

MINUTES
BAYFIELD COUNTY PUBLIC HEARING AND
PLANNING AND ZONING COMMITTEE MEETING
THURSDAY, APRIL 20, 2006
1:00 P.M.
BOARD ROOM, COUNTY COURTHOUSE
WASHBURN, WISCONSIN 54891

Packets were handed out to the Planning and Zoning Committee Members prior to the meeting. The packets include correspondence and/or information the Planning and Zoning Dept receive after the mailings were sent out.

1. Call To Order Planning and Zoning Committee Meeting:

Chairman Jardine called the meeting to order at 1:03 pm.

2. Roll Call: Beeksma, Jardine, Maki, and Rondeau were all present. Miller was absent.

A. Election of Chairman

Committee Member Maki made a nomination to elect Committee Member Kenneth Jardine. Member Jardine declined. Committee Member Rondeau made a motion to nominate Committee Member James Beeksma, seconded by Committee Member Maki. Nominations were closed. Motion carried.

B. Election of Vice-Chairman

Committee Member Rondeau made a nomination to elect Committee Member Jardine. Member Jardine declined. Committee Member Maki nominated Committee Member Rondeau, motion was seconded by Chairman Beeksma. Nominations closed. Motion carried

Committee Member Maki asked the Committee if he could discuss changing the time of meetings. Director Kastrosky said it is not a public hearing item, the issue can be addressed under the business portion of the meeting under other items, but it can not be acted on because it is not an agenda item.

3. Adjournment of Zoning Committee Meeting:

Motion was made by Member Jardine to adjourn Zoning Committee Meeting at 1:04 pm, seconded by Member Rondeau, motion carried.

4. Call To Order of Public Hearing:

Chairman Beeksma called the public hearing to order at 1:04 pm.

5. Roll Call:

Beeksma, Jardine, Maki, and Rondeau were all present. Miller was absent.

6. Affidavit of Publication:

Director Kastrosky presented the public hearing notice and affidavit to the audience.

7. Public Hearing:

C. Wayne & Miroslava Nelson (Bayfield) – rezone property from R-RB to R-4

(tabled 3/16/06) on their 5.9-acre parcel (ID #006-1030-05-001), located in Lot 1 of CSM 1225, Section 14, Township 50 North, Range 4 W, Town of Bayfield. A correspondence letter was received by the Planning and Zoning Dept from Nichovo Associates (Wayne Nelson) asking that this item be cancelled. Town Board recommendation was received with disapproval.

Wayne Nelson spoke on behalf of his request and asked to have the rezones withdrawn. He stated he talked to the Town and they are working on coming up with other plans/ideas. Member Rondeau questioned if this request was for both items C & D. The response was yes. Member Maki asked whether he was going back to the Town to come up with other ideas. Member Maki questioned whether the Town would make a final decision. He was told no, the County has the final decision. Mr. Nelson stated the town will come back with another recommendation. Member Jardine asked Mr. Nelson if he wanted it denied so he could move forward. Director Kastrosky stated this item was tabled which means it was acted upon, so the Committee will have to make a decision.

No one else spoke in favor or opposition.

D. Wayne Nelson (Bayfield) – rezone property from Ag-1 to R-RB (tabled 3/16/06) on his 15-acre parcel (ID #006-1032-06-004), located in Lot 4 of CSM 1379, Section 15, Township 50 North, Range 4 W, Town of Bayfield. A correspondence letter was received by the Planning and Zoning Dept from Nichovo Associates (Wayne Nelson) asking that this item be cancelled. Town Board recommendation was received with disapproval.

There was no discussion on this item; it was addressed in the previous item (C).

E. Petition to Amend Zoning Ordinance – (Section 13 & 14)

Chairman Beeksma asked Director Kastrosky to discuss this item. Director Kastrosky stated a petition was brought forward a month ago. The dept has since drafted revised language. It was drafted within the last month and was finalized yesterday. He stated should the Committee decide to approve this change we would not have to change the petition? Director Kastrosky stated he knows its short notice, but it's the best that could be done. Member Rondeau questioned whether this is to replace the one they received in their monthly packet. Response was yes. Beeksma asked the audience if anyone wished to comment. Kim Bro came forward. He questioned Director Kastrosky about his memo regarding his EIA request. Director Kastrosky told him the EIA issue he wishes to address was approved by Full Board in March. Mr. Bro stated the EIA item was published in the public hearing notice. Director Kastrosky said the section in the notice was not necessarily regarding #18 of a previous amendment. The public hearing and notice of publication (affidavit) was reviewed. Director Kastrosky did not see where it had been published, he questioned Mr. Bro. Mr. Bro questioned whether the paper published the wrong one. Karl reviewed a second time and stated the notice was correct. He offered Mr. Bro to come forward and review the notice himself. Mr. Bro asked if he could address the EIA anyway. Director Kastrosky stated he did not believe it could be addressed because it is not part of the revisions so he would have to wait until later in the meeting under other items. Director Kastrosky informed the Committee that he asked Mr. Bro to prepare his view on the Environmental Impact Analysis being he was involved when this came to be in the 70's.

No one else spoke in support or opposition.

The amendments listed below were mailed out the Committee Members in March.

1. The definition of "Lot" in Sec. 13-1-4 (a) (35) is repealed and recreated to read as follows:

~~(35) **Lot.** A parcel of land occupied or capable of being occupied by structures and/or uses consistent with the provisions of this Chapter and the Bayfield County Subdivision Control Ordinance. Adjoining lands of common ownership shall be considered a contiguous parcel even if divided by public or private roads, easements, or navigable rivers or streams.~~

(35) **Lot.** A parcel of land under common ownership. (Except for lots and outlots established by certified survey map or plat approved pursuant to Title 14, Chapter 1), contiguous lands under common ownership shall constitute a single lot for purposes of this chapter and land under common ownership but separated by a river, stream, county highway, town road, private road or easement shall constitute a single lot for purposes of this chapter. Lands under common ownership separated by *fee title, road, state or federal highway or public lake bed* shall not constitute a single lot; *provided separated parcels have a conforming building site.* Effective _____ (date of amendment adoption).

2. Sec. 13-1-4 (a) (35a), (35b) and (35c) (to be inserted between Sec. 13-1-4 (a) (35) and (36)) are created to read as follows:

(35a) **Lot Area.** The horizontal projection of a lot, exclusive of any portion of public right of way or any portion of a lot fifty (50) ~~thirty (30)~~ feet or less in width. Measurements are to be made by standard surveying methods. Any portion of a lot covered by a private easement shall be included in the lot area.

(35b) ~~**Lot, Average Width.** For lots with lake or stream frontage, the average horizontal distance (measured parallel with, and landward from, the line defining the shoreline frontage of the lot as defined in this section) between the side lines of the lot. A lot shall be deemed to meet the minimum average width requirement for the district in which it is located, if such requirement is met from the line defining the shoreline frontage of the lot landward to a point at which the lot's minimum area requirement has been satisfied: no additional area of such a lot need meet the minimum average width requirement. For a lot without lake or stream frontage, its average width shall be the average horizontal distance, measured perpendicularly to its longest side, between the sides of the lot.~~

(35c) ~~**Lot, Depth** (for lots with lake frontage). The average distance from the line constituting the shoreline frontage (as defined in this section), measured perpendicularly to such line, to the opposite boundary line of the lot.~~

3. Sec. 13-1-4 (a) (72) and (73) are repealed.

~~(72) **Width.** The width at any point on a lot shall be the shortest distance between the lot side lines at that point.~~

~~(73) **Zoning District.** A geographical location dividing zones.~~

19. Sec. 13-1-60 (a) is amended as follows:

Sec. 13-1-60 Zoning District Dimensional Requirements.

(a) Subject to subsections (b), (c), (d) and (e) below, Zoning District Dimensional Requirements for lots shall be as follows (provided that for lots with lake frontage or adjoining or including rivers or streams, any more restrictive applicable requirements in Sec. 13-1-32 shall apply instead):

Zoning	Minimum	Minimum	Minimum	Minimum Side & Rear Yards	
				Principal	Accessory

District	Area	Frontage	Average Width (see example)	Building	Building
R-RB, R-1	30,000 sq. ft.	150'	150'	10'	10'
F-1, R-2, A-1	4 ½ acres	300'	300'	75'	30'
R-3	2 acres	200'	200'	20'	20'
F-2, A-2	35 acres	1,200'	1,200'	75'	30'
I, C*	20,000 sq. ft.	100'	100'	5'	5'
R-4					
(a) Sewer/water	10,000 sq. ft.	75'	75'	10'	10'
(b) Sewer only	15,000 sq. ft.	75'	75'	10'	10'
(c) Water only	20,000 sq. ft.	100'	100'	10'	10'

For Setback: Requirements See see Section 13-1-22.

For Minimum Average Width for non-shoreland lots see Section 14-1-5 (h).

Lots must have legal access from public roads and comply with Article C, Section 14-1-40 Survey and Recording Requirements.

22. Sec. 14-1-5 (f) and (g) are amended as follows:

- (f) **Lot.** A parcel of land under common ownership. (Except for lots and outlots established by certified survey map or plat approved pursuant to *Title 14, Chapter 1* ~~this chapter~~), contiguous lands under common ownership shall constitute a single lot for purposes of this chapter and land under common ownership but separated by a river, stream, county highway, town road, private road or easement shall constitute a single lot for purposes of this chapter. Lands under common ownership separated by *fee title, road, a state or federal highway or public lake bed* shall not constitute a single lot; *provided separated parcels have a conforming building site. Effective _____ (date of amendment adoption).*
- (g) **Lot Area.** The horizontal projection of a lot, exclusive of any portion of public right of way or any portion of a lot ~~fifty (50)~~ *thirty (30)* feet or less in width. Measurements are to be made by standard surveying methods. Any portion of a lot covered by a private easement shall be included in the lot area.

23. Section 14-1-5 (h) is repealed and recreated as follows:

~~(h) **Lot, Average Width.** The average horizontal straight line measurement between the side lines of a lot. A lot shall be judged to meet the minimum average width requirement for the district in which it is located, if the district's average width dimensions are maintained from the point(s) at which the lot's frontage width is determined to the point(s) at which the lot's frontage width is satisfied; no additional area of a particular lot in question need meet the minimum average width requirement.~~

~~(h) **Lot, Minimum Average Width.** For lots with lake or stream~~

frontage, the average horizontal distance (measured parallel with, and landward from, the line defining the shoreline frontage of the lot as defined in this section) between the side lines of the lot. A lot shall be deemed to meet the minimum average width requirement for the district in which it is located, if such requirement is met from the line defining the shoreline frontage of the lot landward to a point at which the lot's minimum area requirement has been satisfied; no additional area of such a lot need meet the minimum average width requirement. For a lot without lake or stream frontage, its average width shall be the average horizontal distance, measured perpendicularly to its longest side, between the sides of the lot.

(h) *Diagram showing "Non-shoreland lot minimum average width example."*
[insert graphic]

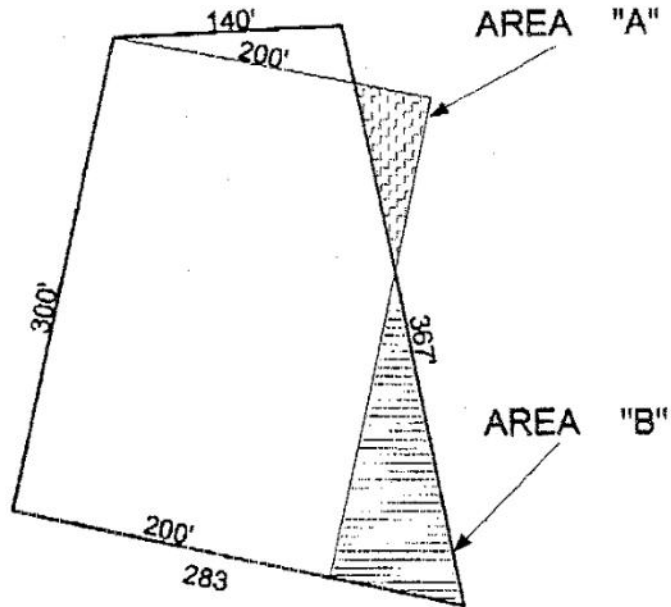
24. Sec. 14-1-5 (ha) (to be inserted between Sec. 14-1-5 (h) and (i)) is created to read as follows:

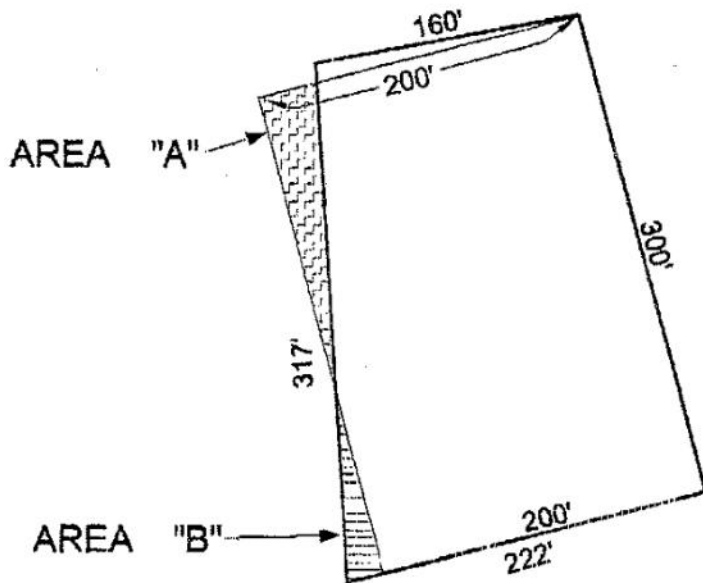
(ha) **Lot, Depth** (for lots with lake frontage). The average distance from the line constituting the shoreline frontage (as defined in this section), measured perpendicularly to such line, to the opposite boundary line of the lot.

Non-shoreland lot minimum average width example:

This calculation example will work in most cases to calculate average width on irregular shaped lots; (example case requires a 200 ft average width).

AREA "A" IS SMALLER
THEN AREA "B"
THIS LOT DOES MEET
THE 200' AVERAGE
WIDTH REQUIREMENT





AREA "A" IS LARGER
 THEN AREA "B"
 THIS LOT DOES NOT
 MEET THE 200'
 AVERAGE WIDTH
 REQUIREMENT

**ADDITIONAL PROPOSED AMENDMENTS TO BAYFIELD COUNTY
 ZONING AND SUBDIVISION CONTROL ORDINANCE**

1. Sec 13-1-32 (b) is amended as follows:

(b) Inland Lake Lot Requirements.

(1) Except as provided in Section 13-1-26, no land use permit shall be issued for a lot having frontage on a classified lake unless the lot meets the following minimum lot requirements, and except as provided in Section 13-1-22 (a)(2), (5) and (6), Section 13-1-40, and paragraphs (2) and (3) below, any structure thereon shall meet the following minimum setback requirements for the class in which the lake is included:

Lake Class	Class 1	Class 2	Class 3
Lot Size Area	30,000 sq. ft.	60,000 sq. ft.	120,000 sq. ft.
Shoreline Frontage	150 ft.	200 ft.	300 ft.
Lot Depth	200 ft.	300 ft.	400 ft.
Buildable Core	3,000 sq. ft.	3,000 sq. ft.	3,000 sq. ft.
Shoreline Setback	75 ft.	75 ft.	100 ft.
Shoreline Vegetation Protection Area	50 ft.	50 ft.	75 ft.
Side Yard Setback	10' min/ 40' min total	20' min/ 50' min total	30' min/ 60' total
Rear Yard Setback	10 ft.	20 ft.	30 ft.

2. The introductory text in Sec. 13-1-32 (d) is amended as follows:

(d) **Lots on Rivers and Streams.** Lots adjoining or including rivers or streams shall meet the following or minimum requirements (provided that if an applicable zoning district dimensional requirement in Sec 13-1-60 is more restrictive, it shall apply instead):

Lot Size <u>Area</u>	120,000 square feet
Shoreline Frontage	300 feet
Shoreline Setback	100 feet
Lot Depth	400 feet
Side Yard Setback	30 feet/60/feet total
Shoreline Vegetation Protection Area	75 feet
View Corridor	30 feet

3. Addition of Building Core definition to Section 13-1-4.

(5) **Buildable Core.** That internal area of a lot greater than twenty (20) feet in width which meets all applicable setbacks, has no wetlands or other unbuildable areas, and can accommodate the placement of a structure.

Article C: Survey and Recording Requirements

Sec. 14-1-40 Survey Requirements.

- (a) Prior to the final approval of land divisions to which this Chapter applies, the owner of the land shall have the parcels surveyed by a registered land surveyor. The surveyor shall create a certified survey map or plat, in the manner prescribed in Ch. 236.34, Wis. Stats.; unless exempt under the provisions of Section 14-1-22 or unless waived in writing by the Zoning Committee.
- (b) A certified survey map shall be prepared and recorded for all land divisions resulting in the creation of 1, 2, 3, or 4 lots of less than five (5) acres, or of any size if a shoreland lot (as defined in Section 13-1-4 (60)).
- (c) Subdivisions created under Ch. 236.03, Wis. Stats., shall be subject to all applicable provisions of this Chapter C.S.M. checklist
- (d) Checklist is as follows:

s.236.34(1) CERTIFIED SURVEY MAP OF NOT MORE THAN 4 PARCELS OF LAND

- 1. _____ Total number of parcels, including lots and outlots, cannot exceed 4. (Public dedications such as right-of-ways and parks do not count as parcels.)

s.236.34(1) (a) THE SURVEY

- 2. _____ Survey performed and map prepared by WI Registered Land Surveyor. (Each sheet (single-sided) must be signed, sealed and dated by the Surveyor.)
- 3. _____ Ratio or error in latitude and departure closure may not exceed 1'/3000'.

s.236.34(1) (b) MONUMENTS (cross-referenced to s.236.15 Wis. Stats. Shown below)

- 4. _____ (b) All corners shall be monumented in accordance with s.236.15 (1), (c), (d), & (g).

5. _____ (c) All lot, outlot, park and public access corners and the corners of land dedicated to the public shall be monumented by iron pipes at least 18" long and 1" outside diameter, weighing not less than 1.13 pounds per lineal foot, or by round or square iron bars at least 18" long and weighing not less than 1.13 pounds per lineal foot.

Title 14, Chapter 1, Article C Land Divisions Revised 05-01-03 Title 14-Chapter 1-Article C-Page 2

6. _____ (d) The lines that extend to lakes or streams shall be monumented. These shall be at the point of intersection of the lake or stream lot line with a meander line established not less than 20 feet back from the ordinary high water mark of the lake or from the bank of the stream.

7. _____ (g) In cases where strict compliance with this subsection would be unduly difficult or would not provide adequate monuments, the ~~department~~ county surveyor may make other reasonable requirements. (Existing accepted and archival monuments should not be removed or reset. They should be noted as existing or found and described by type, material, diameter, and shape.)

s.236.34(1) (c) PREPARATION (cross-referenced to s.236.20 Wis. Stats. Shown below)

8. _____ The map shall be prepared in accordance with s.236.20 (2) (a), (b), (c), (e), (f), (g), (h), (l), (j), (k), and (L) and (3)(b), (d), and (e) and must be clearly legible. (Additional features may be shown such as wetland, building and driveways, environmental corridors, and floodplain boundaries.)

9. _____ At a **graphic scale** of not more than 500 feet to an inch, which shall be shown on each sheet showing layout features.

10. _____ Binding margin 1.5" wide and a 0.5-inch margin on all other sides on durable white paper 8 1/2" wide by 14" long.

11. _____ It must be ~~in non-fading black image or reproduced with photographic silver haloid image on double matte polyester film of not less than 4 mil thickness.~~ created on survey map sheets (30 to 36 pound such as white Byron Weston record linen ledger).

12. _____ When more than one sheet is used for any map, each sheet number shall be labeled as (**Sheet 1 of 3 sheets, etc.**).

13. _____ "**BAYFIELD COUNTY CERTIFIED SURVEY MAP**" shall be printed on the map in prominent letters with the location of the land by government lot, recorded private claim, quarter-quarter section, section, township, range and county noted.

14. _____ Seals or signatures reproduced on images complying with this paragraph shall be given the force and effect of original signatures and seals.

Title 14, Chapter 1, Article C Land Divisions Revised 05-01-03 Title 14-Chapter 1-Article C-Page 3

s.236.20 (2) MAP AND ENGINEERING INFORMATION The final plat shall show correctly on its face:

15. _____ (a) The exterior boundaries of the land surveyed and divided must be clearly shown by solid heavy line.

16. _____ (b) All monuments erected, corners, and other points established in the field in their proper places.

17. _____ The material of which the monuments, corners, or other points are made shall be noted at the representation thereof, or by Legend.

- 18._____ The Legend for monuments shall indicate the type, outside diameter, length and weight per lineal foot of the monuments.
- 19._____ (c) The length and bearing of the exterior boundaries, the boundary lines of all blocks, public grounds, streets and alleys, and all lot lines. When the lines in any tier of lots are parallel, the bearings of the outer lines on one tier may be sufficient.
- 20._____ Easements not parallel to a boundary or lot line shall be shown by centerline distance, bearing and width or by easement boundary bearings and distances.
- 21._____ Where easement lines are parallel to boundary or lot lines, the boundary or lot line distances and bearings are controlling.
- 22._____ Where the exterior boundary lines shown bearings or lengths which vary from those recorded in abutting plats or certified surveys, "recorded as" bearings and distances shall be shown.
- 23._____ (e) All lots and outlots must be consecutively numbered.
- 24._____ (f) The exact width of all easements, streets and alleys.
- 25._____ (g) ~~The distances and bearings along all meander lines, and~~ The distance to the ordinary high water mark at each lot line (must be greater than 20').
- 26._____ (h) The centerline of all streets.
- 27._____ (l) North referenced to a magnetic, true or other identifiable direction. Related to a boundary line of a quarter section, recorded private claim or federal reservation in which the subdivision is located. Include a north arrow on each sheet with details.

Title 14, Chapter 1, Article C Land Divisions Revised 05-01-03 Title 14-Chapter 1-Article C-Page 4

- 28._____ (j) The area in square feet of each lot and outlot, excluding public (but not private) road right-of-ways and navigable water.
- 29._____ (k) When a street is on a circular curve, the main chords of the right-of-way lines shall be drawn as dotted or dashed lines in their proper places
- 30._____ Curves shall show the radius, central angle, chord bearing, the chord length and arc length for each segment.
- 31._____ The tangent bearing shall be shown for each end of the main curve.
- 32._____ When a circular curve of 30-foot radius or less is used to round off the intersection between two straight lines, it shall be tangent to both straight lines. It is sufficient to shown on the plat the radius of the curve and the tangent distances.
- 33._____ (L) When strict compliance with a provision of this section will entail undue or unnecessary difficulty or tend to render the certified survey map more difficult to read, and when the information on the certified survey map is sufficient for the exact retracement of the measurements and bearings or other necessary dimensions, the department may waive such strict compliance.

236.20 (3) NAME, LOCATION AND POSITION

34. _____ (b) The location of the CSM shall be indicated by bearing and distance from a boundary line of a quarter section, recorded private claim or federal reservation in which the subdivision is located.
35. _____ The monuments at the ends of the boundary line shall be described and the bearing and distance between them shown and have recorded tie sheets on file. If the tie sheets are not on file or changes have occurred, new ties sheets must be submitted with the proposed CSM.
36. _____ (d) The names of adjoining streets, state highways and subdivisions shown in their proper location underscored by a dotted or dashed line.
37. _____ (e) Abutting street and state highway lines of adjoining plats shown in their proper location by dotted or dashed lines. The width of these streets and highways shall be given also.

Title 14, Chapter 1, Article C Land Divisions Revised 05-01-03 Title 14-Chapter 1-Article C-Page 5

236.34(1) (d) SURVEYOR'S CERTIFICATE OF COMPLIANCE The map shall include a certificate of the surveyor who surveyed, divided and mapped the land which has the same force and effect as an affidavit and which gives all of the following information:

38. _____ (1) State who directed the surveyor to make the survey, division and map of the land described on the CSM.
39. _____ (2) A clear and concise description of the land surveyed by government lot, recorded private claim, quarter-quarter section, Section Township, Range and County, and by metes and bounds.
40. _____ Commencing with a monument at a section or quarter section corner of the quarter section that is not the center of a section, or commencing with a monument at the end of a boundary line of a recorded private claim or federal reservation in which the land is located.
41. _____ If the land is located in a **recorded subdivision** or **recorded addition to a recorded subdivision**, then by the number or other description of the lot, block or subdivision, which has previously been tied to a corner marked and established by the U.S. public land survey.
42. _____ A statement that the map is a correct representation of all of the exterior boundaries of the land surveyed and the division of that land.
43. _____ A statement that the surveyor has fully complied with the provisions of s.236.34 (1) (d) in surveying, dividing the land.
44. _____ Is the shoreline measurement shown on the drawing as defined by Bayfield County Subdivision Control Code 14-1-5, Para. "O", Chapter 1?
45. _____ Check math and add all parts to be sure totals are correct.
46. _____ Are names of adjoining or a parcel number shown?
47. _____ Has U.S. Public Land Survey Monument Record been filed for section corners shown on survey map, if so are the reference objects in good condition?
48. _____ Access for lots to public or private road shown and described by metes and bounds?

Title 14, Chapter 1, Article C Land Divisions Revised 05-01-03 Title 14-Chapter 1-Article C-Page 6

- 49. _____ P.O.B. shown?
- 50. _____ Leave a mandatory 3x3 blank recording space in upper right corner of page 1 of CSM and corner tie sheets.
- 51. _____ Where it is questionable that a buildable core or dry land access exists, this note must be added to the CSM: "CAUTION: There may not be a buildable core on this lot nor dry land access to it."
- 52. _____ It shall be the responsibility of the Owner/Agent to provide a street name compatible with the Bayfield County Street Sign and Emergency Number Ordinance.

Note: Sec. 14-1-40 (a) of the Bayfield County Subdivision Control Code has been amended to include all items on this checklist.

Sec. 14-1-41 Recording Requirements.

All certified survey maps and subdivision plats shall be recorded at the office of the Bayfield County Register of Deeds, in the manner described in Chs. 59.51 and 236, Wis. Stats.

Sec. 14-1-42 Fees.

- (a) The applicant shall pay the fee specified in Section 13-1-21(e)(1) for each lot created.
- (b) The applicant shall also pay the recording fee as determined by the Register of Deeds prior to recording a certified survey map or plat.

Sec. 14-1-43 through Sec. 14-1-59 Reserved for Future Use.

The amendments listed below in blue are the amendments handed out to the Committee the day of the meeting.

PROPOSED AMENDMENTS TO BAYFIELD COUNTY ZONING AND SUBDIVISION CONTROL ORDINANCES

(Paragraphs 1-6 are revisions of proposed amendments considered but not adopted at the January 19, 2006 Zoning Committee meeting. The remaining paragraphs are amendments, or revisions thereof, proposed in a subsequent petition dated March 27, 2006.)

1. The definition of "Lot" in Sec. 13-1-4 (a) (35) is repealed and recreated to read as follows:
 - (35) ~~Lot. A parcel of land occupied or capable of being occupied by structures and/or uses consistent with the provisions of this Chapter and the Bayfield County Subdivision Control Ordinance. Adjoining lands of common ownership shall be considered a contiguous parcel even if divided by public or private roads, easements, or navigable rivers or streams.~~
 - (35) Lot. A parcel of land under common ownership. Except for lots and outlots established by certified survey map or plat approved pursuant to Title 14, Chapter 1, contiguous lands under common ownership shall constitute a single lot for purposes of this chapter, and land under common ownership but separated by a river, stream, non-fee title public road, private road or easement shall constitute a single lot for purposes of this chapter. Lands under common ownership separated by fee title road, or public lake bed shall not constitute a single lot. Effective _____ (date of amendment adoption).

2. Sec. 13-1-4 (a) (35m) (to be inserted between Sec. 13-1-4 (a) (35) and (36)) is created to read as follows:

(35m) **Lot Area.** The horizontal projection of a lot, exclusive of any portion of public right of way or any portion of a lot thirty (30) feet or less in width. Measurements are to be made by standard surveying methods. Any portion of a lot covered by a private easement shall be included in the lot area.

3. Sec. 13-1-4 (a) (72) and (73) are repealed.

~~(72) **Width.** The width at any point on a lot shall be the shortest distance between the lot side lines at that point.~~

~~(73) **Zoning District.** A geographical location dividing zones.~~

4. Sec. 13-1-60 (a) is amended and 13-1-60(f) is created as follows:

Sec. 13-1-60 Zoning District Dimensional Requirements.

(a) Subject to subsections (b), (c), (d) and (e) below, Zoning District Dimensional Requirements for lots shall be as follows (provided that for lots with lake frontage or adjoining or including rivers or streams, any more restrictive applicable requirements in Sec. 13-1-32 shall apply instead):

Zoning District	Minimum Area	Minimum Frontage	Minimum Average Width <i>(for non-shoreland lots only)</i>	Principal Building	Minimum Side & Rear Yards Accessory Building
R-RB, R-1	30,000 sq. ft.	150'	150'	10'	10'
F-1, R-2, A-1	4 ½ acres	300'	300'	75'	30'
R-3	2 acres	200'	200'	20'	20'
F-2, A-2	35 acres	1,200'	1,200'	75'	30'
I, C*	20,000 sq. ft.	100'	100'	5'	5'
R-4					
(a) Sewer/water	10,000 sq. ft.	75'	75'	10'	10'
(b) Sewer only	15,000 sq. ft.	75'	75'	10'	10'
(c) Water only	20,000 sq. ft.	100'	100'	10'	10'

For Setback: Requirements See see Section 13-1-22.

Lots must have legal access from public roads and comply with Article C, Section 14-1-40 Survey and Recording Requirements.

* * *

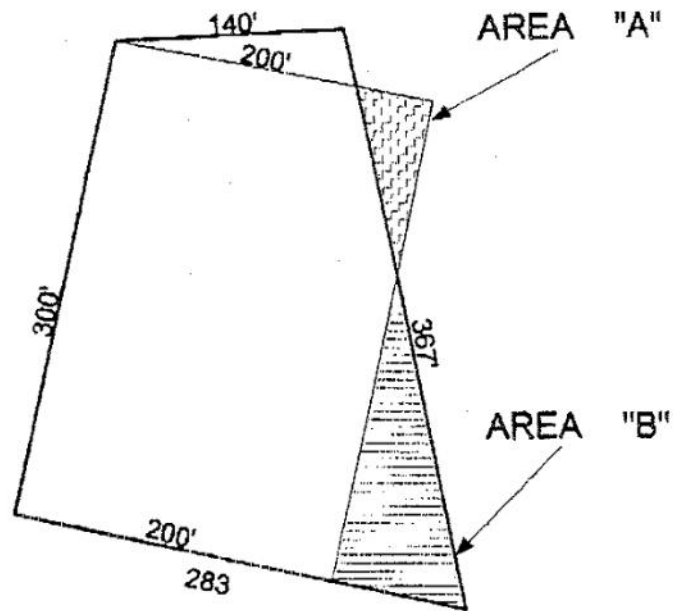
(f) Compliance with the minimum average width requirement shall be determined whenever feasible as demonstrated by the following example. In applying the example, the side of the rectangle equivalent to the required minimum average width shall be aligned with the side of the lot fronting a road, or, if there is no road frontage, with the side of the lot to which access is provided. If, due to a lot's configuration, it is not feasible to determine the minimum average width as demonstrated by the example, such determination shall be made as reasonably determined by the zoning and planning administrator.

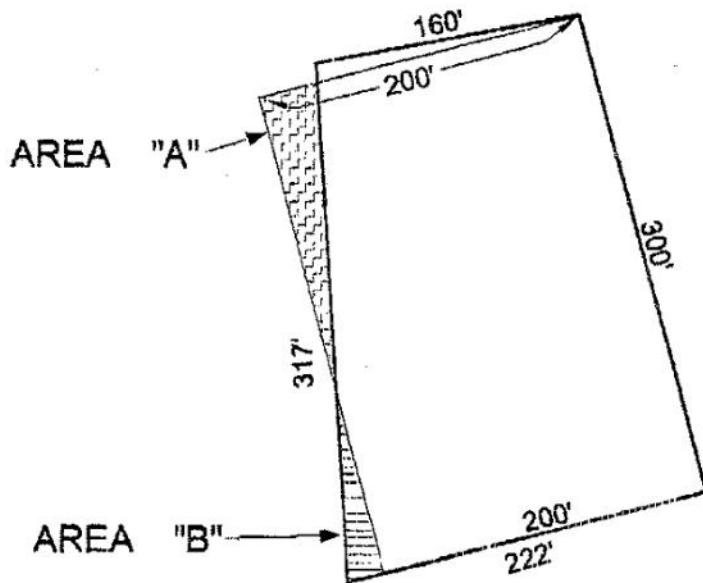
[Insert diagram]

Non-shoreland lot minimum average width example:

This calculation example will work in most cases to calculate average width on irregular shaped lots; (example case requires a 200 ft average width).

AREA "A" IS SMALLER
THEN AREA "B"
THIS LOT DOES MEET
THE 200' AVERAGE
WIDTH REQUIREMENT





AREA "A" IS LARGER
 THEN AREA "B"
 THIS LOT DOES NOT
 MEET THE 200'
 AVERAGE WIDTH
 REQUIREMENT

5. Sec. 14-1-5 (f) is amended as follows:

- (f) **Lot.** A parcel of land under common ownership. (Except for lots and outlots established by certified survey map or plat approved pursuant to this chapter), contiguous lands under common ownership shall constitute a single lot for purposes of this chapter and land under common ownership but separated by a river, stream, ~~county highway, town non-fee title public road,~~ private road or easement shall constitute a single lot for purposes of this chapter. Lands under common ownership separated by fee title public road, a state or federal highway or public lake bed shall not constitute a single lot. *Effective _____ (date of amendment adoption).*

6. Section 14-1-5 (h) is repealed:

- ~~(h) **Lot, Average Width.** The average horizontal straight line measurement between the side lines of a lot. A lot shall be judged to meet the minimum average width requirement for the district in which it is located, if the district's average width dimensions are maintained from the point(s) at which the lot's frontage width is determined to the point(s) at which the lot's frontage width is satisfied; no additional area of a particular lot in question need meet the minimum average width requirement.~~

7. Section 13-1-4(a)(4m) (to be inserted between 13-1-4(a) 4 and 13-1-4(a)5) is created as follows:

- (4m) **Buildable Core.** That internal area of a lot which meets all applicable setbacks, has no wetlands or other unbuildable areas, can accommodate the placement of a structure, and is greater than twenty (20) feet in width.

8. Sec 13-1-32 (b) is amended as follows:

(b) Inland Lake Lot Requirements.

(1) Except as provided in Section 13-1-26, no land use permit shall be issued for a lot having frontage on a classified lake unless the lot meets the following minimum lot requirements, and except as provided in Section 13-1-22 (a)(2), (5) and (6), Section 13-1-40, and paragraphs (2) and (3) below, any structure thereon shall meet the following minimum setback requirements for the class in which the lake is included:

Lake Class	Class 1	Class 2	Class 3
Lot Size Area	30,000 sq. ft.	60,000 sq. ft.	120,000 sq. ft.
Shoreline Frontage	150 ft.	200 ft.	300 ft.
Lot Depth	200 ft.	300 ft.	400 ft.
Buildable Core	<u>3,000 sq. ft.</u>	<u>3,000 sq. ft.</u>	<u>3,000 sq.ft.</u>
Shoreline Setback	75 ft.	75 ft.	100 ft.
Shoreline Vegetation Protection Area	50 ft.	50 ft.	75 ft.
Side Yard Setback	10' min/ 40' min total	20' min/ 50' min total	30' min/ 60' total
Rear Yard Setback	<u>10 ft.</u>	<u>20 ft.</u>	<u>30 ft.</u>

9. Sec. 13-1-32 (d) is amended as follows:

(d) **Lots on Rivers and Streams.** Lots adjoining or including rivers or streams shall meet the following or minimum requirements (provided that if an applicable zoning district dimensional requirement in Sec 13-1-60 is more restrictive, it shall apply instead):

Lot Size Area	120,000 square feet
Shoreline Frontage	300 feet
Shoreline Setback	100 feet
Lot Depth	400 feet
Buildable Core	<u>3000 square feet</u>
Rear Yard Setback	<u>30 feet</u>
Side Yard Setback	30 feet/60/feet total
Shoreline Vegetation Protection Area	75 feet
View Corridor	30 feet

10. Sec. 14-1-40(d)7 is amended as follows:

7._____ (g) In cases where strict compliance with this subsection would be unduly difficult or would not provide adequate monuments, the ~~department~~ county surveyor may make other reasonable requirements. (Existing accepted and archival monuments should not

be removed or reset. They should be noted as existing or found and described by type, material, diameter, and shape.)

11. Sec. 14-1-40(d)11 is amended as follows:

11. _____ ~~It must be in non-fading black image or reproduced with photographic silver haloid image on double matte polyester film of not less than 4 mil thickness. created on survey map sheets (30 to 36 pound such as white Byron Weston record linen ledger).~~

12. Sec. 14-1-40(d)25 is amended as follows:

25. _____ (g) The distances and bearings along all meander lines, and The distance to the ordinary high water mark from the meander line corner on at each lot line (must be greater than 20').

13. Sec. 14-1-40(d)35 is amended as follows:

35. _____ The monuments at the ends of the boundary line shall be described and the bearing and distance between them shown and have recorded tie sheets on file. If the tie sheets are not on file or changes have occurred, new ties sheets must be submitted with the proposed CSM.

14. Sec. 14-1-40(d)48 is amended as follows:

48. _____ Access for lots to public or private road shown and described by metes and bounds?

15. The note at the end of Sec. 14-1-40 is repealed.

~~**Note:** Sec. 14-1-40 (a) of the Bayfield County Subdivision Control Code has been amended to include all items on this checklist.~~

16. Sec. 14-1-40(d)50 is repealed and recreated, and Sec. 14-1-40(d)51 and 52 are created, to read as follows:

50. _____ Leave a mandatory 3x3 blank recording space in upper right corner of page 1 of CSM and corner tie sheets.

51. _____ Where it is questionable that a buildable core or dry land access exists, this note must be added to the CSM: "CAUTION: There may not be a buildable core on this lot nor dry land access to it."

52. _____ [It shall be the responsibility of the Owner/Agent to provide a street name compatible with the Bayfield County Street Sign and Emergency Number Ordinance.](#)

8. Adjournment of Public Hearing:

Motion was made by Committee Member Rondeau to adjourn the public hearing at 1:18 pm, seconded by Committee Member Jardine, motion carried.

9. Call To Order of Planning and Zoning Committee Meeting:

Public Meeting was called to order by Chairman Beeksma

10. Roll Call:

Beeksma, Jardine, Maki, and Rondeau were all present. Miller was absent

11. Minutes of Previous Meeting(s):

Member Jardine made a motion to approve the March 16, 2006 minutes, seconded by Member Maki, motion carried.

12. Business:

C. Wayne & Miroslava Nelson (Bayfield) – rezone property from R-RB to R-4 (tabled 3/16/06) on their 5.9-acre parcel (ID #006-1030-05-001), located in Lot 1 of CSM 1225, Section 14, Township 50 North, Range 4 W, Town of Bayfield.

Member Jardine stated this should be denied. Director Kastrosky reviewed the application with the Committee, and reminded them that they had already given the applicant a second public hearing at no charge to send back for review of the town and planning commission.

Motion was made by Member Jardine to deny, seconded by Member Rondeau. Member Maki wanted to know if the Town was going to make the final decision. Director Kastrosky said the Town denied the request, but he will be going back to the Town for a new request. Member Maki questioned if the Town denies it a second time, will it come back? Response was yes. Member Maki questioned why we the Committee would be dealing with this again, when the Committee doesn't override the Towns. Member Jardine stated at times it is necessary to do so. Member Maki disagreed and stated that if this is the case it's rarely. Director Kastrosky explained the Town's overlay district to make this issue less confusing. Member Jardine stated once again the Committee needs to deny these rezones, so the owner can go back to the Town and readdress a new procedure. Member Maki again stated he did not understand why the Town and County have different standards. There should not be two different policies dictated. Chairman Beeksma stated a reminder; the final decisions are addressed by the Zoning Committee, but the Town is asked for input. Director Kastrosky stated normally the Town's are asked to wait until they have mailings, but we are changing that process in order to have the town's aware of upcoming applications. We want the client to go and explain to the Town so they don't have go through this confusion. The towns will be able to address the issues at hand, but not act on them until they have been notified by our office.

A motion stayed as previous motioned by Member Jardine to deny the rezone, seconded by Member Rondeau, motion carried.

D. Wayne Nelson (Bayfield) – rezone property from Ag-1 to R-RB (tabled 3/16/06) on his 15-acre parcel (ID #006-1032-06-004), located in Lot 4 of CSM 1379, Section 15, Township 50 North, Range 4 W, Town of Bayfield

There was no further discussion as this item D. was discussed with item C.

A motion was made by Member Jardine to deny, seconded by Member Rondeau, motion carried.

E. Petition to Amend Zoning Ordinance – (Section 13 & 14)

Member Jardine motioned to approve the ordinance amendments and move to the full board, seconded by Member Rondeau. Member Maki stated the Committee just got them handed to them and he felt he was not given enough time to review. Chairman Beeksma stated it's what we received in the mail, and Director Kastrosky assures us there were no changes only the language was changed. Director Kastrosky stated these amendments were presented to you in January, but pulled off. He also reminded the Committee that these amendments do not become ordinance until the end of May when full board deals with it. A discussion followed regarding no lot depth on lake lots. Chairman Beeksma questioned what happens when the property owner has a long narrow lot, Director Kastrosky stated if they meet setback it's not a problem, and he also reminded the Committee this is only for new development.

Motion carried.

Agenda Review and Alteration

F. Kenneth Peters-POA for Ethel Peters, John Hilla & Kathleen Gary (Barnes) – rezone R-2 to R-3. (tabled 3/17/05) on their 5.78-acre parcel (ID #012-1013-09), in the SE ¼ of the SE ¼, Section 5, Township 43 North, Range 7 West, Town of Cable.

Director Kastrosky asked AZA Furtak to speak on behalf of the rezone. He stated the lot was illegally created; he described how the lot looked. He stated an adjacent property owner was in opposition, but since the Committee dealt with this back in March of 2005 the adjacent property owner purchased the lot. Now that the lot has been purchased; there is no need for the rezone. The Committee just needs to clean up the motion that was placed. He reminded the Committee that the town denied it.

A note was written on a copy of the cover letter and sent to the Zoning Office from John Hilla stating the property has been sold; so the rezone should be withdrawn. Director Kastrosky again reminded the Committee they are responsible to address the motion that was previously placed back in March of 2005. It was suggested this item be denied.

A motion was made by Member Rondeau to deny, seconded by Member Maki, motion carried.

The Dept received letters of opposition from Charles and Cynthia Sedgwick, Keith and Mary Beaver, and John Cantwell.

D. Discussion and Possible Action regarding EIA for Tamarack Point (Cable)

Mike Berg of Minneapolis spoke on behalf of the request. He introduced additional people who came with him from the audience: Brook Oldre, Jean Garbeini and Doug Mensing. Mr. Berg stated he would like to address any questions the Committee may have. Tamarack Point is a development on West Cable Lake. We are not asking for any zoning changes. He stated they had a beautiful project, it's environmentally sensitive, and a fantastic product. The units are small they will be back over 200' off the shoreline; they are removing the old cottage and restoring the land with native trees and plants. He didn't think this was ever done before in the County they are trying to set a new standard for ecological

development. Selective cutting will be involved and controlling the land use. They are restricting snowmobiles, ATV use, and jet skis at Tamarack Point. It's designed for wilderness and privacy.

Member Jardine stated he had numerous phone calls. He asked AZA Furtak if they walked the property. AZA Furtak stated him, Karl, John Spangberg of the DNR, and his assistant Krystal met out on the site and walked it. Member Jardine questioned the cat tails that the person questioned over the phone. AZA Furtak showed on a map the frontage on road, stated it was on a Class 3 lake, wetland is present but is considered lakebed by DNR. Mr. Berg, Member Jardine and AZA Furtak had a short discussion on the side. Mr. Berg told the Committee that on the back of the EIA is a concept drawing with the setbacks. The concept drawing was done with setbacks in mind and also a requirement of the County. Chairman Beeksma questioned how they will control the jet ski's. Mr. Berg said there will be a covenant controlling them. He stated he could not control other areas of the lake only the Tamarack Point development. AZA Furtak stated in the last couple of week's people have been reviewing the EIA. He stated the soil maps were not accurate. He asked Director Kastrosky if Land Conservation had responded on the EIA. Response was no. AZA Furtak questioned the road width, and stated a letter from the sanitary district was received today. Director Kastrosky asked about a soil test. Mr. Berg said he contacted a soil tester and talked to the sanitary district. Director Kastrosky stated the soil tests came back for mounds. He discussed the sanitary district memo; stating they could not handle over 2,000 gallons per day of sludge or holding tank waste. Mr. Berg stated they wished to minimize cutting in regards to the mounds. Director Kastrosky stated that this procedure is the last one of a kind; the EIA's will be accompanying the conditional use applications in the future. Director Kastrosky stated there are a lot of unknowns regarding how it will be impacted. Mr. Berg again stated they want to provide the most beautiful and thoughtfully designed area in Bayfield County.

Kenneth Bro asked if he could come forward to address an issue. He questioned the process of the ordinance. The concept of the evaluation procedures is a step wise approach in the purpose section. He read that section. He stated the EIA is scoped in advance of the project. He suggested the soils are wrong, the density is not going to meet ordinance standards; and reminded the Committee they have not heard the land use plans for county or town. There is nothing in the report as to zoning district(s), vegetation, bog and unique species. He stated everything should be considered 30 days prior to the review. He suggests that today is an information meeting to review the general description of the project. Now he informed the Committee is when they should be scoping the information.

Brook Oldre, Developer spoke on behalf of the request. He stated the EIA was submitted a month ago. He stated within limits they would be willing to work with people and the issues.

Jean Garbeini stated the points raised were very good ones. She stated the soil maps were from a reputable source. She asked the Committee to consider the booklet that was asked for by ordinance. She stated they visited the site when there was 2 feet of snow on the ground. She asked the Committee to consider at this time what was asked for in the original EIA. Member Jardine questioned if AZA Furtak saw the booklet. AZA Furtak said yes and Land Conservation was sent a booklet also, but has not responded back. AZA Furtak stated the things he brought up need to be addressed. We could accept the EIA; however amendments need to be made to it.

Doug Mensing stated he was on sight again and seen items that could be added to the EIA. AZA Furtak stated the concept and what was submitted; he felt was on the right track. He stated if this went to the Town it would be ripped apart. He compared the NRCS and soils map; he considered the road widths; the letter from the sanitary district, and Section (d)(2)(e). He felt they all needed to be addressed. AZA Furtak stated he was bringing this up too smooth things over. He also stated endangered species needs to be addressed because it's going to come up in the future, and if you don't want road blocks to come up, it's something you need to take care of.

Director Kastrosky commented that an email was received from Roger Dreher requesting that no action be taken on the EIA until it has been thoroughly reviewed and reflects the details of the proposed

development as contained in the conditional use permit. Director Kastrosky stated the Committee doesn't know the placement of the buildings, they don't know if these buildings are going to be on slopes greater than 20% because of the density. If they are then DNR permit(s) will be needed. He stated he has concerns regarding the density that was brought forward today. He would like the conditional use be placed on for next months meeting. He stated right now we don't know totally what the project is going to be. Kenneth Bro said the key is a number of issues have not been addressed. The EIA is a part of the conditional use process, and it is intended to see that the issues are addressed.

Henry Harmon, adjacent property owner to the South spoke stating it seems everyone wants this done well. He also questioned the density, soils, etc. He would like to see the Committee have everything they need before they approve this project to move forward. Member Jardine questioned Director Kastrosky whether the Committee should be considering the email from Mr. Dreher and the staff concerns which have been brought forward. Member Jardine stated that things have not been exchanged. Director Kastrosky said the decision is up to the Committee; you have the option to table the EIA and hold the conditional use or bring both on at the same time.

Bob Lang, Town Board member spoke regarding the driveway ordinance. He stated there is 24' width but there is also a 66' width for private roads. He also questioned the Committee regarding the zoning on west side of road being Forestry-1 not requiring a zoning change. Director Kastrosky stated he has had this under legal advisement. The classification list states it's not permissible; however; statute 701.27 in the condominium law says we can not treat condominium ownership any differently than the Committee would treat any other type of usage or property. He stressed the department again was not able to talk to the applicant about the issue. Member Jardine stated this should be tabled. Member Rondeau agreed and stated everyone is willing to work together. Chairman Beeksma stated he is also in agreement and feels the applicant has the idea of what they need to do and what should come with the conditional use application. Director Karl questioned whether the Committee wants the EIA alone or with the conditional use next month. Member Jardine states both; Chairman Beeksma questioned whether the Town would have a chance to deal with it prior to their meeting. Response was yes, he stated then both should be submitted. Member Rondeau would like to see both come forward next month. Mr. Bro spoke with concern from the audience. He states the real proposal should be addressed. Director Kastrosky suggested that a more thorough EIA, density standards that meets the ordinance and physical placement of the units should be available for the next meeting. Director Kastrosky stated the deadline would be tomorrow because the notice had to be sent to the County Journal Monday. Member Rondeau questioned whether Furtak's concerns could be met by tomorrow's deadline.

Member Rondeau motioned to table this item, seconded by Member Maki. Chairman Beeksma stated the applicant needs to come with the EIA and conditional use application. Director Kastrosky questioned whether the conditional use is to be presented as proposed or amended. Response was the amended version. *Motion carried.* Mr. Berg addressed the Committee to make sure the Committee was aware his business is willing to work with everyone and they are also concerned with the issues brought forward.

E. Harland Chambers (Lincoln) – dog kennel (12-39 dogs) (17 dogs exist at this time) on his 4.72-acre property described as the SW ¼ of the NW ¼, Section 23, Township 45 N, Range 5 West, Town of Lincoln.

Director Kastrosky stated a letter was received from Mr. Chambers asking that this item be tabled until May due to medical reasons.

Member Rondeau made a motion to table until the May meeting, seconded by Member Jardine, motion carried.

The Dept. received letters of opposition from Barbara Robertson, Ron Stauske, Roland and Birgit Wolff, Ralph and Elaine Hansen, and Hillary Pollack.

- F. Philip S & Sheree Petersen (Bayfield) – second residence on a parcel** described as a 5-acre parcel located in Lot 1 of CSM #1203, Section 11, Township 50 N, Range 4 W, Town of **Bayfield**.

Phil Peterson spoke on behalf of his request. He stated when he purchased the property; a 1960 mobile home was present at the time. It does not meet setback standards. He would like to tear it down and replace it with a cottage. What he is asking for is a second residence on a parcel. Member Maki questioned whether the Town approved. The town did approve.

Motion was made by Member Jardine to approve the second residence on a parcel, seconded by Member Maki, motion carried.

- G. Mitchel R McGee (Barnes) – home-based business (towing and small engine repair)** on his 30-acre property described as the SW ¼ of the the NE ¼, Section 2, Township 44 N. Range 9 West, Town of Barnes

Mitchel McGee spoke on behalf of his request. He stated he has a flat bed tow truck; he repairs small engines, outboards and lawn mowers. He stated he would like a permit to do that legally. Mr. Lamar Sorenson spoke as an adjacent property owner. He stated there were some irregularities; one being the Town's input. He wasn't able to get their minutes because they were not done. He stated he was not here to put Mr. McGee out of business, but felt some sort of rules should be handed out to Mr. McGee regarding oil spills. He questioned whether this request is renewable yearly. He felt truck hauling going up and down the road should be addressed, outside storage should be addressed even though he knows Mr. McGee's wife wouldn't allow outside storage. He questioned if the property is sold does it go with the property or does it stay with Mr. McGee. Member Jardine questioned whether Mr. McGee is screened from Mr. Sorenson. It was stated you can see everything from the lake, but only from one side of the Sorenson's property is visible. Member Maki asked whether he tows and hauls in cars. Mr. McGee stated for insurance purposes he does, but only for a week or so. Member Maki questioned what the rules and regulations are regarding the ordinance. Director Kastrosky stated this is a home-based business and explained the home-based business rules. He stated the timeline can be set for the property or the previous owner. He further explained if it crosses the line of junk/salvage yard it no longer would be considered home-based business. Chairman Beeksma questioned AZA Furtak whether the Town put any conditions on it. Town Board sheet shows no conditions. AZA Furtak asked how long Mr. McGee had been in business. Mr. McGee stated 2 years. AZA Furtak stated he has no problem with junk vehicles or parts; the property is well kept up. AZA Furtak reminded the Committee the County strongly wants to see home-based businesses. He did however; agree to have it approved to only Mr. McGee.

Motion was made by Member Maki to approve with the condition that it is only for the present owner non-transferable, seconded by Member Rondeau. Chairman Beeksma suggested that the inside storage should be addressed as Mr. Sorenson questioned; a short discussion followed with no further conditions.

Ms. Karen Sorenson spoke in regards too how much she loves area. It's pristine. She stated signs are a concern to her, would they be able to have signs/billboards in the future if not addressed now. This is such a pristine lake and wants it to stay that way. Member Jardine assured her the Committee does not want to see billboards either. *Motion carried.*

- H. Richard Kinderman (Barnes) – hobby farm (2 horses & 1 pony)** on his 40-acre property described as the S ½ of the S ½, of the SE ¼, Section 36, Township 45 N, Range 9 West, Town of Barnes.

Richard Kinderman spoke on behalf of his application. He stated he has 40-acres, and he brought the horse(s) and pony with him when he moved here. He stated they are 400 or 500 feet from road. AZA Furtak explained to the Committee he just found out about it this winter, when a town official complained because a previous adjacent owner had been denied. He stated there is no smell and the animals are well cared for.

The Dept. received a letter of support was received from Lynn Johnson.

Motion was made by Member Jardine to allow the 2 horses and pony, seconded by Member Rondeau. Motion carried.

- I. Douglas Belanger (Washburn) – hobby farm (5 horses, 20 chickens, 5 cows, & 5 pigs)** on his 14.75-acre property described as part of the NE ¼ of the NE ¼, Section 29, Township 49 N. Range 5 West, Town of Washburn.

Doug Belanger spoke on behalf of his request. He stated when he applied for a pole building he found out he needed a permit. He stated he has one horse right now, but doesn't think he would have as many in the future as stated on his application. Member Maki stated hobby farms are all over out by them; does everyone have permits. Land Use Specialist Tulowitzky said no, some do not need permits because they are zoned agricultural, which do not require a permit. LUS Tulowitzky stated he talked with Mr. Belanger at the time of the inspection for the pole building; he was told by Mr. Belanger that they wanted animals. LUS Tulowitzky told Mr. Belanger he would need a permit. Member Jardine questioned LUS Tulowitzky if everything is in compliance. His response was no animals are on site now, but the town has conditions of 4 strand fence, and the manure should be removed yearly if more than 4 animals.

Motion was made by Member Rondeau to approve with the 5 horses, 20 chickens, 5 cows and 5 pigs and the town's conditions, seconded by Member Maki, motion carried.

- J. Paul & Chris Rice (Washburn) – hobby farm (10 horses, 25+chickens, 12 rabbits, 5 cows, 5 pigs, 5 goats, 25+ turkeys and 10 ducks)** on their 40-acre property described as the NW ¼ of the NW ¼, Section 28, Township 49 N, Range 5 West, Town of Washburn.

Chris Rice spoke on behalf on her application. She stated they would not have the number of animals stated on the application, but was instructed to ask for any animals we may want and give numbers. She stated her kids will be in 4-H. Land Use Specialist (LUS) Tulowitzky told the Committee he came up with this one also because of an application for a pole building. LUS Tulowitzky questioned Ms. Rice if she was aware of the conditions the town placed. Her response was she was aware.

Motion was made by Member Maki to approve 6 horses, 25 chickens, 12 rabbits, 5 cows, 5 pigs, 5 goats, 10 turkeys and 10 ducks, and the town's conditions of a 4 strand fence and if 4 or more animals (cows, horses, etc) manure pile must be removed yearly, seconded by Rondeau, motion carried.

K. Citizens Concerns and Input

Kenneth Bro spoke to the Committee regarding updating the EIA portion of the ordinance. He stated more information is available now than when it was established in 1974. Definition of soils should be included as well as the limitations. He discussed the NRCS website being available and what it shows. He stated it should be included in what the ordinance asks for. Local land use plans should be included in the EIA policies. He handed out an outline of what should be considered. He recommends interested parties are notified of the EIA scoping meeting. With all of these considered, the developer will have an idea of what is required. This however; doesn't mean these things won't be controversial. The point is to avoid appeals.

AZA Furtak stated most areas are going to be controversial. He wants to see LCD, DNR and other agencies review the EIA's. Director Kastrosky said the ordinance was changed to allow the Committee to have the EIA's reviewed if they chose too. Member Maki asked how big is this going to grow, as Zoning we have people come to us and we send this here and there. He stated the Committee gets scrutinized, but if the property owner goes to LCD or DNR they don't. We are getting bogged down in these cases. AZA Furtak stated to Member Maki that the Tamarack is a \$15-20 million dollar project. It's not just an ordinary guy asking for a small scale business; the County is going to have the liability on it, so the County needs to be prepared and make a good decision. Member Jardine spoke in regards to Bony Lake project. Member Maki states we all have standards, DNR has standards and LCD has standards. Director Kastrosky stated that is because the DNR is water, we are land and LCD is one that sets guidance. Member Jardine used the example of the Great Lakes Visitor Center, and stated so much for the good 'ol boy mentality.

L. Discussion and Possible Action on NR115 re-write update

Director Kastrosky stated they are opening NR115 back up. Impervious surface is one item that will be dealt with and in May we should see it going to public hearing.

M. Other Items that may come before the Committee (Discussion Only)

- Member Maki questioned the afternoon meetings. He stated the people are not being justified especially the workers. Time and money is involved with him and other people. We need to make it convenient to the public. Member Jardine stated he had no phone calls. He stated they need to think about the staff that starts at 8:00 am and then end up at an evening meeting, especially in the winter. Another concern Member Maki's had was when people see it in the paper but can't get off work. Member Jardine stated to Member Maki that Mark Abeles-Allison is encouraging this time also. Director Karl asked if this is to be put on agenda. Maki stated yes.
- Director Kastrosky told the Committee the Town of Cable and Town of Russell got citations for missing reclamation plans. A question came forward regarding Rocky Tribovich. Director Kastrosky stated he called, left a message and said we need to talk but he has not called back.
- Director Kastrosky brought up the situation of a new phone system; he stated that it has been brought up several times. Office Manager Kmetz explained the way the office would like to set up the phone system. Member Jardine suggested we try it. Chairman Beeksma stated he was not against it; but he does not want it as complicated as Tourism, make it simple and brief, but he would like to hear the prompt before we put it in place. The final consensus was go ahead.
- AZA Furtak asked when Rob will be starting. Response was May 1st.
- Member Maki stated he got a phone call complaining about the building that was permitted for Tourism. He stressed that there are three (3) members on this Committee, and the same three (3) are on the Tourism Committee and when this item came to Zoning Committee they acted as if they didn't know about it. Member Jardine stated he was aware of it, but it was less than 200 sq. ft and he never gave it a second thought. Member Maki stressed that was inexcusable and he is bringing this up because it appears he is the only one that is getting calls on it. Member Maki said he was unhappy that it went by, but stated he wouldn't bring it up again. Member Maki stated he brought this up because he is getting reamed about it, and because he is the only one that will speak up.

13. Monthly Report

The March monthly report was handed out to Committee Members prior to the meeting with the correspondence packets.

Motion was made by Rondeau to approve the March monthly report, seconded by Jardine, motion carried.

14. Adjournment

Motion was made by Member Rondeau to adjourn the meeting, seconded by Maki, motion carried. The meeting adjourned at 3:24 PM.

**Karl L. Kastrosky, Director
Bayfield County Planning and Zoning Department**

K/ZC/Minutes/2006/March
Prepared by dak on 5/4/06- Approved by KLK on 5-8-06
cc: Admin., Bussey, Clerk, Committee, DNR, Supervisors