

**MINUTES OF PUBLIC HEARING
Sawyer County Zoning Committee
May 19, 2023**

Zoning Committee Members

Ron Buckholtz, Chairman
Stacey Hessel – Vice Chairperson
Tweed Shuman
Kay Wilson
Michael Maestri
John Righeimer

Zoning Administration

Jay Kozlowski, Zoning Administrator
Kathy Marks, Deputy Zoning & Conservation Administrator
Rebecca Roeker, Legal Council

PRELIMINARY MATTERS

a) Call to Order and Roll Call

Buckholtz calls the Public Hearing before the Sawyer County Zoning Committee order at 8:30 AM in the Sawyer County Courthouse, 10610 Main St., Hayward, Wisconsin. Roll call finds present: Ron Buckholtz, Stacey Hessel, Tweed Shuman, Kay Wilson, Michael Maestri and John Righeimer as alternate. From the Zoning Office: Jay Kozlowski and Kathy Marks. Rebecca Roeker, Corporation Council.

b) Pledge of Allegiance.

c) Statement of Committee and Hearing Procedure and 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 in the Sawyer County Gazette.

d) Approval of April 28, 2023 minutes. Motion to approve by Hessel, with corrections, second by Shuman. All in favor.

e) Public Comment: Linda Zillmer, Edgewater property owner, Douglas Kurtzweil, Town of Hunter resident give comments.

REZONE APPLICATIONS

No Rezones

CONDITIONAL USE APPLICATIONS

a) A Public Hearing in the Town of Winter. CUP #23-010, Owner: Richard & Cindy Dischinger Jr. Assessor Plat 1, Lot 5; S22, T38N, R03W; Parcel #032-271-00-0500; Tax ID# 42923; 4.34 total acres; Zoned Residential/Recreational One (RR-1). Permit desired for a 30' x 40' accessory building across Johnson Road, a Town Road. As per Section 4.26 (2) as per the Sawyer County Ordinance. Construction of a single accessory building divided by a public roadway with conditions. Kozlowski reads the application, staff report, and Town opinion. Neighbor notifications were sent, none returned. Motion to open the public hearing portion of the application by Shuman, second by Hessel. All in favor. Richard Dischinger, owner speaks in

favor of the application. Discussion with Committee. No other comments. Motion to close the public hearing portion of the application by Wilson, second by Hessel. All in favor. Kozlowski reads the discussion/action portion of the application. Motion by Hessel to approve the application with conditions of: 1). No habitable area is allowed in this structure. 2). No commercial use or operation allowed in the structure. 3) Size of proposed accessory structure not to exceed 40' x 30'. 4) Must follow all other Town, County, State Federal regulations/laws/conditions including an additional Town Driveway Permit. Findings of Fact: 1) It would not be damaging to the rights of others or property values. 2) It would not be detrimental to ecology, wild life, wetlands or shorelands. 3) It would not create an air quality, water supply, or pollution problem. 4) It would not create topographical problems such as run off, drainage, erosion, flooding, or vegetative cover removal. 5) It would not create traffic or highway access problems. 6) It would not destroy prime agricultural lands. 7) It would be compatible with the surrounding uses and the area. 8) It would be consistent with the Town and/or County Comprehensive Plan. 9) It would not create an objectionable view. Second by Shuman. Roll call finds: Buckholtz – yes, Hessel – yes, Wilson – yes, Shuman – yes, Maestri – yes. All in favor.

b) A Public Hearing in the Town of Round Lake. CUP #23-011. Owner Michelle & Adam Smith. Part of the SW ¼ of the SE ¼. Lot 2 CSM 33/71 #7964; S09, T41N, R07W; Parcel #024-741-09-4305; Tax ID #41762; 5.04 total acres; Zoned Residential/Recreational One (RR-1). Permit desired to: operate a general Gunsmith Service including disassembly, diagnosing, reassembly, cleaning, repairs, scope & sighting alignments utilizing bore lasers, removal of stuck cartridges or live rounds, restorations, and FFL transfers on a limited basis. Business hours: Monday thru Friday, 9am to 2pm by appointment only. No sales of firearms. As per section 17.2 (7). Kozlowski reads the application, staff report, and Town approval. One neighbor notification was sent back with concerns. Motion by Hessel to open the public hearing portion of the application, second by Shuman. All in favor. Wilson informs the Committee that the Town was a 3 to 2 vote to approve. Not all in favor. Owner, Adam Smith speaks in favor of the application. Martin Hansen Town of Round Lake Supervisor speaks against the application and voices his concerns. No other comments. Motion to close the public hearing portion of the application by Buckholtz, second by Shuman. All in favor. Kozlowski reads the discussion/action portion of the application. Discussion held. Motion to approve the application with conditions of: 1) CUP #23-011 is limited to the property owner. 2) Hours of business operation from 9am-2pm, Monday-Friday. 3) All signage must meet Sawyer County Zoning Ordinance Requirements. 4) All other Town, County, State & Federal Laws are followed. Findings of Fact: 1) It would not be damaging to the rights of others or property values. 2) It would not be detrimental to ecology, wild life, wetlands or shorelands. 3) It would not create an air quality, water supply, or pollution problem. 4). It would not create topographical problems such as run off, drainage, erosion, flooding, or vegetative cover removal. 5) It would not create traffic or highway access problems. 6. It would not destroy prime agricultural lands. 7) It would be compatible with the surrounding uses and the area. 8). It would be consistent with the Town and/or County Comprehensive Plan. 9) It would not create an objectionable view. Roll call finds: Hessel – yes, Wilson – no, Shuman – yes, Buckholtz – yes, Maestri – yes. 4 to 1 in favor.

c) A Public Hearing in the Town of Edgewater. CUP #23-012. Owner: Scott Carpenter & Clifton Carpenter. Part of Government Lot 1, Lot 4 CSM 6/145 #1192, S34, T38N, R09W; Parcel #008-938-34-5102, Tax ID #9573, .910 total acres, Zoned Residential/Recreational One (RR-1). Permit desired for a 28' x 40' x 16' high, accessory building across East Shore Drive, a Town Road. As per section 4.26 (2) of the Sawyer County Ordinance. Construction of a single accessory building divided by a public roadway with conditions. Kozlowski reads the application, staff report and Town approval. One neighbor notification returned, with no opposition. Owner

Scott Carpenter speaks in favor of the application. Questions regarding the size of the building, by Committee. Rebecca Roeker advises that there is no problem and to carry-on. Linda Zillmer, Edgewater property owner speaks of the Town not providing information for the public. No other comments. Motion to close the public hearing portion of the application by Wilson, second by second by Hessel. All in favor. Kozlowski reads the discussion/action portion of the application. Discussion by Committee held. Motion to approve the application by Shuman with conditions of: 1) No habitable are allowed in this structure. 2) No commercial use or operation allowed in structure. 3) Proposed size of the structure not to exceed 40' x 32' x 18.5" high. 4) Must follow all other Town, County, State, Federal regulations/laws/conditions including an additional Town Driveway Permit. Second by Hessel. Findings of Fact: 1) It would not be damaging to the rights of others or property values. 2) It would not be detrimental to ecology, wild life, wetlands or shorelands. 3) It would not create an air quality, water supply, or pollution problem..4) It would not create topographical problems such as run off, drainage, erosion, flooding, or vegetative cover removal. 5) It would not create traffic or highway access problems. 6). It would not destroy prime agricultural lands. 7) It would be compatible with the surrounding uses and the area. 8) It would be consistent with the Town and/or County Comprehensive Plan. 9) It would not create an objectionable view. Discussion held. Roll call Finds: Shuman – yes, Hessel – yes, Buckholtz – yes, Maestri – yes, Wilson – yes. All in favor.

d) A Public Hearing in the Town of Ojibwa. CUP #23-013. Owner: Kevin & Monese Starr. Part of Government Lot 3, Lot 114 CSM 24/284 #6616; S13, T39N, R06W; Parcel #020-639-13-5401; Tax ID #21204; 4.55 total acres; Zoned Residential/Recreational Two (RR-2). Permit desired for a 36' x 40' per section 4.26 (1) of the Sawyer County Zoning Ordinance. Accessory structure on vacant property with a 3-year timeline to build a primary dwelling. Kozlowski reads the application, staff report, and Town approval. No neighbor notifications returned. Motion by Hessel to open the public hearing portion of the application, second by Wilson. All in favor. Kevin Starr, owner speaks in favor of the application. Discussion with Committee and Kozlowski. No other comments. Motion to close the public hearing portion of the application by Hessel, second by Buckholtz. All in favor. Kozlowski reads the discussion/action portion of the application. Motion by Hessel to approve the application with conditions of; 1) Land Use Permit is required for the accessory structure(s) with 1 year from the date of the Zoning Committee decision and built within permit timeframes. 2) Land Use Permit is required and applied for principle structure within 3 years from date of Zoning Committee decision and built within permit timeframe. Failure to apply and build will result in citation with potential order for removal of accessory building. 3) Proposed accessory structure must meet all other State & Federal Laws. 4) Size of proposed structure not to exceed 36' x 40'. Findings of Fact: 1) It would not be damaging to the rights of others or property values. 2) It would not be detrimental to ecology, wild life, wetlands or shorelands. 3) It would not create an air quality, water supply, or pollution problem..4) It would not create topographical problems such as run off, drainage, erosion, flooding, or vegetative cover removal. 5) It would not create traffic or highway access problems. 6). It would not destroy prime agricultural lands. 7) It would be compatible with the surrounding uses and the area. 8) It would be consistent with the Town and/or County Comprehensive Plan. 9) It would not create an objectionable view. Second by Shuman. No other comments. Roll call finds: Maestri – yes, Wilson – yes, Buckholtz – yes, Hessel – yes, Shuman – yes. All in favor.

e) A Public Hearing in the Town of Hayward. CUP #23-014. Owner: Terry & Sarah Walport. Part of the SW ¼ of the NW ¼; S32, T41N, R09W; Parcel #010-941-32-2401; Tax ID #13107; 39.89 total acres; Zoned Agriculture One (A-1). Permit desired for location and operation of non-metallic mineral extraction including rock crusher, actual mine site to be limited to 20 acres within the North half of the 39.89 acre parcel as per the Sawyer County Ordinance section 17.4 (B) (6). Kozlowski reads the application, staff report, Town opinion, no neighbor notifications

returned. Motion to open the public hearing portion of the application by Shuman, second by Hessel. All in favor. Terry Walport, owner speaks in favor of the application. Discussion with Committee and Kozlowski. Phil Nies Town of Hayward Planning Commission representative speaks in favor. Motion to close the public hearing portion of the application by Wilson, second by Hessel. All in favor. Kozlowski reads the discussion/action portion of the application. No discussion. Motion by Hessel to approve the application with conditions of: 1) Obtain approval or conditional approval of reclamation plan. 2) Hours of normal operations: 6AM-7PM, Monday-Saturday, 3) Crushing hours: 6AM-7PM, Monday- Saturday not to exceed 6 weeks per calendar year. 4) A Fire # or Site Address is required for the property. 5) Maintain compliance with Department of Natural Resources Chapter 30. 6) Existing southern 20 acres of pine plantation is anticipated to remain. If a timber harvest operation is to occur that area is to be replanted or allowed to self-regenerate. 7) Potential 50' buffer on East property line for residential zoned land. 8) Comply with all other federal, state, and local regulations including approval of the "Reclamation Plan". Second by Wilson. Discussion held. Findings of Fact: 1) It would not be damaging to the rights of others or property values. 2) It would not be detrimental to ecology, wild life, wetlands or shorelands. 3) It would not create an air quality, water supply, or pollution problem..4) It would not create topographical problems such as run off, drainage, erosion, flooding, or vegetative cover removal. 5) It would not create traffic or highway access problems. 6). It would not destroy prime agricultural lands. 7) It would be compatible with the surrounding uses and the area. 8) It would be consistent with the Town and/or County Comprehensive Plan. 9) It would not create an objectionable view. Roll call finds: Wilson – yes, Buckholtz – yes, Shuman – yes, Hessel – yes, Maestri – yes. All in f favor.

f) A Public Hearing in the Town of Hayward, Reclamation Plan CUP #23-014. Owner: Terry & Sarah Walport. Part of the SW ¼ of the NW ¼; S32, T41N, R09W; Parcel #010-941-32-2401; Tax ID #13107; 39.89 total acres; Zoned Agriculture One (A-1). Permit desired for the Sawyer County NR135 Reclamation Issuance for location/operation of a non-metallic mineral open pit limited to 20 acres actual mine. Kozlowski reads the application, staff report, Town opinion. No neighbor notifications returned. Motion to open the public hearing portion of the application by Hessel, second by Shuman. All in favor. Terry Walport owner speaks in favor of the application. No other comments. Motion to come out of the public hearing portion of the application by Buckholtz, second by Wilson. All in favor. Kozlowski reads the discussion/action portion of the application. Motion by Hessel to approve the application with change in Phase #4, from 20 to 25 feet deep progresses to the South, second by Shuman. Discussion by Committee. All in favor. Roll call finds: Buckholtz – yes, Hessel – yes, Wilson – yes, Shuman – yes, Maestri – yes. All in favor.

Break at 9:50 am.

Buckholtz calls the meeting back to order at 9:59am.

PROPOSED ORDINANCE AMENDMENTS

a) A Public Hearing for Sawyer County Zoning Ordinance Amendment to Section 2.0-Defintions, Section 17.0-Zone Districts, and Sawyer County Shoreland-Wetland Protection Ordinance and Section 5.1-Minimum Lot Size Purpose. The proposed amendments are in reference to Multi-Dwelling Development and definition of a "resort". The proposed ordinance amendment changes can be found on the Sawyer County Zoning & Conservation Website. (Discussion/Possible Action to Send to County Board of Supervisors.). Kozlowski explains the reason for the cancelling the proposed Ordinance change and will further address this under "New Business". No majority of Town approvals.

NEW BUSINESS

a) Kozlowski continues with the Ordinance proposed change(s). Reason for cancellation: No majority of Town approvals and what is wrong with the Ordinance. Kozlowski asks for guidance from the Committee. Discussion with Committee. Rebecca Roeker, council speaks that the WCA (Wisconsin Counties Association) is looking at this State wide. They do have litigation in Northern Wisconsin with an Ordinance that takes issue with short-term rentals. Sawyer County is unique in that an Ordinance change has not gotten any traction in that the Ordinance change that is being proposed is within the legal limits. That is within the Counties Statutory authority to do so. Sawyer County is unique in that respect but not unique in that these issues are State wide. Discussion held with Committee, Kozlowski and Roeker. Rebecca Roeker, council, that is short-term rentals. Discussion continues. Rebecca Roeker, council. Let audience make comments. Comments from the audience: Linda Zillmer, Edgewater property owner, Douglas Kurtzweil, Hunter resident, Benjamin Kurtzweil, Town of Hayward resident, Katy Romnes, Town of Lenroot resident, Phil Nies, Town of Hayward member of Comprehensive Planning Commission. Discussion continues, Rebecca Roeker, council. Do the issues apply outside of the standard Zoning or in the shoreland area. This is a very specific zoning issue. STR and TRH regulatory process be required by the State and implemented by the Counties and not be a Zoning process. Discussion continues.

b) Kozlowski explains a wetland determination issue from a case last year and that the DNR approved with the Zoning decision of a 40' setback.

a) Any other business that may come before the Committee. None

ADJOURNMENT

Buckholtz adjourns meeting at 10:49am

Minutes prepared by Kathy Marks, Deputy Zoning & Conservation Administrator

See our website for more information.