

**MINUTES OF PUBLIC HEARING
Sawyer County Zoning Committee
February 21, 2020**

Zoning Committee Members

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

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 in the Sawyer County Courthouse, 10610 Main St. Hayward, Wisconsin. Roll was called finding present: Buckholtz, Bassett, and Petit. Paulsen, Nyberg and Morgan are absent. James Schlender County Board member attends by phone as alternate for potential conflict of interest. From the Zoning Office Kozlowski and Marks. Rebecca Roeker from 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 on February 5th and 12th, 2020.

5) Approval of January 17, 2020 minutes. Motion to approve by Bassett, 2nd by Petit. All in favor.

6) Public Comment Linda Zillmer, Edgewater property owner questions having an alternate appear by phone. Roeker explains that there is no conflict attending by phone. Motion by Bassett to hear case #20-003, Phillips first and recuse himself from this case, second by Petit. All in favor. Bassett leaves. James Schlender, County Board member attends meeting by phone.

REZONE APPLICATIONS

None

CONDITIONAL USE APPLICATION

2) A Public Hearing for Conditional Use #02-003 in the Town of Hunter. Owner: Mark & Nancy Phillips. Part of the NW ¼ of the SE ¼; S05, T40N, R06W; Parcel #012-640-05-4201; Zoned Forestry One (F-1) and Residential/Recreational Two (RR-2); 29.82 Total Acres. Permit desired for a General Repair Shop to provide the community with a variety of mechanical repairs within the newly approved Residential/Recreational Two (RR-2) District. Kozlowski reads the application, Opinion letters, Town approval and Staff Report. Buckholtz motions to open the public hearing portion, second by Petit. All in favor. Mark Phillips, owner speaks in favor of the application. Discussion held with Committee. No other comments. Motion to close the public hearing portion by Petit, second by Buckholtz. All in favor. Kozlowski reads Discussion/Action portion of case. No comments. Motion by Petit to approve the application with conditions of 1. Land Use Permits are required for all new structures. 2. Hours of

operation to be no earlier than 7am or later than 9pm, 7 days a week. (modify if needed). 3. Any and all signage must meet Sawyer County Zoning Ordinance requirements. 4. Downward facing or shielded lighting only for the business. 5. 100' buffering of trees from the right-of way of County Trunk Highway B. 6. All other Town, County, State and Federal Laws are followed. Second by Schlender. Findings of Fact: It would not be damaging to the rights or 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. It would not create topographical problems such as run off, drainage, erosion, flooding, or vegetative cover removal. It would not create traffic or highway access problems. It would not destroy prime agricultural lands. It would be compatible with the surrounding uses and the area. It would not create an objectionable view. Roll call finds: Petit –yes, Buckholtz – yes, Schlender – yes. All in favor.

Schlender leaves attendance by phone and Bassett returns to meeting.

1) A Public Hearing for Conditional Use #20-002 in the Town of Winter. Owner: Flambeau River State Forest – WDNR. All of Section 34; S34, T37N, R04W; Parcel #032-437-34-1101; Zoned Forestry One (F-1); 40 Acres of the 640 Total Acres, more specifically the area lying North of Cedar Rapids Road and South of West Lane. Permit desired for the renewal of conditional use permit #12-001 for the location of a non-metallic mineral extraction operation, including rock crusher, which was approved at public hearing on October 21, 2001 and most recently renewed on February 7, 2017. Kozlowski reads the application, Town approval, no opinion letters and Staff report. Motion by Bassett to open the public hearing portion of the case, second by Petit. All in favor. Kozlowski reads letter from DNR stating they are unable to attend. No comments. Motion by Petit to close the public portion of the case, second by Bassett. All in favor. Kozlowski reads Discussion/Action. Motion by Bassett to approve the application with conditions of: 1. Maintain compliance with NR135. 2. Maintain compliance with Plan of Operation including hours of operation from 6am to 6pm, Monday – Friday and crushing operations from May – November as needed from 6am – 9pm. 3. Maintain compliance with Department of Natural Resources Chapter 30. 4. All other Town, County, State and Federal Laws are followed. Second by Petit. Roll call finds: Buckholtz - , Bassett – yes, Petit – 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. It would not create topographical problems such as run off, drainage, erosion, flooding or vegetative cover removal.

3) A Public Hearing for Conditional Use #20-004 in the Town of Lenroot. Owner: James Miller. Part of the NW1/4 of the SW ¼ and the SW ¼ of the SW ¼; Lot 1 CSM 32/41 #7815; S11, T41N, R09W; Parcel #014-941-11-3203; Zoned Commercial One (C-1) and Forestry One (F-1); 18.29 Total Acres. Permit desired for the three (3) year renewal of conditional use permit #01-007 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on May 18, 2001 and renewed most recently February 17, 2017. Kozlowski reads the application, Town approval, Opinion letters and Staff report. Motion by Bassett to open the public hearing portion of the case, second by Buckholtz, All in favor. James Miller, owner speaks in favor of the application. Discussion with Committee held. No other comments. Motion by Bassett to close the public hearing portion, second by Petit. All in favor. Kozlowski reads Discussion/Action. Discussion held by Committee. Motion to approve by Petit with conditions of: 1. Maintain compliance with NR135. 2. Maintain compliance with Plan of Operation including normal hours of operation from 6am-7pm, Monday-Saturday, with crushing operations from 3-6 weeks per year. 3. Maintain compliance with DNR Chapter 30. 4. All other Town, County, State and Federal Laws are followed. Second by Bassett. Roll call finds: Buckholtz – yes, Petit – 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 to ecology, wild life, wetlands or shorelands. It would not create topographical problems such as run off, drainage, erosion, flooding, or vegetative cover removal. It would not create traffic or highway access problems. It would not destroy prime agricultural lands. It would be compatible with the surrounding uses and the area. It would not create an objectionable view.

4) A Public Hearing for Conditional Use #20-005 in the Town of Round Lake. Owner: Robert & Elaine Thompson Trust. Part of the SW ¼ of the NW ¼ and Part of the NW ¼ of the SW ¼ ; S12, T41N, R08W; Parcel #024-841-12-2302 and #024-841-12-3201; Zoned Forestry One (F-1), Commercial One (C-1) and Residential/Recreational One (RR-1); 26.5 Total Acres, however this Conditional Use is only being considered for the mining taking place in the Forestry One (F-1) zone district and is approximately 13.6 Total Acres. Known as the Hwy 77 Pit. Permit desired for the three (3) year renewal CUP #88-011 for the location of a non-metallic mineral extraction, including rock crusher and hot mix plant, which was originally approved at public hearing on July 29, 1988 and renewed most recently on February 17, 2017. Kozlowski reads application, Town approval, Opinion letters and Staff report. Motion to open the public hearing portion of the case by Bassett, second by Buckholtz. All in favor. No representative. No comments. Motion by Petit to close the public hearing, second by Bassett. All in favor. Kozlowski reads Discussion/Action. Committee discussion held. Motion by Bassett to approve the application with conditions of: 1. Maintain compliance with NR135. 2. Maintain compliance with Plan of Operation including hours of operation from the Town request of 7am-7pm, Monday-Friday. 3. Maintain compliance with DNR Chapter 30. 4. All other Town, County, State and Federal Laws are followed. Second by Petit. Roll call finds: Bassett – yes, Petit – 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 be detrimental to ecology, wild life, wetlands or shorelands. It would not create traffic or highway access problems. It would be compatible with the surrounding uses and the area

NEW BUSINESS

1) Non-Metallic Mining Ordinance change for renewals to 5 years. Kozlowski explains that to the Committee that they had discussed this Ordinance change last month and that he would like to send the changes to the Towns for their input. Then have a Public Hearing and approval on the changes before going to County Board for the 5- year renewal. Motion by Petit to approve the 5-year renewal change and send to the Towns for input. Discussion by Committee with Kozlowski. No second on motion to approve so motion failed. Motion by Buckholtz to postpone until March 20, 2020 for all Committee members to discuss. Second by Bassett. Roll call finds: Bassett – yes, Buckholtz – yes, Petit – no. 2 to 1 in favor to postpone. . Linda Zillmer, Edgewater property owner requests that there be Public Comment on this in March. Discussion continues. Petit speaks in favor of the 5 year renewal. Mark Olson, Town of Bass Lake points out that Kozlowski is just requesting that the information to be sent to the Towns, so they may have their input and can there be a reconsideration of the Motion. Zillmer Edgewater property owner brings up the language on the agenda for this item. Discussion continues. Kozlowski explaining that the Zoning Department does do annual inspections and that this is a cost savings approach for publications, staff time and that there would be an increase in fees. Discussion continues with Committee.

2) Bunkhouse. Kozlowski advises that this is just a discussion item. Motion by Petit to table Bunkhouse and Storage Waste Ordinance until the March 20, 2020 Zoning Committee meeting. Discussion held by Committee, Kozlowski and Roeker. Second by Bassett. Roll call finds: Buckholtz – yes, Bassett – yes, Petit – yes. All in favor.

3) Any other business that may come before the Committee for discussion. Linda Zillmer questions the telephone attendance for the meeting, Conditions placed on a CUP that stays with the owner and not the land. Discussion continues with Zillmer Edgewater property owner, Phil Nies, Town of Bass Lake, Olson, Kozlowski, Roeker and Committee regarding conditions and attending by telephone. Roeker researches and finds that attendance by telephone is acceptable. Chairman Buckholtz agrees. Roeker states that member Schlender was contacted to attend the meeting the day before. Discussion continues.

ADJOURNMENT

Buckholtz adjourns at 9:57am

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