

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

Zoning Committee

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

Zoning Administration

Jay Kozlowski, Zoning & Conservation Administrator
Kathy Marks, Deputy Zoning & Conservation Administration

PRELIMINARY MATTERS

a) Call to Order and Roll Call

Boettcher 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 Boettcher, Buckholtz, Shuman-absent, Hessel, Righeimer-absent and Maestri-virtual. Attending from the Zoning Office Kozlowski and Marks. Andy Phillips-virtual as legal counsel for Sawyer County.

b) Pledge of Allegiance

c) 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 Sawyer County Gazette.

d) Motion made by Buckholtz to approve the October 21, 2022 minutes, 2nd by Hessel. All in favor.

e) Public Comment. Kate Mayberry, Douglas Kurtzweil, Linda Zillmer and John Rainville.

REZONE

None

CONDITIONAL USE APPLICATIONS

a) A Public Hearing in the Town of Lenroot. CUP #22-032. Owner: Kubarek Auction & Estate Services LLC, Part of the SW ¼ of the NW ¼; S12, T41N, R09W; Parcel #014-941-12-2301; Tax ID# 17939; 28.50 total acres; Zoned (A-1) Agricultural One. Permit desired for a place to house

online auction items for people to see and inspect. Preview hours would be 2pm-6pm, then pickup time from 12pm-6pm. This would happen about 10 times a year. As per Section 17.4(B) (25) like or similar uses in the opinion of the Sawyer County Zoning Committee subject to the procedures for obtaining a Conditional Use Permit. Kozlowski reads the application, staff report, Town opinion, there were no neighbor opinions. Motion by Buckholtz to open the public hearing portion of the application, second by Hessel. All in favor. Ron Kubarek, owner speaks in favor of the application. Discussion held with Committee. No other comments. Motion to come out of the public hearing portion of the application by Hessel, 2nd by Buckholtz. All in favor. Motion to approve the application by Hessel which is like or similar use within the A-1 zone district, 2nd by Boettcher. Discussion by Committee. Conditions of CUP #22-032 is limited to the property owner. Not to exceed 12 separate auction event per year. Each event to include a "preview day" and "pick-up day". "Preview Day" hours to be 2:00PM-6PM. "Pick-Up Day" hours to be typically from 12:00PM-6PM or by appointment only for certain circumstances. If additional buildings are proposed for "Auction Sales Events" or to alter other previously listed conditions, a Conditional Use Permit renewal will be required. All signage must meet Sawyer County Zoning Ordinance Requirements. All other Town, County, State, Federal Laws are followed. 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 be consistent with the Town and/or County Comprehensive Plan. It would be a like or similar use to another stated Conditional Use Permit in the opinion of the Sawyer County Zoning Committee. It would not create an objectionable view. Discussion held. Roll call finds: Hessel – yes, Boettcher – yes, Buckholtz – yes, Michael Maestri – yes. All in favor.

REZONES & CONDITIONAL USE APPLICATIONS (POSTPONED)

a) & b) (POSTPONED) 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. c) & d) (POSTPONED) A Public Hearing in the Town of Round Lake. CUP #22-026. 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 Location/Operation of a non-metallic mineral extraction site. e) & f) (POSTPONED) 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. Kozlowski explains that the applicant has requested that the RZN #22-012 and CUP #22-026 be postponed until the

December meeting because they are amending their application. Andy Phillips Corporation Counsel speaks of fairness of notification for the Town and public and that there is no issue regarding amending the application and recommends that they be postponed. Boettcher asks about the new Town amendment. Andy Phillips, Corporation Counsel says that this may impact the applications but that is an issue between the Town and Butterfield. Discussion continues. Motion by Buckholtz to postpone the applications 4a-4f until the December 2022 Zoning Committee meeting. Second by Hessel. Andy Phillips, Corporation Counsel asks about deadline for the amended applications. Kozlowski explains if the applications are not in the office by Monday the application will be deemed incomplete. No discussion. All in favor.

NEW BUSINESS

a) Ordinance Amendment for Multi-Dwelling development and definition of a resort. Kozlowski explains the changes needed and to have the Committee look over and suggest any changes that they feel needed. Then to hear at the December 2020 meeting. Discussion held. Andy Phillips, Corporation Counsel speaks of the non-conforming and should amend the code, require a CUP, also the terms need to make sense for the definition. Discussion continues. Andy Phillips, Corporation counsel suggests that they also look at the short & long term rental. Discussion continues. Andy Phillips, Corporation Counsel says can we as a County require an application for a CUP on an existing non-conforming structure or use and no matter what happens we are going to create issues with existing non-conforming properties or structures. Whether we amend the code or don't amend the code. From my perspective, a legal perspective, we should amend the code in order to have clarity for the public about what is allowed and not allowed. Provide additional clarity, definition clarity so we all understand what the rules are going forward. The goal is to bring non-conformity into conformity to code. As the property changes hands, changes things of that nature. You can bring them into compliance to code. That would take years for that to happen. If we do nothing to the code we are just perpetuating the ambiguity and the lack of understanding on the part of the public on how these definitions work and what that means to a particular land owner use of his or her property. The only substance between version 1 and version 2 is was to tighten it up and clean it up from my legal perspective. The substance change it occurred to us that the language that we have in version 2, under RR-1 and RR-2, A) are items 3 and 4. What do we do with duplexes or what do we do with a habitable area that sits above a garage. Garage is an accessory structure that's allowed. Essentially you have a habitable space above a garage and an existing dwelling you have 2 families that could live on that property. Doesn't meet the definition of Dwelling Multi-family, but it's an accessory structure that contains a habitable area. Are we going to treat that as a permitted use or a Conditional Use? This should be part of your homework. Let's think about the different ways folks are using properties and ways that we again add clarity to uses going forward. Discussion with Committee held. Andy Phillips, Corporation Counsel adds to the Committee's homework to use terminology that makes sense and definitional terms that makes sense to the public. Discussion continues. Motion to Approve by Buckholtz, second by Hessel needs a vote. Roll call finds: Hessel – yes, Buckholtz – yes, Maestri – yes, Boettcher – yes. All in favor.

b) CUP #22-005, O'Rouke. Kozlowski explains that there was not a vote on the motion from previous month. Motion by Buckholtz to wipe out any previous conditions and adjournments. Case will be re-heard at the December Zoning Committee Public Hearing and will also be re-heard at the Town of Edgewater Town Board Meeting. The applicant can amend current

application or submit a new application. Second by Hessel. Roll call finds: Hessel – yes, Buckholtz – yes, Maestri – yes, Boettcher – yes. All in favor.

c) Municode – Codification of Ordinances. Zoning Ordinance in Appendix of Code or codify in within the code. Kozlowski explains the current appendix. Andy Albarado, Sawyer County Administrator explains the Municode and that it should be codified with the other Ordinances. Andy Phillips, Corporation counsel that the existing code could be confusing and would this need Town approval. Suggests to use as appendix in the Municode. Discussion with Committee. Motion by Buckholtz to approve to keep the Ordinance in the appendix, second by Hessel. Discussion held. Roll call finds: Hessel – yes, Buckholtz – yes, Boettcher – yes, Maestri- yes. All in favor.

d) Closed Session – Pank Road Property Closed Session - Pank Road Property -- 19.85(1) (g) Conferring with legal counsel for the governmental body who is rendering oral or written advise concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Motion by Hessel to go into Closed Session, second by Buckholtz. Roll call finds: Boettcher – yes, Maestri - yes, Hessel – yes, Buckholtz –yes. All in favor.

Open Session. Motion by Hessel to open the closed session, second by Buckholtz. All in favor. Boettcher advises that there was no action taken in closed session.

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

ADJOURNMENT

Boettcher adjourns meeting at 10:13am.

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