

**MINUTES OF PUBLIC HEARING
Sawyer County Zoning Committee
July 19, 2024**

ZONING COMMITTEE MEMBERS

Ronald Buckholtz, Chairman
Tweed Shuman
Kay Wilson
John Suralski
Steve Kariainen
Marsh Savitski

ZONING & CONSERVATION ADMINISTRATION

Jay Kozlowski, Zoning Administrator
Kathy Marks, Deputy Zoning & Conservation Administrator
Rebecca Roeker, Legal Counsel

PRELIMINARY MATTERS

a) Call to Order and Roll Call

Buckholtz calls 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 finding present: Ronald Buckholtz, Tweed Shuman – by phone, Kay Wilson, John Suralski, Marshal Savitski and Steve Kariainen. From the Zoning Office: Kozlowski and Marks. Legal Counsel, Rebecca Roeker.

b) Pledge of Allegiance.

c) Approval of Agenda. All in favor.

d) 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 and Sawyer County Gazette.

e) Approval of the June 16, 2023 Minutes. Motion by Wilson to approve the July 19, 2024 minutes, second by Suralski. All in favor.

6) Public Comment. Linda Zillmer, Edgewater property owner and resident of Village of Birchwood, Washburn County comments. David Freund, owner of application RZN #24-009 comments. No other comments.

REZONE APPLICATION

A Public Hearing in the Town of Hayward. RZN #24-009, Owner: David Freund. Part of the NE ¼ of the NW ¼, Lot 1 CSM 37/197 #8587; S32, T41N, R08W; Parcel #010-841-32-2125; Tax ID #44295; 2.01 total acres; Zoned Residential/Recreational One (RR-1). Purpose of request is to rezone 2.01 total acres to Commercial One (C-1) in order to build an auto & marine detail shop with living quarters. This would be permitted use under the Commercial One (C-1) zone district. Kozlowski reads the application, staff report, and Town opinion. No opinion letters returned. Motion to open the public hearing

portion of the application by Surlaski, second by Kariainen. All in favor. David Freund, owner speaks in favor of the application. Linda Zillmer, Edgewater property owner and Village of Birchwood resident speaks neither for nor against the application. Motion to close the public hearing portion of the application by Wilson, second by Buckholtz. All in favor. Kozlowski reads the discussion/action portion of the application. Motion to approve the application by Kariainen, second by Surlaski. Rebecca Roecker, legal counsel advises. Discussion held. Wilson adds the findings of fact. Kariainen amends his motion to include findings of fact, second by Surlaski. 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. 5) Provide healthy surroundings for family life. Roll call finds: Buckholtz - yes, Surlaski – yes, Wilson – yes, Shuman – yes, Steve Kariainen – yes. All in favor.

REZONE APPLICATION REMANDED BACK FROM COUNTY BOARD –
*****WITHDRAW REQUESTED BY APPLICANT**

a) A Public Hearing in the Town of Hayward. RZN #24-007. Owner: Medical Services Inc. The N ½ of the SW & the N ½ of Sec15, S15, T41N, R09W; Parcel #010-941-15-1101; Tax ID #12099; 389.02 total Acres, Zoned Agricultural One (A-1) & Forestry One (F-1). Purpose of request is to rezone the entire (A-1) zone portion of the property of approximately 67.6 acres from Agricultural One (A-1) to Industrial-One (I-1). Purpose of the request is to have the hospital located in the correct zone district for the current use. This would be as a permitted use within the I-1 district as an “emergency service facility”. This would then allow Essentia Health to place additional signage at the property entrance, which is problematic under the current zoning. Kozlowski lets the Committee know that this case was remanded back by the County Board to the Zoning Committee. The applicant has requested to withdraw the application. The office had received the withdraw letter on July 4, 2024, and is Kozlowski’s recommendation for the committee to approve the withdraw. Motion by Shuman to accept the withdraw, second by Wilson. All in favor.

CLOSED SESSION

a) Consider motion to convene in closed session pursuant to Wis. Stat. s. 19.85(1)(g) “Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved,” to wit: discussion of multi-dwelling development definitional issues, amendment of Sawyer County Zoning Code, issues relating to the property located at #14663W County Hwy E, and other issued thereto. The Zoning Committee will reconvene in open session immediately following the closed session, and may have discussion and take official action on matters discussed in closed session. Motion to open closed session at 8:50am by Wilson, second by Shuman. All in favor. Motion to close the closed session at 9:43am by Wilson, second by Surlaski. All in favor.

CONDITIONAL USE APPLICATIONS

a) ***WITHDRAW REQUEST BY APPLICANT. Joseph M. Johnston IRA. Part of Government Lot 1, Lot 5 CSM 34/220 #8161; S33, T41N, R07W; Parcel #024-741-33-

5102; Tax ID #42527; 13.31 total acres; Zoned Forestry One (F-1) & Residential/Recreational Two (RR-2) (Island) & Part of Government Lot 1, Lot 1 CSM 34/183 # 8146; S34, T41N, R07W; Parcel #024-741-34-5132; Tax ID #42434; .73 total acres; Zoned Residential/Recreational One (RR-1) (Mainland). Permit desired for Sawyer County Code of Ordinances – Appendix B - Section 4.4(D) Island development for island use and Sawyer County Code of Ordinances – Appendix D Section 17.(3)(B)(16) Multi-dwelling development. Request is for 5 dwelling units to be used as a resort use for a camp for foster kids. This case will also be requiring a variance for 5 dwelling units utilizing 1 mainland access point. Kozlowski explains that the owner has requested and submitted a withdraw letter, and recommendation for the committee to approve the withdraw. Motion to approve the withdraw by Wilson, second by Shuman. All in favor.

b) A Public Hearing in the Town of Hayward, CUP #24-013. Owner: T&K Rolloffs LLC. Part of the SW ¼ of the SW ¼, Lot 2 CSM 38/347 #8797; S30, T41N, R08W; Parcel #010-841-30-3305; Tax ID #45117; 6.35 total acres; Zoned Industrial One (I-1). Permit desired for Sawyer County Code of Ordinances – Appendix D Section 17.7(B)(3) for a solid waste disposal site. This would allow the public to bring municipal solid waste and construction debris to the facility where items will be sorted, recycled, and transferred to other facilities including an out-of-County landfill. Kozlowski reads the application, staff report and Town opinion. No opinion letters returned. Motion by Suralski to open the public hearing portion of the application, second by Wilson. All in favor. Travis Wold, owner speaks in favor of the application. Linda Zillmer Edgewater property owner and Village of Birchwood resident speaks neither-for-nor against the application. Motion by Suralski to closed the public hearing portion of the application, second by Kariainen. All in favor. Kozlowski reads the discussion/action portion of the application. Discussion held. Discussion held with owner. Motion to approve the application by Shuman, second by Wilson with conditions of: 1) Hours of operation from 7am-5pm, Monday through Friday; 2) Obtain licensing requirements from WI DNR. 3) All other Town, County, State, Federal Laws are followed. Finding of Facts: 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) Encourage the protection of groundwater resources. Roll call finds: Shuman – yes, Suralski – yes, Buckholtz – yes, Kariainen – yes, Wilson – yes. All in favor.

REZONE AND CONDITIONAL USE APPLICATIONS

a) A Public Hearing in the Town of Hunter. RZN #24-010. Owner: John & Trish Badaglicco. Part of Government Lot 1 & Part of the NW ¼ of the SW ¼, Lot 2 CSM 32/263 #7898; S04, T39N, R07W; Parcel #012-739-04-5111; Tax ID #41542; 10.62 total acres; Zoned Agricultural Two (A-2), Residential/Recreational-One (RR-1) & Residential/Recreational-Two (RR-2). & Part of Government Lot 1 & Part of the NW ¼ of the SW ¼, S04, T39N, R07W; Parcel #012-739-04-3204; Tax ID #44788; 28.73 total

acres; Zoned Agricultural Two (A-2) and Forestry-One (F-1). Purpose of request is to rezone approximately 3.25 acres of A-2 (across both existing parcels) and approximately 1.44 acres of RR-1 for a total of 4.69 acres all to RR-2. With approval of the rezone this would result in a new lot which has a preliminary survey map that has been conducted which would total 12.20 acres of RR-2. The intent of the RR-2 rezone request would then be for expansion of an existing campground to be heard as CUP 24-014. Kozlowski reads the application, staff report and Town opinion. No opinion letters returned. Motion to open the public hearing portion of the application by Wilson, second by Suralski. All in favor. Trish Badagliacco, owner speaks in favor of the application. Discussion held. Douglas Kurtzweil speaks neither for nor against the application. Motion by Shuman to closed the public hearing portion of the application second by Wilson. All in favor. Kozlowski reads the discussion/action portion of the application. Discussion held. Motion by Suralski 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 Shuman. No other discussion. Roll call finds: Buckholtz – yes, Wilson – yes, Suralski – yes, Shuman – yes, Kariainen – yes. All in favor.

b) A Public Hearing in the Town of Hunter. CUP #24-014. Owner: John & Trish Badagliacco. Part of Government Lot 1 & Part of the NW ¼ of the SW ¼, Lot 2 CSM 32/263 #7898; S04, T39N, R07W; Parcel #012-739-04-5111; Tax ID #41542; 10.62 total acres; Zoned Agricultural Two (A-2), Residential/Recreational-One (RR-1) & Residential/Recreational-Two (RR-2). & Part of Government Lot 1 & Part of the NW ¼ of the SW ¼, S04, T39N, R07W; Parcel #012-739-04-3204; Tax ID #44788; 28.73 total acres; Zoned Agricultural Two (A-2) and Forestry-One (F-1). If rezone (RZN #24-010) is approved a new 12.20-acre parcel would be formed by certified survey map. Permit desired per Sawyer County Code of Ordinances – Appendix D Section 17.3(B)(1) for campgrounds Subject to Section 6.7. Permit desired for expansion of an existing campground for additional 25 sites. Totaling 65 totals sites. Kozlowski reads the application, staff report, and Town opinion. No opinion letters returned. Motion to open the public hearing portion of the application by Suralski, second by Wilson. All in favor. Trish Badagliacco, owner speaks in favor of the application. Has 57 sites, no desire to expand over that. Agrees to all conditions. Douglas Kurtzweil, Town of Hunter resident speaks neither for nor against the application. Motion to close the public hearing portion of the application by Wilson, second by Shuman. All in favor. Kozlowski reads the discussion/action portion of the application. Discussion held by Kozlowski. Motion by Kariainen to approve the application with a total of 57 sites. Conditions of: 1) Campground will comply with all requirements of Wis. Admin. Code § ATCP 79, Campgrounds and Wis. Stat. § 97, Food, Lodging and Recreation. 2) All other Federal, State, County, Town, and other local rules/laws must be followed. This would include Sawyer County Zoning & Conservation setback requirements from wetland areas,

floodplain zoning, and navigable water setbacks. 3) All permits, fees, campground plan approval, and inspections required by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) must be obtained. 4) Maximum number of sites in campground limited to fifty-seven (57). 5) Set-Backs: Any site, including but not limited to camper, park model, trailer, tent, or seasonal must be a minimum of 50' to any adjacent property line. 6) No "Mobile Homes" allowed: only "Recreational" accommodations including but not limited to: travel trailers, park models, campers, tents. 7) All Lighting must be "Down Lighting". 8) All "Waste Water and Septic" systems must comply with State of Wisconsin and Sawyer County regulations. Currently all proposed campsites with this CUP request would be on "portable transfer tanks" which are approved by ATCP within licensed campgrounds. 9) Sites can only be "Operational to Public" from April 1st until December 1st. 10) A "Manager or Designee" must be available twenty-four (24) hours per day. 11) "Quiet Hours" are to be from ten (10) pm to eight (8) am every day. 12) No "Fireworks" or "Firearms" allowed. 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. 14) Promote the efficient and economical use of public funds. Second by Wilson. Rebecca Roeker, legal counsel speaks of the staff reports. Discussion held. Roll call finds: Kariainen – yes, Wilson – yes, Buckholtz – yes, Suralski –yes, Shuman – yes. All in favor.

NEW BUSINESS

1) Ben Kurtzweil, Town of Hayward resident speaks of the staff reports, and working together.

2) Any other business that may become before the committee for discussion only. None

ADJOURNMENT

Adjournment by Buckholtz at 10:30am

Minutes prepared by Kathy Marks, Deputy Zoning & Conservation Administrator