

MINUTES OF PUBLIC HEARING
Sawyer County Zoning Committee
November 15, 2019

Zoning Committee

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

Zoning Administration

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

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 finds present: Buckholtz, Paulsen, Bassett, Petit and Morgan. From the Zoning Office Kozlowski 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 on October 30th and November 6th, 2019.
- 5) Motion made by Paulsen to approve the October 18, 2019 minutes, 2nd by Petit. All in favor.
Motion carried.
- 6) Public Comment. Linda Zillmer, Edgewater property owner questions if the Manure Storage Ordinance(Waste Water Ordinance) belongs in Land, Water Forestry Committee or at the Zoning Committee.

REZONE APPLICATIONS

1) A Public Hearing for the amendment of RZN #19-015 Owner: Sawyer County. For the reduction in size of rezone area. Town of Spider Lake. That part of the East 600 feet of the SW ¼ of the NW ¼ lying north of the northerly right-of-way of County Highway OO, except the north 150 feet thereof; S19, T42N, R07W; Parcel #028-742-19-2301; Approximately 4.5 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 and Ground Lease agreement with Sawyer County and American Birkebeiner Ski Foundation. Public Hearing was held on October 18, 2019 and Discussion/Action was postponed until November 15, 2019. Kozlowski reads the application, Staff report, Town of Spider Lake Chairman's letter giving support of the application and Sarah Delaney's opinion as being opposed to the application. Motion to open the public hearing portion by Bassett, second by Paulsen. All in favor. Jeff Tumbleson, Town of Spider Lake resident speaks in favor of the application. Kristy Maki, Town of Lenroot resident and American Birkebeiner ABSF Event Director as agent speaks in favor of the application.

Discussion held with Committee. Sue Scheer, Town of Lenroot resident and American Birkebeiner Board speaks in favor. Wendy Wood, Town of Spider Lake speaks opposed to the application. Discussion with Committee and Kozlowski held. Linda Zillmer, Edgewater resident speaks opposed to the application, reasons of partial rezoning a property and concerns of items in the MOU. Roeker speaks of the State statues in 59.59, Spot Zoning and that it is the public interest. Mary Keating, Spider lake resident speaks opposed to the application and the Spider Lake Comprehensive Plan. Jerome Keating speaks opposed to the application. Questions the acreage being requested. Case Mazik, Town of Spider Lake resident speaks opposed to the application. Patrick Delaney, resident of Spider Lake speaks opposed to the application. Concerns of the Grant money use, MOU should be denied, Deny the Ground Lease as it is poorly drafted and that this is spot zoning. Roeker states that the Ground Lease agreement is a straight forward agreement. Discussion continues. With Committee and Roeker. Sarah Delaney, Spider Lake resident states that Spider Lake zoning does require a Conditional Use Permit in the F-1 zone district. Tom Hoff, Sawyer County Administrator speaks that this is a good discussion and in favor of the application. Gives back round of the rezone and that the uses were not permitted. Trying to accommodate the public with Birkie. Frank Zufall, Sawyer County Record Reporter questions rezoning to C-1 and if it is legal. Roeker states under law County may rezone to C-1. Greg Peterson, Forestry County Director states that there is no correlation between Zoning and County Forest Law. Discussion with Committee and Roeker. Motion by Paulsen to close the public hearing portion, second by Bassett all in favor. Jay reads Discussion/Action portion of the application. Buckholtz questions Greg Peterson of the acreage being 4.5 acres. Peterson responds that they could shrink down the size but the description is written so that anyone could find the lines. Discussion with Committee, Peterson and Kozlowski. Motion by Paulsen to approve the application with amending to move the West line to the West side of the Birkie Trail, second by Buckholtz. Discussion held. Roeker states that the Committee cannot do a conditional rezone. Roll call finds: Buckholtz – yes, Bassett – yes, Morgan – yes, Petit – no, Paulsen – yes. Four to One in favor. Motion carried. 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. It would not create topographical problems such as run off, drainage, erosion, flooding, or vegetative cover removal.

Buckholtz calls for a five minute break. Buckholtz calls the meeting back to order at 10:10am.

2) A Public Hearing RZN #19-016 in Town of Hayward. Owner: Leslie Martinson, Agent: American Birkebeiner Ski Foundation. Part of the SW ¼ of the SE ¼; S24, T41N, R09W; Parcel #010-941-24-4303; 14.10 Total Acres; Zoned Agricultural One (A-1). Permit desired for creating access from the current Birkie trail to the new 77 pedestrian overpass through this property. Rezone Lot 2 of Preliminary survey from Agricultural One (A-1) to Residential/Recreational Two (RR-2). 1.20 acres. Lot 1 to remain Agricultural One (A-1). Kozlowski reads the application, Staff Report, Town approval, Opinion letters and Department of Transportation letter. Motion by Paulson, second by Bassett. All in favor. Kristy Maki, Lenroot Township resident and ABSF Event Director as agent speaks in favor of the application and that it must be 1.2 acres for the bridge and the trail. Sue Scheer, Town of Lenroot resident, ABSF Board member speaks in favor. Linda Zillmer, Town of Edgewater resident speaks of the application. States project started before procedures are done. Questions RR-1 and RR-2 that was published in paper. Motion to close by Bassett, second by Paulsen. All in favor. Kozlowski reads the Discussion/Action portion of the application. Discussion by Committee, Roeker and Kozlowski. Roeker explains the legalities of the publication of RR-2 and not RR-1. Morgan questions leaving at the RR-2. Kozlowski states the conditions of a CUP zoned RR-2, and that acreage would come into effect with no room with the size of the trail and bridge for buildings or meet setbacks. Discussion continues. Kozlowski explains that the Staff report says RR-1 but will amend to show RR-2, the Town has approved the property for the zone RR-2 in the public interest. Motion by Paulsen to approve the application, second by Petit. Discussion held. Roeker clarifies the RR-1, RR-2 and the Town approval at RR-2. Discussion held. Roll call finds: Petit – yes, Morgan – yes, Paulsen – yes, Buckholtz – no, Bassett – yes. Four to one in favor. Motion carried. Findings of Fact: It would not create topographical problems such as runoff, drainage, erosion, flooding or vegetative cover removal. We have approved drainage plan in the file. It would not create traffic or highway access problems. The Town did approve and grant the application at RR-2.

CONDITIONAL USE APPLICATION

1) A Public Hearing CUP #19-045 in the Town of Round Lake. Owner: Robert & Joan Vitcenda Family Trust. The NE ¼ of the SE ¼; S34, T41N, R07W; Parcel # 024-741-34-4101; 40 Total Acres; Zoned Forestry One (F-1). Current operation is approximately 3 acres and is known as the Hwy B Pit. Permit is desired for the three (3) year renewal of conditional use permit #02-021 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on September 20, 2002 and renewed most recently on December 16, 2016. Kozlowski reads application, Staff Report, Town opinion and Opinion letters. Motion to open the public hearing portion by Bassett, second by Paulsen all in favor. No attendance for this application. No audience comment. Motion to close the public hearing portion by Bassett, second by Paulsen. All in favor. Discussion held with Committee, Roeker and Kozlowski. Motion to approve the application by Bassett, with conditions listed in Staff Report. 1. Maintain compliance with NR135 (reclamation plan). 2. Maintain compliance with Plan of Operation including hours of operation. 3. Maintain compliance with Department of Natural Resources Chapter 30. 4. Comply with all other federal, state and local regulations. Second by Paulsen. Roll call finds: Morgan – yes, Buckholtz – yes, Petit – yes, Paulsen – yes, Bassett – yes. All in favor Motion carried. 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.

2) A Public Hearing CUP #19-046 in the Town of Weirgor. Owner: Corey & Gwyla Blomberg. Part of the NE ¼ of the SW ¼; S23, T37N, R07W; Parcel #030-737-23-3101 and -3201; 31.44 Total Acres; Zoned Agricultural One (A-1). Current operation is approximately 9 acres and is known as the Blomberg Pit. Permit desired for the three (3) year renewal of conditional use permit #03-012 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on December 20, 2003 and renewed most recently August 16, 2016. Kozlowski reads application, Staff Report, Town opinion and Opinion letters. Motion by Bassett to open the public hearing portion of the application, second by Buckholtz. All in favor.

Paulsen requests a break. Buckholtz calls for a five minute break. Buckholtz calls the meeting back to order.

Corey Blomberg, owner speaks in favor of the application. Discussion held. Gwyla Blomberg is in favor of the application. No audience comment. Motion by Buckholtz to close the public hearing, second by Paulsen. All in favor. Jay reads Discussion/Action portion of the application. Discussion held by Committee. Motion by Bassett to approve the application with conditions listed in the Staff Report. 1. Maintain compliance with NR135 (reclamation plan). 2. Maintain compliance with Plan of Operation including hours of operation. 3. Maintain compliance with Department of Natural Resources Chapter 30, 4. Comply with all other federal, state and local regulations. Second by Paulsen. Roll call finds: Paulsen – yes, Bassett – yes, Petit – yes, Morgan – yes, Buckholtz – yes. All in favor. Motion carried. 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) Discussion/Action Item CUP #19-012 in the Town of Winter. Owner: Northwoods ATP LP. Agent: Steigerwaldt Land Services Inc. The NE ¼ of the SW ¼; S24, T38N, R05W; Parcel #032-538-24-3101; 40 total acres; Zoned Forestry One (F-1); Known as the ATP Pit. Permit desired for the carry forward of conditional use permit #06-025 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on March 17, 2006. Public Hearing was held February 15, 2019 at the Zoning Committee meeting and Discussion/Action was postponed until Town decision was made on November 13, 2019. Kozlowski explains that this case was heard at the February 2019 Zoning Committee meeting and was postponed because there was no Town decision made. Discussion held with Committee Roeker and Kozlowski. Roeker explains that you have to have a

public hearing. That it is fine for the Discussion/Action to proceed but to let the public speak and provide comments. Kozlowski reads the application, Staff Report and Town opinion. Buckholtz open this portion for public comment. Linda Zillmer, Edgewater property owner has concerns of the length of time between the public hearing and the A-1 zone district. Speaks of the DNR granting millions to ATP for trails that Sawyer County has insured. That she would like Sawyer County to rescind the Insurance contract with ATP, can that be a condition? Discussion held. Roeker speaks of conditions that can be placed on the application with the ACT 67, analysis would have to be done if you can rescind the insurance contract. Motion by Paulsen to postpone the application decision until March of 2020 and refer the matter back to Land, Water, Forestry Committee. Second by Bassett. Roll call finds: Buckholtz – yes, Morgan – yes, Bassett – yes, Paulsen – yes, Petit – yes. All in favor. Motion carried.

NEW BUSINESS

Kozlowski explains that the applications will have to be reformatted for the public hearing on #1, #2, #3, and #4 to a later date. Roeker recommends that should be done because of publication for the public to understand.

1) Public Hearing for adoption of Moose Lake Dam Failure Analysis. Motion to postpone by Paulsen until the December 20, 2019 meeting. Second by Bassett. All in favor.

2) Public Hearing for adoption of Hydraulic and Hydrologic Dam Failure Analysis for Upper Brunet (Loretta Dam). Motion to postpone by Bassett until the December 20, 2019 meeting. Second by Morgan. All in favor.

3) Public Hearing for adoption of Dam Failure Analysis and Hazard Rating Assignment for Totagatic Dam. Motion to postpone by Bassett until the December meeting. Second by Petit. All in favor.

4) Ordinance Amendment to Sawyer County Floodplain Ordinance to adopt the above three Dam Failure Analyses. Section 1.5 (2) (b) official map section. Motion to postpone by Petit to postpone until the December 20, 2019 meeting. Second by Bassett. All in favor.

5) Zoning Committee 2020 Meeting Dates. Discussion held with Committee, Kozlowski and Marks. Motion by Morgan to approve the 2020 meeting dates and amend the November 20, 2020 meeting date to November 13, 2020. Second by Buckholtz. All in favor.

6) Training. Discussion held by Committee and Kozlowski and decided when time permits to have training during the meetings.

7) Discussion with Committee, Kozlowski and Linda Zillmer, Edgewater property owner regarding if the Waste Water Ordinance, should it be heard at the Zoning meeting or the Land, Water and Forestry Resources Committee. Buckholtz speaks of the Manure Storage Ordinance either being on the Zoning Committee or stay with Land, Water Forestry Committee. Discussion with Committee, Zillmer and Kozlowski. Morgan states that maybe when something is discussed at the Land, Water Committee and they feel the Zoning Committee should hear it they can forward it on to Zoning. Buckholtz understands and is fine with that and that Waste Storage Ordinance be at Land & Water Committee. . Kozlowski says that the new Fee Schedule will be on the December agenda to be approved and that County Board has already approved the budget that this Fee Schedule has set for and would only need Zoning Committee approval.

ADJOURNMENT

Buckholtz adjourns meeting.

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

DRAFT