

**MINUTES**  
**Bayfield County Planning / Zoning Committee Public Hearing / Meeting**  
**December 21, 2006**  
**Board Room, County Courthouse, Washburn, WI 54891**

1. **CALL TO ORDER OF PUBLIC HEARING:** *By Chairman Beeksma at 1:00 PM.*

2. **ROLL CALL:** *Beeksma, Jardine, Miller, Rondeau, present; Maki, absent.*

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

4. **REVIEW OF MEETING FORMAT:** *By Chairman Beeksma.*

**5. PUBLIC HEARING:**

**A. CAROL KANGAS, OWNER / RALPH FROSTMAN (SOUTH SHORE SAND & GRAVEL) AGENT PUBLIC HEARING REQUEST (to address Reclamation Plan)** on a 10–acre parcel (part of ID# 04-022-2-47-09-01-1-04-000-10000) described as part of the SE ¼ of the NE ¼, Section 1, Township 47 North, Range 9 West, Town of Hughes.

[Any conditions placed on the reclamation plan shall pertain to the reclamation plan only, and not to the conditional use application which was granted Oct. 19, 2006.]

*Director Kastroosky reviewed Item A: Conditional Use was approved last month; Reclamation Plan was not approved by Zoning Committee as separate item as is required, therefore on Agenda again.*

**B. JOSHUA & BRENDA ROWLEY CONDITIONAL USE REQUEST - Operate Sand & Gravel Pit** on 28.65–acre parcel (ID# 04-026-2-46-05-21-403-000-1000), described as part of the SW ¼ of the SE ¼, Section 21, Township 46 North, Range 5 West, Town of Kelly. Included in this request will be the requirement(s) of the reclamation plan, which will be addressed separately.

[Any conditions placed on the reclamation plan shall pertain to the reclamation plan only; any conditions placed on the non-metallic site shall pertain to the conditional use application.]

**\* Note: motions / changes in order of public hearing / meeting.**

- **After Item A., C., and D. were heard, motion by Rondeau, second by Jardine, to suspend the Public Hearing temporarily, reconvening for Item B. when the Reclamation Plan for that case arrived (Plan was in route from ABDI -Ashland); carried 4 yes / 0 no.**
- **1:20 PM Public Hearing was suspended and Business portion of meeting opened.**
- **1:57 PM Business portion closed. Motion by Rondeau, second by Jardine, to suspend the business portion and go back to public hearing; carried 4 yes / 0 no.**
- **1:57 PM Public Hearing reconvened**

**C. TODD VERNON REZONE REQUEST - from Forestry-1 (F-1) to Agricultural-1 (Ag-1)** on 40-acre parcel (ID# 002-1041-09), described as the SW¼ of the SE ¼, Section 31, Township 48 N, Range 5 W, Town of Barksdale.

*Dave Appelgren (T. Vernon representative) spoke: Desire is to rezone for farm use (pastureland, fencing, barn, cattle). Kastroosky said because of the 'larger scope' this request would be best served by rezoning rather than Special Use. L.U.S. Travis Tulowitzky stated applicant applied for a residence and barn permit last year and was then notified farming is not allowed in Forestry zone.*

**Support / Opposition:** *None*

*Kastroosky: no Town input received. Tulowitzky: rezone apparently was on Town agenda but not discussed; Zoning paperwork is stamped as sent; Town Clerk said she does not recall seeing it; Dept. will resend if Clerk doesn't find forms.*

**[Note: Discussion included Item D. as well / is adjoining D. parcel listed in.]**

**D. TODD VERNON REZONE REQUEST – from Forestry-1 (F-1) to Agricultural-1 (Ag-1)** on 40-acre parcel (ID# 002-1041-10), described as the SE ¼ of the SE ¼, Section 31, Township 48 N, Range 5 W, Town of Barksdale.

*[Note: Discussion included with Item C. / is adjoining parcel listed in C.]*

**6. ADJOURNMENT OF PUBLIC HEARING:**

**\* Note: motions / changes in order of public hearing / meeting.**

- **After Item A., C., and D. were heard, motion by Rondeau, second by Jardine, to suspend the Public Hearing temporarily, reconvening for Item B. when the Reclamation Plan for that case arrived (Plan was in route from ABDI -Ashland); carried 4 yes / 0 no.**
- **1:20 PM Public Hearing was suspended and Business portion of meeting opened.**
- **1:57 PM Business portion closed. Motion by Rondeau, second by Jardine, to suspend the business portion and go back to public hearing; carried 4 yes / 0 no.**
- **1:57 PM Public Hearing reconvened**
- **3:00 PM Motion by Jardine, second by Miller, to adjourn the Public Hearing for a break; carried 4 yes / 0 no.**
- **3:07 PM Motion by Rondeau, second by Jardine, to reopen the Public Hearing; carried 4 yes / 0 no.**

**7. CALL TO ORDER OF ZONING COMMITTEE MEETING:** *By Chairman Jardine (see above)*

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

**9. MINUTES OF PREVIOUS MEETING(S):** *Motion by Miller, second by Jardine to **approve Nov. 16, 2006** minutes as prepared; carried.*

**10. BUSINESS:**

**A. CAROL KANGAS, OWNER / RALPH FROSTMAN (SOUTH SHORE SAND & GRAVEL) AGENT PUBLIC HEARING REQUEST (to address Reclamation Plan)** on a 10–acre parcel (part of ID# 04-022-2-47-09-01-1-04-000-10000) described as part of the SE ¼ of the NE ¼, Section 1, Township 47 North, Range 9 West, Town of Hughes.

[Any conditions placed on the reclamation plan shall pertain to the reclamation plan only, and not to the conditional use application which was granted Oct. 19, 2006.]

*Director Kastrosky reported no ‘financial assurance’ was noted in the Rec. Plan and Committee may wish to make that a condition. Motion by Jardine, second by Rondeau to **approve Rec. Plan contingent upon receipt of financial assurance**; carried, 4 yes / 0 no.*

**B. JOSHUA & BRENDA ROWLEY CONDITIONAL USE REQUEST - Operate Sand & Gravel Pit** on 28.65–acre parcel (ID# 04-026-2-46-05-21-403-000-1000), described as part of the SW ¼ of the SE ¼, Section 21, Township 46 North, Range 5 West, Town of Kelly. Included in this request will be the requirement(s) of the reclamation plan, which will be addressed separately.

[Any conditions placed on the reclamation plan shall pertain to the reclamation plan only; any conditions placed on the non-metallic site shall pertain to the conditional use application.]

**1:57 PM – Motion by Rondeau, second by Jardine, to suspend the Business Meeting and go back to Public Hearing; carried 4 yes / 0 no. Public Hearing reconvened 1:57 PM.**

**Josh / Brenda Rowley:** *presented Reclamation Plan just obtained from ABDI; reported location change (will start approximately half way up the hill and go below existing grade thereby reducing view of operation from Maple Ridge and homes in vicinity); request was previously heard [by Zoning Committee] / sent back to Town of Kelly.*

Applicant read **THEIR proposed conditions** into the record, as follows:

- **Operating Hours:** *Monday – Friday 7:00 AM to 6:00 PM; Saturday 7:00 AM to 12:00 PM*
- **Road Damage:** *If road damage is proven to be a result of pit traffic, pit operator will be responsible for repairs.*
- **Pit will start approximately half way up the hill and go below existing grade. By starting there, the view of the**

operation will be reduced from Maple Ridge and the homes in the vicinity.

- Maximum of 5 open acres, but plan on 2-3 open at a time. Pit operator will reclaim acres as they go so no more than 5 acres are open or not reclaimed at one time.
- Town of Kelly can take sand at no cost for township owned and maintained projects up to 5,000 yards per year. For example: Town can get free sand for fill when building a new garage, ice control in the winter and similar town related items. Township will be responsible for their own loading and transportation of sand. They will be required to report annually by the December town meeting to inform pit owner how many yards were removed.

L.U.S. Tulowitzky: reviewed original / current request on overhead and map and identified proposed area to be mined / disturbed.

Kastrosky read Town of Kelly's disapproval: "Land Use Plan specifies development on the outer edges of the town and concerns about damage to roads due to extra traffic." Kastrosky compared the Town's reason for recent approval of Nels Ritola's non-metallic mining pit with their statement as follows: "Meet[s] our needs for the Town of Kelly. Conditions include attached proposal." Kastrosky asked if the Ritola pit is on the outer edge of the Town. Rowley answered, "no". Kastrosky reported Rowley is willing to maintain the road.

Tulowitzky reported he attended Town meetings (Sept., Nov., Dec. 2006); three supervisors signed Town input form in "disapproval" however actual vote cast was two 'deny' and one 'abstain'; abstaining supervisor then signed the form under 'disapproval'. Tulowitzky said one supervisor told him his vote for denial was the reason stated on the [Rowley] TBA form; he denied Ritola's request for the same reason; he did not want the responsibility for determining who damaged roads.

**Support:** None

**Opposition:**

- **Chris Duke, John Wheeler, Eileen McCutcheon** (Kelly) Concerns: number of trucks due to commercial pit vs. Ritola's smaller venture; children's road safety / traffic issues; run-off from septic spraying. (McCutcheon read e-mail from James P. Hansen, DNR.)
- **Bill Hess**, (Kelly) Concerns: manner in which Ritola and Rowley requests were handled at Town level; the 'unknowns' w/ commercial scope of pit.
- **Eliz. Seefeldt**, Kelly: Requested Committee honor the approx. 20 opposition letters and Town's denial. Concerns: projected size/scope; no tree buffer provision; potential for water contamination w/ dual use of property (sanitary spreading / sand pit).
- **Jeff McCutcheon** (Kelly) read / presented letter for file from Town of Kelly Chairman, Larry Fox, stating reasons for denial.

Director Kastrosky reminded the Committee it was their directive previously to refer Rowley's request back to the Town of Kelly for reconsideration as a scaled-down operation.

**Rebuttal:**

- Ms Rowley: clarified DNR regulations; spreading on sand; necessary treatment of septic waste; differences in materials in two pits (Rowley / Ritola).

**3:00 PM Chairman Beeksma called for a break. Motion by Jardine, second by Miller, to temporarily adjourn the Public Hearing; carried 4 yes / 0 no.**

**3:07 PM Motion by Rondeau, second by Jardine, to reopen the Public Hearing; carried 4 yes / 0 no.**

Supervisor Jardine said he usually 'goes along' with Town decisions but he doesn't see the difference between the two Kelly gravel pit requests [Rowley / Ritola].

- Motion by Jardine, second by Rondeau, to **approve the Rowley conditional use permit - gravel pit - with conditions as proposed:**  
**[Note final amended motion]**
  - Road Damage: If road damage is proven to be a result of pit traffic, pit operator will be responsible for repairs.
  - Pit will start approximately half way up the hill and go below existing grade. By starting there, the view of the operation will be reduced from Maple Ridge and the homes in the vicinity.
  - Maximum of 5 open acres, but plan on 2-3 open at a time. Pit operator will reclaim acres as they go so no

more than 5 acres are open or not reclaimed at one time.

- ~~Town of Kelly can take sand at no cost for township owned and maintained projects up to 5,000 yards per year. For example: Town can get free sand for fill when building a new garage, ice control in the winter and similar town related items. Township will be responsible for their own loading and transportation of sand. They will be required to report annually by the December town meeting to inform pit owner how many yards were removed.~~

**Discussion:** Kastrovsky reminded the Committee that the issues covered in the motion are to be for the gravel pit only, not to include the Rec. Plan. Kastrovsky was also concerned about the possible ramifications of the last condition re no cost to the Township for sand [paragraph highlighted above]. It was also noted that hours of operation were not included in Jardine's motion. Jardine stated he intended to include hours but neglected to read it from the proposed condition list.

#### **AMENDED MOTION:**

- **Jardine amended his motion, seconded by Rondeau, to include hours of operation as a condition, and to delete the Applicant's last proposed condition pertaining to free sand for the Town of Kelly; motion carried 4 yes / 0 no to approve with the following conditions:**
  1. Hours of operation of Monday – Friday 7:00 AM to 6:00 PM; Saturday 7:00 AM to 12:00 PM.
  2. If road damage is proven to be a result of pit traffic, pit operator will be responsible for repairs.
  3. Pit is to start approximately half way up the hill and go below existing grade in order to reduce the view from Maple Ridge and homes in vicinity.
  4. Maximum of five (5) open acres; pit operator will reclaim acres as they go so no more than five (5) acres are open or not reclaimed at one time.

#### **Reclamation Plan:**

Director Kastrovsky reviewed reason for the adjusted agenda (receipt of ABDI Land Conservation Rec Plan was delayed). He noted it is the Zoning Committee's duty to approve the Rec. Plan and it must be considered separately from the conditional use request. **Committee consensus:** they had 'no problem with the Rec. Plan as it is already approved by the experts. After a question from the audience, Kastrovsky reviewed the series of events addressed for rec. plan approvals.

- Motion by Rondeau, second by Miller, to **approve**. **Motion amended** by Rondeau, seconded by Miller, to **approve contingent on receipt of financial assurance**. Carried 4 yes / 0 no.

**C. TODD VERNON REZONE REQUEST - from Forestry-1 (F-1) to Agricultural-1 (Ag-1) on 40-acre parcel (ID# 002-1041-09), described as the SW¼ of the SE ¼, Section 31, Township 48 N, Range 5 W, Town of Barksdale.**

Motion by Miller, second by Rondeau, to **approve pending Town Board Approval**; carried 4 yes / 0 no.

**D. TODD VERNON REZONE REQUEST – from Forestry-1 (F-1) to Agricultural-1 (Ag-1) on 40-acre parcel (ID# 002-1041-10), described as the SE ¼ of the SE ¼, Section 31, Township 48 N, Range 5 W, Town of Barksdale.**

Motion by Rondeau, second by Jardine, to **approve pending Town Board Approval**; carried 4 yes / 0 no.

#### **Agenda Review and Alteration**

**E. BOB BREVAK (dba B & B Logging), OWNER, / JEANNETTE & MICHAEL LANG, AGENTS SPECIAL USE REQUEST – Hobby Farm (2-4 horses, 2-4 alpaca, some chickens, 6 sheep) [tabled 11/16/06] located on a 23-acre parcel (#022-1070-03) in Govt. Lot 4, Section 26, Township 47 N, Range 9 W, Town of Hughes.**

Kastrovsky reviewed Item E.: approved Nov. 2006 contingent upon Town Board approval; approval was for only two to four horses, no other animals. When placed on the Dec. agenda it was incorrectly listed with additional animals (per original request). Kastrovsky read the **Town conditions: limit of four horses, non-transferable, meet all stormwater runoff plans before horses, review every two years, proper fencing, and change driveway to meet Town's approval by Sept. 2007.**

Agent Michael Lang questioned the time table for review. Kastrosky stated the Town form asked for review every two years. Supervisor Rondeau suggested: review two years from the issuance date only, if no problems exist, no re-inspections are necessary.

Motion by Miller, second by Rondeau, to **approve the special use permit, with the following conditions:**

1. **One-time inspection is required in two years from issuance date**
2. **Limited to four horses**
3. **[permit] Is non-transferable**
4. **Must meet all stormwater runoff plans before horses**
5. **Requires proper fencing**
6. **Must change driveway to meet Town's approval by Sept. 2007**

Motion carried, 4 yes / 0 no.

#### **F. BAYFIELD COUNTY ECONOMIC DEVELOPMENT CORPORATION – RE Proposed Changes to Current Signage Ordinance:**

Representatives (John Hamilton and Marian Vaughn) from Bayfield County Economic Development Corp. spoke regarding needs (preserve scenic beauty / adequate signage for businesses). Discussion held on various proposals / changes. Kastrosky suggested: more refining before bringing back as public hearing petition to amend the ordinance; that Travis Tulowitzky assist BCEDC; will bring back Feb. 2007. It was noted this draft work will be paid for by BCEDC.

#### **G. CITIZEN CONCERNS / INPUT:**

- Eileen McCutcheon questioned appeal process; Kastrosky explained the process; McCutcheon asked about Rowley's bonding; Kastrosky explained no bond was required.
- Jon Wheeler: expressed opposition to Committee's approval of the Rowley conditional use.

#### **H. DISCUSSION / POSSIBLE ACTION NR115 RE-WRITE UPDATE:**

- Kastrosky reported this has been postponed until Feb. 2007.

#### **I. OTHER ITEMS THAT MAY COME BEFORE COMMITTEE (Discussion Only):**

- Update by Kastrosky: Neil Schultz and Wayne Nelson cases expected to be on Feb. 2007 agenda.
- Beeksma will be absent at Feb. meeting.
- Kastrosky plans to reassign some Dept. duties and will keep Committee informed.

**11. MONTHLY REPORT:** Motion by Jardine, second by Rondeau to approve; carried

**12. ADJOURNMENT:** Motion by Rondeau, second by Miller to adjourn at 3:40 PM; carried.

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

Prepared by MJJ on 01/07/07  
Approved by KLK 01/17/07  
cc: Administrator; Clerk; Corp.Counsel; DNR; Committee; Supervisors

K/ZC/Minutes/2006/Dec