

MINUTES
Bayfield County Planning & Zoning Committee
Public Hearing / Meeting
May 19, 2005
Board Room, County Courthouse, Washburn, WI 54891

1. CALL TO ORDER OF PUBLIC HEARING: *at 6:00 PM by Chairman Jardine.*

2. ROLL CALL: *Beeksma, Compton, Jardine, Maki, Rondeau, all present.*

3. AFFIDAVIT OF PUBLICATION: *Presented and read by Director Kastrosky*

4. PUBLIC HEARING:

A. PETITION FOR AMENDMENT OF TITLE 13 AND 15 (Zoning & Sanitary Ordinance)

1. Amending the Bayfield County Zoning District Map pertaining to Section 18-43-7 in the Town of Cable, incorporated as part of the Bayfield County Zoning Ordinance by Section 13-1-20(c) thereof, to re-zone areas located within the service area of the Cable Sanitary District, located in said section, as shown on the map of said section showing proposed zoning district changes for the Cable Sanitary District prepared by the Bayfield County Land Records Department and filed with the Bayfield County Planning and Zoning Department on April 20, 2005. A copy of the map is available for inspection by the public at the office of the Bayfield County Planning and Zoning Department in the Bayfield County Courthouse, 115 East Fifth St., Washburn, Wisconsin.
2. Amending Sec. 13-1-60 of the Bayfield County Zoning Ordinance to provide for minimum area, frontage, and average width requirements within R-4 zoning districts in the Town of Cable, of 20,000 sq. ft., 100 ft., and 100 ft. respectively.
3. Amending Sec. 13-1-61(n)(3) of the Bayfield County Zoning Ordinance to revise the area in the Town of Cable covered by the unincorporated village overlay district. .
4. Repealing and recreating Sections 15-1-18 and 15-1-19 of the Bayfield County Sanitary and Private Sewage Ordinance pertaining to maintenance programs and holding tank maintenance agreements for private onsite wastewater treatment systems to allow for Bayfield County's participation in the Wisconsin Fund Program, which provides grants for assistance for replacement or rehabilitation of private onsite wastewater treatment systems.

Kastrosky reviewed the above items. There was discussion regarding a displayed map for Item #1 above with David Popelka (Cable Sanitary District Director) and Kastrosky. Popelka stated the sanitary district is regulated by State statutes. Supervisor Compton questioned the R-4 requirements in this situation. It was explained that R-4 stays the same in the rest of the districts, this is for this area only.

Speaking in Support: David Popelka
No one spoke in disapproval.

5. ADJOURNMENT OF PUBLIC HEARING: *Motion by Compton, second by Beeksma to adjourn. Motion carried.*

6. CALL TO ORDER OF PLANNING AND ZONING COMMITTEE MEETING: *By Jardine 6:15 PM.*

7. ROLL CALL: *Beeksma, Compton, Jardine, Maki, Rondeau, all present.*

8. MINUTES OF PREVIOUS MEETING(S): *the April minutes were not available for approval. Motion by Compton, second by Rondeau to table the minutes until the June meeting; carried.*

9. BUSINESS:

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Motion by Rondeau, seconded by Beeksma, to adopt the above and pass on to the full Board; motion carried.

Agenda Review and Alteration

B. WILLIAM KOKAN SPECIAL USE REQUEST – Home-Based Business (Auto / Truck Repair) on a 8.24-acre parcel (#018-1020-07) in the N ½ N ½ SW NW Section 20, Township 44 N, Range 7 W, Town of Drummond.

Bill Kokan addressed the Committee. AZA Mike Furtak explained the reason applying again. This is changing the scope of the original special use permit. The previous permit was for small engine repair and now auto & pick-up truck repair will be over/above the small engine permit. Mike Furtak said there needs to be control re number of vehicles on these types of permits.

Discussion followed re the number of vehicles to be allowed. Motion by Compton, seconded by Rondeau, to approve w/ the condition that not more than six cars may be visible outside of the shop area at any one time; motion carried.

C. CHRISTOPHER ELKINS SPECIAL USE REQUEST - Play School / Child Care Center located in (Parcel #'s 012-1263-09 / 012-1264-01 / 012-1265-01) Lot 4, the S ½ of Lot 5, & W ½ of Lot 13, Block 3, village of Cable, Township of Cable.

Tracy Ohms Operator of the child care center which is owned by Mr. Elkins, addressed the Committee. Kastrosky stated this item was previously amended in the ordinance to allow operation of a day care in the present commercial zoning district. He noted that this application is for the special use permit to actually

operate the center and reported Town approval is on file. Motion by Rondeau to **approve**, second by Maki; motion carried.

D. PATRICK TOSCH / JENNIFER YOUNG SPECIAL USE - Home-Based Business (Daycare) on a 5.66-acre parcel (#002-1010-10) located in the SE ¼ of the NE ¼, Section 13, Township 48 N, Range 5 W, Town of Barksdale.

Patrick Tosch addressed the Committee. He said they started the daycare, which was state and county certified, was unaware he needed a special use permit, "in fact neither the state nor county daycare inspectors were aware either". Kastrosky reported TBA is on file. Compton questioned whether this permit would be transferable and Kastrosky answered "yes, unless the committee wishes to restrict it". Motion by Compton, seconded by Maki to **approve**; motion carried.

E. JERRY OLSON SPECIAL USE REQUEST – Home-Based Business (Contractor / Sawmill) on a 10-acre parcel in Govt. Lots 2, 3, 10 in Section 26, Township 44 N, Range 6 W, Town of Grand View.

Jerry Olson addressed the Committee stating he has a sawmill (wood miser) which is a gas band saw; he said the closest neighbor is approx. 400'. Kastrosky identified the zoning district as R-1, and said home-based businesses are allowed with a special use. Olson said the sawmill is a "hobby on week ends and evenings", and stated he is a builder and sometimes will take the miser to job sites; is willing to work the same hours permitted for the gravel pit near him; is willing to install a muffler on the machine. Olson said the Town approved his request the previous evening, and that no opposition was present at that meeting.

AZA Furtak said there is equipment and material in the right-of-way of County D and that items should be moved but the County needs to identify the right-of-way as there were some road changes which have confused the situation. Mr. Olson said materials are approximately 100' from the centerline of the road, and there is swamp behind his property.

Maki addressed a letter in the file concerned with unsightliness of the property. Compton suggested a privacy fence or screening. Mr. Olson said some of the mess is coming from remodeling of his home and scrap piles from the slabs. Kastrosky then read an opposition letter which was given to him at the meeting, from 'the Oravis Family' who live "two blocks away" and are opposed to a "high level of noise". Olson stated he has only 25 hrs. on his machine in 1-1/2 years.

Compton expressed some reservations because of the R-1 zoning. Jardine stated the Committee could place limitations such as hours of operation, insist on a muffler, etc. (Adjoining property owners, Richard and Pat Peters spoke from the audience, [and have an opposition letter on file] – stating the mill "makes a lot of noise and sometimes is operating at 10 PM".)

Compton suggested setting a deadline for compliance if the Committee approves the request. AZA Furtak explained that a home-based business allows only one non-resident employee in addition to family members and said it is important to identify the right-of-way to be sure that materials are on private property and not lined up along the highway.

Kastrosky again referred to letters of opposition (from Corrine & David Martin; Rich & Pat Peters; Oravis family). Adjoining property owner, Chris Elkins [in the audience] stated he is not bothered by the noise; another neighbor in the audience [who did not identify himself], addressed the committee in opposition.

A copy of the neighboring gravel pit (Don Henderson) was obtained and Kastrosky read the hours of operation which are 8:00 AM to 5:00 PM Monday through Saturday. Relocation of the mill was discussed and pointed out to the Committee.

Motion by Compton, seconded by Rondeau, to **approve the special use with conditions as follows:**

1. **Hours of operation are 8:00 AM to 5:00 PM, six days per week, excluding Sunday.**
2. **A muffler must be installed on the saw mill.**
3. **Mill must be moved as far away from neighbors as possible.**
4. **One non-resident employee is allowed.**
5. **Must remove items that have been a concern [equipment / materials in right-of-way, logs and scrap piles]**
6. **Highway right-of-way must be identified.**
7. *** Permit will be revisited in six months* [amended below]**

Compton then amended his motion to state “the Department will revisit this permit in six months and only bring back to Committee if necessary**”. Rondeau seconded the amended motion; carried.*

F. PAT-MAR ENTERPRISES OF CABLE LLC SPECIAL USE REQUEST – Car Wash on a .7-acre parcel (#012-1166-06) Lot 6, Block 7, Assessor’s Plat #2, Section 18, Township 43 N, Range 7 W, Town of Cable.

*Applicant, Mark Kruto explained his request. Kastrosky said car washes are not listed in the classification list therefore “we followed past practice for car washes” and reported Town approval is on file. Motion by Rondeau, second by Compton to **approve**; carried.*

G. J.R. MCCONNELL SPECIAL USE REQUEST – Mini-Storage located on a 9.99-acre parcel (#006-1054-06) in part of Govt. Lot 1, Section 22, Township 50 N, Range 4 W, Town of Bayfield.

*Agent Neil Schultz was present and asked “that this request not be heard tonight” because of Town’s land use planning process. Motion by Compton, second by Maki to **table** this request; carried.*

H. LANCE REASOR – Preliminary Plat (20 Lots) on a 43-acre parcel (#024-1039-10-990) in Govt. Lot 4, Section 17, Township 47 N, Range 8 W, Town of Iron River.

Lance Reasor addressed the committee. Kastrosky said some confusion exists on Lot 4 whether it is lakebed or wetland but he personally believes it is lakebed. Reasor said he has an upcoming meeting with John Spangberg (DNR Water Regulations/Zoning Specialist). Kastrosky questioned a notation on the application regarding ‘rezoning’ and Reasor said he had “added the language” in question. Kastrosky explained a rezone requires a separate application in public hearing format. Town Board approval was reported as ‘on file’.

Mr. Reasor stated this property will have wells and septic installed. Kastrosky said if it is not lakebed and is part of Lot 4, it is otherwise considered an outlot which is not buildable; he also noted zoning of R-1.

Discussion re “common ownership of Lot 4” followed. AZA Furtak spoke to the intent of the ordinance – not to allow use of back lots. He said it is up to the Committee if they want to allow common ownership but “you can’t sell deeded access to the lake”. Beeksma stated he “won’t vote for it if held in common ownership where everyone in back has access to the lake.” Compton said he is “a strong believer in protecting lakes and can’t support it either if this keyholing occurs. Reasor said when he bought this he was told he can have common interest lots and has his attorney drafting conditions pertaining to a common lot. Beeksma said “this is why we have ordinance standards to go by, if this is allowed, the ordinance is useless”.

Mr. Reasor stated he is not willing to drop the common lot now. Maki made a motion to accept the plat as presented, however, the motion died for lack of a second. Compton said he sees two choices, ‘send back to the Town or deny’. Kastrosky told the Committee if they deny they need to justify the reason.

Tom [Bosos?] was in the audience and said he attended the Town meeting and there was no discussion about a common lot, only 20 residential lots. Compton made a motion to send this back to the Town for review to understand the full proposal with the concept of using Lot 4 in common ownership, which appears to be keyhole access to the lake. Beeksma seconded the motion; carried.

I. DISCUSSION / POSSIBLE ACTION EIA – Scott Johnson (Town of Eileen)

Scott Johnson was present. Kastrosky stated this is an ongoing situation w/ Johnson with a timetable laid out for screening, signs, etc. and reviewed some past history. Johnson's EIA was presented for approval. The Oct. 31, 2005 [previously set] deadline was discussed, Karl said Johnson's conditional use permit will be on the June agenda, and that sign permits have recently been issued. The EIA, screening, fencing and the conditional use permit are remaining, as well as any deficiencies which may be found in the EIA.

Karl explained that the EIA is for expansion of buildings, not for those existing and that he has been to the site numerous times, and as far as expansion of salvage yard on this "small parcel", he doesn't see any environmental danger. He added he "couldn't find oil or batteries lying around" but had "concerns about no restroom facilities in the garage or on the property which may be an issue". Based on what Kastrosky saw, the EIA does deal with the concerns of the expansion for the conditional use.

Johnson said after vehicles are drained, the oil is stored indoors and then sold, under parameters of the DNR. Kastrosky also said the area is wet, heavy clay soil; also that he is concerned with visibility. Compton said "that is a condition of the existing conditional use and Johnson has until October to address that issue". Discussion followed about the original permit and Kastrosky said "when this issue comes back in June, it is to expand the existing facility so if there are violations of the existing conditional use, "then the whole thing is on the table".

*Jardine brought the committee back to the matter at hand, the EIA. Motion by Compton, second by Beeksma, to **accept the EIA as presented**. Motion carried.*

Jim Gadamus, Town of Eileen, spoke in opposition to the EIA. He said the areas south and west of the yard are both recognized as wetlands. Kastrosky asked if they are 'mapped' wetlands. Gadamus "believes they are". It was noted the wetlands are not on the Johnson property, however. Kastrosky said he would get a wetland inventory map of the entire area. Gadamus said conditions of the first conditional use permit were not complied with, and reported there is a large area of old tires. Kastrosky said he believes everything has been addressed "up to this point, and the rest will be addressed with the conditional use permit next month".

J. DISCUSSION / POSSIBLE ACTION ON NR115 RE-WRITE UPDATE:

Karl reported the last draft has been received by Committee, next it will go to public hearing, and then to the legislature.

K. CITIZENS' CONCERNS / INPUT:

- **Neil Schultz re 'Greater Bayfield Sanitary District'**: *Mr. Schultz handed out a packet of information containing letters and information previously given to the Zoning Dept.). He said "there are some very serious violations and they are clearly in violation and the Department issued them". Kastrosky reported that Mr. Schultz had apprised the Dept. of the concerns and that he [Karl] has been on a fact-finding mission with 'Strand' on this issue and the sanitary district claims they are in total compliance. He discussed this with Corp. Counsel Bussey however he has a conflict of interest with this case. Kastrosky said the original minutes referred to a 500' facility setback but needs some clarification what the 'facility' entails. He added this should be placed on next month's agenda, the Dept. will have to find legal counsel and as a futher note, "this is DNR-approved as well".*
- **Update on Dept. Staff:** *Karl reported a new 'counter person' has been hired, Rob Schierman and interviews for Land Use Specialist will take place May 26th.*

L. OTHER ITEMS THAT MAY COME BEFORE THE COMMITTEE (Discussion only):

- **Mike Furtak re EIA Review:** Mike feels consideration should be given for Land Conservation to review EIAs. Kastrosky said “that Dept. has not been very responsive in a timely manner to our concerns” and doesn’t believe it will be successful. He reported he has an amendment at Bussey’s to change the review of EIAs so they can be considered at the same time as the conditional use rather than 30 days prior at a separate meeting
- **Land Conservation LTE:** Kastrosky reported an LTE is to be hired for 900 hours per year.
- **Maki re Handling of Situation:** Maki questioned proper procedure on some complaints he has received on a “person’s personality”. Kastrosky said he would discuss with Maki first and then discuss with the Union and/or Mark [Abeles-Allison].

10. **MONTHLY REPORT:** There was no report ready for consideration at this meeting.

11. **ADJOURNMENT:** Motion by Rondeau, seconded by Beeksma to adjourn at 8:22 PM; carried.

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

Prepared by MJJ on 5/25/05

Approved by KLK on 6/8/05

cc: Administrator; Clerk; Corp.Counsel; DNR; Committee; Supervisors

K/ZC/Minutes/2005/May