel in Gov't Lot 4 in V. 231 P. 600 all in Section 2, Township 43 North, Range 6 West, Town of Namakagon, Bayfield County, WI]

*Jardine motioned to approve the reclamation plan. Miller seconded. No further discussion. Motion carried.*

- B. Bayfield County Highway Dept, owner and Tom Toepfer, agent (Namakagon) – conditional use to operate a non-metallic mine** [8.0-acre parcel (ID# 04-034-2-43-06-02-3-05-004-10000), described as Gov't Lot 4 in V. 205 P. 492 and V. 204 P. 331, a 5.0-acre parcel (ID# 04-034-2-43-06-02-3-05-003-30000), described as a parcel in Gov't Lot 3 in V. 205 P. 492, and a 0.25-acre parcel (ID# 04-034-2-43-06-02-3-05-004-20000), described as Hwy parcel in Gov't Lot 4 in V. 231 P. 600 all in Section 2, Township 43 North, Range 6 West, Town of Namakagon, Bayfield County, WI]

*Miller motioned to approve the Bayfield County Highway Dept. (Namakagon) gravel pit, Rantala seconded. Jardine questioned if it was a conditional use. Kastrofsky asked if the Committee had a desire to place conditions or hours of operation or duration. Miller motioned that there be a 10 year duration, Rantala seconded. No further discussion. Motion carried.*

- C. Namakagon Co., Inc., owner and Phil Rasmussen, agent (Namakagon) – reclamation plan** [29-acre parcel (ID# 04-034-2-43-06-21-2-04-000-10000 and a 35-acre parcel (ID# 04-034-2-43-06-21-2-03-000-10000), located in the SW ¼ of the NW ¼, Section 21, Township 43N, Range 6 W, Town of Namakagon.

*Miller motioned to approve Namakagon Co. reclamation plan. Jardine seconded. No further discussion. Motion carried.*

- D. Namakagon Co., Inc., owner and Phil Rasmussen, agent (Namakagon) – conditional use to operate a non-metallic mine** [29-acre parcel (ID# 04-034-2-43-06-21-2-04-000-10000 and a 35-acre parcel (ID# 04-034-2-43-06-21-2-03-000-10000), located in the SW ¼ of the NW ¼, Section 21, Township 43N, Range 6 W, Town of Namakagon.

**Jardine** asked if they had to handle them separately. **Kastrofsky** stated rec plan is separate the EIA and mining are together.

*Miller motioned to approve. Jardine seconded. Kastrofsky stated that no conditions were talked about and this pit is by a resort. Miller explained that the owner of the pit is also the owner of the resort so hours of crushing will be taken into account. Kastrofsky also stated that the duration of mining was not stated and the mining should be within the area prescribed. Miller stated that's fine he'll put that in his motion. Rondeau asked how that should be stated. Rondeau explained that Phil will be careful of that due to the golf course. Rondeau asked Miller if he wanted to put the duration in—Miller stated 10 yrs. and within the area identified in the application. Rondeau asked Jardine for a seconded, Jardine seconded. Anymore discussion on the motion? Furtak explained that there are a couple seasonal cabins near pit. Miller stated again that Phil will be careful. No further discussion. Motion carried.*

- E. **Dean & Robynn Trzynka (Hughes) – conditional use construct two (2) single family dwellings on a parcel of land that cannot be subdivided.** [4.67-acre parcel ID# 04-22-2-47-09-02-4-04-000-12000), described as Lot 2, CSM 1545, Section 2, Township 47N, Range 9 W, Town of Hughes, Bayfield County, WI]

*Jardine approved Dean and Robyn Trzynka (Hughes) two single family dwellings on a parcel, Rantala seconded. Rondeau asked for discussion from Kastrosky and he explained that there is a condition on this parcel that the start date for construction is within one year of issuance. Miller questioned what the town had to say and what the comprehensive planning committee had to say. Kastrosky stated the application states it's consistent with the comprehensive plan. Kastrosky stated he wanted the Committee to be aware of the 1 yr duration so if they come back 2 yrs from now we won't have a potential problem. No further discussion. Motion carried.*

- F. **Kenneth Johnson (Orienta) – special use for home-based business (beauty shop)** [10-acre parcel ID# 04-036-2-50-09-36-2-01-000-10000, described as the E ½ of the E ½ of the NE ¼ of the NW ¼, Section 36, Township 50 N, Range 9 West, Town of Orienta, Bayfield County, WI].

**Withdrawn**

- G. **William Garz (Barksdale) – special use to operate a home-based business (gunsmithing)** [10-acre parcel ID# 04-002-2-48-05-13-3-03-000-10000, described as the E ½ of the E ½ of the SW ¼ of the SW ¼, Section 13, Township 48N, Range 5 W, Town of Barksdale, Bayfield County, WI].

Rondeau questioned whether the Town Board approved it. Kastrosky said it states it falls within the comprehensive plan and the adjacent neighbors feel its fine. Kastrosky stated he had received a call today from an adjoiner concerned about gunfire. Garz stated that this is the DuPont property. Rondeau questioned the applicant about doing a lot of gun firing on the property. Garz came forward to the podium and stated just test firing. Kastrosky asked how far away his place was from Susan Kraft and Garz explained that she is across Bono Creek. Miller asked which way he could shoot without hitting anybody. He questioned if Garz had a sand bank; Garz said he is putting a berm up to shoot into. Jardine explained in the letter from Kraft she was worried about stray bullets and Garz stated that there will not be a public firing range out there but simply just for test firing. Rondeau stated that a condition be put in that a berm be set up to fire into no firing after 5pm or before 8am. Furtak explained that this is not a request for a gun range and if there is sighting in of a gun then owner must move to a gun range. Rondeau stated that someone needs to verify and make sure a 6 foot high berm is in place.

*Miller motioned to approve the gunsmithing with the conditions of shooting only between the hours of 8am - 5pm. A 6 foot high berm be put in place prior to the issuance of the permit and be used for test firing only. Rantala seconded. No further discussion. Motion carried.*

## 11. Other Business:

### H. Discussion and Possible Action on NR115

Kastrosky said it is ongoing open statute to make changes for counties to adopt 2 years. Oneida, Dodge, Racine, and Kenosha counties are opposed to it. This plan is huge for Bayfield Co with all the lakes and streams.

**I. Discussion and Possible Action on Comprehensive Planning**

Kastrosky noted not much is new. Still 8 towns to adopt County plan. Talked to Mark about breach of contract and, meet with them to reconcile differences and recoup some expenses from the work that the county did.

**J. Executive Session pursuant to §19.85(1)(c); (C)**

**Rondeau** explained the procedure of executive session and explained why they were going into closed session concerning any employment, promotion, salary, and compensation. He called for a motion, **Jardine** so moved, **Rantala** seconded, **Rondeau** mentioned in the motion he would like Karl and Mike. **Kastrosky** stated he had a problem with the motion, he asked that **Furtak** not be involved in the closed session. Roll call was taken by **Rondeau** – Patti, Shawn, Bucky, and Brett--executive session was called in session and **Furtak** was removed.

Motion was made by **Rondeau**, seconded by **Miller** to go into open session. **Motion carried.**

**12. Monthly Report**

No Discussion

**13. Budget and Revenue**

No Discussion

**14. Adjournment**

***Rondeau** called adjournment.*

*Prepared by kmh(from recording) (6/30/11)*

*Approved by KLK (7/5/11-9:28am)*

cc: (after final approval) Supervisors, County Admin./Clerk; DNR; Web

*k/zc/minutes/2011/#5May*