

MINUTES
BAYFIELD COUNTY PLANNING / ZONING COMMITTEE
Board Room, County Courthouse – Washburn, WI
Public Hearing / Meeting – March 17, 2011 - 1:00 PM

1. **CALL TO ORDER OF PUBLIC HEARING:** *By Chairman Rondeau at 1:02 PM.*
2. **ROLL CALL:** *Jardine, Maki, Miller, Rantala, Rondeau, all present.*
3. **AFFIDAVIT OF PUBLICATION:** *Presented by Director Karl Kastrosky*
4. **REVIEW OF MEETING FORMAT:** *By Chairman Rondeau*
5. **PUBLIC HEARING:**
 - A. **JACK BENDER, DONNA HEDIN, BETTY BENDER, and CHERIE BENDER (Owners) CONDITIONAL USE REQUEST:** **Construct two (2) principal structures on parcel of land which cannot be subdivided; request both structures be permitted and utilized as two (2) unit short-term rentals.** (on 1.50-acre parcel, ID# 04-036-2-50-09-35-1-05-002-20000) Lot 2, CSM 1093, Section 35, Township 50 North, Range 9 West, Town of Orienta.

Jack Bender spoke on behalf of this request; he is seeking to buy out his sister's part ownership; plans to build two dwelling units in co-ownership with Donna Hedin, he and his wife. Buildings will be under 500 sq. ft. to use when guests / family come and if possible, to occasionally rent short-term to help pay taxes, etc. He said he understands the property cannot be subdivided; they have no intention for this to become a resort.

AZA Doug Casina noted the applicant will need a holding tank which can be sized to serve both buildings; they currently have a holding tank for their home.

Support / Opposition: None

File report: Kastrosky said the Town approved this request as long as it conforms w/ the County; they noted it is consistent / compatible with their Plan. Kastrosky also said the land use and conditional use must be activated within one (1) year from issuance date, otherwise resubmission of applications and fees is required; this would include the short-term rental where action also must to commence w/in one year. Casina asked if possibly the condition for the short-term rental could be applicable only upon completion of the structures. Kastrosky answered the ordinance says 'one year'.
6. **ADJOURNMENT OF PUBLIC HEARING:** *Motion by **Jardine / Rantala** at 1:17 PM. Carried 5 yes / 0 no.*
7. **CALL TO ORDER OF PLANNING / ZONING COMMITTEE MEETING:** *By Chairman Rondeau 1:17 PM.*
8. **ROLL CALL:** *Jardine, Maki, Miller, Rantala, Rondeau, all present.*
9. **MINUTES OF PREVIOUS MEETING(S):** *Feb. 17, 2011 - Motion by **Miller / Rantala** to approve as prepared. Carried 5 yes / 0 no.*

10. NEW BUSINESS:

- A. **JACK BENDER, DONNA HEDIN, BETTY BENDER, and CHERIE BENDER (Owners) CONDITIONAL USE REQUEST:** Construct two (2) principal structures on parcel of land which cannot be subdivided; request both structures be permitted and utilized as two (2) unit short-term rentals. (on 1.50-acre parcel, ID# 04-036-2-50-09-35-1-05-002-20000) Lot 2, CSM 1093, Section 35, Township 50 North, Range 9 West, Town of Orienta.

Following discussion, motion by Maki to approve the conditional use request, accept and include the short-term rentals, as well as Town condition (“As long as it conforms to County regulations regarding lakeshore property”). Jardine seconded the motion; carried 4 yes / 1 no (Miller).

11. OTHER BUSINESS:

- B. **RESOLUTION RE AMENDMENT OF THE COUNTY COMPREHENSIVE PLAN:** *Kastrosky reported this went to the County Board; it is now part of the plan; there will be another resolution to amend next month. He said Section 10 (Utilities & Facilities plan) is weak so the consultant rewrote it and it will proceed. Motion by Maki / Jardine to approve this resolution with regards to Section 10. Carried 5 yes / 0 no. (The Committee requested that Kastrosky be available to explain this to the Full Board.)*
- C. **DISCUSSION / POSSIBLE ACTION ON COMPREHENSIVE PLANNING:** *Kastrosky stated once this is approved and adopted, the Dept. of Admin. will release what is owed the County, we can then pay the consultant the remainder (about \$20,000). Kastrosky asked if he should “short-change” them about \$2,000 for the extra work due to them being late and not doing some of their work. After discussion, he said he will further consider this and propose / submit an idea next month.*
- D. **DISCUSSION / POSSIBLE ACTION – ORDINANCE AMENDMENTS PERTAINING TO RVS / PRIVIES.** *Kastrosky reminded the Committee of past discussion on this subject w/ ‘Mr. Biffy’ and “#2 septic”. Through several staff meetings, and Doug Casina’s research and work, they were presented a handout / language to consider next month. He noted that service providers want more liberality, however, the Dept. doesn’t believe that’s a good idea. He also reported this amendment would allow a containment unit underneath RVs.*
- E. **DISCUSSION / POSSIBLE ACTION ON DELINQUENT PROPERTIES PERTAINING TO THE CARMONDY MAINTENANCE PROGRAM (Special Assessments / TRIP Program):**

Atty. Jack Carlson & Kastrosky explained this Item. There are approximately 33 people who didn’t comply at all. Carlson said we will try to utilize a process regarding enforcement action with the requirement to comply w/in a certain period of time. One provision would be a settlement agreement, w/ a fee being part of that, and a written contract in terms of enforcement / compliance. This would be for those brought through the court system once without compliance. These should be situations to get people to sign the settlement agreement; there would not be another court proceeding if they don’t comply. Kastrosky said this is needed if there is default on the settlement agreement; it would give the right to pump their system and assess the costs.

Kastrosky said they could do a tax intercept on the property but this is up for discussion, it is not ready to do this yet. Carlson said if a settlement agreement doesn’t work a contempt motion can be filed through the court, which generally gets it done. Rondeau said he would like to see this done and Miller wants to see revenue for the Dept. and not just the court.

Kastrosky asked for direction to draft the settlement agreement. **Carlson** said what is needed is simply to give direction to move forward and proceed as proposed. **Maki** asked about the financial status of those not paying (the 33 earlier mentioned). Answer was many don't live in the area. **Rob Schierman** said three are foreclosures but the rest seem to have nice homes. **Rondeau** requested this be brought back to Committee after further work.

F. DISCUSSION / POSSIBLE ACTION – NR115: **Kastrosky** said the guidebook (WI County Code Administrators) was finished as of 'today', in draft form and sent out. All counties will have use of it by Feb. 2012. He noted that Bayfield County received about \$1400 for his work on it (\$200/day + mileage from DNR).

G. DISCUSSION / POSSIBLE ACTION RE DECISION MAKING PROCESS ON APPLICATIONS.
Atty. Jack Carlson re "Waypoint": He reported on the BOA decision (4-1 vote) noting they were somewhat critical of the Zoning Committee decision. He said throughout the hearing, the Board sided w/ the laypeople and gave that testimony greater weight than that of engineers, and other professionals. He noted how the process for appeal to the Board of Adjustment differs and they can take additional testimony. Carlson spoke to the 12 points the BOA said were not discussed by the Zoning Committee. He noted that Shawn Miller made the motion and did mention the points, but advice for the future would be for the Committee to discuss each one publicly prior to the motion. **Carlson** said during the public hearing Jardine and Miller asked some questions, but what is necessary is to discuss them in deliberation, they must "make their record".

Carlson said the minutes were very thorough, however, the Committee needed to be reminded to 'make the record in statements' even though they (the Committee) had heard it all several times. Deliberation should proceed their decision; there should be 'talking through as Committee', then give rationale / reasons for decision. **Kastrosky** said in high-profile cases it might be advisable to have Jack or someone guiding them through.

Maki asked if the Committee can let attorneys speak instead of the 'whole group' (the public) in hearings. **Carlson** advised, when an attorney represents an individual or group, they can request they / main presenters speak first giving a synopsis, then they can limit time for public input as decided upon. He noted that a 'public hearing still needs to hear from the public; they have a right to be heard'.

Kastrosky said there may be a possible amendment to the terminology of the twelve decision points; he has polled some counties to see if he can come up w/ something better for basing decisions on. **Maki** asked about having a checklist before them reminding / helping to cover what's necessary. **Carlson** said they can't have the Zoning Dept. 'lead them' but could have reminders of what to cover. He also noted this is a lot to ask of a lay board, stating it is not easy but the best system we have.

Carlson said this will go in front of Judge Anderson or a substitute next just to review the records; 'the court is very narrow on this'; they have to find error in what the Board did.

12. MONTHLY REPORT: **Jardine / Maki approved** as presented. Carried 5 yes.

13. BUDGET / REVENUE: **Kastrosky** reported the legal fees have been very expensive (Waypoint) ... they will need to find a line item transfer if possible, as we still have to operate our Dept. **Carlson** noted that the new associate in his office works at a lower hourly rate, so that helped some but significant time was spent getting ready, 8-9 hrs. of the hearing plus deliberation time, etc. **Kastrosky** said he believed the BOA budget was OK but Planning & Zoning would need approximately \$5,000. He will talk to Administration about it.

14. ADJOURNMENT: *Reminder-- Meeting at 4 PM next month; adjourned at 2:23 PM.*

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

Prepared by mjj on 03/23/2011
Approved by KLK on 03/28/2011
Approved by ZC on 4/21/2011

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

K/ZC/Minutes/2011/#3March