

**MINUTES OF PUBLIC HEARING
Sawyer County Zoning Committee
May 21, 2021**

Zoning Committee Members

Ron Buckholtz, Chairman
Bruce Paulsen, Vice Chairman
Dawn Petit
Jesse Boettcher
Tweed Shuman
Tracey Hessel, Alternate Member

Zoning Administration

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

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 finding present:

Buckholtz, Paulsen, Petit-virtual, Boettcher-absent, Shuman and Hessel.

From the Zoning Office: Kozlowski and Marks. Legal Counsel Rebecca Roeker-virtual.

2) Pledge of Allegiance.

3) 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.

5) Approval of April 16, 2021 minutes. Motion to approve by Petit, second by Paulson. All in favor.

6) Public Comment. None

REZONE APPLICATIONS

a) A Public Hearing in the Town of Hunter. RZN# 21-005. Owner: Pinewood Properties LLC. Part of the SE ¼ of the NW ¼; Parcel #012-740-14-2407; 1.45 Total Acres, excepting the West 100' leaving 1.42 Total acres. Part of the SE ¼ of the NW ¼; Parcel #012-740-14-2404; 2.86 Total Acres. Part of the SE ¼ NW ¼, Part of the NE ¼ of the SW ¼, Part NW ¼ SE ¼ Lot 1 CSM 36/43 #8376; Parcel #012-740-14-2414. Total Acres 10.94. Part of the NW ¼ of the SE ¼, Lot 2 CSM 36/43 #8376; Parcel #012-740-14-4204; Total Acres .99; All in S14, T40N, R07W; All zoned Residential/Recreational One (RR-1). Purpose of request is to rezone approximately 16.21 acres from Residential/Recreational One (RR-1) to Residential/Recreational Two (RR-2) to make the property conforming to its current use and allow more campsite additions. With granting of a rezone to Residential/Recreational Two (RR-2) the owners would then apply for a conditional use permit for a Resort and Campground expansion. Kozlowski reads the application, Staff report, Town opinion and Neighbor opinions. Motion to open the public hearing portion by Shuman, second by Paulsen. All in favor. Adam Bodenschatz, owner speaks in favor of the application, shows a map of the area and the campground site plan. Discussion with Committee held. Steve Bodenschatz, owner speaks in favor of the application. Laura Rusk, Town of Hunter Chairman neither speaks in favor or against. Reads Town letter. Douglas Kurtzweil, Town of Hunter resident speaks neither in favor nor against of the covenants and the history of the property. Linda Zillmer,

Edgewater property owner neither speaks in favor or against speaks of which campground ordinance will be used in this instance. Jay explains that it should be under the current campground ordinance as the new one is not ratified. Roeker speaks of vested right and her opinion of which Ordinance that should be used. Audience members speaking against the application include, Darlene Maske and Lynn Sennett residents of the Town of Hunter. Roeker clarifies the vested right and if a Land Use Application was submitted. Motion to come out of the public by Hessel, second by Paulsen. All in favor. Kozlowski reads the discussion/action portion of the application. Discussion held by Committee and Kozlowski. Motion to approve the Rezone application #21-005 by Shuman, second by Hessel. All in favor. No Discussion held. Roll call finds: Paulsen – yes, Petit – yes, Shuman – yes, Hessel – 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. It would not create an objectionable view. It complies with the Town Resort/Recreational plan.

CONDITIONAL USE APPLICATIONS

a) A Public Hearing in the Town of Hunter. CUP# 21-013. Owner: Pinewood Properties LLC. Part of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$; Parcel #012-740-14-2407; 1.45 Total Acres, excepting the West 100' leaving 1.42 Total acres. Part of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$; Parcel #012-740-14-2404; 2.86 Total Acres. Part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Part NW $\frac{1}{4}$ SE $\frac{1}{4}$ Lot 1 CSM 36/43 #8376; Parcel #012-740-14-2414. Total Acres 10.94. Part of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Lot 2 CSM 36/43 #8376; Parcel #012-740-14-4204; Total Acres .99; All in S14, T40N, R07W; All zoned Residential/Recreational One (RR-1). Permit desired for an additional 37 new campsites, 34 sites are existing making a total of 71 sites. This is CUP is subject to RZN #21-005 from RR-1 to RR-2. Kozlowski reads the application, Staff report, Town opinion and Neighbor opinions. Motion to open the public hearing portion of the application by Hessel, second by Shuman. All in favor. Adam Bodenschatz, owner speaks in favor of the application. States that he is improving the property. Discussion with Committee held regarding sewer system, wells, and traffic inside of the property, erosion control, storage and buffer zone. Discussion continues with Committee, Bodenschatz and Kozlowski. Steve Bodenschatz, owner speaks in favor of the application. Doug Kurtzweil, Town of Hunter resident speaks of the history of the resort, 34 sites and covenants, permits not to be issued until covenants violations are signed off by the WI DNR and Xcel Energy (Northern States Power) sign-off. Laura Rusk, Town of Hunter Chairman speaks of the Town conditions and Permit not to be issued until the covenant violations are complete. Linda Zillmer, Edgewater property owner speaks of vested right and Conditional Use permits. Sawyer County is the agent of the State for Department of Health Services for inspection of campgrounds and resorts. Darlene Maske, Town of Hunter resident, speaks in opposition and submits a letter. Lynn Sennett, Town of Hunter resident speaks in opposition of the application. Steve Bodenschatz, owner talks of no complaints, has yearly inspections, the buffer zone, erosion/lake levels and permits. Kozlowski reads the letter submitted by Darlene Maske, Town of Hunter resident. Discussion held with Committee, Roeker and Kozlowski. Motion by Paulsen to close the public hearing portion of the application, second by Petit. All in favor. Kozlowski reads the discussion/action portion of the application. Discussion is held by Committee and Kozlowski. Motion by Paulsen to approve the application subject to all the conditions listed in the Zoning Administrators Staff Report and the Town conditions. 1) Must comply with Chapter ATCP 79 for Campground Regulations and all other applicable local, State and Federal laws. 2) No mobile homes allowed. 3) All lighting must be downed lighting. 4) Must follow all other requirement of Sawyer County Zoning Ordinance Section 6.6. 5) A permanent manager or designee available 24 hours per day. 6) No fireworks allowed. 7) Quiet hours from 11 PM to 8 AM everyday. 8) Must follow all DNR "pier planner" requirements for dock/pier placement. 9) Must comply with all other DNR restrictive covenant requirements prior to obtaining approval of CUP. 10) Comply with all Town requirements and conditions. 11) Have added buffering of the 150' strip of land between neighbor properties. 12) Conditional Use Permit shall not be issued until

compliance with covenant violations is complete and verified by written notice from WDNR and Xcel Energy. 13) Any sites removed or requiring restoration in the process of becoming compliant with the covenants shall not be relocated and will be taken from the total number of sites allowed. If 71 total sites are permitted and 10 are lost to compliance, only 61 total sites will be permitted. 14) Owners and agents must comply with all Sawyer County Ordinances and all other regulatory agencies as they relate to this expansion. 15) Any request for removal or change to these conditions shall require Town of Hunter approval. Second by Hessel. Paulsen amends motion subject to County Board approval of Rezone #21-005, second by Hessel. Discussion held by Committee, Kozlowski and Adam Bodenschatz. No other discussion held. Roll call finds Petit- yes, Shuman – yes, Hessel – yes, Buckholtz – yes, Paulsen – yes. All in favor. Findings of Fact: We don't have an alternative under State Law.

Buckholtz calls for break at 10:14am

Buckholtz calls meeting back to order at 10:24am.

b) A Public Hearing in the Town of Edgewater. CUP #21-003. Owner: Bear Paw Resort LLC. Part of Government Lot 2; S04, T37N, R09W; Parcel #008-937-04-5207; 4.0 Total Acres; Zoned Residential/Recreational Two (RR-2). Permit desired for expansion of 8 of the 10 sites for 2021-2022 expansion. That total would bring the number of sites to 84 from the existing 76 sites. Kozlowski reads the application, staff report, Town opinion and neighbor opinions. Motion by Hessel to open the public hearing portion of the application, second by Paulsen. All in favor. William Wallus, owner speaks in favor of the application. Discussion with Committee, Kozlowski and Wallus. Audience members opposed to the Conditional use, Richard Juelfs, Town of Edgewater resident and neighbor, James Madsen, Town of Edgewater resident and neighbor. Discussion held. Linda Zillmer, Town of Edgewater property owner speaks of conditions and Town of Edgewater notices. No other comments. Motion to come out of public hearing portion of application by Shuman, second by Paulsen. All in favor. Discussion by Committee, Roeker, Kozlowski and Wallus. Motion to postpone the decision of this Conditional Use permit until July 2021, 60 days. Second by Shuman. No other discussion. Wallus states that all notice was done at the Town and Brian Becker, Sawyer County Inspector did inspections at the campground and it passed 100%.

c) A Public Hearing in the Town of Round Lake. CUP #21-008. Owner: Brian & Katherine Rieckenberg. The NE ¼ or the NE ¼, Part Government Lot 1, Part Government Lot 2, Lot 4 CSM 34/220 #8161; SA33, T41N, R07W; Parcel #024-741-33-1103; Zoned Forestry One (F-1) and Residential/Recreational Two (RR-2). Permit desired for, Island Development, Section 4.4 (2) of the Sawyer County Shoreland Ordinance. Kozlowski reads the Application, Staff report, Town opinion and Neighbor opinions. Motion to open the public hearing portion of the application by Shuman, second by Hessel. All in favor. Brian Rieckenberg, owner speaks in favor of the application. Discussion with Committee. Joseph Johnson neighbor speaks in favor. No other audience comments. No other discussion. Motion to come out of the public hearing portion of the application by Shuman, second by Hessel. All in favor. Kozlowski reads Discussion/Action portion of application. No discussion. Motion by Shuman to approve the application with conditions of 1) Fire number must be obtained on mainland access parcel for island development. 2) Must comply with all other Town, County, State, and Federal regulation including but not limited to conditions set forth in "Short-Term Eagle Incidental Take Permit". 3) Land Use Permit required for island development. Second by Paulsen. No other discussion held. Roll call finds Shuman – yes, Hessel – yes, Buckholtz – yes, Paulsen – 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.

d) A Public Hearing in the Town of Lenroot. CUP #21-009. Owner: Scott & Melanie Mercier. Part of the NE ¼ of the NW ¼, Lot 6 CSM 26/126 #6879; Parcel #014-842-16-2106; S16, T42N, R08W; 2.44 Total Acres; Zoned Residential/Recreational One (RR-1). Permit desired for a 36'x56' Accessory Building on vacant property, as per Sawyer County Zoning Ordinance Section 4.26 (1) the construction of a single accessory structure on vacant property may be allowed under this subsection by Conditional Use with mandatory conditions required on approval. Kozlowski reads the Application, Staff report, Town opinion, Neighbor opinions. Motion to open the public hearing portion of the application by Shuman, second by Paulsen. All in favor. Scott Mercier, owner speaks in favor of the application. Discussion by Committee with Kozlowski. No audience comments. Motion to close the public hearing portion of the application by Hessel, second by Shuman. All in favor. Kozlowski reads the discussion/action portion of the application. Motion by Shuman to approve the application with conditions of 1) Land Use permit is required and applied for accessory structure within 1 year from the date of Zoning Committee decision. 2) Land Use Permit is required and applied for principal structure within 3 years from date of zoning Committee decision. Failure to apply will result in citation with potential order for removal of accessory structure. 3) Proposed accessory structure must meet all other Sawyer County Zoning & Conservation requirements and compliant with all other State & Federal Laws. 4. Size of proposed (pole shed) not to exceed 36'x56'. 5) Fire number must be obtained with issuance of Land Use Permit for Accessory Structure. Second by Paulsen. Roll call finds Hessel – yes, Buckholtz – yes, Paulsen – yes, Petit – yes, Shuman – yes. All in favor. Finding 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.

e) A Public Hearing in the Town of Round Lake. CUP #21-010. Owner: James Sorboro & Karla Gluek. Part of the SW ¼ of the NE ¼, CSM 6/344 #1298; Parcel #024-741-20-1306; S20, T41N, T07W; 1.99 Total Acres; Zoned Residential/Recreational One (RR-1). Permit desired for a 28'x40' accessory building on vacant property, Sawyer County Ordinance section 4.26 (2) The construction of a single accessory structure on an adjacent parcel divided by a Public Roadway that does not contain the principal structure may be allowed under this subsection by Conditional Use. Kozlowski reads the Application, Staff report, Town opinion and Neighbor opinions. Motion to open the Public Hearing portion of the application by Hessel, second by Shuman. All in favor. Jim Sorboro, owner speaks in favor of the application and agrees with the Town conditions. Discussion with Committee. No audience comments. Motion to come out of the public hearing by Hessel, second by Petit. All in favor. Kozlowski reads the Discussion/Action portion of the application. Motion to approve the application by Paulsen with conditions of 1) No habitable area is allowed in the structure. 2) No commercial use or operation allowed in structure. 3) Size of proposed accessory structure not to exceed 28'x40'. 4) Must follow all other County, State, Federal regulations/laws including also abiding by Town of round Lake Conditions of 1) Add gutters and drainage system to avoid any runoff issues. 2) Exterior of the building be sided with dark board and bate siding similar to existing House exterior. 3) Building to be located 65' from the center line of Clear Lake Drive. Doing this will create more of a buffer between the building and adjacent property owners land. Second by Shuman. Roll call finds Shuman – yes, Hessel – yes, Buckholtz – yes, Paulsen – yes, Petit –yes. All in favor Finding of Fact: It would not be damaging to the rights of others or property values. Location of the building would lessen the impervious surface issues of lakeside of property.

f) A Public Hearing in the Town of Ojibwa. CUP #21-011. Owner: Tamara Mount. Part of the SE ¼ of the NW ¼, Lot 14, CSM 27/167 #7072; Parcel #020-638-04-2403; S04, T38N, R06W; 4.89 Total Acres;

Zoned Residential/Recreational Two (RR-2). Permit desired for a 14' x 28' accessory building on vacant property, as per Sawyer County Zoning Ordinance Section 4.26 (1) the construction of a single accessory structure on vacant property may be allowed under this subsection by Conditional Use with mandatory conditions required on approval. Kozlowski reads the Application, Staff report, Town opinion and neighbor opinions. Motion to open the public hearing portion of the application by Petit, second by Hessel. All in favor. Dan Smith, agent speaks in favor of the application. No questions from Committee. No audience comments. Motion to come out of the public hearing portion by Hessel, second by Petit. All in favor. Kozlowski reads the Discussion/Action portion of the application. Discussion held by Committee and Kozlowski. Motion by Hessel to approve the application with conditions of 1) Land Use permit is required and applied for accessory structure within 1 year from the date of Zoning Committee decision. 2) Land Use Permit is required and applied for principal structure within 3 years from date of zoning Committee decision. Failure to apply will result in citation with potential order for removal of accessory structure. 3) Proposed accessory structure must meet all other Sawyer County Zoning & Conservation requirements and compliant with all other State & Federal Laws. 4) Size of proposed (pole shed) not to exceed 14'x28'. 5) Fire number must be obtained with issuance of Land Use Permit for Accessory Structure. Second by Shuman. No discussion. Roll call finds: Shuman – yes, Hessel - yes, Buckholtz – yes, Paulsen – yes, Petit - yes. All in favor. Findings of Fact, It would not be damaging to the rights of others or property values.

Paulsen leaves meeting.

g) A Public Hearing in the Town of Round Lake. CUP #21-012. Owners: John & Tammy Wolf and Chad & Lanetta Franzoi. Part of Government Lot 2, Lot 5 CSM 26,241 #8460; Parcel #024-741-30-5236; S30, T41N, R07W; .79 Total Acres; Zoned Residential/Recreational One (RR-1). Permit desired for a 12' x 14' accessory building on vacant property, as per Sawyer County Zoning Ordinance Section 4.26 (1) the construction of a single accessory structure on vacant property may be allowed under this subsection by Conditional Use with mandatory conditions required on approval. Kozlowski reads the Application, Staff report, Town opinion and neighbor opinions. Motion to open the public hearing portion of the application by Shuman, second by Hessel. All in favor. John Wolf, owner speaks in favor of the application. No audience comments. Motion to come out of public hearing portion by Hessel, second by Hessel. All in favor. Kozlowski reads the Discussion/Action portion of the application. Motion by Shuman to approve the application with the conditions of 1) Land Use Permit is required and applied for accessory structure within 1 year from the date of the Zoning Committee decision. 2) Land Use Permit is required and applied for the principal structure within 3 years from the date of the Zoning Committee decision. Failure to apply will result in citation with potential order for removal of accessory building. 3) Proposed accessory structure must meet all other Sawyer County Zoning & Conservation requirements and compliant with all other State & Federal Laws. 4) Size of proposed (pole shed) not to exceed 12'x14'. Second by Hessel. No discussion held. Roll call finds Hessel – yes, Buckholtz – yes, Petit – yes, Shuman – yes. All in favor. Findings of Fact, It would not be damaging to the rights of others or property values.

h) A Public Hearing in the Town of Winter. CUP #21-006. Owner: The First Temple of Universal Law. The SW ¼ of the NE ¼; S25, T40N, R05W; Parcel #032-540-25-1301; Total of 40 acres; Zoned Residential/Recreational One (RR-1). Permit is desired for Multi-Dwelling Development. As per Section 17.2 (B) (15) of the Sawyer County Zoning Ordinance, with Conditional Use approval. Kozlowski reads the Application, Staff report, Town opinion, Neighbor opinions. Motion to open the public hearing portion of the application by Shuman, second by Petit. All in favor. Cindy Welleck, agent speaks in favor of the application. Discussion held with Committee. No audience comments. Motion to come out of public hearing by Hessel, second by Shuman. All in favor. Kozlowski reads the Discussion/Action portion

of the application. Discussion held with Committee, Kozlowski and Welleck. Motion by Hessel to approve application with conditions of any further building would require a State/County subdivision plat. Second by Shuman. Roll call finds Shuman – yes, Hessel – yes, Buckholtz – yes, Petit no. 3 to 1 Application approved. Findings of Fact, It would be compatible with the surrounding uses and the area.

PROPOSED ORDINANCE AMMENDMENTS

a) A Public Hearing Sawyer County Zoning Ordinance Amendment to Section 6.6 Trailer Camps and Campgrounds. A full red line version and clean working version of the proposed amendments can be viewed under the Zoning & Conservation Department tab on the official Sawyer County Website. Discussion/Possible Action to Send to County Board. Kozlowski reads proposed ordinance amendment Motion to open the public hearing by Petit, second by Shuman. All in favor. Discussion held with Kozlowski, Committee and Roeker. Kozlowski reads the Town opinions. Phil Nies, Town of Bass Lake resident speaks in support of the amendment changes. Discussion continues. Linda Zillmer, Edgewater property owner speaks in support of the Campground Ordinance except for the increase in structures and size of decks. Discussion continues with Roeker, Will Wallus, owner of Bear Paw Campground, Kozlowski, Roeker and Committee. Motion by Hessel to come out of Public Hearing, second by Shuman. All in favor. Motion by Shuman to approve the Amendments to Section 6.6 Trailer Camps & Campgrounds and send on to the June County Board meeting, second by Buckholtz. All in favor. Roll call finds, Shuman- yes, Hessel – yes, Buckholtz – yes, Petit – yes.

NEW BUSINESS

- a) Policy discussion for Rezones that need additional site development plans. Kozlowski gives history and what was suggested by Paulsen as needed materials for Rezones. No other discussion.
- b) Mission Statement. Kozlowski reads the Mission Statement. Motion to approve the Mission statement and forward to the County Board for approval by Hessel, second by Shuman. All in favor.
- c) Any other business that may come before the Committee. None.

ADJOURNMENT

Buckholtz adjourns meeting at 1:04 pm.

Note: The Minutes of the May 201 2021 Zoning Committee meeting incorporate the video recording of this meeting and any documents referenced in the meeting, submitted by the applicant, and/or considered by the Zoning Committee in rendering its decision.

Minutes prepared by Kathy Marks, Deputy Zoning & Conservation Administrator