

**MINUTES OF PUBLIC HEARING
Sawyer County Zoning Committee
August 16, 2019**

Zoning Committee Members

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

Zoning Administration

Jay Kozlowski, Zoning & Conservation 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 at the Sawyer County Courthouse, 10610 Main St., Hayward, Wisconsin. Roll is called finding present: Buckholtz, Paulsen, Bassett, Nyberg and Voight. Attending from the Zoning Office: Kozlowski and Marks. Rebecca Roeker of von Briesen and 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 and Sawyer County Gazette on July 31st and August 7th, 2019.

5) Motion by Paulsen to approve the July 20, 2018 minutes, second by Voight. All in favor.

6) Public Comment.

Linda Zillmer requests that a review and amendment to the Preliminary Matters of the Statement of Committee and Hearing Procedure and Statement of Hearing. Also past zoning procedures, 30 day filing for appeals and requests that the Preliminary Hearing be read aloud, 12 month waiting period for refiling of a case and County Board approvals. The case that was heard before the County Board last night and the decision that was made. Rebecca Roeker wants the record to reflect that she had spoken with Ms. Zillmer last night but did not have a conversation about any of the points that she raised and certainly don't want my client thinking or anyone else thinking that we had a discussion about all those points and that she stands by my opinion that this County and this body and Board provides due process. No other comments.

REZONE APPLICATIONS

1) A Public Hearing on Town of Hayward - #19-013. Neumann Trust. Part of Government Lot 3, Lot 2 CSM 34/169 #8141 and part Government Lot 3, Lot 3 CSM 34/169 #8141; all in S36,T40N,

R08W; Parcel #010-840-36-5321 and #010-840-36-5322; 1 Total Acre and 1.52 Total Acres; Zoned Commercial One (C-1) and Residential/Recreational One (RR-1). Permit desired to rezone existing Residential/Recreation One (RR-1) areas to Commercial One (C-1) to conform with the current use of the properties and to split off the large garage from the residential lot. Preliminary Map in packet. Kozlowski reads application, staff report Town opinion and Opinion letters. Motion to open the public hearing portion of the case by Paulsen, second by Nyberg. All in favor. Kris Treland Neumann, owner speaks in favor of the rezone application. Motion to close the public hearing portion of the application by Voight, second by Bassett. All in favor. Kozlowski reads discussion/Action of this case. Discussion with Kozlowski and Committee. Motion by Bassett to approve the application, second by Voight. Roll call finds Bassett – yes, Paulsen – yes, Nyberg – yes, Buckholtz – yes, Voight –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 to ecology, wild life, wetlands or shorelands. It would not create an air quality, water supply, or pollution problem.

CONDITIONAL USE APPLICATIONS

1) A Public Hearing on Town of Hunter - #19-038. Russell Smith. Part of the NE ¼ of the SE ¼; S05, T40N, R06W; Parcel #012-640-05-4101; 36.8 Total Acres; Zoned Forestry One (F-1). To be rezoned Residential/Recreational Two (RR-2). Permit desired for the recreational service oriented use for a full time landscaping business and accounting and tax service use. This use would require building of structures for heavy equipment storage and office use subject to section 17.3 (B) (3 & 8). Kozlowski reads the application, Staff report, Town opinion and Opinion letters. Motion by Bassett to open the public hearing portion of this case, second by Nyberg. All in favor. Russell Smith, owner speaks in favor of the application. No other comments. Motion to close the public hearing portion of this case by Voight, second by Nyberg. All in favor. Paulsen questions Roeker if she is comfortable with Jay's interpretation of the permitted uses. Roeker says yes as long as the committee is comfortable with the facts and circumstances that Jay has presented. Kozlowski reads the discussion/action part of the case. Discussion with Committee, Kozlowski and Roeker. Motion by Bassett to approve the application, second by Paulsen. Discussion held. Bassett withdraws his motion to approve, second by Paulsen. Motion by Nyberg to approve the application with conditions, second by Paulsen. Conditions of: 1. Land Use Permits are required for all structures. 2. All other town, County, State, Federal Laws are followed. 4. Any and all signage must meet Sawyer County Zoning Ordinance requirements. 5. No engine braking allowed for potential larger vehicles. 6. Land disturbance in excess of 10,000 sq. ft. but less than 1 acre requires as additional Grading Permit from Sawyer County Zoning & Conservation. If over 1 acre requires "storm water management plan" from WI DNR. 7. Downward facing or shielded lighting only for the business. 8. 100' buffering of trees from the right-of-way of County Trunk B. Roll call finds: Buckholtz – yes, 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 destroy prime agricultural lands.

2) A Public Hearing on Town of Round Lake - #19-039. Timothy Hageny Sr. The NW ¼ of the NW ¼; S33, T41N, R07W; Parcel #024-741-33-2201; 40 Total Acres; Zoned Forestry One (F-1) and Residential/Recreational One RR-1). Permit is desired for accessory structure on vacant property with condition of a 3-year time-frame to build dwelling per section 4.26 (1). Kozlowski reads application, Staff report, Town opinion and Opinion letters. Explains that this is an After the Fact case. Motion by Nyberg to open the public hearing portion of this case, second by Paulsen. All in favor. Timothy Hageny Sr., owner speaks in favor of the application. Discussion

with Committee. No other comments. Motion to close the public portion of this case by Voight, second by Paulsen. All in favor. Kozlowski reads the discussion/Action part of this case. Motion by Nyberg to approve the application with conditions, second by Voight. Conditions of Land Use Permit is applied for accessory structure within 1 month from the date of Zoning Committee decision with a double permit fee associated for the after-the-fact construction. Land Use Permit is applied for principal structure within 3 years from the date of Zoning Committee decision. Failure to apply will result in citation with potential order for removal of accessory building. Proposed accessory structure must meet all other Sawyer County Zoning & Conservation requirements and compliant with all other State & Federal Laws, including Uniform Dwelling code. Roll call 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 would not be detrimental to ecology, wild life, wetlands or shorelands.

3) A Public Hearing on Town of Draper - #19-040. Flambeau River State Forest – DNR. All of Sec 28; S28, T39N, R03W; Parcel #006-339-28-5101; 599.53 Total Acres; Permit is desired for the three (3) year renewal of conditional use permit #14-008 for the location of a non-metallic mineral extraction operation, including rock crusher which was approved at public hearing on August 15, 2014. 80 acres of the 600 acres is being considered. Existing operation is 3 years. Kozlowski reads application, Staff Report, Town opinion, Opinion letters and letter from Christopher Bender DNR. Motion by Nyberg to open the public portion of this case, second by Paulsen. All in favor. No public comment. Motion to close the public portion of this case by Nyberg, second by Paulsen. All in favor. Kozlowski reads discussion/action portion of this case. Motion by Paulsen to approve the application with conditions, second by Voight. Conditions of Chapter 30 DNR, Plan of operation, NR135. Roll call finds: Nyberg – yes, Buckholtz – yes, Voight – yes, Paulsen – yes, Bassett – yes. All in favor. Findings of Fact: It would not be damaging to the rights of others or property values.

4) 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 Discussion/Action part of this case. Application, Staff report, Town opinion and opinion letters. Motion to approve the application by Nyberg with conditions, second by Voight. Conditions of Land Use Permit is applied for accessory structure within 1 year from the date of Zoning Committee decision and Town Board approval for building within the F-1 zone district. Land Use Permit is applied for the principal structure within 3 years from the date of Zoning Committee decision including other necessary zoning permits. Failure to apply will result in citation with potential order for removal of accessory building. Proposed accessory building must met all other Sawyer County Zoning & Conservation requirements and compliant with all other State and Federal Laws. Size of proposed accessory structure not to exceed 45' x 72'. Not to be used for commercial use. Zoning & Conservation recommendation that that a 50' buffer of undisturbed vegetation remain from all property lines minus the driveway access. Roll call finds: Paulsen – yes, Bassett – yes, Nyberg – yes, Voight – yes, Buckholtz – yes. All in favor. Findings of Fact: It would not be damaging to the rights of others or property values. It would not destroy prime agricultural lands.

Roeker states that under 59.69 State Statute that the process for this last case is permitted. That in the future you may continue to do so as long as there is not a material delay and the public hearing is noticed correctly and is fine in making that decision today.

NEW BUSINESS

1) Fee Schedule – Refiling Fees. Discussion with Kozlowski and Committee held. Motion to approve by Paulsen with Fee Schedule Filing Fees for the Rezone filing fee, Conditional Use refiling fee, Variance refiling fee effective August 16, 2019. Also include the wording under Accessory Structures of “These square footage calculations are to include all usable space. This would be for non-habitable storage areas within accessory structures. Second by Nyberg. All in favor.

2) Floodplain Ordinance. Kozlowski speaks of updating the Floodplain Ordinance and the process. Discussion held with Committee, Kozlowski and Roeker. Motion by Nyberg to postpone the Floodplain Ordinance Discussion/Action until September 20, 2019. Second by Voight. All in favor.

3) Paulsen requests Roeker explain Spot Zoning. Roeker explains Spot Zoning and the process. Discussion held with Committee, Roeker and Kozlowski.

4) Bassett has questions regarding the Staff Report. Discussion with Kozlowski and Committee.

5) Roeker speaks of Zillmer’s comments regarding a denial of due process those are serious, serious allegations. The right to due process is one of the most fundamental constitutional rights that we have and if the Committee or if the Board or whomever would like me to address that in greater detail in terms of what you have to do or don’t have to do to provide due process and that she would be happy to do that. I do not think this Committee has denied a due process, at least when I have been here and in terms of the Statement of Committee and Statement of Hearing if you look at the language it is appropriate. There is no legal requirement that somebody read that statement. It is provided to the public. If you would like me to do additional in house I would be happy to do that. I think it warrants my comment because when someone stands before this body in a public hearing making an allegation of peoples due process rights are being violated that is not something to take lightly. Unfortunately, for the Committee you have to consider them.

6) Kozlowski announces that we have a new employee starting in our office on August 26, 2019. Please stop and say Hello to Valarie Heath.

ADJOURNMENT

Buckholtz adjourns meeting.

Minutes prepared by Kathy Marks

For more information please contact our office at 715-634-8288 or see our website at sawyercountygov.org