

Town Plan Commission Meeting Minutes - February 8, 2010

Meeting notice and agenda was posted at The Bayfield Town Garage, The Bayfield Town Hall, Andy's IGA, and the Town of Bayfield website.

The meeting was called to order at 7:05 PM by Town of Bayfield Plan Commission Chairman Richard Carver. Plan Commission members present were Jeff Boutin, Jack Beagan, Bill Ferraro, Richard Carver, Nancy Bussey, Demaris Brinton, and Plan Commission Secretary Kelly Faye. Members of the public present included: David Galazen, Steve Prevost, L. Racheli, M. Racheli, Rick Dale, Jon Nelson, Chris Hunt, Eric Carlson, and Ellen Kwiatkowski.

Reading and Approval of Minutes of Previous Meeting of January 11, 2010: Motion by Ferraro to approve, seconded by Beagan. Carver called for comments, none given. Motion carried.

Communications and Public Input (Agricultural Enterprise Area Hearing): Carver explained there are new Wisconsin state statutes in place that permit the designation of some farm areas and agricultural use areas as Agricultural Enterprise Areas (AEAs) and expressed the need for public input on consideration of this in the Town of Bayfield. He explained that an AEA is sought in this case by farmers in the Bayfield apple orchard and berry farm area who will have completed an application that now goes to the Bayfield Town Board and Bayfield County Board, on its way to the Wisconsin Department of Commerce. Ellen Kwiatkowski, Co-Owner of Blue Vista Farm and Jason Fischbach: UW-Extension Agricultural Agent, along with the Bayfield Regional Conservancy have worked to formulate a proposed AEA boundary area that is thought to be appropriate for the purpose of this application.

Kwiatkowski asked for permission to present prepared information beginning with a handout explaining some commonly confused terms:

Certified Farmland Preservation Area: County Plan submitted to DATCP in 1990's. Map identified Farmland Preservation Areas that closely correlate with prime, unique, or important soils.

Farmland Preservation Zoning: County, town, or municipal ordinance that protects core agricultural areas and under which conversion fees are assessed when land is rezoned. (Ellen commented that we do not have this in the County or Town of Bayfield).

Agricultural Enterprise Area: Contiguous land area devoted primarily to agricultural use and locally targeted for agricultural preservation and agricultural development.

PACE Program: Purchase of Agricultural Conservation Easements. Farmers sell development rights and place a conservation easement which conveys with the property in perpetuity. (Kwiatkowski commented that this program is permanent and Bayfield's Farmland Preservation Program is one of these).

Farmland Preservation Agreements: Voluntary agreement between landowner and State whereby landowner promises not to develop property for 15 years and in exchange

receives income tax benefits at \$5-\$10/acre. Must have at least \$6,000 gross farm income to qualify.

Kwiatkowski went on to explain themes of the AEA application and these points:

- Wisconsin established the Working Lands Initiative in 2009 which includes AEAs and the PACE Program.
- In October 2009, Kwiatkowski sent the AEA Request for Proposals, due 02/26/10, to UW-Extension staff, Bayfield County conservationists, other county conservationists, members of the Bayfield Farmland Preservation Program, and some Town of Bayfield Board Members without any response.
- At the end of January 2010, Kwiatkowski and Fischbach decided that PACE benefits alone were worthwhile and called a meeting with some growers, who also were in favor of the project.
- The requirements of an AEA are 1) must be located in a certified Farmland Preservation Area 2) must be contiguous 3) must be primarily in agricultural use.
- The application includes two components 1) a narrative proposal 2) map of area requested for designation. (Maps were distributed to show the boundary of the proposed AEA, county forest areas, and outlying farmland areas.)
- The proposed boundary of the AEA correlates with the existing cluster of commercial fruit farms and includes Ag 1 zoning, with small areas of mixed use and residential zoning.
- AEA designation does not affect residential development or commercial development or how land is currently used in the area. It simply confers an additional benefit by allowing farmers to participate to increase their chances of getting funding through PACE and tax benefits.
- At least five farmers in the proposed area need to sign on the application, which they have.
- Local fruit market is not saturated and production can be expanded, especially small fruits including cherries, blueberries, raspberries, and currants.

Kwiatkowski explained potential advantages of having an AEA:

- AEA would align well with the Comprehensive Plan Agricultural Objectives:
 - 1) Focus farmland preservation by clearly identifying areas in need of preservation because of their viability as farmlands.
 - 2) Protect farmlands from sub-division and development.
 - 3) Enhance the economic viability of farms.
- AEA would be consistent with the Town of Bayfield's Comprehensive Land Use Plan which states the Town of Bayfield will "continue to aggressively support farmland preservation preserving productive agricultural lands and maintaining agriculture as a major economic activity."
- AEA designation may increase possibility of grant funding by showing the commitment of the area to preserving agriculture.
- Criteria for ranking farm projects to qualify for PACE monies gives AEAs an extra 10 points out of a possible 230.
- Farmers could use PACE money to support their farm, expand their business, and benefit the community.

Carver requested questions and comments. Ferraro stated that originally the boundary

included areas that the Comprehensive Plan designated were to be residential, so there was conflict. Kwiatkowski explained the boundary has changed.

Local berry farmer Rick Dale emphasized that the AEA does not provide any regulation, but that the state is simply asking municipalities to help prioritize where farmland preservation money will be spent. An AEA would create a boundary, within which we would recognize there are special qualities that we would like to see preserved. He stated there will be a limited amount of money through the Working Lands Initiative, the first round being \$12 million. Again, he emphasized an AEA is nothing for anyone to fear and does not affect zoning or our tax base at all. The tax credit is income tax not property tax, so no property would be exempt from paying taxes.

Bussey asked Kwiatkowski if those that are already in a farmland preservation program are eligible for participating in an AEA. Kwiatkowski stated that they were. Bussey asked if, once the boundary is established, do they look at how many farmers would likely participate or the percentage of the eligible area farmers that might participate. Kwiatkowski explained that the application requires that five farmers sign on to the petition and the application asks if any of those farmers are willing to participate in a Farmland Preservation Agreement. She stated that they have five farmers that are willing to sign on to the petition.

Boutin asked if the only farmers included in the area are within the proposed boundary, excluding farms on Happy Hollow Rd. or west of N. Pikes Creek on Star Route.

Carver explained that there are two municipal entities that need to consider this application: The Town of Bayfield and the County of Bayfield. The Town of Bayfield asked the Plan Commission to review the program and make a recommendation. The recommendation should not include an analysis of who is included and who is excluded. Rather, the purpose of the discussion is to review the area was defined by the applicants. He stated that there is no reason other farm areas could not be included in efforts in the future but for this, the proposed area has been determined. Kwiatkowski explained that the criteria for qualifying for an AEA is that it has to be a contiguous area, and could not include the public forest land between the berry farm area and outlying farms. Bussey asked if we could come back in the future and incorporate another AEA to include those outlying areas. Kwiatkowski explained that the areas included have to have an impact on the local economy, and although those farms are important economically the orchard district is has a strong identity and economic impact on the Town of Bayfield. Dale stated that this first round is only going to create 15 AEAs in the state. They have been told the state has heard from 20 municipalities that have expressed interest and there likely will be others. Based on this, the orchard district represents the criteria, the intent of the state in the initiative, and also represents what can be brought together immediately. He explained if one were to draw a large circle to make it all-inclusive, there would be so much forest land that it would dilute the percentages necessary (51% criteria of farming activity within the boundary is required). Carver stated this first round AEA application constitutes 200,000 acres of a total of 1 million acres intended to be designated within the state of Wisconsin.

Kwiatkowski stated there will not be another opportunity to apply until 2012.

Carver asked for further questions and comments. Brinton stated that she attended the public meeting the previous week and all of her questions have been answered.

Carver stated he is comfortable supporting the proposed AEA with conditions which

include that this petition, the five signatures, and the remaining forms are presented to the Bayfield Town Board. Secondly, he suggested correlating the Certified Farmland Preservation Area so that we know that statutorily we fall within. Carver stated that Kwiatkowski and Fischbach have done a huge amount of work to seek approval with a public education meeting last Thursday, tonight's meeting, and plans for attending a special meeting at the County on the 11th, the Bayfield Town Board meeting on the 15th, and the County Board meeting on the 16th. Kwiatkowski thanked the other member of the public on the agenda for their patience. Beagan made a motion that the Plan Commission recommend to the Bayfield Town Board that they approve the petition based on the conditions that were just outlined. Brinton seconded. Carver asked for further comments. Bussey suggested that when they make the recommendation to the Bayfield Town Board they express their interest in the town working with Ellen or Jason for a second phase with the farms on Happy Hollow Road or at least send a message that there was discussion of that. Carver asked if that should be part of the motion or just part of the delivery. Bussey stated it could be part of the motion if members were willing to accept that. Beagan stated he would accept that. Brinton seconded. Motion carried. [Motion: Town of Bayfield Plan Commission recommends that the Bayfield Town Board support to the proposed AEA pending review of the petition, the five signatures, and the remaining forms, as well as correlation of the Certified Farmland Preservation Area. Plan Commission also recommends that a second AEA phase be considered which would include outlying farms located in the Happy Hollow Road/Star Route area.]

OLD BUSINESS

a. Review and recommendation re: request for a Conditional Use Permit by Rich Wszalek, agent Larry Racheli, to convert a building from Plumbing Warehouse to Woodshop, Glass Etching Studio and Gift Shop at 34760 S. County Highway J.

Carver explained that the glass etching studio portion of the request has been dropped for the time being due to lack of well and septic/sanitary service needed for the handling of acid and other sand etching tools. He suggested that amendment be officially noted. These elements would also affect the gift shop and bring in Title 3 considerations. Carver reviewed concerns. The area has covenant restrictions about the number of signs that can be put up there. One sign, not to exceed 20 sq. feet of a wooden nature, that has approval from Apostle Highland Assn. Plan Commission also has concern that the area is intended as by the Comprehensive Plan as residential yet has businesses on it. Carver explained previously addressed concerns about number of businesses allowed on the designated lot. Bussey asked for clarification of who, Wszalek or Racheli, is making the application. It was clarified that Racheli is. Bussey also asked for clarification about whether the application is only for one building and the difference between continued use and change in use. Stated concerns about the precedent setting of two separate uses on one piece of property that is zoned residential. Ferraro confirmed with L. Racheli that signs related to Wszalek Plumbing will be removed. Discussion ensued related to the Racheli's intention to purchase the building Wszalek is currently using for storage in two years, as is reflected in the land contract. Bussey made a motion to recommend approval of a Conditional Use Permit for converting the plumbing warehouse to a wood shop, with additional recommendations that County Zoning clarify the use of the second building on the property, whether a second Conditional Use Permit is required, and that only one sign

be allowed on the property. Carver seconded. Motion carried.

b. Review and recommendation re: request from Jon Nelson and Chris Hunt for a Special Use Permit to construct a 100 by 200 Ft. heated boat storage building on the NW side of Hwy 13 near Old San Road.

Jon Nelson stated intention to have the building be aesthetically pleasing and inconspicuous, and the fact that like businesses will be located in close proximity. Discussion ensued related to possible height of building and appearance. Carver described requests made to similar projects in the past: the use of forest colors, compliance with Bayfield County lighting guidance (shielded lighting), and tree line cover. The small amount of wetlands on the property was addressed. Bussey asked what material will be used and if they envision having a sign. Nelson stated it will be an all steel building with windows and they don't plan to have a sign at this time. Nelson stated they plan to comply with the lighting requirements. Carver explained the reasoning behind the appearance requirements and the balance between economic development/rural appearance. Beagan asked about work in the building during winter. Nelson stated some limited work may be done in the winter. Possible future sanitary connection opportunities/requirements were discussed. Beagan asked about the buildings use in the summer. Nelson suggested the possibility of a small boat summer storage and launch contract service. He stated that all storage will be inside the building. Bussey made a motion to recommend approve the Special Use Permit request with the conditions that the building be done in earth tones, that the lighting fixtures be directed downward per Bayfield County lighting recommendations, that there will be year-round visual tree barrier, and that there be no storage outside including boats, trailers, etc. Boutin seconded. Motion carried.

c. Discuss the planned Comprehensive Plan revision. Reports from Committee Chairs re: Objectives and Action Items.

Discussion amongst members ensued concerning the status of reports from Committee Chairs. Categories Reviewed: Transportation, Utilities, and Housing; Land Use and Zoning. Categories Not Yet Reviewed: Coastal Resources; Natural Resources, Agricultural Resources; Economic Development; Intergovernmental Cooperation, Public Utilities. Categories Assigned: Ferraro, Agricultural Development; Beagan, Housing; Jim Miller, Economic Development; Carver, Coastal Resources. Carver suggested having Public Input Meetings as soon as status reports are completed before revision of the categories.

Reports on What is Accomplished To Date:

Housing

Objective H-1

Task 1, ACTION TAKEN: Although the Town has encourage cluster developments, no such developments have been proposed.

TASK 2, ACTION TAKEN: NONE

TASK 3, ACTION TAKEN: Contacted Catholic Charities and Habitat for Humanity to solicit their help in providing low income housing within the Town . According to Catholics Charities they conducted a survey of the Ashland and Bayfield areas and found that adequate housing was available for low income families. A study was conducted by the Commission to determine if there was a need for "young family housing". This study was inconclusive. The Town in currently conducting a study in conjunction with CORE and the City of Bayfield to determine what if any additional housing might be needed in the area.

TASK 4, ACTION TAKEN: Explored the possibility of charging a fee to help finance roads and other

infrastructure. State law requires an immediate cause and effect between the development and the need for additional expenditures on the part of the Town. A small park that exists in the development or having to pave a Town road that leads directly to the development would be acceptable. Having to pave or improve a Town road that may be experiencing increased traffic due to the development is not an acceptable reason to charge a fee.

OBJECTIVE H-2

TASK 1, ACTION TAKEN: The County has liberal regulations in place regarding rental rooms in residential areas. The County's primary concern is impact on the neighbors. No further action is necessary.

TASK 2

ACTION TAKEN: NONE

OBJECTIVE H-3

TASK 1, ACTION TAKEN: NONE

TASK 2, ACTION TAKEN: NONE

OBJECTIVE H-4

TASK 1, ACTION TAKEN: NONE

TASK 2, ACTION TAKEN: NONE

TASK 3, ACTION TAKEN: NONE

OBJECTIVE H-5

TASK 1

ACTION TAKEN: NONE

Utilities

OBJECTIVE UCF-1

TASK 1, ACTION TAKEN: NONE

TASK 2, ACTION TAKEN: NONE

TASK 3, ACTION TAKEN: NONE

OBJECTIVE UCF-2

TASK 1, ACTION TAKEN: NONE

TASK 2, ACTION TAKEN: NONE

TASK 3, ACTION TAKEN: Worked cooperatively with the Pikes Bay Sanitary District in establishing new district boundaries and exclusions which were compatible with the Town's Comprehensive Plan.

Transportation

OBJECTIVE T-1

TASK 1, ACTION TAKEN: NONE

SUGGESTED ACTION: Install traffic counters on select Town roads and apply state highway safety standards for amount of traffic recorded.

OBJECTIVE T-2

TASK 1, ACTION TAKEN: Town Board approved Scenic by-way designation for Hwy 13. Currently working with County Tourism Dept. toward encouraging other municipalities along HWY. 13 to do the same. Revising mile by mile evaluation submitted by the Northland College students on the initial survey of Hwy. 13 as it passes through Bayfield Township.

TASK 2, ACTION TAKEN: Established Star Route as Town's Scenic Road. Worked with County Forester to establish minimum scenic intrusions by logging operations along Star Route.

OBJECTIVE T-3

TASK 1, ACTION TAKEN: Town Board conducts annual survey of roads and sets priorities for maintenance and safety. Safety concerns that arise are discussed at monthly Town Board meetings.

TASK 2 & 3, ACTION TAKEN: NONE

SUGGESTED ACTION: Delete these sections as they are covered in the above Objectives and Tasks.

OBJECTIVE T-4

TASK 1, ACTION TAKEN: Sign ordinance was written specifically for the Town of Bayfield. The ordinance was approved by the Town Board and Bayfield County Board.

OBJECTIVE T-5

TASK 1, ACTION TAKEN: Currently working with Wisconsin DNR on establishing a parking lot and elevated walk-way from Hwy. 13 to the shore of Lake Superior. Town Board agreed to maintain a parking

lot for the Jolly Trail.

OBJECTIVE T-6

TASK 1, ACTION TAKEN: Approached local land owner in an attempt to reinstate snowmobile route which crosses his property. This trail allows access to the “big ravine” and a direct route to the City of Bayfield. No success at this time.

TASK 2, ACTION TAKEN: The Town Board opened all but a few town roads to ATV use. There was no action taken toward establishing new snowmobile or ATV trails.

OBJECTIVE T-7

TASK 1, ACTION TAKEN: Met with Bay Area Transit and requested that they explore providing bus transportation services throughout the Town, on an as needed basis. This would be similar to the “Blue Goose” operating in Washburn. It was determined that due to the great distances involved in the Town it would not be financially practical. CORE is now providing this type of service to the elderly.

TASK 2, ACTION TAKEN: NONE

TASK 3, ACTION TAKEN: Spoke with the owner of the Apostle Island Cruise Service. Two previous attempts to provide boat transportation out of Ashland had not been successful. No further action taken.

Land Use

LU-1

TASK 1: Ongoing and should be kept in plan.

TASK 2: Ongoing and should be kept in plan.

TASK 3: Done (business park).

TASK 4: Ongoing.

TASK 5: Actively being worked on.

Question: Is this a land use topic? It is in transportation also.

LU-2

TASK 1: Needs better definition of what this means.

TASK 2: Ongoing (proposed overlay addressed this somewhat).

TASK 3: County ordinance has good conservation subdivision language but probably should be kept in to affirm our support of the concept.

TASK 4: The town is unlikely to “adopt and ordinance” since we go by county zoning ordinance, so this should be clarified as to intent (is this already covered under the Farm Law?).

TASK 5: Done, but perhaps should remain in for support of this in future.

LU-3

TASK 1: This perhaps should be revised to speak of developments complimenting the “rural” character of the town instead of the general character.

TASK 2: This should probably be taken out, realistically the town will not be developing such ordinances and enforcing them unless we engage in our own zoning.

TASK 3: Ongoing and should be kept in plan.

TASK 4: Does the driveway ordinance address this?

TASK 5: Being worked on.

TASK 6: Could be merged with TASK 4 under LU-2: our committee struggled with what is meant by buffer (trees, shrubs, wall, etc.) and who would enforce.

LU-4

Tried incorporating this into proposed overlay. Should be kept in but really it seems to be an extension of LU-3. Again, refers to “ordinance” and “other guidelines” which realistically means an overlay to county zoning unless the town does its own zoning.

Note: The objectives really need to be re-worked in how they are written.

d. Report on CORE, City of Bayfield, Town of Bayfield Housing Needs Assessment progress.

Carver reported permission was given by the Town of Bayfield to spend up to \$5,000, as did the City of Bayfield and CORE. A total of up to \$15,000 is allocated to do a need assessment. Beagan reported the City, Town, and CORE reviewed a proposal from a

consultant that has now been selected to carry out the needs assessment. Questions pertaining to what he would be studying and the scope were discussed and the proposal is being revised.

NEW BUSINESS

a. Report on Business Park sign status and planned actions.

Ferraro reported that Star Signs of Ashland has been contacted and a design has been proposed. Carver stated that the sign installation would begin before the end of April as required.

b. Discussion on Youth Advancement in Iron County.

Ferraro handed out a copy of a study of youth retention and attraction in Iron County. He suggested that the techniques used in the study might be used in the revision of the Comprehensive Plan.

Correspondence: None

Report from PBSB representative: Steve Prevost reported Woodside Cottages is plumbed into system as well as one unit above the trailer court. The remaining designated to go in will be plumbed into system in the spring. Discussion ensued pertaining to Pikes Bay processing plan and efforts to get easements that have not yet been acquired.

Set date and time for next Commission Meeting: March 9, 2010, 7:00 PM.

Adjournment: Carver made motion to adjourn at 8:44 PM. Boutin seconded.