

Shadow Wood developers cited for DNR violations

Original charges dismissed but will be refiled soon

By RICK OLIVO

Staff Writer

Published: Monday, March 1, 2010 10:44 PM CST

WASHBURN — Developers of the proposed Shadow Wood Landing project in northern Bayfield County have been handed another setback with a series of four Department of Natural Resources citations.

Shadow Wood Landing is a development planned for a 380-acre tract in the Town of Russell as an exclusive fly-in community that would eventually include such amenities as a private airstrip, associated condominiums and a hotel complex. A Minneapolis-based group called CFS LLC has planned the development.

The citations charge developers with failing to obtain stormwater discharge permits, erosion control issues and failing to develop or implement a stormwater management plan.

The charges were filed Jan. 15, and were set for an initial appearance hearing in Bayfield County Circuit Court on Monday, but on the motion of District Attorney Craig Haukaas, were dismissed. After the brief hearing, Haukaas said the charges had been improperly filed against Annalisa Cariveau, president and chief executive officer of CFS LLC, instead of the corporation itself.

Haukaas said the charges would be refiled by the DNR, perhaps as early as later this week. He said it would likely be about a month before the case would return to Bayfield County Circuit Court.

The hearing took place in the courtroom of Bayfield County Circuit Court Judge John Anderson, who on Feb. 1 had reversed zoning changes passed by the Bayfield County Board for the development. Anderson ruled that the county had acted on "an incorrect theory of law" in approving the rezoning on the basis of the county's ordinary zoning requirements instead of the more restrictive shoreland zoning regulations because of the presence of a presumed navigable stream — an unnamed intermittent tributary to Pike's Creek.

Because of the previous decision, the zoning matter has been referred back to the zoning committee for action by the county board.

The four citations asserted that CFS failed to obtain a construction stormwater discharge permit at least 14 days before commencing construction, and that CFS failed to inspect or monitor erosion control best management practices or to maintain inspection reports. CFS was also charged with failing to develop or implement a stormwater management plan to control stormwater during and/or after construction, as well as failure to develop an appropriate site-specific erosion control plan.

The charges are civil forfeiture charges. Each charge carries a bond of \$1,159.50, but court documents indicated that no bond had been posted.

In another Shadow Wood-related development, the Town of Russell has scheduled a special Town Board meeting for today at the Town Garage meeting room. Among the items on the agenda is discussion and possible action on obtaining legal counsel for land use and comprehensive plan issues relating to the Town Board's recommendation to Bayfield County Zoning regarding the CFS LLC request to rezone the project's land.