

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

1. **CALL TO ORDER OF PUBLIC HEARING:** *By Chairman Beeksma at 1:04 PM*

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

3. **AFFIDAVIT OF PUBLICATION:** *Read by AZA Doug Casina*

4. **REVIEW OF MEETING FORMAT:** *Beeksma stated there will be no testimony on A & B because applicant asked to table these items until October's meeting. Item C has been withdrawn from the public hearing agenda. Question was asked at that time by Ilene McCutcheon to accept what the Town spent many hours discussing. L.U.S. Tulowitzky reported a letter was received from the applicant requesting this be tabled and it was up to the Board if they would hear testimony. Chairman Beeksma stated they could not take testimony because it should all be done in the public hearing the next time it is on the agenda. Jardine stated also that no testimony could be taken when something is tabled. To answer an audience concern, Rondeau said applicants have the right to request tabling.*

**5. PUBLIC HEARING:**

**A. JOSHUA & BRENDA ROWLEY CONDITIONAL USE REQUEST: for 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; conditions placed on the non-metallic site shall pertain to the conditional use application.

*Applicant requested this be tabled until October, 2006.*

**B. JOSHUA / BRENDA ROWLEY CONDITIONAL USE REQUEST: Sand & Gravel pit** on 74.91-acre parcel (ID# 04-026-2-46-05-28-1-01-000-1000 & 04-026-2-46-05-28-1-02-000-1000) described as part of the NE ¼ of the NE ¼ and the NW ¼ of the NE ¼, all in Section 28, 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; conditions placed on the non-metallic site shall pertain to the conditional use application.

*Applicant request this be tabled until October, 2006.*

**C. DAVID ORESKOVICH, OWNER & NELS RITOLA, AGENT CONDITIONAL USE REQUEST: Sand & Gravel Pit (including screening) on 30-acre parcel (part of ID#'s 026-1046-02-990 and 026-1046-03)** described as the S ½ of the NW ¼ of the SW ¼, and the SW ¼ of the NE ¼ of the SW ¼, Section 22, 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.

*A question was taken from the audience regarding withdrawal of the request. L.U.S. Tulowitzky read from the Applicant's letter that request was to withdraw, not table this item.*

**D. JANICE A. OLSON REZONE REQUEST (Agricultural-1 to Residential-1):** on 2.49-acre sub-standard lot of record parcel (ID #010-1008-10-400), in the NE ¼ of the NE ¼, Section 4, Township 50 North, Range 6 West, Town of Bell.

*Ms. Olson explained her situation, noting that the parcel is a substandard lot, dimensions are restricting in Ag-1 setbacks and that in meeting onsite w/ AZA Casina, the recommendation was to go this route to allow more leeway and enabling her to put up a modular home instead of mobile home. Ms. Olson added that rezoning this parcel would allow flexibility in the placement of her home. It was also noted the property across the road is zoned R-1 but hers was separated from the main farm in the 1960s, since then other lots have been separated from that and they are zoned R-1. AZA Casina stated this parcel is on the perimeter of Cornucopia; it doesn't meet area requirements; and Town approval is on file.*

**Speaking in Support:** None  
**Opposition:** None

**E. DAVE & DEBBIE SCHEDLER REZONE REQUEST (Residential-1 to Forestry-1)** on 22.74-acre parcel (ID# 024-1079-05-000), in part of Gov't Lot 5, Section 28, Township 47 N, Range 8 West, Town of Iron River, WI.

*Mr. & Mrs. Schedler stated they would like their parcel rezoned to Forestry-1 so they can obtain a conditional use permit for a campground. AZA Casina reported the land is contiguous to Bayfield County forest land; R-1 would not allow a campground; they need the rezone and then would come back for a conditional use permit; Town approval is on file but no letters of support and one in disapproval from Joseph Till on behalf of Todd Johnson (property owner in the area) opposed to ATV activity in that area.*

*Mr. & Mrs. Schedler stated they will post the ATV Assoc. rules and would enforce them; would require ATV-ers to register their machines at the campground; if problems occur, they wouldn't be allowed on their site.*

**Speaking in Support:** None  
**Opposition:**

- *Atty. Ted Salzer, partner Joseph Till, representing Todd Johnson (of R.J.S.), who owns lakeshore property in the vicinity spoke. He said Mr. Johnson is a business man who is not against development, nor the condo ownership or their plans, but his fear is those using the property won't have the same respect for the area as he does or the other property owners in the area. Mr. Salzer added that Mr. Johnson's sand and gravel pit is already an attraction for four wheelers, however, not w/ his permission, and believes w/ the campground more would be attracted there.*

**6. ADJOURNMENT OF PUBLIC HEARING:** *Motion by Supervisor Jardine, second by Supervisor Rondeau to adjourn at 1:27 PM; carried 3 yes / 0 no.*

**7. CALL TO ORDER OF ZONING COMMITTEE MEETING:** *By Chairman Beeksma at 1:27 PM*

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

**9. MINUTES OF PREVIOUS MEETING(S):** *Motion by Jardine, second by Rondeau to approve the August 17<sup>th</sup> minutes as prepared; carried 3 yes / 0 no.*

**10. BUSINESS:**

**A. JOSHUA & BRENDA ROWLEY CONDITIONAL USE REQUEST: 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; conditions placed on the non-metallic site shall pertain to the conditional use application.

*Motion by Rondeau, second by Jardine, to **table this Item and republish for October's public hearing at no additional cost to the Applicant**; motion carried 3 / 0.*

**B. JOSHUA & BRENDA ROWLEY CONDITIONAL USE REQUEST: Sand & Gravel Pit** on 74.91-acre parcel (ID# 04-026-2-46-05-28-1-01-000-1000 & 04-026-2-46-05-28-1-02-000-1000) described as part of the NE ¼ of the NE ¼ and the NW ¼ of the NE ¼, all in Section 28, 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; conditions placed on the non-metallic site shall pertain to the conditional use application.

*Motion by Rondeau, second by Jardine, to **table this Item and republish for October's public hearing at no additional cost to the Applicant**; motion carried 3 / 0.*

**C. DAVID ORESKOVICH, OWNER AND NELS RITOLA, AGENT CONDITIONAL USE REQUEST: Sand & Gravel Pit (including screening)** on 30-acre parcel (part of ID#'s 026-1046-02-990 and 026-1046-03) described as the S ½ of the NW ¼ of the SW ¼, and the SW ¼ of the NE ¼ of the SW ¼, Section 22, 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.

**Withdrawn**

**D. JANICE A. OLSON REZONE REQUEST (Agricultural-1 to Residential-1):** on 2.49-acre sub-standard lot of record parcel (ID #010-1008-10-400), in the NE ¼ of the NE ¼, Section 4, Township 50 North, Range 6 West, Town of Bell.

*Casina noted there were no letters of opposition or support on file. Motion by Rondeau, second by Jardine to **approve** the rezone request as presented and send on to the Full County Board. Carried 3 / 0.*

**E. DAVE & DEBBIE SCHEDLER REZONE REQUEST (Residential-1 to Forestry-1)** on 22.74-acre parcel (ID# 024-1079-05-000), in part of Gov't Lot 5, Section 28, Township 47 N, Range 8 West, Town of Iron River, WI.

*Motion by Jardine, second by Rondeau to **approve** and send to Full Board; carried 3 yes / 0 no.*

**Agenda Review and Alteration**

**F. DONALD HAMIL REZONE REQUEST (Residential-3 to Residential-1):** on 9+-acre parcel (ID #004-1122-05), located in that part of Gov't Lot 3, Section 18, Township 44 North, Range 9 West, Town of Barnes. **(Tabled on 08/17/06)**

*AZA Furtak reported the Town still has not met; they are waiting for additional information which the Zoning Dept. has just received; an updated preliminary survey map has been introduced which is just under an acre of land. Furtak said the Applicant also presented a conceptual identification of plans showing four lots w/ access to the water which in theory would meet requirements of Zoning. He asked the Committee if they wanted to go forward or wait until the Town acts on it, and added that the Developer's survey was correct but the Courts or individuals involved will have to settle the issue of easement.*

*Jardine made a motion to **table** this rezone request, second by Rondeau. After discussion, Jardine **withdrew this motion**, Rondeau seconded the withdrawal.*

**Developer David Swan** stated this will be a four-lot CSM rezone, they are trying to clean things up, with Lot 4 having "bizarre" lot lines and pointed out the change in the lot proposal. Mr. Swan said it seems the Town is holding, waiting for Zoning Committee approval, the Committee is holding, waiting for Town approval. Jardine moved to **approve pending Town approval**, Rondeau seconded the motion.

**Diane Malmstrom**, adjoining property owner, said this is still in dispute, and "nothing is settled as far as the lot line" and this has been turned over to one of their title companies and they "have three title companies that agree".

*Jardine said this is still left up to the Town Board and Mike Furtak added the Town is working on their land use plan which is not yet finalized. Jardine asked further questions about the dispute being settled. As Furtak attempted to answer and as he questioned Ms. Malmstrom she was intensely opposed to answering any questions to Mr. Furtak and continued to argue that she would not answer his questions. Chairman Beeksma advised her if she wanted the Committee to decide this issue, she would have to cooperate so they could get the necessary information.*

*Malmstrom explained some of the differences and reason it is still in dispute. Furtak reported that Larry Nelson, (the surveyor hired by Malmstrom's) found errors in the original survey which was done by his late father, Tom Nelson (of Nelson Surveying) and that this was just relayed to the Zoning Dept..*

*Chairman Beeksma asked if this is still in dispute and being litigated. Malmstrom said it will be straightened out, and the title company is 'taking everyone to court'.*

**Motion to approve was then withdrawn** by Jardine, Rondeau withdrew his second.

*David Swan reported that Tom Nelson did the survey with chains in 1963. He added that Northern Environmental found location of the 'pipes' and discovered the error. Larry Nelson realized there was what is considered a 'bust' in the property. He said Malmstrom is disputing another 100 feet as hers, which the Surveyor found to be not true and what is requested for the rezone has no bearing.*

Jardine then made a motion to approve pending Town Board approval, Rondeau seconded that motion. Motion carried, 3 yes / 0 no.

**G. KUSKUS, LLC, BRUCE HOEKSTRA, OWNER AND WAYNE NELSON, AGENT CONDITIONAL USE REQUEST - Condo Plat (18 units w/storage bldg & EIA):** on 147-acre parcel (IDs 046-1029-09; 046-1030-02; 046-1030-04; & 046-1030-06), described as the NE ¼ of the SW ¼; the SE ¼ of the SW ¼, the SW ¼ of the SE ¼, and all that part of the NW ¼ of the SE ¼ lying South and West of State Hwy 13, all in Section 20, Township 51 N, Range 4 W, Town of Russell. (Tabled on 08/17/06)

Bruce Hoekstra presented an update, stating that valid points were raised by Atty. Carlson at last month's meeting. He said of the six issues raised they have satisfied five of them in 30 days: the Condo plat is now complete; the exact Raspberry Island Tributary is identified w/ GPS and there is no building site within 225' of that; they identified no wetlands; the stormwater plan has been submitted; building sites are + 63' from the centerline of the road. Mr. Hoekstra said the only thing not yet complete is the covenant (as he has been unable to meet w/ his Attorney). He also added that he is concerned about having a proper covenant because it is likely he will personally build on the property. Hoekstra advised the Committee that the covenant will be submitted to the County in 30 days, no lots will be sold until that is complete, and sanitary regulations will be followed prior to any building.

Hoekstra said he would like to do road work this fall and Jardine asked if it is possible for them to approve the road work only at this time. AZA Casina answered that they have a stormwater permit, and believes it is at their discretion to begin road work. AZA Furtak reminded them that if they grade 10,000 sq. ft. or more on the bank, then they need to have a stormwater permit in hand.

Motion by Jardine, second by Rondeau, to table until they come back with the Covenant. Motion carried, 3 yes / 0 no.

**H. JOSEPH AND KAREN CHAUDOIN REZONE REQUEST - from Ag-1 to R-1** on 40-acre parcel (ID #010-1059-01), located in the SE ¼ of the SW ¼, Section 26, Township 51 North, Range 6 West, Town of Bell. (Tabled on 08/17/06)

AZA Casina reminded the Committee that this property was Residential-1, then rezoned to Agriculture-1 when the Chaudoins applied for a turtle farm which was subsequently denied. They were requesting R-1, however the Town recommended approval of R-3 instead.

Motion by Jardine, second by Rondeau, to approve the Town's recommendation to R-3; carried, 3 yes / 0 no.

**I. LINCOLN LAND TRUST CO., Owner, / RANDY LUND, NORTHERN ENVIRONMENTAL, Agent - PRELIMINARY PLAT APPROVAL (56 lots) and EIA** (Bayfield) – 56 lots (Tabled on 08/17/06).

Scott Kozier said he was before the Committee for final plat approval. Motion by Rondeau, second by Jardine to approve the final plat; carried 3 yes / 0 no.

**J. JOHN HIGNEY, JR. SPECIAL USE REQUEST – Home-Based Business** (Sewing / Fabric / Design Assistance) (after-the-fact) on 2.8-acre parcel (#010-1036-01) described as Govt. Lot 3, Section 21, Township 50 N, Range 6 W, Town of Bell.

Mr. & Mrs. Higney addressed the Committee. AZA Casina reviewed the file. Motion by Rondeau, second by Jardine to approve; motion carried 3 yes / 0 no.

**K. TONI NICOLETTI-LAHTI SPECIAL USE REQUEST - Second Residence on a Parcel that cannot be divided)** on 5.63-acre parcel (#048-1045-09) in the SE Cor of the SE ¼, of the SE ¼, Section 31, Town 48 N, Range 8 W, Town of Tripp.

Ms. Nicoletti-Lahti addressed the Committee. AZA Casina said this is a parcel that may not be subdivided; the Toown approval form is on file; and setbacks for the new home are fine. Motion by Jardine, second by Rondeau to approve; motion carried, 3 yes / 0 no.

**L. JAMES RUSK SPECIAL USE REQUEST – Continue Operation of Bed & Breakfast facility** on .93-acre parcel (#024-1108-01) described as Assessor's Plat of Govt. Lot 2 & SW ¼, SE ¼, Section 28, Township 47 N, Range 8 W., and Lot 5, Section 33, Township 47 N, Range 8 W., Tracts 13 & 14, Town of Iron River.

Mr. & Mrs. Rusk stated this is a renewal for their existing business to cover a year 'round business as the Town previously gave them the permit for ten years; they had a compromise w/ a neighbor, thus the reason for ten years.

Motion by Rondeau, second by Jardine, to **approve** this B & B as a year 'round permit **with no time restraints**. Motion carried, 3 yes / 0 no.

#### **M. DISCUSSION AND POSSIBLE ACTION ON NR115 RE-WRITE UPDATE - None**

#### **N. CITIZENS CONCERNS AND INPUT:**

**Eileen McCutchen** questioned the procedure for tabled items and whether they will be addressed in the public hearing or business portion of the future meeting. Both Rondeau and Beeksma replied stating it is up to the discretion of the Committee, depending upon whether they heard enough input and then place it in on the business agenda or if it is necessary to place it on the public hearing portion.

**Mark Wendling** addressed Bruce Hoekstra's plan stating he is opposed because he feels the project affects his livability. Wendling asked the Committee to follow the ordinance and evaluate the proposed use and compatible / incompatibility with the Town's land use plan. He is concerned about soils and feels this area is not suitable for development.

**Chairman Beeksma** said the Town submitted their form having marked 'Yes' as approved and they would have reviewed this for compatibility with their land use plan. **Wendling** said the Town approved it but he has been told they are not comfortable with it and added that the County is responsible that the Town does their job. **AZA Casina** stated this is a matter to be further discussed next month. Wendling also said clustering 18 units is inappropriate on that property. He said the Town of Russell never envisioned a plan like this in this type of area with high density. He is asking the Town to re-look at this.

**AZA Furtak** said changes passed or will soon be coming forward to encourage cluster development and does not believe this project is inconsistent. He feels that if the Town disagrees, they should be the ones here telling the Committee. **Jardine** stated Mr. Wendling should go back to the Town himself and make his request. **Wendling** asked the Committee to give consideration to the desires and concerns of landowners and the community.

#### **O. DISCUSSION AND POSSIBLE ACTION REGARDING MEETING TIME (4<sup>th</sup> time for this issue)**

After discussing pros and cons regarding meeting times, **Jardine** suggested to best accommodate both sides, that they look at leaving the time at 1:00 PM for the winter months, and move meetings to 4:00 PM during the summer months. **Rondeau** suggested they split six months with one schedule and six with the other. An audience member from the Town of Kelly commented that it is difficult for most working people to get time off from work to attend meetings and let their voice be heard; he felt it is easier for the general public to come later in the day.

Jardine made a motion to move the May through October meetings at 4:00 PM; the November through May meetings will be scheduled at 1:00 PM, becoming effective after the October, 2006 meeting, which will remain at 1:00 PM. Motion seconded by Rondeau and carried, 3 yes, 0 no.

#### **P. DISCUSSION AND POSSIBLE ACTION REGARDING BUDGET AND USER FEES**

- **Jardine** briefly commented on possible position for one part-time person, one full time as well as change to a user fee.
- **Mike Furtak** mentioned we qualify for the Wisconsin Fund for septic replacement assistance for low income residences.

#### **Q. OTHER ITEMS THAT MAY COME BEFORE THE COMMITTEE (Discussion Only)**

**Doug Casina** reported on a letter on file from Mike Fauerbach re the issue at Atkins Lake and proposed changes in ordinance language prior to removal of a building and that Staff must look at it. **Furtak** added a house that was 45' from lake was allowed an addition, then they lifted the house, tore down three walls, it needed a variance, then they exceeded their permit w/ a second story and were denied variance, therefore, have to move the building back. The

*claim was problems with carpenter ants and mold, but no contact w/ us was made to verify that, which the State statute requires.*

**11. MONTHLY REPORT:** *Motion by Jardine, second by Rondeau to approve; carried, 3 / 0.*

**12. ADJOURNMENT:** *Motion by Rondeau, second by Jardine; adjourned at 2:56 P.M.*

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

Prepared by MJJ on 10/10/06  
Approved by KLK on 10/13/06

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

*K/ZC/Minutes/2006/Sept*