

MINUTES
Bayfield County Planning / Zoning Committee Public Hearing / Meeting
June 16, 2005
Board Room, County Courthouse, Washburn, WI 54891

1. **CALL TO ORDER OF PUBLIC HEARING:** *Meeting called to order by Chairman Jardine at 6:00 PM with the following statement made by Zoning Director Karl Kastrosky. "The public hearing notice was legally advertised, however, due to lack of staffing, the notice was published but property owners and applicants were not notified, therefore the public hearing cannot be held in order to comply with State statutes."*

2. **ROLL CALL:** *Beeksma, Compton, Jardine, Rondeau, Maki, excused.*

3. **AFFIDAVIT OF PUBLICATION:** *Read by ZA Kastrosky*

4. **PUBLIC HEARING:**

A. **MARK / KATHLEEN RASMUSSEN AND LARRY RASMUSSEN – Rezone** from Agriculture-1 to Commercial - on their .98-acre parcel (ID #012-1129-09-990) located in part of the SE ¼ of the NE ¼ and a 3.49-acre parcel (ID# 012-1128-10-000) located in part of the NE ¼ of the NE 1/4, all in Section 24, Township 43 North, Range 8 West, Town of Cable, Bayfield County, WI from Agricultural-1 (Ag-1) to Commercial

B. **SCOTT JOHNSON EXPANSION OF CONDITIONAL USE PERMIT – Salvage Yard** 4.0-acre parcel (ID# 020-1048-09-990) described as the W 165' of the NE ¼ NW ¼ less V. 622 P. 48 and a .05-acre parcel (ID# 020-1048-10) located in part of the NE ¼ of the NW ¼, all in Section 23, Township 47 N, Range 5 W, Town of Eileen.

5. **ADJOURNMENT OF PUBLIC HEARING:**

6. **CALL TO ORDER OF ZONING COMMITTEE MEETING:** *By Chairman Jardine at 6:12 PM.*

7. **ROLL CALL:** *Beeksma, Compton, Jardine, Rondeau, Maki excused.*

8. **MINUTES OF PREVIOUS MEETING(S):**

April 21, 2005 Minutes - *motion by Compton, second by Rondeau to approve with the following corrections / additions; motion carried.*

- *Compton questioned the Thos. Jensen agenda item (E on page 5). The minutes state it is approved with the Town's condition limiting the number of animals, yet also states there were no conditions on the TBA form. AZA Furtak stated he was present at the Town meeting and this was a previously approved petition with conditions but the Town hadn't received the TBA form to write on at that time.*
- *Page 7, near the bottom of the first section, refers to "Supervisor" Casina instead of "AZA".*

May 19, 2005 Minutes: *Motion by Compton, seconded by Rondeau to approve; carried.*

9. **BUSINESS:** *[See statement above under "Item 1" regarding "A" through "B"]*

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Agenda Review and Alteration

C. LANCE REASOR - SUBDIVISION - 20 Lots (Tabled 5/19/05) Parcel ID #024-1039-10-990, Govt. Lot 4, Section 17, Township 47 N, Range 8 W, Town of Iron River:

Director Kastrosky reminded the Committee that this item had been tabled and sent back to the Town for consideration and will probably be on the [Zoning Committee] agenda numerous times in the future. He added that this had been placed on the Town's agenda prior to the Committee sending it back because the applicant was applying [with the Town] for street lights, and roads.

Kastrosky reported that Lot 4 is lakebed, therefore, that will change the configuration of the lot. He said John Spangberg (DNR) felt there was a grading issue, and a possible violation, and will be dealing with that. Kastrosky stated he received a call from Mr. Reasor's attorney asking if the restriction of keyholing had ever been challenged and the answer he gave him was, "no, not yet", and he discouraged an appeal. Another factor, he said, was others on the lake had no knowledge of this, so it is a good thing it was sent back to the Town.

Supervisor Compton brought up the fact that there is no application on file for a zoning change yet Mr. Reasor believes he has one [an application]. It was noted that there is a handwritten comment on the Subdivision Application as follows [under what is requested on the application], "...and rezoning of lots 10 & 11 to R-RB". That was determined to be written by Mr. Reasor but is not the procedure for requesting a rezone.

Some discussion on roads took place and Director Kastrosky commented, "when we get the plat back, I don't believe the Town will take over the roads, but I feel we should require a 63' setback". Discussion also followed regarding an advertising sign (advertising lots for sale), for which AZA Casina said a permit is required. Kastrosky added that he has advised Von Hollen Realty to be cautious and not sell lots too soon.

D. DAN DUVAL SPECIAL USE REQUEST – Home-Based Business (Contractor/Excavating) on 20-acre parcel (#004-1199-08) located in part of the NE ¼ of the SE ¼, Section 28, Township 28 N, Range 9 W, Town of Barnes.

Director Kastrosky reported there is no town approval because packet was not sent out in time. AZA Furtak stated that Mr. Duval is on a dead end road, has several parcels adjoining, previously lived out of the area and hauled equipment in when he had local jobs, but is now moving to Barnes permanently and wants to operate as a home-based business. He added that he has a sign permit, is neat, well organized, and "has done everything by the book". Motion by Compton, seconded by Beeksma to table until the July meeting after Barnes addresses the request; motion carried.

E. RONALD ROY SPECIAL USE REQUEST – Second Residence On A Parcel: on 40-acre parcel (#032-1021-01) in the SW ¼ of the NE ¼, Section 11, Township 46 N, Range 6 W, Town of Mason.

AZA Furtak said Mr. Roy is a farmer, he does not live on this parcel but the mobile homes are occupied by his farm help to be near the barn / cattle lot. There was a question regarding a hand written note of "third residence" on the special use application. It was determined that was not correct; Furtak said it was written by someone other than the applicant [someone within the Zoning Dept.] and verified that there are just two residences. Kastrosky stated there is no title on file. Furtak stated the Dept. has accepted just name/date

plate information at times in the past. There is no town approval on file therefore Compton motioned to **table until we hear from the Town**, second by Beeksma; carried.

F. TOWN OF TRIPP SPECIAL USE REQUEST – Place a Municipal Building:

Kastrosky reported no TBA is on file. Motion by Beeksma, seconded by Rondeau, **to approve contingent on Town approval**; carried.

G. JON NELSON SPECIAL USE REQUEST – 23 Unit-Mini-Storage: on 4.85 acre parcel (008-1012-04) located in the E ½ of the NE ¼ of the SW ¼, & in Govt. Lot 2, Section 16, Township 49 N, Range 4 W, Town of Bayview.

Jon Nelson addressed the Committee stating he is adding an additional storage unit like those existing. Castors reported Town approval, but no other correspondence in favor nor opposition. Motion by Compton to **approve**, seconded by Beeksma; carried. (Mr. Nelson then questioned the permitting process as he needs to order the building, etc. Kastrosky explained the process stating permits are usually not issued till after the 30 day appeal time, however this is not a controversial issue, it hasn't had any opposition so he doesn't expect there will be. He advised site preparation may be done at this time and proceeding with ordering the building would be Mr. Nelson's "decision and gamble".

H. DISCUSSION / POSSIBLE ACTION: ENVIRONMENTAL IMPACT ANALYSIS – Vicky Hansen Campground, Port Wing.

Vicky Hansen addressed the Committee. Doug reported he looked at the proposed area, they discussed the intermittent creek, site locations, and said, "as far as I am concerned it is fine". Ms. Hansen said she is planning a tent campground and separate RV campground with plans to complete the tent campground first. She said this is not on municipal sewer but will have holding tanks with one 'sanitary dump site' on the premises; roads need to be put in, it will have a shower house and restrooms which will be part of Phase I as well as 13 tent sites.

The 'camping season' was discussed due to some differing information in the file. Ms. Hansen stated it will be mid-April through November. Jardine asked Director Kastrosky his opinion on the EIA. His reply was he feels it is adequate, sanitation and erosion are not an issue, and that AZA Casina observed the site. Motion by Rondeau, seconded by Beeksma to **approve**; motion carried.

Ms. Hansen then questioned the permitting process. Kastrosky explained by next Wed. [June 22, 2005] she must supply our office with a conditional use application, [it was noted the application has been submitted and was held pending the EIA] to be heard at the July meeting. He added that Phase I and possibly Phase II will be discussed at that time and if approved, then the permit will be granted for "X" amount of campsites. Doug Casina stated that roads could be put it because it is not shoreland, however, if something changed in the plans "that would be a gamble".

I. Discussion and Possible Action regarding Town of Russell's overlay district:

Director Kastrosky stated this item is on the agenda as an introductory item, it will be on the [special meeting] agenda on June 27th and again as a petition to amend the zoning ordinance in July. He said Russell Township wants to preserve historic areas, old growth timber and increase minimums for parcel size. There is a resolution for the County to do a special overlay district, stricter than the ordinance; it will be done in three phases, on trial basis, all separate, to identify historical sites, old growth forest to preserve, then larger minimum parcel sizes (instead of 5 acre parcels in AG & F-1, 20 acres is proposed). Kastrosky said some members of the Town Board are willing to testify at a Zoning Committee meeting.

There was some discussion re confusion on "Table A" presented by the Town. Kastrosky stated Atty. John

Carlson worked on that issue and it is addressed in the handout given to the Committee. Kastrovsky asked the Committee to review the information before them prior to the upcoming public hearing.

J. DISCUSSION, POSSIBLE ACTION & UPDATE ON NEIL SCHULTZ REGARDING PIKE'S BAY:

Neil Schultz addressed the Committee. Director Kastrovsky presented Neil with a legal opinion "received just prior to the meeting" as follows. Under the heading Isolation, it reads, "1. In order to minimize any potential odor, noise, and nuisances caused by sewage treatment facilities, and to enhance plant security and reliability, sewage treatment facilities shall be isolated from commercial establishments and from buildings occupied or intended for residential use, and from land which is actively being developed for commercial or residential use."

Kastrovsky then asked Schultz if he still wants to proceed, based upon the letter. Mr. Schultz answered "yes, the plans are wrong, the setbacks are wrong" and added when this started, the proposal for the plant came to his attention and some setbacks were marked, others were not. He then wrote the architect but they ignored the information. Schultz said the reason he came to the meeting is the engineers ignored this and "are ignoring it today, they are in violation of setbacks". He believed it to be substantial, "a couple hundred feet, at least" but said he didn't physically measure.

Kastrovsky reported that Neil apprised the Committee of this last month and he (Karl) promised to look into it, getting a legal opinion from Atty. Griff Nordling. Kastrovsky stated he called Strand & Associates, Inc. / Margaret Guell, P.E., to see if the Dept. erred. Kastrovsky also said he researched a building (Neil Schultz's) on the site plan which has no permit and he hired a surveyor and verified measurement re the 500' limit. Schultz stated he does have a permit and it is "nailed on the building in question". Discussion followed on what buildings are on site, if they are permitted or not. A 'non-issued application/permit' was presented and questioned.

Compton stated he checked the minutes relating to the sanitary district and the minutes state it must comply with a 500' DNR setback and the County backed this up. He believes the DNR should be addressing this if it is in violation of their requirements. Kastrovsky said if we have issues with this tonight that cannot be resolved, he will visit the site with Neil, will see the structure to see if it is a commercial structure or for residential use, and when it was placed on site. He added it is a DNR requirement of 500' but there was an affidavit showing it was a condition of our permit and will be readdressed at the July meeting.

K. DISCUSSION AND POSSIBLE ACTION ON NR-115 RE-WRITE UPDATE:

Kastrovsky reported he attended one of the last sessions to be held and also plans to attend a meeting in Madison; meetings are scheduled around the State with a July meeting in Ashland which he encouraged the Committee to attend if possible. He also reported he is recommending / drafting a County Board resolution due to some items which "will be devastating to us".

[Note: final Resolution #2005-032 is attached to these minutes.]

L. CITIZENS CONCERNS AND INPUT - None

M. Other ITEMS THAT MAY COME BEFORE THE COMMITTEE (Discussion Only):

- The Dept. is to be **audited by the State on NR-135** (non-metallic mining)
- **New AZA Travis Tulowitsky** was present at the meeting. The Committee was apprised of the area Travis will serve and Kastrovsky explained that approximately 300 permits have been issued in that area per year, with 400 in Mike's, and 500 in Doug's area. He said Travis needs to obtain his CST & POWTS certifications yet, therefore has a smaller area allowing him more time to prepare for certification, as well working in an area closer to the office in

case he needs assistance. It was reported that Mike and Doug will continue serving in their outlying offices as usual.

- **Staffing:** Karl reported that Travis started [this] Monday as did Karyl Clark (secretarial support).
- **Land Use Plans:** Kastrosky attended a Town of Lincoln meeting "last week". In reviewing their plan, they often used words such as 'prohibit', therefore he wrote to them suggesting they use words such as "encourage", or "discourage" instead of "prohibit". He added that the County does have authority to reject, and/or not agree with land use plans and prefers going on record in such cases, expressing our opinion.
- Karl reported working on the **Mission Statement / Strategic Plan** per County request.
- **RE Changing Meeting Time:** Jardine reported the Dept. surveyed the 11 counties in the NW District regarding meeting times. Bayfield County is the only county with an evening meeting, except for Iron County which meets during the evening for part of the year and daytime for part. Jardine expressed favor of daytime meetings. Rondeau is in favor of 1:00 PM but would have a difficult time with morning. After discussion, Kastrosky stated Maki is not in favor of changing to daytime, however, he is out for seven weeks, and suggested they try a daytime meeting in July. Rondeau suggested a July and August trial at 1:00 PM. Compton suggested another option of a 4:00 PM meeting having Staff start at 11:00 AM that day. Jardine then proposed a 1:00 PM meeting for two months. It was decided there needs to be Web site notification and Doug Casina said the Dept. will have to also notify the plumbers that he and Mike would not be available for inspections during meeting times.
- **Court Case Reports:** Karl said there have been two cases recently-- (**Steve Hanes** – has been in contempt for years; if he doesn't comply [by July date], he will go to jail. He has orders to clean up yet has accumulated more.) **Ricky Meyers** - didn't comply, has daily fines; haven't heard from him.)
- Compton brought up enforcement issue of **Langhammer violation**. There was some discussion re letter received. Compton said it would behoove us to establish the date this business was established as he doesn't claim he is running a salvage yard, just an auto repair. Kastrosky said he would like to work collectively with the Town on this.

Agenda Review and Alteration

10. **MONTHLY REPORT:** Motion by Rondeau, second by Beeksma, to **approve**; carried.

11. **ADJOURNMENT:** Motion by Rondeau, second by Beeksma to adjourn (8:05 PM); carried.

**Karl L. Kastrosky, Zoning Administrator
Bayfield County Zoning Dept.**

Prepared by MJJ on 7/14/05
Approved by KLK 7/21/2005

cc: Administrator; Clerk; Corp.Counsel; DNR; Committee; Supervisors

K/ZC/Minutes/2005/June