

MINUTES
Bayfield County Planning / Zoning Committee Public Hearing / Meeting
July 26, 2007
Board Room, County Courthouse, Washburn, WI 54891

1. **CALL TO ORDER OF PUBLIC HEARING:** *By Chairman Beeksma at 1:01 pm.*
2. **ROLL CALL:** *Beeksma, Jardine, Maki, Miller, present; Rondeau, absent. (Rondeau arrived at 1:03 PM.)*
3. **AFFIDAVIT OF PUBLICATION:** *Read by ZA Kastrovsky; Kastrovsky noted a withdrawal was received from Bill Maki, Agenda Item D; it is off the agenda; will not be heard.*
4. **REVIEW OF MEETING FORMAT:** *By Jim Beeksma.*

5. PUBLIC HEARING:

A. SALLY D. BOWERS REZONE REQUEST (Ag-1 to R-RB) on 3-acre parcel (ID #014-1074-04) described as the East 200' of the NW ¼ of the NW ¼ in Section 28, Township 50 North, Range 7 West, Town of Clover, which lies North of the Cranberry River.

Applicant was not present; Kastrovsky announced the option to table this request, or to continue to see if anyone was present wishing to speak. Jardine noted the Town's approval and felt it should be addressed. Kastrovsky's file report indicated no letters were received (opposition / support) but Town approval only; Town stated this conforms to their land use plan. AZA Casina said no one spoke either in favor, nor opposition, at the town level

Support / Opposition: *None*

B. JOSEPH A. & PATRICIA A. BRUNEAU REZONE REQUEST (Ag-1 to R-RB) on .50-acre parcel (ID #014-1032-06) located in part of the SE ¼ of the NE 1/4, Section 8, Township 50 North, Range 7 West, Town of Clover.

Applicant was not present. AZA Casina said this property is in the sanitary district, is a non-conforming one-acre lot in Ag-1; applicant wishes to place a home there but cannot meet setbacks because of Ag-1; he noted no one spoke in favor or opposition at the Town level. Kastrovsky reported the Town notes this request conforms to their comprehensive plan; no other correspondence on file.

Support / Opposition: *None*

C. A PETITION BY KARL KASTROVSKY, BAYFIELD COUNTY PLANNING AND ZONING ADMINISTRATOR, ON BEHALF OF THE BAYFIELD COUNTY PLANNING AND ZONING COMMITTEE, REQUESTING AMENDMENTS TO THE BAYFIELD COUNTY ZONING ORDINANCE, INCLUDING THE FOLLOWING:

1. Elimination of underlying land use and shoreland/wetland use fees.
2. Increasing conditional use application fee from \$240 to \$350.
3. Increasing Class A and Class B special use application fees from \$75 and \$165 respectively to \$175 and \$250 respectively (including fees for signs requiring Class A special use permits).
4. Listing "electric generating windmill (commercial)" as a conditional use in I, A-1, A-2, F-1, and F-2 zoning districts
5. Technical clarifications and/or corrections to Sections 13-1-4(a)(25) and (26), 13-1-27(c)(2), 13-1-29(b)(3), 13-1-32(e), 13-1-61(f), and 13-1-62(a).

Director Kastrosky asked if there was public input on this petition, there being none, he summarized the amendments noting this corrects some small errors or “glitches”, reduces fees on special / conditional use permits; adds a category for wind towers, among other things. Kastrosky said every township is properly notified of proposed changes, as well as publishing in the County Journal; there was no input from anyone, including the towns.

Support / Opposition: None

6. ADJOURNMENT OF PUBLIC HEARING: Motion by Maki, second by Rondeau, to adjourn the public hearing at 1:11 pm; carried 5 yes / 0 no.

7. CALL TO ORDER OF ZONING COMMITTEE MEETING: By Beeksma 1:11 pm

8. ROLL CALL: Beeksma, Jardine, Maki, Miller, Rondeau, all present.

9. MINUTES OF PREVIOUS MEETING(S): Motion by Rondeau, 2nd by Miller to **approve** as presented. Motion carried 5 yes / 0 no.

10. BUSINESS:

A. SALLY D. BOWERS REZONE REQUEST (Ag-1 to R-RB) on 3-acre parcel (ID #014-1074-04) described as the East 200’ of the NW 1/4 of the NW 1/4, Section 28, Township 50 North, Range 7 West, Town of Clover, which lies North of the Cranberry River.

Motion by Maki, second by Jardine to **approve** the rezone from Ag-1 to R-RB; motion carried - 5 yes / 0 no

B. JOSEPH A. & PATRICIA A. BRUNEAU REZONE REQUEST (Ag-1 to R-RB) on .50-acre parcel (ID #014-1032-06) located in part of the SE 1/4 of the NE ¼, Section 8, Township 50 North, Range 7 West, Town of Clover.

Motion by Jardine, seconded by Rondeau to **approve**; no discussion; carried.

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

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Motion by Jardine, second by Rondeau, to **approve the amendments as proposed**; carried – 5 yes / 0 no.

Agenda Review and Alteration

D. WILLIAM MAKI (Barksdale) – FINAL PLAT APPROVAL (prelims: 3/17/05, 7/20/06, 8/17/06)
Withdrawn.

E. DAVE & DEBORAH SCHEDLER– EIA & CAMPGROUND (tabled 6/21/07) in Govt. Lot 5, Parcel ID# 024-1079-05), Section 28, Township 47 N, Range 8 W, Town of Iron River. [Note: agenda incorrectly listed township as Hughes.]

Chairman Beeksma announced concise public comments would be accepted but points should be made quickly without repeating previous speakers' comments. Director Kastrovsky noted that as of noon 55 e-mails and several letters were received, basically in opposition; due to this not being a public hearing, letters will not be read-- only noticed; a few more opposition e-mails came after noon, however, that was the cut-off.

Maki asked if this request had been published and Kastrovsky said it was and then read the history of the Schedler's applications / dates of publications from June 21, 2006 to date. Kastrovsky said statutorily all legal notices were completed by the Zoning Dept. but that does not automatically mean the Town did what they should have.

Dave & Deborah Schedler explained their request, and location noting emphasis is on four-wheeling rather than fishing or lake use (location is on the trails system, not on a lake). They noted plans for seasonal sites, a few drive-through sites, primitive sites, and overnight sites, with numbers still being worked out. They emphasized they are not 'key-holing'; boaters will have to pay at the public access point, it will be mandatory to wash their boats before going on the lake, etc. like any others who use the public access.

Mrs. Schedler said they are requesting 125 sites but are still working on a feasible number believing they won't reach a 125-total. She said there will be no lake-access and it will be the only campground in the area that doesn't have anything to do with the lake, including swimming, dock space, etc. She said there are no houses on the road, four-wheeling will be promoted and advertised; other campgrounds turn people away every year—believes there is a need for this in the County. Each trailer site will have a holding tank; there will be showers, restrooms.

Jardine asked why they don't delay this until the campground ordinance is written or revised. Kastrovsky said completion is a long way off, possibly two months just on the draft.

Kastrovsky noted this is an 18-acre property and ten sites are allowed per acre and said the application is for 50 seasonal, 13 overnight; 37 others which equals 100 sites; he also reported this was approved by the Town. Discussion followed regarding the difference in numbers of sites listed on the EIA versus the application and today's numbers. Mrs. Schedler said they possibly handed the EIA in too soon (last fall) before more information was obtained; they had fewer numbers on the EIA because they were told to have only a 'tentative plan' then and this year a 'concrete plan'.

Kastrovsky said the EIA ought to address the exact number of sites and noted projects such as this can be approved in phases as well. Last yr told only needed a tentative plan, this yr told needed concrete plan.

Support: None

Opposition: (Jerry Peck; Bob McCarthy; Paula Miller; Bill Swenson; Julie Mellum; John Fugelso; Karen Austin)

- **Jerry Peck:** opposed based on difference in EIA / application, concern for lakes.
- **Bob McCarthy:** concern for road-size to campground for RVs; weight and traffic on roads; traffic on Buskey Bay; four-wheeler speeding problems; public lake access problems including milfoil; burden on police/sheriff's depts.; property values will be adversely affected; dangerous intersection; shoreline problems on Buskey Bay; problems with utilities, well/water use. Recommended tabling for more info.
- **Paula Miller** asked for clarification of 'rumors' including if condo development was approved, how many current campsites there are now, and if 20 are approved. [Kastrovsky answered the condo plat is approved but not recorded / registered yet; regarding 20 campsites, he said nothing

is approved.] Ms. Miller stated there are some campsites there now; believes campers will want to use the lake after ATV riding; boat-washing is a concern; has concern about possible pending sale on the property.

Re comments of a “rumored” pending sale, Kastrosky noted the process in the event there is a sale: application goes forward with current landowner(s), if approved, is then conveyed, by ordinance, to any new owner(s), unless a condition is placed by the Committee granting the permit to current owner(s) only.

- **Bill Swenson:** concerned about density, invasive species problems, other lake use and issues, campers who are not “stakeholders” (as taxpayers are) and subsequent problems, attempt to “get around” back lots in zoning ordinance. He noted more ATV campgrounds are needed in the County, but the place is not a high-density area.
- **Julie Mellum:** concerned about air pollution (environmental hazard from wood smoke) noting health statistics, downwind-Lake-Millicent getting dust/smoke, private properties being used as restrooms.
- **John Fugelso:** concerned about lake quality / need for protection; area is headwaters of White River.
- **Karen Austin:** presented a letter from Jim Braken; read letter from Roger Dreher requesting no action be taken. Spoke about invasive species / low lake level concerns noting there are ‘unknowns’ involved but it is necessary to deal known factors such as density / areas of overuse.

Supervisor Jardine expressed concern that the EIA numbers differ from the conditional use application and originally wanted to table this until consistency between the two is resolved. **Supervisor Rondeau** was concerned about the great number of people present [note: many more were in the audience who indicated they wished to speak in opposition] and felt the problem should have been handled in the Town and should go back to them to get their recommendation. **Supervisor Miller** said this can’t be approved as requested when the EIA only notes 28 sites. **Jardine:** noted the issues are getting clouded as some of them are DNR issues.

Supervisor Beeksma: noted there was a lot of emotion, people didn’t express it at the Town level so there was no point in continuing with testimony when it should be heard there. (At this point Mr. Schedler stated the agenda lists his township as Hughes where he lives but this proposal is for the Town of Iron River.) Chairman Beeksma polled the Committee and the consensus was to send this request back to the Town to allow citizens to have their say. It was noted that Town meeting notices are to be posted in three places in the township and that residents can also contact the clerk for meeting agendas.

Motion by Jardine, seconded by Rondeau, to **table this request, send to the Town of Iron River, and bring it back to the Zoning Committee in the ‘business portion’ allowing citizens’ input.**

Discussion: Director Kastrosky suggested ways the EIA should be addressed the next time so it better qualifies. A member of the audience asked if the Town is required to hold a public hearing and the answer was it could be ‘recommended’ by the Committee.

Jardine amended his motion to add the following: also table the EIA, due to inconsistency w/ the conditional use, to have Kastrosky recommend the Town hold a public hearing on this matter. Second by Rondeau, carried as amended, 5 yes / 0 no.

Meeting Break: Motion by Jardine at 2:34 PM to break; seconded by Rondeau. Meeting reconvened at 2:46 PM.

F. ROBERT & MARION JONAS SPECIAL USE REQUEST– Home-Based Business (Furniture & Other Craft Items) – SW ¼ of SE ¼ and NW ¼ of SE ¼, Section 16, Township 50 N., Range 4 W, Town of Bayfield

Kastrosky reported the applicant had to leave (the meeting) for another appointment; Town approval is on file; no opposition was received; no one spoke in support / opposition; motion by Rondeau, second by Maki, to **approve**. Carried 5 yes / 0 no.

G. DISCUSSION / POSSIBLE ACTION RE STATUS / PROGRESS ON CONDITIONAL USE PERMIT FOR DON IGO (dated 9/18/01)

Don Igo was not present. Director Kastrosky reviewed this case: a go-cart track was approved in 2001; a “very, very limited” amount of work was done. Kastrosky said he doesn’t think this permit is valid any longer. AZA Casina reported there are other issues right now in Mr. Igo’s life / business, therefore is not certain this conditional use issue is important right now. Casina noted there was a three-year lapse on this which is the threshold on ordinance – permit is then considered void / expired. It was reported part of the track was laid out w/ gravel & tires, a couple of machines were purchased, but no activity was implemented. Kastrosky pointed out that this was very controversial w/ property adjoiners in the past; asked what action the Committee wanted to take.

Supervisor Rondeau suggested this be tabled and a letter written to Igo requesting his intentions. Casina said the applicant has been evasive on the Town level, not answering their requests for information; noted some land has been sold in this area as well. Kastrosky stated he could write a letter advising the opinion this is expired and if Igo disagrees he come back before the Zoning Committee; he should provide information in writing.

Rondeau made a **motion directing the Zoning Dept. to write Mr. Igo a letter notifying him this permit has expired; if he disagrees, he has 60 (sixty) days to get on the [Planning / Zoning Committee] agenda; if not, then it is a “done deal”**. Miller seconded the motion; carried 5 yes / 0 no.

H. CITIZENS CONCERNS / INPUT:

- Supervisor Maki: Questioned a foundation in the Pike’s Creek area. AZA Casina replied that there are some questions RE wetland issues and the DNR is holding up permits because of those issues.
- Maki asked about construction along the lakeshore – by Whiting Road. Travis Tulowitzky stated he drove by there this week; they are working on one house which we (Zoning) were involved with last year RE shoreland; they were granted a DNR rip rap permit.
- Question RE Ken Ewer property... Tulowitzky said he attended the meeting last month where Ewer explained the situation. Kastrosky noted this is ‘Item K’ on today’s agenda regarding CSMs (certified survey maps) in shoreland zones. Karl explained survey requirements; noted the many instances of boundary disputes the Dept. encounters. Kastrosky said shoreland language could be amended pertaining to anything unnamed would not require a survey or whenever there is a boundary. After discussion, **Maki suggested this be brought back as an amendment and Committee consensus was the same.**
- Discussion re portable toilets (brought up by Carol LaBreck). Kastrosky stated he is looking for input (ordinance) and requested Ms. LaBreck help provide that on this issue.

I. DISCUSSION / POSSIBLE ACTION RE LAND CONSERVATION DEPT.:

- Butch Lobemeier reported RE: reorganization of the Land Conservation Dept.; State requirement changes; funding/staffing grants; desire for third position in 2008; huge amount of work to be done in Bayfield County; complimentary work between extension, LCD and ZD. Kastrosky noted disconnection in the past; now there is cooperation; LCD oversees projects, helps plan them, will possibly review and issue nonmetallic annual permits.

J. DISCUSSION / POSSIBLE ACTION -- NR115 RE-WRITE UPDATE (WCCA'S DRAFT):

Karl said the ZC was given a draft which was opposed because it cannot be implement; there is a petition from Vilas County encouraging it be broadly opposed.

K. DISCUSSION / POSSIBLE ACTION REGARDING CSM'S IN SHORELAND ZONES (ZC):

[Covered above it Item H.]

L. OTHER ITEMS THAT MAY COME BEFORE THE COMMITTEE (Discussion Only): N/A

11. MONTHLY REPORT: *Motion by Rondeau, second by Jardine to approve the June report. Carried 5 yes / 0 no.*

12. ADJOURNMENT: *Motion by Jardine, second by Rondeau to adjourn at 3:24 PM, carried.*

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

cc: Administrator; Clerk; Corp.Counsel; DNR; Committee; Supervisors; IS Dept. (for Web)-- (sent 8/3/07)

*Prepared by MJJ on 7/22, & 8/1/07 -- to KLK 8/1/07;
Approved by KLK on 8/2/07*

K/ZC/Minutes/2007/July