

**MINUTES OF PUBLIC HEARING
Sawyer County Zoning Committee
January 18, 2019**

Zoning Committee Members

Ron Buckholtz, Chairman
Bruce Paulsen
James Bassett
Elaine Nyberg
Bill Voight
Troy Morgan, Alternate

Zoning Administration

Dale Olson, 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 8:35 AM in the Sawyer County Courthouse, 10610 Main St. Hayward, Wisconsin. Roll was called finding present: Buckholtz, Paulsen, Bassett, Nyberg, Voight and Morgan. From the Zoning Office Olson and Marks. Rebecca Roeker of von Briesen & Roper, s.c.as legal counsel for Sawyer County.

2) Statement of Committee and Hearing Procedure.

Those persons wishing to speak will be afforded the opportunity provided they identify themselves.

3) 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 on January 2, 2019 and January 9, 2019.

4) Pledge of Allegiance.

5) Approval of November 16, 2018 minutes. Motion by Voight to approve, second by Bassett. All in favor. Roll call Voight –yes, Nyberg – yes, Paulsen – yes, Bassett- yes, Buckholtz –yes. Approval of December 21, 2018 minutes. Motion by Bassett to approve, second by Paulsen. All in favor. Roll call Nyberg – yes, Bassett- yes, Voight – yes, Buckholtz – yes, Paulsen – yes. All in favor. Motions carried.

6) Public Comment. Roeker wants the record to reflect that the public comment period portion is also the opportunity to speak as part of the public hearing for the items on the agenda that require that require a public hearing. Linda Zillmer, Edgewater property owner questions, under new business the 4.26 accessory building labeled information, will the committee take public comment under new business. Board discussion. Olson responded that the 4.26 accessory building changes are not an action item it is for information and discussion to talk about changes. That yes, public comment can be taken under new business but no action will be taken today. No other comments.

7)) Closed Session – The Sawyer County Zoning Committee may go into closed session pursuant to Wis. Stat. 19.85(1)(g) to confer with legal counsel for the Sawyer County Zoning Committee who is rendering oral or written advice concerning strategy to be adopted by the Sawyer County Zoning Committee with respect to litigation on which it is likely to become involved. Buckholtz reads closed session. Motion by Paulsen to go into closed session, second by Bassett. Roll call Voight – yes, Buckholtz – yes, Voight – yes, Nyberg – yes, Bassett – yes. All in favor. Motion carried.

Closed session starts 8:40 am to 9:30 am. Buckholtz calls the meeting back to order at 9:35 am.

REZONE APPLICATIONS

None

CONDITIONAL USE APPLICATIONS

1) Town of Draper - #19-001; Oxbo LLC. Part of Government Lot 3; S14, T39N, R03W; Parcel #006-339-14-5307; 17.99 Total Acres; Zoned Residential/Recreational Two (RR-2). Permit desired for the expansion of the resort area to the North/Northeast to develop access roadways, 48 campsites along with the existing campsites, for a total of 52 sites. 3 shower and restroom facilities, 1 existing, for a total of 4 facility locations. Shower/restroom facilities will be developed with appropriate number of toilet facilities for each gender, per code. Olson reads the application, Town approval, Opinion letters and Staff report. Buckholtz states that there is not enough time to go over staff report when distributed right before the meeting. Olson explains staff reports. Jason Gerwing, owner speaks in favor of the application. Discussion with Board, applicant and Olson. Ed Peters Town of Draper Chairman speaks in favor of the application. Their Town is happy to have the resort open again. Discussion with Board held. Linda Zillmer, Edgewater property owner speaks of storm shelters and number of campers. Discussion with applicant held. Linda Zillmer, Edgewater property owner procedure to ask for people in favor and people against application. No audience comment. Discussion by committee and Olson held. Motion by Paulsen to approve the application with the following conditions. Setbacks will be 50' from wetlands, grading permit if needed, Comply with section 6.6 and 6.61 of the Sawyer County Ordinance, compliance with all State statues for campgrounds, before construction the agreement with the Town of Draper and applicant for the dry hydrant, adequate facility for storm shelter, 50% park models, decks and patios with land use permits only. Second by Voight. Roll call Nyberg – yes, Bassett – yes, Voight – yes, Buckholtz – yes, Paulsen – yes. All in favor, Motion carried. Findings of Fact: Paulsen “This conditional use is appropriate within this zone district. With the conditions placed here I think the public would be adequately safeguarded and with the conditions cannot interfere with water runoff.”

2) Town of Bass Lake – #19-002; Jonjak Cranberry Farm Inc. Part of Government Lot 2 and Lots 3 & 4 CSM 4/90; S33, T40N, R09W; Parcel #002-940-33-5201; 37.34 Total Acres. Zoned Agricultural One and Residential/Recreational One. Permit desired to carry forward the conditional use permit #01-033 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on February 15, 2001. Dale reads application, Town approval, Opinion letters and Staff report. Shows pictures to Committee. Randy Jonjak, owner speaks for approval of application. Discussion with Committee and Olson. Confusion of days and hours of crushing a concern. Motion by Nyberg to postpone application for 2 months for clarification of days and hours. Second by Paulsen. Discussion continues with applicant. Roll call Nyberg – yes, Buckholtz – yes, Paulsen – yes, Bassett –yes, Voight – yes. All in favor. Motion carried.

Bassett makes comment of the gravel pits zone districts. Roeker gives options of the A-1 and A-2 zone district changes and process. Discussion continues with committee, Olson and Roeker. Linda Zillmer, Edgewater property owner speaks that when these gravel pits were issued originally as a conditional use permit, they were under that zone district at that time for uses. The conditional use application you are hearing today is renewals of existing gravel pits. It is just a renewal, it's not like acting on a new gravel pit. Wondering if it would be good to act on these permits today and at the time they were initially permitted gravel pits were allowed with a conditional use permit. They were allowed in A-1, it is only because the A-1 district was changed. But now should be able to act on the carry forward of the application. Roeker responds the initial approval was a permitted conditional use, consider this is a renewal you are pulling a carry forward. It could potentially be an existing non-conforming use if you are confident that it is a renewal. Needs verification of a renewal. We need staff input that it is a renewal. Linda Zillmer, Edgewater property owner thinks that there is a good description in each of these on the agenda where it shows when theses gravel pits were initially permitted by the dates. You can tell when they were approved. Roeker responds to Zillmer that assumes that the conditional use permit that were originally granted on those dates have not expired. Paulsen would recommend that they proceed with that they are permitted uses, granted at the time they were in the A-1 zone district.

3) Town of Winter - #19-003; Town of Winter. Part of the SW 1/4 NE ¼, NW ¼ SE ¼, SW ¼ SE ¼; S28, T39N, R05W; Parcel #032-539-28-1301, -4201, and -4305; 90.43 Total Acres; Zoned Agricultural One (A-1). Permit desired to carry forward the conditional use permit #96-002 for the location of a non-metallic mineral extraction operation, including rock crusher and bituminous plant. The CUP was originally approved at public hearing on November 15, 1996. Dale reads the application, Town approval, Opinion letters and Staff report. Ron Barnaby chairman for the Town of Winter speaks for approval of the application. Discussion with Committee, Olson & Barnaby. No other audience comment. Discussion continues. Motion by Voight to approve with conditions of NR135, DNR Chapter 30, Plan operation with hours. Discussion held. Voight amends his approval to add subject to passing the County Board A-1 zone district changes. Second by Paulsen. Discussion held with Olson & Roeker. Roll call Paulsen – yes, Voight – yes, Bassett – yes, Buckholtz – yes, Nyberg – yes. All in favor. Motion carried. Findings of Fact: It would not be detrimental to ecology, wild life, wetlands or shorelands. It would be compatible with the surrounding uses and the area.

4) Town of Hayward - #19-004; Bob Thompson & Sons, and Robert D & Elaine M Thompson Irrevocable Trust. Part of the SE ¼ SE ¼; Lots 1-4 CSM 6/149 #1195; S31, T41N, R09W; Parcel #010-941-31-4407; 6.97 Total Acres; Zoned Commercial One (C-1). NE ¼ SE ¼; S31, T41N, R09W; Parcel #010-941-31-4101; 40 Total Acres; Zoned Forestry One (F-1). Part of the SW ¼ SW ¼ & NW ¼ SW ¼; Lot A CSM 6/151 #1196; S32, T41N, R09W; Parcel #010-941-32-3304; 3.26 Total Acres; Zoned Industrial One (I-1). Part of the NW ¼ SW ¼, Lot 1-4 CSM 6/77 #1154; S32, T41N, R09W; Parcel #010-941-32-3204; 19.20 Total Acres; Zoned Forestry One (F-1 & Industrial One (I-1). NW ¼ NW1/4; S32, T41N, R09W; Parcel #010-941-32-2201; 40 Total Acres; Zoned Forestry One (F-1). Part of the NE1/4 NW1/4, Lot 1 CSM 31/30 #7660; S32, T41N, R09W; Parcel #010-941-32-2103; 13.74 Total Acres; Zoned Agricultural One (A-1). Known as the Thompson Pit. Permit desired to carry forward the conditional use permit #01-010 for the location of a non-metallic mineral extraction operation, including rock crusher and hot mix plant. The CUP was originally approved at public hearing on May 18, 2001. Olson reads the application, Town approval, Opinion letters and Staff report. Dan Thompson, owner speaks for approval of application. Discussion with Committee. No audience comment. No discussion held. Motion by Bassett to approve with conditions listed in the plan of Operation. Second by Nyberg. Roll call Bassett – yes, Buckholtz – yes, Paulsen – yes, Nyberg – yes, Morgan – yes. All in favor, Motion carried. 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. Hours of operation would not interfere with residential people in the area.

Paulsen leaves meeting at 10:45am.

5) Town of Hayward - #19-005; Town of Hayward, Agent: Don Hamblin. The NE ¼ of the NE ¼; S30, T41N, R09W; Parcel #010-941-30-1101; 40 Total Acres; Zoned Forestry One (F-1). Known as the County Hill Road Pit. Permit desired carry forward the conditional use permit #04-003 for the location of a non-metallic mineral extraction operation, including rock crusher and hot mix plant. The CUP was originally approved at public hearing on October 17, 2004. Olson reads application, Town approval with the word hot-mix stricken for application, Opinion letters and Staff Report. Don Hamblin Town of Hayward Supervisor speaks in favor of the application. Discussion with applicant and committee. Lisa Andraschko neighbor speaks of approval of the Town striking hot mix and is good with the gravel pit. Lisa Andraschko is against the approval of the application if the word hot mix plant is allowed to stay on the application. Discussion with committee and Roeker. Motion by Nyberg to approve the application with the conditions of removing the hot mix plant, owner must comply with NR 135, DNR Chapter 30, Plan of Operation, Hours of 7am to 7pm Monday - Saturday. Second by Bassett. Roll call Voight – yes, Bassett – yes, Morgan – yes, Nyberg – yes, Buckholtz – yes. All in favor. Motion carried. Findings of Fact: It would not destroy prime agricultural lands. It would not create traffic or highway access problems.

Jim Bassett leaves meeting at 11:15am. Recess for 5 minutes. Buckholtz calls meeting back to order at 11:25am.

6) Town of Draper - #19-006; Great Lakes Rural NMTC Forestlands LLC, Agent: Shawn Hagan. The NE ¼ of the SW ¼; S26, T39N, R04W; Parcel #006-439-26-3101; 40 Total Acres; Zoned Forestry One (F-1). Known as the County Road M Pit. Permit desired to carry forward the conditional use permit #01-009 for the location of a non-metallic mineral extraction operation, including rock crusher and bituminous plant. The CUP was originally approved at public hearing on May 18, 2001. Olson reads application, Town did not have response, Opinion letter (none returned) and Staff report. Sean Hagen agent for Great Lakes NMTC speaks for approval of application. Discussion with committees, agent and Olson. Ed Peters, Chairman for Town of Draper states that they approve this application. No other audience comment. Discussion held. Linda Zillmer, Edgewater property owner talks of the hours of operation and that is what is in the plan of operation that the Town has approved. To make a significant change based on something that just happened at this public hearing and what was public noticed you are changing the plan without people knowing. Buckholz says leave as is. Discussion held. Roeker states that the application can be amended by the applicant and heard at a later date. Motion by Morgan to approve with conditions of compliance NR135, Plan of operation, Days of operation Monday – Sunday, and compliance with DNR chapter 30. Second Voight. Roll call Nyberg – yes, Morgan –yes, Voight – yes, Buckholtz – yes. All in favor. Motion carried. Findings of Fact: It would not be detrimental to property rights of others or property values. Is keeping in use with the surrounding area.

NEW BUSINESS

- 1) Town of Draper – Chicken option - Action. Olson reads Town decision under 4.52 Sawyer County Ordinance, Option #2. Motion by Nyberg to approve, second by Morgan. Ed Peters, Chairman for Township talks of the Town’s decision. Roll call Morgan – yes, Voight – yes, Buckholtz yes, Nyberg – yes. All in favor. Motion carried.
- 2) Town of Hayward – Chicken option - Action. Olson reads Town decision under 4.52 Sawyer County Ordinance, Option #2. Motion by Morgan to approve, second by Nyberg. Roll call Voight – yes, Buckholtz – yes, Morgan – yes, Nyberg – yes. All in favor. Motion carried.
- 3) Town of Hunter – Chicken option - Action. Olson reads Town decision under 4.52 Sawyer County Ordinance, Option #2. Motion by Nyberg to approve, second by Morgan. Roll call Morgan – yes, Nyberg – yes, Buckholtz – yes, Voight – yes. All in favor. Motion carried.
- 4) 4.26 Accessory Building change - Information. Dale explains 4.26 Accessory Buildings. Discussion with committee regarding the changes. Linda Zillmer, Edgewater property owner talks of size of sheds or solar panels, what size before a permit is needed. More research needed on these. Variance wording. Discussion with committee and Olson. Roeker speaks of a owners can seek a variance at any time and wording of the Ordinance changes. Olson reads his staff report on 4.26 Accessory Building. Morgan suggests adding County and Town committee. Olson asks that the committee reads over and make suggestions for changes. No other discussion.
- 5) Committee Training – Chapters 10-12 Zoning Board Handbook. Olson discusses chapters 10-12 from the Zoning Board Handbook. Discussion of contents with committee, Olson and Roeker.
- 6) Any other business that may come before the Committee for discussion. No other business.

ADJOURNMENT

Buckholtz adjourns meeting at 12:30pm

A Quorum of the County Board of Supervisors or any of its committees may be present at this meeting to listen and observe. Neither the Board nor any of the committees have established attendance at this meeting as an official function of the Board or committee(s) or otherwise made a determination that attendance at the meeting is necessary to carry out the Board or committee’s function. The only purpose for other supervisors attending the meeting is to listen to the information presented. Neither the Board nor any committee (other than the committee providing this notice and agenda) will take any official action with respect to this noticed meeting.

Minutes prepared by: Kathy Marks – Deputy Zoning & Conservation Administrator.

