

MINUTES
Bayfield County Planning / Zoning Committee Public Hearing / Meeting
February 16, 2006
Board Room, County Courthouse, Washburn, WI 54891

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

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

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

4. **PUBLIC HEARING:**

A. BAYFIELD COUNTY, PATRICIA THORNTON, AGENT – CONDITIONAL USE EXPANSION Addition of 12' x 16' shed for sale of supplies - Delta Lake Campground (Est. 1957) on the 39.25-acre parcel (ID# 016-1011-09), described as the SW ¼ of the SW ¼, Section 7, Township 46 North, Range 7 West, Town of Delta.

AZA Casina stated that the building would be used to sell campers' supplies, such as live bait, soda, etc. Casina said they had already placed the building on site without a permit, and that the EIA was waived by the Zoning Committee for this expansion. He added there was a misunderstanding by Ms. Thornton-- she thought <200 sq. ft. buildings did not require permits. He also said if this conditional use is approved the Dept. has the ability to charge double fees for not acquiring necessary permits.

Speaking in Support: *None*

Opposition:

***Kenneth Visocky**, Town of Delta Supervisor said this came to light at a Town meeting with the request to waive the EIA recently. He wanted to know what Tourism "went through" because the Dept. of Health & Family Services needs to approve this first. He was also concerned about sale of items which can be purchased "close by" at other businesses which are actually Bayfield County taxpayers. He said Delta has adopted a comprehensive plan, and believes the procedures are not being followed.*

Jardine asked if they went through the proper process of expansion and Casina answered that is what is before the Committee right now. Casina stated that Tourism would have to go through the Health Dept., not Zoning, to get the permits Visocky referred to. Director Kastrosky reported the building, which was used residentially [where it did not require a permit as it was <200 sq. ft.] was moved to the campground but when located at a campground it expands the conditional use and requires a permit. Kastrosky added that conditions may be placed requiring them to obtain all other necessary (State / Health) permits.

Maki stated the County should not be treated any differently than private citizens when they didn't follow the ordinance. Kastrosky said, "we try to treat everyone equally".

B. BIRCH GROVE CAMPGROUND, JEAN HUMES CONDITIONAL USE EXPANSION - Addition of 11 sites over the next 10 years (will complete the build-out option due to the density threshold of 38 seasonal sites and 4 transient sites). On four-acre parcel (ID#'s 022-1039-07; 022-1040-04; and 022-1039-09-990), described as Lot 1 of CSM 825 and Lot 2 of CSM 242, Section 14, Township 47 North, Range 9 West, Town of Hughes.

***Jean Humes** stated they purchased the property on Deep Lake in May 2005 and can go to 40 sites with the amount of land they have, not 42 sites. Doug Casina said the maximum number is ten sites per acre, in their case 40 sites total, seasonal or transient. Ms. Humes said they are asking for nine sites and the Town approved. She also stated they will move three existing, grandfathered sites farther from the lake as they don't meet the current 75' setback. Kastrosky reminded Ms. Humes that they must meet the Health & Family Services WI Administrative code which is part of the County ordinance. Ms. Humes said she has talked to the Health Dept. and paperwork has been submitted.*

Ms. Humes then asked if there was a requirement for existing sheds and decks to obtain permits or if they are grandfathered. Casina reported other local resorts have been contacted to obtain permits recently on seasonal sites (decks) and it is a requirement for residences.

Humes asked how far back in time should they go to require permits. Kastrosky answered, "The date the Town adopted zoning is when it applies, but we have no idea to know how old they are."

Supervisor Compton stated originally the Committee received the request to waive the EIA but he wondered if one is on file for that campground. Casina answered "none", and added that the Committee waived the EIA a couple months ago. Compton said when no EIA is on file, he believes one should be required when there is an expansion as it potentially increases impact on that site.

Support:

Mike Furtak representing Hughes Township as a supervisor said the Town approved this request with conditions that three units be relocated to 75' setback from the lake, that sanitation for gray water, dump stations, and holding tanks conform with all rules and whatever the Health Dept. requires. Compton asked why those conditions were not listed on the TBA form. Mike said they have a new clerk who is still in training.

Opposition: None

C. PETITION TO AMEND ZONING ORDINANCE (Town of Bayfield) – Sec. 13: Petition by Thomas Gordon, Chairman, on behalf of the Town of Bayfield, requesting amendments to the Bayfield County Zoning Ordinances, including the following:

1. Amend Sec. 13-1-29(c)(2) by adding the following language:

Except that such reduction shall not apply within the Town of Bayfield.

2. Amend Section 13-1-32(e)(3) by adding the following language: Except within the Town of Bayfield, where the minimum open space shall be as indicated in Row B.

Bill Ferraro, Town of Bayfield supervisor introduced this Item and explained reasoning behind this request.

Support:

Nancy Bussey, Planning Commission member, reported their process allowed for public input including questionnaires and surveys; the plan accommodates what people wanted; the Commission believes it is critical to make the change at this time.

Opposition:

Wayne Nelson said he purchased R-RB (residential-recreational business) property in Dec. 2005; he had attended public meetings and asked if they were going to change zoning and they said they were not. Nelson read from the Bayfield County Zoning District Ordinance in Sec. 13-1-61 regarding R-RB and R-4 relative to rezoning. Nelson said Karl Kastrosky told him it was grandfathered as he purchased it prior and added that until he knows what the density is, he can't answer their questions as to what he wants to do [on his property] and that's the reason he is opposed. He said he doesn't know how this affects his property and has more questions than answers whether his use will be restricted.

D. PAUL SOLBERG & JACQUELINE THORN REZONE REQUEST (F-2 to R-2) - on 13-acre parcel (ID #004-1102-05), located in the NW ¼ of the NW ¼, lying South and East of Pease Road in V. 914 Page 586, Section 12, Township 44 North, Range 9 West, Town of Barnes.

AZA Furtak said due to a necessary rescheduling of the Barnes meeting, they have not met yet, therefore there is no Town input, the applicant was not in the audience so the Committee may wish to wait to hear from Barnes and the applicant.

Support / Opposition: None

* Jardine then closed Items E. and F. to be addressed in the business portion of the meeting.

E. PAUL SOLBERG & JACQUELINE THORN REZONE REQUEST (F-2 to R-2) – on 80-acre parcel (ID #'s 004-1036-09 and 004-1041-01), located in the SE ¼ of the NE ¼ and the NE ¼ of the SE ¼, Section 1, Township 44 North, Range 9 West, Town of Barnes.

* See Item D. above

F. PETITION TO AMEND ZONING ORDINANCE – Section 13: Petition by Karl Kastrosky, Bayfield County Planning and Zoning Director, on behalf of the Bayfield County Planning and Zoning Committee, requesting amendments to the Bayfield County Zoning Ordinance, including the following:

1. Amendment of Sec. 13-1-21 to provide that incomplete applications to the Planning and Zoning Department shall expire four months after notice from the Department if not completed within such time period.
2. Amendment of Sec. 13-1-32(e) to require additional open space for units other than dwelling units in planned unit developments or other multiple unit developments
3. Amendment of Sec. 13-1-62 to permit child care centers and play schools in commercial zoning districts by Class B special use permit, and to permit wineries, vineyards, wine-bottling and wine sales in residential-recreational business and agriculture-1 zoning districts by Class B special use permit.
4. Amendment of Sec. 13-1-86, 13-1-82, and 13-1-87 to permit replacement of nonconforming signs exempt from removal under Sec. 13-1-86 with new signs not exceeding 96 sq. feet in area or 20 feet in height.
5. Other technical clarifications and corrections.

ZA Kastrosky reviewed the proposed changes. Discussion followed re the sign ordinance portion.

Support:

***Bill DeVries** of Bayfield County Economic Development Corp. said he supports the signage amendments but doesn't believe it goes far enough. He cited an example of the Iron River Enterprise Center and the importance of proper signage for current and future development. He said they are allowed four businesses on one sign now but they need a building sign plus some kind of marquee. DeVries also said sign maintenance must be part of the ordinance.*

***John Hamilton** of White Winter Winery (Iron River in the Enterprise Center) reported there is a major problem with signage at his location. He is set back from Hwy 2, is not allowed signage due to a State rule of allowable distance between highway signs. Hamilton said a 50 sq. ft. sign is too small to attract attention because of the more than one-half block setback and would like to see multiple signs on a marquee-type sign. He added that because of this northern, rural area, businesses need help in whatever ways possible to operate profitably; would like to have a larger sign on the building; wants to get rid of the temporary sign, which is required to be moved every 30 days. He said time is of the essence with the busy season approaching.*

Kastrosky felt it was "too big of a bite to amend at this time in order to help Mr. Hamilton" but is willing to work w/ Economic Development and White Winter Winery to come up with a solution. Compton stated "we should commit to continue to work to resolve the issues on sign the ordinance". Kastrosky suggested amending what was presented, not holding all the amendments up, unless that was the wish of the Committee. Compton and Rondeau agreed to "leaving the door open" to continue to develop the sign ordinance in the future. Maki expressed the need to continue in a timely manner.

Furtak asked if two 50 sq. ft. signs are allowed now, why not allow them to be adjoining instead. Kastrosky said the intent of ordinance was not that way, they are to be back-to-back with the purpose being to eliminate billboards. Maki felt there is importance in doing more for County-stake-holders and with multiple building, companies should be able to apply for multiple signs and the County should take that into consideration. Compton wondered, as there is a time issue involved, if it would be possible to allow no more than two signs, 50 sq. ft. each or a single 96 sq. ft. sign. He said that would perhaps address the fairness issue which is a consideration now.

Bill Ferraro reported another area to be taken into consideration is the difference in signage requirements as businesses grow—additional products or services are added with time and the businesses need flexibility to be able to let the consumers know that.

5. ADJOURNMENT OF PUBLIC HEARING: Motion by Rondeau, second by Compton to adjourn at 2:25 PM; carried. Chairman Jardine called for a break.

6. CALL TO ORDER OF ZONING COMMITTEE MEETING: By Chairman Jardine at 2:39 PM.

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

8. **MINUTES OF PREVIOUS MEETING(S):** *Motion by Compton, second by Beeksma to approve the Jan. 19, 2006 minutes; carried.*

9. **BUSINESS:**

A. BAYFIELD COUNTY, PATRICIA THORNTON, AGENT – CONDITIONAL USE EXPANSION Addition of 12' x 16' shed for sale of supplies - Delta Lake Campground (Est. 1957) on the 39.25-acre parcel (ID# 016-1011-09), described as the SW ¼ of the SW ¼, Section 7, Township 46 North, Range 7 West, Town of Delta.

Jardine said he talked to Pat Thornton during break and reported the Town of Delta approved this request. Kastrofsky said the County [Tourism] paid the conditional use fee but has not yet paid for the building, which is \$125 for a commercial accessory—unless the Committee chooses to charge additional after-the-fact fees. He added there is Town approval with the following conditions: Environmental Impact Assessment must be completed, full compliance with Chap. 178 Health & Family Services, and no additional campground sites.

Jardine stated that Thornton had discussed the building with him and he didn't remember the need for a permit either. Maki again expressed concern that special consideration is given because this is "the County" and citizens aren't given the same treatment. The Committee disagreed stating allowances have been made on both sides in the past and discretion is permitted. AZA Casina cited an example of the Town of Delta garage – they paid penalty fees. Maki also was concerned about the County being in competition with the tax-paying businesses nearby which have permits for their buildings and sell the same things.

Compton stated the EIA was waived, yet the Town placed a condition to complete an EIA and wondered what that was about. Kastrofsky said the Committee waived it because there is no significant impact and that the Town was apprised of the EIA waiver in November and didn't address it.

*Jardine made a motion to approve, second by Beeksma. Discussion: Compton said because the EIA is listed as a condition by the Town, a **letter should be sent to them regarding the past waiver by the Zoning Committee**, that they were notified and it was not an issue with them then. **Motion amended**, seconded by Beeksma, to approve including the Town's conditions, with the exception of the EIA, and that the Town be notified in writing of the EIA waiver. Motion carried.*

Kastrofsky asked if the Committee wanted to double the fees and they agreed not to.

B. BIRCH GROVE CAMPGROUND, JEAN HUMES CONDITIONAL USE EXPANSION - Addition of 11 sites over the next 10 years (will complete the build-out option due to the density threshold of 38 seasonal sites and 4 transient sites). On four-acre parcel (ID#'s 022-1039-07; 022-1040-04; and 022-1039-09-990), described as Lot 1 of CSM 825 and Lot 2 of CSM 242, Section 14, Township 47 North, Range 9 West, Town of Hughes.

Kastrofsky said originally there were 38 seasonal and four transient sites allowed, but determined to be 40 sites only. Ms. Humes stated they would like 36 seasonal sites and four transient but would be willing to change it however the Committee desired. Motion by Compton, second by Rondeau, to approve the expansion to total a maximum of 40 sites, 36 being seasonal and four transient and that they meet the conditions placed by the Town; motion carried.

C. PETITION TO AMEND ZONING ORDINANCE (Town of Bayfield) – Sec. 13: Petition by Thomas Gordon, Chairman, on behalf of the Town of Bayfield, requesting amendments to the Bayfield County Zoning Ordinances, including the following:

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7. Amend Section 13-1-32(e)(3) by adding the following language: Except within the Town of Bayfield, where the minimum open space shall be as indicated in Row B.

Compton said he believes this is a tool allowing the Town to give advice to the Zoning Committee in a proper format and that the Committee should support this amendment.

Discussion followed re sewer /sanitary hook ups, sanitary districts, and density issues. Rondeau made a motion **approve** the amendments for the Town of Bayfield as presented, second by Beeksmas. Discussion: Maki asked if this was conflicting with what is now "on the books". Kastrosky gave an example of Gary Dalzell's Woodside Cottages—now there is a standard allowing ten cottages but if the sewer goes by, he could request an additional ten. He added that what the Town is doing is not setting the bar so high-- they don't automatically get double. Kastrosky also said this will affect PUDS, condos, hotels/motels, townhouses—the language is specific to planned unit development only.

Wayne Nelson asked if he is to use the guidelines as when he purchased his land. Kastrosky said, "it would not be grandfathered, when the sewer went by and it was 15,000 sq. ft., if approved, it will be 30,000". He said specific requests can go back before the Town but the standard would be 30,000 sq. ft.

Compton called for question of the motion on the table to **approve**. Motion carried.

D. PAUL SOLBERG & JACQUELINE THORN REZONE REQUEST (F-2 to R-2) - on 13-acre parcel (ID #004-1102-05), located in the NW ¼ of the NW ¼, lying South and East of Pease Road in V. 914 Page 586, Section 12, Township 44 North, Range 9 West, Town of Barnes.

Due to no one to speak on behalf of this request and no Town input, motion by Maki, second by Rondeau to **bring this Item and Item E. back as a public hearing Items next month, without charging additional fees**; carried.

E. PAUL SOLBERG & JACQUELINE THORN REZONE REQUEST (F-2 to R-2) – on 80-acre parcel (ID #'s 004-1036-09 and 004-1041-01), located in the SE ¼ of the NE ¼ and the NE ¼ of the SE ¼, Section 1, Township 44 North, Range 9 West, Town of Barnes.

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4. Amendment of Sec. 13-1-86, 13-1-82, and 13-1-87 to permit replacement of nonconforming signs exempt from removal under Sec. 13-1-86 with new signs not exceeding 96 sq. feet in area or 20 feet in height.
5. Other technical clarifications and corrections.

Motion by Rondeau, second by Compton, to **approve** the amendments as presented; Rondeau then **amended his motion**. Motion by Rondeau to **approve the amendments as presented, with direction given to the Zoning Dept. to continue working on amending the sign portion of the ordinance**"; second by Compton; carried.

AGENDA REVIEW AND ALTERATION

G. MOSINEE TIMBERLAND CO. LLC – REZONE REQUEST – from F-2 TO R-2 (tabled 12/15/05): 40 acre parcel (#004-1233-07-000) in the SW ¼ of the SW ¼, Section 35, Township 46 N, Range 9 W, Town of Barnes.

AZA Furtak said this request is on behalf of Earl Gregorie; the Public Hearing was held before the Town met, therefore was tabled for input; TBA has now been received. Motion by Compton to **approve**; second by Rondeau; carried.

H. LEESA HOFFMAN SPECIAL USE REQUEST – HOBBY FARM (9 horses) (tabled 11/16/05) on 30-acre parcel (#012-1101-07) in the N ½ of Govt. Lot 7, Section 12, Township 43 N, Range 8 W, Town of Cable.

Chairman Jardine reported the Town denied this request. Kastrovsky said he received “breaking news today”, that Leesa Hoffman called “around noon” asking to table her request until she had time to address the Committee. Karl said she had received notice about a month ago [of date of this meeting]. He also said there may be people present in the audience to address this Item, therefore, he called Corp. Counsel Bussey for legal input. Bussey advised that if noticed properly, the Committee does not have to table this Item, they have the option to continue or to table.

Jardine then recommended denial. Compton agreed and made a motion to deny this request; second by Rondeau. Kastrovsky stated he asked Ms. Hoffman about rumors he had heard regarding development next to her property and that she gave him permission to announce that and stated she has plans to sell. Motion carried.

I. KEN / DAVE EXCAVATING SPECIAL USE REQUEST – BUILDING CONTRACTOR (tabled 1/19/06): on 25-acre parcel (#020-1038-02) in the NE ¼ of the SW ¼, Section 17, Township 47 N, Range 5 W, Town of Eileen.

L.U.S. Tulowitzky reported this Item was tabled last month because the Town had concerns regarding road use. The applicant has heavy equipment, will park some of it on the property (which is open field with no buildings). Travis said the Town faxed a letter of decision [today] stating they approved this but wanted to limit use on Colby Rd. (adjacent to property).

Maki advised the Committee that whatever limits the Town puts on a certain class roads—weight and/or time limits, postings, etc. is under their jurisdiction and the County shouldn’t get involved in what the town already has authority to do. Motion by Rondeau, second by Beeksma, to approve leaving the conditions up to the Town, as they deem necessary. Motion then amended by Rondeau, seconded by Beeksma to approve without any additional County conditions. Motion carried.

J. TOWN OF RUSSELL – EIA CAMPGROUND WAIVER

AZA Casina explained this is an expansion of a bathroom facility, it is after-the-fact, they plan to add some sites, and it is “grandfathered”. Motion by Rondeau to the EIA, second by Maki; carried.

K. CITIZENS CONCERNS AND INPUT:

L. DISCUSSION / POSSIBLE ACTION – NR115 RE-WRITE UPDATE: None

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

- ◆ *AZA Furtak desired input on an application which may possibly come in for a slaughter house. He reminded the Committee that this applicant had applied for this same type facility in Drummond which they had denied and he is considering purchase of the Kinsel property on Hwy 63 and N in Drummond. He added this is the same situation as before, the property is zoned Commercial, but the use is allowed only in Industrial. Compton remembered there was a lot of support conceptually with the previous application but the location was not suitable. Kastrovsky said that unless the Committee advises differently, the Dept. would accept the application. Furtak wanted to know if the previous scope of the Committee still stood and they were in agreement that they advised the applicant last time to continue to pursue his business in a proper location.*
- ◆ *Kastrovsky reported that the Neil Schultz case, which recently was heard by the BOA, was upheld and “the Facility did not encroach”.*
- ◆ *Kastrovsky reported he will not be able to attend the next Board of Supervisor’s meeting, there is a lot on the agenda, and the AZAs will be present.*
- ◆ *Maki asked about the Sukanen BOA case and Kastrovsky reported Sukanen “gave up, is not pursuing it further and requested a refund”.*

10. MONTHLY REPORT(S): *Motion by Compton, second by Rondeau to accept the January, 2006 report as prepared; carried.*

11. ADJOURNMENT: *Motion by Rondeau, second by Beeksma to adjourn at 3:33 PM; carried.*

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

Prepared by MJJ on 2/22/06
Approved by KLK on 2/24/06

*cc: Administrator; Clerk; Corp. Counsel; DNR; Committee; Supervisors
K/ZC/Minutes/2006/Feb*