

**MINUTES OF PUBLIC HEARING
Sawyer County Zoning Committee
March 17, 2023**

Zoning Committee Members

Ron Buckholtz, Chairman
Stacey Hessel
Tweed Shuman
Kay Wilson
John Righeimer

Zoning Administration

Jay Kozlowski, Zoning & Conservation Administrator
Kathy Marks, Deputy Zoning & Conservation 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 at the Sawyer County Courthouse 10610 Main St. Hayward, Wisconsin. Roll call finds present: Ron Buckholtz, Stacey Hessel, Tweed Shuman, Kay Wilson, and John Righeimer. From the Zoning Office: Jay Kozlowski and Kathy Marks. Rebecca Roeker, Legal Counsel – virtual.

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 Sawyer Gazette and posted.

4) Approval of February 16, 2024 minutes. Motion by Hessel to approve the February 16, 2024 minutes, second by Buckholtz. All in favor. A copy of the audio recording of this meeting and video may be found at sawyercountygov.org for more information.

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

REZONE APPLICATION

a) A Public Hearing in the Town of Hayward. RZN #24-003. Owner: Kenneth & Janelle Disher. Part of the NW ¼ of the NW ¼; S36, T41N, R09W; Parcel #010-941-36-2201; Tax ID #13400; Zoned Forestry One (F-1); 40 total acres. Purpose of request is to rezone the 40 total acres from Forestry One (F-1) to Residential One (R-1) with intended subdivision and residential build. Kozlowski reads the application, staff report, and Town opinion. Opinion letters were sent to Committee members and acknowledged they read them. Motion to open the public hearing portion of the application by Shuman, second by Wilson. All in favor. Kenneth Disher, property owner speaks in favor of the application. Discussion held with Committee. No other comments. Motion to close the public hearing

portion of the application by Wilson, second by Hessel. All in favor. Kozlowski reads the discussion/action portion of the application. Motion to approve the application by Shuman with findings of fact: 1) Promote the public health, safety, convenience and general welfare. 2) Encourage planned and orderly land use development. 3) Protect property values and the property tax base. 4) Permit the careful planning and efficient maintenance of highway systems, 5) Ensure adequate highway, utility, health, educational and recreational facilities. 6) Recognize the needs of agriculture, forestry, industry and business in future growth. 7) Encourage uses of land and other natural resources which are in accordance with their character and adaptability. 8) Provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems. 9) Encourage the protection of groundwater resources. 10) Preserve wetlands. 11) Conserve soil, water and forest resources. 12) Protect the beauty and amenities of landscape and man-made developments. 13) Provide healthy surroundings for family life. Second by Righeimer. Roll call finds: Buckholtz – yes, Hessel – yes, Wilson – no, Shuman – yes, Righeimer – yes. 4 to 1 in favor of the application.

b) A Public Hearing in the Town of Draper. RZN #24-004. Owner: Jeffery Hunt & Diane Korzinek. Village of Loretta, Lots 14 & 15 & 13, all in Block 3; S03, T39N, R04W; Parcel #006-146-03-1400 & 006-146-03-1300; Tax ID #5746 & #5745; both zoned Residential One (R-1); 1.308 total acres. Purpose of request is to rezone the 1.308 total acres from Residential One (R-1) to Commercial One (C-1) to create an auto repair shop. As per section 17.6 C-1: Commercial One, (A) (10) a permitted use in the Sawyer County Zoning Ordinance. Kozlowski reads the application, staff report, Town opinion. Opinion letters were sent to Committee members and acknowledged they read them. Kozlowski reads one late arriving opinion letter. Motion to open the public hearing portion of the application by Hessel, second by Shuman. All in favor. Jeffrey Hunt, owner speaks in favor of the application. Discussion held with Committee. Steve Beining, Town of Draper speaks against the application. No other comments. Motion to close the public hearing portion of the application by Wilson, second by Hessel. All in favor. Kozlowski reads the discussion/action portion of the application. Discussion with Committee and Kozlowski held. Motion by Wilson to deny the application with findings of fact: 1) Promote the public health, safety, convenience and general welfare. 2) Encourage planned and orderly land use development. 3) Protect property values and the property tax base. 4) Permit the careful planning and efficient maintenance of highway systems. 5) Ensure adequate highway, utility, health, educational and recreational facilities. 6) Recognize the needs of agriculture, forestry, industry and business in future growth. 7) Encourage uses of land and other natural resources which are in accordance with their character and adaptability. 8) Provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems. 9) Encourage the protection of groundwater resources. 10) Conserve soil, water and forest resources. 11) Protect the beauty and amenities of landscape and man-made developments. 12) Provide healthy surroundings for family life. 13) Promote the efficient and economical use of public funds. Also included are Town Facts: All no (or n/a) objections of 2 adjacent neighbors,

R-1 zoning protects from “incompatible uses”, inconsistent with Town comprehensive plan, environmental concerns. Planning Commission recommends denial Town Board recommends Denial. Second by: Righeimer. No Discussion held. Roll call finds: Hessel – yes, Wilson – yes, Shuman – yes, Buckholtz – yes, Righeimer – yes. All in favor to deny the application.

CONDITIONAL USE APPLICATION

a) A Public Hearing in the Town of Hayward. CUP #24-007. Owner: Hayward Demo LLC & Select Land Holdings LLC. Part of the SE ¼ of the SE ¼. Lots 1-4 CSM 6-149 #1195; S31, T41N, R09W; Tax ID #13079; 6.97 total acres; Zoned Commercial One (C-1). Part of the SW ¼ of the SW ¼ & the NW ¼ of the SW ¼, Lot A CSM 6/151 #1196; S12, T41N, R09W; Parcel #010-941-32-3304; Tax ID# 13123; 3.26 total acres; Zoned Industrial One (I-1). Part of the NW ¼ of the SW ¼, Lot 1-4 CSM 6/77 #1154; S32m T41N, R09W; Parcel #010-941-32-3204; Tax ID #13118; 19.20 total acres; Zoned Forestry One (F-1) & Industrial One (I-1). The NW ¼ of the NW ¼; S32, T41N, R09W; Parcel #010-941-32-2201; Tax ID#13105; 40 total acres; Zoned Forestry One (F-1). Part of the NE ¼ of the NW ¼, Lot 1 CSM 31-30 #7660; S32, T41N, R09W; Parcel #010-941-32-2103; Tax ID #40450; 13.74 total acres; Zoned Agricultural One (A-1). Permit desired for early renewal for a non-metallic mineral extraction operation including rock crusher. Early renewal requested as there is a change of owner/operator and change in plan of operation. The CUP was originally approved at public hearing on May 18, 2001. Kozlowski reads the application, staff report and Town opinion. No opinion letters returned. Motion to open the Public hearing portion of the application by Hessel, second by Shuman. All in favor. Darryl Mast, owner speaks in favor of the application. Discussion with Committee and Kozlowski. No other comments. Motion to close the public hearing portion of the application by Shuman, second by Wilson. All in favor. Kozlowski reads the discussion/action portion of the application. Discussion held with Committee, Kozlowski and Rebecca Roeker, Legal Counsel. Motion to approve the application with conditions of: 1) Maintain compliance with NR 135. 2) Maintain compliance with Plan of Operation including normal hours of operation from 6am-7pm, Monday through Saturday, between the months of April – December. 3). Crushing to occur once or twice a year 6am-10pm. Monday – Saturday, between March 1st – December 31st (excluding holidays. Optional crushing hours for 24 hours per day Monday through Saturday (excluding holidays) for a period no longer than 3 weeks per year. 4) Maintain compliance with Dept. of Natural Resources Chapter 30. 5) All other Town, County, State, Federal Laws are followed. Applicant does agree with the conditions placed on the application. Findings of Fact: 1) Promote the public health, safety, convenience and general welfare. 2) Encourage planned and orderly land use development. 3) Permit the careful planning and efficient maintenance of highway systems. 4) Recognize the needs of agriculture, forestry, industry and business in future growth. Second by Righeimer. Discussion continues with Committee, Roeker and Kozlowski for Act 12. Roll call finds: Wilson – yes, Shuman – yes, Hessel – yes, Righeimer – yes, Buckholtz – yes. All in favor.

Buckholtz calls for a short break. Buckholtz calls meeting back to order at 9:20am.

Shuman leaves meeting.

PROPOSED ORDINANCE AMENDMENTS

a) A Public Hearing for Sawyer County Zoning Ordinance Amendment to Section 2.0-Definitions, Section 8.2-Procedure, Section 17.0-Zone Districts, and Sawyer County Shoreland-Wetland Protection Ordinance Section 3.4-Prohibited Used, Section 5.1-Minimum Lot Size Purpose, and Section 16.0-Definitions. The proposed amendments are in reference to Multi-Dwelling Development. The proposed ordinance amendment changes can be found on the Sawyer County Zoning & Conservation Website. Discussion/Possible Action to Send to County Board of Supervisors. Kozlowski reads the Proposed Amendment, changes & Town opinions. Discussion with Rebecca Roeker, corporation counsel, Kozlowski and Committee regarding a 2/2 vote and Roberts Rules. Rebecca Roeker, Corporation Legal Counsel advised. Kozlowski continues reading Town opinions. Discussion continues with Committee, Kozlowski, and Rebecca Roeker, Legal Counsel regarding postponement and changes to Amendment. Motion by Hessel to postpone the proposed amendment until April, second by Buckholtz. Rebecca Roeker, Legal Counsel advises that this needs to be postponed and send to Towns for their opinions and have a public hearing. Discussion held. Roll call finds: Buckholtz – yes, Hessel – yes, Righeimer – yes, Wilson – yes. All in favor. Rebecca Roeker, Legal Counsel advises this was advertised as a public hearing the public comments need to be heard. Public comments by Chris Klein, Town of Draper, Ginny Chabek, Town of Round Lake, Douglas Kurtzweil, Town of Hunter, Linda Zillmer, Town of Edgewater property owner, Ben Kurtzweil, Town of Hayward, Frank Zufall, Sawyer County Record. Discussion continues. No other comments. Motion by Hessel to close public hearing which was just for additional “public comments”, second by Buckholtz. All in favor.

PRELIMINARY PLAT REVIEW

A) Owner requests postponement of Preliminary Plat Review Pending Additional Conversations with Towns for Public vs. Private roads – TBD). A Public Hearing for Preliminary County Subdivision Plat Review. Owner: Jeremy Hill. Subdivision called “The Preserve” in the Town of Round Lake and the Town of Hayward. This requires Zoning Committee acceptance, conditional acceptance or rejection. Motion by Hessel to postpone hearing the preliminary plat, second by Righeimer. All in favor.

NEW BUSINESS

a) Any other business that may come before the Committee for discussion. Town of Bass Lake has requested to not allow exempt storage shed in subdivision. Requests provision to remove this exemption/storage shed in the Zoning Ordinance. Discussion held. Kozlowski will draw a provision up for the Committee to check out in a few months.

b) In the case of CUP #24-007, Hayward Demo, Darryl Mast. Rebecca Roeker, Legal Counsel advises that section 66.0441 does apply to Counties however the County can only restrict under certain circumstances. If they are producing product in a public works project, engaging in night construction or in the case of emergency. The applicant did approve & agreed to the conditions. The Committee is good to go!

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

ADJOURNMENT

Buckholtz adjourns the meeting at 10:25am.

Minutes prepared by Kathy Marks Deputy Sawyer County Zoning & Conservation
Administrator