

**Joint Plan Commission/Town Board Meeting and Public Hearing**  
**February 13<sup>th</sup>, 2017, 5:30 PM**

The meeting was posted Wednesday, February 1<sup>st</sup>, 2017 at the Bayfield Town Hall, the Town Website, and submitted to the Ashland Daily Press Meeting Notices. Seventy-one members of the public signed the attendance sheet.

**Call to Order of Plan Commission Meeting:** Plan Commission Chairman Jack Beagan called the meeting to order at 5:30 PM.

**Roll Call of Plan Commission members:** Plan Commission members Jack Beagan, Robert Feyen, Robert Meierotto, Karen Boutin, Fred Erickson, Nancy Bussey, and Demaris Brinton were present.

**Call to Order of Town Board Meeting:** Town Board Chairman Thomas J. Gordon called the Town Board Meeting to order.

**Roll Call of Town Board members:** Town Board Members Thomas J. Gordon, Gerald Carlson, Craig Hoopman, Karen Boutin, and Robert Meierotto were present.

The Pledge of Allegiance was recited.

Chairman Gordon stated that the podium microphone is not working and those that choose to speak with need to speak loudly. He explained to all in attendance that the Town of Bayfield received a Class B Application from the Bayfield County Zoning Department from West's Big Lake Property related to the Orchard Hills property which read "request to rezone property from R-1 to R-RB to enable Big Top Chautauqua to apply for permit to move its tent and related facilities to this property". He noted that this Special Joint Plan Commission and Town Board Meeting was scheduled and posted because the Bayfield County Zoning Committee planned to act on this application at their meeting on Thursday, February 16<sup>th</sup>, which would occur prior to the Regular February Bayfield Town Board Meeting planned for Monday February 20<sup>th</sup>. The Town of Bayfield wanted to give a recommendation to the Bayfield County Zoning Committee prior to their meeting and wanted the public to have an opportunity to provide input.

Chairman Beagan gave an overview of the expected process of the meeting and called on Michael Hines, Agent of West's Big Lake Property to begin his presentation.

**Presentation by representative of West's Big Lake Property, LLC- Michael Hines Agent on their request to Bayfield County Zoning Department to rezone 70.64-acres known as Orchard Hills, off of County Highway J in the Town of Bayfield, from Residential-One (R-1) to Residential-Recreational Business (R-RB) to enable Big Top Chautauqua to apply for a zoning permit to move its tent and related facilities to this property. Parcels are in V. 1051 P. 411 (Document #2010R-535711) of Deeds and in Section 35, Township 51N, Range 4 West, Town of Bayfield:** Mr. Hines introduced himself as there on behalf of West's Big Lake Properties. He explained that West's Big Lake Property, LLC owns Orchard Hills and is requesting that part of it be re-zoned from R-1 to RR-B. He apologized that it was misstated in the application that Big Top Chautauqua had decided to move its facilities to this site. He stated

that Big Top Chautauqua is in favor of the re-zone as it would allow them to apply to relocate to this location if desired. A feasibility study would be needed prior to any such decision. They wanted to have the correct zoning classification before the feasibility study, and related expense, would be carried out. He noted that a portion of the property, about 10-15 acres, is already zoned R-RB. There is also adjacent property with residential homes already zoned R-RB. Hines suggested that they are not requesting anything out of the ordinary and added that if the Bayfield County Zoning Committee and County Board approves the re-zone request there will be additional permits required. Bayfield County and citizens could give input at that time.

Bussey asked for clarification of how many acres of the property are already in R-RB. Hines responded that he believes it is around 10-15 acres. Chairman Gordon agreed that he believes it is around 10 acres.

Chairman Beagan asked if Big Top Chautauqua were not in the equation would they be asking for the re-zone. Hines responded no he does not believe it would. He added that it is the intention of West's Big Lake Property to donate the land to Big Top Chautauqua.

Hoopman stated that this meeting is important right now because it is the only chance for the locals to give input. Hines stated that any other zoning applications in the future would go through the same process.

Hoopman added that people associate Big Top Chautauqua and Mount Ashwabay together. Hines noted that it is not the role of the Town of Bayfield to make business decisions for Big Top Chautauqua.

Erickson asked how the potential relocation of a non-profit to the location would affect the tax base, whether it would be taken off the tax roll. Hines commented that if moved, it would not necessarily mean their non-profit status would mean taxes would be removed.

Brinton stated that the Plan Commission is working on revising the Comprehensive Plan. She implied that the Comprehensive Plan includes the desire for balance and what is needed here and that there are good places for RRB and Residential. She asked what he has to say about traffic, noise, etc. Hines replied that the County has made a zoning application process to address such concerns.

Brinton commented that as a Plan Commission they need to be looking at what may happen. The Plan Commission, based on what they believe people who live here want, had decided that the property was a good place for a residential area. She stated this rezoning would be a big step and once it goes to R-RB it is a very different "ball game". She noted that there would have to be a good compelling reason to take this action.

Chairman Beagan asked if there were any questions for Michael Hines and thanked him for his presentation.

Chairman Beagan invited the representatives of Big Top Chautauqua to speak at this time.

Cheryl Fosdick stood and introduced herself as a member of the Big Top Chautauqua Board of Directors. She stated that there is a misunderstanding that the Big Top Chautauqua Board of Directors asked the property owner to re-zone the property, which is intended to be gifted to Big Top, with the intention of relocating to R-RB. She stated that they were initially interested in the property to increase the capital value of the Big Top Chautauqua organization for future projects. It would be valuable to their portfolio. Big Top Chautauqua asked that it be re-zoned prior to donation because there would be more opportunities which would be best for their portfolio. She stated that it would not preclude residential use if changed and that Bayfield County has a process to address any concerns. She commented that she doesn't believe they can develop R-1 due to the money that would be required, but could maintain R-RB.

Bill Van Sant asked from the audience if she can guarantee that the tent would not be moved to this property. She replied that she can't guarantee it and that other operations exist within the Big Top Chautauqua organization. She stated "we don't know" and that they are planning public input opportunities. They are going through a rigorous process to figure out what they want and there will be a rigorous process with Bayfield County after that. Van Sant asked why you wouldn't wait until you know what you want (before requesting a re-zone) and commented that it would be most valuable to their portfolio left in the current zoning.

Chairman Beagan intervened noting that this is not a Big Top Chautauqua Board Meeting. He asked if there were any other questions related to the request.

Bussey stated that the application document is asking to re-zone the property to move the tent and that they are trying to base their decision on the request received. She suggested that if the wording on the application did not reflect their intention that it was a "big mistake". Fosdick agreed that it was a mistake that the Big Top organization was not aware of until the application had been submitted and that an attempt was made to change the wording days before the meeting but it was too late.

Terry Matier, Executive Director, of Big Top Chautauqua clarified that their organization did not compose the application document and that an effort was made to change the wording but it was too late. Brinton commented that removing the mistaken wording or application would not mean that this move was not considered a possibility and that it would be best to be honest about the idea now that the story is out there.

Beagan noted that they needed to give an opportunity for public comment. He reported that as of that day the Town of Bayfield had received twelve letters all of which were opposed to the rezone. A motion was made by Brinton, seconded by Erickson, for the Plan Commission to accept the letters as public record. Motion carried.

**Read and place on file any letters of input:** Chairman Gordon read a list of people that provided public comment by way of letter as follows-Allen and Gail Ofstenhage, Tom Arata, Richard and Cindy Trennert-Lukens, John and Bette DeMares, Chris Rine, Frederick J. Goetz, Thomas Heffelfinger, David Reinhart, Peter Mielke, Debbie Olin, Phil Johnson, and Elizabeth Krzykowski. Gordon stated that all letters received expressed opposition to the re-zone request. He also read a list of some of the issues brought up in the letters as follows- storm runoff water,

public sewer system and related costs, preservation of natural environment, not compliant with Comprehensive Plan, proximity to homes, noise pollution, traffic, lack of time for input and people out of town, already have a location for the tent, safety and security concerns of adjacent landowners.

**Public Comment:** The floor was opened up for public comment. Speaker's comments are summarized as follows-

1. Levi Leafblad stood and commented that he lives about a mile away from the property. He disclosed that he is a Mount Ashwabay Board Member but was not there on behalf of the organization. He expressed concerns about protecting the neighborhood and economic growth noting that a property tax exemption would be a possibility. He also mentioned noise issues and the potential Pikes Bay Sanitary District costs, etc. He stated that he spent some time reading the Comprehensive Plan. He commented on the lack of local control beyond this meeting. He also expressed his opinion that the Big Top Chautauqua portfolio would remain whether the zoning was changed or not.
2. Cari Obst stood and commented that she has lived on the golf course for 20 years and is there representing the Apostle Highlands Homeowners Association made up of about 120 property owners. She stated that the president of the association has spoken to 30 property owners and none of them are in favor of the re-zone. She is a Big Top volunteer and wants to support the organization but she asked that the application be denied.
3. Terry Matier- Executive Director of Big Top Chautauqua stood and commented that the organization doesn't want to be anything other than a good community member and the plan is not to move from Mount Ashwabay. They have no current intent to leave Mount Ashwabay but are studying their options. She stated that they can't get tents anymore because they are no longer available. Vinyl tents are different in look and sound and because of this they are considering a building.
4. Kathleen Russell stood and introduced herself as a realtor that has worked in the Town of Bayfield for many years. She commented that if the property is rezoned there could be future issues, some possible uses in R-RB that could conflict with residential use. She suggested the property could be re-platted in the current zoning. She stated that without rezoning they will have greater control for future use and brought up a study about the effect of noise on property values. She asked that people think of more than this current application and into the future.
5. Christine Markley stood and introduced herself as a co-owner of the Artesian House Bed and Breakfast on Hatchery Road. She commented that Hatchery Road is not in the best shape, suggesting that an increase in use may cause additional traffic and noise issues. She read comments from some past guests of her business remarking on the quiet serene location. They also own property on Apostle Highlands Golf Course on which they plan to build a home. She quoted the Comprehensive Plan and expressed concern about property values and potential Pikes Bay Sanitary District financial burdens. She asked that Big Top Chautauqua continues to work with Mount Ashwabay.
6. A.J. Long stood and introduced himself as a Pikes Bay Sanitary District Commissioner. He stated that that wanted to clarify that Pikes Bay Sanitary District has no current intentions to extend a line up County Highway J. If it was required by the Department of Natural Resources or another agency it would fall on everyone that lives along County Highway J. to pay for it.

7. Randy Erickson stood and introduced himself as owner of C&W Trucking. He stated that they make their money in the summertime just like Big Top Chautauqua. His workers work from daylight to dark and make noise with loud machines throughout their work hours. The noise from this work could potentially affect Big Top Chautauqua. He added that truck traffic in the evening could also potentially be an issue for the Big Top Chautauqua traffic.
8. Greg Carrier, a Town of Bayfield resident and contractor, stood and thanked all board members for their work. He complimented Big Top Chautauqua as an important part of the community that he supports. He commented on his forefather's vision for the area and brought up his opinion about "boundaries and borders" that the Plan Commission helps to maintain. He commented that the proposed zoning change does not make sense at this location.
9. Bill Van Sant stood and introduced himself as owner of seven lots on Apostle Highlands Golf Course. He stated that he and his wife Marilyn are opposed to the proposed rezone of the property. He expressed his opinion that until it is known what the property is going to be used for it cannot be expected that the Plan Commission and Town Board would approve the application. He suggested looking for ways to preserve Big Top Chautauqua's location at Mount Ashwabay and that reincorporated could be a possibility.
10. Terry Metier- Executive Director of Big Top Chautauqua once again stood to convey that despite the fact that there is an architect on their Board of Directors, that individual has no intention of designing anything for them.
11. Ed Monroe stood and introduced himself as a resident of Ashland and the parent of Gina Monroe and John Sherwood, who is currently working overseas, but who just bought Kurtz's property adjacent to the property to potentially be re-zoned. He stated that he is not surprised about the issues brought up and that his daughter and husband would be returning soon and looked forward to being part of the community.
12. Kristin Connell stood and introduced herself as a local resident. She expressed concern that the people who have bought land around the property have complied with the current zoning rules. She noted a change would disrupt residents that already purchased property and just because you buy land doesn't mean you should be able to put anything on it.
13. Cheryl Fosdick, member of the Big Top Chautauqua Board of Directors, again stood and thanked people for the forum. She stated that the zoning can be kept as is. She thought that it would be consistent with the adjacent area. She stated that if they accept the land they want to steward the land. They want to know where to start and invite everyone to email them, write letters, etc. They have worked to stay at Mount Ashwabay and they currently plan to stay.
14. Dennis Clark stood and introduced himself as co-owner of Artesian House Bed and Breakfast. He noted that though much of the land adjacent to the property is zoned R-RB it is used as residential. He suggested that anyone that has an opinion on the application should attend the Bayfield County Zoning Meeting.
15. Mary Rice stood and expressed that she know a little bit about the hill because she first came here to ski. She commented on the first Big Top Chautauqua type performance on the deck of the lodge. She shared concerns for both entities and asked that they be able to come to some mediation and that they need to learn to be able to get along. She has started and will be continuing to help with the mediation. She commented that a zoning switch is inappropriate at this point.

16. Carol Lindsey stood and introduced herself as President of Ashwabay Outdoor Education Foundation. She stated that she was hesitant to comment but wanted to express that their intention is to work to ensure that Big Top Chautauqua stays at Mount Ashwabay and that they will continue to try to work it out.

No others requested to speak during the public comment section of the meeting. Chairman Beagan closed public comment at 6:42 PM. He stated that the Bayfield County Zoning Meeting would be held on February 16<sup>th</sup>.

**Discussion and possible action on recommendation by Plan Commission to Bayfield Town Board regarding rezone request:** Bussey stated that she has been on the Plan Commission for a long time noting that when the Comprehensive Plan was developed there was a lot of public input. The future land use map lists the area in question as residential. She added that this is a rural township and that is what people want. The Comprehensive Plan reflects what people want. She commented that the proposed rezone does not fit into the rural intention.

A motion was made by Bussey that based on the Town of Bayfield Comprehensive Plan the Plan Commission recommend that the Town Board not approve the application. The motion was seconded by Meierotto. A roll call was taken on whether to recommend approval of application: Feyen-No, Brinton-No, Bussey-No, Beagan-No, Boutin-No, Erickson-No, Meierotto-No. Chairman Beagan confirmed that all of the members of the Plan Commission voted to disapprove the application in support of Bussey's motion. Motion carried at 6:47 PM.

**Discussion and possible action on recommendation by Town Board to Bayfield County Zoning regarding rezone request:** Chairman Gordon stated that because of the concerns expressed to the Plan Commission and the letters received he strongly recommends that the Town Board deny the request. He added that it is not a good time of year to rezone and the residents have voiced their opinions against the application. A motion was made by Boutin, seconded by Hoopman, to recommend that Bayfield Zoning Department deny the application. Bill Bussey stated from the audience that the Wisconsin State Statutes related to amending a zoning ordinance give the Town Board the option to 1) make a recommendation on the proposed re-zone or 2) pass a resolution disapproving it. The Bayfield County Zoning Committee cannot recommend approval over a town resolution disapproving it without changes. Disapproval via resolution would carry more weight than just the motion. It was agreed that the meeting would recess to allow time to prepare a resolution disapproving the application. Meeting recessed at approximately 6:52 PM.

The meeting reconvened at 7:05 PM and the resolution was read aloud by Brinton as follows...

**TOWN OF Bayfield  
Bayfield County, Wisconsin**

**Resolution 2017-01**

**Disapproval of Petition to Re-Zone  
West's Big Lake Property, LLC - Michael Hines, Agent**

WHEREAS, The Bayfield Town Board, (the "Board") assembled February 13<sup>th</sup>, 2017.

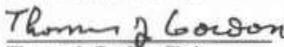
WHEREAS, the board finds that the petition to rezone West's Big Lake Property, LLC from R-1 to R-RB is inconsistent with the Town of Bayfield Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Town of Bayfield, at its meeting held this 13<sup>th</sup> day of February, 2017, pursuant to Sec. 59.695 (e) 3 Wis. Stats. disapproves the petition to rezone West's Big Lake Property, LLC from R-1 to R-RB.

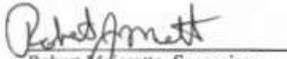
Adopted by the Town of Bayfield Board of Supervisors by a vote of 5-0.

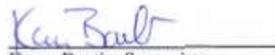
Dated this 13<sup>th</sup> day of February, 2017.

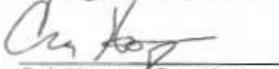
TOWN OF BAYFIELD

  
Thomas J. Gordon, Chair

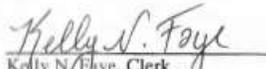
  
Gerald L. Carlson, Supervisor

  
Robert M. Merotto, Supervisor

  
Karen Boutin, Supervisor

  
Craig Hoopman, Supervisor

THIS IS TO CERTIFY THAT the foregoing is a true and correct copy of a resolution duly and legally adopted by the TOWN OF BAYFIELD at a regular meeting held on the 13th day of February 2017.

  
Kelly N. Foye, Clerk

A motion was made by Boutin, seconded by Hoopman, to approve the resolution disapproving the application. Motion carried.

**Discussion and identification of items for future agendas:** None.

**Communications and Correspondence:** None.

**Old Business**

**Update on progress in development of poster-style version of Comprehensive Plan:** None.

**New Business**

**Discussion and recommendation to Town Board regarding Class A Special Use Request from Robert and Kristin Edwards to build a recreational cabin for seasonal use on 9.84 acres zoned Ag-1 off Betzold Road. Legal Description: SW<sup>1</sup>/<sub>4</sub> of SW<sup>1</sup>/<sub>4</sub>, Sec 2, T50N., R4W.**

**Tax ID# 34338:** A motion was made by Erickson, seconded by Brinton, to recommend approval of the Edwards application. Motion carried.

**Discussion and recommendation from Town Board to Bayfield County Zoning:** A motion was made by Meierotto, seconded by Boutin, to recommend approval of the Edwards application. Motion carried.

**Adjourn Town Board meeting and continue with Plan Commission agenda items:** A motion was made by Boutin, seconded by Hoopman, to adjourn the Town Board meeting. Motion carried.

**Reading and approval of minutes of Regular Plan Commission Meeting of January 9<sup>th</sup>, 2016:** A motion was made by Boutin, seconded by Bussey, to approve the minutes. Motion carried.

**Set date and time for next Plan Commission Meeting:** Monday, March 13<sup>th</sup>, 2017 5:30 PM.

**Adjourn Plan Commission meeting:** A motion was made by Boutin, seconded by Brinton, to adjourn the meeting. Motion carried. Meeting adjourned at 7:14 PM.

Minutes Respectfully Submitted By: Kelly N. Faye - Clerk