

Zoning Committee OKs Shadow Wood rezone

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WASHBURN — On a 3-0 vote, the Bayfield County Planning and Zoning Committee Thursday moved to recommend the full Bayfield County Board approve a controversial rezoning request in the Town of Russell.

The request by CFS LLC means the proposed 380-acre Shadow Wood Landing development is one step closer to becoming a reality. CFS LLC sought to rezone property now zoned for agriculture and forestry to a combination of residential, agricultural and commercial zoning. As proposed, the development is to include housing, a hotel, restaurant and an airstrip so clients can fly in.

This is the second time the committee has approved the request, as an earlier zoning decision was sent back to the county by Bayfield County Circuit Court Judge John Anderson on Feb. 1. Anderson said the county had failed to consider whether or not the land should have been considered under shoreland zoning requirements because of the possible presence of a navigable stream.

However, Bayfield County Zoning Administrator Karl Kastrosky told the committee — and approximately 50 citizens gathered in the Bayfield County boardroom — that Wisconsin Department of Natural Resources water specialist John Spangberg has now made the determination there is no navigable waterway on the site.

On Tuesday, the Town of Russell Board passed a resolution supporting development.

Testifying before the committee, CFS LLC President and CEO Analisa Cariveau told them the development was consistent with the Town of Russell comprehensive plan, and intends to be in compliance with any future requirements.

Three others testified in favor of the development, including Town of Bayfield resident Frank Graves, who said the project had the potential to be a key factor in future economic development in Bayfield County.

However, there were 20 people present to testify against the project, concerned about the impact the development could have on the rural character of the region.

Two of those testifying against the plan, Tessa Levens and Ann Bowker, were members of the Town of Russell Planning Committee. They said they both believed the development was not in compliance with the town's comprehensive plan. Levens singled out the commercial aspect of the project as being particularly antithetical to the comprehensive plan, which calls for the area to be rural moderate residential in nature.

Town of Russell resident Mark Wendling pointed out the 44 acres within the Shadow Wood development proposed for commercial development is twice the size of Duluth's Miller Hill Mall. He also questioned whether the development would translate into good-paying jobs.

"There's not a contractor in Bayfield County that can build a 200-unit luxury hotel," he said. "Those jobs won't go to local businesses."

Chuck Campbell of Washburn, a member of Trout Unlimited, said he and his organization were concerned about this development's location at the headwaters of Pike's Creek, a quality trout stream.

Town of Russell resident Dave Martinson pointed to the recent DNR citations filed against CFS LLC as an indication that the firm could not necessarily be trusted to work in an environmentally responsible manner.

Rick Dale, whose Highland Valley fruit farm is close to the development, said his customers like "peace and quiet."

"Nobody chooses to live next to an airport," he said. "This development will degrade our business and our quality of life, and devalue our property. I'm heavily invested here and concerned for the value of

my community."

Roxanne Frizzell, who lives about one mile from the proposed development, said she thinks this is the largest spot zoning decision to be made in Bayfield County and has the potential to change the rural character of the region.

She pointed to the Bayfield County Board's recent decision to support an application to name part of the Bayfield Peninsula an agriculture preservation zone, and questioned how this development was compatible with that designation.

When it came time for the committee to consider action on the request, attorney Andy Smith offered suggestions, which he was careful to say were not legal counsel, that they should consider if the zoning request was consistent with the town comprehensive plan and consistent with the county comprehensive plan.

He noted the committee had the obligation to consider how the rezoning would affect the nature and character of the community, as well as the public health, safety and welfare of the community.

He told the committee it was not mandatory, but it would be wise, to address concerns raised by the Town of Bayfield, which shares a border with the Town of Russell next to the development. He also said spot zoning should be a concern for the committee to consider.

Smith said the Town of Russell resolution supporting the development was a good starting point for discussion, but was not necessarily the end point.

Kastrovsky, who apologized to all present for the procedural error that brought the zoning decision back to the county, said in his review of the county comprehensive plan he did not see "any definite conflict" with the plan and the request for rezoning.

"You have to decide 'did the town apply their plan correctly or did they err?'" he said. "It's a tough decision for you but you are the authority for making the recommendation."

Committee Vice Chairman Brett Rondeau noted the committee usually relies heavily on town input in making zoning recommendations. He noted approving the zoning change didn't mean CFS LLC could go "hog wild" as they would still have to come to the county for further permits and those permits could come with conditions.

Committee member Bucky Jardine said he felt comfortable in making a recommendation because the town had placed requirements for open space in its approval, it satisfactorily complied with the comprehensive plan.

Committee members Jardine, Rondeau and Shawn Miller voted to approve the zoning change. Committee member Jim Beeksma was absent.

Following the decision, neighbor Tom Frizzell said he felt the committee had erred, particularly regarding any consideration of spot zoning. He said the committee had failed in its obligation to consider the community welfare and had instead made a decision that benefited only one interest.

In other business, the committee:

- Tabled a request from Barb Anich to operate three rental units on her property in Iron River;
- Tabled a request from the Bayfield County Forestry Department to operate a gravel pit in the Town of Bayfield near Echo Valley Road pending a written decision from the DNR on whether or not there is a navigable stream and wetlands on the property;
- Approved a request from the Bayfield County Highway Department to rezone a shoreland-wetland district from residential to forestry in order to operate a gravel pit, pending approval from the Town of Namakagon.