

Town of Bayfield
Special Plan Commission Meeting Minutes:
Fire Hill Rezone Discussion
Wednesday, May 17th, 2017 5:30 PM

Meeting was posted on Tuesday, May 11th, 2017 at the Bayfield Town Hall, the Town of Bayfield website, and sent to the Ashland Daily Press Meeting notices. Plan Commission members present were Jack Beagan, Robert Feyen, Robert Meierotto, Fred Erickson, Nancy Bussey, Karen Boutin, and Demaris Brinton as well as Clerk Kelly Faye. Six members of the public were present. Chairman Beagan called the meeting to order at 5:30 PM.

Discussion and identification of items for future agendas: None.

Communications and Correspondence: None.

Public Comment: None at this time.

Old Business

a. Continuing discussion, site visit, and possible recommendation to Bayfield Town Board regarding application for Class B Conditional Use Permit from Fire Hill LLC, Robert Davidson-Agent, for a zoning district map amendment on four parcels to be rezoned from Agricultural-1 (Ag-1) and Forestry-1 (F-1) to Residential-2 (R-2). Parcel #1 is a 38.6-acre parcel described as the NE ¼ of the SW ¼ in V. 1080 P. 168-169 Tax ID #4379; Parcel #2 is a 14.5-acre parcel described as that part of the SE ¼ of the SW ¼ intended to be all of said SE SW lying North of the Association Park and West of CSM #1657, in V. 1080 P. 168-169; both parcel are located in Sec3, T50N, R4W Part of Tax ID# 36440; Parcel #3 is a 39.5-acre parcel described as the NE ¼ of the NW ¼ in V. 1080 P. 168-169 located in Sec 10, T50N, R4W Tax ID# 35741; Parcel #4 is a 3.05-acre parcel described as Lot 6 of CSM #1657 in V. 1080 P. 168-169 located in Sec3, T50N, R4W Tax ID# 35739: Chairman Beagan introduced the issue by allowing for public comment. He read a letter, received since the meeting held on May 8th, from Julie Casper and Bruce Martinsen to be recorded as public comment.

May 10, 2017

Town of Bayfield Planning Commission
Bayfield WI

Dear commissioners,

As township residents, we have specific concerns regarding the zoning change request and Class B conditional use permit submitted by Fire Hill LLC, Robert Davidson agent.

We ask that you consider the following 4 reasons for voting to deny this zoning change.

1. Precedent setting zoning change.

Making this zoning change sets a precedent for future zoning change requests. For example, we own 40 acres where two of our borders adjoin the Fire Hill development. If this change is

approved, it follows that we could make a similar request. We could ask to rezone our adjoining 5 acres (with Fire Tower Road running through it) to R1. Then we could sell residential lots along both sides of the road. Next we could request that our remaining 35 acres be changed to R2 (with a conservation easement), and proceed to cluster 7 homes on the top of the hill with a spectacular view of the Apostle Islands. Of course we would leave the remainder as "open space." Once you have set the the precedent, it would be very difficult to deny a future request such as this. We agree with commissioner Jack Beagan, who explained the problem very simply, "mission creep."

2. Protection of agricultural lands.

Farmland can be lost as a consequence of residential subdivision. Many farming practices can conflict with the desires of residential development homeowners, creating negative relationships and even legal disputes. Our comprehensive land use plan attempts to avoid preventable conflict with specific defined areas protected for agriculture. This development does not fit within the plan. In order to protect the surrounding farms, as well as all township residents, this zoning change request should be denied. Space for this type of residential subdivision and development are specifically provided for in other parts of the community where they would be more cost-effective for the town to service, and more profitable to their developers. This is a legitimate concern for local farmers, as commissioner Fred Erickson made clear at the meeting.

3. Potential ownership change.

The owner of the property is 84 years old. At the Planning Commission meeting on Monday May 8 he said that he "only had a couple of years left in him to do this development." This means that one of the likely reasons for the zoning change request is to help improve the salability of the development. We do not know who the new owner will be or what their plans will be for the property. But once the zoning change is made, "it cannot be undone," as commissioner Demaris Brinton pointed out Monday night.

4. The comprehensive land use plan.

A good community land use plan guides not only the physical and economic development of the municipality, but also accommodates social, environmental, and regional concerns. Our comprehensive plan is the result of countless hours of careful consideration and hard work by many dedicated individuals. It is an excellent blueprint for the future development and preservation of our community. This zoning change request goes against the fundamental intentions and specifications of the plan. At Monday's meeting some commissioners commented that they felt conflicted. But based on the policies outlined in the land use plan there should be no reason to feel conflicted at all. By voting against this zoning change, you would simply be following the plan's mandate.

Thank you for your generous efforts to help preserve our beautiful, unique community.

Respectfully,
Julie Casper, Bruce Martinsen
34785 Fire Tower Road, Bayfield WI

Chairman Beagan also opened the floor for those in attendance to offer thier comments.

Jon Dale, of Highland Valley Farm which is a 40-acre parcel away from the development, thanked Julie Casper for writing the letter and expressed his viewpoint that she made compelling reason to deny the zoning change. He stated that as a local farmer he appreciated Fred Erickson's comments last week. He expressed concern about potential conflicts due to Agricultural zoning being bunched up next to high density Residential zoning. He explained that he would be concerned about conflict about farmer's use of spray on their crops. Their farm cannot maintain the health of their perennial plants without spraying. He is appreciative that they have understanding neighbors and no real conflict about this at the current time. He has concerns though that a new neighborhood association may not have rural sensibilities but may be made up of high-end customers with deep pocketbooks. He is concerned they may be willing to hire lawyers if they don't get their way. He is hoping to never have to face that type of opposition. He went on to suggest that it would be difficult to say no to future requests if the zoning designation changes. He stated that on both a personal level and in the interest of the town he opposes the rezone and suggested there will never be a shortage of people that want to build houses.

Tom Galazen expressed that a lot of conflict was brought on by this development in the past, concessions were made, and the Comprehensive Plan was developed. He brought up plans for the original development that have not taken shape. He stated that this kind of rezone would be precedent setting.

At this time, Chairman Beagan closed the public comment.

Robert Davidson was asked to address those in attendance. Davidson commented that the issue was dealt with in 1990-93 and claimed that he has a vested interest as these things were agreed to at that time. He stated that it was understood that this would be a staged development. He acknowledged that hearings were long and contentious. Many of the adjacent land owners were against the project at that time. He noted that only a few were speaking against it at tonight's meeting. Davidson commented that after the development was approved, Julie Casper and Bruce Martinsen eventually suggested by letter that they all come to to an agreement. Because of this, he questions why they are again against the project now.

Bussey commented that there was no Plan Commission or Comprehensive Plan at the time of the original discussion. She stated that issues came up through the process that bothered people and that the Town's Land Use Plan was developed because of this. She added that now that there is a Comprehensive Plan, they must follow the Plan.

Davidson suggested that the Comprehensive Plan cannot wipe out vested interest. Discussion took place and it was agreed on by many that the Plan Commission is allowed to follow the guidelines of the Comprehensive Plan. Beagan noted that the only way there would have been vested interest is if the development had been included in the Comprehensive Plan. Brinton added that the role of the Plan Commission is to look the Comprehensive Plan as it currently exists. She noted that based on the Comprehensive Plan, the rezone wouldn't be seen as appropriate. She added that her opinion is also reflective of thoughtful comments from people.

Beagan read the vision statement of the Comprehensive Plan. He also commented on the fact that the future land use map does not support the area being used for the proposed purpose. He noted that rezones are the most dangerous steps to take.

Brinton added that the development of the Comprehensive Plan was a long and difficult process.

Discussion returned to the possibility of Davidson developing the land under the current zoning. It would be agreed that he had the option to do this and that it would be a typical subdivision. Erickson mentioned that the conservation subdivision would at least be protecting the forest and would not be a "cookie cutter" plan. Bussey agreed that it would look better to do a conservation subdivision but once you change zoning you set a precedent. It was noted that the plan discusses the rural atmosphere, affordable housing, and preservation of farmlands. It was also noted that they did not hear from Davidson when developing the Comprehensive Plan and that nobody has been requesting that the Plan be revised.

Davidson presented two maps showing the potential difference between the typical development plan and the conservation subdivision. The benefits of the conservation subdivision including the additional green space were observed. The issue of a conditional rezone was once again brought up but it was decided, with input from Zoning Administrator Rob Schierman, at the meeting on May 8th that this was not an option. A rezone would be required for a conservation subdivision.

Bussey commented that her viewpoint on the issue was not personal against Davidson at all and that he did a good job on Brickyard Creek.

Beagan noted that there are risks with whatever they choose.

Bussey made a motion as follows... "I move that the Town of Bayfield Plan Commission recommend to the Town Board that it disapproves the rezone request, submitted by Fire Hill LLC, of Ag-1 and F-1 parcels to R-2 under Sec. 59.69(5)(c)3 & 3m of the WI State Statutes, on the basis of our Comprehensive Plan which places emphasis on preserving its unique rural environment, encourages growth of our existing businesses, orchards, and farms, encourages affordable housing, and most importantly has a future land use map envisioning this property to remain Ag-1 and F-1." Beagan seconded the motion.

A roll call vote was taken. Feyen-yes on motion; Erickson- stated he is having a hard time due to the fact that Davidson will do the development either way, no on motion; Boutin- yes on motion; Meierotto- yes on motion; Beagan- yes on motion; Bussey- yes on motion; Brinton- yes on motion. The total vote was 6-yes 1-no. Motion carried.

Adjourn: Meeting adjourned at 6:34 PM.

Minutes respectfully presented by: Kelly N. Faye, Clerk.