

**MINUTES OF PUBLIC HEARING
Sawyer County Zoning Committee
July 19, 2019**

Zoning Committee Members

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

Zoning & Conservation 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 July 3rd and 10th, 2019.

5) Approval of June 21, 2019 minutes. Motion to approve by Voight, second by Paulsen. All in favor. Motion carries.

6) Public Comment.

Linda Zillmer, Edgewater property owner spoke of the revised "Statement of Notice" and how it reads now and different from previous versions and that it should be read to the committee and audience.

REZONE APPLICATION

1) A Public Hearing on Town of Radisson - #19-010. Gary Meyer-Owner; Mike Pfister-agent, Secluded Land Company. 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 Voight to open the public hearing and to waive the 1- year time limit for reapplication. Second by Nyberg. All in favor. Motion carries. Mike Pfister, agent Secluded Land Company speaks in favor of the application. Discussion with Committee. Dean Michaels, neighboring property owner speaks against to the application. Linda Hynde, neighboring property owner speaks against the application. Linda Zillmer, Edgewater property owner speaks of the 1 year to reapply time and that the Findings of Fact have not changed since the last meeting and to deny the application. Motion by Paulsen to close the public hearing on this case. Second by Buckholtz. All in favor. Kozlowski reads for the discussion/action portion of the application. Committee discussion held. Motion by Nyberg to approve the application, second by Voight. Vote finds Bassett – no, Paulsen – no, Nyberg – yes, Buckholtz – no, Voight – yes. Motion fails 3 – 2. Discussion held. Motion by Paulsen to deny, second by Bassett. All in favor. Vote finds Voight – no, Buckholtz – yes, Nyberg – no, Paulsen – yes, Bassett –yes. 3 to 2 for

denial. Findings of Fact: It would be damaging to the rights of others. It would be for the owners benefit and it would be spot zoning.

2) A Public Hearing on Town of Hunter - #19-011. Russell Smith; Greg Collins-agent. Part of the NE ¼ of the SE ¼; S05, T40N, R06W; Parcel #012-640-05-4101; 36.80 Total Acres. Purpose of the request is to change 10 acres of the 36.80 total acres to Residential/Recreational Two (RR-2). With proposed rezone applicant would need to be granted a conditional use permit to have the option to build a 60'x60' structure for a fulltime landscaping business and accounting firm. 66% of the structure would be used for heavy equipment storage and repair, 33% would be used for offices for Collins Custom Landscaping and Collins Accounting and Tax Service. Kozlowski reads the application, Town opinion, Neighbor opinions and Staff Report. Motion by Paulsen to open the public hearing portion of the application. Second by Buckholtz. All in favor. Russ Smith, owner of the property speaks in favor of the application. No other audience comment. Motion to close the public hearing portion by Bassett, second by Paulsen. All in favor. Kozlowski reads discussion/action part of the application. Motion by Paulsen to approve the application, second by Bassett. All in favor. Vote finds Buckholtz – yes, Nyberg – yes, Bassett – yes, Voight – yes, Paulsen – yes. Findings of Fact: It would not be spot zoning. It is in the Town's Comprehensive Plan.

3) A Public Hearing on Town of Hayward - #19-012. Sawyer County; on behalf of its Sawyer County Airport; Sawyer County; and Sawyer County, a political subdivision of the State of Wisconsin; Tom Hoff-agent. Part of the SE ¼ of the SE ¼ and part of the NE ¼ of the SE ¼ Outlot 1 CSM 32/240 #7890; Part of the SE ¼ of the SE ¼; Part of the SE ¼ of the SE ¼, Outlot 1 CSM 32/229 #7886; Part of the NE ¼ of the SE ¼; Part of the NE ¼ of the SE ¼; Part of the NE ¼ of the SE ¼; Part of the SE ¼ of the NE ¼; Part of the NE ¼ of the NE ¼ Outlot 1 CSM 32/243 #7891; Part of the NE ¼ of the NE ¼; All in S23, T41N, R09W; Parcel #'s 010-941-23-4407; 010-941-23-4404; 010-941-23-4406; 010-941-23-4101; 010-941-23-4105; 010-941-23-4102; 010-941-23-1401; 010-941-23-1107; and 010-941-23-1102; 91.272 total acres; Zoned Agricultural One (1) and Residential One. Part of the NW ¼ of the SW ¼; Part of the SW ¼ of the NW ¼; Part of the NW ¼ of the NW ¼; Part of the NE ¼ of the NW ¼; All in section 24, T41N, R09W; Parcel #'s 010-941-24-3201; 010-941-24-2301; 010-941-24-2201; 010-941-24-2101; 160 total acres; Zoned Agricultural One (1). Part of the SW ¼ of the SW ¼ CSM 13/16, 13/29, 13/213, 13/236, 14/34, 14/36, 15/109, 15/266/ 16/11, 18/111, 19/194, 20/76, 20/128, 22/139, 23/98, 25/47 and 26/11; Part of the SE ¼ of the SW ¼; Part of the NW ¼ of the SW ¼; Part of the NW 1/44 of the SW ¼; Part of the NW ¼ of the SW ¼; Part of the NW ¼ of the SW ¼; Part of the NE ¼ of the SW ¼; Part of the NW ¼ of the SE ¼, Outlot 1 CSM 32/238 #7889; Part of the SE ¼ of the NW ¼; Part of the SE ¼ of the NW ¼; Part of the SW ¼ of the NE ¼; Part of the NW ¼ of the NE ¼ and Part of the SW ¼ of the NE ¼; Part of the NE ¼ of the NW ¼, Lot 2 CSM 32/297 #7913. All in section 13, T41N, R09W; Parcel #'s 010-941-13-3301; 010-941-13-3401; 010-941-13-3205; 010-941-13-3212; 010-941-13-3203; 010-941-13-3101; 010-941-13-4203; 010-941-13-2404; 010-941-13-2401; 010-941-13-1302; 010-941-13-1206; 010-941-13-2110; 218.452 total acres; Zoned Agricultural One (A-1), Residential One (R-1), Forestry One (F-1) and Residential/Recreational One (RR-1). Purpose of request is to change from Agricultural One (A-1), Residential One (R-1), Forestry One (F-1) and Residential/Recreational One (RR-1) to Industrial One (I-1). Sawyer County, on behalf of its Sawyer County Airport; Sawyer County; and Sawyer County, a political subdivision of Wisconsin collectively owns the 25 parcels resulting in 469.66 acres. Currently split zoned between Agricultural One (A-1), Residential One (R-1), Forestry One (F-1) and Residential/Recreational One (RR-1). Request is to rezone all parcels to Industrial One (I-1) to conform to an allowed municipal airport use as described in the Sawyer County Zoning Ordinance Section 17.7(A) (7). This would take an existing non-conforming use and make it a permitted use per the Industrial One (I-1) zone district. Kozlowski reads the application and Staff Report. Roeker states that Mr. Hoff could not attend and that she can answer questions. Motion to open the public hearing by Nyberg, second by Bassett. All in favor. Motion carries. No audience comment. Kozlowski reads discussion/action portion of the application. Motion to approve the application by Paulsen, second by Nyberg. Discussion held with Committee, Kozlowski and Roeker. Vote finds Voight – yes, Paulsen – 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 the current uses.

CONDITIONAL USE APPLICATIONS

1) A Public Hearing on Town of Round Lake - #19-030. Robert Scheer Trust. Part of the SE ¼ of the SW ¼, Lot 1 CSM 20/95 #5793; S13, T41N, R06W; Parcel #024-641-13-3402; 7.53 Total Acres; Zoned Forestry One (F-1). Permit is desired a 45' x 72' for an accessory structure subject to Sawyer County Zoning Ordinance Section 17.8(B) (14) & 4.26 (1); Land Use Permit applied for within 3 years for habitable structure with septic. This was postponed from the June 21, 2019 Zoning Committee meeting. Kozlowski reads the application, Town opinion tabled decision (owner not present), Staff report. Motion to open the public hearing by Nyberg, second by Bassett. All in favor. Motion carries. No owner present, No audience comment. Motion to close the public hearing by Paulsen, second by Bassett. All in favor. Motion carries. Kozlowski reads discussion/action portion of application. Motion by Paulsen to postpone the application until after heard by Town, second by Bassett. Vote finds Nyberg – yes, Buckholtz – yes, Voight – yes, Paulsen – yes, Bassett –yes. All in favor.

Nyberg request break at 9:48am.

Buckholtz calls meeting back to order at 9:56am.

2) A Public Hearing on Town of Winter - #19-034. Tod & Amy Torgerson. Part of the SW1/4 of the SW1/4; S12, T39N, R05W; Parcel #032-539-12-3301; 34.03 total acres with current mined area of 0 acres; Zoned Agricultural One (A-1); Known as the Heath Pit. Permit desired for the carry-forward of CUP #98-022 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on July 17, 1998 and last approved September 18, 2015. Kozlowski reads application, Town opinion, Neighbor opinions and Staff report. Motion to open the public hearing portion of the application by Nyberg, second by Voight. All in favor. Motion carries. No owner present. Linda Zillmer, Edgewater property owner speaks of waiving of financial assurance and carryover. Diane Boyer, neighbor speaks against the application. Tim Haessly, neighbor speaks against application, Mike Bryant, neighbor speaks against the application. Motion to close the public hearing portion of the application by Bassett, second by Paulsen. All in favor. Motion carries. Kozlowski reads the discussion/action portion of the application and a letter from the owner (Torgerson). Discussion held. Motion by Voight to approve the application for a five year renewal, second by Paulsen. Vote finds Paulsen – yes, Bassett – yes, Nyberg – yes, Voight – yes, Buckholtz – yes. All in favor. Findings of Fact: It would not be detrimental to ecology, wild life, wetlands or shorelands. It would not create an air quality, water supply, or pollution problem. Owner must maintain compliance with the requirements of NR135 Nonmetallic Mining Reclamation and Sawyer County Ordinance, and DNR Chapter 30.

3) A Public Hearing on Town of Radisson - #19-035. James & Leslie Walczak dba Earthly Materials LLC. The SE ¼ of the NW ¼; Map of Survey 20387-4; S20, T38N, R07W; Parcel #022-738-20-2401; 40 Total Acres with a currently mined area of 7 acres. Zoned Agricultural One (A-1). Known as the Earthly Materials Pit. Permit desired for the carry-forward of conditional use permit #07-010 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 June 15, 2007 and last approved June 19, 2015. Kozlowski reads the application, Town opinion, Neighbor opinions and Staff Report. Motion to open the public hearing portion of the application by Bassett, second by Nyberg. All in favor. Motion carries. Mr. Walczak in attendance. No other audience comment. Motion to close the public hearing portion of the application by Bassett, second by Paulsen. All in favor. Motion carries. Kozlowski reads the discussion/action portion of the application. Motion by Paulsen to approve the application subject to NR135, Sawyer County Zoning Ordinance, DNR Chapter 30, five year renewal, second by Bassett. Vote finds Bassett –yes, Paulsen – yes, Nyberg – yes, Buckholtz – yes, Voight – yes. All in favor. Motion carries. Findings of Fact: It would not be damaging to the rights of others or property values.

4) A Public Hearing on Town of Meadowbrook - #19-036. Donald & Christine Hajdasz. Part of the SE ¼ of the SW ¼ and part of the SW ¼ of the SE ¼; S22, T37N, R06W; Parcel #016-637-22-4301 and 016-637-22-3402; 32.741 Total acres with a currently mined area of 4 acres. Zoned Agricultural One (A-1), Agricultural Town (A-2) and Forestry One (F-1). Known as the Hajdasz Pit. Permit desired for the carry-forward of conditional use permit #90-014 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on May 18, 1990 and last approved on May 15, 2015. Buckholtz recuses himself from this case. Kozlowski reads application, Town opinion, Neighbor opinions and Staff report. Motion to open the public hearing portion of the application by Paulsen, second by Bassett, All in favor. Motion carries. No audience comment. Motion to close the public hearing portion of the application by Bassett, second by Nyberg. All in favor. Motion carries. Kozlowski reads the discussion/action portion of the application. Motion to approve by Bassett subject to NR135, 5-year renewal, DNR Chapter 30 and the Plan of Operation. Second by Paulsen. Vote finds Nyberg – yes, Bassett – yes, Voight – yes, Paulsen – yes. All in favor. Findings of Fact: It would not be damaging to the rights of others or property values. It would not create an air quality, water supply, or pollution problem.

NEW BUSINESS

- 1) James Madsen - Certified Survey Map review that crosses the exterior boundary of a recorded plat. Requires Zoning Committee acceptance, conditional acceptance, or rejection (Discussion/Action Item). Kozlowski explains the process and the need for the approval of the Certified Survey by the Zoning Committee. Motion to approve by Nyberg, second by Bassett. All in favor. Motion carries.
- 2) Budget Information/Discussion. Kozlowski goes over the budget, policy changes and fees. Marks will have 2020 calendar for meeting dates for review and approval in October.
- 3) Comprehensive Plan update-CIP request. Information/Discussion/Action. Kozlowski explains the need to have Northwest Planning to help with this. Kozlowski to get bids. Motion by Bassett, second by Paulsen. All in favor. Motion carries.
- 4) Dam maintenance – CIP 2020. Information/Discussion/Action. Discussion with Kozlowski, Roeker & Committee.
- 5) Linda Zillmer, Edgewater property speaks of the Scheer Conditional Use application, Shifting dates of the Zoning Committee public hearings and the Comprehensive Plan.

ADJOURNMENT

Adjournment by Buckholtz.

Minutes prepared by Kathy Marks, Deputy Zoning & Conservation Administrator