

**MINUTES OF PUBLIC HEARING
Sawyer County Zoning Committee
June 17, 2022**

Zoning Committee Members

Jesse Boettcher, Chairman
Ronald Buckholtz, Vice Chairman
Tweed Shuman
Stacy Hessel
John Righeimer

Zoning Administration

Jay Kozlowski, Zoning Administrator
Kathy Marks, Deputy Zoning 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: Boettcher, Buckholtz, Shuman, Hessel, and Righeimer. From the Zoning Office Kozlowski and Marks. Legal Counsel Andy Phillips.

2) Pledge of Allegiance

3) Statement of Committee and Hearing Procedure and Statement of Hearing Notice.

Those persons wishing to speak will be afforded the opportunity provided they identify themselves. 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 the Sawyer County Gazette.

4) Approval of May 20, 2022 minutes. Motion to approve by Buckholtz, second by Shuman. All in favor. Motion carried.

5) Public Comment. Linda Zillmer, Edgewater property owner speaks of the By-Laws and Tie decisions.

REZONE APPLICATION

a) A Public Hearing in the Town of Winter. RZN #22-008. Owner: Terrance A. Petit. Part of the SW ¼ of the SW ¼ ; S09, T38N, R05W; Parcel #032-538-09-3306; 6.55 total acres; Zoned Agricultural One (A-1). Purpose of request is to rezone to Residential/Recreational Two (RR-2) to possibly split property less than five (5) acre parcels. Kozlowski reads the application, staff report, and Town opinions. The Committee has previously read the Neighbor opinion letters. Motion to open the public hearing portion of the application by Hessel, second by Buckholtz. All in favor. Terrance Petit, owner speaks in favor of the rezone. Discussion with Committee held. No other comments. Motion by Buckholtz to close the public hearing portion of the application, second by Shuman. All in favor. Kozlowski reads the Discussion/Action portion of the application as previously read. Discussion held by Committee. Motion by Buckholtz to approve the application, second by Hessel. Roll call finds: Hessel- yes, Boettcher – yes, Shuman – yes, Buckholtz – yes, Righeimer. 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. 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. It would be consistent with the Town and/or County Comprehensive Plan.

b) A Public Hearing in the Town of Round Lake. RZN #22-009. Owner: Travis & Kelley Butterfield. Part of the NW ¼ of the NW ¼; S19, T41N, R06W; Parcel #024-641-19-2202; 43.62 total acres; Zoned Agricultural Two (A-2). Purpose of request is to rezone approximately 8.9 total acres to Residential/Recreational One (RR-1) to divide property into (3) three separate lots that are smaller than (5) acres. Kozlowski reads the application, staff report, Town opinions, the Committee has previously read the Neighbor opinion letters. Motion by Shuman to open the public hearing portion of the application, second by Hessel. All in favor. No representative present. Ed Metcalf, neighbor speaks against the application. No other comments. Motion by Buckholtz to close the public hearing portion of the application, second by Hessel. All in favor. Kozlowski reads the Discussion/Action portion of the application as previously read. Discussion held by Committee. Motion by Righeimer to deny the application, second by Shuman. Discussion held. Roll call finds: Boettcher – yes, Shuman – yes, Hessel – yes, Righeimer – yes, Buckholtz – yes. All in favor to deny. Findings of Fact: It would not be consistent with the Town and/or County Comprehensive Plan. It would not be compatible with the surrounding uses and the area.

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c) Remanded back to Zoning Commission by County Board for consideration of RZN #22-002. A Public Hearing in the Town of Edgewater. RZN #22-002. Owner: Hathaway Lodge LLC. Part of Government Lot 4; S20, T50N, R09W; Parcel #008-938-20-5402; 18.9 total acres; Zoned Forestry One (F-1) including 3.47 of Shoreland-Wetland as an overlay district. Purpose of request is to rezone all F-1 underlying zone district to Residential/Recreational One (RR-1). The included 3.47 acres of Shoreland-Wetland (S-W) is not to be affected by the rezoning. The proposed rezoning to Residential/Recreational One (RR-1) is requested in order to divide lot and build lakeshore cottages. Kozlowski reads the application, staff report. Andy Phillips, Legal Counsel speaks of Section 8.1 the majority and there is nothing in the By-Laws for new Town or Neighbor opinion letters that nothing has changed since the first meeting. Motion by Buckholtz to open the public hearing portion of the application second by Hessel. All in favor. Steve Friendshuh, owner of Hathaway Lodge LLC speaks in favor and passes out handout. Discussion with Committee and Kozlowski. Chuck Abrams, Edgewater property owner speaks against the application. Linda Zillmer, Edgewater property owner gives opinion of clarifications. Jean Accola, Stone Lake resident speaks against the application. Jeanne Schnack, Edgewater property owner speaks against the application. Thomas Schnack, Edgewater property owner speaks against. Marlo Sheild, Edgewater speaks against. Don Kissinger, Edgewater property owner speaks against. Steve Panovich, Edgewater property owner speaks against. Discussion by Committee. Motion by Buckholtz to close the public hearing portion of the application, second by Shuman. All in favor. Kozlowski reads the Discussion/action portion of the application. Discussion by Committee. Discussion continues. Motion by Righeimer to approve the application with findings of: It would be Consistent with the Town and/or County Comprehensive Plan. It would be compatible with the surrounding uses and the area. Second by Hessel. Discussion continues with Committee. Andy Phillips speaks of the 59.69 process.

Discussion continues. Andy Phillips, Legal Counsel speak of no petition accepted. Discussion continues. Andy Phillips, Legal Counsel speaks of the Committee not taking any source of petition or potential petition into consideration. That is a matter for the County Board. No further discussion. Roll call finds: Shuman – no, Hessel – yes, Buckholtz – no, Righeimer – yes, Boettcher – yes. 3 to 2 in favor. Application goes to the County Board.

Boettcher calls for a break to return at 10am. Boettcher calls meeting back to order.

CONDITIONAL USE APPLICATION

a) A Public Hearing in the Town of Round Lake. CUP #22-020. Owner: White Stag Real Estate LLC, Jeff & Michele DeYoung. Part of the SW ¼ of the SW ¼; S12, T41N, R08W; Parcel #024-841-12-3301; 29.91 total acres, Zoned Agricultural Two (A-2) and Commercial One (C-1). Permit desired for an event barn per section 17.5 (B) (15) of the Sawyer County Zoning Ordinance. Having occasional events such as graduations, weddings & small parties. Kozlowski reads the application, staff report, Town opinion and Conditions. The Committee has previous read the Neighbor opinion letters. Michelle DeYoung owner speaks in favor of the application. Discussion with Committee held. Jeanne Chabek, Round Lake resident speaks in support of the application. But it needs to be revisited at the Town level. Opposed to the application are Mick Bruce, Alan Rudd, Judy Sherrell, Martin Hanson all Round Lake, property owners. Michelle Deyoung rebuts comments and explains. Motion to come out of the public hearing portion of the application by Hessel, second by Buckholtz. All in favor. Kozlowski reads the discussion/action portion of the application. Andy Phillips, Legal Counsel that the Town can revisit, but the Committee should revoke the permit if approved. Discussion by Committee. Motion to approve the CUP #22-020 by Hessel with the Ordinances in place including Zoning Administrator "Staff Report" showing attendance 250 people, request that the Town Road Supervisor determine the point of entrance and access to the event center. See attached EXHIBIT A for all conditions (attached). Second by Buckholtz. Discussion held. Findings of Facts: It would not destroy prime agricultural lands. It would be consistent with the Town and/or County Comprehensive Plan. It would not create traffic or highway access problems. It would not be detrimental to ecology, wild life, wetlands or shorelands. It would not create an air quality, water supply, or pollution problem.

PROPOSED ORDINANCE AMENDMENTS

a) A Public Hearing for Sawyer County Zoning Ordinance Amendment to Section 2.0-Defintions, Section 4.26-Storage Shed Exemption, and Section 9.21-Land Use Permit. The proposed amendments are in reference to Storage Sheds and Shipping Containers ordinance. The proposed ordinance amendment changes can be found on the Sawyer County Zoning & Conservation Website. Kozlowski explains changes and Town voting. Motion to open the public hearing portion of the Amendment by Hessel, 2nd by Shuman. All in favor. Chad Kolstad, Town of Couderay resident speaks in favor. Discussion held. Linda Zillmer, Town of Edgewater property owner speaks in opposition of the amendment. Ginny Chabek, Town of Round Lake resident speaks of Town approval needed. Kozlowski explains there would be Town approval and an application for that. Linda Zillmer, Edgewater property owner questions language. Discussion with Kozlowski held. Motion by Hessel to close the public hearing portion of the amendment, 2nd by Shuman. All in favor. Discussion held by Kozlowski and Committee. Motion by Hessel to approve the Amendment as presented, 2nd by Righeimer. No further discussion held. Roll call finds: Hessel – yes, Boettcher – yes, Shuman – yes, Buckholtz – yes, Righeimer – yes. Motion carried.

Kozlowski asks Andy Phillips, Legal Counsel if items need input from the public. Andy Phillips, Legal Counsel speaks that under fairness the public should be given opportunity. Kozlowski and Phillips will have a meeting to further discuss options.

NEW BUSINESS

a) Beverly Skar/O'Rourke adjournment of CUP #22-005 until additional engineering provided. Kozlowski explains the Motion that was made adjourn that additional information was needed for engineering, for a driveway, grading for the building and driveway permit from the County. The adjournment never specified a deadline. Andy Phillips, Legal Counsel the word adjournment is confusing. It's not an adjournment, it is a postponement. When there is a postponement there needs to a time certain so his recommendation is to set that date, so he has the necessary information to give the owner for when the materials is due back for the Committee. Motion by Buckholtz to set the due for November 1, 2022, second by Shuman. Discussion held. All in favor.

b) Consideration of request to waive requirements of Sec. 9.1 of Sawyer County Zoning Committee Rules and Bylaws for Pinewood Properties rezoning and CUP request based upon modification of plan. Kozlowski explains the requirements of Section 9.1 of the By-Laws for the 1 year filing period with a change in request. It can be waived by the Zoning Committee. Andy Phillips, Legal Counsel speaks that what was recommended to the full County Board and on the eve of that meeting there was a petition. It failed at County Board. Property owner by Counsel some procedural irregularities with the submitting of the petition. Regardless there is no legal reason for the complaint. Property owner admitted to Administrator that he would like to change the plan, I've heard the concern and I want to address those concerns. That is why it is on the agenda today. Public Comments taken Adam Rodenschatz, owner speaks in favor of waiving the 1-year rule to file. Jacob Gondick, Attorney for surrounding land owner. Requests that they should wait 1-year. Guy Houston, Sunshine Acres Requests that they wait a year. Lee Neuschwander, Fun Valley Road speaks against the 1-year waiving. No other comments. Motion by Buckholtz to deny the request of waving the 1-year requirement. Second by Shuman. Discussion held. Roll call finds: Tweed Shuman – yes, Stacy Hessel – no, Ron Buckholtz – yes, Jon Righeimer – no, Jesse Boettcher – yes. 3 to 2 to deny.

c) Zoning Committee interpretation of Sawyer County Zoning Ordinance for how many units constitutes a resort. Kozlowski explains definitions and how he interpreted those definitions. Discussion held. Public Comments: Linda Zillmer, Edgewater property owner speaks of the language in the Ordinance. Discussion held. Andy Phillips, Legal Counsel. There is nothing in State Statute. Kozlowski wants guidance on the record of what this Committee views this as a resort. It's the number. Discussion held. Motion by Hessel for units of three or more is a resort, second by Shuman. Discussion held. Andy Phillips, Legal Counsel Take interpretation to Board of Appeals. Discussion. Kozlowski we will have it on the agenda and a draft for the change. All in favor.

d) Date and Time of Zoning Committee meetings. Discussion held over change dates and times of the Zoning Committee meetings. This will be brought back on the agenda in October of 2022.

e) Sample Opinion Letter. Kozlowski explains the change in the sample letter proposed. Change will need to be made in the By-Laws, add to agenda, then a public hearing and on to County

Board. County Board would approve the change. Not the Towns, not a Town issue. Will work with Andy on the changes.

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

ADJOURNMENT

Adjourned by Jesse Boettcher, Chairman at 12:13pm.

**/s/Ronald Buckholtz, Chairman
Sawyer County Zoning Committee
Sawyer County Zoning & Conservation Administration
10610 Main Street, Suite #49
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Minutes prepared by Kathy Marks, Deputy Zoning & Conservation Administrator

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