

MINUTES
BAYFIELD COUNTY PLANNING AND ZONING COMMITTEE
PUBLIC HEARING AND PUBLIC MEETING
August 24, 2011

1. **Call to Order of Public Hearing:** Chairman **Rondeau** called the public hearing to order at 1:03 pm.
2. **Roll Call:** **Jardine, Maki, Rantala,** and **Rondeau** – all present. **Miller** – absent. Came in at 1:05 pm.

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

3. **Affidavit of Publication:** **Kastrosky** showed the audience the public meeting and hearing for August 24, 2011 affidavit of publication and the certified mailing receipts. Noted we did not receive back Grand View and Keystone mail 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. **William & Marsha Walsh (Namakagon) – 2 unit short-term rental** [.610–acre parcel (ID# 04-034-2-43-06-11-2-05-003-60000), described as Lot 1 CSM# 982 V. 6 P. 248 , Section 11, Township 43 North, Range 06 West, Town of Namakagon, Bayfield County, WI]

William Walsh spoke in support of his 2 unit short term rental and explained it is located on County Highway D on Lake Namakagon there is a vacant lot on the south side and is not going to be developed at this time. He would like to keep his property and in order to do so he would have to make some additional income. **Furtak** asked if one of the cabins is currently being used as a short term rental and if he has the proper permits. Also the sanitary system is for both rentals but has recently been replaced. **Walsh** stated that was correct.

No one spoke in opposition. **File Report:** **Kastrosky** stated that this issue has town board recommended approval, it is compatible with the towns' comprehensive plan and stated in the minutes of that meeting, the property to the south, which is vacant counts as a parcel that cannot be developed as long as there is a short term rental permit in place. Also no vehicles other than the renters can be on the property at one time. Both of the lots were permitted by variance because they were 149.9 feet, and a lot has to be 150 feet.

Discussion ended.

- B. **Michael Stanitis (Clover) – rezone property (F-1 to Ag-1)** [10-acre parcel (ID #4-014-2-50-07-11-4-01-000-20000), located in the NE ¼ of the SE ¼, N of Bark River Rd- Less E 610' in V.883 P. 351, Section 11, Township 50 North, Range 07 West, Town of Clover, Bayfield County, WI from Forestry-1 (F-1) to Agricultural-1 (Ag-1).]

Michael Stanitis spoke in support and stated that he is operating an Ag business and **Rantala** asked what type of business and **Stanitis** stated he raises goats and makes cheese. **Maki** asked if all 40 acres were to be rezoned and **Stanitis** answered no just 10 acres. **Casina** stated that it met the goals and objectives of the town plan.

No one spoke in opposition. **File Report:** **Kastrosky** stated that the town of Clover recommended approval and it meets goals 2 and 3.

Discussion ended.

- C. Joshua Swan (Washburn) – Woodworking business (1 person)** [20-acre parcel (ID# 04-050-2-48-05-10-3-04-000-11000), described as the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, less the W $\frac{1}{2}$ in V. 1002 P. 305, Section 10, Township 48 North, Range 5 West, Town of Washburn, Bayfield County, WI.]

Joshua Swan spoke in support and explained he would like to obtain a conditional use permit for a 20 acre parcel of land, to run a wood working business. Currently he rents space in Ashland and would like to move to his own property. His business is a high labor, low volume business. **Rantala** asked how many employees he has and **Swan** stated one part time employee which may or may not carry over to his own space.

No one spoke in opposition. **File Report:** **Kastrosky** stated this is not a home based business and is a standalone building. Town board recommended approval, is compatible with the town comprehensive plan and stated that the town needs new people and businesses. This is a one person wood working business and he wanted to raise the point of interest that later down the line there might be more than one employee working for Mr. Swan. **Miller** asked if there is water and sanitary issues included with this building and **Casina** stated no, that there is a privy use permit along with the Conditional Use Permit. **Miller** also asked if there is a plan to turn this into a living space and **Swan** stated no.

Discussion ended.

- D. Town of Bayfield (Bayfield) – rezone property (C, Ag-1 to Municipal)** [2.74-acre parcel (ID #04-006-2-50-04-15-3-02-000-20000), described as 3 parcels in the NW corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, in V.157 P. 444; V. 354 P. 239; and V. 646 P. 231, and a 1.30-acre parcel (ID # 04-006-2-50-04-15-3-02-000-12000), described as a parcel in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ in V. 1058 P. 692; all in Section 15, Township 50 North, Range 4 West, Town of Bayfield, Bayfield County, WI from Commercial (C) & Agricultural-One (Ag-1) to Municipal (M).]

No one spoke in favor or opposition.

File Report: **Kastrosky** stated we created a municipal zoning district and the reasoning is when towns want to build buildings, like salt sheds, they do not have to apply for a special use permit. What Bayfield has done is taken out the permit and applied for a rezone from Commercial to Municipal and Ag-1 to Municipal and they also approved the Town Board Approval application. **Casina** believes they are going to build a new town garage behind the town hall. **Kastrosky** stated there were no letters of support or opposition in the file.

Discussion ended.

- E. Daren Zifko (Eileen) – rezone property (AG-1 to C)** [2-acre parcel (part of ID #04-020-2-47-05-33-4-03-000-10000), described as the 660' West of the SE corner of the SW ¼ of the SE ¼ to point of beginning thence North 360' from centerline of Hwy 118, thence West 250', thence South 360' to centerline of Hwy 118, thence East to the point of beginning (approximately 90,000 sq ft), Section 33, Township 47 North, Range 5 West, Town of Eileen, Bayfield County, WI from Agricultural-One (Ag-1) to Commercial (C).]

Daren and Lonnie Zifko spoke in support and stated that they would like to have a bulk fuel storage plant on a parcel of land located in the town of Eileen. State inspector Duane Leach asked the Zifko's to put in a bulk storage plant to meet state codes. This tank would permit access all times of the year without road band violations and support people in the area who need propane. With the thought of safety in mind the tank would be located in a less populated area unlike other propane storage facilities. At this point in time they anticipate about 15 semi loads a year coming and going. There is already a 40 foot driveway in place. **Furtak** asked **Zifko** if this came about because of homeland security and he replied that is correct. **Maki** asked if they are going to put up a store in the future and **Zifko** stated he is not sure at this time.

File Report: **Kastrosky** stated as of 1 pm today there was a call from George Setzke explaining the town plan commission approved this request but the town board has not acted on it yet.

Discussion ended.

F. Amend Ordinance (Title 13)

Kastrosky explained in order to establish a Municipal district they had to develop a classification list. Two comments were received, one was from the Town of Bayfield, and other was from **Kathy Wendling**. Bayfield stated, in their letter, that an electric generating windmill would have to be considered a class B special use permit, pipeline gas and oil needs to be a conditional use permit, wayside rests need to be a special use, shoreland grading needs to be a class A special use, and signs need to be a special use class A or B. **Wendlings** suggested that airports (private) should not be allowed in municipal zone along with concrete product sales. Private rifle ranges should not be allowed either. Town of Bayfield also asked if the word Industrial was used in paragraph C and D in section 1 but not in paragraph B, if this was intentional. **Kastrosky** explained that the use of the word Industrial was intentional.

Kathy Wendling came forward to speak in opposition stating that the wording needs to be right before it is passed. Things like marina, golf courses, hospitals, and schools all say that public only is allowed in this zoning and she thinks that this also applies to airports or rifle ranges.

Furtak come forward, as a Town Board Supervisor and Plan Commission Member, and wanted to speak in rebuttal to those comments. If the town wants to sell concrete or have a private rifle range, the town can make those decisions on a town level and has the opportunity to deny those requests. He asks that the amendment be passed as written. **Jardine** asked what **Furtak** thought about only allowing marinas not boat or yacht clubs in the zone. **Furtak** stated that would be up to the municipalities and it should be open to the townships. Each individual township can look at the conditional use permit and deny or allow what they see fit.

Discussion ended.

6. Adjournment of Public Hearing:

Miller made a motion to adjourn, Rantala seconded. Motion carried. Adjourned at 1:38 pm.

7. Call to Order of Planning and Zoning Committee Meeting: Rondeau called the meeting to order at 1:39 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, Krystal Hagstrom, and Rob Shierman.

9. Minutes of Previous Meeting(s): *Rondeau* stated the minutes are from the July 21, 2011 meeting.

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

10. Business:

A. William & Marsha Walsh (Namakagon) – 2 unit short-term rental [.610–acre parcel (ID# 04-034-2-43-06-11-2-05-003-60000), described as Lot 1 CSM# 982 V. 6 P. 248 , Section 11, Township 43 North, Range 06 West, Town of Namakagon, Bayfield County, WI]

Jardine motioned to approve with the stipulations of the town board, no other vehicles or structures, permanent or temporary, can be placed on the property for human habitation until the short term rental permit is termed; Rantala seconded. Kastrosky stated the Town Board also stated in their conditions that the property also owned by the Walshs' counts as a parcel that cannot be developed as long as there is the short term rental permit in place. Jardine stated that is included in his motion and Rantala seconded. Furtak wanted to clarify that these conditions apply to both the short term rental lot and the lot to the south, Kastrosky stated yes. Rondeau asked the Walsh's if they understood the motion and they stated they did. No further discussion. Motion carried.

B. Michael Stanitis (Clover) – rezone property (F-1 to Ag-1) [10-acre parcel (ID #4-014-2-50-07-11-4-01-000-20000), located in the NE ¼ of the SE ¼, N of Bark River Rd- Less E 610' in V.883 P. 351, Section 11, Township 50 North, Range 07 West, Town of Clover, Bayfield County, WI from Forestry-1 (F-1) to Agricultural-1 (Ag-1).

Miller motioned to approve the rezone F-1 to Ag-1, Rantala seconded. No further discussion. Motion carried.

C. Joshua Swan (Washburn) – Woodworking business (1 person) [20–acre parcel (ID# 04-050-2-48-05-10-3-04-000-11000), described as the SE ¼ of the SW ¼, less the W ½ in V. 1002 P. 305, Section 10, Township 48 North, Range 5 West, Town of Washburn, Bayfield County, WI.]

Miller motioned to approve with the contingency that the structure does not turn into a residence and not limited to one employee, **Rantala** seconded. No further discussion. **Motion carried.**

- D. Town of Bayfield (Bayfield) – rezone property (C, Ag-1 to Municipal) [2.74-acre parcel (ID #04-006-2-50-04-15-3-02-000-20000), described as 3 parcels in the NW corner of the NW ¼ of the SW ¼, in V.157 P. 444; V. 354 P. 239; and V. 646 P. 231, and a 1.30-acre parcel (ID # 04-006-2-50-04-15-3-02-000-12000), described as a parcel in the NW ¼ of the SW ¼ in V. 1058 P. 692; all in Section 15, Township 50 North, Range 4 West, Town of Bayfield, Bayfield County, WI from Commercial (C) & Agricultural-One (Ag-1) to Municipal (M).]**

Maki motioned to approve the C, Ag-1 to Municipal, **Rantala** seconded. **Kastrofsky** stated that this rezone needs to go to full board at the end of September. No further discussion. **Motion carried.**

- E. Daren Zifko (Eileen) – rezone property (AG-1 to C) [2-acre parcel (part of ID #04-020-2-47-05-33-4-03-000-10000), described as the 660' West of the SE corner of the SW ¼ of the SE ¼ to point of beginning thence North 360' from centerline of Hwy 118, thence West 250', thence South 360' to centerline of Hwy 118, thence East to the point of beginning (approximately 90,000 sq ft), Section 33, Township 47 North, Range 5 West, Town of Eileen, Bayfield County, WI from Agricultural-One (Ag-1) to Commercial (C).]**

Maki motioned to approve the rezone Ag-1 to C depending on Town Board Approval, **Rantala** seconded. No further discussion. **Motion carried.**

- F. Amend Ordinance (Title 13)**

Maki motioned to approve the Title 13 Amendment to accept as presented with no changes, **Jardine** seconded. No further discussion. **Motion carried.**

Agenda Review and Alteration

- G. Town of Clover (Clover) – transfer station (postponed 6/16/11)**

Rondeau stated that **Maki** and he have been to Herbster to see the proposed location. He also talked to a lot of people including Mr. Lindgren who took **Rondeau** to both locations and **Rondeau** has the understanding there will be 4 dumpsters in a locked fence. **Jardine** stated that is corrected, and issue started as a cost effective move to relocate the facility. The health department was there and they approved it. The department talked about the issues like bears and odors. In all reality the location is a distance away from everyone. The wind along the south shore is mainly from the West. There are pellets that are put in the dumpsters that will help neutralize the odor. Every three days the garbage will be picked up. **Casina** stated in the summer months, garbage is picked up Saturdays and Wednesdays. **Jardine** went on to explain this is a way to minimize costs for the town. At the Town Board meeting he offered a compromise stating the town should relocate the station on a trial basis of one year. **Rondeau** stated he agreed with **Jardine** to move it for a trial basis but it is unfair to try it this time of year and it needs to be there for a year to see if it will be effective or not. **Miller** made three comments. First, if the station is moved, it is there forever. Second, he stated **Casina**

changed his vote and voted against the move. **Casina** said he was receptive to a compromise that some of the citizens had and that is why he changed his vote. **Miller** went on to say that thirdly, if the town people are willing to step up to the plate and pay to keep the station where it is, and if they don't want a dump next to their homes then he wouldn't want it there either. He believes that once the station is moved it is there to stay. **Rondeau** asked **Kastrosky** if the town owns the property where the station is located currently and the answer was yes. **Jardine** stated that if it were to be moved back, it could go anywhere in-between, at the industrial park and so on. At first he was in favor with the towns' people who were opposed to the idea then he went and looked at the proposed location and the area was pretty well all by itself and then he decided to change and try the temp for a year.

Miller motioned to deny the relocation of the transfer station. Rantala seconded. Rondeau stated that Kastrosky will do a roll call vote on this matter. Jardine disagreed with Miller and Rantala saying, just to deny it without a compromise is unfair. It is going to be cost worthy to put it on that hill, he agrees with that. Miller asked how the Zoning Committee can mandate a compromise and it is up to the people if they want to fix up the place or not. Rondeau states that the Committee can't mandate whether or not they current location should be fixed. Jardine stated that is why his attempt was to go with, trying to have the town settle it themselves and evidently they couldn't. At the Towns meeting one alternative was to try for one year. Maki stated he was not at that meeting but he thinks for what the town is proposing, and the cost savings, and the road conditions and everything else they have came up with, like tops on the dumpsters so coons and bears can't get in them, he has the same thing at his shop and does not have any problems there, and pick up twice a month. It is good if there is someone there to watch the station every day, which is all he has to say on the matter. Miller asked Maki if the waste in his dumpsters is mainly mechanical waste and Maki responded no, there are 4 families that put their waste in those dumpsters as well. Miller commented that the town made the statement, that they have to find ways to cut money and it wasn't the tax payers that got them in the position they are in, it is the government themselves by over spending. Jardine added to that comment saying a few years ago Herbster had the chance to get a grant for a building and were denied the chance, Port Wing went after the grant, got it, and they have their station all set up. Rondeau asked if there was anymore discussion, there was not, and restated that if there is a yes vote it is to deny the relocation of the transfer station.

Jardine – No. Maki – No. Miller – Yes. Rantala – Yes. Rondeau – No. Motion Failed.

Rondeau asked for another motion on the floor. Jardine motioned to attempt the relocation for one year, until August 24, 2012 and if there are any problems at all, the station will have to be moved back to its current location. Rondeau stated part of the motion could be to add the issue to the August 2012 meeting agenda and Jardine agreed. Maki suggested giving the summer a good shot and adding the issue to the September 2012 agenda. Jardine agreed with changing the motion to adding the issue to the September 2012 agenda and Maki seconded. Kastrosky asked who is going to set the standards and who is going to make the decision on whether the new location is working or not. Maki stated public health department. Kastrosky said, part of the motion should be who is going to set the standards on whether the proposed location is working or not. Miller stated that the Zoning Committee does not have the expertise or knowledge to make that decision. Rondeau stated that part of Jardine's motion should be that the public health department should make quarterly unannounced visits out to the

site. **Jardine** stated the health department had always been involved. **Miller** stated the citizens of Herbster should make the decisions. **Kastrofsky** thinks the documented complaints should go to the town board officials. **Rondeau** stated it would behoove the town officials to heed what they are hearing. **Miller** asked the Committee that what is being suggested is that the town has to put up a permanent fence, do all these things for a temporary trial basis. **Rondeau** stated they don't have any choice. That needs to be added to the motion that there is proper fencing and locks on the dumpsters. **Jardine** stated that was originally part of the proposal but he will add that to his motion. **Maki** agreed that is ok with his second. **Miller** again asked if he had the understanding that the town is going to spend thousands of dollars on fencing instead of fix up the current location just for a temporary. **Rondeau** stated yes that is what is being proposed. He asked **Casina** if after one year, the new location ends up being ok what is the town going to do with the old location and **Casina** stated he does not think there are any intentions of selling the property. **Rantala** asked if there is to be fencing around the facility it would have to be cemented into place otherwise it would not be effective against bears. **Casina** did not know the specific proposal of the fencing. **Miller** asked what if the town does sell the current locations property and the temporary place does not work, where will they move the station then. **Rondeau** answered there will have to be another location found to move it. **Miller** asked if that be part of the motion that they cannot sell the current location property. **Casina** stated that this property is used as a municipal sand pit so there are no intentions of selling it anytime soon. No further discussion.

Jardine – Yes. **Maki** – Yes. **Miller** – No. **Rantala** – No. **Rondeau** – Yes. **Motion carried** 3 yes / 2 no to support the move for a one year trial basis and the health department is to make visits. If there are any complaints from the citizens they are to be referred to the town officials.

H. Bayfield County (Port Wing) – wayside rest

Jardine motioned to approve. **Rantala** seconded. **Kastrofsky** stated this issue relates to the Birkie building and will set the stage that Bayfield County allowed a wayside rest in an F-2 zone and will come back with the Birkie building. No further discussion. **Jardine – Yes, Maki – Yes, Rantala – yes, Approved—3, Miller –No, Denied—4 Motion carried, 3-1.**

I. Terrance & Ruth Huntrods; Michael & Kathleen Bradley; & James & Elizabeth Hagstrom (Bayfield) – plat reconfiguration (3 lots to 2 lots)

Kastrofsky noted that there are two different subdivision plats and three existing lots these three lots are going to be reconfigured into two lots. There are two houses and a vacant lot in-between and they are going to split the center lot and half will go to each of the other two lots. **Maki** asked if this is split, can the property owners build another residence there and **Kastrofsky** replied yes they can but it would have to come back here for approval.

Maki motioned to approve with being on record that there is to be no second residence on either parcel. **Rantala** seconded. No further discussion. **Motion carried.**

J. Discussion and Possible Action regarding 2012 Dept Budget

Kastrofsky stated there is a budget comparison table for committee to review. We are up \$773 this year because of public demands on greater enforcement and pending lawsuits.

Miller motioned to receive and place on file. Rantala seconded. Motion carried.

K. Discussion and Possible Action on comprehensive planning

Kastrosky stated 3 towns are in the process of adopting the plan. No further discussion.

L. Discussion and Possible Action regarding NR 115

Kastrosky stated the board postponed the plan for two years. No further discussion.

11. Monthly Report

Previously discussed as item J.

12. Budget and Revenue

No report.

13. Adjournment

Rondeau called adjournment at 2:27 pm.

Prepared by KMH on 8/25/11

Approved by KLK on 9/9/11

Final Approval on 9/15/11

Final Approval 10/20/11

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

k/zc/minutes/2011/#8August