

City of Bayfield Plan Commission

Minutes of January 28, 2025

Call to Order: Mayor Dougherty called the meeting to order at 9:00 am

Present: Bland, Fizell, Radtke, Johnson, Whittet

Absent: Johnston

Others: City Attorney M. Lindsey, Neil Schultz, Josh Clark (online)

Approve Agenda:

Added complete Petition signed by Neil Schultz, proof of payment, and letter from Mr. Schultz's engineer (Cooper Engineering) dated January 17, 2025. Reviewed by commission before approving agenda.

Motion by Radtke/Johnson. All ayes. Carried.

Public Input on Agenda Items: none

Agenda Item:

1. Petitions for Changes or Amendments to Rezone Block 38, Lots 5, 7-10 and 12-16 by Neil Schultz:

Schulz was asked to clarify that he wants the conservancy zoning changed to? It was not clear in the paperwork submitted. Schultz responded from W1 to W2. Schultz stated he was trying to accomplish having the City change the zoning and then let him apply for something that was appropriate. Dougherty explained the City has already determined what zone it wants and has been conservancy in the last two Comprehensive Plans. Dougherty then outlined the 7-step process to change zones. Attorney Lindsey added zoning changes are reviewed to determine if the proposed change benefits the public. Dougherty added petitioner is not required to state intended use, but it would be beneficial in determining whether it's in the best interest of the public.

Recommendation has been made to deny from the Clerk/Zoning Administrator Report due to the following (*see attached document*):

- (1) Proposed use is not consistent with the Conservancy Zoning District which the Plan Commission and the City Council have rigorously defended and kept intact for more than 50 years.
- (2) The 2019-2029 City of Bayfield Comprehensive Plan does not support or recommend altering the conservancy districts. See City of Bayfield Comprehensive Plan 2019: pgs. 7, 62, 31, Proposed Future Land Use Map.
- (3) According to law, the Comprehensive Plan must be upheld. The Plan Commission must amend the document before affirmatively voting on a measure that differs. See League of Wisconsin Municipality, "Comprehensive Plan Amendments," the Municipality, April 2019
- (4) The applicant is requesting the City to consider "spot-zoning" a particular area. The 2019-2029 Comprehensive Plan does not support re-zoning the district or this section of land.
- (5) Applicant/Application may be in violation of Judgment Order 95 CV 78, which states the applicant is prohibited from taking any actions upon Lots 9&10, Block 38, or causing or

permit any action to be taken upon said lots which would disturb the natural fauna, floral, water courses, water regimen, or topography thereon. Dougherty added if zoning would be changed, don't know how applicable that would be.

- (6) Application references activities being done in the area that have not been permitted; inaccurate statements. The conditional use permit requested from True North Sailing was withdrawn. There is not an established use or business adjacent to these lots already.
- (7) Applicant provided "Recommendations for Erosion Mitigation and Revegetation" from owner Michael Sinclair, EcoNorth. Sinclair's letter does not provide the City with certainty construction in this area will be safe. The City has been told to continue protecting these fragile soil areas. The property in question contains steep slopes at 18%. In review of the letter from Cooper Engineering concludes the driveway would have to be built fairly steep, as steep or slightly steeper than some of the steepest streets in the City of Bayfield. There would be rock cut and there would be substantial retaining walls. From a constructability standpoint, it would be very expensive, but it could be done.
- (8) Dougherty also pointed out is the letter that was submitted with the application from Sinclair talks about engineering reports that have not been provided with the application.

Bland referenced the Clark letter that appears in several of our documents that was given to the City years ago regarding steep slopes. The engineer talks about slopes of 65 to 85 percent. GIS mappers sometimes mark any slopes greater than 18% in red. EcoNorth documents are probably 65 to 80 percent slope.

Bland recommended Motion to be Denied for the reasons stated in the Clerk/Zoning Administrator Report summarized in the points above. Seconded by Fizell.

Discussion: Radtke added it looks like spot zoning and does not fit with our Comprehensive Plan. Bland added W1 designation is our strongest protection for these extreme slopes that are not appropriate for construction. Johnson participated in the Comprehensive Plan and zoning should remain as is.

Roll Call Vote: Bland approved, Fizel approved, Radtke approved, Johnson approved, Whittet approved, Dougherty approved. Motion passed unanimously.

Set Next Meeting: February 25, 2025

Motion to Adjourn at 9:40 am: Johnson/Radtke