

MINUTES OF PUBLIC HEARING
Sawyer County Zoning Committee
October 18, 2019, 8:30 am

Zoning Committee Members

Ronald Buckholtz, Chairman
Bruce Paulsen
James Bassett
Elaine Nyberg
Troy Morgan
Dawn Petit

Zoning Administration

Pat Brown, Assistant 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 called finding present: Buckholtz, Paulsen, Nyberg, Bassett, Morgan and Petit. From the Zoning Office Brown and Marks. Rebecca Roeker of von Briesen & 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.

5) Approval of September 20, 2019 Minutes. Motion by Paulsen to approve September 20, 2019 minutes, second by Bassett. All in favor. Motion carried.

6) Public Comment. Linda Zillmer, Edgewater property owner states that the Preliminary Matters should be read and that the procedure should be in the Preliminary Matters. Also speaks of enforcements of non-conforming Shoreland permits that are granted and habitable space in accessory buildings. Distributes handouts.

REZONE APPLICATION

1) A Public Hearing on Town of Spider Lake - #19-015. Sawyer County. That part lying north of County Hwy OO of the SW ¼ of the NW ¼ ; S19, T42N, R07W; Parcel #028-742-19-2301; Approximately 13.6 acres of the Total 40 acres; Zoned Forestry One (F-1). Permit desired to rezone that part of the parcel lying north of County Hwy OO to Commercial One (C-1). This is to allow for a permitted commercial use as described in the Sawyer County Zoning Ordinance Section 17.6(A). This permitted commercial use would be within an existing structure on the property and would be subject to the MOU agreement with Sawyer County and American Birkebeiner Ski Foundation. Brown reads the application, staff report, and Spider Lake Chairman letter. Tom Hoff, Sawyer County Administrator speaks in favor of the application and answers Committee questions. Motion by Bassett to open the public hearing, second by Paulsen. All in favor. Buckholtz cautions audience that there is a three minutes time limit to speak. Ben Popp, Birkebeiner Executive Director speaks in favor of the application. Jo Mazik, resident Town of Spider Lake speaks opposed to the application, has concerns of the amount of acreage that is being requested for

rezone. Debra Emery, resident Town of Spider Lake speaks opposed to the application with concerns of competition for neighboring coffee places, Spider Lake Comprehensive Plan is not being followed and having a coffee place on County land. Also the amount of acreage that is being requested to rezone. Case Mazik speaks in opposition concerns of spot zoning. Buckholtz reads the opinions for Carol Alcoe, Judith Clifton opposed to rezone. Karen Morse, use the size of the building as the footprint for the rezone, showing favoritism for the Birkie, 13.6 acres is excessive. Ronald Morse resident of Spider Lake are in opposition of the application has concerns on the amount of acreage and requests that be lessened. Linda Zillmer, Edgewater property owner speaks in opposition of the rezone and has concerns of competition, amount of acreage, spot zoning, uses of the land, and that the Birkie owns the building that is on County land. MOU and Ground lease should have been drafted and distributed for the Committee to review before a decision is decided for this rezone. Buckholtz reads Elizabeth and Quentin Johnson opposition opinion. Sara Delaney, Spider Lake resident speaks in opposition of the application, supports the natural resources. Is this in the County Forestry plan? Concerns of development can put nature in jeopardy, will new trees be planted? Needs to be smaller acreage. Patrick Delaney, Spider Lake resident speaks in opposition of the application. Requests denial of the rezone. Concerns of being incompatible with the surrounding uses in the area, of conflict with an outdoor recreation aids grant plan between the DNR and the County with the Birkebeiner Trail Head project. You can find this in the Deed records Document #416296. There may possibly be three violations in the grants. Frank Zufall, Sawyer County Record questions rezone of County Forestry property. Are there any State Laws regarding what can occur in County Forest? Roeker gives quick answer, does not know statutory records off the top of her head. She can find them today, case law of what can be done with public lands and that this is a rezone. The County is not selling the property. Case Mazik, Spider Lake resident wants to know if assistant zoning administrator Pat Brown has any concerns of the rezone. Brown states with this case specifically in the Town of Spider Lake it would fall back to the Town of Spider Lake to rezone any private property that would be up to the Town Board. The private property owner has the right to request a rezone. It is then the Zoning Committee's discretion to approve or deny that rezone. Paulsen requests Greg Peterson, Forestry Administrator to answer a few questions. Discussion of grants, withdrawals, and cuttable forest with Committee. County Forestry law needs County Board approval. Motion by Nyberg to come out of public hearing. Discussion continues with Peterson, Hoff and Committee. Paulsen, if a new survey would be needed for a smaller portion of property. Hoff answers "yes". Discussion continues with Hoff, Popp and Committee. Jo Masik, Spider Lake Resident states that she heard there was a wedding at the building last week. Popp states that it is a public building, there was no financial transactions, they asked if they could use the building and we said "yes". Discussion continues. Patrick Delaney, Spider Lake resident speaks that it is to be used for outdoor recreational activities and the whole 40 acres is ineligible for non-nature based outdoor recreation under the grant. Motion by Bassett to go out of public hearing, second by Paulsen. All in favor. Brown reads discussion/action of application. Discussion held by Committee. Motion by Bassett too reduce acreage. Roeker states that the publication shows 13.6 acres and would be the proper forum to do that and that it should be republished for a smaller acreage. Bassett removed his motion. Motion by Nyberg to approve the application as requested and as the use of sale of coffee. Nyberg withdraws motion. Roeker that the MOU is going through updates and that a ground lease is needed. Roeker states that the ground lease is in final draft and that the MOU is still in discussion. Discussion continues. Motion by Paulsen to postpone the rezone until the November meeting so the Committee is able to view the ground lease and MOU agreement. Second by Nyberg. Roll call finds Bassett – yes, Paulsen – yes, Nyberg – yes, Buckholtz – yes, Morgan – no. 4 to 1 in favor.

2) A Public Hearing on Town of Lenroot – CUP #19-041. Forest Crop Sawyer County; Town of Lenroot, agent. All of Sec 2, located in T42N, R09W; Parcel #014-942-02-1101; 646.20 Total Acres; more particularly described as the SW ¼ of the NW ¼ and the NW ¼ of the SW 1/4 ; S02, T42N, R09W; 10 Acres Total; Zoned Forestry One (F-1). Known as the Seeley Fire Lane Pit. Permit desired for the three (3) year renewal of conditional use permit #96-023 for the location/operation of a non-metallic mineral extraction, including rock crusher, which was approved at public hearing on October 18, 1996 and most recently renewed October 21, 2016. Property is zoned Forestry One (F-1) and is 646.20 Total Acres with

an operation area of 10 Total Acres and approximately 2 acres used. Brown reads the application, Staff Report, Town opinion and opinion letters. Motion to open the public hearing portion by Bassett, second by Paulsen. All in favor. Gordon Chistians, Lenroot Chairman speaks in favor of the application. No other comment. Motion by Bassett to close the public hearing, second by Paulson. All in favor. Brown reads the Discussion/Action part of the application. Motion by Bassett to approve the application with conditions of NR135, Maintain compliance of Plan of Operation, Maintain DNR Chapter 30 and all other Town, County, State and Federal Laws. Second by Morgan. Roll call finds Buckholtz – yes, Nyberg – yes, Bassett –yes, Morgan – yes, Paulsen –yes. All in favor 5 to 0. 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.

Buckholtz calls for recess at 10am. Calls meeting back to order at 10:10am.
Buckholtz moves the CUP#19-044 Judith Harris up as she must leave.

3) A Public Hearing on Town of Hunter - #19-044. Judith Harris. The NW ¼ of the SW ¼; S03, T40N, R07W; Parcel #012-740-03-3201, 40 Total Acres; Zoned Agricultural One (A-1). Known as the Harris Sand Pit. Permit desired for the three (3) year renewal of conditional use permit #02-023 for the location/operation of a non-metallic mineral extraction, sand and fill, which was approved at public hearing on October 18, 2002 and most recently renewed October 21, 2016. Current operation is approximately 2 acres. Brown reads application, Staff Report, Town Approval and Opinion letters. Motion to open the public hearing portion by Paulson, second by Bassett. All in favor. Judith Harris, owner speaks in favor of the application. No other comments. Motion by Bassett to close public hearing, 2nd by Morgan. All in favor. Brown reads discussion/Action part of the application. Motion to approve by Paulsen with conditions to maintain NR135, Maintain Plan of Operation, Maintain DNR Chapter 30 and all other Town, County, State and Federal Laws. Roll call finds Morgan – yes, Bassett – yes, Paulsen – yes, Nyberg – yes, Buckholtz – yes. 5 to 0. All in favor. Findings of Fact: It would not be damaging to the rights of others or property values. Town Board approved.

4) A Public Hearing on Town of Draper – CUP #19-042. Sue Zmuda. Andy Fitz, agent for Mastec Network Solutions. Part of NW ¼ of the SW ¼; S04, T39N, R04W; Parcel #006-439-04-3201; 25.5 Total Acres; Zoned Agricultural One (A-1); East side of Knowles Road; 1500' north of highway 70 in Loretta, WI. Permit desired for Construction of a new wireless communications tower and fenced-in ground compound for equipment. Brown reads the application, Staff Report, Town Approval and Opinion letters. Motion to open the public hearing portion of the application by Morgan, second by Paulson. All in favor. Andy Fitz, agent Mastec Solutions speaks in favor of the application. Linda Zillmer, Edgewater property owner information only, request to new standards for towers and for Staff to start updating the Ordinance. Questions of the location of the Tower. Sue Zmuda, property owner speaks in favor of the application. No other comments. Motion to close public hearing by Paulson, second by Bassett. All in favor. Brown reads discussion/Action portion of application. Committee discussion held with Fitz and Committee. Motion to approve by Bassett with conditions of Land Use Permit for telecommunication facility is required. Prior to issuing the Land Use Permit the applicant or owner of the telecommunication facility shall provide a bond, irrevocable letter of credit, or other suitable financial guarantee as determined by the Zoning Committee to ensure the removal of facility if it falls into disuse and restoration back to pre-construction state in the amount of \$20,000. All other Town, County, State and Federal Laws followed. Second by Paulson. Roll call finds Morgan – yes, Paulsen – yes, Buckholtz – yes, Bassett –yes, Nyberg – yes. 5 to 0. 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, or pollution problem.

5) A Public Hearing on Town of Couderay - #CUP 19-043. Futurewood Corp. The S ½ of the SW ¼ of the NW ¼, S ½ of the SE ¼ of the NW ¼, SW ¼ all in S19, T38N, R08W; Parcel #'s 004-838-19-2301, -2401, -3201, 3101, -3301 and -3401. 210 total acres; All zoned Forestry One (F-1). Permit desired for the three

(3) year renewal of conditional use permit #96-015 for the location/operation of a non-metallic mineral extraction and blasting, including rock crusher and bituminous plant, which was approved at public hearing on August 16, 1996 and renewed most recently October 25, 2016. Current operation is approximately 5 acres in size. Brown reads application, Staff Report, Town opinion. Motion by Bassett to open the public hearing, second by Paulsen. All in favor. D.J. Aderman, Futurewood President speaks in favor of the application. Linda Zillmer, Edgewater property owner speaking of information. That the Town did not properly notice the agenda. Concerns of Town road damage. No other comment. Motion by Bassett to close the public hearing, second by Paulson. All in favor. Brown reads Discussion/Action portion of the application. Bassett speaks in favor of the application as Chairman of Couderay. Discussion held. Motion by Nyberg to approve the application with conditions of Maintain compliance with NR135, Maintain compliance with Plan of Operation, Maintain compliance with DNR Chapter 30, All other Town, County, State, and Federal Laws. Roll call finds Morgan – yes, Nyberg – yes, Buckholtz – yes, Paulsen – yes, Bassett abstains from vote. Dawn Petit – alternate – yes. Findings of Fact: It would not be damaging to the rights of others and property values. It would not destroy prime agricultural lands. It would not create and objectionable view.

NEW BUSINESS

Buckholtz moves item #4 to #1.

4) Consideration of allowing General Repair Shop/Mechanical repairs in the Residential/Recreational Two (RR-2) Zone District under 17.3(B)(3). Brown explains RR-2 and request if Committee would consider a CUP permit for a General Repair Shop/Mechanical. Mark Phillips, Town of Hunter resident speaks of what he would like to do, prop repair, blades sharpened, lawn mowers, etc. Discussion held. Bassett recuses himself. Nancy Phillips, Town of Hunter resident asks if there would be an opportunity to be able to do that and that the Town suggested going for a Conditional Use Permit. Linda Zillmer, Edgewater property owner in opposition and concerns of the chemicals, disposals, and ground water contamination. Roeker suggests more discussion would be held when application is applied for and discussion to be held in a formal setting.

1) Floodplain Ordinance update (Discussion Only) – official public hearing to be held November 15, 2019. Brown explains of three Dam analysis updates and not the whole Ordinance. Brown reads DNR letter. Discussion held.

2) Northwest Regional Planning Commission Contract with Sawyer County. Motion to approve by Nyberg and forward to the County Board for approval. Second by Bassett. Buckholtz – yes, Nyberg – yes, Bassett – yes, Paulsen – yes, Morgan – yes. All in favor. 5 to 0.

3) Sawyer County Public Participation Plan Update. Discussion held with Committee and Linda Zillmer, Edgewater property owner. Motion by Nyberg to approve, second by Paulson. All in favor.

5) Any other business that may come before the Committee. 2020 Meeting dates. Marks will have new calendars for Committee next month.

ADJOURNMENT

Buckholtz adjourns meeting at 11:30am.

A Quorum of the County Board of Supervisors or any of its committees may be present at this meeting to listen and observe. Neither the Board nor any of the committees have established attendance at this meeting as an official function of the Board or committee(s) or otherwise made a determination that attendance at the meeting is necessary to carry out the Board or committee's function. The only purpose for other supervisors attending the meeting is to listen to the information presented. Neither the Board nor any committee (other than the committee providing this notice and agenda) will take any official action with respect to this noticed meeting.

***For more information please contact our office or see our website at sawyercountygov.org

Minutes prepared by Kathy Marks – Deputy Zoning & Conservation Administrator.