

MINUTES
Bayfield County Planning / Zoning Committee Public Hearing / Meeting
March 20, 2008
Board Room, County Courthouse, Washburn, WI 54891

1. **CALL TO ORDER OF PUBLIC HEARING:** *By Chairman Beeksma at 1:06 PM.*

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

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

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

5. **PUBLIC HEARING:**

A. BRUCE & KATHY GOFF REZONE REQUEST – Residential-2 to Residential-1 on their 1.0-acre parcel (ID #012-1106-01-000) located in NW ¼ of the SW ¼, Section 13, Township 43 North, Range 8 West, Town of Cable.

Bob Lang from Cable Township said the Town gave him authority to address this issue – they want to come up with a solution. Lang presented an area map and noted this [rezone] would put a “red dot in the middle of 33 acres of five acre lots” and is completely against the land use plan. He said these lots existed prior to zoning, and were evidently missed in original process; the Town is against this rezone but they do not want to penalize people who have lots which were created over 25 yrs ago.

Director Kastrovsky said he is not sure how we should proceed but a blanket variance might not be the way, however, if the Town presents a memo for a ‘blanket special exception’ and all owners agree, it could be possible. The Town said they feel strong enough about this, they would pay for it. Jardine commended the Town for seeking to correct something they had no part in. Kastrovsky added that this is a process for relief and it is not just shutting down the request but is a way to manage the land use plan. He said he would work w/ the Town and Lang agreed to identify/research each parcel and obtain a letter from each land owner.

Support / Opposition: *None*

B. BAYFIELD ELECTRIC / USDA FOREST SERVICE – EIA WAIVER: (Cable) (Lincoln) (Barksdale) – **correction of motion from 02/21/2008.**

Director Kastrovsky stated they neglected [last month] to waive this in conjunction with the conditional use permit as is required by new ordinance language. This waiver must be addressed again in order to comply with the ordinance and as proper procedure. Travis noted this ‘readdressing’ was not published in the public hearing; Kastrovsky said it may not have been and Beeksma said it will be heard again today. Kastrovsky noted he wished he would have been told prior to today that this item was not published.

John Wickland and Kurt Baumgarten (from Dairyland) was available to address the committee. There was discussion of height restrictions in shoreland zones. Mr. Baumgarten said no more of these poles are planned, unless a new substation is built. He added height restrictions will not be exceeded and that they have FFA approval at the Cable airport location.

Support / Opposition: *None*

C. BAYFIELD ELECTRIC COOPERATIVE / USDA FOREST SERVICE, OWNERS, WITH DAIRYLAND POWER COOPERATIVE, AGENT – Request to expand the following sites by the addition of (1) 79’ pole each at: the **Cable Station** 1.54-acre parcel (ID#012-1056-02) located in the NW ¼ of the NE ¼, Section 20, Township 43 N, Range 7 W, Town of Cable; **Cable Substation** parcel (ID# 012-1014-08) located in the SE ¼ of the NE ¼, Section 6, Township 43 N, Range 7 W, Town of Cable. **Lincoln Substation** 0.22-acre parcel (ID# 030-1011-01) located in the NE ¼ of the NE ¼, Section 6, Township 45 N, Range 5, W, Town of Lincoln. **Barksdale Substation** parcel (ID# 002-1052-09) a 1.0 acre parcel located in the SE ¼ of the NW ¼, Section 35, Township 48 N, Range 5 W, Town of Barksdale and F.S. owned **Barksdale Substation** (Pin# 002-1067-09) a .58 acre parcel located in the NW ¼ of the SE ¼, Section 29, Township 48 N, Range 7 W, Town of Barksdale.

Kastrosky reported nothing has changed since discussion last month.

Support / Opposition: None

D. JAMES PETERSON SONS, INC., RALPH FROSTMAN, AGENT CONDITIONAL USE REQUEST - Non-metallic Mining (clay borrow pit) which was heard at the February 21st meeting. (Town board approval was not available and this item was approved without conditions.) The town has requested conditions and they will be discussed and could modify the previous approval. In addition the reclamation plan was not available for review therefore; the requirements will be addressed separately. Property is described as a 40-acre parcel (legacy ID# 048-1042-08-000) located in the NW ¼ of the SW ¼, Section 30, Township 30 N, Range 8 W, Town of Tripp.

Director Kastrosky reported that the Committee approved the conditional use permit last month but had to withhold it until the reclamation plan was available and noted that the Town had placed a condition that was also not available during the last meeting. (Town of Tripp condition is, "The Town approves with the stipulation that the mine pit is a reasonable and safe distance from the Town of Tripp right-of-way.") Discussion followed noting confusion of said condition.

L.U.S. Travis Tulowitzky said there isn't a setback to right-of-way property lines or roads and Beeksma said that might be something to consider placing in the ordinance. Kastrosky stated that if the Committee acknowledges the condition in their motion, it will show consideration of the Town's request. Mike Furtak said they may want be more specific in the motion rather than leave it as stated by the Town, and to add something regarding the 'three-to-one slope' per the non-metallic mining ordinance. Kastrosky noted this has not been a problem but they can add a condition. Supervisor Rondeau said this should possibly be addressed in the ordinance.

Support / Opposition: None

6. ADJOURNMENT OF PUBLIC HEARING: Motion by Jardine at 1:37 PM, seconded by Rondeau to adjourn; carried 3 yes / 0 no.

7. CALL TO ORDER OF ZONING COMMITTEE MEETING: By Chairman Beeksma at 1:37 PM.

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

9. MINUTES OF PREVIOUS MEETING(S): Motion by Rondeau, seconded by Jardine, to **approve** the Feb. 21, 2008 minutes as prepared; carried 3 yes / 0 no.

10. BUSINESS:

A. BRUCE & KATHY GOFF REZONE REQUEST – Residential-2 to Residential-1 on their 1.0-acre parcel (ID #012-1106-01-000) located in NW ¼ of the SW ¼, Section 13, Township 43 North, Range 8 West, Town of Cable.

*Rondeau stated he looked at the property; described run-down buildings there but unable to do anything about it due to closeness to lot lines. Rondeau said he believes it's a good plan and made a motion to **deny** the request allowing them to move forward w/ an application to the Board of Adjustment for a 'special exception', per the Zoning Dept. recommendation, with the Town paying the application fees. Motion carried 3 yes / 0 no.*

B. BAYFIELD ELECTRIC / USDA FOREST SERVICE – EIA WAIVER: (Cable) (Lincoln) (Barksdale) – **correction of motion from 02/21/2008.**

*Motion by Jardine, second by Rondeau to **approve waiver of the EIAs** in Cable, Lincoln & Barksdale as these are existing facilities with little or no impact. Carried 3 yes 0 no.*

C. BAYFIELD ELECTRIC COOPERATIVE / USDA FOREST SERVICE, OWNERS, WITH DAIRYLAND POWER COOPERATIVE, AGENT – Request to expand the following sites by the addition of (1) 79' pole each at: the Cable Station 1.54-acre parcel (ID#012-1056-02) located in the NW ¼ of the NE ¼, Section 20, Township 43 N, Range 7 W, Town of Cable; Cable Substation parcel (ID# 012-1014-08) located in the SE ¼ of the NE ¼, Section 6, Township 43 N, Range 7 W, Town of Cable. Lincoln Substation 0.22-acre parcel (ID# 030-1011-01) located in the NE ¼ of the NE ¼, Section 6, Township 45 N, Range 5, W, Town of Lincoln. Barksdale Substation parcel (ID# 002-

1052-09) a 1.0 acre parcel located in the SE ¼ of the NW ¼, Section 35, Township 48 N, Range 5 W, Town of Barksdale and F.S. owned **Barksdale Substation** (Pin# 002-1067-09) a .58 acre parcel located in the NW ¼ of the SE ¼, Section 29, Township 48 N, Range 7 W, Town of Barksdale.

Jardine made a motion, seconded by Rondeau, to **approve**; expansion at the following sites with the additions of five (5) poles. Following discussion / questions, Mr. Wickland reported approval was received from the Forest Service for a pole in the Town of Pilsen and that contact was made with an official from St Croix Falls, providing appropriate copies, etc., however had not heard back since then (which was shortly after the Feb. Z.C. meeting) but had several phone conversations. Wickland also noted he worked w/ GIS in the Rice Lake area RE the possibility of a signal frequency conflict noting they work w/ this type of thing all the time and also spoke w/ John Spangberg (DNR).

Motion was restated by Jardine to **approve** the requests **with a height restriction of 35' in shoreland zone(s)**; second by Rondeau; carried 3 yes / 0 no. Beeksma then remarked that an ordinance correction needs to be made where 'poles' are no longer called 'structures'. Kastrosky said they will try to correct the telecommunications verbiage.

D. JAMES PETERSON SONS, INC., RALPH FROSTMAN, AGENT CONDITIONAL USE REQUEST - Non-metallic Mining (clay borrow pit) which was heard at the February 21st meeting. (Town board approval was not available and this item was approved without conditions.) The Town has requested conditions and they will be discussed and could modify the previous approval. In addition the reclamation plan was not available for review therefore; the requirements will be addressed separately. Property is described as a 40-acre parcel (legacy ID# 048-1042-08-000) located in the NW ¼ of the SW ¼, Section 30, Township 30 N, Range 8 W, Town of Tripp.

It was noted that the Rec Plan was approved by Land Conservation. Motion by Rondeau, seconded by Jardine to **approve the Reclamation Plan**; carried - 3 yes / 0 no.

Motion by Jardine, second by Rondeau, to **approve the conditional use permit with the condition the borrow pit is not to be beyond the 33 foot right-of-way**. Motion carried - 3 yes / 0 no.

Agenda Review and Alteration

E. DISCUSSION / POSSIBLE ACTION: Comprehensive Planning Process / Future Decision-Making (to implement planning as required under WI comprehensive stat. Sec 66.1001)

Due to the absence of two Committee members, Director Kastrosky asked that this Item be addressed when the entire Zoning Committee is present. He noted it was placed on this agenda, instead of holding a special meeting, because of the light agenda. Kastrosky reported he should hear shortly whether a grant has been received; he will revise the Comprehensive Planning Committee.

Motion by Rondeau, second by Jardine to **postpone this discussion**, leaving the decision to the Dept. to either hold a special meeting, or place the discussion on a future Z.C. agenda.

F. DISCUSSION / POSSIBLE ACTION: Re Air Quality in Office

- Mike Furtak reported regarding an ongoing issue the past several years with allergic-type reactions in the office (burning eyes / skin, sneezing, etc.) primarily w/ those in the office most of the day. He said it was first addressed as a cleaning issue; there has been somewhat more of a thorough job of cleaning as they were not on a consistent schedule before; there is no record of the duct work ever having been cleaned. Mike said the Administrator is willing to have it cleaned after courthouse construction is done. Some type of air test done in the past might not have been monitored correctly and when done in the summer months the air quality is not the same and sampling needs to be done during the winter months. Mike also reported a State of WI person might come in to monitor the air quality, or it would be done by union people, or Health Dept. personnel and there is some effort to "narrow down the problem and find a solution". Karl noted there has been custodial staff 'disrespect' and that he feels Mark has 'put it off'. Mike noted there have also been some issues in the Human Services Dept. and Chairman Beeksma said he would talk with Mark to see that the process continues.

G. CITIZENS' CONCERNS / INPUT: None

H. DISCUSSION / POSSIBLE ACTION – NR115 RE-WRITE UPDATE: Karl: 'Nothing new to report.'

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

- **Carmody (Sanitary) Status Report** (attached to these minutes). Kastroosky noted the program is working well (3 postcard-notices for pumping are sent; the 4th notice is a registered letter from Corp Counsel Bussey).
- Jardine discussed **abandoned wells** noting there is a program available to abandon wells & cover the cost.
- Kastroosky reported a great working relationship w/ **Land Conservation** now.
- **Monthly Reports:** Kastroosky noted a tremendous amount of staff time is put into the monthly reports, he wants to balance the workload in the office, and asked the Committee what they wanted to do about the these reports. Jardine and Rondeau said they don't look at them and Rondeau stated it is probably more useful to the Dept. than it is to them (Committee). Beeksma said he just looks at the dollars and number of permits. Committee consensus was they could go to the Dept. if they have questions; the Dept. could just give them the 'basics and monthly tabulation' adding that Karl could 'go ahead and do what is best'.
- Mike Furtak reported that he, Travis, and Karl attended a DNR meeting last week noting that Washburn County had gone to a '**permit funded program**' and have only issued twelve (12) permits thus far in 2008. Our revenues have been higher than our levy.
- Kastroosky said he is contemplating changes in the future to not allow new houses in Ag & Forestry districts without a rezone, possibly changing to a new zone of '**rural lands**'.
- Kastroosky noted **upcoming elections** which can bring changes / challenges but hopes the Zoning Committee will stay 'pretty much intact'.
- Furtak noted the **plumbers' / pumpers' meeting** will be in April. He also commented need for **more education** as Town boards still don't understand the difference between special use, conditional use permits, rezones, etc.

11. **MONTHLY REPORT:** Motion by Jardine, seconded by Rondeau to approve the November 2007 monthly report; carried. Motion Rondeau, seconded by Jardine to approve the December 2007 report; carried. Motion by Beeksma, seconded by Jardine to approve the January 2008 monthly report; carried. Motion by Rondeau, seconded by Jardine to approve the February 2008 report. Carried. (All carried 3 yes / 0 no

12. **ADJOURNMENT:** Motion by Rondeau, seconded by Jardine to adjourn at 2:36 PM. Carried.

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

cc: Administrator; Clerk; Corp.Counsel; DNR; Committee; Supervisors
Attachment: Carmody Report

Prepared by MJJ on 04/07/08
Approved by KLK on 04/10/08
K/ZC/Minutes2008/March