

**Town of La Pointe Zoning
Town Plan Commission Public Hearing
Wednesday, September 3, 2008**

Town Plan Commission (TPC) Members Present: Carl Broberg; Chair, Michael Childers; Vice-Chair, Mike Starck, Lois Carlson, Ron Madich, Suellen Soucek, Ron Harrold (arrives at 6:58 pm) (7)

Town Plan Commission Members Absent: none

Public Present: 133 members of the public signed in as present (see attached Sign-In sheets)

Town Staff Members Present: Jennifer Croonborg; ZA, Jessica Hatch; RCS (2)

The Town Plan Commission of the Town of La Pointe held a Public Hearing on September 3, 2008 at 5 pm at the Town Hall to hear public comment regarding the following:

Town of La Pointe Zoning Ordinance proposed text changes:

- 1. Revision of Section 3 (Zoning Districts)**
- 2. Additions to Section 2 (Definitions)**
- 3. Additions of Section 6.10 (Special Uses/Uses of Residential Dwellings and Property for Occupational or Business Use)**
- 4. Revision of Section 8.4.2 (Conditional Uses)**
- 5. Repeal of Section 15 (Permit Complaint Process)**

A copy of the draft proposed changes is available for inspection at the Town Hall.

TPC Chair Broberg called the meeting to order at 5 o'clock pm at the Town Hall. Chair announces that this Public Hearing has been properly noticed as a Class II notice. For the record, Chair states that one agenda posted in the town of La Pointe was taken down, but replaced as soon as it was found to be missing. Chair explains a few procedural rules due to the large number of public present. He requests that anyone who wishes to speak fill out a request form to make an oral statement, printing one's name clearly and marking which agenda item(s) they would like to speak to. He further explains that the TPC will allow five minutes for each speaker, at the end the speaker will be told their time is up so everyone who wishes can have the opportunity to speak. Once all have spoken if time remains others can speak or those that have can speak again.

TPC Chair Broberg recognizes there have been a lot of rumors. He states that he will not address all the rumors that have been passed around.

Broberg speaks on behalf of the Town Plan Commission. He begins with a brief history- this process started with the adoption of the Comprehensive Plan on April 25, 2006. He holds up a copy. He explains that requirement is to revise town ordinance to bring the Comprehensive Plan and ordinances in synch. The Town Board elected to use the services of General Code to help in the process. Broberg explains that General Code re-organized our ordinances and placed them in a Codification format. This document has been available in the town hall for about a year and a half; their version of our ordinances in a Codified format is contained there in. Along with that there is a section of Editorial questions for the Commission to consider. The last section of this book gives a number of example ordinances from

Wisconsin towns that are considered by General Code to be best practices. Broberg explains this process started January 10, 2007 with a series of seven Public Workshops to take input.

Chair Broberg elaborates further on the Comprehensive Plan, explaining that the Commission has to find alternatives to some aspects of this plan due to lack of build-able space.

Chair Broberg says the ordinance is ambiguous to the change process. The ordinance states only that a Public Hearing be held by the Commission for Zoning Map Changes. Broberg claims that what is proposed does not yet constitute a Zoning Map Change. That is yet to come and will require another Public Hearing. The Commission referred some of the work they've done to the Town Board who according to the state statutes may decide who shall conduct Public Hearings on these changes. Broberg clarifies that a letter of transmittal urging the Town Board to take prompt action has been used to accuse the Commission as trying to circumvent the legal process. Broberg states this is not true and not supported by facts.

The Commission has received a number of letters in response to this Public Hearing. The Chair advises the public of the letters that have been received and says they will be placed as part of the record of this meeting. The Chair reads the name of the correspondent and the date the letter was received:

	FROM:	DATE RECEIVED:
1.	Peter Rogers	August 20, 2008
2.	Jim and Mary Dresen	August 27, 2008
3.	Rita Donohue Brandt	August 27, 2008
4.	Molly Donohue Roe	August 27, 2008
5.	James Burmeister	August 28, 2008
6.	Rita Donohue Brandt	August 28, 2008
7.	Terrance Donohue	August 28, 2008
8.	Sheila Donohue Christensen	August 29, 2008
9.	Jane Havens	August 29, 2008
10.	Virginia and John Greenman	August 30, 2008
11.	Dan Harbin	August 30, 2008
12.	Jennifer Croonborg	August 29, 2008
13.	Keith Sowl, Chair Paul Brummer, Treasurer Ted Pallas, Secretary Representing the Sanitary Dept	August 30, 2008
14.	Peter Havens	September 2, 2008
15.	Charles Brummer	September 2, 2008
16.	Paul Brummer	September 2, 2008
17.	Mrs. Frank Gokey	September 2, 2008
18.	Jane Havens	dated July 22, 2008 (no date received)
19.	Judith Donohue	September 2, 2008
20.	Mark and Beth Lewis	September 2, 2008
21.	Molly Roe	September 2, 2008
22.	Chuck Liddy	September 2, 2008
23.	Wendy Bennett	September 2, 2008
24.	Nancy Liddy	September 2, 2008

25.	Ken Powell	September 2, 2008
26.	Letty Merrill	September 2, 2008
27.	Mitzi Olson	September 2, 2008
28.	Susan Tschann	September 2, 2008
29.	Joe McCarthy	September 3, 2008
30.	Cedric Teisberg	September 3, 2008
31.	Barbara Coffin	September 3, 2008
32.	George Haecker	September 3, 2008
33.	Robert Teisberg	September 3, 2008
34.	Joyce Yates	September 3, 2008
35.	Jennifer Croonborg	September 3, 2008
36.	James and Margo Binsfield	September 3, 2008

Chair states that these letters will be placed on record with the minutes of this meeting and will be available for inspection. It was not stated if the letters were for or against the proposed changes.

At this time the Chair opens the floor to Public Comment. He again explains the process in which this will be executed. The secretary will call names in the order the request was received and will track the time of the five-minute commentaries.

1. The first Public Comment is from Bill Bussey, attorney from Bayfield. Bussey speaks on behalf of a number of home owners from Nebraska Row, Whitefish, and Sunny Slope Road; including George and Judy Haecker, Mark and Laurie Faulkner, Shawna Woods, Jodi Woods, Ronnie Pike, Pace Wilson, Bob Woods, Mark Woods, John and Sally Cole, Molly O'Brien, Tom and Mary Woods, Bob Pace Woods, and Ted and Dawn Michaels. Bussey speaks to the Zoning District subject stating that his clients strongly oppose those proposed amendments that would allow as conditional uses or permitted uses in the R-1 and R-2 Zoning District, double family or multiple family dwellings and double family and multiple family dwelling rentals and more than one guest house in those districts. His clients also oppose those amendments that would allow hotels, motels, restaurants and taverns for any other commercial uses as conditional uses in R-1 Zoning District. Bussey reads to the TPC section 1.1 of the Zoning Ordinance, which states the intentions of the Ordinance, which in brief reflects preserving the natural beauty and resources of Madeline Island. Bussey explains that these proposed changes go against the intentions of La Pointe's Zoning Ordinance, explaining that the long-term results will lead to greater and denser development. Chair alerts Bussey that his time limit is up. Bussey requests more time at the end as he is representing many landowners. He ends by saying in summary his clients are greatly concerned that these changes may not intend a dramatic change in land use of the island or much denser development; but, Bussey tells the TPC Conditional Uses are insidious, they corrode Zoning Districts, changing the character of the island for all time causing a snow-ball effect.

2. John Coffin represents his family; who have had a home on Madeline Island since 1933. Coffin speaks to Conditional Uses; his and his families concern is that Conditional Uses set a precedent. He says, "If you make a big change and start issuing a Conditional Use here a Conditional Use there then you become much more vulnerable and lose control." Coffin feels we need to maintain Island Control for Islanders to have jobs and have enjoyment and protect the environment. Coffin advises the TPC to move slowly and not to open an invitation to franchise and big money raising taxes. He recommends the TPC take small steps, maintain control and learn from what is going on around you. If done in one fell-swoop the results will be irreversible.

3. Tim Eldred submits a written document to the TPC and reads it into the record; this letter is on file for viewing in the Zoning Minutes Book. Eldred comments on all the agenda items for tonight's Public Hearing; furthermore, he comments on home occupations, Conditional Uses, and the application of the elements of the Comprehensive Plan that are contained or should be contained in the draft, according to Eldred. Eldred's letter is in opposition to the proposed draft changes and the TPC's process in this matter.
4. Joe McCarthy submitted a letter to Town Board and TPC on September 3, 2008 and he reads it into the record during his turn for public comment, it can be viewed in the Zoning Minutes Book in Town Hall. McCarthy's letter is in opposition to the proposed draft changes.
5. Jim Ryder explains he was the Chairman of the CAPP committee when the Comprehensive Plan was created. He mentions that the guesthouse 21-day rental seems adequate. Next he speaks to the Zoning Map changes regarding the actual map and how we will have to be consistent with the Counties' Comprehensive Plan in January 2010. Ryder speaks about setbacks and non-conforming lots. He feels that changing setbacks in these lots will eliminate 95% of our land use problems.
6. Bob Kron, who was born on this island, asks us to ask ourselves why we came here to this island. He answers, "because it is unique, it has natural beauty, you liked the community." Kron says he doesn't think its broke and he doesn't think this will fix it. He thinks the island is the way it is for the last 100 years because it's been under good stewardship- it's not an accident, according to Kron. Kron is concerned about Article 15. He feels this takes away a landowner's right to a quick resolution to a dispute that he has based on a decision of a board; also, it is too expensive to go before the board. In fact he is not sure that this board or this town has the legal authority under the state statutes to do away with that provision of the law. Kron sees problems with the mixed-use up Middle Road. Kron speaks to the issue of lot sizes and setbacks in that we already have so many non-conforming lots and may be just creating more lots that are unbuild-able. Kron would like to see this revision whole at one time not bits and pieces.
7. William Grabarek submitted a letter, which is on file in the Zoning Minutes Book in Town Hall. Grabarek is a seasonal landowner on the island and has much experience in working in Planning Committees and Boards. Grabarek added additional comments during his turn to speak. Grabarek feels that residential development does not pay for itself. He explains there are many growth problems that arise and create burden to a community and would create a burden to the infrastructure of this island. Grabarek would like to see the TPC keep the original vision a benchmark by acting slowly and thoughtfully.
8. Burke Henry says he hopes to believe that the TPC developed this draft as a way to draw out from the public what they object to. Henry spent a number of years working on the Comprehensive Plan; which was put in place in 2006. He says it should be reviewed on a regular basis and realizes it is not easy to get community participation. He speaks to the density issues that have come up in this revision. He recalls his work on the Comprehensive Plan and says that the density forecasts were mainly for permanent people who would come and live year-round but would primarily make their income in the summer from the tourist industry. This aspect is linked with affordable housing prospects, he explains. He feels it is in error to increase density all over the island; these forecasts are to be looked

at every year as things change. Henry thinks the density statements should be revised immediately and that the density of the island should not change much.

9. Paul Brummer begins by saying first off this meeting should have been moved to the school. Secondly, regarding passed agendas “cryptic” is an understatement. Passed agendas only say Chapter 450, Brummer questions what is that supposed to mean? Thirdly Brummer states, since the Chair is not reading letters he will read his for him. Brummer submitted a letter on September 2, 2008 and is on file in the Zoning Minutes Book in Town Hall. He reads his letter into the record. Brummer’s letter is in opposition to the proposed draft changes.

10. Judi Patterson a year-round resident speaks to the proposed Mixed-Use Zone up Middle Road. She feels it is wrong. She feels that it is not fair to those who built their home there thinking it was a residential zone and having the zone suddenly changed to allow all sorts of uses. She was around when the Smart Growth Plan was worked one and it wasn’t her understanding that the density of the whole island was to be increased. She says perhaps the Plan needs to change.

11. Dick Hoffman submitted a letter to the TPC at the August 6 meeting and resubmits it at this Public Hearing as well as highlights some points from the letter. The letter is on file in the Zoning Minutes Book in Town Hall. Hoffman’s letter gives the TPC many suggestions regarding the text changes.

12. Jennifer Croonborg introduces herself as La Pointe’s Zoning Administrator and introduces the Recording Secretary, Jessica Hatch; whom together work as a unit making up the Zoning Department. In her job description she is required to represent the Zoning Department during Public Hearings. She would like to give comment as a private property owner as well. She explains that many of the public have come into her office and have received a document she created inserting the draft changes into the Ordinance to try to help clarify what is being proposed. Further, she explains that she gave the TPC a memo on August 29, 2008, which is on file in the Zoning Minutes Book, regarding her concerns in this revision process. She highlights a few points from this memo. Croonborg reads her letter; which is written as a property owner into the record, this letter can also be viewed in the Zoning Minutes Book in Town Hall. Croonborg’s letter is in opposition to the proposed draft changes.

Chair calls a ten-minute recess at 6:30 pm.

13. Ted Michaels says that Bill Bussey said everything he wanted to say.

14. Marcia Coleman a full-time islander speaks of Madeline Island as a beautiful place. She asks the TPC to please not increase the commercial zoning area. She fears that if this should happen people with lots of money will find ways to go around Zoning Laws and expand commercially even more. Also, she feels that if this happens her taxes will increase. She works two full-time jobs and volunteers on the EMT department. She fears she will be driven off the island once she retires. She feels once these doors are opened the TPC won’t be able to stop it. She addresses the Comprehensive Plan stating that it seems to her that the TPC are viewing this plan as an overly important document and should be rather viewed as a plan and in her view “plans change.”

15. Keith Sowl was not present at the time his turn came. He has submitted a letter, which is on file in the Zoning Minutes Book. Leslie Livingston voices concern that Keith would want his letter read at

this time. Commissioner Starck agrees to read the document. Sowl's letter gives the TPC suggestions to consider in this process.

16. Warren Anderson tells the story of how Zoning started on the island back in 1967 with three individuals, himself being one of them. Anderson makes some suggestions to the TPC. First, he feels if side yard setbacks were changed a lot of problems would be alleviated. He suggests in the W-1 zone 20 acre lots be changed to 18 acre lots and in W-2 5 acre lots be changed to 4 acre lots as old surveying was not exact and now is. Regarding the new zone up Middle Road, Anderson owns a one acre lot that on one side is Mixed-Use and one the other Light Industrial. He would like to see his be changed to one or the other. In the S-1 zone he thinks that lot sizes and side yard setbacks should be reconsidered as well solving many current problems.

17. Pete Rogers submitted a letter on August 20, 2008 and it is on file in the Zoning Minutes Book. He requests the TPC to please take the time to read it.

18. Leslie Livingston thanks the TPC for serving. She reads the vision of La Pointe from the Comprehensive Plan. She is a third generation islander. She hopes the TPC think seriously about what they have heard tonight. She makes a few suggestions. Firstly, that the TPC break up the proposed changes into sections for easier understanding. Secondly, that they schedule several meetings a year for the public to attend. Thirdly, having known there would be a big turn out she wishes they had chosen a bigger venue for tonight's meeting, she request they do this next time. She is concerned about the Town's infrastructure and the stress it will take with these changes.

Chair announces we have completed our list of commentators. He asks if anyone would like to speak again. It is realized that some public have not had a chance to speak and did not fill out a form. These people are given the opportunity to share their thoughts now.

Linda Fuller is a new comer to the island and has been paying very close attention. She thanks the Commission for their work. One comment she has to make is regarding the definition of "family." She understands that there are "bloodline" families and "island" families and this should be preserved. This is a concern of Fullers because these island families need affordable housing too and by definition may be excluded.

Bill Bussey speaks again on guesthouses. Chair interrupts and explains that the TPC's intention was that only one guesthouse would be on each lot so it is a non-issue. Bussey suggests changing the language to be clearer. He then speaks to the Complaint process explaining it is taking rights away. Broberg again explains the TPC's reasoning. The two engage in discussion on these matters.

Dick Hoffman speaks again. He refers to section 2-17 of the Comprehensive Plan titled "Plan Monitoring and Evaluation," which states that every 12 month a summary of progress should be given to the Town Board from the TPC. This has not been happening according to Hoffman. Commissioner Carlson asks for verification on the section number.

Bob Kron speaks to the island of the past regarding the commercial district. He explains how there is no place to build in this area to expand the C-1 zone.

Chair speaks of the island and its build-able land, which is limited. He explains working with the Comprehensive Plan and the TPC's goals.

Warren Anderson speaks again regarding the TPC and public involvement. He says that democracy is not a spectator sport.

Commissioner Starck hears a dilemma regarding comments he has heard between piece-mealing the changes and revealing a whole document to the public when complete.

Chair interjects that the arrangement with General Code is that they, General Code, don't get any documents until complete so they have not received any yet. Everything is still in various stages of draft format, according to the TPC.

Judi Patterson celebrates the TPC for getting this meeting together at this time.

Leslie Livingston explains how it is hard for seasonal people to make it to meetings.

Bob Kron appreciates the TPC's effort on this very hard task.

Leslie Livingston speaks about the Wilderness Preserve regarding how it is not a build-able land and is questioning why Broberg includes it in the total percentage of the island.

Chair responds to Livingston's comment.

Jim Patterson speaks about postings stating that they should be more descriptive. Also, that the new Web Site will really help with alerting the public to happenings in our government. He suggests there should be before and after text in such a text change.

Jen Croonborg asks a question to Broberg for clarification regarding process and procedure. She questions, "Are we codifying or revising?"

Broberg explains. Conversation between ZA and Chair consists of clarifying this process. Broberg ultimately states that this is not part of the codification process this is a revision.

TPC Public Hearing ends at 7:32 pm.

Town Plan Commission Public Hearing Minutes respectfully submitted by Town Plan Commission Recording Secretary, Jessica L. Hatch on Friday, September 05, 2008.

TPC Public Hearing Minutes are re-submitted by Recording Secretary Jessica Hatch on Wednesday, September 24, 2008.

TPC Public Hearing Minutes approved as amended by J. Hatch; RCS, on Wednesday, October 1, 2008.