1. PRELIMINARY MATTERS
   a. Call to Order and Roll Call
   b. Pledge of Allegiance
   c. State of Committee and Hearing Procedure
   d. Statement of Hearing Notice
   e. Approval of Previous Meeting Minutes
      January 17, 2020
   f. Public Comment

2. REZONE APPLICATIONS
   a. None

3. CONDITIONAL USE APPLICATIONS
   a. 1) A Public Hearing for Conditional Use #20-002 in the Town of Winter. Owner: Flambeau River State Forest – WDNR. All of Section 34, T37N, R04W; Parcel #032-437-34-1101; Zoned Forestry One (F-1); 40 Acres of the 640 Total Acres, more specifically the area lying North of Cedar Rapids Road and South of West Lane. Permit desired for the renewal of conditional use permit #12-001 for the location of a non-metallic mineral extraction operation, including rock crusher which was approved at public hearing on October 21, 2001 and most recently renewed on February 7, 2017.
      CUP #20-002, Flambeau River State Forest, WDNR
   b. 1a) Discussion/ Action for Conditional Use #02-002 in the Town of Winter. Owner: Flambeau River State Forest – WDNR. All of Section 34, T37N, R04W; Parcel #032-437-34-1101; Zoned Forestry One (F-1); 40 Acres of the 640 Total Acres, more specifically the area lying North of Cedar Rapids Road and South
of West Lane. Permit desired for the renewal of conditional use permit #12-001 for the location of a non-metallic mineral extraction operation, including rock crusher which was approved at public hearing on October 21, 2001 and most recently renewed on February 7, 2017.

20 - 27  c. 2) A Public Hearing for Conditional Use #02-003 in the Town of Hunter. Owner: Mark & Nancy Phillips. Part of the NW ¼ of the SE ¼; S05, T40N, R06W; Parcel #012-640-05-4201; Zoned Forestry One (F-1) and Residential/Recreational Two (RR-2); 29.82 Total Acres. Permit desired for a General Repair Shop to provide the community with a variety of mechanical repairs within the newly approved Residential/Recreational Two (RR-2) District.  

28 - 39  e. 3) A Public Hearing for Conditional Use #20-004 in the Town of Lenroot. Owner: James Miller. Part of the NW ¼ of the SW ¼ and the SW ¼ of the SW ¼; Lot 1 CSM 32/41 #7815; S11, T41N, R09W; Parcel #014-941-11-3203; Zoned Commercial One (C-1) and Forestry One (F-1); 18.29 Total Acres. Permit desired for the three (3) year renewal of conditional use permit #01-007 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on May 18, 2001 and renewed most recently February 17, 2017.

40 - 53  g. 4) A Public Hearing for Conditional Use #20-005 in the Town of Round Lake. Owner: Robert & Elaine Thompson Trust. Part of the SW ¼ of the NW ¼ and Part of the NW ¼ of the SW ¼ ; S12, T41N, R08W; Parcel #024-841-12-2302 and #024-841-12-3201;
Zoned Forestry One (F-1), Commercial One (C-1) and Residential/Recreational One (RR-1); 26.5 Total Acres, however this Conditional Use is only being considered for the mining taking place in the Forestry One (F-1) zone district and is approximately 13.6 Total Acres. Known as the Hwy 77 Pit. Permit desired for the three (3) year renewal CUP #88-011 for the location of a non-metallic mineral extraction, including rock crusher and hot mix plant which was originally approved at public hearing on July 29, 1988 and renewed most recently on February 17, 2017.

CUP #20-005, Robert & Elaine Thompson Revoc. Trust

h. 4a) Discussion/Action for Conditional Use #20-005 in the Town of Round Lake. Owner: Robert & Elaine Thompson Trust. Part of the SW ¼ of the NW ¼ and Part of the NW ¼ of the SW ¼; S12, T41N, R08W; Parcel #024-841-12-2302 and #024-841-12-3201; Zoned Forestry One (F-1), Commercial One (C-1) and Residential/Recreational One (RR-1); 26.5 Total Acres, however this Conditional Use is only being considered for the mining taking place in the Forestry One (F-1) zone district and is approximately 13.6 Total Acres. Known as the Hwy 77 Pit. Permit desired for the three (3) year renewal CUP #88-011 for the location of a non-metallic mineral extraction, including rock crusher and hot mix plant which was originally approved at public hearing on July 29, 1988 and renewed most recently on February 17, 2017.

4. NEW BUSINESS

54 - 60  

a. Non-Metallic Mining Ordinance change for renewals to 5 years. (Discussion/Action, Send to Townships)
   Non-Metallic Mining Renewal Changes

61 - 62  

b. Bunkhouse. (Discussion)
   Bunk Houses - Temporary Guest Quarters

63 - 78  

c. Sawyer County Waste Ordinance. (Discussion/Action)
   Waste Storage Ordinance

d. Any other business that may come before the Committee for discussion.

5. ADJOURNMENT

a. 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.
Zoning Committee Members
Ron Buckholtz, Chairman
Bruce Paulsen
James Bassett
Elaine Nyberg
Troy Morgan
Dawn Petit, Alternate

Zoning Administration
Jay Kozlowski, Zoning & Conservation Administrator
Pat Brown, Assistant 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 in the Sawyer County Courthouse, 10610 Main St. Hayward, Wisconsin. Roll was called finding present: Bassett, Paulsen, Nyberg, Buckholtz, Petit and Morgan. From the Zoning Office Kozlowski, Marks and Brown. Rebecca Roeker of von Briesen & Roper, s.c.as legal counsel for Sawyer County.
2) Pledge of Allegiance.
3) 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 and Sawyer County Gazette.
4) Approval of December 20, 2019 minutes. Motion by Bassett to approve, second by Morgan. All in favor.
5) Public Comment. None.

REZONE APPLICATIONS
A Public Hearing for Rezone #20-001 in the Town of Round Lake. Owner: John Trossen. The NE ¼ of the SW ¼ and Part of the NW ¼ of the SE ¼; S35, T41N, R07W; Parcel #024-741-35-3101; Zoned Forestry One (F-1) and Agricultural Two (A-2); 45.95 Total Acres. Purpose of the request is to rezone 22.35 acres from Forestry One (F-1) to Agricultural Two (A-2); 23.6 is existing Agricultural Two (A-2), for additional livestock (Bison) units. Kozlowski reads the application, Town opinion, Opinion letter and Staff report. Motion by Paulson to open the Public Hearing portion of the meeting, second by Bassett. All in favor. John Trossen, owner speaks in favor of the application. Linda Zillmer, Edgewater property owner speaks in favor of the application. No other comment. Motion to come out of the Public Hearing portion by Bassett, second by Paulsen. All in favor. Kozlowski reads the Discussion/Action portion of the application. Motion by Bassett to approve the application, second by Paulsen. All in favor. Roll call finds Buckholtz – yes, Nyberg –yes, Bassett – yes, Morgan – yes, Paulsen – yes. 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 destroy prime agricultural lands. It would be compatible with the surrounding uses and the area.
NEW BUSINESS
1) Non-Metallic Mining Ordinance revision for Conditional Use Permit renewal timeline recommendation. Kozlowski and Brown speak of changes for the timeline of renewals of Non-Metallic mining pits. Discussion with Committee. Linda Zillmer, Edgewater property owner speaks of getting more information and no rush to send to Towns for approval. Kozlowski suggests bringing back to Zoning Committee in February for Discussion/Action with more information regarding fees and timeline.

2) Ordinance change for a Second Habitable structure on one parcel recommendation. Kozlowski explains changes to consider for the second habitable structure on a property. Phil Nies, Town of Bass Lake speaks of identifying buildings for Fire Departments and other consequences. Discussion with Committee continues. Doug Kurtzweil, Town of Hunter speaks of the History, permitting, and making things legal. Discussion with Committee and Kozlowski continues, along with audience members John Trossen, Town of Round Lake, Linda Zillmer, Town of Edgewater property owner, Mark Olson, Town of Bass Lake and Phil Nies, Town of Bass Lake and Doug Kurtzweil, Town of Hunter. Kozlowski will get more information and correct language regarding this issue.

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

Buckholtz adjourns meeting at 10:30am.

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.
Conditional Use Permit Request
STAFF REPORT
Prepared By: Jay Kozlowski, Sawyer County Zoning & Conservation Administrator

File: # CUP 20-002

Applicant:
Flambeau River State Forest – Wisconsin Dept of Natural Resources
PO Box 7921
Madison, WI 53707
Agent: Chris Bender

Property Location & Legal Description:
All of Section 34, T37N, R04W. Parcel 032-437-34-3101. 40 Acres of the 640 Total Acres, more specifically the area lying North of Cedar Rapids Road and South of West Lane. Property zoned Forestry-One (F-1)

Request: Three year renewal of conditional use permit #12-001 for location on a non-metallic mineral extraction operation including rock crusher. Originally approved October 21, 2001 and most recently renewed February 17, 2017.

Project History & Summary of Request:
The renewal of CUP 12-001 is for the location of a non-metallic mineral extraction operation including rock crusher. The property is 640 acres with the current operation area of approximately 5 acres. Surrounding use is forestry with the nearest hunting cabin at approximately 1 mile away.

The Zoning Department does not show any complaints on file for this site. The Flambeau River State Forest owns all immediately surrounding properties.

The State of Wisconsin Department of Natural Resources assures this gravel pit operation.

Additional information for Conditional Use Permits:
Substantial evidence means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

If an applicant agrees to meets all of the requirements and conditions specified in the county ordinance or those imposed by the county zoning board, the county shall grant the
SUBJECT: Conditional Use Public Hearing Application

TO: Sawyer County Zoning and Conservation Administration
10610 Main Street Suite 49
Hayward, Wisconsin 54843
E-mail: kathy.marks@sawayercountygov.org

Owner Name & Address: Flambeau River State Forest- Wisconsin Dept of Natural Resources
PO Box 7921
Madison, WI 53707-7921
Phone: (715) 332-5271
Email: Christopher.Bender@wisconsin.gov

Property description including Parcel Number:
NE ¼ SW ¼ S 34, T 37N, R 4W Parcel # 032-437-34-3101; Zoned Forestry One (F-1); 40 acres of the 640 acres of Parcel 032-437-34-1101. More specifically the area lying north of Cedar Rapids Rd and south of West Ln.

Permit is desired for:
The three (3) year renewal of conditional use permit #12-001 for the location of a non-metallic mineral extraction operation, including rock crusher which was approved public hearing on October 21, 2001 and most recently renewed on February 17, 2017.

Date of Public Hearing: February 21, 2020

[Signature]
Property Manager

Signature of property owner required.
The above hereby make application for a conditional use and the above certify that the listed information and intentions are true and correct. The above person hereby gives permission for Sawyer County staff to access the property for onsite inspections.

Fee $150.00
December 3, 2019

Chris,

This is the application for renewal of conditional use permit #12-001 for a non-metallic mineral extraction at the Cedar Rapids pit. This permit was approved at public hearing on October 21, 2001.

The application should be completed and signed by the property owner. Please return this application accompanied by an updated plan of operation, including any expansion or changes since the previous renewal in 2017, and the public hearing fee of $150.00.

Please return this application by Thursday January 2nd to be scheduled for a public hearing in February.

Please contact the zoning office if you have any questions on this application.

Thank you,

[Signature]

Pat Brown
Assistant Zoning and Conservation Administrator
Operation Plan
Cedar Rapids Pit

Prepared by:
Chris Bender
Property Manager
Flambeau River State Forest
12.3.2019

RECEIVED
DEC 04 2019
SAWYER COUNTY
ZONING ADMINISTRATION
# Ownership and Management Data:

a. **Location:** The Cedar Rapids Pit is located off of Cedar Rapids Road (DNR Owned and Maintained Road) in the Town of Winter, Sawyer County, Wisconsin. A map is included showing the pit location in relation to neighboring properties.

b. **Ownership:** The property is owned by the State of Wisconsin, and managed by the Dept. of Natural Resources as the Flambeau River State Forest.

c. **Pit Operator:**
   
   Flambeau River State Forest  
   W1613 County Road W  
   Winter, WI 54896  
   715-332-5271 ext. 112  
   Contact Person: Chris Bender

# Property Description:

E 1/4 NE 1/4, SW 1/4, S34, T37N, R43W Town of Winter, Sawyer County Wisconsin. Part of Parcel 22128 # 032437341101.

# Size of Property:

The property for which the conditional use permit is issued is 640 acres.

# Size of Actual Mine Site:

5 acres

# Proposed Activities:

a. **Extraction** – Borrow excavation and gravel will be excavated from this pit.
b. **Conveying** – Loaders and dump trucks will move material in this pit.
c. **Crushing** – Gravel crushing is planned at this location.
d. **Screening** – A screening operation is planned at this location.
e. **Washing** – There is no aggregate washing planned for this pit.
f. **Asphalt Hot Mix Plants** – There will be no asphalt produced at this site.
g. **Blasting** – Blasting will not be necessary at this location.
h. **Stockpiling** – Gravel stockpiles will be produced at this site.
i. **Other** – There are no other proposed activities at this site.

# Hours of Operation:

a. **Normal Hours** – Normal operating hours are from 6:00 AM to 6 PM.
b. **Crushing Hours** – Crushing hours will be from 6:00 AM to 9:00 PM.
c. Asphalt Plant Hours – N/A
d. Blasting Hours – N/A
e. Other Activities – There are no other activities planned for this site.

7. Days and Months of Operation:

The Flambeau River State Forest will normally operate this pit five (5) days a week (Monday - Friday) during the construction period of May through November. The crushing contractor and screening contractor may want to work additional days during the crushing and screening operations.

8. Access Routes:
   a. Roadways to be used – Cedar Rapids Road, which is a DNR owned and maintained road, will provide access to the pit. Cedar Rapids Road is connected to West Lane, a township road.
   b. Driveway Permit – No permit required.

9. Major Equipment to be used During the Operation:
   a. Crusher – Gravel crushing is planned at this site.
   b. Asphalt Hot Mix Plant – There will be no asphalt produced at this site.
   c. Screening Plant – A screening operation is planned at this site.
   d. Washing Equipment – There will be no aggregate washing at this location.
   e. Other – Bulldozers, excavators, and backhoes may be used to remove stumps and strip topsoil during pit expansion.

10. Excavation:
    a. Depth – The existing depth averages 20’ across the face and will not vary considerably as the pit expands.
    b. Setbacks to Lot Lines – No Setbacks are planned for this pit.
    c. Buffers – No Buffers are planned for this site.
    d. Other – The pit will continue to expand to the north.

11. Lot Lines:
    a. Fencing – There is no plan to fence this site.
    b. Gate – There is no plan to gate this site.

12. Navigable Waters & Wetlands:

    There are no navigable waters on this property.

13. DNR Erosion Control Measures:
    a. Surface Water Protection: The pit will be internally drained.
    b. Groundwater Protection – The floor of the pit will act as a sediment basin.
14. Erosion Control Measures:
   a. Since the pit is internally drained, the floor of the pit will act as a sediment basin.

15. Environmental Considerations:
   a. Noise – Noise will be restricted to operation hours.
   b. Dust – Dust will be minimized through watering by the contractor if necessary.
   c. Vibration – Vibration will be restricted to operating hours.
   d. Impact on Adjacent Property Owners – There will be no impact on adjacent property owners. All Adjacent property is managed by the WDNR-Flambeau River State Forest. Nearest hunting camp is 1 mile to the east.
   e. Litter/Debris/Contamination – Litter/Debris/Contamination will be the responsibility of, and controlled by the contractor.
   f. Wildlife – Wildlife will not be significantly affected by the crushing operation or general pit operations.
   g. Pipeline, Utility, Right-of-Way Safety – There are no utilities located near the site.
   h. Other – There are no environmental consideration to consider.

16. What Activities will this Mining Support?
   a. Use of Applicant Only – This pit will only be used by the Wisconsin Dept. of Natural Resources and Town of Winter.
   b. State, County, or Town Projects – This pit will be used for miscellaneous projects proposed and approved by the WDNR.
   c. Commercial Sale of Products – There will be no commercial sales of products from this site.
   d. Other – There are no other activities planned for this pit.

17. Reclamation Plan (NR 135/Non-metallic Mining Reclamation)

   There is a reclamation plan on file for this pit, and all reclamation permits and fees are current. After completion of project (crushing), unused portion of the pit will be reclaimed per the reclamation plan.

18. Bonding or Financial Assurances:

   The state of Wisconsin Dept. of Natural Resources assures this gravel pit operation.
Tax ID: 33128
PIN: 57-032-2-37-04-34-1 01-000-000010
Legacy PIN: 63247341111
Map ID: 12-1 THRU 15.1
Municipality: (032) TOWN OF WINTER
STR: 534 T37N R04W
Description: ALL OF SECTION 34
Recorded Acres: 640.000
Calculated Acres: 607.550
Lottery Claims: 0
First Dollar: No
Zoning: 1F-13 Forestry One
CSP: 428

Tax Districts
1 State of Wisconsin
57 Sawyer County
032 Town of Winter
576615 Winter School District
001700 Technical College

Recorded Documents
- MINERAL CLAIM Date Recorded: 10/10/2019 42095
- QUITCLAIM DEED Date Recorded: 12/26/1981 113466
- QUITCLAIM DEED Date Recorded: 2/18/1944 07/4976 07/509 77/64

Property Assessment
2019 Assessment Detail
X2 EXEMPT STATE 640.000 0 0

Site Address * indicates Private Road
3551W WEST LN WINTER 54896
DISCLAIMER: This map is not guaranteed to be accurate, current, or complete and conclusions drawn are the responsibility of the user.
Conditional Use Permit Request

STAFF REPORT

Prepared By: Jay Kozlowski, Sawyer County Zoning & Conservation Administrator

File: # CUP 20-003

Applicant:
Mark & Nancy Phillips
9057W County Hwy B
Hayward, WI 54843

Property Location & Legal Description:
Part of NWSE, S05 T40N R06W, parcel #012-640-05-4201 Site address 9057W County Hwy B
4.64 acres out of 29.82 which is now zoned Residential/Recreational-Two (RR-2)

Request: Granting of a conditional use permit for a general repair shop to provide the community with a wide variety of mechanical repairs in the newly rezoned RR-2 zone district on this property.

Summary of Request & Project History:
The applicant(s) have gone through the rezone process and the 4.64 acres of this property was ratified by the County Board on January 16, 2020 to of RR-2. The applicants are now requesting a CUP for a “general repair shop” which the Zoning Committee had reviewed at its October 2019 meeting. As part of that meeting it was discussed that the committee would view a general repair shop to fall into the same category as Section 17.3(B)(3) “Recreational service oriented uses which in the opinion of the County Zoning Committee are of the same general character or clearly incidental to a permitted use or use authorized by conditional use.”

The mentality that was used in October 2019 was that a “marina” is listed within a CUP category within the RR-2 zone district and it was discussed by the committee members at that meeting that mechanical repairs would be expected in the daily operations and functions of a marina. The conclusion was then made that a “general repair shop” would be of the same general character as a use authorized by conditional use.

Additional Information/details:
The nearest RR-2 zoned property in relation to this property is approximately 500’ away along the County Hwy B corridor. There was also another rezone that was approved at County Board in August 2019 for a 10 acre parcel immediately across Hwy B from this property where the applicants also applied and where granted a CUP for a landscaping business. There is very little residential housing in this immediate area.
Additional information for Conditional Use Permits:

Substantial evidence means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion. If an applicant agrees to meets all of the requirements and conditions specified in the county ordinance or those imposed by the county zoning board, the county shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence. The conditions must be reasonable and, to the extent practicable, measurable. The applicant must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The county’s decision to approve or deny the permit must be supported by substantial evidence.

Possible Conditions for Approval: (choose from list below) (add or delete from list below)
1. Land Use Permits are required for all new structures.
2. Hours of operation to be no earlier than 7AM or later than 9PM, 7 days a week. (modify if needed)
3. Any and all signage must meet Sawyer County Zoning Ordinance requirements.
4. Downward facing or shielded lighting only for the business
5. 100’ buffering of trees from the Right-of-Way of County Trunk Highway B
6. All other town, County, State, Federal Laws are followed

Findings of Fact for Approval: (choose from list below)
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 not create an objectionable view.

Findings of Fact for Denial: (choose from list below)
9. It would be damaging to the rights of others and property values.
10. It would be detrimental to ecology, wild life, wetlands or shorelands.
11. It would create an air quality, water supply, or pollution problem.
12. It would create topographical problems such as run off, drainage, erosion, flooding, or vegetative cover removal.
13. It would create traffic or highway access problems.
15. It would not be compatible with the surrounding uses and the area.
16. It would create an objectionable view.
Conditional Use Application # 20-003
Town of Hunter
Sawyer County

To: Sawyer County Zoning & Conservation
10610 Main Street, Suite #49
Hayward, WI 54843

Phone: 715-634-8288
Email: zone.deputy@sawyercountygov.org

Owner: Mark A. Phillips
Address: 9057 W City Rd B
Phone: 715-462-3914
Email: Mark Phillips @ Concorde.com

Legacy PIN#: 012640054201 Zoned: RR2

Acreage: 4.61

Property Description: PRT NW SE

Permit desired for: General Repair Shop to Provide the Community with a Wide Variety of Mechanical Repairs

*Please Print & Sign (Property Owner)

The above hereby make application for a conditional use. The above certify that the listed information and intentions are true and correct. The above person(s) hereby give permission for access to the property for onsite inspections by Sawyer County Zoning staff.

Name, Address, Phone & Email of agent:

Fee: $300
Date of Public Hearing: Feb 21, 2020
Real Estate Sawyer County Property Listing

Today's Date: 10/28/2019

Property Status: Current
Created On: 2/6/2007 7:55:21 AM

Ownership
Updated: 10/17/2011
MARK A & NANCY L PHILLIPS
9557W COUNTY HWY B
HAYWARD WI 54843-4477

Billing Address:
MARK A & NANCY L PHILLIPS
HAYWARD WI 54843-4477

Mailing Address:
MARK A & NANCY L PHILLIPS
HAYWARD WI 54843-4477

Site Address: * indicates Private Road
0957W COUNTY HWY B
HAYWARD WI 54843

Property Assessment
Updated: 9/26/2016

2019 Assessment Detail

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2-Year Comparison

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<th>2019</th>
<th>Change</th>
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Property History
N/A

Recorded Documents

QUIT CLAIM DEED
Date Recorded: 5/19/2008
353684

TERMINATION OF DECEDEETS INTEREST
Date Recorded: 9/29/2000
286721 717/155

WARRANTY DEED
Date Recorded: 7/10/1996
255129 581/218

NOTE
Date Recorded:

Recorded Documents

QUIT CLAIM DEED
Date Recorded: 5/19/2008
353684

TERMINATION OF DECEDEETS INTEREST
Date Recorded: 9/29/2000
286721 717/155

WARRANTY DEED
Date Recorded: 7/10/1996
255129 581/218

NOTE
Date Recorded:
17.3 RR-2: Residential/Recreational Two District
This district is intended to provide for residential development and essential recreation oriented services in areas of high recreational value where soil conditions and other physical features will support such development without depleting or destroying natural resources.

A) Permitted Uses
1) One-family and two-family dwellings.
2) Private garages, carports, and boathouses.
3) Horticulture and gardening.
4) Essential services and utilities intended to serve the principal permitted use.
5) Signs subject to the provisions of Section 5.0.
6) Customary accessory uses provided such uses are clearly incidental to the principal permitted use.
7) Will allow a cabin resort to build additional cabin(s) provided lot area requirements are met.
8) Licensed In-Home Day Care/Child Care (no more than 8 children)

B) Uses Authorized by Conditional Use
1) Mobile home parks and campgrounds subject to the provisions of Section 6.5 and Section 6.6.
2) Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures.
3) Recreational service oriented uses such as restaurants, cocktail lounges, marinas, sport shops, bait sales, and other recreational services which in the opinion of the County Zoning Committee are of the same general character or clearly incidental to a permitted use or use authorized by conditional permit.
4) Kennel for small domestic animals subject to the provisions of Section 6.8.
5) Hair salon and barber shop.
6) Private or wholesale carpentry or woodworking shop; limited to property owner.
7) Greenhouse and florist.
8) Professional offices and studios.
9) Bed and Breakfast establishments.
10) Taxidermy.
11) Real estate offices.
12) Childcare center, play school.
13) Shrub, tree nursery.
14) Lake access subject to provisions of Section 4.412.
15) Lake access for island development subject to provisions of Section 4.413.
16) MULTI-DWELLING DEVELOPMENT or other similar development including a condominium, hotel, motel or resort, or other development, which in the opinion of the County Zoning Committee, are of the same general scale and character. Does not include conversions of existing properties to a different form of ownership (i.e., to condominium ownership) unless DWELLING UNITS are being proposed by plat or
Conditional Use Permit Request

STAFF REPORT

Prepared By: Jay Kozlowski, Sawyer County Zoning & Conservation Administrator

File: # CUP 20-004

Applicant:
James Miller
14680W Highland Road
Hayward, WI 54843

Property Location & Legal Description:
Part of the NW ¼ of the SW ¼ and the SW ¼ of the SW ¼; Lot 1 CSM 32/41 #7815; S11, T41N, R09W; Parcel #014-941-11-3203; Zoned Commercial One (C-1) and Forestry One (F-1); 18.29 Total Acres. Current operation is approximately 3 acres in the F-1 zone district and is known as the Olson Road Pit.

Request: Permit desired for the three (3) year renewal of conditional use permit #01-007 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on May 18, 2001 and renewed most recently February 17, 2017.

Project History & Summary of Request:
The renewal of CUP 01-007 is for the location of a non-metallic mineral extraction operation including rock crusher and screen plant. The property is 18.2 acres with the current operation area of approximately 3 acres. The non-metallic mineral operation is confined to the F-1 zone district. The surrounding use is forestry and light residential and other non-metallic mineral operations with the nearest house at approximately 2500' feet away.
The Zoning Department does not show any complaints on file for this site.
Financial assurance has been received for $4500 in the form of a letter of credit.

Additional information for Conditional Use Permits:
Substantial evidence means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

If an applicant agrees to meets all of the requirements and conditions specified in the county ordinance or those imposed by the county zoning board, the county shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence. The conditions must be reasonable and, to the extent
practicable, measurable. The applicant must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The county's decision to approve or deny the permit must be supported by substantial evidence.

**Possible Conditions for Approval:** (choose from list below) (add or delete from list below)
1. Maintain compliance with NR 135 (reclamation plan)
2. Maintain compliance with Plan of Operation including normal hours of operation from 6AM-7PM, Monday through Saturday, with crushing operations from 3-6 weeks per year.
3. Maintain compliance with Department of Natural Resources Chapter 30
4. All other town, County, State, Federal Laws are followed

**Findings of Fact for Approval:** (choose from list below)
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 not create an objectionable view.

**Findings of Fact for Denial:** (choose from list below)
9. It would be damaging to the rights of others and property values.
10. It would be detrimental to ecology, wild life, wetlands or shorelands.
11. It would create an air quality, water supply, or pollution problem.
12. It would create topographical problems such as run off, drainage, erosion, flooding, or vegetative cover removal.
13. It would create traffic or highway access problems.
15. It would not be compatible with the surrounding uses and the area.
16. It would create an objectionable view.
Town of Lenroot  
County of Sawyer

SUBJECT: Conditional Use Public Hearing Application

TO: Sawyer County Zoning and Conservation Administration  
10610 Main Street Suite 49  
Hayward, Wisconsin 54843  
E-mail: kathy.marks@sawyercountygov.org

Owner Name & Address: James Miller  
14680W Highland Rd Hayward, WI 54843  
Phone: 715-638-2552 (S)  
Email:

Property description including Parcel Number:  
Prt NWSW & SWSW Lot 1 CSM 32/4! #7815. Parcel# 014-941-11-3203. Property is Zoned Forestry One (F-1) and is 18.2 acres. Current operation is approximately 3 acres and is known as Olson Rd Pit.

Permit is desired for:  
The three (3) year renewal of conditional use permit #01-007 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on May 18, 2001 and renewed most recently February 17, 2017.

Date of Public Hearing: February 21, 2020

Signature of property owner required.  
The above hereby make application for a conditional use and the above certify that the listed information and intentions are true and correct. The above person hereby gives permission to Sawyer County Zoning staff to access the property for onsite inspections.

Renewal Fee $150.00
OPERATION ACTIVITY

Proposed Activities

Proposed Activities will possibly include:

- Sand and gravel extraction-
  - Loading-continuous
  - Crushing-brief periods
  - Screening-brief periods

Hours of Operation

Normal Operations will be 6:00am to 7:00pm, Monday through Saturday.

Crushing Operations will be conducted for 3-6 weeks per year. These operations
are conducted by secondary firms, which use portable equipment.

Access Route

Private road runs adjacent on the west side of the property. There is an existing easement along the
property that runs into the already existing pit owned by, Hayward Ready Mix. Our property access.
road runs along the east side of the property.

OPERATION EQUIPMENT

Sand and gravel equipment will include a portable crusher and screening plant (limited use), loaders,
dozers, portable conveyors, scale, machine maintenance equipment and other related aggregate
producing equipment.
OPERATION PLAN

Erosion Control

Runoff from future extraction areas will be controlled within the project site with berms and natural barriers. During extraction operations, the perimeter slopes will not be steeper than 3 feet horizontal to 1-foot vertical (3:1) when the depth exceeds 10 feet. During the operation of the pit, erosion control will be maintained to insure that all soil will not leave the pit area on Jim Miller Excavating, Inc. property. Existing slopes will be maintained during the operation of the pit. New expansion area slopes will follow Sawyer County ordinance.

Rock crushers will be brought in occasionally to crush aggregate. Rock crushers shall conform to state, federal, and local pollution standards. The location and operation of Rock crushers shall be requested by conditional use application.

Environmental Considerations

The existing wooded screen along the North Side of the property will be left for the private land owners’ pleasure. The East, West, and South boarding properties are also Sand and Gravel pits. The balance of pit border will be screened as needed when restoration plan is completed.

All operations will be performed in a manner that will minimize, insofar as practicable, the production of noise, vibration or dust that would be hazardous or be substantially annoying to persons located off the premises.

The site contains no surface ground waters.

Owner-Site Information

Jim Miller Excavating, Inc pit is located in Sawyer County, Part of the NW ¼ SW ¼ and Lot 1, being Part of the SW ¼ SW ¼, S 11, T41N, R9W, Parcels .10.1 and .11.2, #014-941-11-3201 and -3302. It is along the East side of Olson Road. Acreage of the pit is approximately 18.11 acres. See the location map.
Extraction Sequence

Approximately 7,000 Cubic Yards will be extracted each year. Perimeter slopes of new extraction will be 3:1 or flatter. Topsoll, overburden, and the sand and gravel will be stockpiled on the present pit area.

Reclamation

Post mining land use includes potential residential development on-site. Reclamation will follow Wisconsin Department of Natural Resource Ordinance-NR 135 and the Sawyer County Mining and Reclamation Ordinance. The goal of our reclamation plan is to return natural vegetation to the area after sand and gravel has been extracted from the site. Jim Miller Excavating, Inc will perform the restoration process. Our slope plans will be 3:1 slope followed with cover of black dirt and erosion control materials. After these steps are taken we will begin seeding (State D.O.T. Mix) and mulching, to establish a firm vegetated growth. These plans are contingent upon weather permitting. A financial assurance bond is currently on file with the Zoning Administration and will be renewed prior to its expiration.

My signature below certifies that reclamation will be carried out in accordance with above described plan.

JIM MILLER EXCAVATING, INC
Property Owner
SAWYER COUNTY PLAT OF SURVEY
ALL OF LOT 1 CSM #7815 V3/P.41
LOCATED IN THE SW 1/4-SW 1/4 & NW 1/4-SW 1/4 OF
SECTION 11, T4N, R9W, TOWN OF LENROOT,
SAWYER COUNTY, WISCONSIN.

LEGEND
- = 2.9" BRASS CAP MOMD.
W 1/16-COR.
11-41-9

GRAPHIC SCALE
1" = 250'

THIS MAP IS INTENDED TO BE USED AS A SUPPLEMENT
TO A RE-ZONE APPLICATION.
THE AREA TO BE CONSIDERED FOR RE-ZONING CONTAINS
1.86 ACRES OF LAND AND IS DESCRIBED AS THE SOUTH
300' OF LOT 1 OF CERTIFIED SURVEY #7815 V3/P.41.

SURVEYORS CERTIFICATE:
I, JEFF W. MULOCK WISCONSIN REGISTERED LAND SURVEYOR,
HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THIS PLAT OF
SURVEY OF
LOT 1 OF CSM #7815 V3/P.41 LOCATED IN THE SW 1/4-SW 1/4
SAY 1/16-OF SW 1/4 OF SECTION 11, T4N, R9W, TOWN OF LENROOT,
SAWYER COUNTY, WISCONSIN.
THE ABOVE DESCRIBED PARCEL CONTAINS 18.29 ACRES OF LAND
MORE OR LESS AND IS SUBJECT TO ALL EASEMENTS AND
RESERVATIONS OF RECORD.

THIS SURVEY WAS MADE IN COMPLIANCE WITH AE-7 OF THE
WISCONSIN ADMINISTRATIVE CODE AND I HAVE SURVEYED AND MAPPED
THE LAND HEREIN DESCRIBED, AND THE MAP IS A CORRECT
REPRESENTATION OF THE SURVEY MADE TO THE BEST OF MY
KNOWLEDGE AND BELIEF. THIS SURVEY WAS MADE UNDER THE
DIRECTION OF JEAN MUCI.

JEFF W. MULOCK WISCONSIN LAND SURVEYOR #2319
DATE:

JEFF W.
MULOCK
8-2910
HAYWARD
WI

WISCONSIN LAND SURVEYS

15541 HUDSON ST., #202
HAYWARD 94603
715-674-9433

CLINT M.
WILLWER

SHEET 1 OF 1 SHEETS
12/03/11 09:15:19 REV
11441944
as urzędzaing@charter.net

Page 37 of 78
Conditional Use Permit Request
STAFF REPORT
Prepared By; Jay Kozlowski, Sawyer County Zoning & Conservation Administrator

File: # CUP 20-005

Applicant:
Robert & Elaine Thompson Irrevocable Trust
PO Box 657
Hayward, WI 53707

Property Location & Legal Description:
Part of the SW ¼ of the NW ¼ and Part of the NW ¼ of the SW ¼; S12, T41N, R08W; Parcel #024-841-12-2302 and #024-841-12-3201; Zoned Forestry One (F-1), Commercial One (C-1) and Residential/Recreational One (RR-1); 26.5 Total Acres, however this Conditional Use is only being considered for the mining taking place in the Forestry One (F-1) zone district and is approximately 13.6 Total Acres. Known as the Hwy 77 Pit.

Request: The three (3) year renewal CUP #88-011 for the location of a non-metallic mineral extraction, including rock crusher and hot mix plant which was originally approved at public hearing on July 29, 1988 and renewed most recently on February 17, 2017.

Project History & Summary of Request:
The renewal of CUP 88-011 is for the location of a non-metallic mineral extraction operation including rock crusher and hot mix plant. The property is 26.5 acres with the current operation area of approximately 8 acres. The non-metallic mineral operation is confined to the F-1 zone district. The surrounding use is forestry and light residential with the nearest house at approximately 800’ feet away.

The Zoning Department does not show any complaints on file for this site.
Financial assurance has been received for $9000 in the form of a letter of credit.

Additional information for Conditional Use Permits:
Substantial evidence means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

If an applicant agrees to meets all of the requirements and conditions specified in the county ordinance or those imposed by the county zoning board, the county shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance.
and be based on substantial evidence. The conditions must be reasonable and, to the extent practicable, measurable. The applicant must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The county's decision to approve or deny the permit must be supported by substantial evidence.

Possible Conditions for Approval: (choose from list below) (add or delete from list below)
1. Maintain compliance with NR 135 (reclamation plan)
2. Maintain compliance with Plan of Operation including normal hours of operation from 6AM-7PM, Monday through Friday.
3. Maintain compliance with Department of Natural Resources Chapter 30
4. All other town, County, State, Federal Laws are followed

Findings of Fact for Approval: (choose from list below)
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 not create an objectionable view.

Findings of Fact for Denial: (choose from list below)
9. It would be damaging to the rights of others and property values.
10. It would be detrimental to ecology, wild life, wetlands or shorelands.
11. It would create an air quality, water supply, or pollution problem.
12. It would create topographical problems such as run off, drainage, erosion, flooding, or vegetative cover removal.
13. It would create traffic or highway access problems.
15. It would not be compatible with the surrounding uses and the area.
16. It would create an objectionable view.
SUBJECT: Conditional Use Public Hearing Application

TO: Sawyer County Zoning and Conservation Administration
10610 Main Street Suite 49
Hayward, Wisconsin 54843
E-mail: kathy.marks@sawyercountygov.org

Owner Name & Address: Robert D & Elaine M Thompson Irrevocable Trust
PO Box 657 Hayward, WI 54843

Phone: 715 634 3139 Email: dan@dghayward.com

Operator: Thompson's Sand and Gravel
PO Box 657 Hayward, WI 54843

Phone: 715 634 3139 Email: dan@dghayward.com

Property description including Parcel Number:
Part of the SWNW & NWSW, S12, T41N, R 8W; Parcel(s) #024-841-12-3201 & -2302. Property is split zoned between Forestry One (F-1), Commercial One (C-1), and Residential Recreational One (RR-1). This property is 26.5 acres, however this conditional use permit is only being considered for the mining taking place in F-1 and is approximately 13.6 acres. This property is known as Hwy. 77 Pit.

Permit is desired for:
The three (3) year renewal conditional use permit #88-011 for the location of a non-metallic mineral extraction, including rock crusher and hot mix plant which was originally approved at public hearing on July 29, 1988 and renewed most recently on February 17, 2017

Date of Public Hearing: February 21, 2020

Signature of property owner required.
The above hereby make application for a conditional use and the above certify that the listed information and intentions are true and correct. The above person hereby gives permission to access the property for onsite inspections.

Renewal Fee $175.00
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  Access Route

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  Erosion Control
  Environmental Consideration
  Site Visibility
  Extraction Sequence

RECLAMATION PLAN ....................................................................................3

LIST OF FIGURES

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OPERATION PLAN ..........................................................................................MAP 2
OPERATION ACTIVITY

Proposed Activities

Proposed Activities will possibly include:

- Sand and gravel extraction – continuous
- Conveying – continuous
- Loading – continuous

Hours of Operation

Normal Operations will be 6:00 a.m. to 7:00 p.m., Monday through Friday.

Access Route

One driveway onto the project site provides access to State Highway 77. Entire area is Section 12, T 41N, R 8W.

OPERATION EQUIPMENT

Sand and gravel operation equipment will include loaders, dozers, portable conveyors, scale, machine maintenance equipment and other related aggregate producing equipment.

OPERATION PLAN

Erosion Control

Runoff from existing and future extraction areas will be controlled within the project site with berms and natural barriers. During extraction operations, the perimeter slopes will not be steeper than 3 feet horizontal to 1-foot vertical (3:1) when the depth exceeds 10 feet.

Environmental Considerations

All operations will be performed in a manner that will minimize any production of noise, vibration or dust which would be annoying to people.

The existing wooded screen along Highway 77 will be left. The balance of pit border will be screened as needed when restoration plan is completed.
Owner-Site Information

The Bob Thompson & Sons Inc. Highway 77 pit is located in Sawyer County, Section 12, Town 41N, R8W, SW ¼ NW ½. It is along the east side of State Highway 77. Acreage of the south pit is approximately 2.79 acres of the total 19.94 acre area. See the location map on sheet 1.

Thompson's has extracted gravel and sand since 1988 on this area. Accesses to the site are two sort driveways from State Highway 77.

Extraction Sequence

Approximately 30,000 Cubic Yards will be extracted each year. The perimeter slopes of new extraction will be 3:1 or flatter. Topsoil, overburden, and the sand and gravel will be stockpiled on the present pit area.

Reclamation

Reclamation will begin by following the Wisconsin Department of Natural Resource Ordinance- NR 135. At this time the area is far from exhaustion. We have no immediate plans to close this pit. Our slope plans will be 3:1 slope followed with the cover of black dirt and erosion control materials. After these steps are taken we will begin seeding (State DOT Mix) and mulching, to establish a firm vegetated growth. These plans are contingent upon weather permitting. Detailed reclamation plan for Sec.12, T41N, R8W dated January 18, 2008 has been approved and is on file at the sawyer county zoning office.
Real Estate  Sawyer County Property Listing

Today's Date: 1/13/2020

Description

Updated: 2/18/2013

Tax ID: 26596
PIN: 57-024-2-41-08-12-2 03-000-000020
Legacy PIN: 024841122302
Map ID: .7.2
Municipality: (024) TOWN OF ROUND LAKE
STR: S12 T41N R06W
Description: PRT SWNW
Recorded Acres: 11.600
Calculated Acres: 12.135
Lottery Claims: 0
First Dollar: No
Zoning: (F-1) Forestry One
ESN: 404

Tax Districts

Updated: 2/6/2007

1 State of Wisconsin
57 Sawyer County
024 Town of Round Lake
572478 Hayward Community School District
001700 Technical College

Recorded Documents

Updated: 10/28/2015

SCRIVENERS AFFIDAVIT
Date Recorded: 7/29/2013 386384
QUIT CLAIM DEED
Date Recorded: 10/8/2015 398053
QUIT CLAIM DEED
Date Recorded: 1/17/2013 383017
WARRANTY DEED
Date Recorded: 8/26/1988 210634 423/246

Ownership

Updated: 2/2

ROBERT D & ELAINE M THOMPSON IRREV TRUST

Billing Address:
ROBERT D & ELAINE M THOMPSON IRREV TRUST
PO BOX 657
HAYWARD WI 54843

Mailing Address:
ROBERT D & ELAINE M THOMPSON IRREV TRUST
PO BOX 657
HAYWARD WI 54843

Site Address

* indicates Private Road

N/A

Property Assessment

Updated: 7/1

2019 Assessment Detail

Code Acres Land
G2-COMMERCIAL 11.600 33,000

2-Year Comparison

2018 2019
Land: 23,200 33,000
Improved: 0 0
Total: 23,200 33,000

Property History

N/A

http://tas.sawyercountygov.org/system/REALPROPERTY/REAL%20ESTATE/listing.as... 1/13/2020
Property Status:  C
Created On:  2/6/2007 7:51

Ownership
Updated:  2/2
ROBERT D & ELAINE M THOMPSON IRREV TRUST

Billing Address:
ROBERT D & ELAINE M THOMPSON IRREV TRUST
PO BOX 657
HAYWARD WI 54843

Mailing Address:
ROBERT D & ELAINE M THOMPSON IRREV TRUST
PO BOX 657
HAYWARD WI 54843

Site Address  * Indicates Private Road
N/A

Property Assessment  Updated:  7/1
2019 Assessment Detail
Code  Acres  Land
G2-COMMERCIAL  2.000  6,000
G6-PRODUCTIVE FOREST  12.940  19,400

2-Year Comparison  2018  2019  C
Land:  34,800  25,400
Improved:  0  0
Total:  34,800  25,400

Property History
N/A

Recorded Documents  Updated:  10/28/2015
SCRIVENERS AFFIDAVIT
Date Recorded:  7/29/2013  386384
QUIT CLAIM DEED
Date Recorded:  10/8/2015  398053
QUIT CLAIM DEED
Date Recorded:  1/17/2013  383017
WARRANTY DEED
Date Recorded:  10/29/1991  226040 474/284
http://tas.sawyercountygov.org/system/REAL_PROPERTY/REAL%20ESTATE/listing.as...  1/13/2020
January 9, 2020

Dear Sawyer County Zoning Committee,

In regards to the amendment of Section 6.22 & 6.23, it is my opinion that we as a county change the Conditional Use Permit (CUP) term length to five years across the board. This will be a change from the current ordinance in granting the first CUP for five years and upon application for renewal that permit is subsequently valid for an additional three years.

The proposed ordinance would create a scenario where all non-metallic mines are renewing on a 5 year time line. However, these sites will still be visited and monitored for compliance on an annual basis.

In my opinion this would help out both are larger scale and small scale operators throughout the county. Sometimes these operations aren’t used much in a three year time period for various reasons.

Please see following documents showing what other adjacent counties ordinances state and the proposed ordinance change.

Thank you,

Pat Brown
Assistant Zoning and Conservation Administrator
<table>
<thead>
<tr>
<th>County</th>
<th>Renewal Years</th>
<th>CUP Renewal Fee</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ashland</td>
<td>None</td>
<td>NA</td>
<td>Permit years are determined by the committee; most of ours do not require a renewal; others are 5 years and some are 10 years.</td>
</tr>
<tr>
<td>Barron</td>
<td>None</td>
<td>NA</td>
<td>Need to renew or do a new permit if making changes to existing permit or plans; OR if there is a complaint</td>
</tr>
<tr>
<td>Bayfield</td>
<td>Case by Case</td>
<td>$350 + $30 recording fee</td>
<td>Permit years are determined by the committee; most of ours do not require a renewal; others are 5 years and some are 10 years.</td>
</tr>
<tr>
<td>Buffalo</td>
<td>None</td>
<td>NA</td>
<td>Need to renew or do a new permit if making changes to existing permit or plans; OR if there is a complaint</td>
</tr>
<tr>
<td>Burnett</td>
<td>None</td>
<td>NA</td>
<td>Need to renew or do a new permit if making changes to existing permit or plans; OR if there is a complaint</td>
</tr>
<tr>
<td>Chippewa</td>
<td>4 years</td>
<td>$150 (reduced fee)</td>
<td>If no changes, the County send a letter to neighbors within 660’. If a neighbor requests a public hearing, then we pay another $350 for the public hearing fee otherwise the permit is automatically renewed. If changes are proposed then we go through a full public hearing.</td>
</tr>
<tr>
<td>Douglas</td>
<td>5 years then 3/5</td>
<td>$295</td>
<td>Initial permit is 5 years then a 3 and 5 year rotation</td>
</tr>
<tr>
<td>Dunn</td>
<td>None</td>
<td>NA</td>
<td>Need to renew or do a new permit if making changes to existing permit or plans; OR if there is a complaint</td>
</tr>
<tr>
<td>Pierce</td>
<td>2 years</td>
<td>$200 + $20/open acre</td>
<td></td>
</tr>
<tr>
<td>Polk</td>
<td>None</td>
<td>NA</td>
<td>Need to renew or do a new permit if making changes to existing permit or plans; OR if there is a complaint</td>
</tr>
<tr>
<td>Price</td>
<td>None</td>
<td>NA</td>
<td>Need to renew or do a new permit if making changes to existing permit or plans; OR if there is a complaint</td>
</tr>
<tr>
<td>Rusk</td>
<td>None</td>
<td>NA</td>
<td>Need to renew or do a new permit if making changes to existing permit or plans; OR if there is a complaint</td>
</tr>
<tr>
<td>Sawyer</td>
<td>3 years</td>
<td>$175 + $20</td>
<td>Fee depends on the size of the mine</td>
</tr>
<tr>
<td>St. Croix</td>
<td>5 years</td>
<td>$1250-$3000</td>
<td></td>
</tr>
<tr>
<td>Washburn</td>
<td>None</td>
<td>NA</td>
<td>Need to renew or do a new permit if making changes to existing permit or plans; OR if there is a complaint</td>
</tr>
</tbody>
</table>

With proposed changes, the fee schedule would be updated for Jan 1, 2021 to increase CUP renewals to $300.

\[
\text{\$175/yr} = 58.33 \text{ per year (current)}
\]

\[
\text{\$300/yr} = 60.00 \text{ per year of renewal (proposed)}
\]
6.22 CONDITIONAL USES

All four phases of mining operations and activities shall be allowed only in those zone districts in which such mining activities are a conditional use, and shall be consistent with the general provisions of Section 8.0 of the ordinance and the rules and standards enumerated in this section (6.2) below.

1) Applicants for a conditional use permit under 6.22 above shall specify whether they are seeking a temporary or regular conditional use permit. A temporary conditional use permit shall be used only during the exploration and/or prospecting phases of a mining or drilling operation and shall not be effective for more than one (1) year from the date of issuance; unless renewed upon re-application for periods of one year.

2) A regular conditional use permit shall be required for the operation and reclamation phases of mineral extractions and mining. Exploration and/or prospecting phases may be included in the conditional use application. The regular conditional use permit shall be granted for a period not to exceed five (5) years, but may be renewed or revised upon re-application for periods of up to three (3) to five (5) years.

3) Applicants seeking temporary conditional use permits for exploratory mining or drilling and/or prospecting phases may be required to supply the Zoning Committee with information on the operational and reclamation phases that relate to the exploratory and/or prospecting phases.

2) Fees for a temporary conditional use permit and a regular conditional use permit for mining shall be established by the Zoning Committee. The fee schedule shall be posted in the office of the Zoning Administrator.

6.23 RULES AND STANDARDS FOR NONMETALLIC MINING

The following rules and standards shall apply to any nonmetallic mineral extraction operations judged by the Zoning Administrator to meet the definitional tests. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of non-metallic minerals, such as sod, agricultural crops, ornamental or garden plants, forest products, or nursery stock.

1) Hot mix plants, asphalt mixing plants and rock crushers shall conform to state, federal, or local pollution standards. The location and operation of asphalt mixing plants, rock crushers and hot mix plants shall be requested by conditional use application.

2) Setback requirements for asphalt mixing plants, hot mix plants and rock crushers. Asphalt mixing plants, hot mix plants and rock crushers operating in nonmetallic mines active as of August 16, 2001, shall be located not less than 1,000 feet from any residence, hotel, motel or resort.

3) Nonmetallic mineral extraction operations existing as of August 16, 2001. The
requirements of 2) above shall not apply in those situations where:
   a) The permit holder of the mine owns the residence.
   b) Residences not owned by the permit holder were constructed after August 16, 2001.
   c) Residences not owned by the permit holder were constructed with a land use
      permit issued after August 16, 2001.
   d) The property owner of the property on which the residence is located provides
      a written/notarized agreement to the Zoning Office stating that the property owner
      has waived the setback requirements.

4) Nonmetallic mineral extractions approved after August 16, 2001. The requirements
   of 2) above shall not apply in those situations where residences, hotels, motels and
   resorts are constructed with a land use permit issued after the approval of the operation
   of a new nonmetallic mine extraction operation by the Sawyer County Zoning
   Committee at a public hearing.

5) When extractions are discontinued, all machinery and equipment which exists
   incidental to the operation shall be removed. The excavation shall be drained, if
   necessary and if it is possible to do so by removing obstructions to natural drainage so
   that water will not collect therein; all banks or cuts not in rock shall be sloped at an
   angle not steeper than 1 ½ foot horizontal to one (1) foot vertical, except that banks or
   cuts located within 200 feet of a road right-of-way shall be sloped no steeper than 3:1,
   pit or quarry bottoms shall be left in a generally level condition, excess boulders, rocks,
   stones, or other unusable materials shall be buried; scrap machinery and similar debris
   shall be removed. These reclamation activities shall be completed within three (3)
   months of the date of discontinuance.

6) Nonconforming Nonmetallic Operations. Pre-existing nonmetallic mineral extractions
   are those operations involving the excavation, removal and/or processing of nonmetallic
   minerals which operations were in active use during any part of a five year period prior
   to the effective date of this section and which is not in conformity with the provisions of
   the ordinance. The continuation of such non-conforming nonmetallic operations shall
   be subject to Section 10.0 and; no expansion or enlargement of the existing operation,
   over the life of the operation, shall exceed 50% of its current area unless it is
   permanently changed to conform to the requirements of this ordinance.

6.24 RULES AND STANDARDS FOR NON-METALLIC MINING AND MINERAL FUEL
   MINING ACTIVITIES.

1) Applications for conditional use permits to conduct nonmetallic mineral extraction or
   processing activities and conditional use permits to conduct mineral fuel extractions or
   processing activities shall be accompanied by the following information:
      a) Ownership and management data: Information on location of the proposed
         site of the operations, ownership of the land, leasehold, license and other
         property interests, and accurate information on the identity of all individuals,
         partnerships, associations or corporations which will be involved in control of the
         proposed operation. The purpose of this requirement is to allow the Zoning
Committee to determine accountability for all conditions that it decides to impose upon the activities and the information shall be sufficiently detailed and complete to accomplish this purpose.

b) Operations plan data: full and complete information on the precise nature of mineral extractions or processing activity that is proposed to be undertaken.

c) Reclamation plan data: full and complete information on the nature of reclamation which the applicant proposes to undertake.

2) Standards for decisions by the Zoning Committee in conditional use applications for mineral extraction or processing activities. In order to grant a conditional use permit the Zoning Committee must find:

a) The mineral extraction and/or processing is an allowable conditional use in the zone district, and an appropriate land use at the site in question, based upon consideration of such factors as:

   (i) Existence of mineral deposits; and
   (ii) Proximity of the site to transportation facilities and to market areas; and
   (iii) Ability of the operation, as described in the proposed operations plan, to avoid harm to the public health, safety, and welfare and to the legitimate interests of nearby properties.

b) That an operations plan, which the Zoning Committee shall direct be imposed as a condition of approving the conditional use permit, will protect affected public and private rights against undue interference; and

c) That a reclamation plan, which shall similarly be imposed as a condition of approval, will be enforceable and, as enforced, will result in a condition which is reasonably safe, attractive, and if possible, conducive to productive new uses for the site.

d) The Zoning Committee shall attach such conditions to each approved application as are necessary to assure that the operation will satisfy the standards set forth above. These conditions may be conveyed as deed restrictions.

e) The conditional use permit shall be in effect for a period specified by the Zoning Committee not to exceed five (5) years and may be renewed or revised upon re-application for periods of up to three (3) five (5) years. All permitted operations shall be inspected at least once every year by the Zoning Committee or its agents and shall be inspected at the time a request for renewal is before the Zoning Committee to determine if all conditions of the operation are being complied with.

   (i) If such inspections yield information showing that all conditions have been met, the applicant shall be entitled to renewal of the permit unless such renewal would be contrary to State Law.
   (ii) Permits may be amended upon application to allow extensions or alterations in operations under new ownerships or managements.

f) A termination of mining or drilling activities on a site which is the subject of an approved conditional use permit for a period of one year or more shall distrib the permit holder to a right of renewal at the end of the permit period, despite compliance of former operations will all conditions of the original permit, unless:
(i) Such a discontinuance was specified as part of the original operations plan; or
(ii) The operator has submitted and had Zoning Committee approval of an amendment to the original permit placing the operation in inactive status with accompanying conditions as to interim or partial reclamation.

9) The Zoning Committee shall require reasonable assurance that the conditions it imposes will be satisfied. Such assurance shall be achieved through some combination of:
   (i) Performance bonds or substitute guarantees in the form of pledged collateral;
   (ii) Establishment of escrow accounts into which deposits shall be made to assure financial resources for investments in reclamation work;
   (iii) Clear identification of the relationship between landowners, lessees, licenses, and operators and the signing of written pledges by those persons who assume responsibility for various elements of the conditions imposed.

3) Non-metallic mining whose proposed active size is expected to exceed 25 acres in area OR 25 feet in depth OR are proposed as an “industrial sand” mine may be required, at the discretion of the Zoning and Conservation Department, to follow this section as well as the balance of 6.23 and 6.24. Included are:
   a) Must file a digital and hard copy of reclamation plan a minimum of 60 days before the first public hearing for the conditional use permit.
      (i) Reclamation plans must follow the Large Pit Reclamation Plan guidelines as provided by the Department.
      (ii) A review fee must accompany the reclamation plan.
      (iii) Must include a “road use agreement” under WI State Statute 349.16 with all municipalities whose public roads are used for ingress, egress, or other functions of the mine.
   b) A stormwater management plan may be required at the discretion of the Zoning and Conservation Department based on the recommendations of the reclamation plan reviewer.
   c) Wetland mitigation may be required through the Wisconsin Department of Natural Resources.

4) Impacts of particular concern to the Zoning Committee in evaluating plans and proposals, and in enumerating conditions, prior to the granting of conditional use permits for mineral extractions activities. The Zoning Committee shall use its conditional use powers in such a way as to minimize, on-location and off-site, the potential for mineral extractions activities to:
   a) Exploration Activities
      - Affect springs and water wells
      - Remove vegetation
      - Create litter
      - Encourage off-road vehicle use
      - Compact and disturb soils
b) Drilling Operations
- Remove vegetation
- Create noise
- Destroy archaeological sites
- Displace wildlife
- Potential mud pit problems
- Potential erosion problems
- Potential off-road vehicle use on access roads
- Create aesthetics problems
- Affect surface or groundwater quality

c) Production Activities
- Remove vegetation
- Create noise and odor problems
- Displace wildlife
- Create aesthetics problem
- Destroy archaeological sites
- Potential safety problems
- Affect surface or groundwater quality

d) Transportation and Pipeline Facilities
- Remove vegetation from right-of-way
- Cause silt and sediment in stream
- Cause bank erosion
- Mix topsoil with substrate
- Change wildlife habitat
- Displace wildlife
- Create aesthetics problems
- Potential safety problems
- Change drainage patterns
- Encourage off-road vehicle use and trespass problems
February 14, 2020

Re: Bunk Houses/Temporary Guest Quarters

Sawyer County Zoning Committee Members,

The Sawyer County Zoning & Conservation Department struggles each year with the literal enforcement of “secondary sleeping areas”. The Sawyer County Zoning Ordinance requirements as well as State requirements, state only allow one habitable living area per legal parcel. Unless they are exempted through commercial zoning, condominium ownership, or conditional use permits where applicable. The Sawyer County Ordinance further references additional sleeping areas are defined as habitable living areas. Each Land Use Permit is stamped stating, “Habitable living area shall not be created in accessory structures”. With that said, the Zoning Ordinance does allow finished area in accessory buildings provided it is not used habitation. County Ordinances also allow for plumbing in accessory structures provided it is connected to a code complying sewer system and installed per proper licensed individ.

When zoning staff does inspections on newly built structures we are making sure that additional “sleeping area” is not installed in these areas. That being said, it becomes a use issue. When the inspection is conducted there may be no sign of beds within this area and then years later we receive complaints. Use issues such as this are very difficult to enforce. Office staff is currently not allowed inside structures without warrants. Even when secondary sleeping areas are suspected, staff generally has no enforcement to fall back on that would merit Cooperation Counsel from perusing a citation.

I have seen firsthand two story garages I suspected the use was going to be additional sleeping area. Eventually, it was revealed the area was indeed being used for winter storage. Additionally, I have seen these areas have several bunk beds and people using them almost year-round. It all boils down to the use dilemma. When staff is able to witness the illegal activity, we are addressing it. However, if curtains are closed and/or external staircase aren’t present, it becomes very difficult to enforce and we are somewhat assuming what might be occurring.

This has been a very difficult topic of discussion for several years and over the course of several zoning administrators. Since literal, lawful, and non-assumption based enforcement isn’t effective, I am proposing that we look into allowing bunkhouses and temporary guest quarters. Through careful planning and proper permitting there is the potential to allow uses that are already occurring. Having a better set of checks and balances will mitigate unintended consequences.
Per State requirements and Uniform Dwelling Code (UDC) requirements these areas would still be restricted to less than 500 sq ft. Additionally, no kitchen facilities or food preparation areas would be allowed. These areas would need to be of an open room concept and separate walled off bedrooms are not allowed. By having these types of requirements these “areas” are not defined as habitable living space. They would be viewed and defined bunkhouse/temporary quest quarters. The intent here is to allow for overflow sleeping area. All newly created bunkhouses/temporary quest quarters require a UDC inspection, which would be looking at firewall protection, smoke detectors, carbon monoxide detectors, and proper ingress/egress. I have spoken to the Fire Chief for the Town of Hayward, and he expressed that having the UDC inspections was one of his main concerns. Furthermore, some type of identifier that denotes a second potential sleeping area. We would also be looking into requiring fire numbers for these areas or at least additional signage stating secondary sleeping area. Finally, an affidavit would also need to be signed and recorded, on the deed that this new “area” would not be allowed to have kitchen facilities and not to be rented as part of a Short Term Rental (STR) or any other type of rental agreement.

Prior to providing the Sawyer County Zoning Committee and the public with draft ordinance language, a survey will be sent to each Township. I am hoping to have this survey submitted to the Towns by the end of February 2020. Since this is a zoning ordinance amendment it would require over 50% of Towns approval to move forward.

Throughout the rest of the State as well as within the NW District it is pretty evenly split for those Counties that allow bunkhouse/temporary guest quarters. For those that do allow them we would try to mirror certain ordinance requirements. I personally think that Sawyer County is probably in a little different situation than other Counties. The fact of existing secondary sleeping areas are out there already, sets us apart. However, this goes back to the use issue and the community trend for wanting/needling these additional overflow sleeping areas. It would be the intent with the change to the Ordinance that many of these existing structures would be able to apply for after-the-fact permits and become compliant. For those that did not apply for the new permit after a certain timeframe then enforcement efforts could be focused to correct illegal uses and structures. Increased permit revenue would also be expected with potential granting of these permits.

In closing, there is a problem that grows with each passing year. Rules either need to be changed to allow the increase in trends, additional staffing is needed to keep up with enforcement, or continue to have limited enforcement where possible and correct violations if and when observed. My staff and I will continue to look at all possible options as well as the unintended consequences as we look into providing a rough draft in future months.

Jay Kozlowski

Sawyer County Zoning & Conservation Administrator
EXHIBIT A

Sawyer County Waste Storage Ordinance

Published and Effective xx/xx/xxx

The County Board of Supervisors of the County of Sawyer does hereby ordain as follows:

1-1 General Provisions
1-2 Definitions
1-3 Activities Subject to Regulation
1-4 Performance Standards and Prohibitions
1-5 Manure Storage Permits
1-6 Administration
1-7 Violations
1-8 Appeals and Variances

Sec. 1-1 General Provisions.

(1) **Authority and Purpose.** The general purpose of this Ordinance is to protect and promote the health, safety, prosperity, aesthetic conditions and general welfare of the people, natural resources and communities within Sawyer County, under authority granted by the Wisconsin Statutes.

(2) **Title.** This Ordinance shall be known as, referred to, and may be cited as the Sawyer County Waste Storage Ordinance and is hereinafter referred to as the Ordinance.

(3) **Findings and Declaration of Policy.**

(a) The Sawyer County Board of Supervisors recognizes the importance of our quality groundwater and surface water resources, the need to maintain these resources for our future generations, and the need to protect the overall health, welfare and safety of Sawyer County's residents, visitors, and natural resources.

(b) The Sawyer County Board of Supervisors also recognizes that the proper management of animal waste contributes to the protection of groundwater and surface water, and its natural resources and to protect public health, welfare and safety.

(c) The Sawyer County Board of Supervisors recognizes the necessity of complying with state law and regulations when regulating waste storage, and therefore recognizes the necessity of incorporating state standards into the Ordinance. In addition to complying with state law, consistency in regulation will assist the public to ensure the applicable regulations are met.

(4) **Purpose.** The purpose of this Ordinance is to regulate the location, design, construction, installation, alteration, operation, and maintenance of all new and Substantially Altered
Manure Storage Facilities. This Ordinance also regulates the closure of Manure Storage Facilities and assures safe handling and spreading of Manure in order to prevent Water Pollution. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

(5) **Applicability.** The Permit and other requirements in this Ordinance apply to all of the unincorporated areas of Sawyer County.

(6) **Interpretation.** In its interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Sawyer County, and shall not be deemed a limitation of any other power granted to Sawyer County by Wisconsin law or other applicable law, code or regulation.

(7) **Abrogation, Greater Restrictions, Severability and Repeal Clause.**

(a) **Abrogation and Greater Restrictions.** This Ordinance is not intended to repeal, annul, abrogate, impair or interfere with any existing covenants, deed restrictions, agreements, ordinances (other than existing Sawyer County Waste Storage Ordinance), rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

(b) **Severability.** Each section, paragraph, sentence, clause, word and provision of this Ordinance is severable, and if any portion shall be deemed unconstitutional or invalid for any reason, such decision shall not affect the remainder of the Ordinance nor any part thereof other than the portion affected by such decision.

(c) **Repeal.** All other Ordinances or parts of Ordinances of Sawyer County inconsistent or conflicting with this Ordinance to the extent of the inconsistency only, are hereby repealed.

(8) **Effective Date.** This Ordinance shall become effective upon its adoption by the Sawyer County Board of Supervisors and publication.

**Sec. 1-2 Definitions.** The following capitalized terms shall have the specific meaning accompanying the term. However, the use of another lower case term or similar term shall not be deemed to limit or otherwise abrogate the intended meaning set forth in the Ordinance.

(1) "**Abandoned Manure Storage Facility**" means where the Facility is located ceases operations, or Manure has not been added or removed from the Facility for a period of twenty-four (24) months.

(2) "**Animal Unit**" means a unit of measure used to determine the total number of single animal types or combination of animal types which are fed, confined, maintained, or stabled in an animal feeding operation. For the purpose of this Ordinance, one (1) Animal Unit is equivalent to one thousand (1,000) pounds of livestock live weight.

(3) "**Applicant**" means any Person who applies for a Permit under this Ordinance.
"As-built Plans" is the documentation showing actual construction of any Facility subject to this Ordinance.

"Bedrock" means the solid or consolidated rock formation typically underlying loose surficial material such as soil, alluvium or glacial drift. Bedrock includes, but is not limited to, limestone, dolomite, sandstone, shale and igneous and metamorphic rock.

"County" means Sawyer County.

"DATCP" means the Wisconsin Department of Agriculture, Trade and Consumer Protection.

"DNR" means the Wisconsin Department of Natural Resources.

"Groundwater" means any of the waters of the state, occurring in a saturated subsurface geological formation of rock or soil.

Land Water Forest Resource Committee ("LWFRC") acting as the Land Conservation Committee ("LCC") is a committee made up of members of the Sawyer County Board of Supervisors and others who, by authority from Wis. Stat. § 59.70(20) and Wis. Stat. § 92.07, determine policy and give direction for soil and water conservation activities, and provides direction to the County Zoning and Conservation Department.

"Manure" means livestock excreta and the following when intermingled with excreta in normal farming operations: debris, including bedding, water, soil, hair, and feathers; processing derivatives, including separated sand, separated manure solids, precipitated manure sludges, supernatants, digested liquids, composted bio solids, and process water; and runoff collected from barnyards, animal lots, and feed storage areas.

"Manure Storage Facility" or "Facility" means one or more impoundments made by constructing an embankment, excavating a pit or dugout, or fabricating a structure specifically for the purpose of temporarily storing Manure and related wastes. A Manure Storage Facility includes stationary equipment and piping used to load or unload a Manure storage structure if the equipment is specifically designed for that purpose and is an integral part of the Facility, and specifically includes components to transfer waste from milking centers, runoff from barnyards, and leachate and contaminated runoff to feed storage.

"Margin of Safety Level" is the maximum operating level of a Manure Storage Facility. This includes one (1) foot of free board plus the increase in elevation necessary to store the volume of runoff and precipitation that enters the Facility from a twenty-five (25)-year, twenty-four (24)-hour storm event.

"Natural Resources Conservation Service (NRCS)" is an agency of the United States Department of Agriculture which, for purposes of this Ordinance, develops and maintains a technical guide with conservation practice standards and specifications, engineering manuals and handbooks, and other technical documentation related to Manure Storage.
(15) "NRCS Technical Guide" means the most current stated version of the NRCS field office technical guide, as may be amended, provided by the USDA Natural Resources Conservation Service (NRCS), which contains technical data, including the standards referenced within this Ordinance to properly and safely locate, construct, install, alter, design, operate, maintain and close a Manure Storage Facility and/or the associated Manure Transfer System. Copies of the NRCS Technical Guide are on file with DATCP and the Wisconsin Legislative Reference Bureau. Copies of individual standards contained in the NRCS Technical Guide may be obtained from the County Zoning and Conservation Department or from an NRCS field office.

(16) "Nutrient Management Plan" means an annual written plan that complies with Wis. Admin. Code Ch. ATCP 50.04(3), as may be amended, and details the amount, form, placement, and timing of the application of plant nutrients, including animal Manure. The plan must also meet NRCS Technical Standard 590.

(17) "Ordinance" means this Sawyer County Waste Storage Ordinance, as may be amended.

(18) "Ordinary High Water Mark (OHWM)" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

(19) "Permit" means the signed, written statement issued under this Ordinance authorizing the Applicant to construct, install, reconstruct, extend, enlarge, substantially alter or close a Manure Storage Facility, and to use or dispose of waste from the Facility, pursuant to the terms of this Ordinance and as set forth in the Permit.

(20) "Permitting Authority" means the entity within the County government legally responsible for administering and enforcing this Ordinance. The LCC shall have full authority for carrying out the duties under Ordinance, including the decision making authority, unless the authority is delegated to the County Zoning and Conservation Department and its employees under Wis. Stat. § 92.09 or as otherwise set forth in this Ordinance.

(21) "Permittee" means any Person to whom a Permit is issued under this Ordinance.

(22) "Person" means any individual, corporation, partnership, joint venture, other business organization, agency, unincorporated association, municipal corporation, county or state agency within Wisconsin, the federal government, or any combination thereof.

(23) "Safety Devices" means devices, which are designed to protect humans and livestock from the hazards associated with a Manure Storage Facility.

(24) "Stop Work Order" means an order to cease any activity in the operation of, or construction of an activity subject to regulation.
“Substantially Alter” means a change initiated by an owner, operator, or Permittee that results in a relocation of a structure or Facility or significant changes to the size, depth, or configuration of a structure or Facility, including:

(a) Replacement of a liner and liner reconstruction in a Manure Storage Facility or structure.
(b) An increase in the volumetric capacity or area of a Manure Storage Facility or structure.
(c) A change in a Manure Storage Facility or structure related to a change in livestock management from one species of livestock to another, such as cattle to poultry, or changes in Manure consistency such as what would occur in using a separator.

“Technical Standard” is any practice standard within the NRCS Technical Guide.

“Technical Standard 313” is a practice standard within the NRCS Technical Guide that covers the proper location, design, construction, installation, alteration, operation and maintenance of a Manure Storage Facility.

“Technical Standard 360” is a practice standard within the NRCS Technical Guide that covers decommissioning of Facilities, and/or the rehabilitation of contaminated soil, in an environmentally safe manner, where agricultural waste has been handled, treated, and/or stored and is no longer used for the intended purpose.

“Technical Standard 634” is a practice standard within the NRCS Technical Guide that covers the design, material types and quality, and installation of components such as conduits, pumps, valves, and other structures or devices to transfer Manure and waste from buildings and yards and other sources to storage, loading areas, crop fields and other destinations. The standard establishes the minimum acceptable requirements for design, construction, and operation of Waste Transfer System components.

“Technical Standard 590” is a practice standard within the NRCS Technical Guide that covers managing the amount, form, placement and timing of plant nutrients associated with organic wastes (Manure, other waste, and organic by-products), commercial fertilizers, legume crops and crop residues.

“Waste Transfer System” or “Manure Transfer System” means components such as pumps, pipes, conduits, valves, and other mechanisms installed to convey Manure, other waste, leachate and contaminated runoff, and milking center wastes from livestock structures to a storage structure, loading area, or treatment area.

“Unpermitted Manure Storage Facility” means a Manure Storage Facility constructed, modified, or placed in use without first obtaining Permit, including facilities constructed before (the first date of the adoption this Ordinance), and may include an earthen structure or impoundment made with a concrete liner which fully or partially covers the bottom and/or the sidewalls of the impoundment.
(33) "Water Pollution" means contaminating or rendering unclean or impure the ground or surface waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal, or plant life.

(34) "Zoning and Conservation Department" or "ZAC" means the Sawyer County Zoning and Conservation Department, the Sawyer County Zoning and Conservation Department Administrator, and the Sawyer County Zoning and Conservation Department staff designated for oversight, enforcement and providing technical and administrative support for this Ordinance.

Sec. 1-3 Activities Subject to Regulation.

(i) Permit Requirements. Any Person who constructs, Substantially Alters, changes use of or closes a Manure Storage Facility and related Waste Transfer Systems, or who employs another Person to do the same, shall be subject to the requirements of this Ordinance, including, but not limited to, all Permit requirements.

(2) New Construction. Any new Manure Storage Facility or Substantially Altered Manure Storage Facility shall be designed, constructed and maintained to minimize the risk of structural failure of the Facility and minimize leakage of the Facility. Permit requirements include design, construction and As-built Plans approved by a professional engineer or engineer practitioner and meeting requirements of NRCS standards and specifications. Permit requirements also include an approved Nutrient Management Plan and an updated checklist submitted annually, with the updated plan available to the County Zoning and Conservation Department upon request, and any other information or materials requested by the LCC or the County Zoning and Conservation Department.

(3) Safety Devices. All Manure Storage Facilities shall be equipped with Safety Devices, including fences and warning signs, intended to protect humans and livestock from the hazards associated with such Facilities. Safety Devices shall be designed and installed as required by Technical Standard 313.

(4) Abandoned Manure Storage Facility.

(a) Closure of a Manure Storage Facility shall occur when an operation where the Facility is located ceases operations, or Manure has not been added or removed from the Manure Storage Facility for a period of twenty-four (24) months. Any Person who owns a Manure Storage Facility that has been determined to have been abandoned must lower the level of the Manure Storage Facility to an elevation of one (1) foot above the floor of the Manure Storage Facility within a period of six (6) months from the date the Manure Storage Facility was determined to be abandoned. The Abandoned Manure Storage Facility shall be subject to Standard 360, Closure of Waste Impoundments. The Manure shall be uniformly spread on cropland or pasture according to an approved Nutrient Management Plan.
(b) The owner or operator of the Manure Storage Facility may retain the Facility for a longer period of time by demonstrating to the County Zoning and Conservation Department that all of the following conditions are met:

1. The Manure Storage Facility is designed, constructed and maintained in accordance with subsection (2).

2. Retention of the Manure Storage Facility is warranted based on anticipated future use.

(c) Manure Storage Facilities that pose an imminent threat to public health, surface water, or groundwater shall be upgraded, replaced, or abandoned in accordance with this section.

(d) Levels of materials in Manure Storage Facilities may not exceed the Margin of Safety Level.

Sec. 1-4 Standards.


Sec. 1-5 Manure Storage Permits.

(1) Permit Required. No Person may undertake any activity subject to this Ordinance without obtaining a Permit from the County Zoning and Conservation Department.

(2) Exception to Permit Requirement. A Permit is not required for emergency repairs, such as repairing a broken pipe or equipment, leaking dikes, or the removal of stoppages to a Manure Storage Facility, which may be performed without a Permit. If repairs will alter the original design and construction of the Manure Storage Facility, a report shall be made to the County Zoning and Conservation Department within two (2) working days of the emergency for determination on whether a Permit will be required for any additional alteration or repair to the Facility.

(3) Fee. All fees under this Ordinance are established pursuant to a Fee Schedule duly adopted by the County Board of Supervisors. Copies of the current fee schedule are kept on file at the County Zoning and Conservation Department. A non-refundable Permit application fee is payable upon submission of a Permit application. Permit fees shall double if a Facility is constructed or closed prior to issuance of a Permit. Separate fees to be paid by an Applicant may apply for engineering or other professional assistance.
(4) **Manure Storage Facility Construction Plan and Nutrient Management Plan Required.** Each application for a Manure Storage Facility construction Permit or Waste Storage Facility Closure Permit shall be filed with the County Zoning and Conservation Department. Each application for a Manure Storage Facility construction Permit under this Ordinance shall include a Waste Storage Facility Plan and a Nutrient Management Plan. Plans for the Manure Storage Facility (including Waste Transfer System) and the management of Manure shall be prepared in accordance with following requirements:

(a) A narrative of the general criteria required within Technical Standard 313, and of other applicable NRCS Technical Standards, including management and site assessments. The narrative should include, but is not limited to:

1. The number and type of animals for which storage is provided, the duration for which storage is to be provided, daily gallons and/or cubic feet of waste and Manure produced, bedding type, and Manure handling practices.

2. A description and construction plan of the method of transferring animal waste into and from the Manure Storage Facility.

3. Soil test pit or boring logs and their locations with soil descriptions and test results. Soil test pit or boring criteria should follow Technical Standard 313V.A.2.b and characterize the subsurface (soils, saturation, and Bedrock). This includes the elevation of redoximorphic features (mottling), gleyed soil and moisture condition.

(b) A general location map drawing of the site, which shall include:

1. The location of structures in relation to buildings, homes, property lines, roads, wells, karst features, public or private drainage ditches and creeks, flowages, rivers, streams, lakes, or wetlands within one thousand (1,000) feet of the proposed Facility or system.

2. The location of any wells within two hundred fifty (250) feet of the Facility.

3. The scale of the drawing and the north arrow with the date the general location map was prepared.

4. The location of any floodplains.
(c) Engineering design drawings of the Manure Storage Facility or Waste Transfer System, which shall include:

1. Specific design components that shall comply with Technical Standard 313, and additional applicable NRCS Technical Standards, such as Technical Standard 634.

2. A recoverable benchmark(s), including elevation(s) expressed in feet and tenths.

3. The scale of the drawings and the north arrow. The engineering design drawing shall be drawn to a scale no smaller than one (1) inch equals one hundred (100) feet.

4. The date the engineering design drawings were prepared, name and signature of preparer, and identification of any professional status of the preparer, such as those set forth in Wis. Admin. Code Ch. ATCP 50, Subchapter VI – Soil and Water Professionals.

(d) The structural details, including, but not limited to, dimensions, cross-sections, concrete thickness, concrete joint design and placement, design loads, design computations, reinforcement schedules, thickness and placement of groundwater protection liners, and all material specifications.

(e) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and Groundwater.

(f) A construction site erosion control plan.

(g) Estimated start of construction and construction schedule.

(h) A safety plan that identifies hazards to animals and people in the production area, and design features to minimize those hazards.

(i) An operation and maintenance plan for installed practices.

(j) A Nutrient Management Plan prepared in compliance requirements of this Ordinance, including sub. (6).

(k) Other additional information reasonably requested by the LCC or the County Zoning and Conservation Department to protect water quality and the public health, welfare and safety, or to achieve compliance with the requirements of this Ordinance.

(5) Manure Storage Closure Plan Required. Each application for a closure Permit under this Ordinance shall include a site-specific design for closure as specified in Technical Standard 360. The plan shall include:
(a) A general location map drawing of the Manure Storage Facility, which shall include:

1. The location of the Manure Storage Facility in relation to buildings, homes, property lines, roads, wells, karst features, public or private drainage ditches and creeks, flowages, rivers, streams, lakes, or wetlands within one thousand (1,000) feet of the existing Facility.

2. The scale of the drawing and the north arrow.

3. The date the general location map was prepared.

4. The date the engineering design drawings were prepared, name and signature of preparer, and identification of any professional status of the preparer, such as those set forth in Wis. Admin. Code Ch. ATCP 50, Subchapter VI - Soil and Water Professionals.

(b) A description of the method and specifications in transferring Manure into and from the Manure Storage Facility to ensure proper closure of Waste Transfer Systems.

(c) Provisions to remove or permanently plug the Waste Transfer System serving the Manure Storage Facility.

(d) Provisions to remove and properly dispose of all accumulated Manure in the Manure Storage Facility in compliance with applicable Technical Standards.

(e) For all waste impoundments, plan requirements and provisions shall be in compliance and consistent with applicable Technical Standards.

(f) The Manure Storage Facility may be converted to other uses, where as it is demonstrated the conversion will not result in a degredation of Groundwater and/or surface waters or be a threat to public health, safety or general welfare. A detailed description of intended alternative use must be described for all Manure Storage Facility conversions for determination if conversions will be allowed the County Zoning and Conservation Department.

(g) Provisions to ensure that Manure Storage Facility closures and conversions shall implement safety measures to ensure the protection of the public from hazardous conditions and protect the public health, welfare and safety.

(h) Other additional information reasonably requested by the County Zoning and Conservation Department to protect water quality and the public health, welfare and safety, or to achieve compliance with the requirements of this Ordinance.

(6) Permit Standards.
(a) **Manure Storage Construction.** Permit applications shall provide sufficient documentation to demonstrate that a new or Substantially Altered Manure Storage Facility:

1. Is designed in accordance with the following technical standards:
   
   
b. Technical Standard 634.

(b) **Manure Storage Closure.** Permit applications under shall provide sufficient documentation to demonstrate that the plan for Manure Storage Facility closure meets Technical Standard 360.

(c) **Manure and Nutrient Management.** Nutrient Management Plans shall comply Technical Standard 590, Wis. Admin. Code Ch. ATCP 50.04 (3) and Wis. Admin. Code Ch. NR 151.07, as each may be amended.

(d) **Other Standards.** Other technical guides such as AWMFH or EFH may be used to evaluate compliance with the requirements of this Ordinance.

(e) **Incorporation of Technical Standards and Specifications.** All Technical Standards and specifications are incorporated by reference and made part of this Ordinance. Any future amendment, revision or modification of the Technical Standards or specifications incorporated herein are made a part of this Ordinance, unless the LCC specifically affirmatively acts to a different version. Copies of all applicable Technical Standards and specifications may be obtained from the County Zoning and Conservation Department.

(f) **Certification.** All Permit applications must include a certification provided by a qualified Person that designs and plans meet the Technical Standards and specifications in this Ordinance, including, but not limited to, the requirements of this subsection.

(g) **Variances.** Variances from these standards and specifications can only be granted in accordance with Sec. 1-8 of this Ordinance.

(7) **Review of Application.** The County Zoning and Conservation Department shall receive and review all Permit applications and shall determine if the proposed Manure Storage Facility meets required standards set forth in this Ordinance. Within forty-five (45) calendar days after receiving the completed application and fee, the County Zoning and Conservation Department shall inform the Applicant in writing whether the Permit application is approved or disapproved. If additional information is required, the County Zoning and Conservation Department shall so notify the Applicant. The County Zoning and Conservation Department has thirty (30) calendar days from the receipt of the additional information in which to approve or disapprove the application. No construction or use of any Facility may commence without the final approval form and Permit issued by the County Zoning and Conservation Department.
(8) **Permit Approval Conditions.** All Permits issued under this Ordinance shall be issued subject to the following conditions and requirements:

(a) Facility and system design, construction, and closure shall be carried out in accordance with the approved plans and applicable standards.

(b) Permittees must obtain all required permits, approvals and authorizations before commencing construction activities.

*Note:* DNR and other permits may be needed for construction site erosion control and stormwater management, floodplain and shoreland construction, and livestock facilities with 1,000 or more Animal Units.

(c) The Permittee shall give five (5) working days’ written notice to the County Zoning and Conservation Department before starting any construction activity authorized by the Permit.

(d) Approval in writing must be obtained from the County Zoning and Conservation Department prior to making any changes or modifications to the approved plans and specifications.

(e) Following completion of construction and prior to use, an agricultural or civil engineer registered in the State of Wisconsin, or DATCP, NRCS or County Zoning and Conservation Department engineering practitioner and the Permittee and, if applicable, the contractor, shall certify in writing on forms provided by the County Zoning and Conservation Department that all Facilities and systems were installed as planned, including As-built Plan dimensions and changes or modifications as authorized per sub. (8)(d) made during construction.

(f) The County Zoning and Conservation Department shall provide onsite inspection and final approval for all construction projects conducted under a Permit issued under this Ordinance. To receive final approval, a Manure Storage Facility must be fully constructed as designed, including the marking of the maximum operating level and implementation of all Safety Devices.

(g) No permitted Manure Storage Facility may receive Manure until the County Zoning and Conservation Department provides its final approval and issues the required Permit. No Manure may be emptied from permitted Manure Storage Facility until the County Zoning and Conservation Department approves the Nutrient Management Plan submitted by the Applicant.

(h) Other additional conditions, requirements or restrictions required by the County Zoning and Conservation Department to protect water quality and the public health, welfare and safety, or to achieve compliance with the requirements of this Ordinance.
(9) **Permit Expiration.** All activities authorized by a Permit shall be completed within two (2) years from the date of issuance of the Permit, after which time such Permit shall be void.

(10) **Permit Revocation.** In addition to any other actions authorized under this Ordinance, the County Zoning and Conservation Department may revoke any Permit issued under this Ordinance if the Applicant, Permittee, owner or operator of a Facility has misrepresented any material fact in the Permit application, plan or specification, or if the Applicant, Permittee, owner or operator violates any of the conditions of the Permit or this Ordinance. The decision of the Zoning and Conservation Department may be appealed to the LCC as set forth in Sec. 1-8 of this Ordinance.

### Sec. 1-6 Administration and Enforcement.

(1) **Delegation of Authority.** The LCC, on behalf of the County Board of Supervisors, hereby designates the County Zoning and Conservation Administrator as the permitting authority, and delegates the authority to administer and enforce this Ordinance.

(2) **Administrative Duties.** In the administration and enforcement of this Ordinance, the County Zoning and Conservation Department shall:

   (a) Keep an accurate record of all Permit applications, Manure Storage Facility or other Facility plans, Nutrient Management Plans, Permits issued, inspections made, and other official actions.

   (b) Review Permit applications and issue Permits in accordance with the terms of this Ordinance.

   (c) Conduct, or cause to be conducted, inspections of Manure Storage Facilities to determine if a Facility construction, closure or operation meet the requirements of this Ordinance.

   (d) Conduct, or cause to be conducted, reviews of the Nutrient Management Plans and their implementation.

   (e) Investigate complaints relating to compliance with the requirements of this Ordinance and act upon the findings in accordance with provisions of this Ordinance.

   (f) Perform other duties as specified in this Ordinance.

(3) **Inspection Authority.** The County Zoning and Conservation Department, as agent for the LCC, or its representative(s), is authorized to enter upon any lands affected by this Ordinance to inspect the land, and request records to determine compliance with this Ordinance, including inspection of sites prior to or after the issuance of a Permit and sites with Unpermitted Manure Storage Facilities. If permission cannot be received from the Applicant or Permittee, entry by the County Zoning and Conservation Department, or its representative may proceed in accordance with Wis. Stat. § 66.0119. Refusal to grant
permission to enter lands affected by this Ordinance for purposes of inspection shall be grounds for Permit denial or revocation. The County may take any action authorized by this Ordinance to enforce this right of inspection.

(4) **Enforcement Authority.** In addition to the authority to revoke Permits specified in this Ordinance, the County Zoning and Conservation Department is authorized to issue a Stop Work Order(s). The County Zoning and Conservation Department is authorized to post an order stopping work upon land that has had a Permit revoked or on land currently undergoing activity in violation of this Ordinance, and such posting shall be deemed sufficient for providing requisite notice to the Permittee, owner and operator. Notice is given by both posting upon the land where the violation occurs one or more copies of the order stating the violation, and by mailing a copy of the order by certified mail to the Person whose activity is in violation of this Ordinance. The order shall specify that the activity must cease immediately or be brought into compliance within five (5) calendar days.

(5) **Permit Revocation** or order stopping work shall remain in effect unless or until a Permit is reinstated or a Stop Work Order is canceled by the LCC, the County Zoning and Conservation Administrator, or by a court of general jurisdiction and the activity is brought into compliance with this Ordinance. The County Zoning and Conservation Department is authorized to refer any violation of this Ordinance or of any Stop Work Order issued pursuant to this Ordinance to the County’s corporation counsel or district attorney for commencement of further legal proceedings.

(6) **Abatement Order Authority.** The County Zoning and Conservation Department may issue an order to abate any violation of this Ordinance. In the event an offense is not abated as ordered, the County may take such action as is necessary to abate the offense and the cost of such abatement will become a lien upon the real property upon which the violation occurred and may be collected in the same manner as other taxes.

(7) **Citation Authority.** Upon receipt of a verified report and request from the County Zoning and Conservation Department, the County Sheriff or other authorized person shall issue a citation to a violator pursuant to law for violations of this Ordinance.

(8) **Referral Authority.** The County Zoning and Conservation Department may refer a violation of this Ordinance to the County’s corporation counsel to pursue legal action, including, but not limited to, the enforcement of any part of this Ordinance through injunctions or restraining orders.

(9) **Other Lawful Remedies.** Nothing in this section may be construed to prevent the County from using any other lawful means to enforce this Ordinance.

**Sec. 1-7 Violations and Penalties.**

(1) It is unlawful for a Person to violate any provision of this Ordinance or any condition contained in a Permit issued pursuant to this Ordinance.
It is unlawful for any Person to knowingly provide false information, make a false statement, or fail to provide or misrepresent any material fact to a County agent, board, commission, committee, department, employee, officer, or official acting in any capacity under this Ordinance.

It is unlawful for a Person to disobey, fail, neglect, or refuse to comply with, or otherwise resist an order issued pursuant to this Ordinance.

Any Person who fails to comply with the provisions of this Ordinance, conditions of a Permit, or any order of the County issued in accordance with this Ordinance, or resists enforcement, shall be subject to a citation or other enforcement action listed in Sawyer County Citation Ordinance 89-1.

Any Person, firm or corporation who violates or refuses to comply with any of the provisions of this Ordinance shall be subject to a forfeiture of not less than ($10.00) nor more than two hundred ($200.00) dollars per offense, together with a taxable cost of action.

A separate offense is deemed committed on each day that a violation occurs or continues.

Sec. 1-8 Appeals and Variances.

Appeals.

Any Applicant, Permittee or other individual having a substantial interest, which is adversely affected by the order, requirement, decision, or determination made under this Ordinance, may file an appeal pursuant to the terms of this Sec. 1-8.

All appeal requests shall be filed within 30 calendar days of the date of the order, requirement, decision, or determination that is the subject of the appeal was made. The LCC shall hear and consider the appeal at their next scheduled meeting, and not more than 45 days from when the appeal was filed. All appeal requests shall be sent via certified mail to the LCC at the address of the County Zoning and Conservation Department.

All appeal requests shall state the grounds upon which the appeal is made, specify written evidence and the reason for the request, including which requirements from this Ordinance are involved, and other applicable facts, information or evidence supporting the appeal request.

A written decision of the appeal shall be mailed to the appellant within thirty (30) days of the appeal decision. The decision will affirm, deny, or modify the initial determination.

Nothing in this Section 1-8(1) is intended to limit the appeal right of any appellant including but not limited, to an appeal pursuant to Wis. Stat. Ch. 68.
(2) **Variances.** The LCC may, upon the request of an Applicant, authorize a variance from the requirements of this Ordinance when, upon showing by the Applicant, unnecessary hardship would result from literal enforcement of this Ordinance.

(a) A variance shall:

1. Be consistent with the spirit and purpose of this Ordinance.
2. Be based on unique circumstances and not to the general conditions of the area.
3. Not be granted for a self-created hardship.
4. Not permit an activity or practice that may fail structurally or otherwise and cause significant Water Pollution or other off-site impacts.
5. Not be granted if the variance will result in an outcome that is contrary to the public interest and be damaging to the rights of other persons.
6. Not be granted solely on the basis of economic gain or loss.
7. Not be granted solely on the fact that certain conditions existed prior to the effective date of the Ordinance.

(b) No variance from the standards in Technical Guide may be approved unless the County receives a variance or waiver from the Technical Standards through the NRCS or other authorized authority. If public funds are involved, this may be a program requirement at the County’s discretion.

(c) No variance from any State of Wisconsin code or standard may be approved unless the County receives a variance or waiver from the State of Wisconsin code or standard by DATCP, DNR, or other authorized authority.