

**“REVISED” (11/18/11-9:07am)**

**MINUTES**

**BAYFIELD COUNTY PLANNING AND ZONING COMMITTEE  
PUBLIC HEARING AND PUBLIC MEETING**

**October 20, 2011**

- 1. Call to Order of Public Hearing:** Chairman **Rondeau** called the public hearing to order at 1:04 pm.
- 2. Roll Call:** **Jardine, Maki, Miller, Rantala, and Rondeau** – all present.

Others present were: Director-Karl **Kastrosky**, Doug **Casina-AZA**, Deb **Kmetz** - Office Manager, and Krystal **Hagstrom** – Clerk. Mike **Furtak-AZA**, absent - arrived at 1:15pm.

- 3. Affidavit of Publication:** **Kastrosky** showed the audience the September 26<sup>th</sup> and September 29<sup>th</sup> County Journal affidavit of publication and the certified mailing receipts.
- 4. Review of Meeting Format** – Chairman **Rondeau** explained the procedure of the meeting. He asked everyone who wished to speak to fill out a form; and stated they will be asked to come forward and speak into the microphone.

**5. Public Hearing:**

- A. Plum Creek Timbers, Inc, Owner and Richard Forsythe, Mathy Construction Co, agent (Barnes) – Reclamation Plan** [40–acre parcel (ID# 04-004-2-44-09-21-1-04-000-10000), described as SE ¼ of the NE ¼ , Section 21, Township 44 North, Range 9 West, Town of Barnes, Bayfield County, WI]

**John Humburg** spoke in support on behave of Rick Forsythe, saying they would like to keep the gravel pit in operation to provide gravel for local communities.

**Gordon Lund** spoke in opposition stating having been involved with this since 2006 he was aware of the plan that the statute requirements were for a \$8,000 dollar proposal. **Lund** lives downwind from the pit and he thinks \$8,000 is not enough to restore the damage that is done to the property. He hopes that the new plan will take into account the size of this project.

**File Report:** **Kastrosky** stated there is a memo from **Ben Dufford**, the Bayfield County Conservationist, stating the reclamation plan was approved on October 13, 2011 and contingent upon financial insurance. **Kastrosky** also stated that the Zoning office requires x amount of dollars per acre for bond insurance. Also on an annual basis the applicant pays a fee on every unclaimed acre, more of the pit that stays unclaimed the more it costs.

Discussion ended.

- B. Plum Creek Timbers, Inc, Owner and Richard Forsythe, Mathy Construction Co, agent (Barnes) – Non-metallic Mine** [40–acre parcel (ID# 04-004-2-44-09-21-1-04-000-10000), described as SE ¼ of the NE ¼ , Section 21, Township 44 North, Range 9 West, Town of Barnes, Bayfield County, WI]

**John Humburg** spoke in support; on behalf of **Rick Forsythe** stating there has been a lot of work done at the site and asks that the board renew the permit. Berms were constructed and the floor of the quarry was lowered. Water retention ponds were constructed for no water runoff. **Jardine** asked what length of time they want the permit for, **Humburg** answered 5 years, with re-evaluation after 5 years.

**Gordon Lund** spoke in opposition, reading a letter he wrote to the Committee, as one of the petitioners that spoke in 2006 to the BOA for reconsideration of the issuance of the gravel permit. He lives directly downwind from the gravel pit and has suffered from air pollution, he has been awakened at five am in the morning with lengthy operations, and he thinks that property value has declined since the pit has opened. He also thinks that there is pollution to the lakes. **Lund** asks for shorter hours of operation and 5 days a week or termination of the permit. **Miller** asked where his house was in relation to the pit. **Lund** is a few hundred yards away from the area that requires notification and he did not know this was coming. He is about a mile from the pit.

**Andy Knutsen**, spoke in opposition, he lives in Barnes and is a half mile from the pit. The Conditional Use Permit that was issued in 2006, stated that **Mathy Construction** needed gravel for the resurfacing of Highway 27, that project is complete now. Second, there was a lack of opposition in 2006 from this committee and most of the towns' people do not live in notification distance and found out about the pit only when there was a road constructed to the pit and signs were displayed. Third, there is dust in houses now that was never there before, and people are woken up early with the blasting and crushing. Lastly, having a gravel pit in an area, where there is no other industry is damaging. Properties are devalued, and it is ruining the beautiful area. **Jardine** asked where **Knutsen** lived in relation to the pit and showed him a map. **Knutsen** answered that he is 2 sections away and **Miller** stated that is 2 miles away. **Knutsen** again stated that there is dust in his house which was never there before, the smell of asphalt burns your lungs, and he has to close windows in his house and can still hear the noise from the pit. **Jardine** explained that crushing usually only lasts two weeks then they are done. There are also conditions that could be placed on the permit. **Knutsen** responded that he didn't know conditions could be placed on the permit, and if that is an option, can the committee limit the hours of operation.

**Carol LeBreck** spoke in opposition stating she is speaking in behalf of the process, and the Towns' process, and the amount of deliberation that went on leading up to the recommendations that have come to the committee. She is speaking with appreciation for the Towns deliberation and desires of this request.

**Jeanne Riese** spoke about two concerns she had, one being she owns a lot on Upper Eau Claire Lake. Her late husband bought the property, but if he would have known a gravel pit was going in close to the property, he never would have purchased it. She also stated that if there are additional rules that can be placed on this operation, she would have liked to know when crushing was going to occur, her husband was very sick and could not tolerate such noises, so they would have had to move.

**File Report:** **Kastrosky** stated there is a memo from **Gordy Lund** speaking in opposition. There is an email from **Robert Maley** speaking in opposition and another from **Weesa Hild**, and **Stephen Wilbers**. The Town approved this and stated it was compatible with the Town's plan, and asked that **Forsythe** take into consideration that the hours of operation will be from 6:30 to 6:30, 5 days a week, and a 5 year limit. As far as the asphalt plant, that is a BOA case, we as a Zoning Committee do not have the

authority to grant that. **Maki** asked **John Humburg** and **Eric Bry** (with Mathy Construction) how many days in the last 5 years have they been in there crushing and they both responded with twice. They crushed for the highway project which took a little longer than normal. The asphalt plant was there for 2 months and moved out after Highway 27 was complete. **Maki** also asked if there is blasting going on there. **Humburg** stated yes to open up the quarry they have to blast. They try to control the vibration with the amount of dynamite and configuration of the holes drilled. They are blasting rock. This is a good site; it has sand, gravel, and rock all in one place. This last year the whole site has been dormant. Initially in 2006 there was a lot of blasting to get the quarry started, now at the moment there is not much activity there. **Maki** asked what the coming year will look like for them. **Humburg** stated not much activity unless County Highway N needs to be done or a section of Highway 27 on the North end towards Brule. **Jardine** asked if they follow the reclamation plan as they go and the response was yes. **Miller** asked if the intent is to put the black top plant at the pit. **Humburg** stated they would like the option. As far as the employees he does not think any are from Barnes, but most are from Iron River, Superior area. **Maki** asked if they could go in earlier in the year to crush if need be and **Bry** responded this depends on the bidding of the project. **Humburg** stated that when they go into to crush, they crush enough material to last 3 years. Stock piles are put up and there is still on there at the moment that has not been used.

Discussion ended.

- C. **Nancy Kelley (LE), Merlena Kelly Amy, owners and Robert Jewell, Kraemer Company, LLC, agent (Cable) – Reclamation Plan** [39-acre parcel (ID# 04-012-2-43-08-25-3-01-000-10000), described as NE ¼ of the SW ¼ in V.1025 P.478 , Section 25, Township 43 North, Range 8 West, Town of Cable, Bayfield County, WI]

**Robert Jewell** spoke in support, stating he is from Kraemer Co. and is the one that put together the reclamation plan. **Ben Dufford**, Bayfield County Conservationist reviewed that plan and stated to **Jewell** that it met all the requirements. There was one change to map #9. The slopes were 3:1 and are now 2:1 slopes, and then there will be an engineering analysis done to ensure they are stable. This plan is based on how many open acres there are and for each active acre it is \$1,388/acre and out of the 39 acres they can mine 34 so the total amount of the bond for this plan would be \$48,000.

**File Report:** **Kastrosky** asked that when the mine is exhausted what will they see. **Jewell** explained the end result would be to reforest the land. That means planting spruce trees. **Furtak** asked what the plan is for the top soil that is currently there. **Jewell** stated that top soil may have to be used for the binder in the gravel. They feel that they can re-vegetate and plant trees even if it is on a more sandy soil than what was originally there. **Kastrosky** also stated, that in the file, is approval from **Ben Dufford**, County Conservationist, on October 3, 2011. **Miller** asked where the pit is located. **Furtak** responded it is one, forty off the Highway. **Jewell** stated it is in section 25 and it is 1,320 feet, which is the width of a forty, off of Highway 63.

Discussion ended.

- D. **Nancy Kelley (LE), Merlena Kelly Amy, owners and Robert Jewell, Kraemer Company, LLC, agent (Cable) – Non-metallic Mine** [39-acre parcel (ID# 04-012-2-43-08-25-3-01-000-10000), described as NE ¼ of the SW ¼ in V.1025 P.478 , Section 25, Township 43 North, Range 8 West, Town of Cable, Bayfield County, WI]

**Robert Jewell** spoke in support, stating he is seeking approval for a sand and gravel pit. This area is a glacially deposited sand and gravel site. Access will be off of Highway 63, there is a driveway that already exists, but they would improve it to a type C driveway which allows larger radius for bigger trucks. This gravel pit will be internally draining so there should be no water running off from the site. They also have air quality permits for the site. There will be spray bars on the crushers to try and eliminate the dust. **Maki** asked if there will be an asphalt plant in there and **Jewell** stated that if it came to that, they would come back for a permit. **Kastroosky** said that if the asphalt plant is not stated in the original application then yes, they would have to come back for another permit. **Jewell** went on to say the Town Board approved this pit with conditions, a 10 year limit, and 30 day notification requests if to operate on a Saturday, hours of operation from 6 to 7 Monday through Friday.

**File Report:** **Kastroosky** stated the Town Board approved this request with conditions. Duration was not noted from the Town Board.

Discussion ended.

**E. A petition by James Krueger, Supervisor Town of Namakagon (Namakagon) – Request a text amendment to the Bayfield County Zoning Ordinance.**

**Sec. 13-1-67 Town of Namakagon Overlay District**

~~(a) — Applicability. The Town of Namakagon Overlay District shall apply to and include all lands within the Town of Namakagon.~~

~~(b) — Intent of the Town of Namakagon Overlay District. The intent of this overlay district is to promote the public health, safety, convenience, and general welfare: to encourage planned and orderly land use developments: to protect property values and the property tax base: to encourage uses of land, water, and other natural resources which are consistent with the Town of Namakagon Comprehensive Land Use Plan: to maintain water clarity in lakes, rivers, and streams: to protect the beauty and amenities of landscape and man-made developments: and to provide healthy surroundings for recreation, tourism, and family life.~~

**(d) Part of the Purpose and Intent of the Town of Namakagon Overlay** shall be achieved by restricting all mobile homes to mobile home parks in the Town of Namakagon. Mobile homes in the Town of Namakagon shall also be subject to the following requirements:

- (1) Limiting mobile homes to licensed mobile home parks.
- (2) All licensed mobile home parks must be a minimum of 6 acres.

All other county ordinance rules regarding mobile homes will be enforced.

**File Report:** **Kastroosky** explained Town of Namakagon has developed an overlay district to identify specific issues that are important to the Town. They want to add to the overlay stating that mobile homes cannot be placed on properties that are not in a licensed mobile home park. There was a permit that was issued to place a mobile home not in a mobile home park, not knowing there was an ordinance in place. To avoid

confusion in the future for any land owner, that wants to place a mobile home on a property not in a mobile home park, this request will not be allowed. **Miller** asked if **Kastrosky** would define mobile home. **Kastrosky** answered, a self contained unit exceeding 45 feet in length that is designed to be transported on wheels and is used for seasonal or permanent occupancy. **Bill Bussey** stated that this is pretty restrictive and asked if there was any legal input in this issue. **Kastrosky** stated that he suggested that, before Namakagon proceeded. **Furtak** stated the information that was relayed to him was, initially Namakagon only wanted this applied to shoreland zones and they were advised not to do that, it should be Town wide. **Kastrosky** stated that in a village overlay like Iron River, you are not permitted to have a mobile home anywhere but in a mobile home park. **Rantala** asked if there is an available mobile home parks in Namakagon and **Kastrosky** answered yes. **Furtak** corrected him saying that there is but it may not have any openings. **Maki** said under item #3 it states all other county rules regarding mobile homes will be enforced, and then asked, well if you can't put a mobile home there where can you put one. How restrictive are we going to be and where are we going with this? Not everyone can build a \$200,000 dollar house.

Discussion ended.

- F. Pamela Barningham (Bayfield) – Condition Use Permit, Mobile home as a second residence on a parcel that cannot be subdivided** [5-acre parcel (ID# 04-006-2-50-04-15-2-02-000-30000), described as S 5 acres of the W ½ of the NW ¼ of the NW ¼ , Section 15, Township 50 North, Range 4 West, Town of Bayfield, Bayfield County, WI]

**Casina** explained this is a parcel less than 5 acres that is zoned Ag-1 and it cannot be subdivided. The owner would like to put a mobile home and have 2 residences on one parcel. There were 2 residences there at one point in time. There are two septic systems that have been inspected. **Miller** asked what the purpose for the second residence is, **Casina** stated for family members and there is Town Board approval. **Rantala** asked how long do the permits last, say the home burns down, can they rebuild. **Kastrosky** stated that it could be replaced if burnt down unless there is a condition placed on the permit.

**Carol LeBreck** spoke expressing a concern that there has to be some type of consistency with second residences on a parcel that cannot be subdivided. She would like the committee to look at the wording in section 13-1-33 multiple structures. There is no consistency in the way these issues are dealt with. If there is a shoreland lot that is 175 feet and someone is asking to put a second residence on that lot there is no need to get a Conditional Use Permit and she is suggesting there be some type of consistency in the way this is written. **Furtak** stated that the issue is whether or not the lot can be subdivided and this lot cannot be subdivided, so they need a Conditional Use Permit. In other cases one could subdivide the lot if need be, but only one of the lots would have shoreland frontage.

No one spoke in support or opposition.

**File Report:** **Kastrosky** stated this is not for a mobile home this is for a second residence on a parcel and this can only be done by a Conditional Use Permit. Town Board approved this request and that is compatible with the Town Comprehensive Plan, but stated that they discourage two residences on a parcel but this issue is ok since it had an existing use.

Discussion ended.

**G. Petition to Repeal and Recreate Floodplain Ordinance (Title 13-2) (See Exhibit A)**

**Kastrosky** explained that Dave Cook from the DNR in Green Bay helped our department with the new flood plain map. Our existing maps were done in 1977. There is new imagery with two foot contours from LIDAR. The Zoning department, FEMA, and the DNR have created new flood plain maps. They are much more accurate. This should clear up issues if people are in a flood plain. The old maps show there are 804 buildings in the flood plain, the new maps indicate there are 622 buildings that were taken out of the flood plain. There are still 299 buildings in the flood plain and 117 are in the new flood plain. **Bussey** asked that only the people that are refinancing or buying only need flood insurance. **Kastrosky** stated yes. Bayfield County has to comply with the ordinance amendment and adopt the new map by December 16<sup>th</sup>. **Furtak** stated in addition to the new maps and the new floodplain ordinance the County also has to adopt the new dam study and wave run up studies. **Kastrosky** stated they are already in the new ordinance. **Miller** asked if all the home owners are notified and **Kastrosky** stated no, the department does not have the time or the resources to notify everyone. **Maki** asked if all the new buildings in the flood plain, have they been notified and if not can they be notified. Again **Kastrosky** stated they have not been notified. **Miller** and **Maki** feel as though they should be notified. **Scott Galetka** stated that this map is available to the public online. **Miller** made a point that the department can send out a card about septic tanks but not a card notifying these people are not in the flood plain anymore. **Galetka** stated that on some of these buildings the flood plain just touches the corner of the building so would they be considered in or out of the flood plain. **Rondeau** stated this issue about notifying people can be discussed in the business part of the meeting.

**File Report:** **Kastrosky** stated that there are some strike outs and red lettering on the ordinance. Everything with a line through it is taken out. The red text is an addition.

**6. Adjournment of Public Hearing:**

*Miller made a motion to adjourn, Rantala seconded. Motion carried 4/0. Adjourned at 2:30 pm.*

**Maki called for recess at 2:30 pm. Reconvened at 2:38 pm.**

**7. Call to Order of Planning and Zoning Committee Meeting:** **Rondeau** called the meeting to order at 2:38 pm.

**8. Roll Call:** **Jardine, Maki, Miller, Rantala, and Rondeau** –all present.

Others present were: Director Karl **Kastrosky**, Doug **Casina**, AZA, Mike **Furtak**, AZA, Deb **Kmetz** – Office Manager, and Krystal **Hagstrom** - Clerk.

**9. Minutes of Previous Meeting(s):** **Rondeau** stated there are corrections to the minutes from the July meeting.

*Jardine motioned to approve the additions and corrections, Rantala seconded. No further discussion. Motion carried.*

**Rondeau** then stated the second set of minutes is corrections from the August meeting.

*Miller motioned to approve with additions and corrections. **Rantala** seconded. No further discussion. **Motion carried.***

**Rondeau** stated the minutes are from the September 15, 2011 meeting.

***Jardine** motioned to approve, **Rantala** seconded. No further discussion. **Motion carried.***

## **10. Business:**

- A. Plum Creek Timbers, Inc, Owner and Richard Forsythe, Mathy Construction Co, agent (Barnes) – Reclamation Plan** [40-acre parcel (ID# 04-004-2-44-09-21-1-04-000-10000), described as SE ¼ of the NE ¼ , Section 21, Township 44 North, Range 9 West, Town of Barnes, Bayfield County, WI]

**Kastrosky** stated that in the ordinance under the conditional use permit there is 11 points of decision making factors for the committee to consider and please consider these 11 points in the decision making process.

***Maki** motioned to approve the reclamation plan. **Rantala** seconded. No further discussion. **Motion carried.***

- B. Plum Creek Timbers, Inc, Owner and Richard Forsythe, Mathy Construction Co, agent (Barnes) – Non-metallic Mine** [40-acre parcel (ID# 04-004-2-44-09-21-1-04-000-10000), described as SE ¼ of the NE ¼ , Section 21, Township 44 North, Range 9 West, Town of Barnes, Bayfield County, WI]

**Jardine** stated the Town Board approved this Conditional Use and has gone through the plan, and the board wants to limit the time to Monday through Friday 6:30 am – 6:30 pm for 5 years without a new permit to be used, just for the sand and gravel pit. **Rondeau** stated that if a hot mix asphalt plant were to be added they would have to come back for another permit. **Kastrosky** stated asphalt plants are not allowed in Forestry-2 districts. The applicant appealed to the Board of Adjustments for a use variance and it was granted. If the asphalt plant is to go back in, this request has to go back to the Board of Adjustments. **Miller** said that the hours of operation should be more restrictive. **Jardine** opposed and stated that the applicant would like to get it done within two weeks, get it over with. **Kastrosky** asked if the applicant have any concerns or issues with the Towns recommendations. **Bry** agreed with **Jardine** that there are long hours of operation and when they do go in to crush they would like to crush all at once instead of having to come in a second time. Longer hours to allow them to get projects done in a shorter time frame, from a calendar perspective, the more you restrict our hours, the longer we will be there. **Miller** understands but states they pit is located in a more residential type area and does not think it would be inappropriate to restrict the hours a little. **Kastrosky** asked if 5 days a week would be a problem and **Bry** stated they would like to have the option to ask permission to run on a Saturday if need be, but would be ok with it either way.

***Jardine** motioned to approve the gravel pit with, operations from 6:30 am to 6:30 pm, Monday through Friday, for 5 years. **Rantala** seconded.*

**Miller** stated he was not trying to restrict the hours of operation but merely trying to restrict the hours of crushing. **Rantala** agrees. **Rondeau** asked **Bry** how long they plan on crushing in a summer, and **Bry** explained it depends on the size of the project but from experiences in the past, typically one time per season.

***Rondeau** stated there is a motion on the floor, Approved – 1, **Jardine**. Opposed – 3, **Rantala, Miller, and Maki. Motion Failed.***

**Miller** stated to the applicant if they go in and crush for two weeks, do they then move to another pit. It is not a big urgency to get in and get out. Hours on crushing need to be limited for the people along the lake.

***Miller** motioned to approve the gravel pit with original conditions but limit crushing from 7 am to 5 pm, Monday through Friday. **Maki** seconded. No further discussion. Approved – 3, **Miller, Maki, and Rantala**, opposed – 1, **Jardine. Motion carried.***

- C. **Nancy Kelley (LE), Merlena Kelly Amy, owners and Robert Jewell, Kraemer Company, LLC, agent (Cable) – Reclamation Plan** [39-acre parcel (ID# 04-012-2-43-08-25-3-01-000-10000), described as NE ¼ of the SW ¼ in V.1025 P.478 , Section 25, Township 43 North, Range 8 West, Town of Cable, Bayfield County, WI]

***Rantala** motioned to approve the reclamation plan. **Miller** seconded. No further discussion. **Motion carried.***

- D. **Nancy Kelley (LE), Merlena Kelly Amy, owners and Robert Jewell, Kraemer Company, LLC, agent (Cable) – Non-metallic Mine** [39-acre parcel (ID# 04-012-2-43-08-25-3-01-000-10000), described as NE ¼ of the SW ¼ in V.1025 P.478 , Section 25, Township 43 North, Range 8 West, Town of Cable, Bayfield County, WI]

***Miller** motioned to approve the gravel pit with the Town's restrictions. **Kastrosky** stated the restrictions are as follows; hours of operation are 6 am to 7 pm Monday through Friday. Notification of occasional requests on Saturday that the applicant give a 30 day notice to the Town of Cable when crushing operation will be done and to include the berming on the West and North West side of the mining site, and a 10 year duration. **Rantala** seconded. No further discussion. **Motion carried.***

- E. **A petition by James Krueger, Supervisor Town of Namakagon (Namakagon) – Request a text amendment to the Bayfield County Zoning Ordinance.**

**Sec. 13-1-67 Town of Namakagon Overlay District**

~~(a) — Applicability. The Town of Namakagon Overlay District shall apply to and include all lands within the Town of Namakagon.~~

~~(b) — Intent of the Town of Namakagon Overlay District. The intent of this overlay district is to promote the public health, safety, convenience, and general welfare; to encourage planned and orderly land use developments; to protect property values and the property tax base; to encourage uses of land, water, and other natural resources which are consistent with the Town of Namakagon~~

~~Comprehensive Land Use Plan: to maintain water clarity in lakes, rivers, and streams; to protect the beauty and amenities of landscape and man-made developments; and to provide healthy surroundings for recreation, tourism, and family life.~~

(d) **Part of the Purpose and Intent of the Town of Namakagon Overlay** shall be achieved by restricting all mobile homes to mobile home parks in the Town of Namakagon. Mobile homes in the Town of Namakagon shall also be subject to the following requirements:

- (1) Limiting mobile homes to licensed mobile home parks.
- (2) All licensed mobile home parks must be a minimum of 6 acres.

All other county ordinance rules regarding mobile homes will be enforced.

*Miller* motioned to **deny** the text amendment. *Rantala* seconded. *Kastrosky* asked the reason for denial. *Rantala* stated that if someone owns property and can't afford to build an expensive home they should be allowed to put a mobile home on their property whether it is Namakagon, Bell, or Tripp. *Maki* also stated if someone owns 40 acres they should be allowed to place whatever they want on the property. It is pretty restrictive to who has the money and who does not. *Miller* also states the amendment is too restrictive. No further discussion. **Motion carried.**

**F. Pamela Barningham (Bayfield) – Condition Use Permit, Mobile home as a second residence on a parcel that cannot be subdivided** [5-acre parcel (ID# 04-006-2-50-04-15-2-02-000-30000), described as S 5 acres of the W ½ of the NW ¼ of the NW ¼, Section 15, Township 50 North, Range 4 West, Town of Bayfield, Bayfield County, WI]

*Maki* motioned to approve, with the condition that this permit pertains to only the property owner, if sold the new owner has to reapply for a permit. *Jardine* seconded. No further discussion. **Motion carried.**

**G. Petition to Repeal and Recreate Floodplain Ordinance (Title 13-2) (See Exhibit A)**

*Rondeau* stated this would be the time to decide whether or not to notify people if they are in or out of the flood plain. *Bussey* stated *Galetka* indicated that the determination of who is in and who is out is not absolutely accurate. The department should be real careful on the wording used to notify people. *Miller* stated a notification would state the home owner may or may not be in or out of the flood plain and who to contact.

*Miller* motioned to approve with addition that Zoning notify people. *Jardine* seconded. *Kastosky* asked *Galetka* to come up with an Excel spreadsheet of people and addresses that may or may not be in the flood plain. Zoning would draft the post card or letter. Any concerns would be forwarded to the Land Records Department. No further discussion. **Motion carried.**

## 11. Previous Business:

**H. Jean Louise Funk/Craig Manthey (Namakagon) – 3 unit short-term rentals (tabled 9/15/11)** [2.8-acre parcel (ID# 04-034-2-43-06-14-3-05-001-10000), described as a parcel in Gov't Lot 1, V. 907 P.441, Section 14, Township 43 North, Range 6 West, Town of

## Namakagon, Bayfield County, WI]

**Furtak** stated this short term rental is at the Garmisch Resort. The Town tabled it since they did not know where the rentals were going to be; the Town reheard this issue and determined they can rent out half the house and 2 apartments. The Town approved it this time around. There is a gentleman that lives in half the house and Jean Funk granted him rights to live in that half the house for an undetermined amount of time.

***Maki** motioned to approve. **Rantala** seconded. **Kastrosky** stated the Zoning Department is improving the working relations with the Health Department and occupancy limits are going to be set on these short term rentals in the future. No further discussion. **Motion carried.***

## 12. New Business:

### **Agenda Review and Alteration**

- I. **Merlyn & Anne Marie Coy (Tripp) – dog kennel (up to 35 dogs) [10-acre parcel (ID# 04-048-2-48-08-11-2-04-000-10000) described as the SW of the SE ¼ of the NW 1/4 , Section 11, Township 48 North, Range 8 West, Town of Tripp, Bayfield County, WI].**

***Jardine** motioned to **table**. **Rantala** seconded. **Miller** asked who requested to table, the town, or the applicants and **Jardine** answered with, the Town. **Rondeau** then stated there is a motion and a second on the floor to table and there is no discussion on a table. **Kastrosky** stated the applicant is in the audience and asked the Committee if they would like to hear from her, since he knew the Town tabled this item he indicated that it could be pulled from the agenda or **Coy** could come to the meeting and hopefully give the Committee some insight. **Bussey** stated the rules could be suspended and there could be a discussion on the table, the Committee agreed. **Rondeau** stated they have to fail the motion that is in the floor first. Approved – 1, **Jardine**, Opposed – 3, **Miller, Rantala, and Maki. Motion Failed.***

**Anne Marie Coy** came forth to speak in support, stating at the moment her and her husband have a few retired dogs and a litter of puppies. They would like to be able to keep the puppies to be able to keep running dogs until the retired dogs pass on. **Coy** changed her mind on the number of dogs stating it was just a number they decided on incase they wanted to run the Iditarod one day, but would be ok with 20-25 at most. **Miller** asked where the closest neighbor is and **Coy** responded about a quarter mile away, and that neighbor came with her today to submit a letter to the committee. Behind that neighbor's property, there is a hunting property. These people only come up to hunt. On the other side of her property is a vacant 30 acre parcel and Fish Hatchery land. **Miller** asked how many acres she owns and **Coy** stated 10 acres. **Maki** asked if there is any other opposition to the kennel and **Coy** stated there is a letter from the neighbors with the hunting cabin (letter in packets for committee) **Coy** talked to him and his brother before she even applied for the permit and they told her there was no problem, that is why the letter was a shock to **Coy**. **Miller** asked **Kastrosky** what the threshold of dogs is and **Kastrosky** responded with fewer than 12 excluding dogs under 5 months of age. **Coy** explained the reason why she thinks the Town tabled this item is because the closest neighbor was out of town at the time of the meeting. **Miller** asked if the Committee tabled this issue would **Coy** have to pay a fee again, and if she has pups now, she will be in violation shortly. **Coy** stated she applied for this in August. **Rantala** asked if there is a

place the pups can go. **Coy** stated she would like to keep all the pups for future use and the retired dogs she does not feel it appropriate to find homes for a 12 year old and a 14 year old dog that will pass on shortly. **Kastrofsky** suggested putting the town on notice that the committee will table and hear this issue again next month.

*Miller motioned to postpone to next meeting. **Rantala** seconded. **Mary McFarland** came forth and stated she is the closest neighbor to the Coy's. She is a quarter mile away. She was out of town at the time of the Town's meeting. She approves of the kennel, the Coy's are responsible and the dogs are friendly and not loud. **McFarland** submitted a letter to the Committee stating her approval. No further discussion. **Motion carried.***

- J. Jeanne Riese (Barnes) – home-based business (interior decorating/artisan products & services, retail sales, photography, art classes, & related activities) on a [.604-acre parcel (ID#04-004-2-44-09-03-3-05-004-11000), described as a Par In Govt. Lot 4, Section 3, Township 44N, Range 9W, In V.949 P.810, Town of Barnes, Bayfield County, WI.]**

**Jeanne Riese** came forward and stated that she has in extensive knowledge in business and a passion for art. In 2006 her and her late husband bought the property in question. They replaced the septic system and started removing other eye sores on the property. In 2007 the garage was built, with a Bayfield County Land Use Permit, and it has a loft intended to use as an art studio. In 2008 she attended Savannah College of Art and Design full time for interior design. Since her mother and husband died last year she started making and created pieces of art work that evolved into retail sales. People have asked her to teach classes and she has decided this would be a place to gather and to do art work. There is a question about the property and the shared driveway. If the application is approved, and she has to interact with customers at the property she will apply for a sign permit and place a sign for directions on where to go and where to park. She looks forward to continue to work and live in this area with her background in business and passion for art.

*Miller motioned to approve. **Rantala** seconded. **Kastrofsky** stated it is compatible with the Town's plan, and there is a condition stating the board stipulates this Special Use Permit be removed if land is sold. **Miller** stated that his motion includes the Town Board's conditions **Rantala** seconded. No further discussion. **Motion carried.***

- K. Bayfield County (Cable) – wayside rest area (privy & warming / storage bldg) on a [40-acre parcel (ID#04-012-2-43-07-32-4 01-000-1000), described as the SE ¼ , Section 32, Township 43N, Range 07W, Town of Cable, Bayfield County, WI.]**

**Ned** came forth and stated the Town approved it and the plan commission approved it.

***Jardine** motioned to approve and that it be handicap accessible. **Maki** seconded. **Miller** asked what falls into the classification of handicapped accessible. **Ned** stated that one stall could be handicapped and concert pad be poured by the door for a wheel chair. Approved – 1, **Jardine**, opposed – 3. **Motion Failed.***

***Miller** motioned to Approve. **Maki** Seconded. **Kastrofsky** stated the Town of Cable reviewed and approved based on compatibility with Town Comprehensive plan and that it is consistent. **Motion carried.***

### 13. Other Business:

#### L. Discussion regarding rezone of Craig Gilbaugh and timeline on Tom Gordon's permit for deck addition

**Maki** stated he had this item put on the agenda, since he received calls from both these people. Gilbaugh paid for his permits and decided not to build his house the same year he applied for the permits. Are fees going to be charged if people cannot build because of economics, **Maki** explained Gordon's permit took 30 days to be issued? **Kastrosky** stated there are no refunds after one year upon issued permits and no refunds on special requests after agenda deadlines. Applicants seeking refunds for fees for unused permits shall submit a request to the zoning administrated within one year, nothing from Gilbaugh was received. Once the permit is issued there is no refund. If the permit is denied applicants get everything back but \$50. His permit came in, in May 2007. It was issued in June of 2007, he never built. Gilbaugh reapplied in September of 2011, 4 years later, there is no refund. On September 22, 2011 the applicant called the office and asked the permit to be put on hold, possibly till 2012. Fees were receipted prior to calling. **Maki** asked when he first applied he paid for a land use permit and built a garage. Now he is being charged again. **Kastrosky** stated yes it is another permit. **Maki** asked about Gordon's permit for a deck that took 30 days to issue. **Kastrosky** stated the application was received on August 8<sup>th</sup> went to the inspector on the 9<sup>th</sup>, inspection was done August 29<sup>th</sup>, and the permit was issued on the 30<sup>th</sup>. In between there **Casina** was on vacation for 10 days and 80 permits were to be issued prior to Gordon's. **Maki** stated this is for a deck; it took too long to issue. **Kastrosky** states we take them in the order they come.

No further discussion.

#### M. Discussion and Possible Action regarding Classification List for Municipal Zoning Districts (sent back by Board of Supervisors) (See Exhibit B)

**Bussey** stated there is a handout in the Committee packets that shows modifications that were appropriate, a lot of the private uses do not fit in the Municipal Zone. **Miller** asked why an airport cannot be in a municipal zone. **Bussey** replied with, a private air port not a public one. Airports now are properly zones. The reason for creating this district is that there are some buildings like town halls that are on small parcels that may be nonconforming; this may make it difficult to add on. Put these buildings in a municipal zone with reduced setbacks and if they need to expand town operations, they can do this. Airports and golf courses are in compliance now with zoning regulations. Multiple unit development and concrete plants should be eliminated since they are already permitted with temporary permits. **Rantala** asked if the ones highlighted in yellow on the list are not allowed, even without a conditional use permit. **Bussey** stated that is right, not in the Municipal district but allowed in other districts. **Rondeau** again stated this is for the good of the community. To loop in private buildings is not right. **Rantala** asked about the private schools, and clinics. **Bussey** stated they are permitted with a Special Use. **Kastrosky** went on to explain that if the town wanted to lease something that is in the municipal district, it wouldn't be a problem. **Bussey** agreed and stated that if the town wanted to lease a golf course it would not want to be zoned municipal. **Rondeau** agrees with **Bussey** and anything that is private does not belong in the municipal district. **Kastrosky** suggested that Deb **KMetz** go through the list, one by one, and note all the changes, for clarity. (At this point in the meeting Deb **Kmetz** read through all the changes that were made to the classification list).

*Rondeau made the motion to accept the changes and present to full board for approval. Maki seconded. No further discussion. Motion carried.*

**N. Discussion and Possible Action on NR 115** (Meeting date: 9/15 & 16)

**Kastrosky** stated there is an extension on deadline date to two years out. He stated he would like the committee to start thinking about how they are going to amend the ordinance to reflect on NR 115. What he would like to do is to try and draft an ordinance based on the new rule.

Discussion ended.

**O. Discussion and Possible Action on Comprehensive Planning**

**Kastrosky** stated there are two towns left to adopt the plan, Bell and Pilsen. In December there will be a plan review.

Discussion ended.

**14. Monthly Report**

**Rondeau** stated there are two months of reports, the first from August.

*Jardine motioned to approve. Rantala seconded. No further discussion. Motion carried.*

**Rondeau** stated the next report is from September.

*Maki motioned to approve. Rantala seconded. No further discussion. Motion carried.*

**15. Budget and Revenue**

No discussion.

**16. Adjournment**

*Rondeau called adjournment at 3:55 pm.*

*Prepared by KMH on 10/25/11/ @11/18/11*

*Approved by KLK on 11/2/11*

*Final Approval on 11/17/11; @1/19/12*

*cc: (after final approval)- (8) Supervisors, Cty Admin./Clerk, DNR, Web*

*k/zc/minutes/2011/#10 October*