

## **Regular Plan Commission Meeting Minutes**

### **Tuesday, January 2, 2024**

The in-person meeting was posted on December 26, 2023 at the Bayfield Town Hall bulletin board and the town website. Plan Commission members present were: Annalisa Bermel, Dennis Clark, Carol Fahrenkrog, Robert Feyen, Charles Finn, Robert Meierotto, Jim Steffenson. Town Clerk Kelly Faye and Plan Commission Secretary Amy Sherrard. The meeting was called to order by Chairperson Finn at 5:30pm.

**Public Comment:** Chairperson Finn reviewed procedure. He reminded everyone in attendance that the Plan Commission does not make the decision regarding permits, but rather, the Plan Commission presents a recommendation to the Bayfield Town Board. The Town Board can then choose to approve or deny the requests. The Town Board's decision is then passed on to Bayfield County Zoning. Bayfield County Zoning makes the final decision on a Conditional Use Permit. The County feels the best solution for any issue is at the local level. Chairperson Finn requested everyone engage in friendly and civil conversation in hopes of reaching a recommendation that is the best solution for everyone.

Mark Tregilgas: Representing 26 neighbors. Spoke regarding the daily dog barking that has happened daily for approximately the last two years. He presented a statement of concern from the surrounding neighbors. The group strongly opposes the dog boarding business and objects to Bayfield County Zoning issuing a Conditional Use Permit for the business of boarding dogs in our neighborhood, we object to being forced to listen to unruly barking dogs disturbing the peace, we object to any behavior of a dog owner that does not recognize the disturbance of multiple barking dogs in an enclosed pen. The group is concerned property values will drop should a dog boarding business be permitted.

Sarah Mather: Owns five dogs personally and takes care of twelve day-care dogs. Not all day-care dogs are there every day. Would like to provide dog services, boarding, day care and grooming in the Town of Bayfield. Currently this service is not available unless the owner travels to Ashland or Duluth. The dogs are not let outside prior to 8:00am and brought in at 5:00pm. The dogs are constantly moved from outside to inside to mitigate barking. Hopes in the future to have staff who will help and the business will create year round jobs within the community. The business will help support tourism by offering dog care services.

Numerous residents spoke both in favor and against the dog boarding business.

**Communications and Correspondence:** Letters regarding the dog boarding Conditional User Permit were received.

**Discussion and possible approval of minutes of Regular Plan Commission Meeting of December 5, 2023.** A motion was made by Meierotto, seconded by Fahrenkrog to approve the minutes. Motion carried.

### **NEW BUSINESS:**

**Discussion regarding the Conditional Use Permit Application (After-The Fact) for Sarah Mather to construct and operate an animal boarding facility; dog kennel & home-based business consisting of utilizing existing residence as a temporary base for dog daycare, boarding, and grooming facility with a future expansion to accommodate those needs in a separate building on property owned by applicant South of the existing residence.**

The applicant's property consists of three (3) parcels. Parcel #1 is an Ag-1 zoning district; a 13.82-acre parcel (Tax ID# 37868); described as a parcel in S ½ of the NE ¼ of the SW ¼ in Doc# 2018R-573709; and Parcel #2 is an Ag-1 zoning district; a 20-acre parcel (Tax ID# 4323); described as the N ½ of the SE ¼ of the SW ¼ in Doc # 2021R-590149; Parcel #3 is an Ag-1 zoning district; a 0.50-acre parcel (Tax ID# 4330); described as a parcel in SW ¼ of the SE ¼ in Doc# 2018R-573709; all three parcels are in Section 1, Township 50 North, Range 4 West, Town of Bayfield, Bayfield County, WI.

Chairperson Finn presented the Bayfield County Dog Ordinance 7.1.3: Barking Dogs. “No person owning, possessing or having charge of a dog shall permit or allow such dog to bark or howl under circumstances where such barking or howling reasonably disturbs another.” The County has contracted Animal Control from Ashland for enforcement of this ordinance.

Clark questioned Mark Tregilgas as to what time the barking happens. Mark Tregilgas: Barking happens every day and at all times of the day, winter and summer. Fahrenkrog: Questioned how many times has Ordinance 7.1.3 has been enforced. Bermel spoke that based on the county zoning dog boarding would be consistent with appropriate use, 40 acre parcel, all agriculture, no spot zoning. Bermel stated she does not have an issue with this business in the current location.

Chairperson Finn reviewed the conditions Mather has already committed to with Bayfield County Zoning:

- All dogs will be kept inside from 5:00pm - 8:00am.
- No animal drop offs or pick ups permitted between 9:00pm - 6:00am.
- Dogs associated with the business must always remain inside the fenced areas.
- The property owner will clean up metal debris prior to opening a commercial facility.
- Property owner shall obtain address sign from Bayfield County Land Records Department prior to opening new commercial facility.
- Property owner shall submit parking plans prior to opening new commercial facility.

Mather explained her proposed building plan, dog runs would be behind the building and the fence would contain slats for privacy. Steffenson asked Mather if she would be amenable to installing a six foot solid fence alongside the kennel. Mather agreed. Community added tall fences are placed for noise reduction along side heavily traveled roads.

Discussion regarding if a dog boarding facility falls into the Town of Bayfield’s Comprehensive Plan. A large number of uses of property is acceptable in AG1 with a Conditional Use Permit. Mather hopes to start construction in the spring of 2024 and be open in the fall of 2024.

Finn suggested that the Plan Commission consider the following conditions:

- All dogs (including Sarah’s personal dogs) will be kept inside from 5:00pm - 8:00am.
- No animal drop offs or pick ups permitted between 9:00pm - 6:00am.
- Dogs associated with the business must always remain inside the fenced areas.
- The property owner will clean up metal debris prior to opening a commercial facility.
- Property owner shall obtain address sign from Bayfield County Land Records Department prior to opening new commercial facility.
- Property owner shall submit parking plans prior to opening new commercial facility.
- A six or eight foot fence be constructed alongside the kennel.

Bermel expressed concern regarding placing restrictions on Sarah’s personal dogs and placing the burden of constructing a large and expensive fence that seems to be an unproven mitigation tool. The fence could be explored at a later date if the other conditions continue to be problematic. Chairperson Finn reminded the Plan Commission that they will make a recommendation to the Town Board and then the Town Board will make a recommendation to Bayfield County Zoning which will be the final decision maker.

Fahrenkrog stated the fence condition could remain as a recommendation and the Town Board and Bayfield County Zoning can decide if the condition should stay or not. Fahrenkrog also stated that the parking plan be more specific and that it will be on the side of the building where the dogs can’t see the cars, showing effort to try to mitigate the barking. Chairperson Finn questioned the community if these conditions were acceptable. Question from the community as to who enforces the ordinance. Finn stated that neither the Plan Commission or the Town enforce the ordinance, but instead the county. Bayfield County Dog Ordinance 7.1.3 does not go away whether this permit is approved or not. A Conditional Use Permit is a legal document that if it is not followed it can be withdrawn and the business stopped. Mather stated the County Sheriff has

been called approximately 20 times regarding the barking dogs. Clark expressed concern that the fence will not help with the noise. He also stated that this is a tough situation and is concerned about building a expensive facility and yet the noise persists. Fahrenkrog reiterated what Bermel stated that this business is an acceptable use in AG1.

Tregilgas thanked the commission for hearing both side of this issue, he also stated that his concern is NOT from 5pm - 8am. The barking from 8am - 5pm is what is problematic. Fahrenkrog asked Tregilgas if he had any suggestions (other than not building it at all). Tregilgas stated he would like to see all dogs be kept in an indoor kennel. Mather noted that there are other dogs in the neighborhood and that there is barking throughout the neighborhood when her dogs are inside. Mather is opposed to an exclusively indoor kennel as she owns close to 40 acres and dogs should be allowed to be outside.

Chairperson Finn stated that the Plan Commission is working hard to hear both sides and figure this out and find a solution. The options are very limited. Chairperson Finn explained to the Plan Commission that they would have to find significant evidence to reject this Conditional Use Permit.

*Motion was made by Meierotto to make a recommendation for approval as long as the conditions that have already been discussed between Mather and the County be met. He would like to add an additional condition that a fence be constructed, size to be determined. Seconded by Clark.*

Discussion: Feyen asked what if the conditions do not help the situation. Finn responded that the county ordinance 7.1.3 would have to be referred to. Faye clarified the motion: A motion was made to recommend approval for the Conditional Use Permit with the following conditions:

- All dogs associated with the animal boarding business will be kept inside from 5:00pm - 8:00am.
- No animal drop offs or pick ups permitted between 9:00pm - 6:00am.
- Dogs associated with the business must always remain inside the fenced areas.
- The property owner will clean up metal debris on Tax ID: 4323 prior to opening a new commercial facility.
- Property owner shall obtain address sign from Bayfield County Land Records Department prior to opening new commercial facility.
- Property owner shall submit parking plans to the department prior to opening new commercial facility.
- A fence of some size be constructed to help alleviate the noise.

**Roll Call:** Bermel - YES, Clark - NO, Fahrenkrog - YES, Feyen - ABSTAIN, Finn - YES, Meierotto - YES, Steffenson - YES. Motion passes.

**Updates from the Plan Commission:** Chairperson Finn gave a follow-up on the cell tower construction. Bayfield Town Chairperson Hoopman sent a letter to Bayfield County with a request from the Town of Bayfield that any cell tower development in Bayfield County, regardless of the zoning district, go through the Conditional Use process so that towns/communities can have input.

Land Use Plan - the county does not approve Land Use plans, they accept them only.

Campgrounds - Finn approached the county with the towns concerns regarding fire inspections and the sleeping cabins at the campgrounds. Campgrounds are under the state jurisdiction. Concerns were raised regarding Short Term Rentals and Fire Inspections. STR's should be made aware that at this time Fire Inspections cannot be completed, due to lack of Fire Department man power.

**Next Meeting:** March 5, 2024 at 5:30pm

**Adjourn:** A motion was made by Clark. Motion carried.

Minutes respectfully submitted by:

Amy Sherrard

Plan Commission Secretary