



Sawyer County

Agenda

Zoning Committee Meeting

Friday, January 21, 2022 @ 8:30 AM

Large Courtroom; Sawyer County Courthouse

Page

1. PRELIMINARY MATTERS

- a. Call to Order and Roll Call
- b. Pledge of Allegiance
- 3 - 4 c. State of Committee and Hearing Procedure and Statement of Hearing Notice
[Statement of Comm. Hearing & Procedure & Hearing Notice](#)
- 5 - 7 d. Approval of December 17, 2021 Meeting Minutes
[12-17-2021 Minutes](#)
- e. Public Comment:
Please note comment time is intended for general public comments, not comments relating to a specific application before this Committee. Each Agenda item requiring a public hearing will have its public hearing conducted just prior to the application being considered by this Committee. If you wish to speak on a specific Agenda item, we encourage you to hold your comments until that specific public hearing.

2. REZONE APPLICATIONS

- 8 - 18 a. A Public Hearing in the Town of Sand Lake. RZN #22-001. Owner: Adam & Amber Smith. Part of Government Lot 1 and Part of NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and Part of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and Part of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Lot 1 CSM 7/251 #1461; S27, T39N, R09W; 18.39 total acres; Zoned Residential/Recreational One (RR-1). Purpose of request is to rezone approximately 5.40 acres of property to commercial one (C-1) for a commercial storage building.
[RZN #22-001, Adam & Amber Smith pkt.](#)
- b. Discussion/Action in the Town of Sand Lake. RZN #22-001. Owner: Adam & Amber Smith. Part of Government Lot 1 and Part of NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and Part of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and Part of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Lot 1 CSM 7/251 #1461; S27, T39N, R09W; 18.39 total acres; Zoned Residential/Recreational One (RR-1). Purpose of request is to rezone approximately 5.40 acres of property to commercial one (C-1) for a commercial storage building.

3. CONDITIONAL USE APPLICATIONS

19 - 39

- a. A Public Hearing in the Town of Hunter. CUP #22-002. Owner: Trisha Smith. Agent: Cloud 1 Services, LLC. Part of the E1/2 of the NW ¼, Lot 2 CSM 31/267 #7763; S05, T40N, R06W; Parcel #012-640-05-2107; 7.78 total acres; Zoned Residential/Recreational Two (RR-2). Permit desired for construction of a communication tower for high speed internet as per Section 17.2 (B) (2) of the Sawyer County Zoning Ordinance.
[CUP #22-002, Trisha Smith, Cloud 1 Services LLC pkt.](#)
- b. Discussion/Action in the Town of Hunter. CUP #22-002. Owner: Trisha Smith. Agent: Cloud 1 Services, LLC. Part of the E1/2 of the NW ¼, Lot 2 CSM 31/267 #7763; S05, T40N, R06W; Parcel #012-640-05-2107; 7.78 total acres; Zoned Residential/Recreational Two (RR-2). Permit desired for construction of a communication tower for high speed internet as per Section 17.2 (B) (2) of the Sawyer County Zoning Ordinance

4. NEW BUSINESS

40 - 41

- a. Two versions of the Storage Containers & Accessory Structures. (Discussion/Possible Action)
[V2.1Ord rev](#)
[V3.POrd rev](#)
- b. Link to Final Municode Proof (Discussion Only): [Microsoft Word - Sawyer County Word Proofs 12-8-2021 - without markup.docx \(sawyercountygov.org\)](#)
- c. Any other business that may come before the Committee for discussion.

5. ADJOURNMENT

**SAWYER COUNTY ZONING COMMITTEE
STATEMENT OF COMMITTEE HEARING AND PROCEDURE AND STATEMENT OF HEARING
NOTICE**

This Sawyer County Zoning Committee ("Zoning Committee") meeting is being held this day and will be called to order at approximately 8:30 a.m. in the Sawyer County Courthouse, 10610 Main Street, Hayward, Wisconsin.

This Statement of Committee Hearing and Procedure and Statement of Hearing Notice is for the public's reference and supplements on the statements on the record under Agenda Item No. 1, "Preliminary Matters." This Statement of Committee Hearing and Procedure and Statement of Hearing Notice is incorporated into the record of today's Zoning Committee meeting.

Nothing in this Statement of Committee Hearing and Procedure and Statement of Hearing Notice modifies or otherwise limits the provisions set forth in the Wisconsin Statutes and other applicable law.

Any persons requiring assistance with this may contact the Sawyer County Zoning Administrator or request assistance at the Zoning Committee meeting during public comments.

Statement of Committee Hearing and Procedure

Individual Public Hearing: Generally, each application requiring a public hearing shall have an individual public hearing conducted just prior to the Agenda item in which the Zoning Committee may take action.

Public Hearing Process: Each public hearing conducted at this Zoning Committee meeting will follow this order: (1) presentation of a summary of the petition set forth in the application or request; (2) submission of a file to the Zoning Committee; and (3) the applicant's statements (or the applicant's representative's statements) and presentation of evidence; (4) public testimony by persons desiring to give pertinent testimony (a "Speaker") in support of the application; (5) public testimony by Speakers in objection to the application; and (6) any rebuttal as permitted by the Zoning Committee Chair. Once the Zoning Committee has the pertinent information, the public hearing will be closed and thereafter the Zoning Committee may deliberate, discuss, pose questions to the Sawyer County staff, legal counsel or the applicant, and take action on the application within the Zoning Committee's discretion.

Hearing Appearance Slip: For all hearings to be conducted at today's Zoning Committee meeting, any Speaker desiring to give pertinent testimony will be afforded to opportunity to do so. A Speaker must complete a Hearing Appearance Slip, which is provided at this meeting next to the meeting Agenda. After completion, the Speaker shall deliver the Hearing Appearance Slip to the Zoning Committee Chair prior to the commencement of the Zoning Committee meeting.

Process and Guidelines for Testimony by Speakers: Prior to speaking, the Speaker must be recognized by the Zoning Committee Chair in order to speak. Once recognized by the Zoning Committee Chair, the Speaker must state their full name and address before giving testimony. The Speaker should also state whether the Speaker represents a client, group, or other association, whether the Speaker is in favor or opposes the proposal on which the testimony is being given, and other pertinent information. Speakers should confine their testimony to the facts and matters presented. Speakers should avoid repetitive testimony, and Speakers are encouraged to state that they agree or disagree with other comments to avoid repetitive testimony. A Speaker's testimony will be limited to three (3) minutes, unless additional time is provided for by the Zoning Committee Chair. Orderly procedures require that each Speaker proceeds without interruption by others. All testimony will be addressed to the Zoning Committee and there will be no questions or arguments between individuals. The Zoning Committee is under no obligation to answer questions posed by the Speaker during the public hearing.

Applications for Rezoning: On applications for a change in zoning designation of property, the decision of the Zoning Committee is a recommendation to the Sawyer County Board of Supervisors for final determination and action. This provision does not modify or otherwise limit the provisions set forth in Wis. Stat. § 59.69 or any other applicable law.

Appeal of Certain Decisions: Any person aggrieved by a decision regarding a conditional use or any other decision in which the County Zoning Committee is the decision making body, a person may commence an action with the Sawyer County Board of Appeals to review the Zoning Committee's decision in whole or in part, within 30 days of the date following the committee's decision letter. This provision does not modify or otherwise limit the provisions set forth in Wis. Stat. § 59.694.

Statement of Hearing Notice

Each public hearing conducted at this Zoning Committee meeting has been published as a Class 2 notice in accordance with Wisconsin Statutes Ch. 985 in the Sawyer County Record and the Sawyer County Gazette, and publically posted within the Sawyer County Courthouse.

Questions

Please contact the Sawyer County Zoning Administrator should you have any questions regarding this Statement of Committee Hearing and Procedure and Statement of Hearing.

MINUTES
SAWYER COUNTY ZONING COMMITTEE
December 17, 2021 at 8:30AM
Sawyer County Courthouse

Zoning Committee

Ronald Buckholtz, Chairman
Bruce Paulsen
Dawn Petit
Jesse Boettcher
Tweed Shuman
Stacy Hessel

ZONING ADMINISTRATION

Pat Brown, Assistant 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, Boettcher, Shuman and Hessel. Petit, absent. From the Zoning Office Brown and Marks. Virtually 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 and Statement of Hearing Notice. Those persons wishing to speak, will be afforded the opportunity provided they identify themselves. 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.

4) Approval of the November 12, 2021 minutes. Motion by Paulsen to approve the minutes, second by Boettcher. All in favor.

6) Public Comment. No public comment.

REZONE APPLICATIONS

1) A Public Hearing in the Town of Meteor. RZN #21-011. Owner: Kevin Fischer and Terry & Marilyn Fischer. Part of Government Lot 4, Lot 1 CSM 17-302 #5349; S28, T37N, R08W; Parcel #018-837-28-5401; 6.54 total acres; Zoned Forestry One (F-1) and Residential/Recreational One (RR-1). Part of Government Lot 3, Lot 1 CSM 18/292 #5531; S28, T37N, R08W; Parcel #018-837-28-5303; 1.28 total acres; Zoned Forestry One (F-1). Purpose of request is to adjust the property line between parcels for owner of -5303 to change location of driveway to minimize steepness down to cabin and lake. Brown reads the application, staff report, Town opinion and Neighbor opinions into record. Motion to open the public hearing portion of the application by Shuman, second by Paulsen. All in favor. No representation present. Motion to come out of the public hearing portion of the application by Hessel, second by Paulsen. All in favor. Brown reads the discussion/action portion of the application. Motion to approve the application by Paulsen, second by Boettcher. Discussion held by Committee. Roll call finds: Boettcher – yes, Shuman –

yes, Hessel – yes, Buckholtz – yes, Paulsen – yes. All in favor. Findings of Fact: 1) It would be damaging to the rights of others or property values. 2) It is consistent with surrounding parcels.

CONDITIONAL USE APPLICATIONS

a) A Public Hearing in the Town of Hayward. CUP #21-032. Charter Video Electronics Inc. Part of the NW ¼ of the SE ¼; S30, T41N, R08W; Parcel #010-841-30-4203; 10.63 total acres; Zoned Forestry One (F-1); Permit desired for Communications Structure 1400 sq. ft. masonry building section 17.8(B)(10), Sawyer County Zoning Ordinance. Brown reads the application, staff report, Town opinion, Neighbor opinions into record. Motion to open the public hearing portion of the application by Shuman, second by Boettcher. All in favor. No representation present. Joan Cervanka, Town of Hayward Planning Commission speaks in favor of the application. Discussion with Committee held. No other comments. Motion to come out of the public hearing portion of the application by Hessel, second by Paulsen. All in favor. Brown reads the discussion/action portion of the application. Motion by Paulsen to approve the application with conditions of 1) Any sound and/or noise from the electronics on the site be less than previously generated from previous equipment and structures. 2) All lighting on all structures be “down-lighting” excepting the antenna. 3) Because construction and clearing practices are being done during the fall and winter, measures are needed to assure soil and ground vegetation are to be protected from erosion and sedimentation through use of sediment traps and other standard mitigations practices. Discussion by Committee held. Roll call finds: Boettcher – yes, Shuman- yes, Hessel – yes, Buckholtz – yes, Paulsen – yes. All in favor. Findings of Fact: 1) It would not be damaging to the rights of others or property values. It is critical infrastructure for our area.

b) A Public Hearing in the Town of Bass Lake. CUP #21-033. John & Mary Bross. Abendpost Beach 1st Addn., Lots 25 & 26, Block 12; S31, T40N, R08W; Parcel #002-106-12-2500; .171 total acres; Zoned Residential/Recreational One (RR-1). Purpose of request per Section 4.26 (2) of the Sawyer County Ordinance for the construction of a single accessory structure on an adjacent parcel divided by a public roadway (Court Oreilles Lake Drive) that does not contain the principal structure with conditions. Desired size is 24’x32’ (26’x34’) with eaves, height under 16’. This will also require a variance. Brown informs committee that the applicant has withdrawn this application. Motion by Paulsen to accept the withdraw, second by Boettcher. All in favor.

NEW BUSINESS

a) Draft language for shipping containers and accessory structures on vacant property (Discussion Only). Brown speaks of the changes that have occurred. Phil Nies, Bass Lake township resident speak of other changes that need to be made. He gives the Committee a hand-out. Discussion with Committee is held. Linda Zillmer, Edgewater property owner speaks of changes. Amanda Schemanauer, Town of Winter property owner speaks in favor of the application. Discussion continues. Rebecca Roeker, Sawyer County Council speaks of things to look at. It is suggested by Committee to have 2 versions for them to vote on next month to possibly vote to send to Towns.

b) Any other business that may become the Committee. None.

ADJOURNMENT

Buckholtz adjourned meeting at 9:48am.

Minutes completed by Kathy Marks, Deputy Zoning & Conservation Administrator.

For more information please contact our office or see our website [@sawyercountygov.org](http://sawyercountygov.org) for audio.



Rezone Request STAFF REPORT

Prepared By: Jay Kozlowski, Sawyer County Zoning & Conservation Administrator

File: # RZN 22-001

Applicant:

Adam & Amber Smith
3891N County Hwy F
Stone Lake, WI 54876

Property Location & Legal Description:

Part of Government Lot 1 and Part of NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and Part of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and Part of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Lot 1 CSM 7/251 #1461; S27, T39N, R09W; 18.39 total acres; Zoned Residential/Recreational One (RR-1).

Request: Purpose of the request is to rezone approximately 5.40 acres of the total 18.39 acres to Commercial (C-1). As per applicant's statement, "This would be for a commercial storage building."

Summary of Request & Project History:

The applicant(s) are requesting to rezone 5.40 acres of RR-1 to C-1 (see attached map of parcel). The proposed rezone would result in conforming lot dimensional requirements. The purpose of this request would then be to have a permitted use within the commercial-one zone district. The use as specified by the applicant is for commercial storage building(s).

Additional Information/details:

See attached additional maps included in this packet. The nearest C-1 zoned property in relation to this property is approximately 6000' away to the North along the County Hwy E/F & Hwy 70 intersection. The future land use map for the Town of Sand Lake shows this area as "shoreland" which is just indicating of a 1000' buffering around waterbodies. Which as part of the Town's Comprehensive Plan still references the old Lake Classification system. The Town of Sand Lake has approved the requested rezone request as it would not create a traffic or highway. There are a few other residential structures within the immediate area specifically north of the subject property.

This may be viewed as spot zoning, but spot zoning is not necessarily illegal because such zoning is not necessarily inconsistent with the purposes for which zoning ordinances can be passed. However, rezoning should be consistent with long-range planning and based upon considerations which affect the whole community. Therefore, spot zoning should only be indulged where it is in the public interest and not solely for the benefit of the property owner requesting the rezoning.

Findings of Fact for Approval: (choose from list below)

- 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 not create an objectionable view.

Findings of Fact for Denial: (choose from list below)

- 9 It would be damaging to the rights of others and property values.
- 10 It would be detrimental to ecology, wild life, wetlands or shorelands.
- 11 It would create an air quality, water supply, or pollution problem.
- 12 It would create topographical problems such as run off, drainage, erosion, flooding, or vegetative cover removal.
- 13 It would create traffic or highway access problems.
- 14 It would destroy prime agricultural lands.
- 15 It would not be compatible with the surrounding uses and the area.
- 16 It would create an objectionable view.



Rezoning Application # 22-001
Town of Sand Lake
Sawyer County

Return Original

To: Sawyer County Zoning and Conservation
10610 Main Street, Suite 49
Hayward, WI 54843

Phone: 715-634-8288
E-mail: Kathy.marks@sawyercountygov.org

Owner: Adam and Amber Smith

Address: 3891 N County Road F Stone Lake, WI 54876
Phone: 608-797-7941 Email: aksmith7@yahoo.com

Legacy PIN # 026939275103 Acreage: _____

Change from District RR-1 to C-1

Property Description: PRT GOVT LOT 1 & PRT NWNW & PRT SWNW
& PRT SENW LOT 1 CSM 7/251 #1461

Purpose of

Request: rezoning approximately 5.40 acres of property to
commercial one for commercial storage building.

Amber Smith

***Please Print & Sign (Property Owner)**

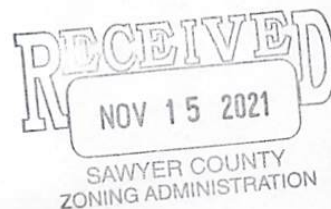
The above hereby make application for a rezoning. The above certify that the listed information and intentions are true and correct. The above person(s) hereby give permission for access to the property for onsite inspection by Municipal Officials.

Name, Address, Phone & Email of Agent: _____

Phone _____ Email: _____

Office Information: Fee: \$400.00
Rev. 1/2021

Date of Public Hearing 1-21-22



Real Estate Sawyer County Property Listing

Today's Date: 11/15/2021

Property Status: **Current**

Created On: 2/6/2007 7:55:49 AM

 Description

Updated: 8/1/2014

Tax ID:	29043
PIN:	57-026-2-39-09-27-5 05-001-000030
Legacy PIN:	026939275103
Map ID:	:1.3
Municipality:	(026) TOWN OF SAND LAKE
STR:	S27 T39N R09W
Description:	PRT GOVT LOT 1 & PRT NWNW & PRT SWNW & PRT SENW LOT 1 CSM 7/251 #1461
Recorded Acres:	18.390
Calculated Acres:	4.938
Lottery Claims:	0
First Dollar:	No
Zoning:	(RR1) Residential/Recreational One
ESN:	423

 Tax Districts

Updated: 2/6/2007

1	State of Wisconsin
57	Sawyer County
026	Town of Sand Lake
572478	Hayward Community School District
001700	Technical College

 Recorded Documents

Updated: 6/14/2021

 QUIT CLAIM DEED	
Date Recorded: 6/11/2021	432555
 WARRANTY DEED	
Date Recorded: 11/18/2015	398708
 TRUSTEES DEED	
Date Recorded: 7/7/2014	391130
 QUIT CLAIM DEED	
Date Recorded: 7/18/2011	373495
 CERTIFIED SURVEY MAP	
Date Recorded: 6/10/1980	174235

 Ownership

Updated: 6/14/2021

ADAM L & AMBER K SMITH STONE LAKE WI**Billing Address:**

ADAM L & AMBER K SMITH
3891N COUNTY HWY F
STONE LAKE WI 54876

Mailing Address:

ADAM L & AMBER K SMITH
3891N COUNTY HWY F
STONE LAKE WI 54876

 Site Address

* indicates Private Road

N/A

 Property Assessment

Updated: 4/17/2007

2021 Assessment Detail

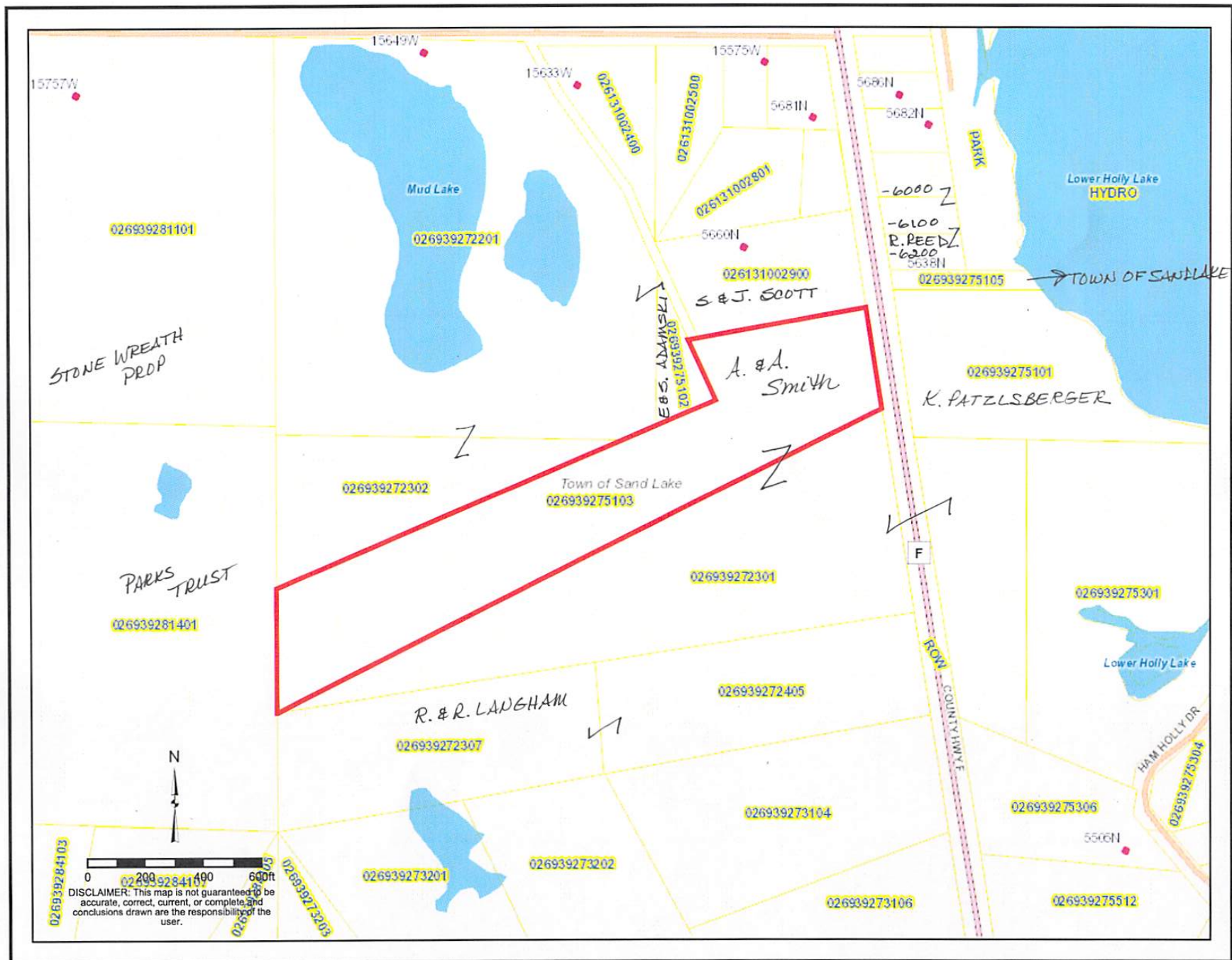
Code	Acres	Land	Imp.
G6-PRODUCTIVE FOREST	18.390	27,600	0

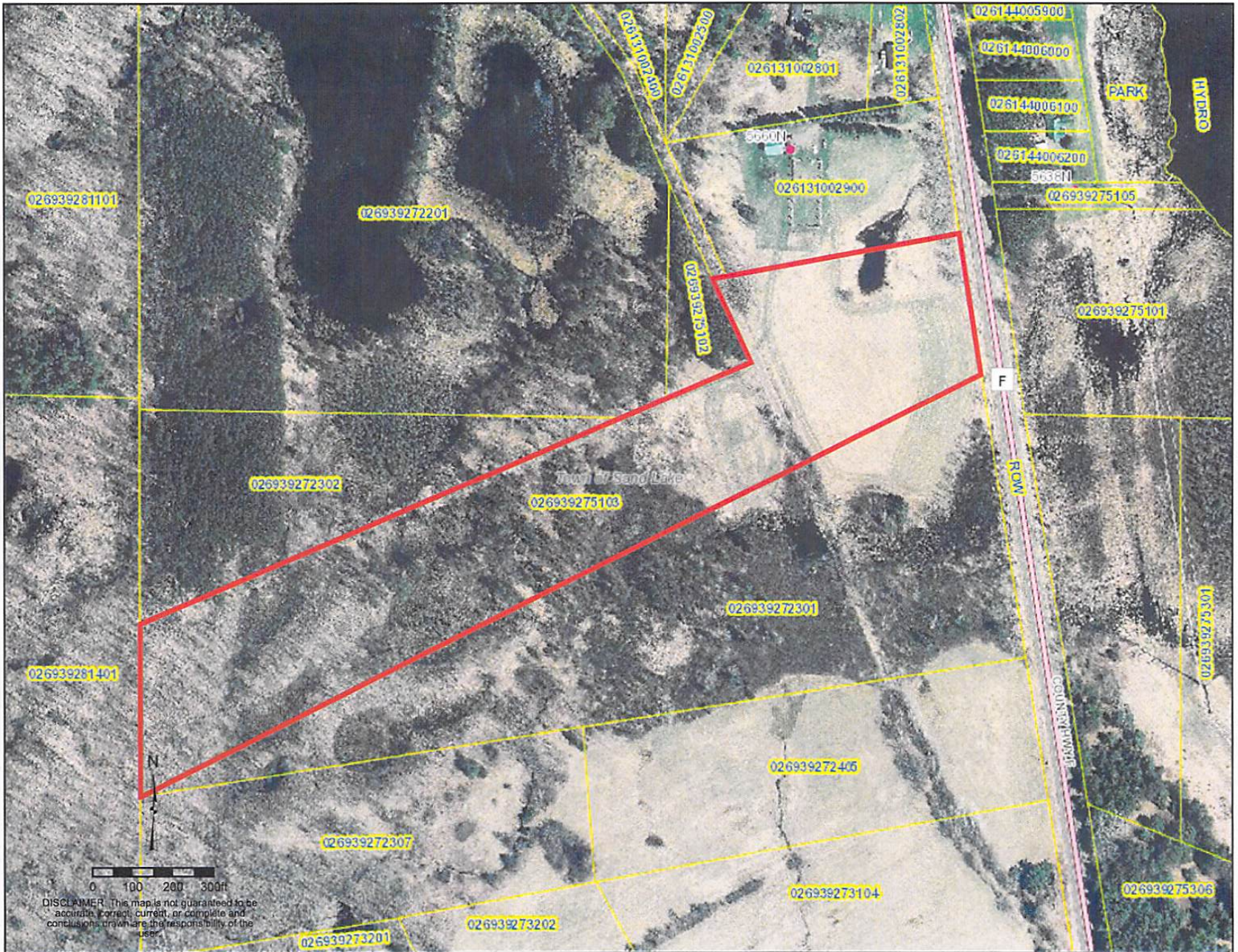
2-Year Comparison

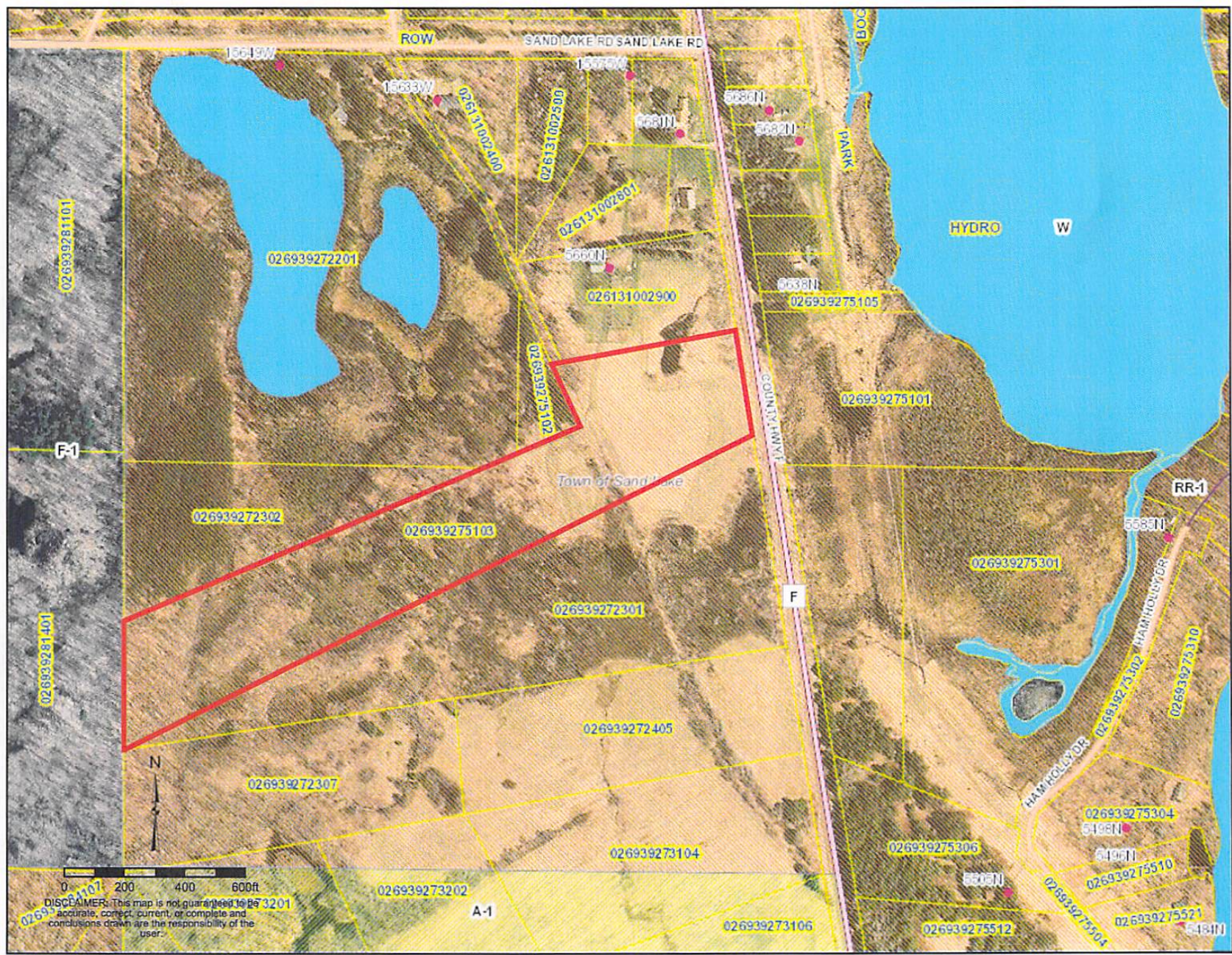
	2020	2021	Change
Land:	27,600	27,600	0.0%
Improved:	0	0	0.0%
Total:	27,600	27,600	0.0%

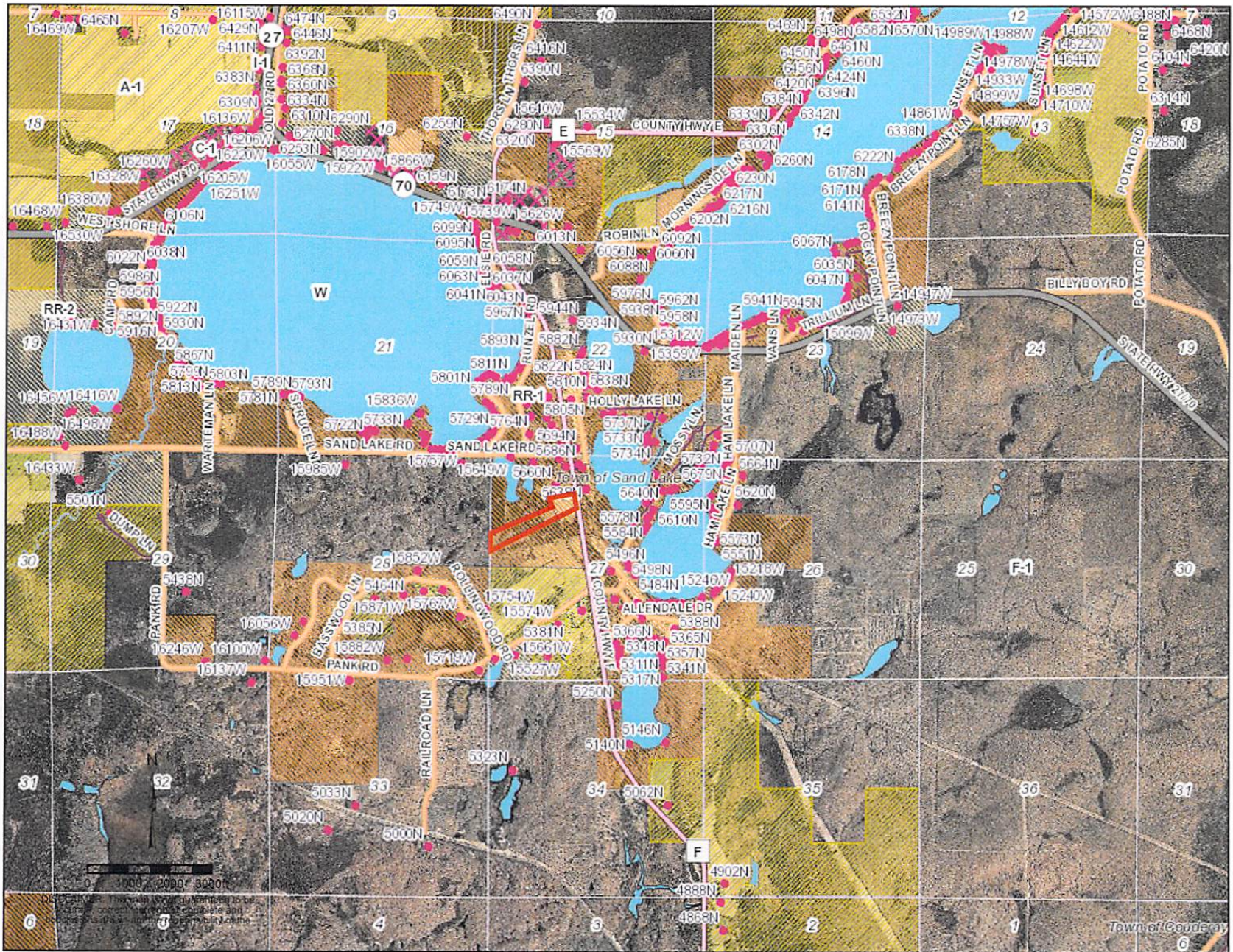
 Property History

N/A



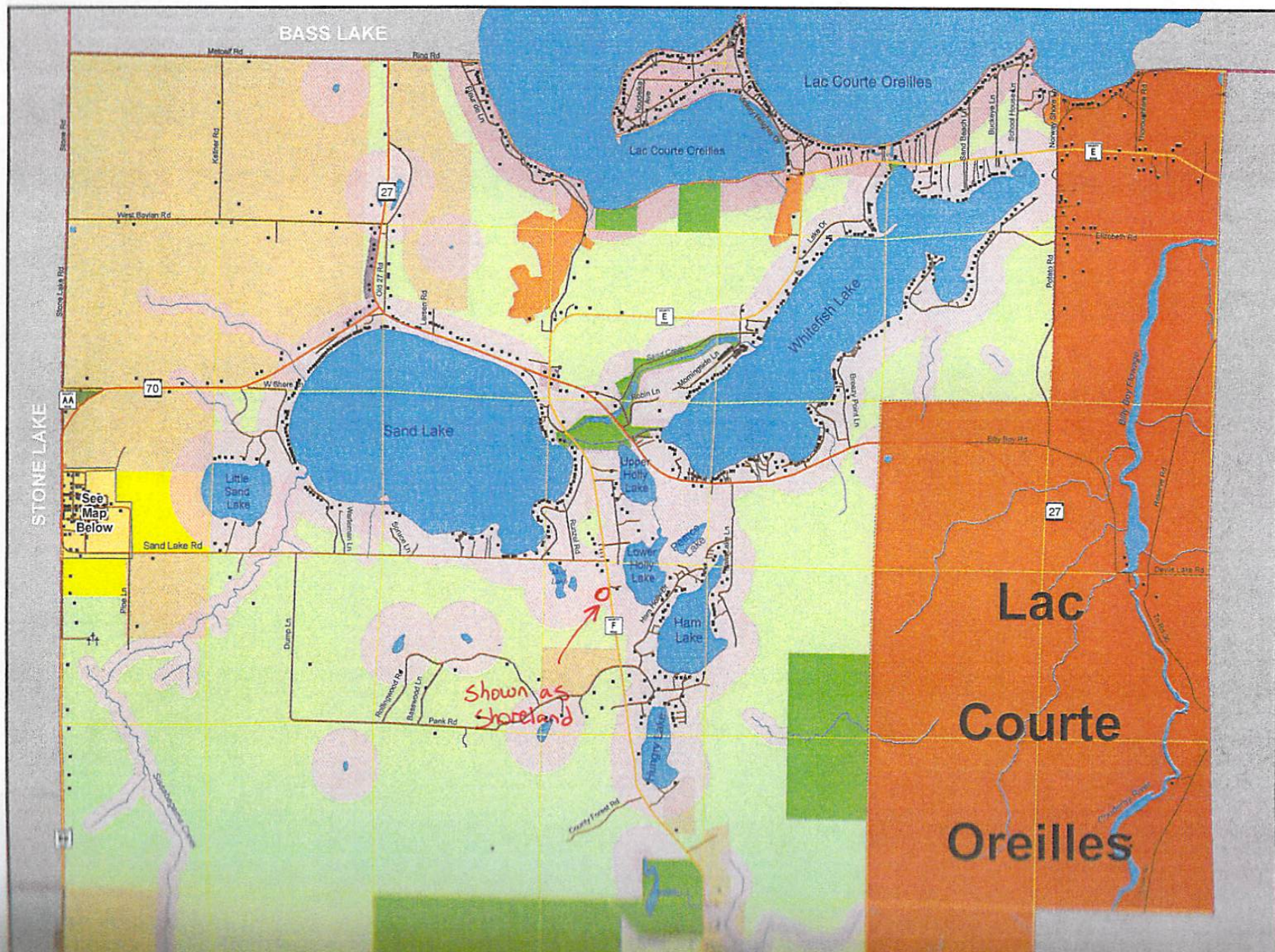






Sand Lake, Future Land Use

Map 8.4



How the Map was Developed

Early in the planning process, surveys were distributed to all landowners in the town; the results of these surveys assisted the town planning committee in defining community issues and opportunities. A series of goals and objectives were developed which embraced the community vision as expressed by the citizens in their responses to the survey. These tools were utilized in conjunction with an analysis of existing environmental, infrastructure, and transportation conditions to determine the most appropriate locations for future growth and development.

Finally, growth forecasts based on the projections found in the *Issues and Opportunities* and *Housing Elements* provided the means to assess future needs related to land use. The combination of public involvement, assessment of conditions, and expected future needs led to the development of a future land use map and supporting narrative.

Future Land Use Categories

The Town of Sand Lake Future Land Use Map delineates broad categories of future land use. These categories are, in some cases, consistent with the existing land use classification and simply represent a continuation of the existing situation. In other cases, the future category may be different from existing use and/or zoning classification, representing a recommended or anticipated shift in use. When and whether these areas should be rezoned to be consistent with the provisions of the Town of Sand Lake Comprehensive Plan is at the discretion of the both the Town of Sand Lake and the Sawyer County Zoning Committee based on a mutually agreed upon decisions.

Agriculture

Agricultural areas represent varying forms of activity. Areas defined on the map are generally those areas where future agricultural practices are expected to continue during the planning period. Minimum density thresholds within this category are one home per five acres.

Commercial

The unincorporated area of Stone Lake is the primary commercial center and provides a wide range of services. Although other commercial land use developments are located throughout the town, many of these are an allowable use within another zoning category or have been granted conditional use status. Where sewer service is available a minimum lot area of 10,000 square feet is recommended and in areas of no sewer service a minimum lot area of 20,000 square feet is recommended.

Commercial/Industrial

A section of the highway corridor along 27 and 70 has been identified for both commercial and industrial use. Future land use in a commercial nature where sewer service is available a minimum lot area of 10,000 square feet is recommended and in areas of no sewer service a minimum lot area of 20,000 square feet is recommended. Future land use of an industrial nature where sewer services is available or not available a minimum density lot area of one acre is recommended.



Conditional Use Permit Request STAFF REPORT

Prepared By: Jay Kozlowski, Sawyer County Zoning & Conservation Administrator

File: # CUP 22-002

Applicant:

Trisha Smith
8335 Cactus Creek
San Antonio, TX 78251

Agent:

Lee Larsen – Cloud 1 Services LLC

Property Location & Legal Description:

Part of the E1/2 of the NW ¼, Lot 2 CSM 31/267 #7763; S05, T40N, R06W; Parcel #012-640-05-2107; 7.78 total acres; zoned Residential/Recreational Two (RR-2).

Purpose of Request:

Construction of a communication tower for high speed internet as per Section 17.2 (B) (2) of the Sawyer County Zoning Ordinance.

Project History/Summary of Request/Summary of State mobile tower siting regulations:

With the new changes to WI Chapter 66.0404 mobile tower siting regulations including the changes in 2017 and in 2019 Counties are somewhat limited in local regulations as long as the applicant or mobile service provider comply with the provisions and regulations specified in 66.0404. The Sawyer County Telecommunication Ordinance would not be compliant at this point to State Statutes and the State Statutes would need to be followed. The only element that the Sawyer County Zoning Telecommunication Ordinance is utilizing is that a Conditional Use Permit is required for a telecommunication facility.

Per the regulations established in 66.0404(2)(b) the application process which a person must complete to engage in the siting, construction, or modification activities shall be in writing and shall contain all of the following information:

1. The name and business address of, and the contact individual for, the applicant.
(included in attached plans)
2. The location of the proposed or affected support structure. **(included in attached plans)**
3. The location of the proposed mobile service facility. **(included in attached plans)**

~~4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications. (new structure-not applicable)~~

5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure. **(included in attached plans)**

6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider. **(included as separate letter in packet)**

The Sawyer County Zoning Administrator has deemed that the application is complete.

Within 90 days of its receipt of a complete application (November 9, 2021), a political subdivision shall complete all of the following or the applicant may consider the application approved, except that the applicant and the political subdivision may agree in writing to an extension of the 90 day period:

1. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances. **(All other determination have been tentatively approved by the Zoning & Conservation Department including setbacks, floodplains, and other County Zoning Ordinance not subject to the limitations described later in this staff report)**

2. Make a final decision whether to approve or disapprove the application.

3. Notify the applicant, in writing, of its final decision.

4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

- A political subdivision may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement.
- A party who is aggrieved by the final decision of a political subdivision may bring an action in the circuit court of the county in which the proposed activity, which is the subject of the application, is to be located.

- If an applicant provides a political subdivision with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the political subdivision provides the applicant with substantial evidence that the engineering certification is flawed. **(The proposed tower height would be 250' and would be located 130' to the closest setback line. The applicant has provided a letter from a professional engineer indicating that even though the tower would be within the fallzone of a setback line that the tower is designed to collapse with a radius less than or equal to 125'. If the committee accepts this engineering certificate a greater setback distance than 130' from a setback line may not be imposed.)**

66.0404(4) Limitations: With regard to an activity described for new construction a political subdivision may not do any of the following:

- Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.
- Enact an ordinance imposing a moratorium on the permitting, construction, or approval of any such activities.
- Enact an ordinance prohibiting the placement of a mobile service support structure in particular locations within the political subdivision.
- Charge a mobile radio service provider a fee in excess of \$3,000 for new construction.
- Charge a mobile radio service provider any recurring fee for new construction or a class 2 collocation.
- Permit 3rd party consultants to charge the applicant for any travel expenses incurred in the consultant's review of mobile service permits or applications.
- Disapprove an application to conduct an activity based solely on aesthetic concerns.
- Disapprove an application to conduct a class 2 collocation on aesthetic concerns.
- Enact or enforce an ordinance related to radio frequency signal strength or the adequacy of mobile service quality.
- Impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the political subdivision which fall into disuse. There is a rebuttable presumption that a surety requirement of \$20,000 or less complies with this paragraph.
- Prohibit the placement of emergency power systems.
- Require that a mobile service support structure be placed on property owned by the political subdivision.
- Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.

- Condition approval of such activities on the agreement of the structure or mobile service facility owner to provide space on or near the structure for the use of or by the political subdivision at less than the market rate, or to provide the political subdivision other services via the structure or facilities at less than the market rate.
- Limit the duration of any permit that is granted.
- Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in collocation.
- Disapprove an application based on an assessment by the political subdivision of the suitability of other locations for conducting the activity.
- Require that a mobile service support structure, existing structure, or mobile service facilities have or be connected to backup battery power.
- Impose a setback or fall zone requirement for a mobile service support structure that is different from a requirement that is imposed on other types of commercial structures.
- Consider an activity a substantial modification if a greater height is necessary to avoid interference with an existing antenna.
- Consider an activity a substantial modification if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable
- Limit the height of a mobile service support structure to under 200 feet
- Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the political subdivision in connection with the political subdivision's exercise of its authority to approve the application.
- Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the political subdivision to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, a political subdivision or an entity in which a political subdivision has a governance, competitive, economic, financial or other interest.

Additional information for Conditional Use Permits:

Substantial evidence means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

If an applicant agrees to meets all of the requirements and conditions specified in the county ordinance or those imposed by the county zoning board, the county shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence. The conditions must be reasonable and, to the extent practicable, measurable. The applicant must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The county's decision to approve or deny the permit must be supported by substantial evidence.

Possible Conditions for Approval: (choose from list below) (add or delete from list below)

- 1 Land Use Permit for telecommunication facility is required. (LUP submitted pending CUP approval)
- 2 Prior to issuing the Land Use Permit the applicant or owner of the telecommunication facility shall provide a bond, irrevocable letter of credit, of their suitable financial guarantee as determined by the Zoning Committee to ensure the removal of facility if it falls into disuse and restoration back to pre-construction state in the amount of \$20,000. (Copy of Permit Bond has been received in the amount of \$30,000)
- 3 All other town, County, State, Federal Laws are followed

Findings of Fact for Approval: (choose from list below)

- 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 not create an objectionable view.

Findings of Fact for Denial: (choose from list below)

- 9 It would be damaging to the rights of others and property values.
- 10 It would be detrimental to ecology, wild life, wetlands or shorelands.
- 11 It would create an air quality, water supply, or pollution problem.
- 12 It would create topographical problems such as run off, drainage, erosion, flooding, or vegetative cover removal.
- 13 It would create traffic or highway access problems.
- 14 It would destroy prime agricultural lands.
- 15 It would not be compatible with the surrounding uses and the area.
- 16 It would create an objectionable view.



Conditional Use Public Hearing Application

TO: Sawyer County Zoning and Conservation Administration
10610 Main Street Suite 49
Hayward, Wisconsin 54843
Attn: Kathy Marks E-mail: kathy.marks@sawyercountygov.org

Property Owner Name & Address:

Trisha Smith
8335 Cactus Creek
San Antonio, TX 78251

Phone: 210-391-8513 Email: taz0365@gmail.com

Property description including Parcel Number:
57-012-2-40-06-05-2 01-000-000070

Lot 2 as recorded in Volume 31 of Certified Survey Maps, page 267, Survey No. 7763 as Document No. 370197, located in the Town of Hunter, Sawyer County, Wisconsin, being a part of the E $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, Township 40 North, Range 6 West.

For informational purposes only:
Property Address: County Hwy B, Hayward, WI 54843
Tax Key Number: 012-640-05-2107

Permit desired for:

Construction of a communication tower for high speed internet

Trisha A. Smith
Trisha A. Smith
Owner Print & Sign

Owner Print & Sign

Signature of property owner(s) required. The undersigned person(s) hereby give permission for access to the property for inspection by Municipal Officials, Sawyer County Zoning Staff and Sawyer County Zoning Committee members if needed.

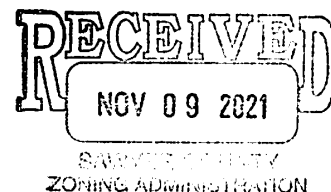
Name, Address, Phone & Email of Agent or Buyer:

Lee Larsen 417 Pine St. Green Bay, WI 54301
608-276-5555 lee.larsen@bugtusselwireless.com

Fee: \$350.00

Date of Public Hearing:

Rev January 2021



Real Estate Sawyer County Property Listing

Today's Date: 11/15/2021

Property Status: **Current**

Created On: 12/8/2010 11:22:04 AM

**Description**

Updated: 5/25/2017

Tax ID:	40965
PIN:	57-012-2-40-06-05-2 01-000-000070
Legacy PIN:	012640052107
Map ID:	.5.7
Municipality:	(012) TOWN OF HUNTER
STR:	S05 T40N R06W
Description:	PRT FRAC E1/2 NW LOT 2 CSM 31/267 #7763
Recorded Acres:	7.780
Calculated Acres:	7.773
Lottery Claims:	0
First Dollar:	No
Zoning:	(RR2) Residential/Recreational Two
ESN:	

**Tax Districts**

Updated: 12/8/2010

1	State of Wisconsin
57	Sawyer County
012	Town of Hunter
572478	Hayward Community School District
001700	Technical College

**Recorded Documents**

Updated: 3/1/2019

QUIT CLAIM DEED	
Date Recorded: 6/2/2008	353954
CERTIFIED SURVEY MAP	
Date Recorded: 12/3/2010	370197
AFFIDAVIT OF CORRECTION	
Date Recorded: 7/18/2008	354818

HISTORY[Expand All History](#)

White=Current Parcels

Pink=Retired Parcels

Tax ID: [13667](#) **PIN:** [57-012-2-40-06-05-2 01-000-000010](#) **Leg. Pin:** [012640052101](#) **Map ID:** [.5.1](#)

40965 This Parcel ↑ Parents ↓ Children

**Ownership**

Updated: 12/8/2010

TRISHA ANN SMITH SAN ANTONIO TX**Billing Address:**

TRISHA ANN SMITH
8335 CACTUS CREEK
SAN ANTONIO TX 78251

Mailing Address:

TRISHA ANN SMITH
8335 CACTUS CREEK
SAN ANTONIO TX 78251

**Site Address** * indicates Private Road

N/A

**Property Assessment**

Updated: 7/16/2014

2021 Assessment Detail

Code	Acres	Land	Imp.
G6-PRODUCTIVE FOREST	7.780	8,700	0

2-Year Comparison	2020	2021	Change
Land:	8,700	8,700	0.0%
Improved:	0	0	0.0%
Total:	8,700	8,700	0.0%

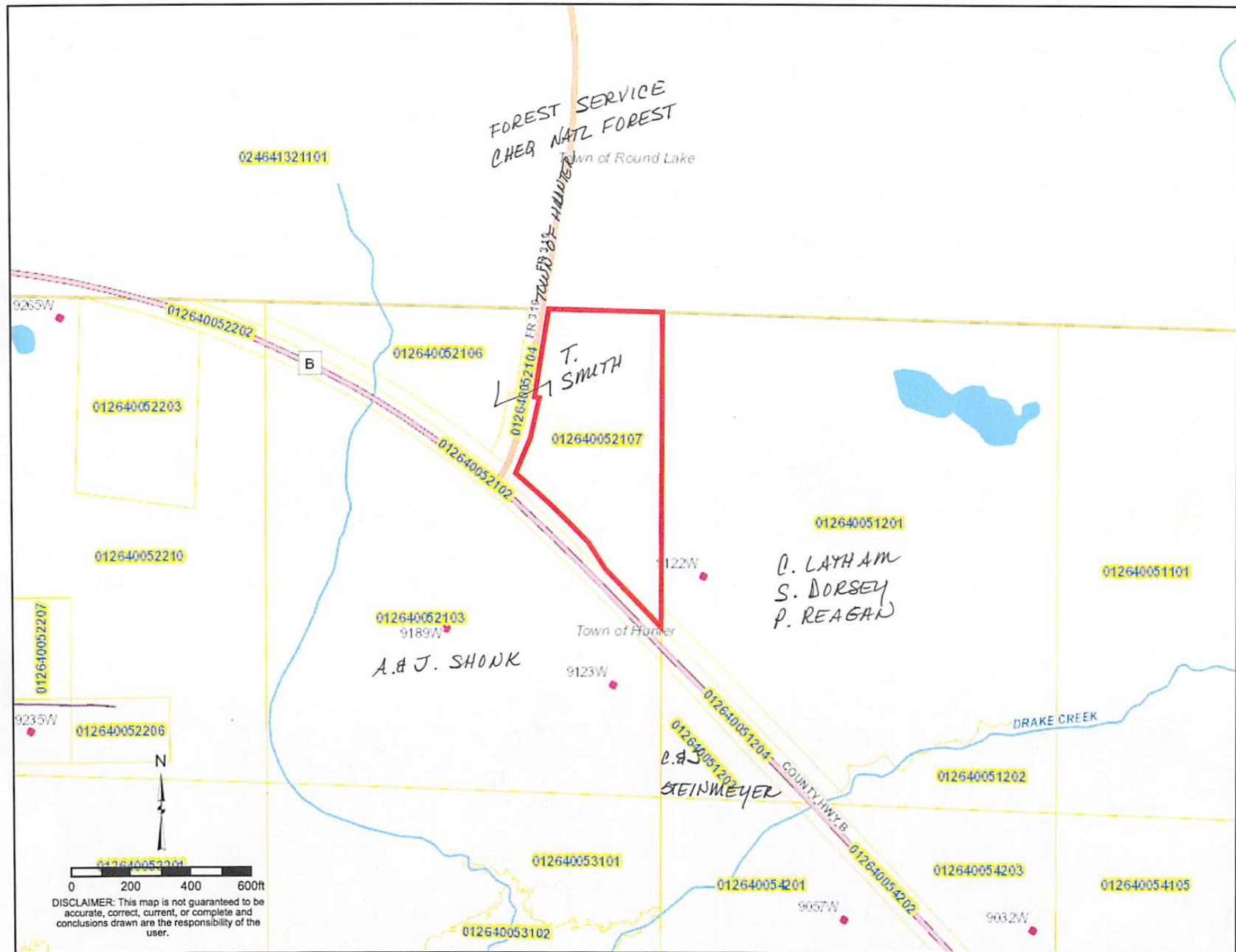
**Property History**

Parent Properties	Tax ID
57-012-2-40-06-05-2 01-000-000010	13667











SHEET TITLE:
AFTER PHOTO RENDERING/SIMULATION - LOOKING EAST

PROJECT TITLE:
NEW POST

PROJECT NUMBER:
51960

PROJECT LOCATION:
FOREST ROAD 319 HAYWARD, WI 54843



417 PINE STREET
GREEN BAY, WI 54301
PH.: (920) 940-0147



RAMAKER
employee-owned
(608) 643-4100 www.ramaker.com

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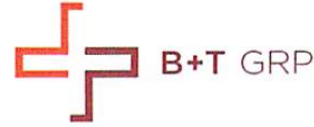


SHEET TITLE: AFTER PHOTO RENDERING/SIMULATION - LOOKING NORTHWEST		 417 PINE STREET GREEN BAY, WI 54301 PH.: (920) 940-0147	 RAMAKER employee-owned (608) 643-4100 www.ramaker.com
PROJECT TITLE: NEW POST			
PROJECT NUMBER: 51960			
PROJECT LOCATION: FOREST ROAD 319 HAYWARD, WI 54843			

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November 10, 2021

Ms. Alicia Broeren
Bug Tussel Wireless, LLC / Cloud1, LLC
130 Walnut St.
Suite 306
Green Bay, WI 54305 - 1060



B+T Group
1717 S. Boulder, Suite 300
Tulsa, OK 74119
(918) 587-4630
btwo@btgrp.com

Subject:	Fall Certification Letter	
Arcosa Designation:	Arcosa Project Number:	9250
	Arcosa Site Name:	New Post, WI
Engineering Firm Designation:	B+T Group Project Number:	159054.001.01
Site Data:	New Post, WI	
	250' Foot – Self Support Tower	

To Whom it May Concern:

As Requested by Arcosa Telecom Structures on behalf of Bug Tussel Wireless, LLC / Cloud1, LLC, B+T Group is pleased to submit this "Fall Certification Letter" for the 250' self-support tower to be constructed at the New Post, WI site.

This tower will be designed in accordance with the TIA 222-G standard for Sawyer County, WI. The tower will be designed to support antennas and transmission lines for three wireless carriers. The design criteria are more particularly described as follows:

Design Wind Speed: 90mph 3-sec gust (no ice), 40mph 3-sec gust (1/2" ice)
Structure Class: II
Exposure Category: C
Topographic Category: 1

245'—Wireless Carrier 1 (CaAa= 150 Sq. Ft.) w/ (12) 1 5/8" transmission lines
235'—Wireless Carrier 2 (CaAa= 200 Sq. Ft.) w/ (12) 1 5/8" transmission lines
225'—Wireless Carrier 3 (CaAa= 150 Sq. Ft.) w/ (12) 1 5/8" transmission lines
215' - Wireless Carrier 4 (CaAa= 150 Sq. Ft.) w/ (12) 1 5/8" transmission lines

Currently it is our understanding that this structure be designed such that, if a failure were to occur, the tower would fall within a radius of 125' from the base of the structure. It should be understood that communication structures are designed in accordance with strict structural standards and it is extremely rare that well maintained towers fail under normal operational conditions. However, in the highly unlikely event that this tower were to experience operational failure, the failure mode would most likely be compression buckling. In a compression buckling failure, it is reasonable to assume a structure of this type would most likely collapse and fall on itself within a radius of 125' from the base of the tower. It should be understood that this opinion does not consider unpredictable extreme catastrophic events for which the structure is not designed. However, any damage to surrounding property caused by the tower failing during such an event would be relatively insignificant when compared to the damage caused to the surrounding property by the event itself.

I hope this letter satisfies your concerns. Please let me know if I may be of further assistance.

Letter prepared by: Angela Ashwood

Submitted by: B+T Engineering, Inc.

Brad Milanowski, P.E.

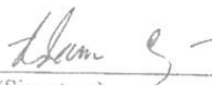


AFFIDAVIT OF ADAM CRAIG

STATE OF WISCONSIN)
) ss.
COUNTY OF BROWN)

I, the undersigned, being duly sworn, state as follows:

1. I am an adult resident of the State of Wisconsin and a radio-frequency engineer employed by Bug Tussel Wireless, LLC and Cloud 1, LLC.
2. I make this affidavit in support of Cloud 1, LLC's application to the Town of Hunter and Sawyer County to construct a new communications tower located at: Tax Key Number: 57-012-2-40-06-05-2 01-000-000070 (Owned by: Trisha Smith, 8335 Cactus Creek, San Antonio, TX 78251).
3. Bug Tussel Wireless, LLC is a duly licensed mobile service provider and shall be the anchor tenant on the Cloud 1, LLC tower proposed property.
4. One of my job responsibilities is to design and direct the placement of AT&T's wireless antenna facilities throughout Wisconsin and Bug Tussel Wireless antenna facilities throughout its entire mobile service network.
5. Attached hereto and incorporated herein is a true and correct copy of an analysis performed by me which shows the coverage that Bug Tussel Wireless would have if it were to build the proposed tower site at 250 ft.
6. Towers that are under 200 ft. in height are generally not populated in searchable national tower databases as they are generally not registered by the FCC. Further, because of the reduced height of a tower below 200 ft. in height vs. that in this affidavit here, they are not considered suitable for our use as they do not allow for proper coverage of the necessary area for our network needs.
7. The proposed site will have AT&T mobile voice and internet services. It will also include Bug Tussel Wireless fixed internet services.


(Signature)

September 16th, 2021
(Date)

Adam Craig

Subscribed and sworn to before me
this 16th day of September, 2021.

 Notary Public
Brown County, Wisconsin
My Commission Expires is permanent

MITCHEL L. OLSON
Notary Public
State of Wisconsin

September 16, 2021

RF Analysis – New Post

Search Ring Center: 45.960569 -91.14355

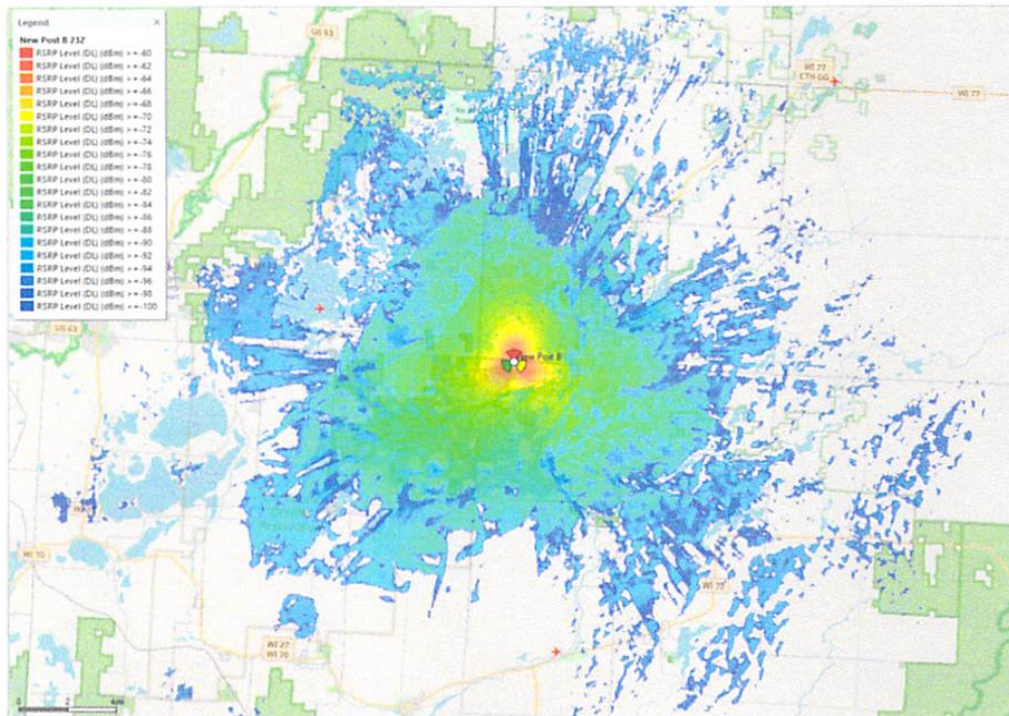
Proposed Tower Location: 45.980821 -91.143796

Towers within a 3-mile radius: Zero

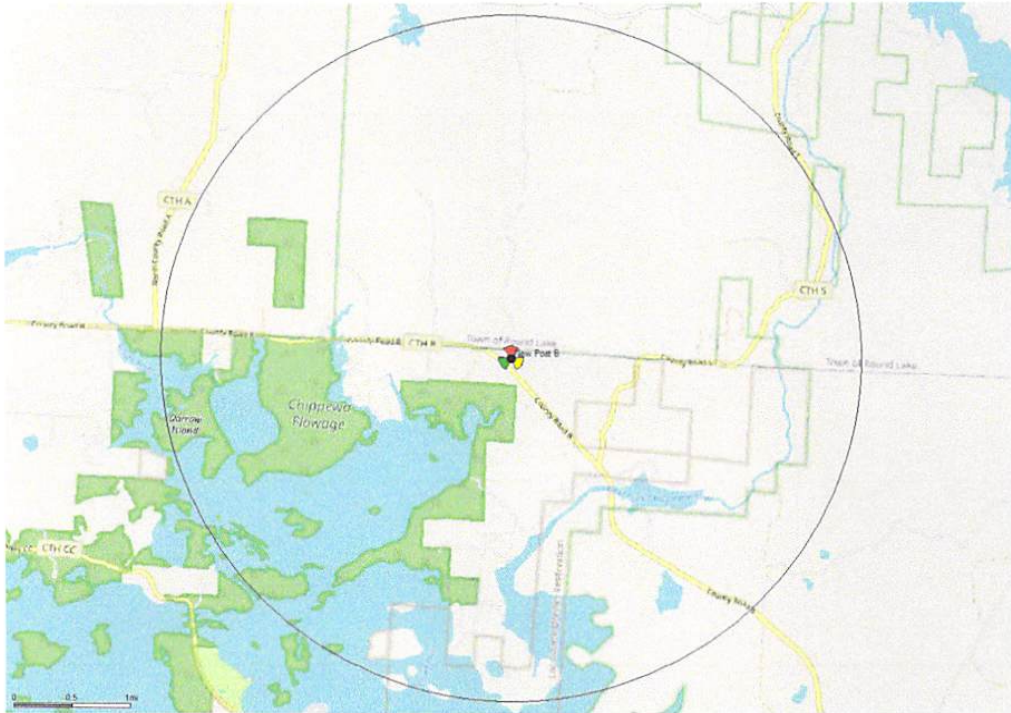
The first map shows multiple locations. The first is the search center (New Post SR 031121), the second is the proposed location (New Post B), and the other candidates (New Post A, New Post C) that were submitted but not selected for build.



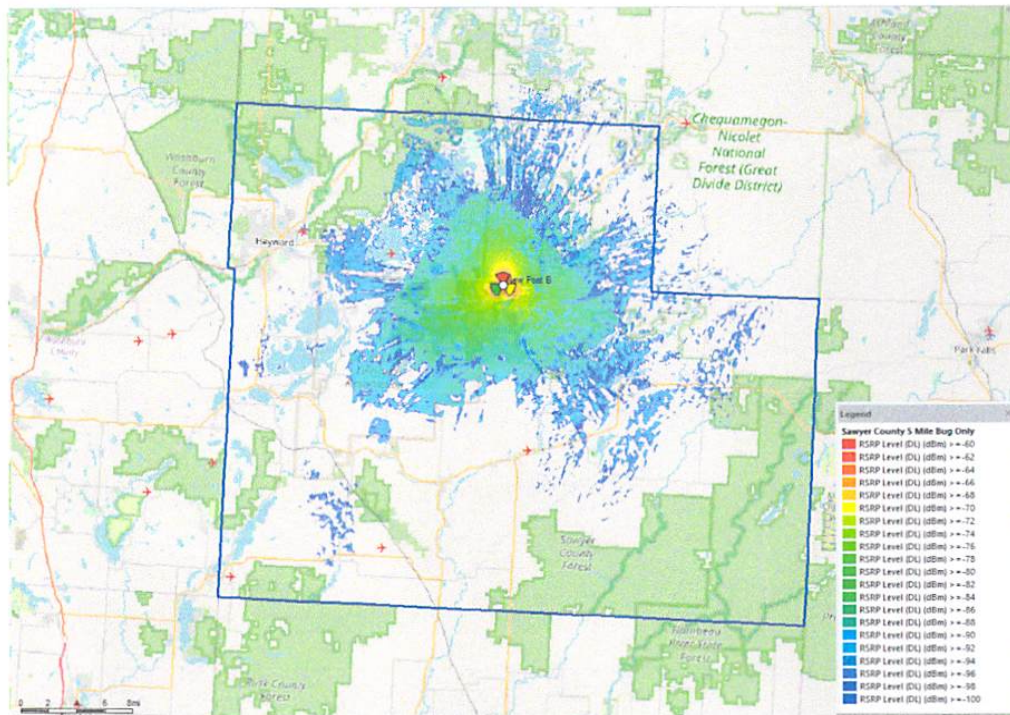
This second map shows the coverage from the proposed location. We are proposing to build a 250 ft tower for AT&T mobile voice and internet as well as Bug Tussel Wireless fixed internet. This is a very good location for our tower. There are no existing structures within 3 miles of the proposed location that we could collocate on, so building a new tower makes sense. The RAD Center (Radiation Center – Antenna attachment point) is at 232 ft to allow for proper spacing and be clear of tower mounting hardware. With the height of this site, the population covered is 3,826.



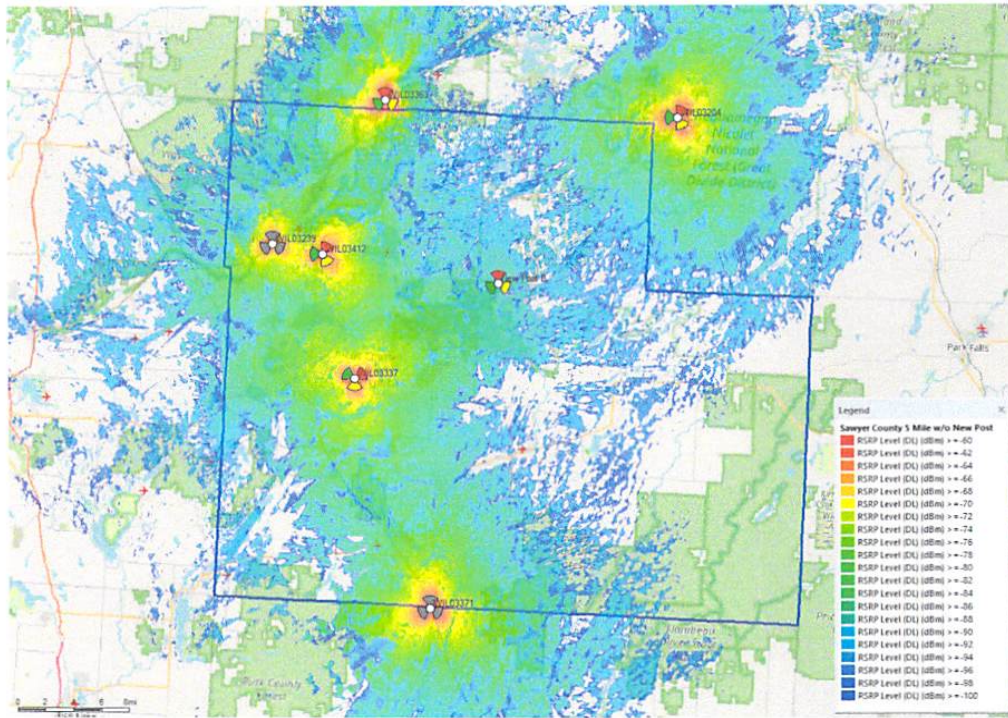
This map shows that there are no other sites within three miles available for Bug Tussel Wireless to collocate on. The ring around the site represents a 3-mile radius from the tower center coordinates.



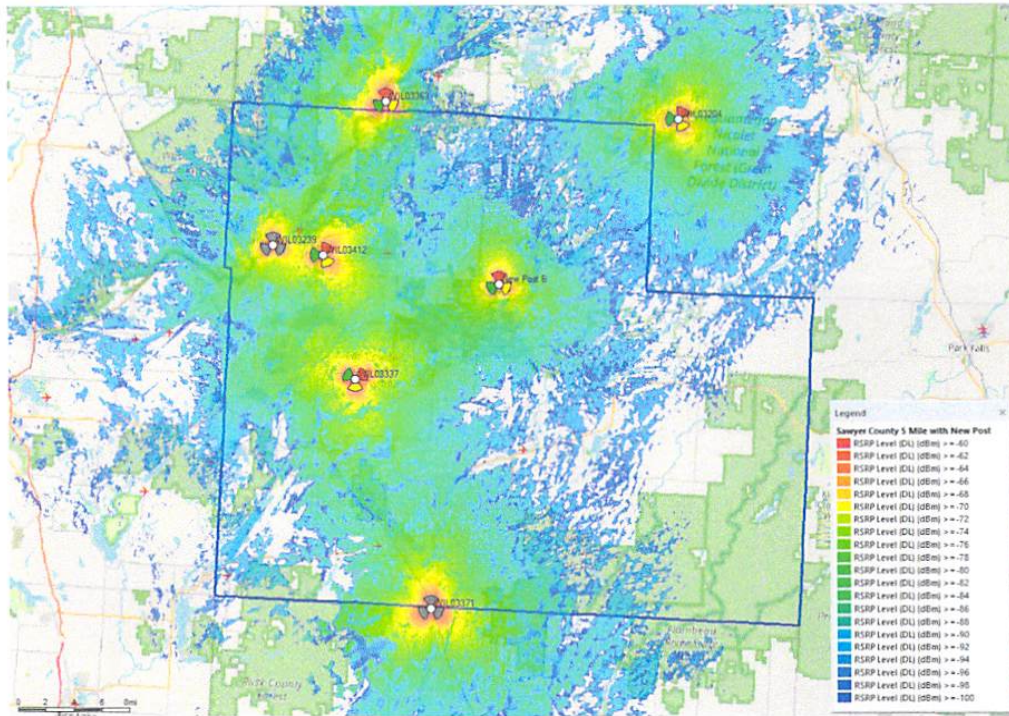
This map shows the county coverage with the proposed New Post site broadcasting. There are no other Bug Tussel owned sites within 5 miles of the county border.



This map shows the coverage of all of the AT&T owned site in a Sawyer County and within a 5-mile radius of the county border. It shows where the proposed New Post site will be, does not include the New Post site's coverage.



This map shows the coverage of all of the AT&T owned site in a Sawyer County and within a 5-mile radius of the county border. It shows where the proposed New Post site will be and does include the New Post site's coverage.



Conclusion:

The proposed New Post B site as a 250 ft self-support tower is the optimal location and height for Bug Tussel Wireless to build a new tower. There are no collocation options within (3.0) miles of this locality. This location is also a good fit with our plan to provide broadband service to rural Wisconsin.

Submitted by:

Adam Craig

RF Engineer

Bug Tussel Wireless, LLC

adam.craig@bugtusselwireless.com

920-940-0121

SECTION 2.0 DEFINITIONS

(1) ACCESSORY STRUCTURE OR USE: A detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related, and which is located on the same lot as the principal structure or use. Accessory structures include decks, patios, garages, sheds, yard barns, carports, quonset huts, shipping containers, semi-trailers, etc. Whether something is portable, temporary, or on skids; it is still considered a structure. See Section 4.26 for other requirements.

(93) SHIPPING CONTAINERS/ INTERMODAL CONTAINERS. A shipping container/ intermodal container, is a large, standardized shipping container or semi-trailer, designed and built for intermodal freight transport. Shipping containers are to be treated as accessory structures. Intermodal containers are primarily used to store and transport materials and products efficiently and securely in the global containerized intermodal freight transport system. These containers are known under several names including, but not limited to, simply container, cargo or freight container, ISO container, semi- trailers, shipping, sea or ocean container, sea van or conex box, container van, sea can, c can, etc. More than one Shipping Container/Intermodal Container on any lot requires a Conditional Use Permit (CUP) except for Lots Zoned Industrial or Commercial where more than three (3) containers require a CUP. This would include stacking of these containers.

4.26 ACCESSORY USES AND STRUCTURES

Any permanent, roofed structure, serving as an accessory use if attached to the principal building, shall be considered part of the principal structure. Accessory structures shall conform to the setback and other dimensional requirements of the zone district within which it is located. Accessory structures are not allowed on vacant property unless the Conditional Use requirements under 4.26(1), (2), or (3) can be met. An exemption is granted for one accessory structure to be allowed on vacant property containing a minimum of 20,000 square feet of land area. This exemption requires a Land Use Permit regardless of size and not to exceed 144 square feet of footprint area and less than 14' in height. No habitation is allowed in these exempt structures and applicable setbacks shall be applied. A fire number/site address is also required as part of this accessory structure exemption. A SHIPPING CONTAINER is not allowed for this exemption.

9.2 LAND USE PERMITS

9.21

5) A permit fee and permit shall be waived for the placement of, or construction of, or alteration of, or addition to any structure whereby the placement contains 100 square feet or less; the structure to be constructed contains 100 square feet or less; or an alteration or addition results in an increase of 100 square feet or less. An application must still be filed with the Zoning Department for SHORELAND properties for any structures and for accessory structure exemptions specified in Section 4.26.

SECTION 2.0 DEFINITIONS

(1) ACCESSORY STRUCTURE OR USE: A detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related, and which is located on the same lot as the principal structure or use. Accessory structures include decks, patios, garages, sheds, yard barns, carports, quonset huts, shipping containers, semi-trailers, etc. Whether something is portable, temporary, or on skids; it is still considered a structure. See Section 4.26 for other requirements.

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4.26 ACCESSORY USES AND STRUCTURES

Any permanent, roofed structure, serving as an accessory use if attached to the principal building, shall be considered part of the principal structure. Accessory structures shall conform to the setback and other dimensional requirements of the zone district within which it is located. Accessory structures are not allowed on vacant property unless the Conditional Use requirements under 4.26(1), (2), or (3) can be met. An exemption is granted for one accessory structure to be allowed on vacant property containing a minimum of 20,000 square feet of land area. This exemption is not allowed in platted subdivisions. This exemption requires a Land Use Permit regardless of size and not to exceed 144 square feet of footprint area and less than 10 feet in height. No habitation is allowed in these exempt structures and applicable setbacks shall be applied. A fire number/site address is also required as part of this accessory structure exemption. A SHIPPING CONTAINER is not allowed for this exemption.

9.2 LAND USE PERMITS

9.21

5) A permit fee and permit shall be waived for the placement of, or construction of, or alteration of, or addition to any structure whereby the placement contains 100 square feet or less; the structure to be constructed contains 100 square feet or less; or an alteration or addition results in an increase of 100 square feet or less. An application must still be filed with the Zoning Department for SHORELAND properties for any structures and for accessory structure exemptions specified in Section 4.26.