

**MINUTES OF PUBLIC HEARING
Sawyer County Zoning Committee
February 15, 2019**

Zoning Committee Members

Ronald Buckholtz, Chairman
Bruce Paulsen
James Bassett
Elaine Nyberg
Troy Morgan
Bill Voight

Zoning Administration

Dale Olson, Zoning & Conservation Administrator
Kathy Marks, Deputy Zoning & Conservation Administrator
Jay Kozlowski, Assistant Zoning Administrator
Rebecca Roeker, Corporate Council

PRELIMINARY MATTERS

- 1) Call to Order and Roll Call
Buckholtz called the Public Hearing before the Sawyer County Zoning Committee to order at 8:30 AM in the Sawyer County Courthouse, 10610 Main St. Hayward, Wisconsin. Roll was called finding present: Buckholtz, Bassett, Nyberg, and Morgan. Paulsen and Voight were absent. From the Zoning Office Olson and Marks. Rebecca Roeker from von Briesen & Roper, s.c. as legal counsel for Sawyer County.
- 2) Pledge of Allegiance.
- 3) Statement of Committee and Hearing Procedure.
Those persons wishing to speak will be afforded the opportunity provided they identify themselves.
- 4) Statement of Hearing Notice.
The Public Hearing Notice was published as a Class 2 Notice in accordance with Chapter 985 of the Wisconsin Statutes in the Sawyer County Record on January 30, 2019 and February 6, 2019.
- 5) Approval of January 18, 2019 minutes. Motion to approve by Morgan with the condition that all of our written minutes are subject to the clarification and correction via the audio recording. Second by Bassett. Roll call – Bassett –yes, Nyberg – yes, Morgan – yes, Buckholtz – yes. Motion carried.
- 6) Public Comment. Roeker wants the record to reflect that this is an opportunity for anyone wishing to speak on the agenda items requiring a public hearing. We have several items that do require a public hearing, so this is also an opportunity to speak on those items. Linda Zillmer, Edgewater property owner speaks of the items on the agenda today, sufficient notice to the public and easy access for the Committee to gain information for fully informed decisions. Zillmer asks that the agenda to include the legal description of what is being requested and then then the link at the end. Zillmer has an ongoing concern with public notices and hearing procedure. Olson addresses Zillmer concerns regarding the website and hearing procedure.

REZONE APPLICATIONS

1) Town of Winter - #19-003; Emery & Mary Neitzel. Part of Government Lot 5; S30, T38N, T03W; Parcel #032-338-30-5503; 3.04 total acres. Zoned Forestry One (F-1) and Residential/Recreational One (RR-1). Permit desired to rezone the Forestry One (F-1) to conform to the zoning type Residential/Recreational One (RR-1) of remaining property. Flambeau River State Forest – WI Dept. of Natural Resources. Part of the NE ¼ and the NW ¼ and the NW ¼ and the NW1/4 all in S31, T38N, R03W; 646.72 total acres. Zoned Forestry One (F-1). And part of the SW ¼ SW ¼. SW ¼ of S30, T38N, R 03W; 71.29 total acres. Zoned Forestry One (F-1). Permit desired to change zone district Forestry One (F-1) to Residential/Recreational One to conform to the zoning type Residential/Recreational One (RR-1). See attached preliminary Certified Survey Map of zone changes and outlot that will be approved with Certified Survey. Olson reads the application, Town approval, Opinion letters and Staff Report. Emily Pierce, agent for Neitzel and Steigerwaldt, speaks in favor of the application. Linda Zillmer, Edgewater property owner, speaks in objection of the application. Roeker asks of Town Comments. Olson responds that the Town had no comments. Discussion with Committee, Roeker, Emily Pierce, agent and Olson of conditions that may be placed on the Rezone and what exactly is being rezoned. Dan Pleoger, County Surveyor speaks of the past survey problems of this area. Discussion continues. Motion by Morgan to postpone the application until March Zoning Committee meeting, second by Bassett. Discussion continues. Morgan withdraws his previous motion, 2nd by Bassett. Motion by Morgan to table the application to hear later in the meeting, second by Bassett. Roll call finds Morgan – yes, Nyberg – yes, Bassett – yes, Buckholtz – yes. All in favor.

CONDITIONAL USE APPLICATION

1) Town of Hayward - #19-011; Thomas & Mary Wolf Trust. Part of Government Lot 4; Lot 4 CSM 31/105 #7693, S35, T41N, R08W; Parcel #010-841-35-5417; 3.26 total acres; Zoned Residential/Recreational One (RR-1). Permit desired for the construction of a 40'x 60' accessory building with no habitable space for storage of boats, vehicles and miscellaneous articles for the owner located across Haskins Road (a Town Road) from principle building. Olson reads application, Town approval, Opinion letters and Staff report. Tom Wolf, owner speaks in favor of the application. No audience comment. Discussion continues. Nyberg requests a five minute recess.

Buckholtz calls for a five minute recess. 9:37 AM Buckholtz calls meeting back to order.

Olson reads the 4.26 Accessory Building from the Ordinance. Motion by Nyberg to approve with conditions of Driveway entrance to be located as far north as possible, New Fire #, Lot binding agreement, and a one year time limit for Land Use application to be applied for. Second by Bassett. Roll call finds Nyberg – yes, Morgan – yes, Buckholtz – yes, Bassett – yes. All in favor. Findings of Fact: It would not be damaging to the rights of others or property values.

2) Town of Winter - #19-007; Sawyer County. Agent: Town of Winter, Ronald Barnaby. Part of the SE ¼; S16, T37N, R4W; Parcel #032-437-16-1101; 10 acres of 640 total acres; Zoned Forestry One (F-1); Known as Haystack Road Pit. Permit desired for the carry forward of conditional use permit #03-022 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on May 18, 2003. Olson reads application, Town approval, Opinion letters and Staff report. Ron Barnaby, Chairman for Town of Winter speaks in favor of application. Linda Zillmer, Edgewater property owner speaks not in favor nor in objection to application. Zillmer has questions of fees, 3 year renewal or 5 year. Discussion with Barnaby, Roeker, and Committee. No other audience comment. Motion by Morgan to approve the new conditional use for five years, with conditions of NR135, compliance with their Plan of Operation, compliance with DNR Chapter 30, Hours of 7am to 7pm Monday-Saturday. Also note that this is treated as a new conditional use application in the terms of renewal in five years. Discussion with Roeker. Second by Bassett. Roll call finds Nyberg – yes, Morgan – yes, Buckholtz – yes, Bassett –yes. All in favor. Findings of Fact: It would not be damaging to the rights of others or property values. It is consistence with the use of the Zone District. There has been compliance with the previous operating plan throughout the duration.

3) Town of Hayward - #19-008; Sawyer County. Agent: Town of Hayward, Gary Gedart. The N1/2 of Section 30 except SE1/4 NE1/4; S30, T41N, R08W; Parcel #010-841-30-1101; 40 acres of 287 total acres; Zoned Forestry One (F-1); Known as the Peninsula Pit. Permit desired for the carry forward of conditional use permit #01-026 for the location of a non-metallic extraction operation, including rock crusher and asphalt plant. The CUP was originally approved at public hearing on February 15, 2001. Olson reads the application, No Town opinion, Opinion letters, Staff report. Last renewed April 2012, Hours of Operation 7am – 7pm Monday – Friday. Gary Gedart, Sawyer County Highway Commissioner speak for approval of the application. States that there is no crushing in this pit, no asphalt in this pit. The pit is used for only salt and sand production. No other audience comment. Motion by Bassett to approve the application with conditions of NR135, compliance with their Plan of Operation, compliance with DNR Chapter #30, Hours of 7am to 7pm Monday-Saturday, New conditional use permit for five years. Second by Morgan. No discussion. Roll call finds Morgan – yes, Buckholtz – yes, Nyberg – yes, Bassett – yes. All in favor. Findings of Fact: It would not be damaging to the rights of others or property values. It is ¼ mile away from property of buildings. It would not be detrimental to ecology, wild life, wetlands, or shorelands.

4) Town of Sand Lake - #19-009; Sawyer County. Agent: Gary Gedart. The SW1/4 SW1/4; S10, T38N, R09W; Parcel #026-938-10-3301; 40 total acres; Zoned Forestry One (F-1); Known as the Sissabagama Pit. Permit desired for the carry forward of conditional use permit #88-015 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on July 18, 1988. Olson reads application, Town approval, Opinion letters and Staff report. 6am -9pm, no days listed. Gary Gedart, Sawyer county Highway commissioner speaks in favor of the application. Discussion held with Committee, Gedart, and Olson. No audience comment. Motion by Bassett to approve the application conditions of NR135, compliance with their Plan of Operation, compliance with DNR Chapter 30, Hours of 7am – 8 pm Monday – Friday for operation days. Discussion continues. Bassett amends his motion to change hours 6am – 9pm Monday – Saturday. Second by Morgan. Roll call finds Buckholtz – yes, Bassett – yes, Morgan –yes, Nyberg – yes. All in favor. Findings of fact: It would not be detrimental to ecology, wild life, wetlands or shorelands. It would not create topographical problems such as run off, drainage, erosion, flooding, or vegetative cover removal. It would not create traffic or highway access problems.

5) Town of Hayward - #19-010; Sawyer County. Agent: Gary Gedart. The NW1/4 SW1/4; S30, T41N, R08W; Parcel #010-841-30-3201; 43.67 total acres; Zoned Forestry One (F-1). Known as the Chippewa Trail Pit. Permit desired for the carry forward of conditional use permit #89-001 for the location of a non-metallic mineral extraction operation, including rock crusher and asphalt plant. The CUP was originally approved at public hearing on July 15, 1989. Olson reads application, no town opinion, Opinion letters, Staff report. Last approved 2014, 30+ years of existence, first approved in 1989, Hours 7am – 7pm Monday – Friday. 6am – 6 pm, Crushing 6am – 9 pm. Gary Gedart, Sawyer County Highway Commissioner speaks for approval of application. Stating that there is no asphalt, that there is one more crushing left in the pit and it is located behind the County shop. Discussion held with committee. Gedart stated that the pit is signed and gated per NR135. Discussion with Committee continues. Linda Zillmer, Edgewater property owner suggests that the record reflect that there is no asphalt plant and to add this to the previous gravel pits. Motion by Nyberg to approve with conditions of NR135, compliance with their Plan of Operation, compliance with DNR Chapter 30, Hours of the plan of operation, Second by Morgan. Roll call finds: Morgan – yes, Bassett – yes, Nyberg – yes, Buckholtz – yes. All in favor. Findings of Fact: It would not destroy prime agricultural lands.

6) Town of Winter - #19-012; Northwoods ATP LP. Agent: Steigerwaldt Land Services Inc. The NE ¼ of the SW ¼; S24, T38N, R05W; Parcel #032-538-24-3101; 40 total acres; Zoned Forestry One (F-1); Known as the ATP Pit. Permit desired for the carry forward of conditional use permit #06-025 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on March 17, 2006. Olson reads the application, Town tabled the application, No opinion letters, Staff report. Ron Barnaby, Chairman for the Town of Winter explains the Towns reason for tabling the application. Discussion held with Committee. No audience comment. Motion by Morgan to deny the

application pending Town approval. Discussion held. Morgan changes his motion to postpone pending Town approval until the March Zoning Committee meeting. Discussion held. Morgan changes his Motion to postpone the application until action is taken by the Town Board. Second by Bassett. Roll call finds Bassett – yes, Morgan – yes, Nyberg – yes, Buckholtz – yes. All in favor. Findings of Fact: It is not in compliance with the Town of Winter Town Board.

Motion by Morgan to bring the original Rezone #19-003 Neitzel off the table, second by Buckholtz. Roeker explains more detail from a lawyer's perspective. Motion by Nyberg to recommend the approval of the rezone and carry forward to the County Board, and is consistent with the surrounding use. Second by Morgan. Linda Zillmer, Edgewater property owner speaks of the comprehensive plan. Olson responds that the portion of the property that the Neitzels are trading for the DNR that is zoned F-1 for the rezone to RR-1 for the use that it will be used for and the acres it will be. Roeker agrees with Olson comments and also responds to Zillmer concerns. No Discussion. Roll call finds Morgan – yes, Buckholtz – yes, Bassett – yes, Nyberg – yes. All in favor. Findings of Fact: It would not be damaging to the rights of others or property values. It is consistent with surrounding uses and Town approval.

Morgan requests a five minute recess. Morgan leaves meeting at 11:07 am. Buckholtz calls meeting back to order at 11:10am.

NEW BUSINESS

- 1) 4.26 Accessory Building – Information – Discussion. Jay Kozlowski, Assistant Zoning Administrator and Olson discuss with Committee and Roeker the 4.26 Accessory Building part of the Ordinance. New draft will be heard at the March meeting for an Action item.
- 2) A-1 and A-2 Zone Districts – Information – Discussion. Jay Kozlowski, Assistant Zoning Administrator and Olson discuss with Committee, and Roeker the A-1 and A-2 Zone District. Zillmer has concerns with the Farmland Preservation. Discussion continues. New draft will be heard at the March meeting as an Action item.
- 2) Committee Training – Chapters 13-15 of the Zoning Board Handbook. Olson holds training from the Planning Commission handbook instead of the Zoning Board handbook at the request of Roeker.
- 3) Any other business that may come before the Committee for discussion. Zillmer would like to have the Hearing Appearance Slip posted online or as a link.

CLOSED SESSION – The Sawyer County Zoning Committee may go into closed session pursuant to Wis. Stat. 19.85(1)(g) to confer with legal counsel for the Sawyer County Zoning Committee who is rendering oral or written advice concerning strategy to be adopted by the Sawyer County Zoning Committee with respect to litigation on which it is likely to become involved.

Motion by Nyberg to go into Closed Session, second by Bassett. Closed Session at 12:07pm.

Motion by Nyberg at 12:59pm to

ADJOURNMENT

A Quorum of the County Board of Supervisors or any of its committees may be present at this meeting to listen and observe. Neither the Board nor any of the committees have established attendance at this meeting as an official function of the Board or committee(s) or otherwise made a determination that attendance at the meeting is necessary to carry out the Board or committee's function. The only purpose for other supervisors attending the meeting is to listen to the information presented. Neither the Board nor any committee (other than the committee providing this notice and agenda) will take any official action with respect to this noticed meeting.

Minutes prepared by: Kathy Marks – Deputy Zoning & Conservation Administrator.