

**MINUTES OF PUBLIC HEARING
Sawyer County Zoning Committee
April 16, 2019, 8:30 AM Sawyer County Courthouse**

Zoning Committee Members

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

Zoning Administration

Jay Kozlowski, Zoning Administrator
Kathy Marks, Deputy Zoning & Conservation Administrator
Rebecca Roeker, Corporation 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 at the Sawyer County Courthouse, 10610 Main St., Hayward, Wisconsin. Roll is called finding present: Buckholtz, Paulsen, Bassett, Nyberg and Morgan. Voight is absent. Attending from the Zoning Office: Kozlowski and Marks.
- 2) Pledge of Allegiance
- 3) Statement of Committee and Hearing Procedure.
- 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 and Sawyer County Gazette on April 3 and 10, 2019.
- 5) Approval of March 15, 2019 minutes. Motion by Paulsen to approve the March 15, 2019 minutes, second by Nyberg. All in favor motion carries.
- 6) Public comment. Linda Zillmer, Edgewater property owner made suggestions for the staff and Committee.

REZONE APPLICATIONS

1) A Public Hearing on Town of Sand Lake - #19-004. Paradise Waters LLC. Part of Government Lot 15; S05, T38N, R09W; Parcel #026-938-05-6501; 31.42 Total Acres; Zoned Forestry One (F-1) and Residential/Recreational One (RR-1). Permit is desired to change entire 31.42 total acres to Residential/Recreational Two (RR-2) to allow expansion of the campground. Kozlowski reads the application, Town decision and Opinion letters. Discussion with Roeker, Committee and Kozlowski. Motion by Morgan to open the case for public hearing. Second by Paulsen. All in favor. Motion carries. Kyle Torvinen, attorney for the owners gives background of family and that the application is for the 3 acres for 20 lots in the northern part of the parcel. Continues with how the parcel will be used, traffic, noise and the view. Discussion with Committee, Attorney and Owners. Brian Boevers, neighbor speaks in favor of the application. John Kaman, resident and Chairman if Big Sissabagama Lake Association speaks in opposition of the application. Discussion with Committee, Owners and Kaman. Matt Rolinski, neighbor to campground speaks in opposition of the application. Discussion with Committee. Marilyn Kaman resident speaks in opposition of the application. Discussion with Committee, Roeker and Kozlowski continues. Michael Kelsey, attorney for Mark Januszewski Trustee of the Lester Kowalski Trust speaks in opposition of the application. John Helling speaks in opposition of the application. Douglas Kurtzweil,

resident of Hayward, Wisconsin, has served as the assessor for the Town of Sand Lake since 1991. Speaks of the condominium and the area of development of the parcel. Discussion with Committee. Ray Kissinger, property owner speaks in opposition of the application. Ray LaRoy, adjacent property owner speaks in opposition of the application. Mark Kissinger, neighboring resident speaks in opposition of the application. Roeker states that the owners can make rebuttals to the comments. Kyle Torvinen, attorney for the owners rebuts public comments. Discussion with Committee. Motion to close the public hearing by Paulsen, second by Morgan. All in favor. Motion carries.

Recess called at 11:02am. Buckholtz calls meeting back to order at 11:13am.

Kozlowski reads the Discussion/Action RZN #19-004. Town of Sand Lake. Paradise Waters LLC. Committee discussion held with Kozlowski and Roeker. Motion by Paulsen to deny the rezone request. Second by Morgan. Discussion held by Committee. Roll call finds Bassett - yes, Paulsen – yes, Nyberg – no, Buckholtz – yes, Morgan – yes. 4 to 1 to deny. Motion carries. Findings of Fact: It would be damaging to the rights of others or property values. It is not consistent with the surrounding zone districts. It is not in the Town of Sand Lake comprehensive plan. It would create traffic or highway access problems

CONDITIONAL USE APPLICATIONS

1) A Public Hearing on Town of Sand Lake - #19-022. Paradise Waters LLC. Part of Government Lot 15; S05, T38N, R09W; Parcel #026-938-05-6501; 31.42 Total Acres; Zoned Forestry One (F-1) and Residential/Recreational One (RR-1) with condition of rezone approval to Residential/Recreational Two (RR-2). Permit is desired to allow expansion of 20 additional campsite units for the campground. Kozlowski reads application. Discussion with Committee, Kozlowski and Roeker. Motion by Paulsen to table the public hearing pending the results of the County Board decision. Second by Bassett. All in favor. Motion carries.

Discussion/Action Item. Town of Sand Lake - #19-022. Paradise Waters LLC. Part of Government Lot 15; S05, T38N, R09W; Parcel #026-938-05-6501; 31.42 Total Acres; Zoned Forestry One (F-1) and Residential/Recreational One (RR-1) with condition of rezone approval to Residential/Recreational Two (RR-2). Permit is desired to allow expansion of 20 additional campsite units for the campground. Motion by Morgan to table the Discussion/Action Item #19-022. Second by Paulsen. All in favor. Motion carries.

2) 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 and renewed on April 15, 2015. Kozlowski reads application, Town approval and opinion letters. Motion by Bassett to open the public hearing. Second by Paulsen. All in favor. Motion carries. Dale Mrotek, owner speaks in favor of the application. No other audience comments. Discussion held. Motion by Morgan to close the public hearing portion of the application. Second by Paulsen. All in favor. Motion carries.

Discussion/Action Item. 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 and renewed on April 15, 2015. Kozlowski reads application. Motion by Paulsen to approve the application subject to NR135, subject to DNR Chapter 30 and the Town's request for the reclamation plan and hours of 7am to 7pm. Second by Bassett. All in favor. Motion carries. Findings of Fact: It would not be damaging to the rights of others or property values.

3) A Public Hearing on Town of Lenroot - #19-017; Town of Lenroot. Part of the W1/2 of the SW1/4, S31, T42N, R08W; Lot 1 CSM 31/321 #7787. 15.53 Total Acres; Zoned Commercial One (C-1); Address is 12215N US Hwy 63; Known as Town of Lenroot Shop Pit. Permit is desired for the carry-forward of

conditional use permit #00-007 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on May 17, 2012 and renewed on May 15, 2015. Kozlowski reads application, Town approval and opinion letters. Motion by Morgan to open the public hearing portion of the application. Second by Bassett. All in favor. Motion carries. Gordon Chistians, Chairman for the Town of Lenroot, agent speaks in favor of the application. No audience comment. Motion by Paulsen to close the public hearing, second by Nyberg. All in favor. Motion carries. Discussion/Action Item. Town of Lenroot - #19-017; Town of Lenroot. Part of the W1/2 of the SW1/4, S31, T42N, R08W; Lot 1 CSM 31/321 #7787. 15.53 Total Acres; Zoned Commercial One (C-1); Address is 12215N US Hwy 63; Known as Town of Lenroot Shop Pit. Permit is desired for the carry-forward of conditional use permit #00-007 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on May 17, 2012 and renewed on May 15, 2015. Kozlowski reads the application. Motion to approve by Bassett with hours of 7am to 7pm, 5 year renewal, NR135, Plan of operation. Second by Nyberg. All in favor. Motion carries. 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.

4) A Public Hearing on Town of Meteor - #19-018; Royce and Audrey Zesiger Trust. Agent: Town of Meteor. Part of the NE1/4 of the SE1/4; S04, T37N, R08W; Parcel #018-837-04-4101. 11.15 Acres of the 40 Total Acres; Zoned Agricultural One (A-1). Permit desired for the three (3) year renewal of conditional use permit #11-006 for the location of a non-metallic mineral extraction operation, including rock crusher, and hot-mix plant. The CUP was originally approved at public hearing on April 15, 2011 and renewed on April 15, 2016. Kozlowski reads the application, Town approval and opinion letters. Dale Olson, Chairman of Town of Meteor, agent speaks for approval of the application. No audience comment. Motion to close the public hearing portion of the application by Nyberg, second by Bassett. All in favor. Motion carries. Discussion/Action Item. Town of Meteor - #19-018; Royce and Audrey Zesiger Trust. Agent: Town of Meteor. Part of the NE1/4 of the SE1/4; S04, T37N, R08W; Parcel #018-837-04-4101. 11.15 Acres of the 40 Total Acres; Zoned Agricultural One (A-1). Permit desired for the three (3) year renewal of conditional use permit #11-006 for the location of a non-metallic mineral extraction operation, including rock crusher, and hot-mix plant. The CUP was originally approved at public hearing on April 15, 2011 and renewed on April 15, 2016. Kozlowski reads the application. Discussion held by Committee. Motion by Paulsen to approve the application with NR135, Hours of 5am to 10pm, 3 year renewal, DNR Chapter 30. Second by Bassett. All in favor. Motion carries. Findings of Fact: It would not be damaging to the rights of others or property values.

5) A Public Hearing on Town of Winter - #19-019; Donald & Marcella Thompson. Agent: Craig Thompson. Part of the NE1/4 of the SW1/4 and Part of the NW1/4 of the SW1/4; all in S01, T39N, R05W; Parcel #'s 032-539-01-3101 and 32-01; 75 Total Acres; Zoned Agricultural Two (A-2); Known as the Bumblebee Road Pit. Permit is desired for the three (3) year renewal of conditional use permit #03-002 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on April 15, 2002 and renewed on April 15, 2016. Kozlowski reads application, Town approval and opinion letters. Motion to open the public hearing portion of the application by Nyberg, second by Paulsen. All in favor. Motion carries. Craig Thompson, agent speaks for approval of the application. No other audience comment. Motion to close the public hearing portion by Paulsen, second by Bassett. All in favor. Motion carries. Discussion/Action Item. Town of Winter - #19-019; Donald & Marcella Thompson. Agent: Craig Thompson. Part of the NE1/4 of the SW1/4 and Part of the NW1/4 of the SW1/4; all in S01, T39N, R05W; Parcel #'s 032-539-01-3101 and 32-01; 75 Total Acres; Zoned Agricultural Two (A-2); Known as the Bumblebee Road Pit. Permit is desired for the three (3) year renewal of conditional use permit #03-002 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on April 15, 2002 and renewed on April 15, 2016. Kozlowski reads the application. Motion to approve the application by Paulsen with the NR135, plan of operation, reclamation plan, Hours of 7am, to 9pm, Monday - Saturday, Rock crusher and asphalt plat Hours of 6am

to 7 pm., Monday – Saturday, DNR Chapter 30, 3 year renewal. Second by Bassett. All in favor. Motion carries. Findings of Fact: It would not be damaging to the rights of others or property values.

6) A Public Hearing on Town of Round Lake - #19-020; A-1 Plumbing, Heating & Excavating Inc. Part of the SW1/4 of the SW1/4 West of Highway; S12, T41N, R08W; Parcel #024-841-12-2301; 20 Total Acres; Zoned Forestry One (F-1), and the SE1/4 NE1/4; S11, T41N, R08W; Parcel #024-841-11-1401; 40 Total Acres; Zoned Forestry One (F-1). Both parcels known as Joan's Pit. Permit is desired for the carry-forward of conditional use permit #13-005 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on June 21, 2013. Kozlowski reads application, Town approval and opinion letters. Motion by Bassett to open the public hearing portion of the application. Second by Nyberg. All in favor. Motion carries. Bart Vitcenda, owner speaks in favor of the application. No audience comment. Motion to close the public hearing by Nyberg, second by Bassett. All in favor. Motion carries.

Discussion/Action. Town of Round Lake - #19-020; A-1 Plumbing, Heating & Excavating Inc. Part of the SW1/4 of the SW1/4 West Highway; S12, T41N, R08W; Parcel #024-841-12-2301; 20 Total Acres; Zoned Forestry One (F-1), and the SE1/4 NE1/4; S11, T41N, R08W; Parcel #024-841-11-1401; 40 Total Acres; Zoned Forestry One (F-1). Both parcels known as Joan's Pit. Permit is desired for the carry-forward of conditional use permit #13-005 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on June 21, 2013. Kozlowski reads the application. No discussion. Motion to approve the application by Bassett with DNR Chapter 30, NR135, Hours of 8am to 5pm, Monday – Friday, Operation plan. Second by Paulsen. All in favor. Motion carries. 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 property values.

7) A Public Hearing on Town of Winter - #19-021; Randy & Paula Dennis. Part of the SW1/4 of the NW1/4; S04, T38N, R05W; Parcel #032-538-04-2303; 20.03 Total Acres; Zoned Forestry One (F-1). Known as the R&P Earthworks Pit. Permit is desired for the carry forward of conditional use permit #04-017 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on September 17, 2004 and renewed on November 20, 2015. Kozlowski reads the application, Town approval and opinion letters. Motion by Nyberg to open the public hearing portion of the application, second by Bassett. All in favor. Motion carries. Randy Dennis, owner speaks in favor of the application. Discussion with Committee. No audience comment. Motion to close the public hearing by Paulsen, second by Bassett. All in favor. Motion carries.

Discussion/Action. Town of Winter - #19-021; Randy & Paula Dennis. Part of the SW1/4 of the NW1/4; S04, T38N, R05W; Parcel #032-538-04-2303; 20.03 Total Acres; Zoned Forestry One (F-1). Known as the R&P Earthworks Pit. Permit is desired for the carry forward of conditional use permit #04-017 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on September 17, 2004 and renewed on November 20, 2015. Kozlowski reads the application. No discussion. Motion by Bassett to approve the application with complying of NR135, DNR Chapter 30, Hours of operation 7am – 7pm Monday – Saturday. Second by Nyberg. All in favor. Motion carries. 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.

NEW BUSINESS

1) A Public Hearing on 4.26 Accessory Building and Structures – Information, Discussion and Action (to send to Town's for approval). Kozlowski explains the changes in this ordinance. Motion to open the public hearing by Bassett, second by Paulsen. All in favor. Motion carried. Phil Nies, Bass Lake Planning Commission Committee speaks in favor of the changes. No audience comment. Motion to close the public hearing by Morgan, second by Paulsen. All in favor. Motion carries. Motion by Paulsen to approve the 4.26 Accessory Building and Structures Ordinance and send to the Towns for their approval. Second by Buckholtz. All in favor. Motion carries.

- 2) A Public Hearing on 4.211 Accessory Structure Exemptions – New addition to Ordinance – Information, Discussion and Action (to send to Town’s for approval). Kozlowski explains the new 4.211 Accessory Structure Exemptions for the Ordinance. Motion to open the public hearing by Paulsen, second by Morgan. All in favor. Motion carries. Linda Zillmer, Edgewater property owner is concerned with clauses within the Zoning ordinance, and staff needs to go on-site to verify the application. This should be a variance. Phil Nies, Bass Lake Planning Commission Committee speaks in favor of the addition to the Ordinance. Linda Zillmer, Edgewater property owner speaks of the setbacks should be looked at and not carving out exemptions. Discussion with Committee and Kozlowski. Motion to close the public hearing by Morgan, second by Bassett. All in favor. Motion carries. Motion by Paulsen to approve the 4.211 Accessory Structure Exemptions and send to the Town for their approval. Second by Morgan. All in favor. Motion carries.

Committee member Troy Morgan leaves meeting at 1pm.

- 3) A Public Hearing on A-1 & A-2 Zone Districts – Information, Discussion and Action (to forward on to County Board for approval). Jay reads the Town opinions and explains an A-3 proposal. Motion to open the public hearing by Paulsen, second By Buckholtz. All in favor. Motion carries. Ann Berlage, Town of Round Lake Planning Commission speaks of concerns that the Town has with some of the changes. Discussion with Kozlowski and Committee. Linda Zillmer, Edgewater property owner speaks of concerns of items that are in the Conditional use part of the A-1 and A-2. Would suggest to postpone action on this item until May by Committee, then go to County Board in June and to take out unneeded language. Ann Berlage, Town of Round Lake has concerns with bulk fuel tanks. Discussion continues with Committee. Motion to close the public hearing by Paulsen, second by Bassett. All in favor. Motion carries. Motion by Paulsen to approve the A-1 and A-2 zone District changes and send to County Board for approval. Second by Buckholtz. All in favor. Motion carries.
- 4) Any other business that may come before the Committee for discussion only. Staff reports. No recommendation by staff to be on the staff report.

ADJOURNMENT

Buckholtz adjourns meeting at 1:33 pm.

Minutes prepared by Kathy Marks – Deputy Zoning & Conservation Administrator

Note: The minutes of the April 16, 2019 Zoning Committee incorporate the audio recording of this meeting and any documents referenced in the meeting, submitted by the applicant, and/or considered by the Zoning Committee in rendering its decision.

For more information and audio please see our website at sawycountygov.org