

**DRAFT MINUTES
SPECIAL TOWN BOARD MEETING
APRIL 21, 2009
Town Hall At 5:30**

Called to order at 5:30.

All members of the Town Board Present: Beth Fischlowitz, Ric Gillman, Greg Nelson, Ham Ross and Larry Whelan.

1. Report and Recommendation RE Filling and Grading

The Town Planning Commission does, after due consideration, recommend the Town Board act to suspend any and all efforts to assess or collect any fees as a Town of La Pointe Land Use for any filling and grading or creation of any driveway beyond the road access in a right-of-way immediately and revoke any communication inferring that such activity is regulated by the Town of La Pointe.

The reason for this recommendation is there is no definition or provision defining filling or grading in the current Official Zoning Ordinance which the Commission feels is needed before such fees for would be appropriate.

Representative Sections of Discussion:

Greg Nelson: Asked whether this means that the Town will suspend the collection of fees or not get involved in any filling, grading or creation of a driveway because there's no ordinance in place regarding it?

Carl Broberg: Agreed that there is nothing in the ordinance and further stated that the notice in the tax statements ("a permit is required for land disturbance") is too ambiguous as to be unenforceable.

Jen Croonborg: Replied that the wording is a "substantial change in the use of the property."

Ham Ross: Asked if the existing permit process is adequate.

Jen Croonborg: Responded that the TPC thought it was in February.

Greg Nelson: Stated that he is still trying to determine the objective of agenda item #1.

Carl Broberg: Reiterated that the current wording is still too broad and gives sole discretion to the Zoning Administrator and the TPC cannot question or dispute the ZA.

Jen Croonborg: Said that the correct entity to which to appeal decisions of the ZA is the Board of Appeals, not the TPC.

Ric Gillman: Pointed out that there currently is a fee on the fee schedule for filling.

Greg Nelson: Expressed a need for the permit process to continue in order that the Town can maintain oversight.

Jen Croonborg: Said that property owners are going to be held much more accountable in the future (for what is done with their land), so that the permit process is actually a favor to the land owner.

Greg Nelson: Questioned the use of the phrase “revoke any communication” in item #1.

Carl Broberg: Responded that the phrase was used in reference to the item in the tax bill.

Ham Ross: Asked if this proposal is no more invasive than the Town has had in the past.

Carl Broberg: Responded with a qualified yes.

Ric Gillman: Suggested that the \$150 fee for fill be dropped from the fee schedule and requested that the ZA put an article to that effect in the *Gazette*.

Larry Whalen: Said that if this proposal is accepted, the “door is open.” A land owner may do anything on any property.

Ric Gillman: Expressed a need to clarify what a “soil disturbance” is.

Mike Starck: Said that General Code will provide the Town with sample ordinances to use in developing our own ordinance.

Motion to drop the \$150 fee for filling from the fee schedule till such time as an ordinance is in place. Amended to Motion to waive \$150 fee on fee schedule for filling. Motion: Ric Gillman; 2nd: Larry Whalen.

Jen Croonborg: Asked for clarification: does this continue the permit process but just drop the fee.

Greg Nelson: Responded yes.

5 ayes Motion Carried.

Notice of this change is to be placed on the Town Website and in the *Island Gazette*.

2. Report and recommendation RE Section 3 Zoning Districts.

The Town Plan Commission does, after a Public Hearing held on February 18, 2009, and due consideration, recommend the Town Board consider and adopt the attached draft dated April, 2009. as a replacement of Section 3 of the Official Zoning Ordinance of the Town of La Pointe including the definitions to be included therein.

Representative Sections of Discussion:

Ham Ross: Stated that he is not willing to make any commitment to this item as it contains contradictions.

Greg Nelson: States that he has questions about it. For example, what is the note at the bottom of several pages regarding residential units? Is a guest house a residential unit?

Carl Broberg: Responded that this is a method of obtaining affordable housing, albeit (in his opinion) a poor way. However, the Town Plan Commission was trying to respond to input from the public.

Greg Nelson: Pointed out that the language of the note is contradictory. If you rent out a guest house, do you have two residences?

Ham Ross: Responded that this is a sticking point in all the zones. If you rent out both your home and your guest house, you're a motel and thereby competing with lodging owners on the Island. He favors renting one or the other; he also favors no increase in density of population.

Beth Fischlowitz: Requested that hotels, motels, and B & B's be a permitted use in the Commercial zone, not a conditional use.

Carl Broberg: Pointed out that the Comprehensive Plan calls for creation of jobs, and you can't create jobs by restricting building.

Ham Ross: Responded that the Commercial Zone has to be expanded.

Greg Nelson: Stated that every time the Town tries to expand the Commercial Zone, there is a public outcry.

Carl Broberg and Greg Nelson: Agreed that a good idea would be to keep the language of the "note" in the R1 zone because there are huge tracts of land there, but since R2 and R3 are higher in density, delete the language there.

Greg Nelson: Questioned the definition of "accessory structures." He feels that handrails and benches attached to a set of stairs going down to the lake is a safety issue (similar to a fire escape) and not an accessory structure.

Mike Starck: Responded that the wording of this page was taken right out of procedural guidelines of 12/10/03.

Motion to not accept this item and send input from the Town Board to the Town Plan Commission regarding Section 3 Zoning Districts.

5 ayes; Motion carried.

3. Report and Recommendation RE Rental of Guest Houses

The Town Planning Commission does, after due consideration and a Public Hearing held on February, 18, 2009, regarding changes to Sections 2 and 3 of the Official Zoning Ordinance of the Town of La Pointe recommend the Town Board act to allow the rental of Guest Homes as permitted in Section 3 of the Official Zoning Ordinance of the Town of La Pointe when used in conjunction with the rental of the primary residence located on the property by deleting the following words from the definition of "Guest House" in Section 2.1 (15) to wit: "The design or use of a Guest House does not include boarding, lodging, motels, tents, tourist cabins, or rental for monetary."

Furthermore, the Town Plan Commission urges the Town Board act promptly on this matter since it is reasonable and customary that other accessory structures such as gazebos, decks and docks are allowed to be used when property is rented and any delay in implementation will result in irreparable financial loss to property owners and economic loss to the community.

Representative Sections of Discussion:

Beth Fischlowitz: Pointed out that this item would seem to clarify an earlier item as this seems to make it clear that only one renting party may be on the property at a time.

Greg Nelson: Stated that the Town Board just passed a fee change on long-term rentals, and if this is viewed as two separate residences, the frontage and acreage requirements would double.

Jen Croonborg: Stated that she receives complaints from people who live adjacent to rental property and that the Town needs to keep in mind the rights of the public as well as the rights of the landowner.

Ham Ross: Asked if the standard complaint process (#15) is still in place?

Jen Croonborg: Responded that it has been deleted.

Motion to not accept this item and send recommendations to the Town Plan Commission from the Town Board.

Motion: Ham Ross/2nd: Larry Whalen

Greg Nelson: Reiterated the possibility of financial loss to property owners.

Ric Gillman: Feels the Town Board can vote right now and should do so.

Ham Ross: Feels that property owners would not suffer a loss.

Ric Gillman: Calls the question.

2 ayes; 3 opposed Motion fails.

Motion to accept item 3 verbatim.

Jen Croonborg: Asked what happens to the definition of a guest house as there are currently two definitions.

Greg Nelson: Responds that the motion has to apply to the current language.

Larry Whalen: Points out that once the Town Board passes this, they are adding value to property. To undo it will be taking value away.

3 ayes 2 opposed Motion carried.

4. Discussion of Rental Property as a Whole and Accessory Structures, including definitions.

Item already discussed.

5. Discussion of the composition of the Town Plan Commission.

Representative Sections of Discussion:

Greg Nelson: Pointed out that changing the Town Plan Commission back to five members requires a text change and all the attendant procedure.

Beth Fischlowitz: Stated that this item came in front of the Town Board less than a year ago and was voted on. But the Town Board wants the Town to know that the Board listens. The TPC is in the middle of a lengthy process and the continuity of having the same members is needed. The current TPC should stay in place and having seven members gives the broadest scope.

Greg Nelson: Wants to be sure that there is Town Board representation on the TPC.

Ham Ross: Wants to see the will of the people followed. This item requires more discussion.

Greg Nelson: Wants to see more of the public get involved.

Motion to adjourn. Motion: Ric Gillman; 2nd: Ham Ross. 5 ayes. Motion carried.

Adjourned at 7:50.

Minutes submitted by Patty Hobin, Clerk of the Town

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