

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

**Zoning Committee Members**

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

**Zoning Administration**

Dale Olson, Zoning & Conservation Administrator  
Kathy Marks, Deputy Zoning & Conservation Administrator  
Jay Kozlowski, Zoning Administrator Assistant  
Rebecca Roeker, Corporation Counsel

**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 at the Sawyer County Courthouse, 10610 Main St. Hayward, Wisconsin. Roll call finds present: Ron Buckholtz, James Bassett, Bruce Paulsen, Troy Morgan, and Bill Voight. Nyberg is absent. From the Zoning Office: Dale Olson, Jay Kozlowski and Kathy Marks. Rebecca Roeker Corporation Counsel.
- 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 February 27 and March 6, 2019.
- 5) Approval of February 15, 2019 meeting minutes. Motion to approve by Morgan, second by Paulsen. Roll call finds Bassett –yes, Paulsen – yes, Buckholtz – yes, Voight – yes, Morgan – yes. All in favor. Motion carried.
- 6) Public Comment. Linda Zillmer, Edgewater property owner speaks of nothing in ordinance of the carry-forward for the non-metallic mining applications. New, renewal for 3 or 5 years. Notice does not show the last renewed date of the application and if it is for 3 or 5 years. Clarification of public hearing and business on the agenda. Bring back the Tourist Rooming House Ordinance.

**REZONE APPLICATIONS**

1) Withdrawn. A public hearing on New - #19-002 - Town of Lenroot. Brad & Lori Nidersson. Part of the SW1/4 NE1/4 and the SE1/4 of the NW1/4; Lot 1 CSM 20/294 #5893; S25, T42N, R09W; Parcel #014-942-25-1307; .850 Total Acres. Zoned Residential/Recreational (RR-1) and Forestry One (F-1). Permit desired to change entire .85 acres to Residential/Recreational One (RR-1) to conform with the existing use of the property and then have the ability to add on additional property with adjacent land owner's future rezone request. Olson reads application and the withdrawn letter from Brad Nidersson. Discussion with committee, Olson and Roeker. Bassett motions to accept the withdraw of the application, second by

Paulsen. Roll call finds: Buckholtz – yes, Bassett – yes, Morgan yes, Voight – yes, Paulsen – yes. All in favor. Motion carried.

### **CONDITIONAL USE**

1) A public hearing Postponed from January 18, 2019 ZC meeting. Town of Bass Lake – #19-002. Jonjak Cranberry Farm Inc. Part of Government Lot 2 and Lots 3 & 4 CSM 4/90 #715; S33, T40N, R09W; Parcel #002-940-33-5201; 37.34 Total Acres. Zoned Agricultural One (A-1) and Residential/Recreational One (RR-1). Permit desired to carry forward the conditional use permit #01-033 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on February 15, 2001. This case was heard at the January 18, 2019 Zoning Committee hearing and postponed for clarification of the hours. Olson reads the application, Town approval and opinion letters. Motion by Paulsen to open the public hearing portion of CUP #19-002, second by Morgan. Roll call finds: Voight – yes, Morgan – yes, Bassett – yes, Paulsen – yes, Buckholtz – yes. All in favor. Jean Jonjak speaks for approval of the application. No other comments. Motion by Paulsen to close the public hearing portion of CUP #19-002, second by Morgan. Voice vote all in favor. Motion carried. Discussion/Action on the CUP #19-002 continues with Committee and Olson. Motion by Paulsen to approve the CUP #19-002 for 3 years. Roeker comments that this is a carry forward and should be granted for a 5-year renewal. Paulsen motions to grant the Jonjak Cranberry Farm for a conditional use permit for a gravel pit and conform with our existing ordinance as far as time of permit. For 5 years. Second by Morgan. Roll call finds: Voight – yes, Morgan – yes, Paulsen – yes, Buckholtz – yes, Bassett – yes. All in favor. Phil Nies Ton of Bass Lake asks of the Town findings are in the motion. Linda Zillmer talks of the zone district. Roeker asks Olson for an explanation of the zone district. Advises committee of what motions needed. Olson explains that you the committee wanted the case brought back in the month of April. Paulsen motions to grant the CUP #19-002 Jonjak permit subject to NR135, approval of the new A-1 & A-2 zone district changes, the Town days of Monday – Saturday, hours of 7am-6pm, May-November with 2 weeks allowed for crushing. Second by Voight. Roll call finds: Voight – yes, Morgan – yes, Paulsen – yes, Buckholtz- yes, Bassett –yes. All in favor. Findings of Fact: It would not be damaging to the rights of others or property values. Recognizing his long history of proper operation of a gravel pit.

3) A public hearing on Town of Round Lake - #19-013. Dianne Dennis ETAL. The NE1/4 of the SE1/4; S05, T41N, R07W; Parcel #024-741-05-4101; 40 Total Acres; Zoned Agricultural Two (A-2) and Forestry One (F-1). Permit is desired for the carry-forward of conditional use permit #89-004 for the location of a non-metallic mineral extraction, sand and topsoil. The CUP was originally approved at public hearing on April 21, 1989. Motion by Paulsen to open the public hearing for CUP #19-013, second by Morgan. Voice vote all in favor. Motion carried. Olson reads application, Town tabled as requested by applicant to be heard in April and opinion letters. No owner present. Linda Zillmer Edgewater property owner speaks of making progress and has suggestions for the meeting to go more smoothly. Olson explains what the pit is used for and that it is under NR135, and no bond is required on this application. No other comments. Motion by Paulsen to close the public hearing portion of CUP #19-013, second by Morgan. Voice vote finds all in favor. Motion carried. Motion by Paulsen to postpone CUP #19-013 until the April Zoning Committee meeting, second by Bassett. Voice vote finds all in favor. Motion carried.

5) A public hearing on Town of Weirgor - #19-014. Ricky & Lori Villiard. The NE1/4 of the SE ¼ and the NW1/4 of the SE1/4; All in S08, T37N, R07W; Parcel #'s 030-737-08-4101 and 030-737-08-4201; 80 Total Acres. Zoned Forestry One (F-1); Known as the Villiard Gravel Pit. Permit desired for the carry-forward of conditional use permit #94-026 for the location of a non-metallic mineral extraction operation, including rock crusher and bituminous plant. The CUP was originally approved at public hearing on October 21, 2011. Motion by Morgan to open public hearing CUP 19-014, second by Bassett. Voice vote finds all in favor. Motion carried. Olson reads application, Town approval (Betty Brown, clerk called stating the Town approved and there were no comments) and opinion letters. Discussion with Committee and Olson. No owner present. No audience comment. Motion by Morgan to close the public hearing portion of CUP #19-014, second by Voight. Voice vote finds all in favor. Motion carried. Discussion with Committee and

Olson. Motion by Paulsen to accept this new conditional use permit, subject to NR135, all applicable laws and hours as stated in the operation plan. Second by Morgan. Roll call finds: Paulsen – yes, Bassett – yes, Voight – yes, Morgan – yes, Buckholtz – yes. All in favor. Motion carried. Findings of Fact: It would not be damaging to the rights of others or property values. They have had a history of proper operation.

7) A public hearing on Town of Ojibwa - #19-015. Wisconsin Northern Highlands NMTC LLC. The SE1/4 of the SE1/4; S08, T39N, R06W; Parcel #020-639-08-4401; 40 Total Acres; Zoned Forestry One (F-1); Known as the Yankee Joe Gravel Pit. Permit is desired for the carry-forward of conditional use permit #06-024 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at the public hearing on March 17, 2006. Motion by Morgan to open public hearing 19-015, second by Voight. Voice vote finds all in favor. Motion carried. Olson reads application, Town approval, No opinion letters. Sean Hagen represents Wisconsin Northern Highlands NMTC LLC. Clarifies ownership of the property. Linda Zillmer, Town of Edgewater property owner speaks of the notice not showing the last renewed on date of the applications. No other audience comment. Motion by Paulsen to close this portion of the public hearing CUP 19-015. Second by Bassett. Voice vote all in favor. Motion carried. Motion by Morgan to approve the CUP 19-015 for renewal of 5 years, subject to NR135, Chapter 30 and any other applicable laws and ordinances, Hours 6am – 8pm. Second by Paulsen. Roll call finds: Morgan – yes, Bassett – yes, Paulsen – yes, Buckholtz – yes, Voight – yes. Motion carried. Findings of Fact: It would not be damaging to the rights of others or property values. They have a history of correct compliance with applicable laws of Ordinances.

9) Public hearing on Town of Winter - #19-016. Daniel Johnson. The E1/2 of the NE1/4; S17, T38N, R03W; Parcel #032-338-17-1401 and 032-338-17-1101; 80 Total Acres; Zoned Forestry One (F-1). Known as the TePaske Road Pit. Permit is desired for the carry-forward of conditional use permit #04-014 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on August 15, 2004. Motion by Bassett to open public hearing 19-016, second by Morgan. Voice vote all in favor. Motion carried. Olson reads application, Town approval and no opinion letters. Discussion with Olson and Committee. Dan Johnson owner speaks in approval. Discussion with Committee. No other audience comment. Motion by Morgan to close the public hearing portion of CUP 19-016, second by Paulsen. Voice vote all in favor. Motion carried. Motion by Bassett to approve the CUP 19-016, NR135, operation plan as submitted. Second by Voight. Roll call finds: Buckholtz – yes, Bassett – yes, Voight – yes, Paulsen – yes, Morgan – yes. All in favor. Motion carried. Findings of Fact: It would not be damaging to the rights of others or property values. It would not be detrimental to ecology, wild life, wetlands or shorelands. It is a nice clean pit.

### **NEW BUSINESS**

1) Hydraulic Shadow adoption of the Upper Brunet River Dam – Information, Discussion and Action. Olson explains of the new plan and to forward to the County Board. Discussion with Committee. Motion by Bassett to approve the plan and forward to the County Board for approval. Second by Paulsen. Roll call finds: Voight – yes, Paulsen – yes, Buckholtz – yes, Morgan – yes, Bassett – yes. Motion carried.

2) 4.26 Accessory Building – Information, Discussion and Action. Olson explains changes to the 4.26 Accessory Building Ordinance. Discussion continues with Committee, Olson and Kozlowski. Motion by Paulsen not to change the Ordinance, second by Morgan. Discussion continues. Phil Nies Town of Bass Lake speaks of changes that need to be made. Mark Olson Town of Bass Lake and Board of Appeals member, speaks of changes and why the changes are needed. Linda Zillmer speaks of the county website, history of uses, roadways. Roeker looks at ordinance. Discussion continues with Committee, Olson, Kozlowski and Roeker. Motion by Paulsen to postpone until April, second by Morgan. Roll call finds: Morgan – yes, Buckholtz – yes, Voight – yes, Paulsen – yes, Bassett – yes. All in favor. Motion carried.

Buckholtz calls for a break at 10:10am. Buckholtz call meeting back to order at 10:20am. Voight leaves meeting at 10:10am. Buckholtz moves that the Ryan request be heard before the A-1 & A-2 zone district changes are discussed.

4) Request from Keith and Linda Ryan for refund of Administrative Appeal fee. Information, Discussion and Action. Olson explains history of the request and reads letter. Linda Ryan owner speaks for the refund of the cost of the conditional use permit. Discussion held with Committee, Olson. Motion by Paulsen to deny the request for the refund, second by Bassett. Roll call finds: Morgan – yes, Buckholtz – yes, Paulsen – yes, Bassett – yes. All in favor. Motion carried.

3) Agricultural One (A-1) and Agricultural Two (A-2) Zone District – Information, Discussion and Action (to send to Town’s for approval). Kozlowski explains the A-1 & A-2 changes. Discussion held with Committee, Olson, Kozlowski and Roeker. Linda Zillmer Edgewater property owner speaks of zone district land use and that the assessor does not look at that he looks at how the land is used. Motion by Paulsen to send the clean version to the Town’s approval. Second by Morgan. Roeker talks of the reline version and metallic mining. Roll call finds: Paulsen – yes, Bassett – yes, Morgan – yes, Buckholtz – yes. All in favor. Motion carried.

Olson talks of the farmland preservation agreement. Nearly 100 opinion letters were sent out to agricultural property owners on whether they would be interested in the program. To date, one positive response who would not be eligible.

4) Committee Training – Planning Commission Handbook Continuation. Olson talks of the Closed Sessions, Publications, and Agendas. Linda Zillmer Edgewater property owner suggests identifying the dates and timing of the agendas when posted to the website. Marks explains there was a problem with icompass and the County website that there is no interface between the sites to transfer notices. Roeker explains why to use the Planning Commission handbook over the Zoning Board handbook. Olson talks of the publications, costs and timeline. Discussion continues. Roeker explains the general threshold rule is that the notice has to provide the public enough information so the public has an opportunity to be heard. That is what goes into the public notice. What is at the Public Hearing, at this meeting, needs to be a separate agenda item because that is what the statues require. Roeker continues that she fundamentally disagrees that putting on the agenda public comment is the equivalent of a legal public hearing or that the whole meeting is a public hearing. That is not what the law says. You do a Public Hearing, then you do discussions. In terms of the agenda regarding how it looks it is duplicative because, discussions with staff and the timelines for publication, I said just copy both. But it doesn’t have to look like this. In fact sometimes it has more information then what the law requires. All you have to do is make sure you comply with the law in terms of providing the public with sufficient notice and that is in my opinion is the name of the applicant, the address, Township, legal description, Tax information numbers.” Phil Nies Bass Lake Township speaks of having information on the public notice under new business. That the general public should be noticed. Discussion continues with Roeker, Olson and Committee. Discussion continues with suggestions for Public Hearing, Public Meeting, Hearing slips. Linda Zillmer Edgewater property owner speaks of a conversation that she had with Phil Nies preferring the old format but either one works, but he had mentioned to have a blank copy on the website. Discussion continues.

5) No other business.

Motion by Bassett to go into Closed Session pursuant to State statute 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. The Zoning Committee will reconvene into open session to continue the agenda following closed session, second by Paulsen.

Motion by Paulsen to end closed session, second by Morgan. Closed session ends at 12:05pm

**ADJOURNMENT**

Buckholtz adjourns meeting

Minutes prepared by Kathy Marks Deputy Sawyer County Zoning & Conservation Administrator