

MINUTES
Bayfield County Planning / Zoning Committee Public Hearing / Meeting
May 21, 2009 – 4:00 PM
Board Room, County Courthouse, Washburn, WI 54891

1. **CALL TO ORDER OF PUBLIC HEARING:** *By Vice Chair Rondeau at 4:07 pm.*

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

3. **AFFIDAVIT OF PUBLICATION:** *Read by Director Karl Kastrosky.*

4. **REVIEW OF MEETING FORMAT:** *By Vice Chair Rondeau.*

5. **PUBLIC HEARING:**

A. PETITION TO AMEND ORDINANCE (Section 13) – Board of Adjustment:

Support / Opposition: No audience input

Karl Kastrosky addressed this issue; stated these are policies / procedures we did not have before which resulted from a recent lawsuit; this is a cost-avoidance measure. Legal Counsel Fauerbach, Bussey reviewed, adjusted amended w/ KLK. KLK recommends this be approved. File report: only input was from Town of Cable questioning what the reason is for this change; Kastrosky noted responsibilities and authority of the BOA is in the zoning ordinance.

B. AMIE / GARY EGSTAD REZONE REQUEST: R-1 TO AG-1 located on 15 acres (#04-010-2-50-06-35-2-01-000-12400) in part of the S. 496 ft. of the NE ¼ of the NW ¼, Section 35, Township 50 N, Range 6 W, Town of Bell.

Amie Egstad said property is surrounded by county forest except for one homeowner; there was no opposition at the in Town meeting; she has horses—plan is for total of four; land is mostly wooded, with small amount in pasture.

Support / Opposition: None

*Kastrosky: **File Report...** no letters; Town approved as they reviewed [request] with land use plan and it meets that plan.*

6. **ADJOURNMENT OF PUBLIC HEARING:** *Motion by Jardine at 4:14; Beeksma 2nd; carried.*

7. **CALL TO ORDER OF ZONING COMMITTEE MEETING:** *By Rondeau at 4:14 PM.*

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

9. **MINUTES OF PREVIOUS MEETING(S):** *Motion by Miller / Beeksma to **approve** the April 16th minutes with no additions / corrections; carried.*

10. **BUSINESS:**

A. Petition to Amend Ordinance (Section 13) – Board of Adjustment

*Kastrosky noted this is about a year in process; each town received a certified copy of this amendment; if approved it goes to Full Board. Jardine made a motion to **approve and forward on to County Board**; 2nd Jim Beeksma; carried 4 yes / 0 no.*

B. AMIE / GARY EGSTAD REZONE REQUEST: R-1 TO AG-1 located on 15 acres (#04-010-2-50-06-35-2-01-000-12400) in part of the S. 496 ft. of the NE ¼ of the NW ¼, Section 35, Township 50 N, Range 6 W, Town of Bell.

Jardine / Beeksma moved to **approve**. Discussion: Jardine questioned if there should be a restriction on the number of horses; Kastrosky noted that conditions are not placed on rezones. **AZA Doug Casina** this would be Ag-1 and no conditions on the number of livestock. **Motion remained as stated**; Beeksma was in agreement; carried 4 yes / 0 no.

Agenda Review and Alteration

- C. WARREN BEEDE SPECIAL USE REQUEST - HOME BASED BUSINESS / AUTO REPAIR (no bodywork)** located on a .408-acre parcel (#04024-2-47-08-08-3 00-215-04000) in Lots 14-18, Block 1, Section 8, Township 47N, Range 8W, Town of Iron River.

Warren Beede said he wants to keep existing garage but plans to make the ceiling higher and plans auto, ATV, & snowmobile repair.

File Report: Kastrosky noted no correspondence except Town Board approval. Motion by Miller / Jardine to **approve**. **AZA Casina** said because this is in town, perhaps the Committee consider a condition regarding accumulations of material on site and noted some people from Iron River talked with him w/ that concern. **AZA Mike Furtak** said there are concerns w/ auto repair businesses that vehicles will be brought in and left and a junk yard develops. **Beede** stated he doesn't want to have or allow an accumulation on his property. **Kastrosky** said there needs to be some threshold.

Vice Chair Rondeau said he didn't see the need to place conditions if the Town didn't. **Furtak** noted permits can be revoked if problems occur. Miller / Jardine agreed for **motion to stand as approval without conditions**; carried 4 yes / 0 no.

- D. FRANK LOVEJOY (AGENT KEVIN NELSON) SPECIAL USE REQUEST – DOG KENNEL (35 dogs / mushing /rescue)** located on a 38.648-acre parcel (#04-048-2-48-08-09-4-03-000-10000) SW ¼ of the SE ¼, Section 9, Township 48N, Range 8 W, Town of Tripp.

Kevin Nelson, tenant at Lovejoy property said this is basically for rescue animals, and fostering, also they are recreational mushers. He said in talking w/ neighbors, including Frank Lovejoy who is an adjoining resident, there were no issues and as far as he knew, no other opposition. He said the property is not readily visible unless you drive onto the property; noise is very minimal even for the Lovejoy house which is the closest; other closest house is about 1000 feet or more away.

Motion by Jardine to **approve up to 35 dogs** but then withdrew his motion. Nelson must give mutual consent to the restriction w/ the Town of Tripp, where they want to insure they have a three-year period to work on this-- if there are no issues, then the Town will make it a permanent rule.

Director Kastrosky noted an opposition file letter signed by the following: Wm./Bev Lindsey, Dale /Julie Lindsey, Doug /Melissa Lindsey, and Don/Shannon Lindsey. Jardine moved to **approve up to 35 dogs with conditions Tripp placed**, per May 14, 2009: "Permit to be issued on a three (3) year temporary basis and to be reviewed by the Township annually." A May 14, 2009 letter from the town of Tripp states "The Town of Tripp requests that the applicant's permit to be reviewed by the Town Board on an annual basis for a period of three years. Upon the third year review, the Town will decide at that time if the applicant is within town compliance and will then contact the County Zoning Department with their decision. If applicant has complied with all recommendations as needed, and problems are at a minimum, the permit will be fully approved. If not, the permit will be terminated. This permit will not be transferrable from one owner to another owner. Also the setback from Schacte Creek will be 100 feet. We would also recommend the kennel be no closer than 500 feet from Fairview Road. ... recommendations to be used if needed: 1. Proper fencing to detain dogs. 2. For noise control, we suggest the following: a. Sound barriers such as privacy fencing or trees, enclosed housing, and if needed some type of electronic barking device." The Town also recommended if problems arise, that concerned parties meet with the town to keep communication open / neighborly.

Beeksma seconded the motion; carried 4 yes / 0 no.

** [KASTROSKY and CASINA had to leave the meeting at 4:31 PM; Mike Furtak replaced Kastrosky.] **

E. BAXTER EQUITY LLC RE-ADDRESS Short-Term Rental (One Year Condition) Town of Namakagon

AZA Furtak said this was addressed about a year ago; it was contentious and approved with a one year trial period; time has expired, needs to be reviewed. He added that Namakagon recommended approval for one more year at this time and there were letters of objection on file. Furtak reported the Dept. researched another Polk County [re short-term rentals] and read information/restrictions they uses.

Supervisor Rondeau said the problem with a one-year review is Rec. Rental Properties already has summer rentals [which then are on hold or at risk]; he asked **Mr. Best** if would rather have review at another time. Best proposed six months instead. Best reviewed past history; a letter from Best was presented addressing how they would handle the issues questioned in the past.

Best presented a summary: He owns (w/ four partners) Recreational Rental Properties (now in business +25 yrs.); employ 10, manage +50 properties. They are in full support of how short-term rentals are now being handled in Bayfield County. As management company, they do not want to see abuse of properties, want areas preserved, and respect input of neighbors; will cooperate.

Best presented stats of the people who rented "Lake Breeze & Cozy Cottage" since permit was approved. They were either a single woman w/ the DNR there evenings only; families consisted of those who had stayed w/ Rec. Rental Properties in the past. Renters received their checklist by mail and went over it w/ them in person as well. Best believes he has complied w/ all the concerns that have been expressed. Has put boats in the lake for people; abides by number allowed in each residence, (which is regulated by the State). Only winter rental was for Birkie and did not rent to those the Chamber [of Commerce] called about at the last minute because they did not know the group.

Best noted that 2009 has seven weeks of rentals on the books, but consists of only three families; (one family for three week period). Rec. Rental has three people w/ pagers on all the time; property owner was less than mile from the property all the weeks it was rented, or was present working there—intent is the same this summer. Regarding concerns that property values would diminish: after one year, because rentals improved, improvements were made (+ \$20,000.); plans are to put money into landscaping this summer.

Best requested less than a year for review stating they have not done anything wrong in the past year, yet the neighbors still don't want this (and added that can't be used to determine if his permit is renewed. **Vice Chair Rondeau** said this is a 'conditional' use permit and it can be pulled any time it is violated. **Supervisor Jardine** and **Rondeau** did not agree with this coming back to the Committee every year. **AZA Furtak** said 'as of today, we have received no calls from neighbors of the Town concerning problems.

Neighbor Clyde Wishart said the neighbors don't like it and recommended last year this not be approved. He reviewed the problems that were expressed in the past including it being a very narrow road, congestion & traffic problems. A letter from **Kathy & Dick Kuklar** (rec'd. 10/06/2008) was read by **Mike Furtak**: they want the permit rescinded, listed objections of narrow private drive, traffic, number of vehicles present, owner not on site; garage lights on all night; personal liability w/ children bike riding; renters with dogs; concern for restrictions being 'bent' rental income is down; snowmobilers / vehicles driving over septic systems; detrimental impact on Duck Point.

Wishart read a letter from the Kuklar's from March 2009 [which was not in the Dept. file]: they want an on-site mgr./owner. **Wishart** encouraged this be evaluated for six-month period and added he does not have pager #s that were mentioned by Best.

Supervisor Miller asked if this could be left up to the Town to avoid it coming back to the Zoning Committee repeatedly. **Rondeau** reminded him that the Town is not the one who issues this permit. **Furtak** noted that "this body has authority to issue it"; condition can be placed to have the Town review it at some point, however, rescinding the permit would have to come back to the Zoning Committee. **Furtak** reminded the Committee that this was not a public hearing, and they were not obligated to listen to public input.

Jim Anderson (neighbor) noted the Town did not have a copy of the permit at their meeting so didn't know what conditions were placed.

Best stated that because the Town didn't have access to the actual permit they passed it to the County; he was concerned because now the County was passing it back to the Town. **Best** also said it was quoted there had been 10 to 15 vehicles on the property and that was not the case since the permit was issued.

Jardine said he agreed w/ the Town for one more year. **Rondeau** said w/ just cause the permit can be revoked and the Committee is not bound by the Town's decision.

Supervisor Shawn Miller moved to grant the Baxter's a one year permit which stays solely w/ the Baxter's— if the property is sold, new owners would have to reapply; at end of one year, if the Town Board sees fit to renew, the Baxter's would not have to come back to the Zoning Committee; review would be by the Town.

Supervisor Jardine didn't believe the Town has jurisdiction but could extend or disapprove after a year. **Supervisor Beeksma** then seconded Miller's motion. Discussion: **Furtak** noted similar circumstances have happened in the past but if revoked, it has to come back to the County. Motion carried 4 yes / 0 no.

F. CITIZENS' CONCERNS / INPUT: None

G. DISCUSSION / POSSIBLE ACTION- Comprehensive Planning & Zoning: Mike Furtak said this is moving forward with upcoming meetings in a week. **Jardine** requested all supervisors of county attend the meetings they are all notified but with poor attendance. Discussion: it was felt improvements need to be made by the Consultants—there are shortfalls; there has been frustration within the [Zoning] Dept. as well and it will be discussed with the Consultants. **Furtak** said some towns are getting accomplishing a lot, however, a lot of hand-holding is done by the County; many still do not show up for the meetings.

H. Discussion / Possible Action NR115 rewrite update

Furtak reported that Karl Kastrovsky attended a recent Northwest District meeting (a rep from the Governor's office was present); NR115 was discussed. **Furtak** said the DNR decided 'good enough' and is ready to make things happen. **L.U.S. Travis Tulowitzky** stated it was on the agenda for 'action' however that's the farthest it ever got; they have now withdrawn it – postponing until next month. **Travis** also reported the Lakeland Times [newspaper] requested information (open records request) and the DNR rejected it.

I. Other items that may come before committee (discussion only)

Supervisor Beeksma discussed the fact the Committee needs to state their motions clearly with any stipulations and/or conditions clearly noted for public record. He said they have been getting slack on that; it is important to be specific.

11. MONTHLY REPORT: Motion by **Jardine / Beeksma** to **approve**. Discussion: **Furtak** noted sanitary permits are down, land use is up but revenue down. Motion carried 4 yes / 0 no.

12. ADJOURNMENT: Motion by **Jardine / Miller** at 5:49 PM; carried.

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

Prepared by MJJ on 6/17/09
Approved by 06/30/2009

cc: Administrator; Clerk; Corp.Counsel; DNR; Committee; Supervisors; Sheree Bye 62245 Delta Lake Rd, Iron River WI 54847

K/ZC/Minutes/2009/May