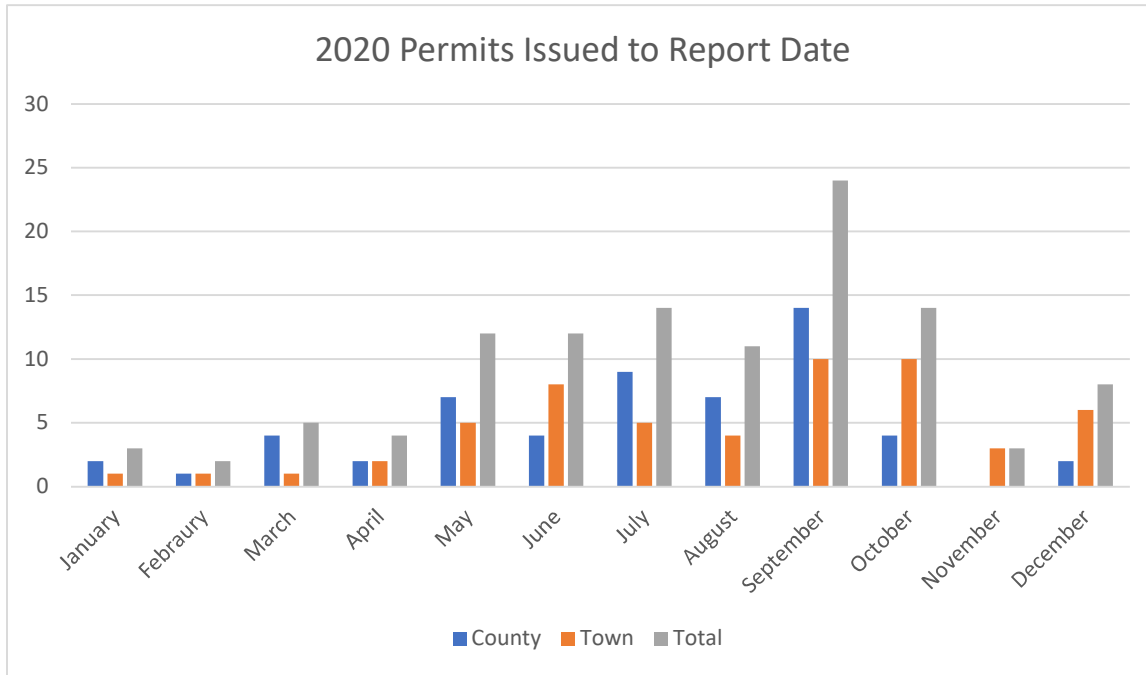


Zoning 2020 thru 12/22/20
Routing: TB (5), TPC (5), Clerk (1), Asst. Clerk (1), File (1), Staff Email (5)

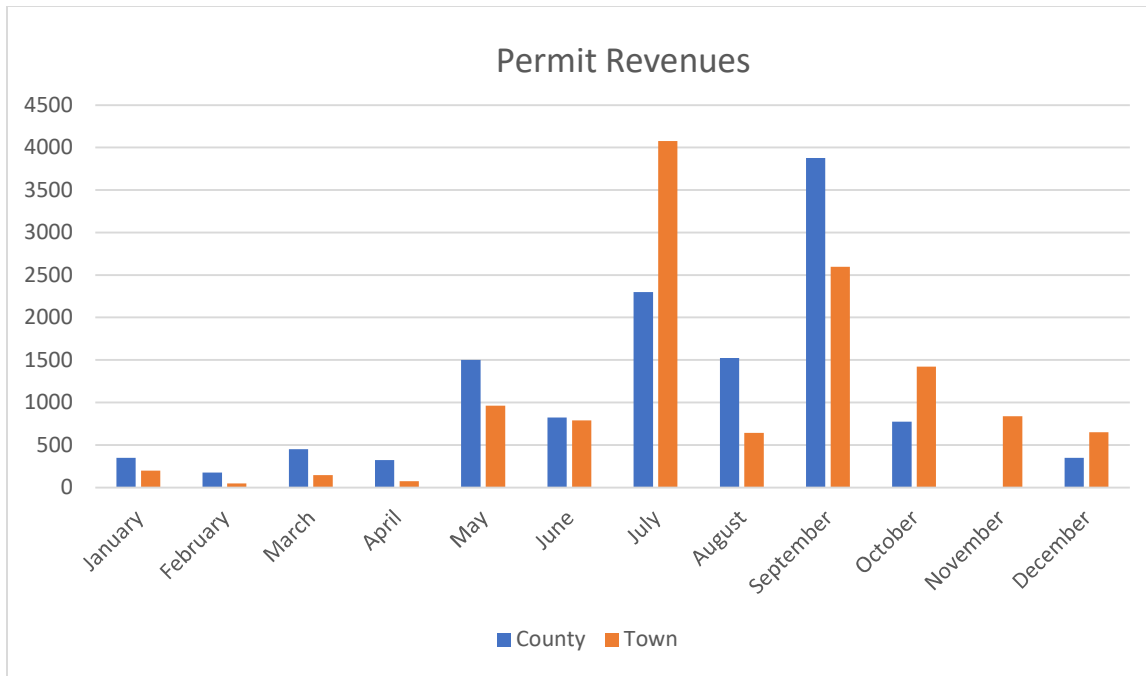


Total County Permits to Date: 61
 Total Town Permits to Date: 53
 Total Permits: 114

Comparative Data (2019)	
Total County Permits to Date:	32
Total Town Permits to Date:	51
Total Permits:	84

Permit Activity
 County up 47% from last year
 Town up 3% from last year
 Total Permits up 27% from last year

Zoning 2020 thru 12/22/20
Routing: TB (5), TPC (5), Clerk (1), Asst. Clerk (1), File (1), Staff Email (5)



Total County Permit Revenue: 12,450.00
 Total Town Permit Revenue 11,611.75
 Total Permit Revenue 24,061.75

Comparative Data (2019)	
Total County Permit Revenue to Date:	10,225.00
Total Town Permit Revenue to Date:	12,004.50
Total Permit Revenue to Date:	22,229.50

- Over-all Permit revenue in is up 7.0 %
- County Permit revenue is up 17.6 %
- Town Permit Revenue is down 2.8 %

OTHER REVENUE

Zoning 2020 thru 12/22/20

Routing: TB (5), TPC (5), Clerk (1), Asst. Clerk (1), File (1), Staff Email (5)

The Town issued 130 rental permits this year @ 125.00 each:	16,520.00
3 Applications for Certified Surveys @ 250.00	750.00
1 Application for Zoning Map Change @ 750.00	750.00

GENERAL INFORMATION

- There are two outstanding rental properties identified as renting without the Town Permit. These owners have been contacted and have sought the appropriate application for the Rental Permit. The ZA will withhold further rental permitting until all applications and permits are up to date.
- Reflected in the Town Plan Commission draft minutes of 12/2/20, the TPC deliberated on the Hartzell petition on a Zoning “Map Change”. The canvas of the vote is recorded in the minutes. The results were to recommend to the Town Board to deny the petition by a Vote of 4 to 1 (Starck). Mr. Hartzell requested the TPC delay the recommendation as he wished to further explain and/or alter his plan to the objectors of record. The TPC motioned to delay the recommendation for a period not to exceed 6 months, this motion carried 5 – 0. The recommendation will be placed on the Town Board prior to the allotted time period.
- I am attaching a narrative and encourage, Town Board Members, Planning Commissioners and Town Staff becoming informed related to pending issues. As most of the Town is aware of proposals recently presented by Robert Hartzell, the situation is being addressed by the Town Plan Commission and this will remain on their agenda. In relation to this the ZA published a letter in the last Gazette. This narrative will include pertinent copies of communique’s.

THE FOLLOWING PERMITS HAVE BEEN ISSUED OR ADDED TO THE ZONING DATA BASE SINCE THE LAST ZA REPORT ON 11-5-20

11/30/20			CSM	Crofoot, Ronald		Bojo Ln	014-00200-3600	CSM	250.00T	12/1/20
12/8/20			2020-48	Tavis Pearson		Miller farm Rd	014-00196-0500	Driveway	50.00T	12/3/20
12/8/20			2020-49	Kathy Wroblewski		Minnewawa	014-00252-000	Accessory	241.50T	12/8/20
12/9/20			2020-50	Nat and Hilary Nelson	723	Miller Farm	014-00196-0400	Driveway	50.00T	12/9/20
12/15/20	Pending		2020-51	Riley Brown	476	Mondamin	014-0021100400	Accessory Sanitary	185.00T 175.00C	12/15/20
12/15/20	Pending		2020-52	Brad and Karen Nicholas	428	Deerwood	014-00191-0108	Camper Sanitary	75.00T 175.00C	12/15/20
12/15/20			2020-53	Ben and Sarah Schram	630	Penny Lane	014-00193-0400	Change of Use	50.00T	12/15/20

Zoning 2020 thru 12/22/20

Routing: TB (5), TPC (5), Clerk (1), Asst. Clerk (1), File (1), Staff Email (5)

Please familiarize yourself with the issues addressed below:

As most Town Board members, Staff and several community members are aware, Bob Hartzell has been presenting a development project which leads the Town Plan Commission and zoning into a quandary. It is Mr. Hartzell's desire to create a "Glamping Project" on recently acquired properties from Pan-O-Gold (commonly referred to as "Wayne's World"). This concept is multi-layered and involves the filing for an "Expandable Condominium". This condominium proposal is not an uncommon application in Zoning, and in fact can be a form of land use that minimizes impact. There are however concerns related to his proposals that the Town Plan Commission is addressing. The property related to this proposal are in R-1 Zoning District, low density residential (1 acre minimum). Mr. Hartzell hold 100 acres+.

Our Zoning Ordinance lacks certain definitions which need to be addressed this coming year:

- We have not defined a "Glamping Unit". Mr. Hartzell believes this unit should qualify as a single-family dwelling. If that were applicable there would be nothing stopping him developing Glamping Units under the auspices of an "Expandable Condominium". In discussion, the TPC thought James Price, Town Building Inspector may be able to offer some guidance to this definition, however I believe this definition can be clarified and applied by the TPC. While the TPC will not change the current ordinance in order to quell the concept provided a consensus will be sought as to the interpretation of the Glamping Unit/Single-Family Dwelling/Camping Unit;
- We have not defined a "Glamp Ground", however in several other states, local jurisdictions have applied language and ordinance related to campgrounds to this concept. It would seem if the interpretation of a "Glamping Unit" does not meet the threshold of a single-family dwelling, the existing ordinance for a campground in certain circumstance would be applicable, (campground is not a permitted or conditional use in R-1):
- We have not defined "Resort". Mr. Hartzell does refer to this project as a "resort" and as such seems to declare this is "Commercial Activity" in a residential zone; and,
- We have not defined "Commercial Activity". Again, this proposal seems to usurp some of the intent in zoning, under the guise of "Expandable Condominium". Please note the "Expandable Condominium" is an excepted practice in zoning and is governed by State Statutes.

The above issues will be thoroughly addressed by the TPC this winter, and they will communicate findings, questions and discovery to all concerned parties. Zoning has also alerted Max Lindsey, the Town's Attorney on pertinent issues related to the above. For your general information the following are common definitions utilized in other Zoning jurisdictions.

Zoning 2020 thru 12/22/20

Routing: TB (5), TPC (5), Clerk (1), Asst. Clerk (1), File (1), Staff Email (5)

- **RESORT:** a place to provide recreation, entertainment, and accommodation especially to vacationers: a community or establishment whose purpose or main industry is catering to vacationers.
- **GLAMPING:** Outdoor camping with amenities and comforts (such as beds, electricity and access to indoor plumbing) not usually used when camping: to go camping, but with nontraditional accommodations that include some of the comforts and luxuries of home.
- **COMMERCIAL ACTIVITY:** An activity that promotes, creates, or exchanges commercial products or services. Commercial activities include, but are not limited to, advertising, fund-raising, buying or selling any product or service, encouraging paid membership in any group, association or organization, or the marketing of commercial activities.

I am copying and pasting some communiqués related to this issue and proposal.

December 10th, 2020 (Original copy on file)

Robert Hartzell
4282 Cottage Park Rd
St Paul, MN 55110-3853

Dear Bob,

I am writing to you regarding your plans conveyed to the Town Plan Commission and as published in the most recent issue of the Gazette. While I wish to preserve all your rights afforded through our zoning ordinance, I also want to highlight some concerns. As you know your proposals have been met with mixed support and concerns. While some have appreciated your willingness to continue the utilization of the existing trails, others have expressed concerns over the impact of the proposal.

When you and me initially spoke of your ideas, you addressed the possibility of seeking a map change in Zoning, from R-1 to W-2. I have given this some thought and offer the following for your further consideration.

In clarification I know you are doing some "Forest Management" in brush and tree removal on the properties and that you have stated you are not engaged in "Land Disturbing Activity", (*defined in ordinance as: Any man-made change of land surface including stumping of vegetative cover, excavating, filling, soil deposits and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops: growing and tending of gardens: harvesting of trees; and, landscaping.*). I also appreciate your willingness as stated to have wetland delineation this spring prior to identifying building sites and other land use activity.

Zoning 2020 thru 12/22/20

Routing: TB (5), TPC (5), Clerk (1), Asst. Clerk (1), File (1), Staff Email (5)

First you have the right to divide this property into legally recognized lots in R-1 zoning, (1 acre minimum). Second the development of an “Expandable Condominium” is a recognized practice and in some ways a better utilization of land use given common areas of preservation.

Along with the minimum lot size in R-1 there are other privileges and restrictions which need to be addressed. I know you are aware of our ordinance and zoning matrix, so I won't take time to elaborate on these. I will note that “campgrounds” is not listed as a permitted or Conditional Use in this district.

I want to offer the following as common definitions in relation to your proposal and presentation.

Resort: A place designed to provide recreation, entertainment and accommodation to vacationers: a community or establishment whose main purpose or main industry is catering to vacationers.

Glamping: Outdoor camping with amenities and comforts (such as beds, electricity, and access to indoor plumbing) not usually used when camping. To go camping, but with nontraditional accommodations that include of the comforts and luxuries of home.

Commercial Activity: An activity that promotes, creates, or exchanges commercial products or services. Commercial activities include, but are not limited to, advertising, fund-raising, buying or selling any product or service, encouraging paid membership in any group, association or organization, or the marketing of commercial activities.

It seems we are presently debating several other definitions.

1. **Single-Family Dwelling vs. Glamping Unit:**

Our ordinance defines:

Dwelling – A structure or part thereof designed or used exclusively as a residence or sleeping place, but not used for transient occupancy, except when complying with Town of La Pointe rental ordinance.

Single Family Dwelling – A structure designed or constructed to be occupied by a single family for the purpose of human habitation.

While our last meeting seemed to look to our building inspector for guidance on this definition, I believe the decision as it relates to a Glamping Unit is vested in the Town Plan Commission.

2. **Camping on Private Lands:**

Zoning 2020 thru 12/22/20

Routing: TB (5), TPC (5), Clerk (1), Asst. Clerk (1), File (1), Staff Email (5)

Our ordinance allows camping on private lands though the number is limited and requires a permit. These regulations can be found under **SECTION 4.3 SUPPLEMENTARY REGULATIONS D. Camping on Private Lands. La Pointe Zoning Ordinance.**

3. Campground vs. Glamp Ground:

In some other jurisdictions (states) local zoning has adopted campground regulations and applied this criterion to Glamp Ground development and operation. Though the Town of La Pointe has not specifically addressed this issue, there are ordinances related to your proposal e.g., rentals, incidental dwellings, commercial activity, and other applicable zoning regulations.

4. Camping Unit:

You have expressed the belief that a glamping unit exceeds the defined size of a camping unit, which by your representation is 400 square feet or less. This alone does not qualify a Glamping Unit as a Single-Family Dwelling. Given that interpretation alone, a tent in excess of 400 square feet would qualify.

Again, while our last meeting seemed to look to our building inspector for guidance on this definition, I believe the decision as it relates to a Glamping Unit is vested in the Town Plan Commission.

5. Rental of Incidental Dwellings:

The Town of La Pointe recently ordained the rental of "Incidental Dwellings" which includes camping units. The regulations regarding such define one such unit per property which must have an existing dwelling.

6. Commercial Activity in a restricted Zone:

Quite frankly from my perspective your proposal seems to be directed toward developing a commercial camping/resort facility under the guise of "expandable condominium" and thus usurping the purpose of zoning.

The issues addressed above I believe are the initial concerns of Zoning and the Town Plan Commission. As Zoning Administrator, I want to protect your property rights, the rights of your neighbors the integrity and purpose of zoning with adherence to our Comprehensive Plan.

Zoning 2020 thru 12/22/20

Routing: TB (5), TPC (5), Clerk (1), Asst. Clerk (1), File (1), Staff Email (5)

Possible alternatives.

While the following procedures and approach may not meet with Town Plan Commission approval or the blessings of the community, they are legitimate and available to you should you wish to pursue them.

1. Map Change Petition

You could petition the town to place some of this property under the W-2 Zoning District. This district requires 5 acre lots and presents eligibility for a Conditional Use in developing a campground. While you may be concerned in density issues, campgrounds are not subject to one unit per 5 acres, the development and density can be determined through the Condition Use Permit.

2. Conditional Use

As mentioned above the W-2 Zone allows for a “campground” as a Conditional Use.

If you were to place more than one 5-acre or more parcels in W-2 expansion could be based on actual data and impact following the development and utilization of an initial Conditional Use.

As an example, if you were to receive permission to place 3, 5 acre parcels in W-2 and subsequently apply for a Conditional Use for a “Campground” on one of the parcels, it gives the community an opportunity to acclimate, assess impact and provide feedback to the project.

In clarifying this. You could define several properties for W-2 consideration and stage your development on separate parcels for optimum feedback from the community, and zoning.

The advantages of this approach are:

1. It preserves Zoning and does not set a precedence for commercial activity in all zones;
2. It keeps the community informed on all phases and developments of your project;
3. It provides the community with a voice regarding support and or objection;
4. It eliminates the concern of selling and/or not selling units as a condominium; and,
5. Meets with your desire to have the holdings in sole proprietorship.

Zoning 2020 thru 12/22/20

Routing: TB (5), TPC (5), Clerk (1), Asst. Clerk (1), File (1), Staff Email (5)

The above complies with zoning and offers remedies afforded to all shareholders in the Town of La Pointe, further it does not disqualify your opportunity to pursue an "Expandable Condominium" concept on parcels remaining in the R-1 Zone.

Should you consider the alternative outlined above I would suggest canvassing the community and assessing the reception of the proposals. I look forward to hearing from you in reference to the above.

Sincerely,

Ric Gillman, Zoning Administrator
Town of La Pointe

CC: file

Gazette Article from ZA November 2020. Please also refer to the Hartzell proposal in the same publication.

Notes from Zoning Regarding Proposed Projects

PROJECT DESCRIPTION

Mr. Hartzell has purchased properties from Pan-O-Gold Baking Company which we commonly have referred to as "Wayne's World". He is presenting the possibility of developing an "Expandable Condominium" on recently acquired property in the R-1 Zone, low-density single-family district. This concept has been applied in various jurisdictions, including Bayfield County (Brickyard Creek in Red Cliff). He has also presented the possibility of developing a "Glamping" project. Glamping is a high-end camping unit, permanently installed on a given location. He also has stated he views a Glamping Unit as a single-family dwelling.

Mr. Hartzell has presented some of these ideas to the Town Plan Commission at the September and October Regular Monthly Meeting. The Town Plan Commission has not expressed an opinion on any issue presented by Mr. Hartzell.

POTENTIAL ZONING ISSUES

There are several issues here which will need to be considered by Zoning, addressed below. However, Mr. Hartzell is promoting this idea with the community and you may have some concerns or questions regarding this issue.

Mr. Hartzell is in the process of obtaining some Land Use Permits related to 7 parcels he currently owns. This land use is regarding land disturbance and removing some stumpage and trees, and filling some depressed areas created by stumpage and road (existing) improvements. While he

Zoning 2020 thru 12/22/20

Routing: TB (5), TPC (5), Clerk (1), Asst. Clerk (1), File (1), Staff Email (5)

initially verbally asked to permit a parking lot on the southernmost parcel of his holdings, I informed him I would not grant a permit for a parking lot. In doing so Zoning would appear to be endorsing the over-all proposal. I will however permit Land Use as afforded any property owner in the given Zone. These permits will be parcel specific and each will note limits e.g., not a parking lot but a width and size limit.

ZONING CONCERNS NEEDED TO BE ADDRESSED

- Glamping units as a single-family dwelling
- Commercial Activity in R-1
- The applicability in our zoning ordinance re: Expandable Condominium
- Campground vs. Expandable Condominium vs. Resort

While these are not the only Zoning concerns, they are the first steps in determining the feasibility of his related plans.

PROCESS FOR ADDRESSING ZONING ISSUES

Should Mr. Hartzell proceed with his plan, some of these issues would mandate an application for a “Text Change” in Zoning requiring a Public Hearing and community notifications. There will be nothing issued from Zoning beyond the ordinance in place, and there will be no decisions or recommendations rendered without the proper application/notice and open deliberation. Mr. Hartzell is aware of zoning constraints. You can find information on zoning ordinance amendments at our web site www.townoflapointewi.gov Zoning Ordinance. <https://www.townoflapointewi.gov/assets/files/2019/09/zoning-ordinance-7-2019.pdf> , pages 88-91.

Zoning preserves the current ordinance and any proposed alteration of such requires the opportunity for public input. In short, the only thing on the table is Mr. Hartzell’s ideas. Zoning will not issue any permit beyond the scope of what is currently allowed.

Of note: Mr. Hartzell has been issued a Conditional Use Permit in 2007 on a parcel located on Mondamin Trail. This is for a “Spa”. He may apply for permits related to this though it has no bearing on the plans he has presented above.

In final there are other communications between the ZA and Hartzell/Town’s Attorney/TPC memos/Emails, which are available at your request they are only omitted at this time as they address the issues already stated. Please refer to TPC draft minutes of 12/2/20.

Ric Gillman, Zoning Administrator 12/16/20