

**MINUTES OF PUBLIC HEARING
Sawyer County Zoning Committee
May 17, 2019**

Zoning Committee Members

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

Zoning Administration

Jay Kozlowski, Zoning Administrator
Kathy Marks, Deputy Zoning & Conservation Administrator

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 call finding present: Ron Buckholtz, Bruce Paulsen, Elaine Nyberg, Bill Voight, Jim Bassett and alternate Troy Morgan.

From the Zoning Office: Kozlowski and Marks. Legal Counsel Rebecca Roeker.

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 May 1st and 8th, 2019.

5) Approval of April 16, 2019 minutes. Motion to approve by Paulsen, Roeker states that the audio should be included with the motion. Paulsen withdraws his motion. Motion by Nyberg to approve the April 16, 2019 with audio and materials, second by Voight. All in favor.

6) Public Comment. None

REZONE APPLICATIONS

1) A Public Hearing on Town of Ojibwa - #19-005. SoSaw Inc. – Curtis Lein-agent. Part of the SE ¼ of the SE ¼; Lot 1 CSM 29/268 #7456; S03, T38N, R06W; Parcel #020-638-03-4405; 10.02 Total Acres; Zoned Agricultural One (A-1). Purpose of request is to change from Agricultural One (A-1) to Residential/Recreational Two (RR-2) to build a house/cabin on property. Kozlowski reads the application, Staff report, Town opinion, and Neighbor opinions. Motion by Paulsen to open the public hearing, second by Voight. Curt Lein, agent speaks for an approval of the application. Discussion held with committee and Kozlowski. Linda Zillmer, Edgewater property owner speaks against the rezone. Motion to close by Paulsen, second by Nyberg. Discussion/Action. Discussion by committee, Kozlowski and Lein. Motion by Voight to approve the rezone with the purpose intended for the cottage, second by Bassett. All in favor. Roll call requested by Nyberg. Bassett- yes, Voight – yes, Buckholtz – yes, Nyberg – yes, Paulsen – yes. All in favor. Motion carries. Findings of Fact: It would not be damaging to the rights of others or property values. It would be compatible with the surrounding uses and the area.

2) A Public Hearing on Town of Ojibwa - #19-006. WisWin Inc. – Curtis Lein-agent. Part of the SE ¼ of the SE ¼; Lot 2 CSM 29/222 #7435; S03, T38N, R06W; Parcel #020-638-03-4403; 11.17 Total Acres; Zoned Agricultural One (A-1). Purpose of request is to change from Agricultural One (A-1) to Residential/Recreational Two (RR-2) to build a house/cabin on property. Jay reads the application, Town opinion, Neighbor opinions, and Staff report. Motion by

Nyberg to open the public hearing, second by Paulsen. Curt Lein, agent speaks for an approval of the application. Discussion with committee, Kozlowski and Lein. Linda Zillmer, Edgewater property owner speaks against the rezone. Discussion continues. Motion to close the public hearing by Nyberg, second by Paulsen. All in favor. Discussion/Action. Discussion by committee, Kozlowski and Roeker. Roeker states that the decision of this case is not bound by the first case. Motion by Bassett to approve the application, second by Voight. Roll call finds Buckholtz – yes, Voight – yes, Nyberg – yes, Bassett – yes, Paulsen – yes. All in favor. Motion carries. Findings of Fact: It would not be damaging to the rights of others or property values. It would be compatible with the surrounding uses and the area.

3) A Public Hearing on Town of Radisson - #19-007. Gary Meyer; Mike Pfister-agent. Part of Government Lot 6 and Lot 7, except a 6 plus acre parcel in the Southwest corner of Government Lot 6; S13, T38N, R07W; Parcel #022-738-13-5501; 70 Acres plus or minus; Zoned Forestry One (F-1). Purpose of request is to change from Forestry One (F-1) to Residential/Recreational One (RR-1) to create Residential single family building lots. Kozlowski reads the application, Town opinion, Neighbor opinions, and Staff report. Motion by Paulsen to open the public hearing, second by Voight. All in favor. Gary Meyer, owner speaks for an approval of the application. Discussion with committee. Jason Nelson, Heart of the North surveyor speaks in favor of the application explaining the surveying and the easement for the property. Linda Hynd, neighbor property owner speaks against the rezone. Dean Michaels, neighboring property owner speaks against rezone. Linda Zillmer, Edgewater property owner speaks against the rezone. Phil Nies, Town of Bass Lake speaks against the rezone. Mike Pfister, agent speaks in favor of the application. No other comments. Motion by Voight to come out of public hearing, second by Paulsen. All in favor. Discussion/Action. Kozlowski rereads the Staff report. Discussion with committee and Kozlowski. Motion by Bassett to set aside until the property is in compliance and cleaned up. Second by Paulsen. Roeker states that the existing violations can be used to deny the application, that he can reapply after the violations are corrected. Include in the motion that it would be a denial based on the existing violations and encourage the applicant to reapply once the violations are corrected. Discussion by committee. Motion by Bassett to withdraw his previous motion, second by Paulsen.

Buckholtz calls for 10 minute recess at 9:57am.

Buckholtz calls to go back into public hearing at 10:05am.

Motion to deny by Paulsen that it is denied based on the existing violations and encourage the applicant to reapply once the violations are corrected. Recommend sending to the County Board. Second by Bassett. Roll call finds Nyberg –no, Voight – no, Paulsen – yes, Bassett – yes, Buckholtz yes. Motion carries to deny the application. Findings of Fact: It would be detrimental to ecology, wild life, wetlands or shorelands. Considered to be spot zoning, for the health and ecology, and neighbors comments.

CONDITIONAL USE APPLICATIONS

4) A Public Hearing on Town of Meadowbrook - #19-023. Janet Thompson; Milestone Materials–agent. Part of the NE ¼ of the NE ¼ and the NW ¼ of the NE ¼; S04, T37N, R06W; Parcel #016-637-04-1101 and 016-637-04-1201; 34.76 Acres and 37.10 Acres. Current Non-metallic mine is about 14 acres. Both Zoned Agricultural One (A-1). Known as the Thompson Plant #386. Permit is desired for the three 3 year renewal of conditional use permit #08-002 for the location/operation of a non-metallic mineral extraction, including rock crusher, and temporary asphalt plant. The CUP was originally approved at public hearing on March 28, 2008 and renewed most recently May 20, 2016. Known as the Thompson Plant #386 Pit. Kozlowski reads application Town opinion, Neighbor Opinions and Staff report. Motion to open public hearing by Nyberg, second by Paulsen. All in favor. Candy Anderson, agent for Milestone Materials speaks for the approval of the application. Discussion with committee. No other comments. Linda Zillmer, Edgewater property owner speaks of procedural voting at Town and then is not allowed to vote at Committee meeting. Motion by Nyberg to come out of public hearing, second by Paulsen. All in favor. Discussion/Action. Motion by Bassett to approve the three - year renewal with conditions of NR135, and as stated in staff report. Maintain compliance with Plan of Operation, Hours from 5am-10pm Monday-Saturday, Rock crusher and asphalt plant periodically from 5am-10pm Monday-Saturday, Maintain compliance with DNR Chapter 30. Second by Paulsen. Roll call finds: Nyberg – yes, Paulsen – yes, Voight – yes, Bassett – yes, Buckholtz – silent.

Approved by 4. 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. They have very understanding neighbors.

5) A Public Hearing on Town of Winter - #19-024. William D. Morgan Irrevocable Trust; Pat Murphy-agent. Part of Government Lots 1 and 2; Lot 12 CSM 7/393 #1533; S31, T40N, R05W; Parcel #032-540-31-5212; 2.10 Total Acres; Zoned Residential One (R-1). Permit desired for a 40' x 56' Accessory building across a Town Road as subject to 4.26 (2) of the Sawyer County Zoning Ordinance. Kozlowski reads application, Town opinion with conditions, Neighbor opinions and Staff report. Motion to open public hearing by Paulsen, second by Nyberg. All in favor. Pat Murphy, agent speaks for approval of the application. Discussion with Kozlowski and committee. No other comments. Robert Eaton, attorney for the O'Conner family speaks against the application. Tonya Klechner speaks against the application. Discussion with committee and Kozlowski. No other comments. Motion by Paulsen to close public hearing, second by Nyberg. All in favor. Discussion/Action. Discussion continues with committee and Kozlowski. Motion by Voight to approve the application with conditions in the Staff report. Fire number must be obtained for new parcel before Land Use Permit is issued for pole shed. No habitable arear allowed in this structure. No commercial use or operation in structure. Existing parcel owned by Mr. Murphy and proposed new lot must be combined via restrictive covenants prior to issuing of Land Use Permit, No other buildings may be allowed on new purchased parcel of land, Quit Claim Deed (lot binding agreement), Setbacks 30' from the O'Conner property line, 40'x56' allowed no larger. Roeker comments on Act 67, Conditions placed as substantial evidence, Staff report, 30' buffer of trees. Second by Nyberg. Discussion held. Roll call finds: Buckholtz – no, Voight – yes, Bassett – no, Paulsen – no, Nyberg – yes. Motion fails 3 to 2 – Denied. Discussion held with Pat Murphy. Motion to approve by Paulsen with conditions to move building closer to the Morgan property, size to be smaller by 8' on each size, Lots to be combined by covenants, Fire #, No habitable space, no other buildings on property, 32'x 48' allowed in size, keep as large of buffer as possible, including conditions applicant Pat Murphy agreed to regarding the buffer. Second by Nyberg. Roll call finds: Paulsen – yes, Voight –yes, Nyberg – 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 would not be detrimental of ecology, wild life, wetlands or shorelands.

6) A Public Hearing on Town of Edgewater - #19-025. Nancy Sirinek. The SE ¼ of the SW ¼; S10, T37N, R09W; Parcel #008-937-10-3401; 40 Total Acres; Zoned Agricultural One (A-1). Permit desired for the three (3) year renewal of conditional use permit #03-004 for the location of a non-metallic mineral extraction operation, including rock crusher, and possible hot mix plant. The CUP was originally approved at public hearing on April 19, 2002 and renewed most recently May 20, 2016. Known as the Sirinek Pit. Kozlowski reads application, Town opinion, Neighbor opinions, and Staff report. Motion by Paulsen to open the public hearing, second by Nyberg. All in favor. Discussion held. Nancy Sirinek, owner speaks for approval of application. No comments. No other comments. Motion to close the public hearing by Paulsen, second by Nyberg. All in favor. Discussion/Action. Discussion held. Motion to approve by Bassett with conditions to Maintain compliance with NR135, Maintain compliance with Plan of Operation, Hours of operation 6am – 9pm, Monday – Saturday. Rock crusher not to exceed 10 consecutive days per year during operating hours, Maintain compliance with DNR Chapter 30. Second by Voight. Roll call finds: Paulsen – yes, Nyberg – yes, Buckholtz – yes, Voight – yes, Bassett – yes. All in favor. Finding 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. They have a clean pit.

7) A Public Hearing on Town of Sand Lake - #19-026. Town of Sand Lake; Paul Manka-agent. Village of Stone Lake, Part of Outlot 8, Lot 1 CSM 35/322 #8347; S19, T39N, R09W; Parcel #026-194-00-0806; .320 Total Acres; Zoned Residential One (R-1). Permit desired for a Senior Citizen complex described under section 17.1 (B) (4) in the Sawyer County Zoning Ordinance. Kozlowski reads application, Town opinion, Neighbor opinions and Staff report. Motion to open the public hearing by Paulsen, second by Buckholtz. All in favor. Town of Sand Lake, Paul Manka, agent speaks in favor of the application stating the size has changed to 28' x 60' including eaves. Joey Johnson, Executive Director of Senior Center speaks in favor of the application. No other comments. Motion to close the public hearing by Nyberg, second by Paulsen/Voight. Discussion/Action. Motion to approve by Paulsen with amended size, second by Bassett. Roll call finds: Voight – yes, Nyberg – yes, Paulsen – yes, Bassett – yes, Buckholtz – yes. All in favor. Findings of Fact: It would not be damaging to the rights of others or property values and that a Senior Center is needed.

NEW BUSINESS

1) 4.211 Accessory Structure Exemptions. (Information, Discussion, Action to forward to County Board). Kozlowski explains right of way requirements, Town opinions, and necessity of setbacks. Discussion held. Mark Olson, Town of Bass Lake speaks in favor of the change. Linda Zillmer, Edgewater property owner speaks of policy matters. Roeker speaks of state statues and being in compliance. Discussion continues. Motion by Paulsen to approve the 4.211 Accessory Structure Exemption and forward to the County Board for approval. Second by Voight. All in favor.

2) 4.26 Accessory Uses and Structures. (Information, Discussion, Action to forward to County Board). Kozlowski explains the changes that are proposed and Town opinions. Discussion held. Motion by Nyberg to approve 4.26 Accessory Uses and Structures and to forward to the County Board for approval. Second by Voight. All in favor.

3) Well Head Protection Ordinance. (Discussion). Kozlowski explains why the Well Head Protection Ordinance under New Business and that Zoning does not have the time to adopt this Ordinance. Linda Zillmer, Edgewater property owner speaks of the need of having this ordinance. Discussion held with Kozlowski and Zillmer regarding staffing and enforcement.

3) Any other business that may come before the Committee for discussion only.

ADJOURNMENT

Buckholtz adjourns meeting

Note: The Minutes of the May 17, 2019 Zoning Committee meeting 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.