

MINUTES
Bayfield County Planning / Zoning Committee Public Hearing / Meeting
July 20, 2006
Board Room, County Courthouse, Washburn, WI 54891

1. **CALL TO ORDER OF PUBLIC HEARING:** *By Chairman Beeksma at 1:00 PM.*

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

3. **AFFIDAVIT OF PUBLICATION:** *Read by Director Kastrosky*

4. **REVIEW OF MEETING FORMAT:** *Beeksma presented rules for addressing the committee during the public hearing of being specific, to the point, limit their own time. Director Kastrosky added they must come to microphone to speak, no speaking from the audience is allowed and they must sign in, as this is a public hearing and we need to speak into the microphone for sake of the audio tape as well as accurate minutes..*

5. **PUBLIC HEARING:**

A. MICHAEL S. BURG (TAMARACK POINT LLC) Conditional Use request - to construct a planned unit development (PUD) under condominium ownership (consisting of 15 single family units; 13 garages; 1 shed; 2 bunkhouses; and 2 saunas) on his 55-acre parcel (ID#s 012-1101-08 & 012-1102-07). Review of the **environmental impact analysis (EIA)** which was previously heard on April 20, 2006 will also be readdressed. Property is located in the S ½ of the NW ¼ of the NW ¼, and the S ½ of Gov't Lot 7, all in Section 12, Township 43 N, Range 8 West, Town of Cable.

Agent Brook Oldre reminded the Committee that he had presented the concept plan and EIA in April; he worked w/ the County, Town, Surveyor Bob Mick, John Spangberg of the DNR, as well as the Cable Sanitary District, and Cable Lakes Assoc. in order to "get this project right". He said they have an interest in proper procedure and following the ordinance. He reported that "a few changes have been made since April. Michael Burg presented drawings of the changes. Originally 24 units were proposed, now there are 15, ten on the front and five on the backside, as well as 15 accessory buildings.

They reported the general focus did not change, this is an environmentally friendly and sound development with 200' setbacks to the lake, preserving all the timber they can, trying to maintain a small footprint on the land, as well as every other aspect of the requirements. Mr. Oldre said that the July issue of Mpls.-St. Paul Magazine cited this development as one of the most environmentally friendly developments to happen in the region and "it is an environmentally sound development", adding that they desire to maintain the shoreline as natural as possible.

Regarding the units: they are quality, small-scale buildings; porch-decking will be a hardwood called Lyptus (grown in a forest that is monitored to be sustainable in logging / forestry); reclaimed wood will be used for interior floors; long-term quality materials to last as long as possible.

There will be three different home models, each with its own holding tank. Discussion is ongoing re wells whether each unit will have its own or combined. Units will not have the same footprint and the largest is approximately 1700 sq. ft. footprint including decks. Mike Furtak said soil tests allow for holding tanks and possibly some mound systems. Mr. Oldre stated that in order to keep more of the tree stand they are pursuing holding tanks, rather than mounds.

After questions from Supervisor Maki about sanitary system changes by future homeowners, Mr. Oldre stated the Association's regulations wouldn't allow homeowners to make those changes. AZA Furtak said soil tests dictate the system type, however, there are other things to be considered such as unreasonable amount of cost in pumping distances, disturbance of vegetation and habitat, so 'we try to minimize that where possible'. He added that in a project like this it would have to be discussed in a later phase, and proper sanitation will have to be installed for each structure. He said the Committee has authority to look at the project at a whole and then approve what is reasonable to accomplish the end purpose of the ordinance which is resource protection, controlling density, and upholding the public trust doctrine. The Committee has authority and leeway, taking these things into consideration, to place requirements on the conditional use permit. Director Kastrosky reported there is current discussion with the Cable Sanitary District; the treatment plant is within approximately six miles so there are reasonable ways to dispose of the holding tank waste. Mr. Oldre said they feel holding tank systems on a lake are a more sound option as long as they

are properly maintained and pumped.

Oldre also reported: the Association will maintain the roads; each cottage will be individually owned as well as the land that's immediately underneath it; the remaining land is owned by the Association; they are working with the Town of Cable re road safety / other requirements; it is not their intent that the Town take over any of the roads.

SUPPORT:

Kenneth Bro, Washburn Township resident, manager of family property on Cable Lake; President of Cable Lakes Assoc.: Addressed the EIA process, believes it is 'working'. He attended the Town meeting last week; believes there is effective communication starting to happen but said the revised document before the Committee does not incorporate any of the information that was collected in the report that was recently submitted to the DNR regarding docks and piers at this location. He referred to this as a "critical element" regarding sensitive zones and is concerned about the appropriate number / location for docks and piers. He added that the Committee has the authority to require the applicant to show the location, how many there will be, and that they will minimize impact / potential for problems. He said Cable Lakes Assoc. has strong concern that there be respect for density which a Class 2 lake can handle.

Bro presented a map that the Cable Lakes Assoc. went over w/ Brook Oldre after their annual 7/2/06 meeting. He said they discussed where docks should be located, slopes, critical habitat, various plant species and their protection, accessibility, etc. He added that the Town Board said, 'at least no more than eight piers of 24 ft. long', however that will depend on the design and the Committee does not have a design before them and asked for more specificity from the Zoning Committee on dock numbers and locations.

Bro was also concerned about the number / location of dwelling units and size / use of the bunkhouse as well as the fact the report does not address Class 3 lakes; he said this property abuts two Class 3 lakes on the backside. He claimed there are some mistakes on the first EIA version and the current copy, adding that the site map shows open water farther north than it actually is and makes it look like there are two separate vegetative areas on the north end of the lake, which is false. There was concern that one of the buildings was 25' away from the edge of the bog, which is saying it is wetland, not lakebed, adding setbacks are a critical issue. Bro said that the Town and Association expect the Zoning Committee to sort out the issue of what the maximum density is that can be permitted. He spoke re concerns of soil limitation areas, locations of driveways, trails, and buildings in relation to the soils and Natural Resources Conservation Survey which he obtained on the web for this location.

Bro noted the setback on a Class 3 lake is 225 ft. and this detail needs to be clarified as well as the ordinary high water mark and location of hydrant soils. Bro believes 'we can work this through' but from the Assoc. viewpoint, no one wants to see more density on the lake, but they do want to see a well-designed project that includes clear conditions from the Zoning Committee with density issues and sewage concerns addressed, which protects the resources. The Assoc. suggests written specifications for an Association [condo]-managed pumping of holding tanks w/ approval of the Cable Sanitary District and inclusion of this project within the sanitary district boundary area.

Atty. Jack Carlson, representing Cable Lakes Assoc., presented a handout and stated this property has two different zonings-- R-1 and F-1 with one planned unit development. He reviewed calculations of frontages on Class 2 and 3 lakes, stated all 15 units will have access to 875' on Cable Lake, and that becomes very important regarding density. He said if this permit is granted, they need to meet all terms / provisions of the zoning ordinance and it becomes confusing because of different zoning districts with five units being in F-1.

He reviewed "relevant provisions of the zoning ordinance" and presented copies of 13-1-29 re PUDs; 13-1-41; urged the Committee to impose conditions at this time; and presented the Town's recommended approval with twelve conditions. He said the Developer agreed to the Town's conditions. Carlson said the position of the Cable Lakes Assoc. is that the maximum allowable units is thirteen. He asked the Committee to keep in mind that due to shoreland access, they must look at the criteria in 13-1-32(e) re PUDs and other multi-unit developments. He said this becomes more difficult because of it being one PUD partially in R-1 zoning w/ a Class 2 Lake and partially F-1 with a Class 3 Lake.

Supervisor Jardine commented regarding density [unclear; inaudible also on tape].

Carlson's answer was, "it depends upon which sections you are applying and my understanding for the five [units] west of the road, the criteria meets single family criteria, not planned unit development, in F-1 zoning. Carlson added that if you consider the acreage west of the lake that's how you get the five units, "but what you're missing with that,

in my opinion, if it's a PUD, then those five units have access to Cable Lake, and that's the point. If you look at the chart under 13-1-32 you have an open space requirement of 60,000 sq. ft. per dwelling unit, and shoreland frontage requirement of 200' for every three dwelling units, 800 ft minimum. This is one PUD, one condo, all of the units are going to have access to Cable Lake, so I'm of the opinion that the PUD, and there is no question that focus is on Cable Lake, if you take these figures, you've certainly got the 800' minimum or 875'. Divide [875] by 200' and you get 4.375 x 3, or 3 units per 200' is 13.125 units. If what's west of the town road is going to have access to Cable Lake, we take the position that you cannot exceed that density." Carlson stated these are the minimum requirements and asked the Committee to keep in mind that F-1 zoning is more restrictive than R-1, adding "this is similar to key holing if you put units on a an F-1 and give them access to the lake.

Carlson suggested that numbers 2, 3, 5, 6, 7, 9, 10 in Section 13.1.41 (re conditional uses) is highly relevant in this case. He added that the Cable Lakes Assoc. supports the Town conditions and that the Association has developed conditions also which dovetail w/ the Town's; they recommend approval w/ conditions. Carlson added that regarding sewage, if holding tanks are the end result, one of the conditions should be that the [condo] Association is responsible and owns, maintains, and collects sewage, not the individual owners. He urged the Committee, if they give approval, to place all the conditions "today". Carlson referred to one condition the Town placed of a bonding requirement and reminded the Committee they have that authority.

OPPOSED:

***David Baker**, property owner on Cable Lake: This project changes the character of the lake, increases density, appropriate to put the burden (of proof) on the applicant to show it is good for the lake, does no harm, in addition to what the requirements are. Mr. Baker believes adding 15 units to this lake, increased use of the lake, more boats, and more children is going to create a complication.*

***Roger Dreher**, president of Bayfield County Lakes Forum, resident of Town of Drummond: Is in agreement with the math presented which allow for thirteen units, not 15. Doesn't believe bunkhouse should be allowed in this situation, increases density of number of people renting, etc. He sees a problem w/ the EIA in that it stopped at the waters' edge and didn't take into account access to the water which comes along with ownership. Dreher questioned who will spend the time here to get all the necessary answers here; he believes the Developer should go back and work the issues out w/ more specifics in the plan.*

***Mike Gardner**, Sigurd Olson – Northland College: Is in favor of these types of developments but in w/ the conditions and said he didn't see any 'analysis' in the EIA... there are not specific enough details spelled out' and 'will create problems that come back to this Board / County'. Gardner supports Cable Lakes' recommendations.*

REBUTTAL:

***Brook Oldre**: Reported they worked very hard to be accurate, follow procedures, worked with Bob Mick, County Surveyor, John Spangberg of the DNR, and Karl Kastrovsky were all on the property and decided where the lines are, what the measurements are. He hired and consulted experts in their fields to advise. Regarding concerns presented, Mr. Oldre said he has been in negotiations w/ Ken Bro over issues the Cable Lakes Assoc. had. He felt he was 'blindsided' at the Cable Town meeting when Mr. Bro and his attorney brought 'a bunch of issues that were not discussed' which made him wonder about how much of what they were telling him was 'in good faith'*

***AZA Furtak** asked if this development is to be a non-motorized, quiet community with no motor boats, no 4-wheelers, no snowmobiles, jet skis accessing on & off the property. **Oldre** answered it is their intent, with the design is for the quiet sports culture. Furtak asked if it will be part of the covenants, or just to appeal to them. Brook answered that it would be placed in the association covenant as well as in marketing the property.*

***Supervisor Miller** asked about docks [question unclear]: **Oldre**, answered it's a matter of what's appropriate, there is 1800' of shoreland meandering, so there's plenty of space there and if you have a canoeists he/she will need a place to get in and out of the water. **Miller** asked another question [unclear and not on tape]. **Mike Burg**, Co-Developer said they have been very up front and willing to work w/ people but not those who want to just shut things down that are reasonable. He is willing to put covenant restrictions on ATVs, snowmobiles, etc. and is concerned about motor boats as well but feels it is unreasonable to tell people they cannot have a motorboat on Cable Lake when everyone else can. A reasonable agreement to preserve the character of the lake, etc. is reasonable but the development is not designed for the 'bass boat crowd'. This is designed for people who like to paddle and like to enjoy a small lake.*

Burg said the plans before the Committee are not from his surveyor from Minneapolis, they are from the Bayfield County Surveyor, and the DNR. He said he told those gentlemen he wanted accurate numbers so the Committee could make an informed decision. He added he did everything in his power to comply with the code, both in letter and spirit and they will use "best practices". His objective is to bring excellence to the County, to be sensitive to the environment and the people around him, and feels this project is 'ahead of the curve' and will be modeled.

Jack Carlson expressed concern about bunkhouses and said to make sure the bunkhouse did not meet the definition of a dwelling unit. Re motorized vehicles, his understanding at the Town meeting was the Town's recommended conditions were agreed to by the Developer including motorized vehicles.

Jeanette Baker, Cable Lake resident: Suggested canoe racks, and the absence of docks, might send a strong suggestion to buyers of what kind of property they would be buying into.

Roger Dreher: Suggested getting everything in writing, cannot go on verbal on this 'kind of stuff' has to be written down and signed.

Liz Kenatopolis, representing her father's interest on Cable Lake: Has concerns about gray areas, believes there needs to be a whole package clearly understood now and spelled out; also requested the Committee endorse the Town's recommendations.

Paul Gilbert Town of Cable resident: Said project has to be 'tight', following the ordinance to the letter.

Director Kastrosky gave the file report, Town recommended approval is on file; he read names of all letters on file, of those in opposition and with general comments. Kastrosky asked the Committee if they wanted to pursue discussion at that time with Atty. Carlson, the Dept., and Committee or in decision portion. Consensus was to discuss at after at decision time and take a break at that point.

FIVE MINUTE BREAK called for by Chairman Beeksma @ 2:33 PM; reconvened @ 2:45.

B. LAURENCE E. & MARTHA ARMSTRONG DORAU AND THOMAS E. & MARY E. LOVICK REZONE REQUEST (R-1 to R-RB) on their 10.12-acre parcel (ID #010-1078-04), located in part of Gov't Lot 2, Section 34, Township 51 North, Range 6 West, Town of Bell.

Mary Lovick said the property formerly was a tourist home; they want this rezone to enable them to place more cabins on the property. She said the Town tabled this because she was not present (was not noticed of the meeting) and they wanted to see what this Committee would do. Ms. Lovick said she understands she will need a conditional use permit if the rezone is approved. **AZA Doug Casina** said the property is on approximately ten acres, there is room for five additional rental units, there are restrictions of setbacks to the river and will be more thoroughly looked at with the EIA / conditional use process where additional information will be gained. He said floodplains and wetlands will be looked into, the property is in a sewer district, is compatible w/ zoning of surrounding properties. Doug said this request is only for rezoning at this time.

Support / Opposition: none

Director Kastrosky reported there was correspondence from **James & Ruby Monaehan** in the file with concerns how this might affect property values.

C. TOWN OF RUSSELL, OWNER (Town represents property was given to them in the 1930's; recorded deed can not be produced) **David Good, Town Clerk, Agent – Request for Second Expansion to Campground to include a 20' x 20' gazebo in the picnic area adjacent to the swimming beach.** This is on their 5.43-acre parcel described as Lots 6-7, Block 1, South Sore Subdivision, located in Section 32, Township 52 N, Range 4 West, Town of Russell,. An **environmental impact analysis (EIA)** waiver dated Jan. 19, 2006 has been requested with this additional expansion. The first expansion request was March 16, 2006.

Director Kastrosky addressed this issue stating the Town came before the Zoning Committee recently, however, forgot to ask for everything desired at the original meeting, therefore, it is necessary to reapply to add this gazebo. He reported the EIA was waived as it was covered in the past, except for this gazebo; TBA is on file; there are no letters opposition or support. **AZA Casina** reported this request meets setbacks, and that the structure is in the campground.

D. TOWN OF BAYVIEW, OWNER / DONALD JENICEK, TOWN CHAIRMAN, AGENT REZONE REQUEST (Conservancy [W] to R-RB) - on a 16.56-acre parcel (ID# 04-008-2-49-04-05-4-05-004-10000-Old Pin #008-1004-05), located in part of Gov't Lot 4, also described as Lot 10, Bayview Beach, Section 5, Township 49 N, Range 4 West, Town of Bayview.

Don Jenicek, Town Chair: Reported, when seeking improvements to their park on Lake Superior, they discovered the property was in 'conservancy' since the 1980's and in that zoning district they are not able to pursue anything. He said this is to improve parking and they recently removed old privies and would like to replace them. LUS Travis Tulowitzky said adjacent zoning is R-RB and under that zoning, they would be able to do improvements to the parking lot w/ a shoreland grading permit but no other structures would be allowed. Supervisor Maki asked if the restrictions are on their deed? Jenicek said the deed from 1938 has no restrictions and their land use plan wants to maintain it as a park. Tulowitzky said a conditional use permit will be required for buildings if this is rezoned. Maki was concerned if the property came out of conservancy it might be sold in the future. Jenicek said that is not the intent and Kastrosky added a condition cannot be placed on a rezone, however, deed restrictions and conditions can be placed on a future conditional use permit. Kastrosky reported no letters of concern, opposition nor support were received; Town approval was received.

Support / Opposition: None

E. JAMES D. DURAND, OWNER AND JANE KRISKOVICH, POLAR GAS CO., AGENT REZONE REQUEST (Ag-1 to Commercial) - on a 5-acre parcel (part of ID# 026-1038-02), located in part of the NW ¼ of the SW ¼, Section 19, Township 46 N, Range 5 West, Town of Kelly.

Jane Kriskovich, General Manager of Polar Gas Co., reported their company has a good safety record, she presented handouts of the location with survey map and letters and stated the sale of property is contingent upon rezone approval. She said there is Town approval w/ conditions of placing trees around the tank, which was already in the plans (to stop snow drifts), and lighting control. This fits w/ the Town of Kelly land use plan.

Support: None

Opposition:

Gene Hoffman, property owner just north of this, presented handouts, expressed concerns about acceptable distances for propane tanks and distance to his property. He said some day he would like to divide his property for his son and that location would be close to area of tank. Hoffman presented information and concerns re accidents at propane storage facilities, especially noting #5 on the handout, and #2 in Wisconsin. Suggested relocation of the driveway based upon the formula he has obtained, and concerned about the blast radius,

Travis Tulowitzky: Reported he has been on the property, and approximate distances from the southern line of the five acres would be 1100 ft to Gene's home, to the northern property line of the five acres, there is another home approximately 1100. Those distances are not from the home, the distances are to the property lines. The White River is just under a mile east of the proposed site.

Director Kastrosky said it is difficult in these situations not to discuss both the rezone and the conditional use at the same time, it must be kept separate from Item F. However, discussion still continued on distances from the tank to the home.

Opposition: None

Kastrosky reported the Town approved this request with the reason stated as "the land use plan "provides for commercial units along hwy 63.

F. JAMES DURAND, OWNER AND JANE KRISKOVICH, POLAR GAS CO., AGENT CONDITIONAL USE REQUEST - construct / operate a 30,000 gallon propane storage tank facility on a 5-acre parcel (part of ID# 026-1038-02), located in part of the NW ¼ of the SW ¼, Section 19, Township 46 N, Range 5 West, Town of Kelly. (This proposal is subject to the rezone request – Item E above.)

Jane Kriskovich presented a HUD recommendation, safety issues, and compliance as well as security fencing, and safety valves in reference to the accidents addressed. Regarding the White River, Ms. Kriskovich said propane is a

liquid application and turns to vapor therefore there is no concern about it leaking into the river; it is in the middle of a field. She addressed additional safety regulations since 9/11. There are no plans for any other buildings, lighting is typically focused on piping areas, property will be professional-looking and neat and tree buffer would be on the northern side of the property facing Hoffman's and along driveway for snow drifting.

Travis said Comm 40 regulates this and will do two inspections and there are 50' setbacks with the State and they would supersede county setbacks but Ms. Kriskovich said they have already agreed to a 75' setback.

SUPPORT: None

OPPOSITION:

Gene Hoffman said the HUD recommendation is based on the blast potential and said it is summarized in the handout. He added since 9/11 two accidents did occur, one in June of this year and one, January of 2003 and it is 'not an entirely safe facility.' **Tulowitzky** said this is the first stage and the State would go on with inspection afterwards. He asked Mr. Hoffman if a home was under the HUD program, would they not approve placement in this situation? Hoffman's answer was, his understanding is they would not.

Kastrosky said the Town approved this contingent upon tree / lighting stipulations yet there were not any stipulations attached. Kastrosky read hand written notes on the Town approval form. Applicant stated she had not received anything from the Township either.

6. ADJOURNMENT OF PUBLIC HEARING: Motion by Rondeau, second by Jardine to adjourn at 3:35 PM; motion carried.

7. CALL TO ORDER OF ZONING COMMITTEE MEETING: By Chairman Beeksma 3:35 PM

8. ROLL CALL: Beeksma, Jardine, Maki, Miller, Rondeau, all present.

9. MINUTES OF PREVIOUS MEETING(S): Motion by Miller, seconded by Jardine to approve the May 18, 2006 minutes; carried. Motion by Jardine, seconded by Rondeau to approve the June 15, 2006 minutes; carried.

10. BUSINESS:

A. MICHAEL S. BURG (TAMARACK POINT LLC) Conditional Use request - to construct a planned unit development (PUD) under condominium ownership (consisting of 15 single family units; 13 garages; 1 shed; 2 bunkhouses; and 2 saunas) on his 55-acre parcel (ID#s 012-1101-08 & 012-1102-07). Review of the environmental impact analysis (EIA) which was previously heard on April 20, 2006 will also be re-addressed. Property is located in the S ½ of the NW ¼ of the NW ¼, and the S ½ of Gov't Lot 7, all in Section 12, Township 43 N, Range 8 West, Town of Cable.

Motion by Supervisor Jardine to approve the conditional use permit and the EIA with the conditions as expressed in the Town Board of Cable minutes / Town Board Approval, as follows:

1. **Compliance with NR151 Storm water management plans for both construction and post construction.**
2. **Comply with required guidelines for exterior shoreland lighting.**
3. **Limit the number of docks to eight – 24' maximum length, with recommendation they work with the Lakes Association on this Item.**
4. **Comply with shoreland restoration when removing the house.**
5. **Limit paths for water access to 6 ft. wide. [See amendment below.] Paths on west side of West Cable Lake Road on Class 3 vegetated wetlands also be designed and follow compliance with restoration and be developed with primitive walking/skiing trails in mind to protect water flora and fauna. Also recommend no vegetation disturbance on steeper slopes located on property which otherwise could lead to erosion and sedimentation of the lake.**
6. **Limit to fifteen (15) cottages with fifteen (15) accessory buildings, maximum footprint of 1700 sq. ft. Use exterior building materials or treatments that are inconspicuous and blend with the natural setting.**
7. **No short term rental of buildings to the public. [See clarification below.]**
8. **Work with the Cable Lakes Association regarding location for swimming area.**

9. **Require holding tanks, which will be maintained according to best practices. [See amendment below.]**
10. **No lake viewing corridors.**
11. **Compliance with the Town of Cable's Driveway/Private Road Ordinance unless a compromise is reached.**
 - **(Supervisor Jardine stated he does not agree with Condition #12 placed by Cable Township regarding the Developer obtaining a bond and is not including bonding in this motion.)**
12. **No snowmobiles or ATVs allowed; jet skis would be permitted.**
13. **[See amendment / addition to motion below.]**

Rondeau seconded the motion.

DISCUSSION:

Supervisor Miller: wants to see the Association in charge of holding tanks and pumping rather than individual property owners and is in favor of the bond issue.

Michael Burg: is in favor of 'best practices', the Association having control of holding tanks and their pumping schedule, and working with the Cable Sanitary District, however, is upset with the bonding issue because he wants to be treated fairly, not differently than other people. Burg stated he wants to do things in good faith and work with people. In answer to Jardine's question about the conditions placed, Burg stated he 'can live with the conditions placed by the Town Board'. In response to Miller's question regarding bunkhouses, Burg answered they are keeping everything small scale, their intention is for owners who have only two bedrooms and have guests on occasion to have a place for them to sleep. He also said they talked with Zoning to determine what a bunkhouse consists of and it will not have a kitchen, but will have a washroom and sauna, and ski waxing area. Burg added there is not some "insidious plan to get in another unit".

Karl Kastrosky: said it is very important to be certain of the number of units. Brook Oldre stated that there will be fifteen (15) cottages, and fifteen (15) accessory buildings which consist of thirteen (13) storage units and two (2) bunkhouses.

Mike Furtak: mentioned that the setback to a Class 3 lake is actually 225 ft., not 200. Kastrosky said the 200' was in error which he also missed on this application. Furtak stated that any other small storage structures like Menard buildings, gazebos, etc. would not be allowed unless they are approved with the conditional use permit. **Oldre** said owners will have the option of either a garage or smaller storage building, but not both, and "a couple units won't have an accessory building at all".

Discussion / Amendment to Motion:

Kastrosky: said regarding the 6 ft. wide path in the motion, the standard is four (4) ft. for a path or stairs. Burg and Oldre stated they are willing to comply with the standard.

[Amendment to Motion] Jardine amended the motion of Condition #5 above to read, "Limit paths for water access to four (4) feet wide." Rondeau seconded the amendment.

Discussion, cont'd.

Supervisor Maki: asked for clarification on zoning and if all of this is allowed, the number of units, etc. Kastrosky responded that if he didn't believe this was allowed in the ordinance, we would be at the Board of Adjustment in a variance position, not here.

Director Kastrosky: asked Atty. Carlson if he is suggesting that because there is Lake Class 3 property, that this whole project should be held to Lakes 3 standards of development.

Carlson: responded that he asked the Committee to look at the most restrictive—Class 3, but suggested they apply Class 2 standards, but then attach some conditions to the use and development of those Class 3 lakes so as to protect them.

Kastrosky: asked Carlson why he came up with thirteen (13) units instead of fifteen (15).

Carlson: said he believes if they stay with the analysis of ten units east of the road, and five units west of the road, that does comply with the open space requirements of 13.1.32, but does not address the shoreline frontage requirements of Row A and that is why he believes it is similar to key holing. He said if you take that land, regardless

of how it is zoned, in a PUD and common elements, and you buy one of the five units west of the road, you have full right to use Cable Lake and are ignoring shoreland frontage requirements of 200' for every three dwelling units.

Kastrosky: asked then if Carlson believes that Lakes Class 3 standards should apply to dwelling units and frontage and to square footage, because if that line is crossed, 'we've got to go all the way over'. **Carlson** said, 'that's fine but you still have to apply the most restrictive of these'.

Kastrosky said, 'if you look at Row A on the handout for Class 3 Lakes, Rivers, and Streams needing 300 ft. of frontage for every two dwelling units, you need a minimum of 1200 ft. of frontage and you don't have 1200' of frontage on Cable Lake. If you add the frontage on cable Lake, and only add one set of frontage on the class 3 lakes, you come up with 1528' of frontage. If you use the Class 3 standards, and divide that by 300, you're allowed ten units on the property. So, if you're right, you are wrong in saying thirteen is the standard.'

Carlson said that argument could be made as well but 'you've got to look at one or both of those'.

Kastrosky added, 'I think you've got us all or nothing'; the 225 ft. setback on the entire project is placing the Class 3 standards.

Carlson said the appropriate thing to do to avoid that argument is to apply Class 2 standards but "you have to look at the owner frontages on Cable Lake."

Kastrosky stated it would not 'make it'. **Carlson** said in that instance you have the 850' and that would allow thirteen units.

Kastrosky rebutted with, if using Cable Lake frontage and frontages on the unnamed lake, you then have 2834 ft. frontage, divided by 300' per two units, you can now allow eight units.

Carlson said the ordinance does not give the Committee good direction on that and he maintained that because of condominium PUD development they can't ignore shoreland frontage requirements.

Supervisor Jardine answered, 'we aren't... it is our interpretation'. **Carlson** disagreed with the interpretation.

Kastrosky said, 'if the Zoning Committee chooses to go with thirteen because that's their interpretation, I don't have a problem with it', and added, they looked at the Cable Lake side zoned R-1, Class 2 Lake, and applied the more restrictive standards. They looked at the other side which is Forestry and took the more restrictive standards. They did the math (the Committee had a copy), they subtracted the footprint of buildings because buildings are not open space, and with Dept. calculations came up with fifteen (15) but added, 'if the Developer says thirteen, that's fine'.

Carlson stated he believes the analysis is missing the fact of five units in F-1 west of the town road, the amount of open space required is 4.5 acres which is how you arrive at the five units. **Kastrosky** answered, 'which is greater than the Lakes Class standard'. **Carlson** argued that this is a PUD and 'that criteria ignores the criteria set forth in 13.1.32'.

Ken Bro: Said these are two Class 3 'very sensitive' lakes and a Class 2. Full access will be given to Cable Lake, and the primary element is how to deal with it, class 2 or 3. If this is a Class 2 PUD, then we have to apply those standards and then to assure we're not going to put all the pressure of fifteen units on two small sensitive lakes, that you specify in the restrictions that the riparian use of those lakes will be limited as part of the project, (i.e. there won't be boat docks, there will be as minimal impact as possible) and evaluate it in context of those lakes not even being open water. Bro also encouraged the Committee to minimize the impact on the most sensitive resource by putting piers where they won't damage fish habitat and suggested these are reasonable ways to consider this when there are two lake classes.

Supervisor Jardine then stated that he stands by his motion with amendment.

AZA Furtak asked for clarification and definition of the motion re 'short term rentals'. This followed by discussion and **Kastrosky** reported that the State defines short term rentals as '30 days or less'.

Jardine stated his motion for #7 above would apply the State standard for short term rentals as '30 days or less'.

Supervisor Miller objected to the boat dock location. **Burg** said they are down to 8 docks, they won't disrupt the beauty of Cable Lake, they are already 'regulated' but are not sure exactly where they will be yet. He is considering suggestions of the Lakes Assoc. and will follow DNR regulations.

Discussion of Recommendation from ABDI Shoreland Restoration Specialist Jason Fishbach's nine-point recommendation, dated July 20, 2006. **Kastrosky** said it is customary for ABDI to approve mitigation and restoration

plans, they gives guidance, and the issue should be considered. Kastrosky added that Mike Burg hadn't received a copy yet and the Committee gave him the opportunity at that time to read it. After some clarification, **Burg** stated he is willing to comply, and wants to work with the Govt. agencies.

[Amendment to Motion] Jardine amended his motion, seconded by Rondeau, that the recommendations of Jason Fischbach, ABDI Shoreland Restoration Specialist, dated 07/20/06 be adopted and that the Association will own, operate, and maintain the sanitary holding tanks, instead of each individual homeowner.

Motion carried, 5 yes, 0 no.

B. LAURENCE E. & MARTHA ARMSTRONG DORAU AND THOMAS E. & MARY E. LOVICK REZONE REQUEST (R-1 to R-RB) on their 10.12-acre parcel (ID #010-1078-04), located in part of Gov't Lot 2, Section 34, Township 51 North, Range 6 West, Town of Bell.

Motion by Jardine, second by Rondeau to approve pending Town Board approval; carried 5 yes, 0 no.

C. TOWN OF RUSSELL, OWNER (Town represents property was given to them in the 1930's; recorded deed can not be produced) **David Good, Town Clerk, Agent – request for second expansion to campground to include a 20' x 20' gazebo in the picnic area adjacent to the swimming beach** on their 5.43-acre parcel described as Lots 6-7, Block 1, South Sore Subdivision, located in Section 32, Township 52 N, Range 4 West, Town of Russell, Bayfield County, WI. An **environmental impact analysis (EIA)** waiver dated Jan. 19, 2006 has been requested with this additional expansion. The first expansion request was March 16, 2006.

Motion to approve by Rondeau, second by Maki; carried 5 yes, 0 no.

D. TOWN OF BAYVIEW, OWNER / DONALD JENICEK, TOWN CHAIRMAN, AGENT REZONE REQUEST (Conservancy [W] to R-RB) - on a 16.56-acre parcel (ID# 04-008-2-49-04-05-4-05-004-10000-Old Pin #008-1004-05), located in part of Gov't Lot 4, also described as Lot 10, Bayview Beach, Section 5, Township 49 N, Range 4 West, Town of Bayview.

Motion by Maki, second by Miller to approve; carried 5 yes, 0 no.

E. JAMES D. DURAND, OWNER AND JANE KRISKOVICH, POLAR GAS CO., AGENT REZONE REQUEST (Ag-1 to Commercial) - on a 5-acre parcel (part of ID# 026-1038-02), located in part of the NW ¼ of the SW ¼, Section 19, Township 46 N, Range 5 West, Town of Kelly.

Motion by Rondeau to approve, second by Jardine; carried 5 yes, 0 no.

F. JAMES DURAND, OWNER AND JANE KRISKOVICH, POLAR GAS CO., AGENT CONDITIONAL USE REQUEST - construct / operate a 30,000 gallon propane storage tank facility on a 5-acre parcel (part of ID# 026-1038-02), located in part of the NW ¼ of the SW ¼, Section 19, Township 46 N, Range 5 West, Town of Kelly. (This proposal is subject to the rezone request – Item E above.)

Kastrosky was asked for a recommendation. He said he believes this meets today's standards and based upon the facts the Committee can't deny this because of what may happen in future (if Mr. Hoffman's land is divided). He said if the Committee has questions or concerns they should address them but believes he believes it meets all standards. *Motion by Jardine, second by Rondeau to approve w/ the Town's conditions. Discussion: A question was asked of the Agent if the location, or number of trees to be planted was specified by the Town. The answer was 'no' and she referred the Committee to the drawings and plans as presented. Motion carried, 5 yes, 0 no.*

Agenda Review and Alteration

G. BERNARD R. COOPER, JR. / DONNA MEINHOLZ – RV EXTENSION (longer than 4 months) located on a 30.56 acre-parcel (#018-1141-03) in the SW ¼ of the SW ¼, Section 34, Township 45 N, Range 8 W., Town of Drummond.

Kastrosky reported the Town denied this request. The travel trailer has been on the property for about 40 years and has not been moved in years. *Motion by Rondeau to deny, seconded by Maki; carried – 5*

H. WILLIAM / KAREN MAKI – PRELIMINARY PLAT APPROVAL (16 lots) – Readdress accepted preliminary from March 17, 2005:

Wm. Maki explained the plans for a subdivision 'Aspen Woods' and that he received preliminary approval in March of 2005, however, he said several things came up, dealing with substantial wetlands, a wetlands delineation study, revisions, Army Corps approval. Then the DNR advised the access road was inadequate; that has since been properly designed; the DNR is satisfied, water quality has been approved. A stormwater run-off study has been completed, as well as additional hiring of agencies, etc. to accomplish all the requirements.

Kastroosky stated there were clarifications needed and the Committee needed additional information / reports from his first appearance for Preliminary approval and noted if this is approved today, the 'Final' would be next month and added that he did recommend approval, stating that Mr. Maki "has done a lot of work on this". Kastroosky advised Mr. Maki to have all house setbacks on the final plat at 63' from center of private roads because if they ever become public roads, the buildings would all become nonconforming and have limitations for expansion. Karl also reported the Town approved this w/ conditions which he already meets.

Motion by Jardine, second by Maki, to approve the preliminary plat of 16 lots. Motion carried, 5 yes, 0 no.

I. LINCOLN TRUST CO., Owner, / RANDY LUND, NORTHERN ENVIRONMENTAL, Agent - PRELIMINARY PLAT APPROVAL (56 lots) and EIA:

Scott Koziar and Randy Lund said the current zoning is R-1 and R-RB, they are proposing 50% density for what the site allows, it could hold up to 100 sites, they propose protective covenants, and the Town has reviewed this. One condition is that the Developer has a right to make changes within five years, but the change must be more restrictive.

Director Kastroosky said conditions that they have agreed to are to remove the gate, be more restrictive if they make changes, submit a stormwater runoff plan to ABDI, and have 150' lot widths. Lund stated they will advise in the covenants of the rural setting with farm uses, orchards and rock quarry in the area.

Supervisor Maki was concerned about hookup to sewer. The Applicant's answered that individual lot owners would come back for permits including septic and that the Feasibility Study shows it is not feasible to run sewer to the site. Kastroosky said they are looking at a substantial number of lots here and added there seems to be a "disconnect" between the Town and the Sanitary District and Planning Commission. Kastroosky said because this is the Preliminary, 'they will get another shot at this' before the Final.

Lund stated that any of the sanitary systems installed can be converted if sewer is connected-- that there are options in the future. Kastroosky said if commercial sewer is present they have to hook up but if not, then they install whatever the soils require. Lund said he believes most will allow conventional systems.

After further discussion on sewer hook up and sanitary systems, Kastroosky suggested approval of the preliminary with a recommendation they pursue possible municipal sewer service to this parcel.

Maki made a motion, second by Jardine, to approve the preliminary plat for 56 lots with the stipulation there be extensive investigation to get sewer hook-up. Motion carried 4 yes, 0 no (Miller).

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

Kastroosky reported on the June meeting and said there is another in August. They will be changing the whole format, dealing w/ footprints, impervious surfaces, and other items.

K. CITIZENS CONCERNS / INPUT:

- ◆ *Maki said he received a call from the wife of a septic pumper asking why information they are giving is not being recorded. Kastroosky explained the Dept. was award, she had a problem entering the data, there have been some problems w/ the data base but she is coming in to get help and training.*
- ◆ *Maki: three different people complained about Gary Mattson's clutter and junk in the Town of Bayfield. Mattson has a letter from the Town from 1991 that he can store certain items, but it is getting extreme and keeps growing.*

Kastrosky said if he has in excess of what was allowed then is in violation and is willing to visit the site to make a determination.

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

- ◆ *Kastrosky reported on a **violation on Lake Namakagon** and presented photos of the poisoned lake bed; the DNR is involved.*
- ◆ ***Lisa Hoffman - horses Cable Lake:** a lawsuit has been filed, the horses are back / still there; contempt order will be filed.*
- ◆ *Discussion re **sanitary system maintenance** postcards. The method and requirements were explained by Kastrosky.*

11. MONTHLY REPORT: *Motion by Jardine, second by Rondeau to accept; motion carried.*

12. ADJOURNMENT: *Motion by Jardine, second by Rondeau; adjourned at 5:05 PM. Carried.*

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

*Prepared by MJJ on 8/2/06
Approved by 8/4/06 by KLK*

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

K/ZC/Minutes/2006/July