

**MINUTES OF PUBLIC HEARING
Sawyer County Zoning Committee
September 16, 2022**

Zoning Committee Members

Jesse Boettcher, Chairman
Ronald Buckholtz, Vice Chairman
Tweed Shuman
Stacey Hessel
John Righeimer
Michael Maestri

Zoning Administration

Jay Kozlowski, Zoning Administrator
Kathy Marks, Deputy Zoning Administrator

PRELIMINARY MATTERS

a) Call to Order and Roll Call

Boettcher calls the Public Hearing before the Sawyer County Zoning Committee to order at 8:30 AM at the Sawyer County Courthouse, 10610 Main St., Hayward, Wisconsin. Roll is called finding present: Boettcher, Buckholtz, Shuman, Hessel and Maestri. John Righeimer as alternate here. From the Zoning Office: Kozlowski and Marks. Andy Phillips as legal counsel for Sawyer County is virtual.

b) 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.

c) Pledge of Allegiance.

d) Approval of August 19, 2022. Motion by Buckholtz to approve the August 19, 2022 minutes, second by Hessel. All in favor. Motion carries.

Boettcher has a question of Andy Phillips, legal counsel. Agenda items that were postponed at the Towns level. Items 4c and d, and all of agenda 5. The Towns have not acted on the items. Do we have to hold a public hearing on those agenda items? Andy Phillips, legal counsel "No, as long as you re-notice another public hearing and that the public is invited to testify at that next public hearing that's fine. I think for the benefit of the audience It is helpful to note that Town approval is a big deal as it relates to the Committee deliberations. It's a big deal as it relates to statutory requirements. So postponing the public hearing until this Committee can actually consider the business is entirely appropriate in this circumstance." Kozlowski asks, "If those items should be moved up in the agenda to go through the postponing action or do we just reiterate to the audience here that it is most likely going to get postponed because the Town has not taken action?" "Obviously I am not talking for the Committee here but there would need to be a motion made to a date certain." Andy Phillips, legal counsel "I think it would be appropriate for somebody to make a Motion at this point to postpone items 4c & d, and all of

item 5. Postpone it to the next scheduled zoning meeting and if you make that motion now the audience can be certainty that the item will be on the next agenda next month.” Kozlowski clarifies the cases that the Towns did not make motion on that. Discussion held. Motion by Buckholtz to postpone item 4c and d until the October meeting or until Town decision. Second by Hessel. No further discussion. All in favor. Motion by Hessel to postpone item 5 on the agenda, second by Shuman until the November Zoning Committee meeting. All in favor.

f) Public Comment. Linda Zillmer, Edgewater property owner speaks of County Ordinances, Rules and Responsibilities. Douglas Kurtzweil, Town of Hunter speaks of contradictions in the Ordinance.

REZONES

a) A Public Hearing in the Town of Couderay. RZN #22-011. Owner: Futurewood Corp. The NW ¼ of the SW ¼; S14, T38N, R09W; Parcel #026-938-14-3201; Tax ID#27904; 28 total acres; Zoned Forestry One (F-1). Purpose of request is to rezone from Forestry One (F-1) to Residential/Recreational One (RR-1) to eventually create 2 or 3 separate lots. Kozlowski reads the application, staff report and Town opinion. Opinion letters were sent to members and read by each of them. Motion by Buckholtz to open the public hearing portion of the application, second by Shuman. All in favor. Tim Butterfield, Agent, Tim Butterfield speaks in favor of the application. Discussion held with Committee. Speaking in objection of the application is Carolyn Bair and John Bair, Stone Lake property owners. Linda Zillmer, Edgewater property owner speaks of concerns. Motion to come out of the public hearing portion by Hessel, second by Buckholtz. All in favor. Kozlowski reads the discussion/action portion of the application. Discussion held by Committee and Kozlowski. Motion to approve the application by Hessel, second by Boettcher. Discussion held. Roll call finds: Hessel – yes, Boettcher – yes, Shuman – yes, Buckholtz – yes, Maestri – yes. All in favor. Findings of Fact: 1. It would not be damaging to the rights of others or property values. 2. It would not be detrimental to ecology, wild life, wetlands or shorelands. 3. It would not create an air quality, water supply, or pollution problem. 4. It would not create topographical problems such as run off, drainage, erosion, flooding, or vegetative cover removal. 5. It would not create traffic or highway access problems. 6. It would not destroy prime agricultural lands. 7. It would be compatible with the surrounding uses and the area. 8. It would be consistent with the Town and/or County Comprehensive Plan. 9. It would not create an objectionable view.

b) A Public Hearing in the Town of Meadowbrook. RZN #22-013. Owner: Daniel Dean. The NW ¼ of the SW ¼; S22, T37N, R06W; Parcel #016-637-22-3201; Tax ID#19273; 40 total acres; Zoned Forestry One (F-1). Purpose of request is to rezone from Forestry One (F-1) to Agricultural Two (A-2) to allow the lesser dimensional requirements to place a modular dwelling on the property. Kozlowski reads the application, staff report, and Town opinion. Opinion letters were sent to members and read by each of them. Discussion held. Andy Phillips, legal counsel spoke with Kozlowski regarding this case and we have the same thoughts that the case is not contentious. We feel comfortable recommending to the Committee that the action be contingent upon the Town’s approval. In terms of a conflict of interest, it’s never a conflict of interest for an individual to be a representative capacity on behalf of two municipals. He is not concerned with the conflict questions. In this circumstance whether you postpone or proceed today, he is not concerned with the conflict situation. It’s well within your rights to move forward with this application today and obviously you can postpone it that’s the Committees desire as well. Buckholtz speaks on the Town Board side and agrees that the application should be heard today.

Motion by Buckholtz to open the public hearing portion of the application, second by Hessel. All in favor. Julie Ostrander, owner speaks in favor of the application. No other comments. Motion to come out of the public hearing by Shuman, second by Hessel. All in favor. Kozlowski reads the discussion/action portion of the application. Discussion held. Motion by Buckholtz to approve the application contingent upon Town approval. Second by Hessel. Roll call finds: Boettcher – yes, Maestri – yes, Shuman – yes, Hessel – yes, Buckholtz – yes. All in favor. Findings of Fact: 1. It would not be damaging to the rights of others or property values. 2. It would not be detrimental to ecology, wild life, wetlands or shorelands. 3. It would not create an air quality, water supply, or pollution problem. 4. It would not create topographical problems such as run off, drainage, erosion, flooding, or vegetative cover removal. 5. It would not create traffic or highway access problems. 6. It would not destroy prime agricultural lands. 7. It would be compatible with the surrounding uses and the area. 8. It would be consistent with the Town and/or County Comprehensive Plan. 9. It would not create an objectionable view.

CONDITIONAL USE APPLICATIONS

a) A Public Hearing in the Town of Hayward. CUP #22-027. Owner: Zachary & Samantha Stuhr. Part of the SW ¼ of the SE ¼, S14, T41N, R09W; Parcel #010-941-14-4304; Tax ID#12074; .73 total acres; Zoned Residential/Recreational One (RR-1). Permit desired for: Location/Operation of Taxidermy Studio in an existing accessory building per section 17.2 (B) (9) of the Sawyer County Zoning Ordinance. Kozlowski reads the application, staff report and Town opinion. No opinion letters returned. Samantha Stuhr, owner speaks in favor of the application. Discussion with Committee held. 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. Motion by Shuman to approve the application with conditions of: 1. CUP #22-027 is limited to the property owner. 2. Hours of business operation from 9am-4pm, Monday-Thursday; Friday & Saturdays by appointment only. 3. All signage must meet Sawyer County Zoning Ordinance Requirements. 4. All animal carcass waste is to be disposed in a proper manner as specified within Wisconsin State Statutes and NR10.105(7)(c), Wis. Admin. Code. 5 All other Town, County, State, Federal Laws are followed including WI Statutes 29.506. Findings of Fact: 1. It would not be damaging to the rights of others or property values. 2. It would not be detrimental to ecology, wild life, wetlands or shorelands. 3. It would not create an air quality, water supply, or pollution problem. 4. It would not create topographical problems such as run off, drainage, erosion, flooding, or vegetative cover removal. 5. It would not create traffic or highway access problems. 6. It would not destroy prime agricultural lands. 7. It would be compatible with the surrounding uses and the area. 8. It would be consistent with the Town and/or County Comprehensive Plan. 9. It would not create an objectionable view. Second by Buckholtz. Roll call finds: Hessel – yes, Boettcher – yes, Shuman – yes, Buckholtz – yes, Maestri – yes. All in favor.

b) A Public Hearing in the Town of Lenroot. CUP #22-028. Owner: Larry & Kim Verissimo. Part of the NE ¼ of the NW ¼; S12, T41N, R09W; Parcel #014-941-12-2106; Tax ID#41961; 22.28 total acres; Zoned Residential/Recreational Tow (RR-2). Permit desired for: Hayward Property Owner LLC would like to develop and operate a seasonal RV Park/Campground tailored to short and long-term tourists. 84 total sites including 8 “camping cabins”. Postponed until October Zoning Committee meeting.

c) A Public Hearing in the Town of Edgewater. CUP #22-029. Owner: DDS Real Estate LLC. The SE ¼ of the SE ¼; S30, T37N, R09W; Parcel #008-937-30-4401; Tax ID #9051; Zoned Agricultural One

(A-1). Permit desired for the Operation/location of a non-metallic mining operation, mineral extraction including rock crusher and hot mix plant. The early renewal of CUP #21-005 in combination of renewing CUP #19-037 to combine two existing non-metallic mining operations under one conditional use permit. The original CUP #88-0174 was approved on July 15, 1988 and most recently approved on April 15, 2021 and September 20, 2019. Kozlowski reads the application, staff report and Town opinion. Opinion letters were sent and read by all members.

5 minute recess called at 9:43am. Meeting called to order at 9:50am.

Motion by Buckholtz to open the public hearing portion of the application, second by Hessel. All in favor. Darrick Smith, owner speak in favor of the application. Discussion held with Committee. Linda Zillmer, Town of Edgewater property owner is neither for nor against the application. Speaks of the Town agenda and that the Town did approve the application. Motion to come out of the public hearing portion by Shuman, second by Hessel. All in favor. Discussion held. Motion by Buckholtz to approve the application, second by Hessel. Conditions of: 1. Abide by elements included in plan of operation including hours of operation unless changes/conditioned by Sawyer County Zoning Committee. 2. Maintain compliance with NR 135 (reclamation plan) 3. Maintain compliance with Dept. of Natural resources Chapter 30 including wetland setbacks. 3. Comply with all other Federal, State and local Government. Findings of Fact: 1. It would not be damaging to the rights of others or property values. 2. It would not be detrimental to ecology, wild life, wetlands or shorelands. 3. It would not create an air quality, water supply, or pollution problem. 4. It would not create topographical problems such as run off, drainage, erosion, flooding, or vegetative cover removal. 5. It would not create traffic or highway access problems. 6. It would not destroy prime agricultural lands. 7. It would be compatible with the surrounding uses and the area. 8. It would be consistent with the Town and/or County Comprehensive Plan. 9. It would not create an objectionable view. Roll call finds: Boettcher – yes, Maestri – yes, Shuman – yes, Hessel – yes, Buckholtz – yes. All in favor.

REZONES & CONDITIONAL USE APPLICATIONS

a) A Public Hearing in the Town of Round Lake. RZN #22-012. Owner: Travis Butterfield. Part of the NE ¼ of the SE ¼, S11, T41N, R08W; and Part of the NW ¼ of the SW ¼; S12, T41N, R08W; Lot 1 CSM 28-13 #7170; Parcel #024-841-11-4101; Tax ID #26555; Zoned Forestry One (F-1) & Residential/Recreational One (RR-1); 39.85 total acres; Purpose of request is for the Residential/Recreational One (RR-1) to change to Forestry One (F-1) for non-metallic mineral extraction. Postponed until November Zoning Committee meeting.

c) A Public Hearing in the Town of Round Lake. CUP #22-026 for the Reclamation Plan. Owner: Travis Butterfield. Part of the NE ¼ of the SE ¼, S11, T41N, R08W; and Part of the NW ¼ of the SW ¼; S12, T41N, R08W; Lot 1 CSM 28-13 #7170; Parcel #024-841-11-4101; Tax ID# 26555; Zoned Forestry One (F-1) & Residential/Recreational One (RR-1); 39.85 total acres; Permit desired for the Sawyer County NR 135 Reclamation Issuance for location/operation of a non-metallic mineral open pit. Postponed until November Zoning Committee meeting.

NEW BUSINESS

a) Town of Round Lake Board regarding Zoning Practices. Rolf Hanson, Town of Round Lake Board Chairman speaks that the Zoning Committee is respected in the work that they do and that the Town does due diligent and a lot of time and research regarding the cases that come before them. We just want to keep things working best as we can. Discussion held.

b) 2023 Meeting Dates. Discussion held by Committee. Motion by Hessel to stay with the same calendar setup, second by Shuman. Hessel amends that the only date to change would be November 15th, 2023 on a Wednesday. Second by Shuman. All in favor.

c) Any other business that may come before the Committee for discussion. None.

Boettcher adjourns meeting at 10:18am.

*****For more information please contact the Zoning office*****

Minutes prepared by Kathy Marks, Deputy Zoning Administrator