

**BAYFIELD COUNTY PLANNING / ZONING COMMITTEE  
PUBLIC HEARING / MEETING MINUTES  
Board Room – County Courthouse, Washburn WI 54891  
November 18, 2010 – 1:00 PM**

1. **CALL TO ORDER OF PUBLIC HEARING:** *By Chairman Brett Rondeau at 1:01 PM.*
2. **ROLL CALL:** *Jardine, Miller, Rantala, Rondeau – present; Maki – absent.*

*Rondeau announced that part of the ‘Business portion’ of the meeting would be conducted next. Director Karl Kastroosky said a motion is to be called for to postpone “Item C” until December 2010, per request by Applicant Wayne Nelson (letter of request received 11/11/2010); due to inability to attend this meeting. It was noted this procedure takes Committee action in open session. Kastroosky stated the Bayfield Town Board meets after our December meeting therefore, Nelson’s request needs to be put on the January 2011 agenda; a revised agenda was sent 24 hours after his notification; the Committee is required to make a motion to postpone Item C until January 2011.*

*Motion made by Miller / Jardine to postpone Item C. until January 2011; carried 4 yes / 0 no. Motion at 1:05 PM by Jardine / Rantala to adjourn this ‘Business Item’; carried 4 yes / 0 no. **ROLL CALL:** Jardine, Miller, Rantala, Rondeau – present; Maki – absent.*

3. **AFFIDAVIT OF PUBLICATION:** *Presented by Kastroosky.*
4. **REVIEW OF MEETING FORMAT:** *By Chairman Rondeau.*
5. **PUBLIC HEARING:**

**A. RAY A. EBERT Conditional Use Request - Operate Two-Unit Short-Term Rental** on .26-acre parcel (ID# 04-034-2-43-06-21-1-00-321-03000) and .40-acre parcel (ID# 04-034-2-43-06-21-1-00-321-14000), Lot 3 and 20’ x 20’ parcel in Lot 9 and Lot 10 Young’s Assessor’s Plat, Section 21, Township 43 N, Range 6 W, Town of Namakagon.

*No one spoke in support / opposition. **File Report:** Kastroosky said the Town approved **w/ conditions** (no other structures or vehicles, permanent or temporary can be placed on property for human habitation or business until this short-term vacation rental permit is terminated); no other correspondence in file.*

***AZA Mike Furtak** reported this is part of a group of seven properties adjacent to, but not part of, Lakewoods and is rented / managed by Lakewoods; is subject to short-term rental requirement (conditional use permits for duplexes). Existing property has been used for approximately 25 years with no problems or complaints.*

6. **ADJOURNMENT OF PUBLIC HEARING:** *Motion by Miller / Jardine at 1:11 PM; carried.*
7. **CALL TO ORDER OF PLANNING / ZONING COMMITTEE MEETING:** *1:11 PM.*

8. **ROLL CALL:** *Jardine, Maki, Miller, Rantala, Rondeau—present; Maki—absent*

9. **MINUTES OF PREVIOUS MEETING:** *Motion by **Jardine / Rantala** to approve the October 21, 2010 minutes with noted corrections to the draft copy [page 7, “FFA” corrected to “FAA”, and typo of ordinance number corrected to “13-1-41(4)(1)”]; carried 4 yes / 0 no.*

**10. BUSINESS:**

**A. RAY A. EBERT Conditional Use Request - Operate Two-Unit Short-Term Rental:** on .26-acre parcel (ID# 04-034-2-43-06-21-1-00-321-03000) and .40-acre parcel (ID# 04-034-2-43-06-21-1-00-321-14000), Lot 3 and 20' x 20' parcel in Lot 9 and Lot 10 Young's Assessor's Plat, Section 21, Township 43 N, Range 6 W, Town of Namakagon.

*Motion by **Miller / Rantala** to approve w/ Town's conditions (“no other structures or vehicles, permanent or temporary can be placed on property for human habitation or business until this short-term vacation rental permit is terminated.”) Carried 4 yes / 0 no.*

**Agenda Review and Alteration:**

**B. TOWN OF IRON RIVER - Rezone Request (Tabled 09/16/10) Rezone from Residential-1 to Commercial:**

***Kastrosky** reported this Item had been previously tabled w/ a letter on file from the Agent (Brian Matthys on behalf of Midland Services). Request for rezone was later cancelled with a request to w/draw; they were seeking a site which was more user-friendly and agreeable w/ the community. **Miller / Rantala** made a motion to accept the withdrawal; carried 4 yes / 0 no.*

**C. WAYNE NELSON - Update and Request for Expansion of Existing Special Use Permit (for contractor & outside storage) Bayfield:** (Postponed) [See information, page 1.]

**D. CHRIS GAY (Superior, WI) Request to address Committee RE portable restrooms:**

***Chris Gay** (Owner of Mr. Biffy Portable Restrooms) said one of his customers who has a camper w/ portable restroom on the property received a letter from Bayfield County that the portable restroom didn't have 200 gal. vault under it. Mr. Gay doesn't believe it is a fair evaluation. He has other customers in this situation and it is not legal for them to use their camper restrooms. He noted the ordinance allows use of a portable privy while a home is being built; he doesn't understand the reasoning that a portable cannot be used temporarily in summer like golf courses do.*

***Gay** asked for exemption for those who come here on weekends/summers and stated \$150 + 30 recording fee is 'over the top'. He asked how construction sites are allowed to use portable privies for months/years. He stated he believes most people won't get permits and will 'use the woods' and health issues will ensue.*

***Jardine** asked about the privy ordinance. **Kastrosky** said historically there have many problems*

w/ RVs in the County; about 5-6 yrs ago it was decided to regulate RVs if outside of campgrounds; they had to obtain a one- time permit w/ sanitary/privy. He questioned if it is fair to campers to leave ordinance as is, or if portable privies which are pumped should be allowed. **Gay** noted the State code doesn't regulate privies and noted he has a once a month pumping requirement.

**Furtak** noted that in the past Barnes has been overrun w/ RV camper units; the last 5-7 years the Dept. has been very aggressive to control RVs/campers. Potawatomi Assoc. group has differing opinions of homes versus RVs; the Town of Barnes won't approve RVs for longer than two years and after that will look at the status of the property; they don't want past problems to occur again. The complaint [on the customer referred to by Mr. Gay] came from the Property Assoc.; the owner didn't have a placement permit for the RV.

**Kastrofsky** said it is the Committee's decision if the ordinance is too inflexible; it can be looked at to see if there is potential relief, it is the Committee's decision. **Gay** said the ordinance exempts construction, business, and boat ramp sites. **Kastrofsky** stated that an RV is for part time habitation, a boat ramp is not and from the zoning perspective there is a difference. **Furtak** said in listening to Mr. Gay, he takes care of his customers, however, the problem is with people who buy a portable privy, place it without a permit, then pump wastes onto the ground, etc. He also said if waste is handled in a professional manner, pumping once a month would be a good addition to the ordinance.

**Kastrofsky** stated that utilizing that type of system could possibly be considered if there is a maintenance plan and a service provide. **AZA Doug Casina** said when portable privies are rented at least Zoning knows they are being pumped out. **Furtak** noted the County doesn't go out looking for portable privies, but the Dept. gets complaints, or they see them when on sites or find out when land owners get notices for the sanitary maintenance plan.

**Brenda Rowley** (of #2 Septic) said they have 500 units rented; the zoning ordinance in general on vault privies and portables needs revamping; they believe things need to change where people are "pushed to get vault privies rather than allow portables". She stated their customers feel they are being persuaded to put in vaults or a structural type building; they would like to see the Committee consider the problems encountered many times with vault privies. When called to pump them, many are actually unsafe and/or dangerous, some are hard on their pumps and some can't be pumped, many have no water on site; portables are vented, vaults are not.

Motion by **Jardine / Rantala** for Zoning staff to meet with pumpers and others involved, come up w/ solutions & bring back to the Zoning Committee for possible ordinance amendment.

Motion carried- 4 yes / 0 no.

#### **E. DISCUSSION / POSSIBLE ACTION - Proposed Solutions from July 15, 2010 Joint Meeting:**

**RE Zoning enforcement policies:** **Kastrofsky** said the Committee had correspondence before them in regards to the intent, progress, and goals to change enforcement policies.

**Atty. Jack Carlson** reported he met w/ **Kastrofsky** to strengthen the enforcement arm in an efficient manner. The citation procedure/process used in Wood County was explored, small

claims court procedure researched, but they are convinced that is not the route to pursue. There are concerns w/ forfeitures (fines are ordered but not paid). If we allow a County/Zoning violation settlement agreement, those who don't follow will still look at "Chapter 801". The Dept. would advise in writing of violation(s), legal action to be taken if they don't contact the Dept. to work things out; will seek written agreement with remedial action to be taken, signed by both parties. **Carlson** added that Wood County's settlement agreement has a fee basically to reimburse some of the time spent.

**Suggestion** was to talk with County Administration and the Judge to see if there was a problem with a settlement agreement. **Kastrosky** and **Carlson** met with Judge Anderson and he didn't have a problem with it; this led to proposed ordinance changes [which were presented to be reviewed]. **Kastrosky** said he will notice the changes for the December meeting.

**13-1-103 was reviewed:** revision can go to the Zoning Committee or the Dept. can take care of it; the Committee gave verbal approval to do this in past, but the language was not changed. **RE (b):** Is new, to make a point / clarifies. **(f):** The Dept. is looking at forms to address this. **Rondeau:** this will give more 'bite' to this and speeds things up. **Kastrosky** said it covers people who entered into agreement for mitigation, etc. in order to get the permit they want; it will eliminate a lot of problem areas. **Carlson** noted that attorney fees cannot be collected.

**F. DISCUSSION / POSSIBLE ACTION - Comprehensive Planning:** **Kastrosky** said this is almost done, with a couple glitches; he is holding \$20,000; may have to write a grant extension; should be completed in next couple months. The Town plans are complete w/ a copy for each town but some haven't paid their bill and won't until they see the plan.

**11. MONTHLY REPORT:** **Jardine / Miller** moved to approve; carried 4 yes / 0 no.

**12. BUDGET & REVENUE:** **Kastrosky** discussed the situation of budget deficit; **Travis Tulowitzky's** transfer to Land Conservation; there was discussion / concern for **Travis'** future however **Miller** and **Rondeau** advised it wasn't appropriate to discuss it further. **Kastrosky** said he will ask for funding of the position / budget change.

**13. ADJOURNMENT:** At 2:14 PM.

**KARL L. KASTROSKY, DIRECTOR  
BAYFIELD COUNTY PLANNING / ZONING DEPT.**

Cc: Committee, Supervisors, County Admin., & Clerk; DNR; Web

Prepared by: mjj on 12/3/2010

Approved by: KLK on 12/6/2010

K:ZC/Minutes/2010/#11Nov