

MINUTES
Bayfield County Planning / Zoning Committee Public Hearing / Meeting
May 17, 2007
Board Room, County Courthouse, Washburn, WI 54891

1. **CALL TO ORDER OF PUBLIC HEARING:** *By Chairman Beeksma at 3:00 PM.*

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

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

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

- *Director Kastroosky announced if anyone wished to speak re agenda item "F", it was withdrawn by the Town of Clover and would not be heard.*

5. **PUBLIC HEARING:**

A. PETITION BY KARL KASTROOSKY, BAYFIELD COUNTY PLANNING & ZONING ADMINISTRATOR, ON BEHALF OF THE BAYFIELD COUNTY PLANNING AND ZONING COMMITTEE, REQUESTING AMENDMENTS TO THE BAYFIELD COUNTY NON-METALLIC MINING ORDINANCE TO INCLUDE THE FOLLOWING:

Repealing the existing, and recreating Title 16-Environment, of the Bayfield County Planning and Zoning Ordinance pertaining to the nonmetallic mining reclamation ordinance for general requirements, standards, permitting, administration and enforcement.

Director Kastroosky and LUS Tulowitzky reviewed this item; the State requires this adoption by June 1, 2007. No one spoke in support or opposition.

B. NICHEVO FERRY LINES, INC. (WAYNE NELSON), AND RONALD LINE, AGENT CONDITIONAL USE REQUEST - Establish & implement an automobile/truck sale, repair, parts, supplies, storage; boat sales, repair & service; and mini-storage on a 5.15-acre parcel (ID# 006-1049-09) described as a parcel in part of the SE ¼ of the NE ¼, Section 22, Township 50 North, Range 4 West, Town of Bayfield.

No one was present to speak regarding this item. Kastroosky announced this was not heard yet at the Town level due to a date conflict and presented options available to the Committee. One person was in the audience to speak but requested it be tabled until next month. Committee consensus was not to hear the issue and reschedule for the June meeting, waiving additional fees.

C. PLUM CREEK LAND CO. REZONE REQUEST (Forestry-1 to Residential-3) on a 40-acre parcel (ID #04-012-2-43-07-17-3 02-000-10000) located in NW ¼ of the SW ¼, and a 30-acre parcel (ID# 04-012-2-43-07-17-3 03-000-10000) located in the SW ¼ of the SW ¼, less S ½ of the S ½, all in Section 17, Township 43 North, Range 7 West, Town of Cable.

Mike Lamb, Tomahawk, WI, (Realtor w/ Plum Creek) said property has been in timber production for years, plans are now to develop it into residential parcels; they originally sought R-1 however the Town recommended R-3 with two-acre lots on these 70 acres. Supervisor Maki was concerned about the many wells and septic systems that would be involved on this development. Lamb noted: wetlands on property might be approximately 5%; Town of Cable approved this as it complies with their land use plan; Plum Creek will bring in soil testers to make sure lots will perk. Gene Uttech (Rhineland, WI) confirmed Mr. Lamb's comments and was available if the Committee had questions. Discussion then followed re sanitary district, septic systems and approximate costs.

Speaking in Support: None

Opposition:

- **Robyn Rosenfield**, (St. Paul, MN) adjacent land owner, was concerned about wetlands, overcrowding, noise, pollution, clear-cutting of timber, wildlife, infrastructure; believes EIA needs to be done; said she was told land surrounding her property would never be sold (was not certain who made that claim); requested this be tabled for more research.

To address concerns re lot sizes, Kastrovsky noted if there are 25 residences on 70 acres each would be approximately three acres and reminded the Committee this is a rezone, if passed, there will be future hearings on Town and County levels for preliminary / final plats.

Rebuttal:

- Mark Lamb stated they do not “cut down all the trees”; they work w/ neighbors; have covenants.

Kastrovsky noted an opposition file letter from adjacent land owners Kurt Engelmeier and Ann Lloyd of St. Paul.

D. GRACE BIBLE FELLOWSHIP (SHELDON LORENSEN, AGENT) CONDITIONAL USE REQUEST - Construct steeple on their existing structure (proposed steeple exceeds the 35’ height restriction by 6’ for a total of 41’) located on a 13.43-acre parcel (ID#002-1006-07) located in part of G.L. 2, Section 18, Township 48 N, Range 4 West, Town of Barksdale.

Emmer Shields, Church Board Member, reviewed the request noting a permit was obtained in 2003 permit for a steeple however volunteers did not get it installed and when reapplication was made it was discovered the shoreland height restriction of 35’ was a factor. He explained the pre-fab steeple design / size.

LUS Tulowitzky reported the church is about 650’ from the shoreline area. Kastrovsky noted the intent of height restrictions in shoreland areas includes visual impact however that doesn’t apply here. He said the original church drawings did not include a steeple.

Support / Opposition: None

E. FRANK & JOAN EINSMAN REZONE REQUEST (Agriculture-1 to Residential-1) on their 9.57-acre parcel consisting of 2 parcels (ID#’s 006-1026-01-990 and 006-1026-01-001) located in the NW ¼ of the SW ¼, Section 12, Township 50 N, Range 4 W, Town of Bayfield.

Kastrovsky noted this Item is as Item B. (the Town of Bayfield has not yet met, therefore this has been not heard at the Town level). One person in the audience came to speak to this issue however said it was satisfactory to table it. Jardine’s opinion was to table this for the June meeting and re-notice without additional cost to the applicant.

F. TOWN OF CLOVER CONDITIONAL USE REQUEST - Relocate / operate a solid waste transfer station on a 4.5-acre parcel (ID# 014-1118-05) described as Lot 3 in the Robert Bartlett Jr. 2nd Addition to Orchard City, in Section 8, Township 50 N, Range 7 W, Town of Clover. **Waiver of EIA requested per Section 13-1-42(c)4.**

Fax was received 05/14/07 from Frank Koehn, Town of Clover Chair, requesting this request to relocate and operate a solid waste transfer station be withdrawn; Clover’s plans have changed.

G. ANDREW / JENNIFER SAUTER-SARGENT REZONE REQUEST (Residential-1 to Agricultural-1) on a 29.77-acre parcel (ID# 010-1007-07) located in the NW ¼ of the NW ¼ and a 40-acre parcel (ID# 010-1088-01) located in the SW ¼ of the NW ¼, Section 36, Township 51 N, Range 6 W, Town of Bell.

No one represented this case.

Director Kastrosky reviewed the file: land is used agriculturally and is adjacent to Ag land; Town Board recommended approval is on file; letters of support are on file from Michael & Ellen Ebert, and Constance Ebert stating they would only be opposed if it would become a large scale animal operation, especially a hog farm, and if operation would involve large Ag storage / processing buildings. Kastrosky also noted the parcel number listed was listed incorrectly on the public hearing notices (as above); accurate number is #010-1087-09.

6. **ADJOURNMENT OF PUBLIC HEARING:** Motion at 4:13 PM by Jardine, seconded by Miller, to adjourn the public hearing.

7. **CALL TO ORDER OF ZONING COMMITTEE MEETING:** By Chairman Beeksma at 4:13 PM.

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

9. **MINUTES OF PREVIOUS MEETING(S): (April 19)** Motion by Jardine, second by Miller to approve the April 19, 2007 minutes without additions or corrections; carried 5 yes / 0 no.

10. **BUSINESS:**

A. PETITION BY KARL KASTROSKY, BAYFIELD COUNTY PLANNING & ZONING ADMINISTRATOR, ON BEHALF OF THE BAYFIELD COUNTY PLANNING AND ZONING COMMITTEE, REQUESTING AMENDMENTS TO THE BAYFIELD COUNTY NON-METALLIC MINING ORDINANCE TO INCLUDE THE FOLLOWING:

Repealing the existing, and recreating Title 16-Environment, of the Bayfield County Planning and Zoning Ordinance pertaining to the nonmetallic mining reclamation ordinance for general requirements, standards, permitting, administration and enforcement.

Motion by Maki, second by Rondeau, to **approve** the amendments to the non-metallic mining ordinance, and send on to the Full Board; carried 5 yes / 0 no.

B. NICHEVO FERRY LINES, INC. (WAYNE NELSON), AND RONALD LINE, AGENT CONDITIONAL USE REQUEST - Establish & implement an automobile/truck sale, repair, parts, supplies, storage; boat sales, repair & service; and mini-storage on a 5.15-acre parcel (ID# 006-1049-09) described as a parcel in part of the SE ¼ of the NE ¼, Section 22, Township 50 North, Range 4 West, Town of Bayfield.

Motion by Jardine, second by Rondeau, to **re-notice this request to be heard at the June 21, 2007 public hearing / meeting with no additional cost to the applicant;** motion carried—5 yes / 0 no.

C. PLUM CREEK LAND CO. REZONE REQUEST (Forestry-1 to Residential-3) on a 40-acre parcel (ID #04-012-2-43-07-17-3 02-000-10000) located in NW ¼ of the SW ¼, and a 30-acre parcel (ID# 04-012-2-43-07-17-3 03-000-10000) located in the SW ¼ of the SW ¼, less S ½ of the S ½, all in Section 17, Township 43 North, Range 7 West, Town of Cable.

Motion by Jardine to **approve** this rezone; second by Rondeau; motion carried, 5 yes / 0 no.

D. GRACE BIBLE FELLOWSHIP (SHELDON LORENSEN, AGENT) CONDITIONAL USE REQUEST - to construct a steeple on their existing structure (proposed steeple exceeds the 35' height restriction by 6' for a total of 41') located on a 13.43-acre parcel (ID#002-1006-07) located in part of G.L. 2, Section 18, Township 48 N, Range 4 West, Town of Barksdale.

Motion to **approve** by Maki, seconded by Rondeau; carried 5 yes / 0 no.

E. FRANK & JOAN EINSMAN REZONE REQUEST (Agriculture-1 to Residential-1) on their 9.57-acre

parcel consisting of 2 parcels (ID#'s 006-1026-01-990 and 006-1026-01-001) located in the NW ¼ of the SW ¼, Section 12, Township 50 N, Range 4 W, Town of Bayfield.

*Motion by Maki, second by Miller to **re-notice this Item to be heard at the June 21, 2007 public hearing and meeting at no additional charge to the applicant**; carried 5 yes / 0 no.*

F. TOWN OF CLOVER CONDITIONAL USE REQUEST - Relocate / operate a solid waste transfer station on a 4.5-acre parcel (ID# 014-1118-05) described as Lot 3 in the Robert Bartlett Jr. 2nd Addition to Orchard City, in Section 8, Township 50 N, Range 7 W, Town of Clover. **Waiver of EIA requested per Section 13-1-42(c)4.**

*[This Item was **withdrawn** by the Town of Clover.]*

G. ANDREW / JENNIFER SAUTER-SARGENT REZONE REQUEST (Residential-1 to Agricultural-1) on a 29.77-acre parcel (ID# 010-1007-07) located in the NW ¼ of the NW ¼ and a 40-acre parcel (ID# 010-1088-01) located in the SW ¼ of the NW ¼, Section 36, Township 51 N, Range 6 W, Town of Bell

*Motion by Jardine, second by Rondeau, to **approve** this rezone; carried 5 yes / 0 no.*

Agenda Review and Alteration

H. ROD BLOHM SPECIAL USE REQUEST – Hobby Farm (four horses / mules) and Private Dog Kennel (19 dogs) located on a 20-acre parcel in the E ½ of the NE ¼ of the SW ¼, section 36, Township 45 N, Range 8 W, Town of Drummond.

Rod Blohm stated he currently has two horses, 18 dogs (which he doesn't plan to replace as he loses them). He said there was concern at the Town level re barking but he was able to clarify and satisfy that issue and the Town approved his request. He stated he has good track record from another location with no personal calls of complaint re barking or other issues and none made to local officials.

*Motion by Miller to **approve** this special use permit for **up to 19 dogs and up to four horses and/or mules** for this **current owner only**, permit will not transfer to future owners; second by Maki; carried 5 yes / 0 no.*

I. JOSHUA / BRENDA ROWLEY, OWNERS and TOWN OF KELLY, LAWRENCE FOX (AGENT) – SPECIAL USE REQUEST – Municipal Building (Town Garage) on a 3-acre parcel (part of #026-1044-01) in the SW ¼ of the SE ¼, Section 21, Township 46N, Range 5 W, Town of Kelly.

Neither Applicant nor Agent was present. LUS Travis Tulowitzky reviewed the request stating the Rowley's have property adjacent to the Town Hall / Garage; an offer to purchase three acres of Rowley's property is in progress; the Town wants to build a municipal garage. Kastrosky noted Town Board recommended approval is on file but no other input (support or opposition).

*Motion Maki, second by Rondeau, to **approve**; carried 5 yes / 0 no. TBA on file; nothing else in file; carried.*

J. MIKE KUBALA SPECIAL USE REQUEST – Home-Based Business (drywall / painting) located on a .46-acre parcel (#004-1320-07) in the SE ¼ of the SW ¼, Lot 29, Running Bear's addition to Potawatomi Estates, Section 8, Township 45 N, Range 9 W, Town of Barnes.

*Mike Kubala said he will have his office in his home. Kastrosky noted the Town approved this with a condition of no outside storage of material or equipment. Rondeau made a motion, seconded by Miller, to **approve with a condition there be no outside storage of materials or equipment**; carried—5 yes, 0 no.*

K. DISCUSSION / POSSIBLE ACTION – SOUTH SHORE SAND & GRAVEL (dba Venstone LLC) – Reclamation Plan Approval [80-acre parcel (ID# 2010001000) described as the E ½ of the NW, Section

15, Township 47, Range 8, Town of Iron River]

*Kastrosky explained that the minutes from February 2007 indicated that Ralph Frostman's conditional use request was approved but not the reclamation plan and it must be considered separately. Jardine stated he believed he made a motion to approve the rec. plan at that time. Motion by Jardine to **approve the Rec. Plan**, second by Rondeau; carried 5 yes / 0 no.*

L. CITIZENS' CONCERNS / INPUT:

- **Scott Coles** (w/ Milestone Materials) spoke re non-metallic mining permits. He said some came through w/ a 'definition problem' stating only 'gravel pit' and no crushing, washing, etc. allowed, yet those activities have been conducted there in past years. Kastrosky explained that the Committee recently changed non-metallic mining permits to include all the things associated with and expected in a gravel pit unless any or all are specifically eliminated by request. The Committee consensus was for the Planning & Zoning Dept. to handle this with Mr. Coles and review current permits and determine if any would be required to come back before the Committee.
- **Harold Maki** asked about special event tents and if permits are required. Kastrosky reported we do not issue permits for them.

M. DISCUSSION / POSSIBLE ACTION – NR115 RE-WRITE UPDATE:

Karl reported this may go to public hearing this summer.

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

- **Comprehensive Land Use Steering Committee:** *Karl noted he wants to establish an oversight committee; to assist in grant application; Dave Good, Jim Beeksma, and Shawn Miller, as well as a few others possibly will serve on this Committee. Karl noted he will place this item on the June agenda.*
- **Meeting Time June 21, 2007 Planning / Zoning Meeting: 4:00 PM**

11. MONTHLY REPORT: *Motion by Jardine, second by Rondeau to **approve** (April 2007); carried 5 yes / 0 no.*

12. ADJOURNMENT: *Motion by Rondeau, second by Jardine to adjourn at 4:53 PM. Carried.*

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

Prepared by MJJ on 05/18/07
Approved by KLK on 5/21/07

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

K/ZC/Minutes/2007/#5May