

# Town of Russell

35900 State Highway 13  
Bayfield, Wisconsin 54814  
(715) 779-5338

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*Paul "Rocky" Tribovich*  
*Chair*

*Judy Meierotto*  
*Deputy Clerk/Treasurer*

*Dave Good*  
*Clerk/Treasurer*

## **PLAN COMMISSION MEETING**

**6:30 p.m. to 7:00 p.m.– Tuesday, December 6, 2016**

**Community Center – 32500 W Old County K**

Any person wishing to attend who, because of a disability, requires special accommodations, should contact the Town Clerk at 715 779-5338, at least 24 hours before the scheduled meeting time, so appropriate arrangements can be made.

1. Call to order and roll call.
2. Pledge of Allegiance.
3. Approval of the agenda.
4. Set Agenda for Public Input now or at the end of the agenda (3-minute limit per person-15 minutes maximum).
5. Approval of meeting minutes for November 1, 2016\*\*\*\*.

## **OLD BUSINESS**

6. Bolder Point, Agent Craig Haukaas, request for an amendment to the Future Land Use Map to have a portion of the property re-classified as Rural - Moderate Residential from Forestry – Limited Residential\*\*\*\*.
7. Items for next Plan Commission meeting.
8. Set next meeting date, time and location.
9. Adjourn.

The Town of Russell Plan Commission reserves the right to act on any agenda item and to call upon individuals to address the Commission regarding specific agenda items in which they may be named or have direct responsibility. A quorum of the Town Board may be present but no business will be conducted. \*\*\*\* denotes attachments

Posted December 2, 2016 at 4:00 p.m.

Dave Good–Clerk/Treasurer

**Plan Commission Meeting – November 1, 2016**

Posted October 25, 2016 at 4:00 p.m. at the Town Garage, Clerk's Office and the Town website. Notices sent to the Ashland Daily Press and the Bayfield County Journal.

The meeting was called to order at 6:00 p.m. by Commission Chairman Larry Meierotto at the Town of Russell Garage. Plan Commission members present were Jeff Benton, Ann Bowker, Tessa Levens and Kathy Wendling. Clerk/Treasurer David L. Good was also present.

Five members of the public present.

Pledge of Allegiance was recited.

Approval of the Agenda – A motion was made by Wendling and seconded by Benton to move item 6 to follow item 9 and approve the remainder of the agenda as presented. The motion carried.

Set agenda for Public Input (3-minute limit per person - 15 minutes maximum) at the beginning or at the end of the meeting. Public input was at the beginning of the meeting. Wayne Nelson spoke regarding statements made at the October 11, 2016 Plan Commission meeting. He said several things were said that are gossip and not true. One is a comment made by Commissioner Levens that the development on Peterson Hill was a failure, not profitable and no tax benefit to the Town. He presented data on the value for the Peterson Hill property before and after he made changes to the property which was 526% in tax revenue. This also brought six new investors in property. He also presented a definition of "Land Development" and discussed how development occurs over a long period of time. Discussion followed by Nelson explaining in detail actions relating to the Peterson Hill development. He requested to be on a future agenda to discuss development further. Mark Wendling spoke on the Bolder Point agenda item and that the lack of details and the creation of an upscale development is not a good use of this land. The proposer needs to provide much detail to we can see what is going to be done. He spoke regarding the BRC tail head request stating it the size of the parking area is not adequate and needs to be off the side of the road. He provided examples of prior issues with parking at the site. He is also concerned about damage to the road from parking on the shoulder of the road and safety of the public. He stated the Friends of the North Pikes Creek Wetlands offered to build an adequate parking lot 350 feet to the south of this location at a cost of \$30,000 the Friends would fund. Jenna Erickson a property owner of land on Peterson Hill Road. She purchased 10-acres in 2014 and purchased an additional 20-acres in 2016 as an investment to pass on to her children. She expressed great concern over the comments by the Plan Commission and has thoughts regarding whether she made the right decision to invest in this community. A letter discussing her concerns was distributed. Mirka Nelson spoke about real estate development and benefits to the potential development of the Bolder Point property. Encouraging building occurs by the building of the first home. The Plan Commission needs to be less restrictive.

Approval of The Minutes – A motion was made by Benton and seconded by Levens to approve the minutes of October 4, 2016 Plan Commission meeting. The motion carried. A motion was made by Benton and seconded by Bowker to approve the minutes of the October 11, 2016 Public Hearing on the Proposed Comprehensive Plan. The motion carried.

**NEW BUSINESS**

Bolder Point request for an amendment to the Future Land Use Map – Craig Haukaas presented a letter requesting 200-acres be reclassified to "Moderate – Rural Residential" from "Forestry – Limited Residential". A map showing the parcels requested to be revised was reviewed. This is a change from his previous request to reclassify 320-acres based on comments from the public hearing. He explained why a

detailed complete plan for development is not available. If they cannot get the future land use classification changed they are unable to seek a re-zone. Development cannot occur if it is not re-zoned. He discussed real estate development verses building construction. The goal of development is to maximize profits and minimize risks and also identifying the best scheme for the local market place will satisfying the local planning process. The lower 120-acres of the parcel was removed from the request. The gravel pit comprises 40-acres of this 120-acres. Density for various zoning classifications was discussed along with how the Alternative Development Ordinance impacts density. Discussion was held regarding the property that comprised the gravel pit. Wendling questioned why we would make a change when we don't know what you want to do and now you have changed the acreage requested in the last month. She stated without a plan we don't know what you want re-zoned. A very lengthy discussion was held regarding the need for a detailed plan before the Commission can change the future land use map. Haukaas explained a number of times why this is being done in steps and the concept of having a final plan is not being done. Wendling stated that all other developments have come forward with a plan and this project needs a plan which should be a standard procedure. Meierotto stated he understood the developers point and that by saying these things we are giving the perception we are not going to approve the request. Good clarified that the only thing the commission would be approving is a potentially higher concentrated residential development on a parcel of land. Wendling continued to stress that she needed to see a plan. Levens felt the commission needs to look at what is best for the Town of Russell and what we have set as protocols in the Comprehensive Plan. She also requested very detail plans for this development like prior developers have provided. Discussion was held regarding what percent of land in the Town is eligible for development since 2/3 of the land is not subject to development. Levens discussed other developments such as the Terry Peter's site as undeveloped sites that impact the Town. Discussion regarding creating more vacant lots is not what we want. Tax collections on developments verses undeveloped land was also discussed. Levens felt this is not staying true to maintaining our rural character as a stated goal on the comprehensive plan. Discussion was held regarding what "rural character" is or is not. Haukaas stated his time line, if his reclassification is approved, is to seek a re-zone summer of 2017, development plan by the end of 2017, and then development as an optimistic schedule. Ownership of the property was discussed. Levens felt the land is developable at this time and we should not change the future land use classification. Levens made a motion to table the recommendation on this request to the Town Board and ask Haukaas to submit a concept plan, not a detailed plan, but something in writing with a map, that gives us a concept of what we are really talking about. The motion is considered seconded since discussion commenced. Discussion followed and Haukaas requested the Commission provide in detail what they want so his concept plan is sufficient. Discussion followed regarding defining this. Levens agreed to write down what she is looking for. Wendling made a second. The motion carried.

Recommendation to Town Board regarding Bayfield Regional Conservancy request to Bayfield County Planning and Zoning for a Trailhead/Parking area in the SW ¼ NE ¼ Section 33 T 51 R4W off Compton Road – Discussion following the request was held. Both the application and driveway permit drawings were discussed. Wendling was confused over the request on the specifics and she had created her own drawing. Discussion followed about the request. Wendling reviewed the criteria the Commission should be using to evaluate requests. She stated does not meet guideline 7. Health and Safety, 16. Guideline for Road Maintenance; 8. Community General Welfare. Discussion followed about vehicles parking on the road if the parking lot is too small. The pros and cons of the parking area were discussed. Wetlands were discussed. Wendling discussed how other trail heads are causing problems. The primary concern discussed was the size of the parking area. The ability of the commission to make a different recommendation that what was requested was discussed. An alternative location was discussed. A lengthy discussion was held regarding what the Commission can or cannot do regarding this request. A motion was made by Wendling to recommend to the Board that they do not recommend approval of the trailhead permit at this location because of safe and healthful conditions and for the increased demand for road

maintenance by the Town at this particular location. The motion is considered seconded since discussion commenced. The motion carried.

Workshop for Local Land Use Officials – November 9, 2017 – Ashland City Hall; Ashland, WI – Bowker and Levens are signed up. Wendling signed up on her own and Meierotto agreed to attend.

#### OLD BUSINESS

Discuss and review input from comments at the Public Hearing on the proposed updates to the Comprehensive Plan held at 6 p.m. on October 11, 2016 at the Community Center – The following suggestions were discussed:

1. Eco-tourism – A definition was read and discussed at length. It was agreed to change the word to “tourism”.
2. Goal: Enhance the Economic Viability of Farms and the Objective for CAFO’s was revised as follows – Change objective to read “Support and Enhance Small Farm Operations”.
3. Economic Element - Add another Goal: Encourage businesses that are compatible with our current economy and preserve our environment.
4. Page 8 Objective under Cellular and Broadband Goal – Do not include a specific reference to collaborate with Red Cliff since it is covered on page 3, item number 3 on Intergovernmental Cooperation.
5. Page 10 – Delete “Personages” in “Agricultural, Natural, and Cultural Resources Implementation Schedule”.
6. Page 4 Opportunities – Change “Continue to Transparent Planning Process” to “Continue Transparent Planning Process”.
7. Page 7 last Goal – Remove duplicate word “Goal”.
8. The land use map request by Bolder Point was tabled and no change recommended at this time.

A motion was made by Bowker and seconded by Wendling that the Commission reviewed the suggestions for the public hearing and made some changes noted above and recommends the Town Board adopt the Comprehensive Plan as revised. The motion carried.

New items for next meeting – Discuss and consider establishing a work plan for 2017.

Next Meeting Date –The Commissioners agreed to meet on December 6, 2016 at 6:00 p.m. at the Town Garage.

A motion to adjourn at 9:20 p.m. was made by Levens and seconded by Bowker. The motion carried.

Minutes Respectfully Submitted by:

David L. Good – Clerk/Treasurer

Haukaas Law Office, S.C.

*Superior Representation*

101 Main Street West, Suite 201

Ashland, Wisconsin 54806

Attorney Craig Haukaas

(715) 685-1001

Attorney Vincent Kurta

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October 17, 2016

Larry Meierotto  
Chairman, Planning Commission  
Town of Russell  
90555 Old County K  
Bayfield WI 54814

RE: Bolder Point LLC request for reclassification

Dear Mr. Meierotto:

As you know, this office represents Bolder Point LLC and I am its registered agent. In follow-up to our previous discussion with officials from the Town of Russell, please accept our request to be placed on the agenda for the next Planning Commission meeting. The purpose of this request is to seek to have a portion of Bolder Point's lands reclassified as Rural - Moderate Residential, reclassified from Forest - Limited Residential.

The legal description for the property in question is as follows:

Section 35, T51N, R4W Town of Russell

1. NE ¼

2. NE¼ NW¼

Please let us know when we can appear to make this request. Thank you for your time.

Sincerely,

  
\_\_\_\_\_  
Craig Haukaas

C: Bolder Point LLC

CH/ew

Craig Haukaas  
Haukaas Law Office  
101 Main Street West, Suite 201  
Ashland, WI 54806

November 18, 2016

Re: Bolder Point LLC request for reclassification

Dear Mr. Haukass,

I am writing to you on behalf of the Plan Commission for the Town of Russell that directed me to prepare an outline of concept questions at the meeting on November 1, 2016 which related to your request to change the land classification from Forest-Limited Residential to Rural-Moderate Residential for the Bolder Point LLC development project.

The Plan Commission, as governed by State Statutes, is required to carefully consider land use revisions. Recently, as part of our continuing education, members of our plan commission attended a state-wide workshop for local land use officials presented by the Center for Land Use Education. That workshop reinforced the role of plan commissions to carefully consider land use revisions. Any revisions must be consistent with our Comprehensive Plan which is a community produced and approved document reflecting the values of the Town of Russell. Over many years, the plan commission's goal has been and is now, to uphold the comprehensive plan for our township with development conforming to the values held within.

Below is a list of questions the Plan Commission has in order to better understand the desire of the Bolder Point LLC group to change land classifications for 200 acres, and therefore move forward with a recommendation to the Town Board. In order to make an informed decision, the plan commission requires more details of this development to determine if it will meet the objectives of our community.

--At the Plan Commission meeting on November 1st, you stated that developers "Create potential". What type of potential is envisioned for the Bolder point project.

--Describe why this land classification is being requested. If there are types of development allowed under RMR and not under the current classification of FLR that you seek, describe them.

--What are the types of development you and the investors envision related to this change of land classification.

--Provide a simple, enlarged topographic map that would roughly depict the type and centers of development at Bolder Point. Include road placement, entrance/ exit roads as may impact the Town and any plans for commercial, residential or retail development.

Please submit your input in writing to the Plan Commission for review, one week in advance of the next scheduled meeting on December 6, 2016.

Sincerely,

Tessa Levens  
Plan Commissioner, Town of Russell



CC: Larry Meierotto, Chairman, Plan Commission  
Ann Bowker, Plan Commissioner  
Kathy Wendling, Plan Commissioner  
Jeff Benton, Plan Commissioner

**Haukaas Law Office, S.C.**

*Superior Representation*

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Ashland, Wisconsin 54806

Attorney Craig Haukaas

(715) 685-1001

Attorney Vincent Kurta

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November 30, 2016

Tessa Levens  
Plan Commission  
Town of Russell

**Via: e-mail – lolalu@centurytel.net**

RE: Bolder Point, LLC and correspondence of 11/18/2016

Dear Ms. Levens:

Thank you for your November 18, 2016, correspondence. For some reason we did not receive this until November 29, 2016 so are replying at our earliest opportunity. We also received notice that the Plan Commission meeting of December 6, 2016 has been cancelled so that gives us a little more time to seek clarification of the requests you are making.

First, may we inquire when this list of questions was prepared by the Plan Commission? We did not see them proposed in any of the Commission's minutes. If they are from you personally, that is fine. We just want to know to whom I am responding.

Second, you stated that our request to consider land use revisions must be consistent with the Comprehensive Plan. Is it the Commission's position that no revision can be sought? We understand that the plan itself is to be revised at least every ten years to see if revisions are warranted. A rather small portion of the Town of Russell can even be developed so we would have thought this to be welcome.

Third, once again we inquire is the genesis of the list of questions. If they are from you personally, I am available to discuss these with you at your convenience. If they are from the commission as a whole we would like confirmation of that prior to responding and also clarification of the following:

1) How is the "creating of potential" relevant to a request for reclassification. There will be no potential and thus no development of the property unless a reclassification is approved and subsequently a zoning change granted. There is a vast difference between the "creation of potential", which we are trying to do by seeing a reclassification and the subsequent zoning change.

2) The land reclassification being requested is so that a zoning change can be sought at the County level. If you do not have access to the types of developments allowed under different zoning classification we can certainly provide them for you. We don't know what the final plan will look like because we want public input on the design.


3) Once again, the type of development which can be considered is dependent on what the zoning classification is. This is dependent on what the underlying land use classification is. Does the plan Commission have a proposed development they would like to see at Bolder Point?

4) We have no detailed plans for road location, commercial, residential or retail development. Everything is dependent on how this request is dealt with. We have carefully reviewed the comprehensive Plan and see no list of documents submissions that is required to seek a reclassification. Can you advise where we might locate this?

We really are at a loss to understand the questions this request raises. Is this a personal issue based on past contacts with our consultant? Perhaps with the clarification by the Commission, or by you, we can better respond.

We look forward to hearing from you.

Sincerely,

  
Craig Haukaas

C: Larry Meierotto, Plan Commission Chairperson - USPS  
Ann Bowker, Plan Commission – e-mail  
Kathy Wendling, Plan Commission – e-mail  
Jeff Benton, Plan Commission – e-mail  
David Good, Town clerk- e-mail

CH/sld