

MINUTES
Bayfield County Planning / Zoning Committee Public Hearing / Meeting
February 15, 2007
Board Room, County Courthouse, Washburn, WI 54891

1. **CALL TO ORDER OF PUBLIC HEARING:** *By Vice Chair Brett Rondeau at 1:00 PM.*

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

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

4. **REVIEW OF MEETING FORMAT:** *By Rondeau.*

5. PUBLIC HEARING:

A. RANDY MAGEE & EVIE SORENSEN, OWNERS (DBA: TOP OF THE MORN RESORT & CAMPGROUND) CONDITIONAL USE PERMIT GRANTED IN 1995 of 54 campsites to increase to total of 71 comprised of 52 seasonal-15 overnight- and 4 group sites. Property is described as a 20.18-acre parcel (ID# 022-1062-09-000), located in the W ½ of Gov't Lot 2 all in Section 24, Township 47 North, Range 9 West, Town of Hughes.

Director Kastrovsky reported this Item is postponed until March, however, if someone in the audience traveled a long distance and could not come back then, the Committee may choose to hear them. Hughes resident Mike Germano asked if plans are up to speck, including sewer. Kastrovsky said he and AZA Doug Casina inspected the site; plans for units and locations are in order; there will be containment under each RV served by water, (temporary holding tanks) which will be pumped. Casina said there are copies in the file of all sanitary permits. Germano's additional questions re septic tanks were answered. Kastrovsky advised Germano he could review, or obtain copies of the file from the Dept.

B. SOUTH SHORE SAND & GRAVEL, RALPH FROSTMAN, OWNER (DBA: VENSTONE LLC) CONDITIONAL USE REQUEST: for an intermediate sized demolition material landfill per WI. NR 503 codes for approximately 10-acres. Site will be initially a non-metallic mine which is part of this public hearing; on 80-acre parcel (ID# 2010001000) described as the E ½ of the NW, Section 15, Township 47, Range 8, Town of Iron River.

(Included in this application but, a separate part of this hearing shall require review of the reclamation plan and requirements that any conditions in the rec. permit must pertain to the reclamation plan only. All other conditions concerning the operation of the non-metallic mining site have to be in the conditional use permit.)

Ralph Frostman reviewed the request; they are nearly 'out of room' and desire to construct a new landfill in May or June; will close the old one. Design Engineer Randy Lund spoke on behalf of the project, stating it is very preliminary at this point; reclamation plan has been prepared / submitted; he reviewed the location and discussed materials to be accepted, clay liner, monitoring, and planned phases. They have verbal approval of ABDI Land Conservation, intermediate approval (letter of initial site investigation) from DNR, and Town Board approval.

Speaking in Support:

- *Dalton Collins: spoke on behalf of the Town Board as well as personally stating this would be good for community.*

Opposition:

- *Mike Germano: said he was not opposed as much as he wanted answers re land values and reimbursement if values decrease; bond requirements; stormwater runoff plans; possibility of contamination of his well and who is responsible if there is contamination (DNR? County? Owners?). Kastrovsky said the bond is for reclamation but nothing further. Lund said the DNR requires quarterly monitoring of wells and during life of the landfill and 40 years beyond; it is part of the DNR process; requirements are in place to prevent contamination.*

Kastrovsky reminded the Committee the reclamation plan must be a separate issue from the conditional use and that verbal approval exists. Discussion or questions on the Rec. Plan was invited; none ensued. Lund explained the closing stages of capping the site / planting of grass / trees. Kastrovsky reported town approval was received with a copy of Town minutes; an opposition letter from Dwight Tanula is on file.

C. JAMES KASENO & SHEILA CADOTTE REZONE REQUEST (Residential 4 to Commercial): property described as Lots 7-9 of Block 20, Village of Cornucopia .244-acre parcel (ID #010-1115-08) & Lots 1-6, Block 20 a .489-acre parcel (ID# 010-1115-07), all in Section 34, Township 51 North, Range 6 West, Town of Bell.

James Kaseno said they purchased the property in two separate parcels and desire to build a storage building and woodworking shop, both for rental purposes, on Lot 6. Kastrosky stated the Town approved this and reported an opposition letter from Mr. & Mrs. C.A. Rozlow is on file.

Speaking in Support:

- *Max Talbert, owner of Ehler's Store statedg there is very little commercial property in Cornucopia; said this would be an appropriate change.*

Opposition:

- *Father John Eaton, adjoining property owner representing the Catholic Church, was concerned about long-term consequences of this zoning change with possible detrimental commercial use if this property is sold.*

Motion was made by Jardine, seconded by Maki to adjourn the public hearing, however it was brought to their attention Item D below was not covered. Motion and second was withdrawn.

D. PETITION BY KARL KASTROSKY, BAYFIELD COUNTY PLANNING AND ZONING DIRECTOR, ON BEHALF OF THE BAYFIELD COUNTY PLANNING AND ZONING COMMITTEE, REQUESTING AMENDMENTS TO THE BAYFIELD COUNTY ZONING ORDINANCE, INCLUDING THE FOLLOWING:

1. Amendment of Sec. 13-1-4(a) (definitions) by deleting the definition of "Gravel Pit" and adding definitions for "Building," "Metallic Mine," and "Nonmetallic Mine."
2. Amendment Sec. 13-1-25 (Quarries and Mines) to coordinate it with the Bayfield County Nonmetallic Mining Reclamation Ordinance; to exempt nonmetallic mining sites that affect less than one (1) acre of total area over the life of the mine; and to establish mandatory conditions for mining operations.
3. Amendment of the classification table in Sec. 13-1-62(a) by deleting entries for "Dump, Solid Waste Disposal [Landfill]," "Gravel Pit, Crushing, Screening & Washing Plant," and "Mining, Quarry, Equipment, Storage, Rock Crushing, etc.," and adding entries for "Landfill, Solid Waste Disposal," "Metallic Mining, Quarry, Equipment, Storage, etc.," and "Nonmetallic Mining".
4. Amendment of Sec. 13-1-42 (environmental impact analysis) to require an environmental impact analysis for metallic mining, certain nonmetallic mining, and solid waste disposal or landfill site; and to eliminate the requirement for an informal meeting between the applicant, Zoning Administrator, and Zoning Committee.
5. Technical amendment to Sec. 13-1-21 (b)(1) and (2) (land use permits) pertaining to additions to, and alterations of, nonconforming structures.
6. Amendment of Sec. 13-1-21(e)(1) (fee schedule) by adding an additional \$60 fee for holding tank applications and deleting additional fees for permits requiring mitigation.
7. Technical amendments to Sec. 13-1-40 (c)(3)d (pertaining to reconstruction of nonconforming structures); Sec. 13-1-41A(b)(1)c (pertaining to Class A Special Use Permit procedure); and Sec. 13-1-40(c)(5)c.7 (pertaining to mitigation options for nonconforming shoreland structures).

Kastrosky reviewed the amendments; he said this will make the ordinance compatible w/ the NR135 (nonmetallic mining); some language change is proposed; it is more of a 'checklist w/ changes'; some are 'clean-up' issues; includes County approval of holding tanks.

Support / Opposition: None

6. ADJOURNMENT OF PUBLIC HEARING: *Motion by Jardine, second by Maki at 1:47 PM, to adjourn; carried 3 yes / 0 no.*

7. **CALL TO ORDER OF ZONING COMMITTEE MEETING:** *By Vice Chair Brett Rondeau at 1:47 PM.*

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

9. **MINUTES OF PREVIOUS MEETING(S):** *January 18, 2007 minutes approved; motion by Jardine / Maki; carried 3 yes / 0 no.*

10. BUSINESS:

A. RANDY MAGEE & EVIE SORENSEN, OWNERS (DBA: TOP OF THE MORN RESORT & CAMPGROUND) CONDITIONAL USE PERMIT GRANTED IN 1995 of 54 campsites to increase to a total of 71 comprised of 52 seasonal-15 overnight- and 4 group sites. Property is described as a 20.18-acre parcel (ID# 022-1062-09-000), located in the W ½ of Gov't Lot 2 all in Section 24, Township 47 North, Range 9 West, Town of Hughes.

Motion by Jardine, second by Maki to table this request until the March meeting; carried 3 yes / 0 no.

B. SOUTH SHORE SAND & GRAVEL, RALPH FROSTMAN, OWNER (DBA: VENSTONE LLC) CONDITIONAL USE REQUEST: for an intermediate sized demolition material landfill per WI. NR 503 codes for approximately 10-acres. Site will be initially a non-metallic mine which is part of this public hearing; on 80-acre parcel (ID# 2010001000) described as the E ½ of the NW, Section 15, Township 47, Range 8, Town of Iron River.

(Included in this application but, a separate part of this hearing shall require review of the reclamation plan and requirements that any conditions in the rec. permit must pertain to the reclamation plan only. All other conditions concerning the operation of the non-metallic mining site have to be in the conditional use permit.)

Motion by Jardine, seconded by Maki, to approve. Discussion: Kastrosky asked if DNR approval, hours of operation, or other considerations were being considered. Jardine stated he wouldn't want limited landfill hours which would make it inconvenient for working people. Kastrosky asked if there would be crushing, hot mixing and blending, etc. in conjunction with this request. Frostman said there would not be on the land fill, but would be on the 80-acre parcel already under NR135; he said they would come back for a permit if the need arose to crush concrete at the landfill. Kastrosky said the conditional use issued would be for removal of material and placement of the clay liner. Lund said the DNR issues licenses for landfills and operations must meet their standards of NR503.

Jardine amended his motion to approve this permit contingent on DNR licensing. Discussion: Kastrosky said they may wish to approve the conditional use permit but not allow placement of any materials in the land fill until final DNR approval. Jardine amended his motion a second time to approve the conditional use permit but placement of demolition materials in the landfill is not permitted until final DNR approval has been received. Maki seconded the motion; carried 3 yes / 0 no.

C. JAMES KASENO & SHEILA CADOTTE REZONE REQUEST (Residential 4 to Commercial): property described as Lots 7-9 of Block 20, Village of Cornucopia .244-acre parcel (ID #010-1115-08) & Lots 1-6, Block 20 a .489-acre parcel (ID# 010-1115-07), all in Section 34, Township 51 North, Range 6 West, Town of Bell.

Motion by Maki, second by Jardine, to approve the rezone request of Residential 4 to Commercial; motion carried, 3 yes / 0 no.

D. PETITION BY KARL KASTROSKY, BAYFIELD COUNTY PLANNING AND ZONING DIRECTOR, ON BEHALF OF THE BAYFIELD COUNTY PLANNING AND ZONING COMMITTEE, REQUESTING AMENDMENTS TO THE BAYFIELD COUNTY ZONING ORDINANCE, INCLUDING THE FOLLOWING:

1. Amendment of Sec. 13-1-4(a) (definitions) by deleting the definition of "Gravel Pit" and adding definitions for "Building," "Metallic Mine," and "Nonmetallic Mine."
2. Amendment Sec. 13-1-25 (Quarries and Mines) to coordinate it with the Bayfield County Nonmetallic Mining Reclamation Ordinance; to exempt nonmetallic mining sites that affect less than one (1) acre of total area over the life of the mine; and to establish mandatory conditions for mining operations.
3. Amendment of the classification table in Sec. 13-1-62(a) by deleting entries for "Dump, Solid Waste Disposal [Landfill]," "Gravel Pit, Crushing, Screening & Washing Plant," and "Mining, Quarry,

Equipment, Storage, Rock Crushing, etc.,” and adding entries for “Landfill, Solid Waste Disposal,” “Metallic Mining, Quarry, Equipment, Storage, etc.,” and “Nonmetallic Mining”.

4. Amendment of Sec. 13-1-42 (environmental impact analysis) to require an environmental impact analysis for metallic mining, certain nonmetallic mining, and solid waste disposal or landfill site; and to eliminate the requirement for an informal meeting between the applicant, Zoning Administrator, and Zoning Committee.
5. Technical amendment to Sec. 13-1-21 (b)(1) and (2) (land use permits) pertaining to additions to, and alterations of, nonconforming structures.
6. Amendment of Sec. 13-1-21(e)(1) (fee schedule) by adding an additional \$60 fee for holding tank applications and deleting additional fees for permits requiring mitigation.
7. Technical amendments to Sec. 13-1-40 (c)(3)d (pertaining to reconstruction of nonconforming structures); Sec. 13-1-41A(b)(1)c (pertaining to Class A Special Use Permit procedure); and Sec. 13-1-40(c)(5)c.7 (pertaining to mitigation options for nonconforming shoreland structures).

Motion by Maki to **approve the amendments**; seconded by Jardine. **Discussion:** Director Kastrosky said there was one minor adjustment. John Spangberg of the DNR suggested clarification of the term ‘adjacent wetlands’ (p.4, draft amendment, letter ‘G’, as well as more clarification on prohibited mines (‘G 2’).

Discussion followed regarding ‘adjacent wetlands’, with diverse meanings, such as connection to Lake Superior or within one mile of the lake. L.U.S. Tulowitzky said the intent of the ordinance was to prohibit metallic mining within one mile of Lake Superior but clarification is needed whether it is referring to wetlands connecting to Lake Superior itself rather than isolated wetlands. He recommended they address this issue now while in the ordinance-amendment process, eliminate the word ‘adjacent’, use ‘connecting’ instead, (with the intent of ‘wetlands connected to Lake Superior’).

* **Jardine amended his motion.** Jardine moved to **approve the ordinance amendments as listed, with clarification of new wording as presented, eliminating the word ‘adjacent’ on page 4 (g)(2) of the Draft Amendment, and use the word ‘connecting’ instead, to read as follows: “(2) Within one (1) mile of Lake Superior or connecting wetlands.”**

L.U.S. Tulowitzky discussed nonmetallic mining (page 1 of draft) regarding screening, crushing, etc. He said with this ordinance amendment it is to be assumed it is part of all nonmetallic mining which is the DNR definition; in the future the DNR definition is assumed to be part of all approvals unless Committee action excludes it.

***Jardine’s amended motion was then seconded by Maki and carried; 3 yes / 0 no.**

Agenda Review and Alteration

E. JANE BUCY SPECIAL USE REQUEST: Home-Based Business (Sewing) Parcel # 014-1029-06, in W ¾ of Govt. Lot 3, and all that part of the NW ¼ of the SW ¼, lying north of State Hwy 13 in Section 7, Township 50 N, Range 7 W, Town of Clover.

Jane Bucy stated this home business is for interior design (making draperies, etc.). Motion by Maki, second by Jardine to **approve**; carried 3 yes / 0 no.

F. NORTHERN STATES POWER SPECIAL USE REQUEST: Expand Substation located on a .06-acre parcel (#010-1078-01-000) in part of Govt. Lot 2, Section 34, Township 51 N, Range 6 W, Town of Bell.

Agent Sarah Nystuen addressed plans to expand the fence, move, replace and upgrade equipment. Town Board approval is on file. Motion by Maki to **approve**, second by Jardine; carried 3 yes / 0 no.

G. BRUCE / MAILA HEDIN SPECIAL USE REQUEST: Home-Based Business (Furniture Restoration) Parcel (ID# 050-1020-09-005) in the SW ¼ of the SW ¼, Section 12, Township 48 N, Range 5 W, Town of Washburn.

Agent Tom Arms said he has an option to purchase this Ag-1 property pending special use approval; he presented handouts and described process / equipment used in refinishing, approximate number of truck deliveries / shipments; there will be no signage and no employees; odor will be similar to paint; nearest neighbor's house is estimated to be 600 to 800 ft. away.

Kastrosky reported Town approval is on file; a letter from Joan Papadinis (formerly Pitman) of Fort Walton Beach FL was noted; she is opposed believing this type of business does not comply with the protective covenants in the subdivision and stated all abutting property owners were not notified. Travis Tulowitzky said current owners were notified and technically one is over 300 ft. away, not requiring notification, however Tom Arms actually did notify him. Travis said this parcel was originally one owner who was notified; Tom Arms personally contacted all property owners and received signed letters with no objections.

Motion by Jardine to approve this furniture restoration home-based business; second by Maki; motion carried 3 yes / 0 no. Arms then asked if this special use permit is automatically conveyed when the property is transferred. Kastrosky replied that special use permits are issued in the property owner's name, however go with the property unless a restriction is placed by the Committee.

H. WILLIAM KRAUSE SPECIAL USE REQUEST: Pre-1976 Mobile Home (Extension of June 12, 2003) 1.91-acre parcel (ID #010-1077-06) Govt. Lot 1, Section 34, Township 51 N, Range 6 W, Town of Bell.

AZA Doug Casina addressed this case; special use permit (#03-0279) was issued for a three-year duration and expired in June, 2006; Mr. Krause is being deployed to Iraq for three years; family has been relocated to Missouri from Minnesota and requests an extension; because of Krause's Army service they have been back and forth but had no opportunity to address the issue. Casina said adjoining property owners are concerned with the general appearance of the mobile home.

Jardine asked Doug's recommendation. Casina stated the Town approved only a one year extension; mobile home is vacant but Mrs. Krause used it occasionally but is now in Missouri. Kastrosky said if Krause is deployed for three years and they go with the Town's one year recommendation, the Committee will face this again in a year. He reminded the Committee this request is for three years. .

Motion by Jardine, second by Maki, to approve the extension for a maximum of three years with the condition if Krause is transferred back to the US before three years, he is to take care of it at that time; motion carried - 3 yes / 0 no.

I. DISCUSSION AND POSSIBLE ACTION ON IMPACT SEVEN (Conditional Use Granted 11/16/06)

Karl Kastrosky reported this is back on the agenda for discussion (was public hearing Nov. 2006) as things have changed significantly; several calls were received from concerned neighbors; he felt it important for neighbors and Committee to understand differences and what may happen. Permit is not yet issued as there is no site map presented, which was a condition.

Angela Kazmierski spoke on behalf of Impact Seven: they are still attempting to ascertain property lines; need exact area prior to survey work; there is a lot 'in the works but a lot of variables right now'. Discussion was held regarding access from Hwy. 13 and Hwy. J. Andy Drill, Engineer, discussed easements which remain unresolved; said there was confusion because of original drawing in mailings; discussed reasons for changes; answered questions.

Adjoining property owner Frank Martin said he in favor of the site, building location, and project; is in opposition to the map received (in the public hearing mailing) which shows the driveway coming off Hwy. 13, which he said "was a blunder" as County J is the actual plan. Martin stated Hwy J will be overused / abused by semi trucks. He did not object at the public hearing because the map he received located the driveway off Hwy 13.

Adjacent property owner & State of WA resident Max Talbert stated he is opposed for reasons of heavy industry traffic, poor use of forestry property, poor planning. Talbert said he was not notified of the Nov. 2006 public hearing. [File address was acknowledged by Talbert as correct.]

County Board Chairman Bill Kacvinsky said he has been working with Impact Seven since the beginning; he spoke to the road issues; estimated possibly two truck loads per day, but not heavy use once the project is in operation; the County is looking into possible funds to 'beef up County J' if it is a problem. Kastrosky noted the (conditional use) permit approved is with Hwy County J access.

Adjacent landowner Hobart Finn was opposed because of the misrepresentation in the mailing, and that the Town Board presented access as Hwy 13 as well; as a logger, he said he is aware County J does not support loads; is concerned about taxpayers paying for road repairs; opposed because applicant could have located business elsewhere where infrastructure, etc. was already in place.

Director Kastrosky reminded the audience and Committee that this conditional use was already approved; an appeal process is available to citizens but the conditional use permit stands which contains conditions to be met. Kastrosky said the [Planning / Zoning] Department will proceed unless someone stops it.

Vice Chairman Rondeau called for break at 3:22 PM. Meeting called back to order at 3:29 PM.

Kastrosky again explained that due to calls from neighbors as well as significant changes, he felt an obligation to readdress this to prevent further confusion.

J. DISCUSSION AND POSSIBLE ACTION REGARDING C & W (Meierotto Property--Top Soil)

Randy / Sue Erickson from C & W Trucking stated they have been taking topsoil since 2000 but were unaware a permit was needed; the Zoning Dept. ceased operation. Kastrosky said the nonmetallic mining ordinance calls topsoil removal 'mining' but the County's doesn't refer to topsoil. He said they didn't need a "gravel pit" permit as it was only topsoil. The Ericksons stated they were told if they did a reclamation plan they wouldn't need a conditional use, therefore, thought they were OK as they didn't 'hear anymore'. They had a Rec. Plan completed however, this operation is not allowed in R-RB zoning. Kastrosky said a "relief valve" for the Erickson's is to have Zoning Committee approval to strip topsoil without the need for a conditional use permit. Travis Tulowitzky said the State requires the Rec. Plan to be a public hearing. He said if no conditional use permit is required, the Reclamation Plan would be heard in March in public hearing format.

Jardine recommended this be heard in the March or April public hearing.

K. DISCUSSION AND POSSIBLE ACTION ON MEMORANDUM OF UNDERSTANDING (ABDI)

County Conservationist Butch Lobermeier was introduced to the Committee; they were invited to ask questions. Lobermeier stated he wants to facilitate the mitigation process, hopes for a ten-day turnaround. Committee was willing to sign the M.O.U.

L. CITIZENS CONCERNS AND INPUT

Bill Kacvinsky questioned his NR-135 permits for Iron River. He received renewed nonmetallic mining permits this month listing conditions that he must reopen the conditional use permits if his operation performs activities such as crushing, and screening. Kacvinsky stated he has always done crushing and screening at those locations and asked why it is necessary to reopen the conditional use permits, asking specifically how these conditions came about now. He said he has minutes of the meeting as documentation of approval of his 2003 permit which does not list that condition as well as a letter from the Dept. written by Karl Kastrosky stating his conditional use approval includes crushing.

Kastrosky stated he was not privileged to know those conditions were added, and was not aware until Mr. Kacvinsky's phone call. He added he had the understanding crushing was "part of it" or he wouldn't have put it in the letter. Kastrosky then asked the Committee to let him know if he "messed up" in his letter, or was correct. Referring back to the minutes and the letter, Vice Chair Rondeau stated he felt the Committee meant it the way it was stated in the letter. The understanding of the Committee was to leave it as Karl's letter indicated.

M. DISCUSSION AND POSSIBLE ACTION ON GRANT INFORMATION - None

N. DISCUSSION AND POSSIBLE ACTION ON NR115 RE-WRITE UPDATE: Kastrosky reported a new draft is coming; has not yet seen it.

O. OTHER ITEMS THAT MAY COME BEFORE THE COMMITTEE (DISCUSSION ONLY)

Maki said he felt they were spending time on things not necessary. Kastrosky stated the Dept. takes care internally of everything it possibly can unless there are reasons why it must go back to Committee because of their decisions and what he feels is important.

11. MONTHLY REPORT: *No report*

12. ADJOURNMENT: *Motion by Jardine, second by Maki to adjourn at 4:06 PM; carried.*

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

Prepared by MJJ on 02/23/07
Approved by K/LK/TT on 02/27/07

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

K/ZC/Minutes/2007/#2February