

MINUTES
Bayfield County Planning / Zoning Committee Public Hearing / Meeting
January 18, 2007
Board Room, County Courthouse, Washburn, WI 54891

1. **CALL TO ORDER OF PUBLIC HEARING:** *By Vice Chair Brett Rondeau at 1:03 PM.*

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

3. **AFFIDAVIT OF PUBLICATION:** *Read by ZA Kastroosky*

4. **REVIEW OF MEETING FORMAT:** *By Vice Chairman Rondeau.*

5. **PUBLIC HEARING:**

A. CABLE NATURAL LODGE, LLC CONDITIONAL USE REQUEST: To add bar and up to an 80 seat restaurant to existing bed & breakfast facility in a 21.66-acre parcel (ID# 034-1079-01), located in the SW ¼ of the SW 1/4, Section 17, Township 43 North, Range 6 West, Town of Namakagon.

Owner, Wm. Brakken, reported plans for this facility, which he purchased in 2005 and converted to a B & B; various owners operated different businesses in the past, recently was a personal residence.

Director Kastroosky reported: Town approval is on file; sanitary system is adequate; no opposition or support correspondence was received. AZA Furtak advised Mr. Brakken that any canoes belonging to them or their guests on Twin Lake must be permitted by the Forest Service as the conditional use permit does not cover that.

Speaking in Support / Opposition: *none*

B. Petition by Karl Kastroosky, Bayfield County Planning and Zoning Administrator, on behalf of the Bayfield County Planning and Zoning Committee, REQUESTING AMENDMENTS TO THE BAYFIELD COUNTY ZONING AND SUBDIVISION CONTROL ORDINANCES, INCLUDING THE FOLLOWING:

1. Amendment of Sec. 13-1-4(a) to revise definitions of Condominium, Duplex, Hotel/Motel, Multiple Unit Dwelling, and Shoreland Buffer Zone; create definitions of Conservation Subdivision, Developable Lot, Open Space Lot, Multiple Unit Development, Short-term Rental, and Short-term Rental Accommodation; and repeal the definitions of Planned Unit Development and Resort.
2. Repeal of Sec. 13-1-29, pertaining to Planned Unit Developments, Condominiums, Resorts, and Multiple Unit Dwellings, and re-creation thereof, pertaining to Multiple Unit Developments.
3. Creation of Sec. 13-1-29A, pertaining to Conservation Subdivisions.
4. Amendment of Sec. 13-1-32 to establish dimensional requirements for Duplexes, Multiple Unit Developments, and Conservation Subdivisions providing shoreline access.
5. Amendment of Sec. 13-1-31, pertaining to back lot access to navigable waters, to provide back lot access for Conservation Subdivision lots.
6. Amendments to Sec. 13-1-60 pertaining to dimensional requirements applicable to Duplexes and Conservation Subdivisions.
7. Amendment of Classification Table in Sec. 13-1-62 (a) to delete the term "Condominium" from the Multiple Unit Dwelling entry; delete the entry for Resort; add an entry for "Shoreland Grading"; and revise the entry for "Dwelling, Single-Family, Duplex."
8. Creation of Sec. 13-1-62 (b) providing that a lot created by a subdivision of a parcel in an F-1 Zoning District into three (3) parcels of less than 10 acres each within a five (5) year period may be improved with a single family dwelling or duplex only if the subdivision has been approved as a Conservation Subdivision, and prohibiting such improvement of a lot if it was created by the subdivision of a parcel

in an F-1 Zoning District into four (4) or more parcels of less than 10 acres each within a five (5) year period.

9. Amendment of Sec. 14-1-80 (a) to provide that Multiple Unit Developments and Conservation Subdivisions shall comply with the applicable requirements of Sec. 13-1-29 and Sec. 13-1-29A rather than the area and width dimensional requirements otherwise applicable to lots.

10. Repeal of Sec. 14-1-86 pertaining to Planned Unit Developments.

*Kastrosky reviewed Item B and the process: draft amendments were before the Zoning Committee in June 2006; tabled at that time; approximately two years work has been done on this; has been funded with grants; goal is to bring clearer understanding and consistency to the Ordinance. At 1:18 PM Vice Chairman Rondeau called for a five minute break awaiting Bill Bussey's arrival [scheduled to present the amendments item-by-item.] Bussey arrived at **1:23 PM and Public Hearing called to order.** Corp. Counsel submitted the amendments expounding on each; answered questions.*

Supervisor Jardine asked Kastrosky for input on which item / items, if any, he felt would pass 'today'. Kastrosky answered he believes this is manageable, otherwise he would not have put it before the Committee.

Speaking in Support: none

Opposition:

- **Roger Dreher**, Drummond, Bayfield County Lakes Forum: opposed to current format of draft; believes it is workable w/ some changes; suggested a couple more working sessions; listed items the Forum is opposed to.
- **Jim Brakken**, Cable, Bayfield County Lakes Forum: opposed to current format; wants draft reworked; listed areas of concern.
- **Carol LaBreck**, Barnes, citizen on Land Use Planning Committee: opposed to incentives to developers to increase density in shoreline areas; wants density kept the same; re density wants considerations made to number of people, septic and boats, etc. not just frontage, concern also for groundwater issues / runoff. Wants more burden placed on developers to bring forth adequate information when applying for permits.

Kastrosky asked Forum representatives if they have funds to contribute for work on another draft; he reported County grant funding will be exhausted if prolonged more than a month or two. Answer: determination would require further checking.

[3:27 PM: Supervisor Jardine excused himself from the meeting for an appointment.]

Opposition Continued:

- **Wayne Nelson**, Bayfield: reported attending a Russell Township meeting where, per Nelson, the Town expressed opposition to this petition, reasoning time was too short to consider it. [Director Kastrosky stated they have had the information since June 2006.] Nelson listed areas of opposition, including parts he believes do not apply to the County's northern area; does not believe draft is better than the current ordinance.

6. ADJOURNMENT OF PUBLIC HEARING: 3:39 PM, motion by Maki, second by Miller to adjourn; carried 3 yes / 0 no. Vice Chair Rondeau called for a five minute break.

7. CALL TO ORDER OF ZONING COMMITTEE MEETING: By Vice Chair Rondeau at 3:45 PM.

8. ROLL CALL: Maki, Miller, Rondeau, present; Beeksma, absent; Jardine was still out.

9. MINUTES OF PREVIOUS MEETING(S): Dec. 21, 2006-- motion by Maki, second by Miller to approve as prepared; carried 3 yes / 0 no.

10. BUSINESS:

A. CABLE NATURAL LODGE, LLC CONDITIONAL USE REQUEST:** Add bar and up to an 80 seat restaurant to existing bed & breakfast facility on 21.66-acre parcel (ID# 034-1079-01), in SW ¼ of the SW 1/4, Section 17, Township 43 North, Range 6 West, Town of Namakagon.

**** CORRECTION TO NAME:** Kastrovsky corrected the name of Applicant's establishment to 'CABLE NATURE LODGE'.

Motion by Maki, second by Miller, to **approve** the conditional use request to add a bar and restaurant, up to 80 seats, to the existing B & B for Cable Nature Lodge, LLC. Carried 3 yes / 0 no.

B. Petition by Karl Kastrovsky, Bayfield County Planning / Zoning Administrator, on behalf of the Bayfield County Planning and Zoning Committee, REQUESTING AMENDMENTS TO THE BAYFIELD COUNTY ZONING AND SUBDIVISION CONTROL ORDINANCES, INCLUDING THE FOLLOWING:

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9. Amendment of Sec. 14-1-80 (a) to provide that Multiple Unit Developments and Conservation Subdivisions shall comply with the applicable requirements of Sec. 13-1-29 and Sec. 13-1-29A rather than the area and width dimensional requirements otherwise applicable to lots.
11. Repeal of Sec. 14-1-86 pertaining to Planned Unit Developments.

Supervisor Rondeau stated there is concern on both sides of this issue; recommended Kastrovsky meet with the Lakes Assoc. and Bussey, then bring back more of a refined product at the March 2007 meeting. Kastrovsky said: the deadline for Feb. is closed; this should come back in public hearing format; they need to work w/ Lakes Forum as well as look for funding sources; attempt to meet the March deadline; adopt it; forward to full County Board.

Supervisor Miller was opposed to asking the Forum for funding as it has the appearance of a lobbyist group. Kastrovsky retracted his statement regarding their help with funding, adding it was a "bad idea".

Motion by Maki to stay on a deadline, send draft back to Zoning, get the Lakes Assoc. input during February, and bring back as a public hearing at the March 2007 meeting; seconded by Miller, carried 3 yes / 0 no.

C. J.R. MCCONNELL (Bayfield) – mini-storage 9.99-Acre Parcel (#006-1054-06) in Govt. Lot 1, Section 22, Township 50 N, Range 4 W, Town of Bayfield - (tabled 05-19-05 & 09-15-05)

Applicant nor his representative Neil Schultz was present / asked the Dept. to present it. Kastrosky reported: was tabled until issues re proximity to Greater Bayfield Wastewater Treatment Facility were settled; case was heard by Board of Adjustment / Zoning Committee decision was upheld. L.U.S. Tulowitzky stated the property is zoned R-RB / is within 15' of the southern property line, setback is 10'; however concern is this is only one parcel of land but this would possibly be the third principle building on the parcel.

[Supervisor Jardine arrived – 3:55 PM.]

Kastrosky reported McConnell also wants open space storage for boats, RVs, etc. and the Dept. has concern that the Town might not be aware that “the thought process has changed”; the Town approved the request prior to this current proposal; plan is unclear re screening, numbers of storage items, etc.; necessary to talk w/ Schultz to understand the focus. Maki asked about the validity of house permits on the property. Kastrosky was not certain.

Motion by Jardine, second by Maki, to **send this item to the Town for their further understanding and then place back on the Zoning Committee agenda**; carried; 4 yes / 0 no.

D. DISCUSSION AND POSSIBLE ACTION: RE Memorandum of Understanding between Planning / Zoning and Health Dept.

Jardine moved to **approve**. Discussion: Kastrosky reported this memorandum relates to sanitary system notification re pumping septic systems and a working agreement with the Bayfield County Health Dept. which will send letters re health hazards, etc. to those who choose not to pump. He explained this is a ‘user-friendly’ method; it can end up in court if citizens refuse to comply.

Maki seconded the motion; carried 4 yes / 0 no.

E. WAYNE NELSON (Bayfield) – Request to address the Committee RE [Zoning Dept.] letter dated 11/30/2006

[re notice of potential violation – materials stored in excess of allowable limits on 1991 permit]:

Nelson presented a recent video of his property taken from the road; reported berms and screening trees were added; read letter of support from a John Lindell.

AZA Casina reported on his 11/30/06 letter to Nelson; observations of his visit to the property last fall. Miller expressed concern over possibility of making this a junk yard rather than just storage of needed equipment. Maki reported on ‘appearance’ complaints / concerns from citizens plus possible negative affect on property values.

Nelson stated he had more equipment when the permit was issued but has gotten smaller each year; in April he received equipment after buying out a business which was unsightly but is now moved back, he now has berms, and screening. Nelson doesn’t believe he broke the spirit of the permit / believes he is in compliance. Casina agreed that Nelson “definitely made an attempt”; screening has been done as well as other work on the site.

Kastrosky asked for a determination from the Committee as they initially brought this forward and asked the Dept. to inspect.

Motion by Jardine, second by Miller, that Nelson **is in compliance at this time**, property should **not** become a junk yard, equipment [storage] is ‘fine’. Motion carried 4 yes / 0 no.

F. CITIZENS CONCERNS / INPUT: none

G. DISCUSSION / POSSIBLE ACTION: NR115 Re-Write Update

- Kastrosky had no report (no meetings held).

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

- Kastrosky reported 36 applications were received for the zoning position; four or five will be interviewed; supervisors volunteering to sit in on interviews are Miller (if able), Jardine, Rondeau.

11. MONTHLY REPORT: Motion by Jardine / Miller to **approve**; carried 4 yes / 0 no.

12. ADJOURNMENT: 4:26 PM - motion by Miller / Maki; carried. 4 yes / 0 no.

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

Prepared by MJJ 01/22/07
Approved by KLK 01/24/07

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

K/ZC/Minutes/2007/Jan