

MINUTES
Bayfield County Planning / Zoning Committee Public Hearing / Meeting
January 21, 2010 – 1:00 PM
Board Room, County Courthouse, Washburn, WI 54891

1. **CALL TO ORDER OF PUBLIC HEARING:** *By Vice Chairman Rondeau at 1:04 PM.*
2. **ROLL CALL:** *Maki, Miller, and Rondeau, all present; Beeksma, absent/excused; Jardine, (in contact by telephone).*
3. **AFFIDAVIT OF PUBLICATION:** *Read by Director Karl Kastrosky.*
4. **REVIEW OF MEETING FORMAT:** *By Vice Chair Rondeau.*
5. **PUBLIC HEARING:**

- A. RICH WSZALEK (Owner) / LAWRENCE / MARGARET RACHELI (Agents) CONDITIONAL USE REQUEST: to use an existing warehouse building to operate a woodshop, glass etching studio, and gift shop** on 0.96-acre parcel (ID# 04-006-2-50-04-15-4-00-112-11000), Lot 11, Apostle Highlands Springhill South, Section 15, Township 50 North, Range 4 West, Town of Bayfield.

Director Kastrosky reported no Town input was received; the Town tabled this due to lack of information, they were uncomfortable in making recommendation as neither the owner nor applicant was present (at Town board / planning commission meetings) [nor was anyone present at this meeting]. Kastrosky said this can be re-noticed as a public hearing item since no representative was present, or just put on next month's agenda for action.

Supervisor Maki said this building was operated as a plumbing shop / commercial venture for years but questions were presented whether more customers on site and sanitary is acceptable.

Support / Opposition: *None*

- B. PORCUPINE INN, INC. (Owner) / NATHAN WARD (Agent) CONDITIONAL USE REQUEST: 199' Communication Tower (for Verizon wireless).** Parcel is part of a 35.00-acre parcel (part of ID #04-004-2-43-09-21-2-03-000-10000) located in a portion of the SW ¼ of the NW 1/4, less V. 388 P. 140 Section 21, Township 43 North, Range 9 West, Town of Barnes.

Nathan Ward (representing Verizon Wireless) reported this tower is to improve wireless / internet in Barnes. The question of co-location capability came up and Kastrosky said co-locaters usually don't "come on board until the towers go up". He then asked Mr. Ward if 199 ft. is sufficient for their needs, or would they have applied for 250 or 300 ft. otherwise. Ward stated they would have applied for a taller height, however, chose not to seek a variance hoping instead to reapply for additional height if/when the ordinance changes. He noted the towers requested [Items B. & C.] are structurally / foundationally designed for additional height. He said at 199 ft. they are exempt from A.F.A. lighting requirements (over 200 ft. must be lit).

Support / Opposition: *None*

AZA Mike Furtak mentioned the bond requirement in the ordinance; Ward said if approval is received a \$20,000 bond will be obtained.

File Report: *Furtak noted the Town and Planning Commission approved this with no one speaking against this as long as the towers were not lit.*

- C. KATHLEEN SENSKE, (Owner) / NATHAN WARD, (Agent) CONDITIONAL USE REQUEST: 199' Communication Tower (for Verizon wireless).** Parcel is part of a 40-acre parcel (part of ID #04-004-2-44-09-21-4-03-000-10000) located in a portion of the SW ¼ of the SE ¼, Section 21, Township 43 North, Range 9 West, Town of Barnes.

Agent Nathan Ward said this tower will be owned by Central States but Verizon will market it and lease from them; will comply with 199 ft. height restriction. He noted bringing power to the area (3-4 miles) should benefit others, allowing existing cabins access and would benefit those who may wish to build; as with Item B. they won't seek a variance for additional height but if the ordinance changes would likely reapply.

Support / Opposition: None

File Report: **Kastrosky** said Town approval was received based on compatibility w/ their land use plan and Bayfield County's plan for height.

6. **ADJOURNMENT OF PUBLIC HEARING:** Motion at 1:29 PM by **Miller / Maki** to adjourn; carried.
7. **CALL TO ORDER OF ZONING COMMITTEE MEETING:** By Vice Chairman Rondeau at 1:29 PM.
8. **ROLL CALL:** Maki, Miller, and Rondeau, all present; Beeksma, absent/excused; Jardine, (in contact by telephone).
9. **MINUTES OF PREVIOUS MEETING(S):** Motion by **Maki / Miller** to approve the Dec. 17, 2009 minutes as prepared; carried.
10. **BUSINESS:**

A. RICH WSZALEK (Owner) / LAWRENCE / MARGARET RACHELI (Agents) CONDITIONAL USE REQUEST: to use an existing warehouse building to operate a woodshop, glass etching studio, and gift shop on 0.96-acre parcel (ID# 04-006-2-50-04-15-4-00-112-11000), Lot 11, Apostle Highlands Springhill South, Section 15, Township 50 North, Range 4 West, Town of Bayfield.

Miller made a motion to **postpone** this Item, placing it on the agenda as an 'other item' without re-noticing; second by **Maki**; carried 4 yes / 0 no.

B. PORCUPINE INN, INC. (Owner) / NATHAN WARD (Agent) CONDITIONAL USE REQUEST: 199' Communication Tower (for Verizon wireless). Parcel is part of a 35.00-acre parcel (part of ID #04-004-2-43-09-21-2-03-000-10000) located in a portion of the SW ¼ of the NW ¼, less V. 388 P. 140 Section 21, Township 43 North, Range 9 West, Town of Barnes.

Motion by **Maki / Miller** to **approve** this tower request; no further discussion; motion carried 4 yes / 0 no.

C. KATHLEEN SENSKE, (Owner) / NATHAN WARD, (Agent) CONDITIONAL USE REQUEST: 199' Communication Tower (for Verizon wireless). Parcel is part of a 40-acre parcel (part of ID #04-004-2-44-09-21-4-03-000-10000) located in a portion of the SW ¼ of the SE ¼, Section 21, Township 43 North, Range 9 West, Town of Barnes.

Motion by **Miller / Maki** to **approve** as requested; carried 4 yes / 0 no.

D. DISCUSSION / POSSIBLE ACTION RE INCREASING TOWER HEIGHT:

- Discussion RE 199 ft. height restriction w/ **Supervisor Jardine** (via telephone) who has been concerned about this restriction and believed the past Ad Hoc Committee desired a higher limitation. **Rondeau** asked if **Kastrosky** would prepare 'wording' for a higher allowance in the ordinance. **Kastrosky** presented an idea that there might be two phases for tower applications (#1: 199 ft.; #2: over 199 ft. to 'possibly' 300 ft.) with criteria for co-locaters, area served, etc. If the first phase is granted, then there would be a next step.
 - **Miller** said he would like to just see an ordinance change'. **Kastrosky** felt there would be information gained in a public hearing format with the phases. **Furtak** said there are limits in the

Town comp plans. **Kastrosky** then said keeping it simple with application for 199 ft. – 300 ft. without two phases would be best.

- **Ward** referred to an old 400 ft. tower in Iowa which the owners want to upgrade. They want the same height but the ordinance doesn't allow that height any more. His **recommendation** (to Bayfield County) is to allow carriers to provide the same coverage they had when replacement is necessary.
- **L.U.S. Tulowitzky** asked what the standard height is. **Ward** said most rural areas just say 'whatever is necessary'.
- **Kastrosky** took **recommendation / directive from the Committee to proceed with the change in ordinance language.**

E. CITIZENS' CONCERNS / INPUT:

- **Maki**: was upset / questioned a **building in Herbster** wondering why it was allowed [Terry Chappelow / Permit #07-0670]. **AZA Doug Casina** said the structure was approved by the Board of Adjustment by variance on a standard lot; they were required to complete stormwater management; the adjoining water (which Maki referred to as a stream) is classified as a 'drainage ditch'. **Kastrosky** added that this situation met the 'test' for a variance and **AZA Furtak** noted this decision / approval was made by the Board of Adjustment, not the Zoning Dept. **Kastrosky** reminded Maki that the BOA is a legal entity with authority to break the rules and a right to change decisions the Zoning Committee makes; they have a separate Corp Counsel. **Casina** said when the Zoning Dept. denies a permit, the only way it can be issued is with a BOA variance; the Dept. has no authority over the Board of Adjustment. **Casina** noted the structure in question required a variance because the lot is only 50 ft. wide (legally created in the early 1900s).

F. DISCUSSION / POSSIBLE ACTION – COMPREHENSIVE PLANNING:

- **Kastrosky** reported the County Board meets on Feb. 16th, therefore the maps, additions, and amendments will be presented at the March Zoning Committee meeting. He also noted there will be a change in procedure in the future (i.e. staff report) when applications come before the Zoning Committee in regards to the comprehensive plan.

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

- **Maki**: Discussion on **rezoning Ag and Forestry lands any time there is a plat / subdivision in those zoning districts** in the County. **Kastrosky** said, if made applicable for the whole county, there should be discussion and Committee approval to change. **Maki** asked that this be placed on the next agenda to do so. **Kastrosky** asked for clarification if this request was for any subdivision, wanting parcels rezoned to a residential zoning district. The answer was 'yes'; **Kastrosky** then said he would support that and try to "work something up" which the Committee could then look at.

11. **MONTHLY REPORT:** None available

12. **BUDGET / REVENUE:** No discussion

13. **ADJOURNMENT:** **Miller / Maki** motion at 2:01 PM; carried.

Karl L. Kastrosky, Director
Bayfield County Planning and Zoning Department