

MINUTES
Bayfield County Planning / Zoning Committee Public Hearing / Meeting
April 19, 2007
Board Room, County Courthouse, Washburn, WI 54891

1. **CALL TO ORDER OF PUBLIC HEARING:** By Chairman Beeksma at 1:02 PM.

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

3. **AFFIDAVIT OF PUBLICATION:** Read by ZA Kastroosky.

4. **REVIEW OF MEETING FORMAT:** By Chairman Beeksma.

5. **PUBLIC HEARING:**

A. RANDY MAGEE & EVIE SORENSEN, OWNERS (DBA: TOP OF THE MORN RESORT & CAMPGROUND) CONDITIONAL USE REQUEST – Campground Expansion (to 1995 Conditional Use - 54 campsites) - **INCREASE TO TOTAL OF 71 COMPRISED OF 52 SEASONAL, 15 OVERNIGHT, and FOUR GROUP SITES;** on 20.18-acre parcel (ID# 022-1062-09-000), located in W ½ of Gov't Lot 2, all in Section 24, Township 47 North, Range 9 West, Town of Hughes.

Evie Sorenson, (she and Randy Magee are twelve-year owners), have license for 54 sites at this time, originally purchased w/ 58 sites and their license allowed 51 to 100; they didn't know they were over the number allowed by the conditional use (which was obtained by former owners and was never seen by them) because of what the license allowed. Ms. Sorenson said they added three seasonal sites; are now seven sites over; want to rectify the situation. They feel they need ten additional sites to make up for lost revenue due to recent poor winters / tax-increases. Presented background: business has been there over 60 yrs; they joined the lake owners' organization; have set up rules for clientele such as limited lake hours / no jet-skis; require clean sites, no loud music, quiet times, etc.

It was noted there are 46 seasonal families with five pontoons, four power boats, three fishing boats; seven have ATVs; the resort has two pontoons, two fishing boats and boats brought in are checked for cleanliness to follow regulations re zebra mussels and problematic weeds. With lack of last winter business, they would only be able to install three to four new sites this year. Of the ten requested sites, six would be seasonal and four transient. The rate of occupancy was presented for 2006: Overnight Sites – June 40% capacity; July 80%, August 45%; Seasonal Camping – 100%.

Randy Magee said they strive to keep up the grounds, enforce regulations and restrictions, and control quiet time; believes they are able to control the atmosphere / situation with additional sites. Chairman Beeksma asked if public access is granted from the resort. Magee said it is if they register at the office, boats are searched, a fee paid and no jet-skis are allowed.

Support:

- *Elizabeth Tribbey, (current president of Lake Assoc. but spoke as private citizen): said Randy and Evie have only improved the campground; believes some information in the petition that was circulated was misinformation, or more correctly, not totally fair, because the owners did not get to explain themselves.*

Opposition:

- *Ken Carlson, Iron Lake resident: supports many things accomplished at the campgrounds; said they are responsible operators, monitor boat traffic, etc. but was concerned for the lake and negative impact with more use, shoreline erosion, accelerated weed growth. Excluding Top of the Morn he said there are 60 developed sites on the lake. He quoted from the a petition letter and survey where one was in favor, 50+ were opposed, 4 had no opinion regarding approval of this permit. Carlson noted Hughes township voted to approve bringing the campground into compliance but against expansion.*
- *Jerry Walther of Iron Lake expressed opposition.*
- *Mike Kuralli, Iron Lake resident: said more people on the lake doesn't add to the enjoyment for residents; agreed with Hughes' recommendation.*
- *Tony Polkoski, adjoining property owner, had copies of 36 opposition letters; doesn't live on Iron Lake, concern was road traffic.*
- *Margaret Rautio, property-adjoiner, was concerned w/ more traffic.*

- *Mike Furtak (spoke as adjoining property owner, not as Zoning Dept. staff or Town Board official): concern re growing amount of used tires, construction and other materials, full dumpster on site; due to oak tree die-off there was clearing and underbrush cutting which left very little screening on property line between them; concerned if group sites are approved / what that might lead to; if revenue is issue, suggested fee increases.*

Rebuttal:

- *Magee: some tires are used for pontoons, and other uses when storing equipment; all tires have now been removed; an antique dock on premise will be disposed of or sold; had stumps to yet be disposed of. Magee said he removed dangerous and threatening oak trees and discussion followed about replanting for screening and/or letting new shrubs fill in the cleared area.*

Supervisor Miller asked for clarification about compliance and licensing issue of 51-100 sites. Director Kastrosky explained the Dept. has met with the Applicants and recommended development of a plan approx. three years ago; they have been working w/ the Dept. He added that when the entity was purchased, there was no record of the conditional use permit; that issue has now been rectified with the recordation of affidavits on deeds (for conditional and special use permits) so buyers know exactly what is permitted. Kastrosky stated 54 sites are compliant, Top of the Morn has 61, and out of compliance by seven; licensing is not permitted by the Zoning Dept., therefore the difference in numbers at the time of purchase; noted they are not 'over' the number of sites for allowable space, but over the granted number.

AZA Casina read the ordinance screening regulation for campgrounds. Kastrosky gave the file report: approx. 35 opposition letters were received; Town Board approval with modifications was received, stating, "Town recommends approving up to a total of 61 to bring them up to compliance. Due to the amount of Townspeople (landowners) many objections – Town does not recommend 71. Concerns include land value, road conditions."

B. ERIC CARLSON REZONE REQUEST (Residential-Recreational Business to Agriculture-1) on 38.020-acre parcel (ID #006-1050-09-000) described as the NW ¼ of the NW ¼, less that part of the East 1000' lying North of said County Trunk Hwy J, Section 22, Township 50 North, Range 4 West, Town of Bayfield.

Applicant was not present.

Bill Ferraro reported this land has been put into the farmland preservation program.

No one spoke in support / opposition.

Kastrosky gave the file report; Town Board approval on file; no correspondence.

C. WANDA MEIEROTTO RECLAMATION PLAN (for Top Soil Removal) on 24.54-acre parcel (ID# 04-008-2-40-04-28-4-03-000-10000), located in the SW ¼ of the SE ¼, Section 28, Township 49 North, Range 4 West, Town of Bayview.

Wanda Meierotto clarified this is topsoil removal and reseeding only; was concerned some might be confused that is called non-metallic mining. Kastrosky noted the proper terminology is 'non-metallic mining' but it can be confusing and that Town Board recommended approval is not required on this issue. No one spoke in support / opposition.

D. TIERRA DEVELOPMENT RE-OPENING OF MAY 20, 2003 CONDITIONAL USE - To allow Guest Cottage(s) / Accessory Building(s) (which may not exceed a footprint of 500 sq. ft.) No more than 10 would be allowed in the Sawgrass First Addition and must be connected to the Town of Bell Sanitary District. Any additional cottages over 10 must first be approved by the sanitary district. Request for these additional buildings are subject to the following:

- The lot, wherein the additional hook-up would occur, must be non-dividable.*
- The additional hook-up must be for a carriage or guest house type of structure.*
- The additional user fee would be 1.5 times the current quarterly rate for a gravity line.*

Robert Davidson reviewed this request and presented history leading to this request; they now have the right to build residences plus an accessory (garage or guest cottage) w/ a limit of ten guest cottages; several Town and Sanitation District meetings were held on this issue; in March 2007 this was presented to Zoning Committee without TBA. Davidson said since development of Brickyard Creek (cottages in the woods), market demands are for larger cottages w/ guest houses; they feel somewhat restricted with their original plans; noted an architectural control committee will be used as in the past developments and that the Town tabled the request stating they did not have enough time.

Support / Opposition: none

File Report: RE no TBA, Kastrosky stated that with Towns and planning commissions, timeliness is critical and the Town had four months to consider this; the Committee weighs heavily on their input, but he questioned how much time

was long-enough. A letter from Mark / Barb Swanson is on file, not in support or opposed, but expressing wanting things done properly.

E. FRANK & SHERRY STONE, OWNERS / RICK & SHERRY LIPKA, AGENTS - CONDITIONAL USE REQUEST: DOG BOARDING FACILITY - convert existing barn into a dog boarding facility to house 12-15 dogs on 26.52-acre parcel (ID# 050-1001-01) in the NE ¼ of the SW ¼, Section 1, Township 48 N, Range 5 West, Town of Washburn.

Potential Buyer / Agent Rick Lipka requested permission to board 12 to 15 dogs (for people on vacation, etc.—not a sled dog kennel); plans to study methods used in other kennels to help keep dogs quiet at night; will have runs for daytime exercise; will kennel pets at night; existing building will be used (w/ modification); plans to install in-floor heating; sanitation procedure is to have solids picked up with urine being washed into a septic tank w/ leech field; will meet state / federal codes.

L.U.S. Tulowitzky stated this is on a dead-end road, with one neighbor to the south and as sand pit is the only other activity in that location. In answer to questions re pet vaccinations and licenses, Lipka said pet owners will have to show proof of vaccination and will investigate if State licensing is required. L.U.S. Tulowitzky advised the Applicant if cat boarding is desired, it must be requested at this time. Lipka said he would like to board both felines and canines.

Support:

- *Frank Stone, seller of property, said the location is perfect for this request—two miles from town, surrounded by buffer of trees; had approx. 12 mushing dogs there for ten years with not a single complaint.*

Opposition: none (from the audience)

File Report: Kastrosky noted a letter of concern from Mike / Kathy Hopkins, adjoining property owners from Gordon, WI, opposed to commercial ventures on this land, as well as noise issues. Town Board Approval placed a condition that dogs are to be penned indoors by 9 PM for noise concerns and sanitation codes must be followed.

F. PETITION TO AMEND ZONING ORDINANCE 13-1-80 (Signage) by the Bayfield County Economic Development Corporation requesting amendments to the Bayfield County Zoning Ordinance including the following:

1. Section 13-1-80 would be amended to include revised language
2. Section 13-1-82 would be amended to permit additional business signage
3. Section 13-1-86(b) would be amended to remove subsection (b)(1)
4. Section 13-1-87(d) would be amended to permit signs to be constructed 14 feet high above the ground level.

John Carlson, representing B.C. Economic Development Corp., reviewed the current & proposed ordinance. Marion Vaughn, B.C. Economic Development Corp., noted only on-premise signs identifying businesses are affected, not billboards; the desire is to meet the needs of maintaining natural beauty as well as business-success. Carlson added that the changes will help solve the problem of establishments placing signs on trailers, etc.

Support:

- *John Hamilton said this is a good option for everyone in the County.*
- *Frank Graves, B.C.E.C. Board Member reported the Town of Bayfield Planning Commission is in favor but w/ the understanding it does not inhibit enforcement of a more restrictive ordinance by local communities. He said there is some opposition from the Town of Bayfield*

Opposition:

- *Bill Ferraro, Supervisor Bayfield Township, Planning Commission and Chamber Member stated the Town objects; is concerned about protecting rural imagery; he read a Bayfield Chamber of Commerce letter noting this should be thoroughly addressed by County organizations and chambers of commerce. Ferraro added a personal comment to give townships three options and allow them input (what will work for their township).*

Rebuttal:

- *Marion Vaughn: Communication has been welcomed / urged by their Board of Directors; this has been worked on for several years, Chambers are involved; a member of the Bayfield Chamber, and the City of Bayfield, is on their Board. John Carlson clarified that signs are not increasing, this is only onsite signage and that Towns cannot make things less restrictive.*
- *John Hamilton also noted there has been opportunity to take part in this entire process.*
- *Director Kastrosky stated when amendments are proposed, each of the 25 townships in the County is sent a copy by certified mail and on this issue, Bayfield is the only Township which gave any input. He noted this lack*

of input, for or against, becomes quite disheartening.

6. ADJOURNMENT OF PUBLIC HEARING: *Motion at 3:15 PM by Miller / Rondeau to adjourn. Motion carried 3 yes / 0 no. Chairman Beeksma called for a break.*

7. CALL TO ORDER OF ZONING COMMITTEE MEETING: *By Chairman Beeksma at 3:26 PM.*

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

9. MINUTES OF PREVIOUS MEETING(S): *[March 15, 2007] Motion by Rondeau, seconded by Miller to approve as prepared; carried 3 yes / 0 no.*

10. BUSINESS:

A. RANDY MAGEE & EVIE SORENSEN, OWNERS (DBA: TOP OF THE MORN RESORT & CAMPGROUND) CONDITIONAL USE REQUEST – Campground Expansion (to 1995 Conditional Use - 54 campsites) - **INCREASE TO TOTAL OF 71 COMPRISED OF 52 SEASONAL, 15 OVERNIGHT, and FOUR GROUP SITES;** on 20.18-acre parcel (ID# 022-1062-09-000), located in W ½ of Gov't Lot 2 all in Section 24, Township 47 North, Range 9 West, Town of Hughes.

AZA Casina reported that three other campgrounds were required to come before the Committee in recent years, and they (Zoning Committee) placed conditions that individual sites must have sanitary waste containment. Casina urged a similar condition on this permit, noting the majority at Top of the Morn have portable wagon-type collection tanks, not buried containment tanks, which other resorts have been required to install.

*Motion by Rondeau to **approve up to 61 sites, following the Town's recommendations, with the condition that each seasonal site is to have a buried collection facility for sanitary waste**; Miller seconded the motion.*

Discussion:

- Additions to seasonal sites should have permits.
- Mike Furtak discussed the campground screening issue, noting an area that was cleared between the campgrounds and his property.
- It was noted dead / diseased trees can be cut.
- Group Sites were discussed and the Committee did not have a problem with tenting groups, such as youth groups / scout groups, etc.

*Rondeau amended his motion to place a **deadline of the end of this camping season (2007) to have the collection facilities placed on each seasonal site and included approval of the EIA** (Environmental Impact Analysis); Miller seconded the amended motion; carried - 3 yes, 0 no.*

B. ERIC CARLSON REZONE REQUEST (Residential-Recreational Business to Agriculture-1) on 38.020-acre parcel (ID #006-1050-09-000) described as the NW ¼ of the NW ¼, less that part of the East 1000' lying North of said County Trunk Hwy J, Section 22, Township 50 North, Range 4 West, Town of Bayfield.

*Motion by Rondeau, second by Miller, to **approve**; carried 3 yes / 0 no.*

C. WANDA MEIEROTTO RECLAMATION PLAN (for Top Soil Removal) on 24.54-acre parcel (ID# 04-008-2-40-04-28-4-03-000-10000), located in the SW ¼ of the SE ¼, Section 28, Township 49 North, Range 4 West, Town of Bayview.

*Motion by Miller, second by Rondeau, to **approve the reclamation plan**; carried 3 yes / 0 no.*

D. TIERRA DEVELOPMENT RE-OPENING OF MAY 20, 2003 CONDITIONAL USE - To allow Guest Cottage(s) / Accessory Building(s) (which may not exceed a footprint of 500 sq. ft.) No more than 10 would be allowed in the Sawgrass First Addition and must be connected to the Town of Bell Sanitary District. Any additional cottages over 10 must first be approved by the sanitary district. Request for these additional buildings are subject to the following:

- (d) The lot, wherein the additional hook-up would occur, must be non-dividable.
- (e) The additional hook-up must be for a carriage or guest house type of structure.
- (f) The additional user fee would be 1.5 times the current quarterly rate for a gravity line.

Kastrosky stated this involves amending the plat; it went before the Town Board for about three months, but they never completed the process or got a recommendation from their planning committee. He stated this has continued a long

time, there should be 'due process' expecting things in a timely manner or [when it happens] it's necessary to re-notice involving extra time and expense..

Motion by Miller, second by Rondeau, to approve.

Discussion: Beeksma then said it has not been their custom to approve without Town input. Miller re-motined to approve contingent on Town Board approval, seconded by Rondeau; carried 3 yes / 0 no.

E. FRANK & SHERRY STONE, OWNERS / RICK & SHERRY LIPKA, AGENTS - CONDITIONAL USE REQUEST: DOG BOARDING FACILITY - convert existing barn into a dog boarding facility to house 12-15 dogs on 26.52-acre parcel (ID# 050-1001-01) in the NE ¼ of the SW ¼, Section 1, Township 48 N, Range 5 West, Town of Washburn.

Motion by Rondeau, seconded by Miller, to approve the boarding facility for up to 15 dogs and/or cats with the conditions the Town recommended: dogs are to be penned indoors by 9:00 PM, sanitation codes must be followed; carried 3 yes / 0 no.

F. PETITION TO AMEND ZONING ORDINANCE 13-1-80 (Signage) by the Bayfield County Economic Development Corporation requesting amendments to the Bayfield County Zoning Ordinance including the following:

5. Section 13-1-80 would be amended to include revised language
6. Section 13-1-82 would be amended to permit additional business signage
7. Section 13-1-86(b) would be amended to remove subsection (b)(1)
8. Section 13-1-87(d) would be amended to permit signs to be constructed 14 feet high above the ground level.

Motion by Miller, second by Rondeau, to approve.

Discussion: re height restriction and multi-tenant issue; Kastrosky clarified and also corrected a statement made in the public hearing re the ability to have a 96 sq. ft. sign if there is a larger one that is removed. **Motion then carried, 3 yes / 0 no.**

Agenda Review and Alteration

G. ERIK FINSTAD FINAL PLAT APPROVAL (Iron River)

Kastrosky noted this is the same configuration approved in the preliminary in October, 2006; it meets the criteria; there are no changes and the Town approved it.

Motion by Rondeau, seconded by Miller, to approve; carried, 3 yes / 0 no.

H. ROBERT PULS SPECIAL USE REQUEST - Hobby Farm (5 ponies) on 40-acre parcel (#012-1025-07) in the NE ¼ NE ¼, Section 9, Township 43 N, Range 7 W, Town of Cable.

Robert Puls noted this is not a business, boarding, or breeding facility; is only for personal use.

Motion by Rondeau, seconded by Miller, to approve the hobby farm for five (5) ponies and/or horses, contingent on Town Board approval, and that the permit is non-transferable-- it is approved for the current owner(s) only.

Motion carried- 3 yes / 0 no.

I. JAMES RAMSLAND SPECIAL USE REQUEST- Second Residence on a Parcel: 1.04-acre parcel (#024-1096-02) in Govt. Lot 2, Section 34, Township 47 N, Range 8 W, Town of Iron River.

James Ramsland said his proposed building will consist of a garage, with a bunkhouse above, to include sleeping quarters, kitchen facilities, and a sanitary system. [Note: technically this is considered a residence w/ attached garage per the Zoning Ordinance].

It was noted that the Town Board placed a stipulation that the new residence have a separate drainfield / septic system. Ramsland clarified that a sanitary system will be installed with a pump which will pump up to the first residence which will also have a new sanitary system.

Motion by Miller, second by Rondeau, to **approve**; carried- 3 yes / 0 no.

J. DONALD BAYLISS JR. SPECIAL USE REQUEST - Home-Based Business (Auto Repair) located on parcel (#026-1025-04-990) in the NE ¼ of the NW ¼, Section 13, Township 46 N, Range 5 W, Town of Kelly. Don Bayliss stated this is a small business to do basic repair work. L.U.S. Tulowitzky said a complaint was received by the Dept. re the number of vehicles on this property; he and Karl went there in Dec. 2006; he has followed up six times since with the last inspection on Mar. 27, 2007. Travis reported all unlicensed and inoperable vehicles have been removed; Bayliss was asked not to operate his business until he was in compliance and now is; no citation has been issued; constant progress was made since the original visit.

Kastrosky said no letters were received in support or opposition; the Town of Kelly approved the request with conditions limiting hours of operation and number of vehicles on the property not owned by the Bayliss.

Motion by Rondeau, second by Miller, to **approve w/ the Town's conditions: hours of operation 8:00 AM to 6:00 PM; limit of ten (10) vehicles not owned by Mr. Bayliss allowed on property.**

Discussion: Travis asked Bayliss if he was aware of regulations about disposal of waste products; he answered not aware of all the regulations as he takes waste to a disposal facility and they are aware of the regulations. Motion then carried- 3 yes / 0 no.

K. TERRY TORKKO SPECIAL USE REQUEST - Hobby Farm (2 horses) on 20-acre parcel (#020-1005-05) in part of the W ½ of the SW ¼, Section 3, Township 47N, Range 5 W, Town of Eileen.

Terry Torkko said these are pleasure horses; an electric fence will be installed. Kastrosky reported TBA is on file with no other letters of support / opposition.

Motion by Miller, second by Rondeau, to **approve the hobby farm for two (2) horses**; carried- 3 yes / 0 no.

L. DENNIS BALJO SPECIAL USE REQUEST – Mini Storage on 14-acre parcel located in the SE ¼ of the SW ¼, Section 28, Township 49 N, Range 4 W, Town of Bayview.

Agent Tom Trudeau presented maps / structure plans; noted eventual plans for four storage structures with all inside storage; said there may be wetlands on the original location, therefore changed offer to purchase five acres to a total of eight (moving the project location); will have DNR wetland inspection; has TBA with conditions. Trudeau presented maps / structure plans. L.U.S. Tulowitzky reported building locations may be subject to change due to wetland delineation.

Director Kastrosky read the Town conditions: "Approved with conditions: any waste be handled and disposed of, and all property to be stored inside the building- no outside storage. Any waste meaning- if maintenance is done on boats or other property, such as oil changes, sanding or painting of boat hulls, that waste be properly disposed of and not left to endanger the wetland area".

Trudeau said he will have a stormwater plan and answered questions about access points and if the DOT will verify where entrance can be. Adjoining property owners, Tom / Peg Lukasiwicz, expressed concern re wetlands in the area and presented 8 photos taken 04/13/07 of the wet areas on the property. Kastrosky noted no EIA is required; a permit cannot be issued for building in wetlands; Beeksma stated there are 'stiff requirements' involving the DNR, and stormwater runoff, etc. Kastrosky asked Trudeau when he plans to begin the process; answer was May 2007.

Motion by Rondeau, second by Beeksma, to **approve with conditions that waste is handled and disposed of properly, that all property is to be stored inside the building, with no outside storage permitted.** Carried- 3 yes / 0 no.

M. BRICKYARD CREEK III – AMEND CONDITIONAL USE (May 18, 2000) To Reduced Density and Review Compromise with Red Cliff Band of Lake Superior Chippewa (Town of Russell)

Robert Davidson discussed this request; stated they worked out an agreement with the Tribe who approved the arrangement (7 – 2 vote). Agreement is to amend from 15 to 13 units; there shall be no docks. The Tribe then withdrew their objections. Davidson agreed to present the settlement conditions to the Planning / Zoning Dept., which includes agreement to connect to the sanitary district.

*Motion by Rondeau, second by Miller, to **approve** amended request; carried- 3 yes / 0 no.*

N. CITIZENS CONCERNS / INPUT: None

O. DISCUSSION / POSSIBLE ACTION - NR115 RE-WRITE UPDATE:

- *Karl Kastrosky gave a brief report, including a report on the NWDZA meeting of 04/18/07.*

P. OTHER ITEMS THAT MAY COME BEFORE THE COMMITTEE (Discussion Only):

- *Decision made to change the meeting time to 3:00 PM for the May 2007 Zoning Committee Meeting.*

11. MONTHLY REPORT: *Motion by Rondeau / Beeksma to **approve** the March 2007 report; carried- 3 yes / 0 no.*

12. ADJOURNMENT: *Motion to adjourn at 4:43 PM by Rondeau, seconded by Beeksma; carried.*

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

*Prepared by MJJ on 4/23/07
Approved by KLK on 4/24/07*

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

K/ZC/Minutes/2007/Apr