

MINUTES
Bayfield County Planning / Zoning Committee Public Hearing / Meeting
May 15, 2008
Board Room, County Courthouse, Washburn, WI 54891

1. **CALL TO ORDER OF PUBLIC HEARING:** *By Chairman Jim Beeksma at 4 PM.*

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

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

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

5. **PUBLIC HEARING:**

A. WAYNE NELSON RECLAMATION PLAN: on a 20-acre parcel (ID# 04-046-2-51-04-22-1-04-000-20000) located in the SE ¼ of the NE ¼, Section 22, Township 51 North, Range 4 West, Town of Russell. This request is for the requirement(s) of the reclamation plan for the Non-Metallic Mine (Item B).

Note: discussion of Item A, and Item B is combined under Item B below.

B. WAYNE NELSON CONDITIONAL USE REQUEST: Non-metallic Mine (gravel pit, including crushing & washing operations) on a 20-acre parcel (ID# 04-046-2-51-04-22-1-04-000-20000) located in the SE ¼ of the NE ¼, Section 22, Township 51 North, Range 4 West, Town of Russell.

Wayne Nelson was present. It was reported that the Town Board recommended approval with the following conditions:

- Site will be a maximum of 20 acres.
- Stock piled materials limited to 5-acre area and shall not exceed 15 feet in height.
- Excavation depths will not exceed 5 ft. below grade.
- Storage of materials will not exceed 5 years from date permit issued.
- Stock piling and/or mining of pit run materials shall only be between 7 a.m. to 5:30 p.m. daily. No work allowed on Sundays or Federal Holidays.
- Prior to crushing stock piled materials (minimum of 10 calendar days), owner will notify adjacent property owners, contact the Town of Russell to schedule a public meeting with the Town Board, owner and crushing contractor to discuss volume of materials to be crushed, times for crushing and other matters pertinent to the crushing activity. Crushing will be limited to 6 a.m. to 6 p.m. daily and will not be allowed on Sundays or Federal Holidays.
- Owner agrees to provide the Town of Russell in-kind with 500 yards of crushed gravel to be applied to Peterson Hill Road from the owner's property access road south to state Highway 13. (Town will load, haul, and place gravel).

RE RECLAMATION PLAN: *Director Kastroosky noted the plan was reviewed and approved by the Land Conservation Dept. and reminded the Committee the rec plan must be considered and approved as a separate motion.*

SUPPORT: *No one spoke in support*

OPPOSITION:

TESSA LEVENS, (34240 Tulip Lane, Bayfield, approx. 1/8-1/4 mi. from site) expressed concerns regarding time-frame for completion. She said a gravel pit is a threat to their rural neighborhood, families, children, and way of life and believes this would create a risk on the roads within their "active community" in that area. Ms. Levens said she was also concerned because Mr. Nelson's previous projects were not completed in a proper manner, were not left in a neat condition and that he is often in violation of requirements. She requested he not be allowed the opportunity to create another project which may require enforcement for violations.

Kastroosky said a date would be set for project completion (Rec. Plan); he explained that the fees increase if

the pit is open beyond deadlines.

No other questions were raised regarding the Rec. Plan.

TESSA LEVENS asked no hauling on Saturdays as well if this is approved (the Town conditions allowed Saturdays).

SAM ATKINS, (neighbor) agreed to what was expressed by Ms. Levens; said the plot plan leaves much to be desired; requested this be limited to five acres for a shorter period of time; said the property is better left in Forestry.

RE NON-METALLIC MINE: Supervisor Jardine asked Wayne Nelson if he is in agreement with the conditions set by the Town. Nelson said he is. There was discussion regarding the last condition: "Owner agrees to provide the Town of Russell in-kind with 500 yards of crushed gravel to be applied to Peterson Hill Road from the owner's property access road south to state Highway 13. Town will load, haul, and place gravel." The Committee felt this point addresses property owners' fears of road problems.

FILE REPORT: Kastroosky read the Town's conditions; he said the request is for mining 20 acres, reclamation of 20, possibly segmenting five acres at a time. Any conditions placed by the Committee must be followed or the conditional use permit can be rescinded and/or other enforcement action taken.

WAYNE NELSON stated he hopes to have crushing done in three years but five is the condition of the Town. It was clarified that crushing is a short period of time and then material is stockpiled and a concentrated area will be used for the crusher with stockpiling close to the crusher; it will be reseeded to open pasture land.

C. BAXTER EQUITY, LLC. (Barb Best, Agent) CONDITIONAL USE REQUEST: short-term rental accommodation (two (2) units—specifically, "Cozy Cottage" and "Lake Breeze") on a 0.70-acre parcel (ID# 04-034-2-43-06-13-2-00-291-50000), described as Lot 2 of CSM 351, located in the NW ¼, Section 13, Township 43 North, Range 6 West, Town of Namakagon.

Kastroosky reported on the issues / history of short-term rentals in the County with the need to control this situation to some extent. He noted this request is the first one presented as a conditional use; there are hundreds of these types of rentals in Bayfield County and most can be approved within the Dept. as Special Class A permits. There is a need to control noise, traffic, sanitation, erosion, etc. with these rentals.

SUPPORT:

BARB BEST, Agent (of Recreational Rental Properties) read a letter from Brian Baxter, dated May 12, 2008, outlining responses to Duck Point property owners' concerns, plus agreement to resolve issues/concerns. She also read approval correspondence from Robert Rasmussen [written as an individual citizen, not as a Town official]. Ms. Best read a 'Welcome Letter' which would be presented to guests of Lake Breeze and Cozy Cottage informing them of applicable rules and regulations (i.e. parking, traffic, boat/trailer regulations etc.).

JEAN BAXTER (mother of applicant) stated Brian Baxter is agreeable to a one year trial and is seeking to address the concerns of neighbors.

MICHAEL BEST (employee, and soon to be owner of Rec. Rental Properties) spoke in favor; asked for the Town's input. **Kastroosky** noted the **Town denied** this request noting the 'majority of local landowners dislike additional traffic, parking problems, and trespassing'.

RICHARD KUCHLER (43545 Duck Pt. Rd.) Said he has some concerns about the driveway but would like to see a one-year trial period for approval.

AZA Mike Furtak stated, if problems arise the Sheriff's Dept. can be called; property owners/managers need to be informed; when permits are in place, the Zoning Dept. can be called, and permits can be rescinded or brought back to the Zoning Committee if out of compliance.

CLYDE WISHART (43570 Duck Pt. Rd.) wants to see conditions as expressed in Mr. Baxter's letter, a time trial, and phone numbers listed to call if there are problems or concerns.

OPPOSITION:

JIM ANDERSON (43565 Duck Point) expressed concern about the regulations. He said he would not be concerned if these were long-term rentals but with short-term one never knows the neighbors and they change constantly. He listed several past problems with guests including some on Berkibiener week end, with renters using snowmobilers, disrespectful guests, and not being able to reach the owner or manager.

After opposition was stated, **Jean Baxter**, and **Mr. & Mrs. Wishart** stated they were willing to support this with a trial period, however, Mrs. Wishart expressed concern for the number of people allowed on each property. **Jim Anderson** also stated he would support a trial period but for summer only.

FILE REPORT: Director Kastrosky said the Town disapproved w/ Jim Anderson abstaining.

D. JOHN KUKUSKA (Barb Best, Agent) CONDITIONAL USE REQUEST: Short-Term Rental of two (2) duplex units on an 8.9-acre parcel (ID# 04-021-2-44-06-35-4-05-003-20000) located in Govt. Lot 3, and described as Lot 1 of CSM 165, Section 35, Township 44 North, Range 6 West, Town of Grand View.

BARB BEST (Recreational Rental Properties) stated that this property has been rented for about 20 years, there are no close neighbors, there is a long driveway, there have been no complaints.

FILE REPORT: Kastrosky said the Town approved this request.

SUPPORT / OPPOSITION: None

6. ADJOURNMENT OF PUBLIC HEARING: Motion by Jardine, second by Miller – adjourned at 5:17 PM; motion carried.

7. CALL TO ORDER OF ZONING COMMITTEE MEETING: By Chairman Beeksma at 5:17 PM.

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

9. MINUTES OF PREVIOUS MEETING(S): Motion by Jardine, second by Rondeau to **approve the April 27th minutes as prepared**; carried.

10. BUSINESS:

A. WAYNE NELSON RECLAMATION PLAN: on a 20-acre parcel (ID# 04-046-2-51-04-22-1-04-000-20000) located in the SE ¼ of the NE ¼, Section 22, Township 51 North, Range 4 West, Town of Russell.

Motion by Jardine, seconded by Rondeau to **approve the Rec. Plan as presented**; carried 4 yes / 0 no.

B. WAYNE NELSON CONDITIONAL USE REQUEST: Non-metallic Mine (gravel pit, including crushing & washing operations) on a 20-acre parcel (ID# 04-046-2-51-04-22-1-04-000-20000) located in the SE ¼ of the NE ¼, Section 22, Township 51 North, Range 4 West, Town of Russell.

Motion by Jardine, seconded by Rondeau to **approve including the seven conditions placed by the Town [as follows]:**

- Site will be a maximum of 20 acres.
- Stock piled materials limited to 5-acre area and shall not exceed 15 feet in height.
- Excavation depths will not exceed 5 ft. below grade.
- Storage of materials will not exceed 5 years from date permit issued.
- Stock piling and/or mining of pit run materials shall only be between 7 a.m. to 5:30 p.m. daily. No work allowed on Sundays or Federal Holidays.
- Prior to crushing stock piled materials (minimum of 10 calendar days), owner will notify adjacent property owners, contact the Town of Russell to schedule a public meeting with the Town Board,

owner and crushing contractor to discuss volume of materials to be crushed, times for crushing and other matters pertinent to the crushing activity. Crushing will be limited to 6 a.m. to 6 p.m. daily and will not be allowed on Sundays or Federal Holidays.

- Owner agrees to provide the Town of Russell in-kind with 500 yards of crushed gravel to be applied to Peterson Hill Road from the owner's property access road south to state Highway 13. (Town will load, haul, and place gravel).

DISCUSSION: *Tessa Levens* requested limiting Saturday work also and stated *Mike Eldred* wrote a letter in opposition which was not mentioned [in the file report]. *Kastrosky* then noted the letter was received on May 5, 2008 from **Mike and Kate Eldred** of Bayfield and Corvallis, OR and was part of the record and copied for the Committee.

Motion then carried, 4 yes / 0 no.

C. BAXTER EQUITY, LLC. (Barb Best, Agent) CONDITIONAL USE REQUEST: short-term rental accommodation (two (2) units—specifically, “Cozy Cottage” and “Lake Breeze”) on a 0.70-acre parcel (ID# 04-034-2-43-06-13-2-00-291-50000), described as Lot 2 of CSM 351, located in the NW ¼, Section 13, Township 43 North, Range 6 West, Town of Namakagon.

Motion by *Rondeau*, seconded by *Jardine*, to **approve the conditional use permit for one year, with review at the end of one year, bringing it before the Committee at that time, or sooner if necessary.** Motion carried 3 yes / 1 no (*Miller*).

D. JOHN KUKUSKA (Barb Best, Agent) CONDITIONAL USE REQUEST: Short-Term Rental of two (2) duplex units on an 8.9-acre parcel (ID# 04-021-2-44-06-35-4-05-003-20000) located in Govt. Lot 3, and described as Lot 1 of CSM 165, Section 35, Township 44 North, Range 6 West, Town of Grand View.

Motion by *Jardine*, seconded by *Rondeau*, to **approve.**

DISCUSSION: *Barb Best* asked if this permit would convey to future owners; *Kastrosky* answered ‘yes, unless the Committee placed a condition otherwise. The **Committee** did not wish to place any conditions on this permit. Motion then carried 4 yes / 0 no.

E. VALHALLA D.P. LLC PRELIMINARY PLAT (14 Lots) located in the NE ¼ of the SW ¼, Section 17, Township 49 N, Range 5 W, Town of Bayview.

TIM OKSIUTA presented the map and reviewed the plans noting there are four CSMs not included in the

subdivision as they were previously created and have houses on them already; there is one private owner not in the subdivision. *Oksiuta* stated the lots will be one acre or more and some approximately three acres.

Kastrosky said the final will hopefully be ready next month; it was noted the road is not where platted and the Owner is willing to make changes, taking steps to exchange deeds / easements.

Motion by *Miller*, second by *Rondeau*, to **approve the preliminary plat.**

DISCUSSION / FILE REPORT: *Kastrosky* stated the Town approved this, however with the following concerns/conditions:

- “Density: the Board feels there are too many homes planned.
- The Town Board would like to see the standards of rural residential as listed in the Town’s Land Use Plan.
- Driveway Road Easements: There have been problems with the homes that are already there and the current driveway. This will add a lot more traffic on the private drive.
- Mr. Chopp is currently delinquent on room tax owed to the town. Room tax payments that have been made by Mr. Chopp have been very late in being paid. He is possibly still delinquent on property tax.”

They also added this statement: "This was approved because the current zoning allows this type of subdivision. The Town Board hopes the County will consider the Board's concerns."

Motion carried as presented; 4 yes / 0 no.

F. CITIZENS' CONCERNS / INPUT: *None*

G. DISCUSSION / POSSIBLE ACTION REGARDING RECOMMENDATIONS FOR COMPREHENSIVE PLANNING / STEERING COMMITTEE MEMBERS:

The following members were presented to the Board: Jim Beeksma; Shawn Miller; Scott McKinney; Dalton Collins; Bill Sloan; Jane Bucy. The consensus was 'no opposition'; send to the County Board for approval.

H. DISCUSSION / POSSIBLE ACTION: APPROVE COMPREHENSIVE PLANNING RESOLUTION THAT WILL ACCEPT GRANT FUNDS, ESTABLISH 18 MONTH BUDGET, APPOINT FACILITATOR, ETC.

No resolution at this time. Motion by Jardine, seconded by Miller, to accept the 'planning grant monies' and Lisa David as facilitator. Motion carried, 4 yes / 0 no.

I. REPORT ON SINGLE ISSUE RAISED IN PREVIOUS MEETING (Town of Bayfield):

*This item was **tabled** with a motion by Jardine, second by Rondeau; motion carried 4 yes / 0 no.*

J. DISCUSSION / POSSIBLE ACTION RE-CLASS FOR ZONING ASSISTANT:

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

K. DISCUSSION / POSSIBLE ACTION NR115 REWRITE UPDATE: *N/A*

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

*Lake Superior shoreline recession and ordinance language **will be discussed at future meetings.***

11. MONTHLY REPORT: *N/A*

12. ADJOURNMENT: *Motion by Jardine, seconded by Rondeau to adjourn; carried; adjourned at 6:00 PM.*

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

Prepared by MJJ on 5/30/08
Approved by KLK on 5/30/08

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

KZC/Minutes/2008/May