1. PRELIMINARY MATTERS

The public is strongly encouraged to access the public hearing remotely due to public health and safety concerns. To view or participate in the virtual meeting please go to https://bluejeans.com/7156383224. From there you will have the option to join the meeting with a computer using a webcam and microphone or use a dial in number to listen and speak at the meeting. The dial in number will show up on your computer followed by an ID# you will need to enter. You can also participate over a general conference line number at 1.888.748.9073 and the meeting room ID# is 7156383224.

a. Call to Order and Roll Call
b. Pledge of Allegiance
c. State of Committee and Hearing Procedure:
The full statement of Committee and Hearing Procedure document, including directions for individuals wishing to speak at a public hearing to be conducted at this Zoning Committee meeting, are available in the rear of this room next to the Agenda for today’s meeting. The Statement of Committee and Hearing Procedure document is hereby incorporated into the record for this Committee meeting.
d. Statement of Hearing Notice:
Any public hearing conducted at today’s Committee meeting has been published as a Class 2 notice in accordance with Chapter 985 of the Wisconsin Statutes, in the Sawyer County Record and Sawyer County Gazette, and posted.

e. Approval of Previous Meeting Minutes
   February 21, 2020 Minutes
f. Election of Chairperson and Vice Chairperson
g. Public Comment:

Please note comment time is intended for general public comments, not comments relating to a specific application before this Committee. Each Agenda item requiring a public hearing will have its public hearing conducted just prior to the application being considered by this Committee. If you wish to speak on a specific Agenda item, we encourage you to hold your comments until that specific public hearing.

The moderator will now unmute the audience for comments. Please note that if you have muted yourself when entering the virtual meeting you will need to unmute yourself. This will be the similar process during the rest of the public hearing for each case when it is opened up for comments of support or opposition.

h. 8. Chairperson's Remarks

2. REZONE APPLICATIONS

9 - 17

a. 1) A Public Hearing for RZN #20-003 in the Town of Sand Lake. Owner: Jon & Markus Armstrong. The West ½ of the NE ¼ of the SW ¼; S15, T39N, R09W; Parcel #026-939-15-3101; 20 Total Acres; Zoned Residential/Recreational One (RR-1). Purpose of the request is to rezone from Residential/Recreational One (RR-1) to Commercial one (C-1) for a dock and lift business to include boat storage, retail sales, and potential Christmas tree sales in the future.

RZN #20-003, Jon & Markus Armstrong

b. 1a) Discussion/Action Item RZN #20-2003 in the Town of Sand Lake. Owner: Jon & Markus Armstrong. The West ½ of the NE ¼ of the SW ¼; S15, T39N, R09W; Parcel #026-939-15-3101; 20 Total Acres; Zoned Residential/Recreational One (RR-1). Purpose of the request is to rezone from Residential/Recreational One (RR-1) to Commercial one (C-1) for a dock and lift business to include boat storage, retail sales, and potential Christmas tree sales in the future.

18 - 25

c. 2) A Public Hearing for RZN #20-004 in the Town of Hayward. Owner: Buff Creek Concepts, Inc. Part of the SE ¼ of the SW ¼; S28, T41N, R08W; Parcel #010-841-28-3403; 5.03 Total Acres; Zoned Agricultural One (A-1). Purpose of request is to change zone district to Commercial One (C-1) for relocation of construction company (Buff Creek Concepts, Inc.) and potential retail.
2a) Discussion/Action for RZN #20-004 in the Town of Hayward. Owner: Buff Creek Concepts, Inc. Part of the SE ¼ of the SW ¼; S28, T41N, R08W; Parcel #010-841-28-3403; 5.03 Total Acres; Zoned Agricultural One (A-1). Purpose of request is to change zone district to Commercial One (C-1) for relocation of construction company (Buff Creek Concepts, Inc.) and potential retail.

3. CONDITIONAL USE APPLICATIONS

26 - 37

a. 3) A Public Hearing for CUP #19-012 in the Town of Winter. Owner: Northwoods ATP LP. Agent: Steigerwaldt Land Services Inc. The NE ¼ of the SW ¼; S24, T38N, R05W; Parcel #032-538-24-3101; 40 total acres; Zoned Forestry One (F-1); Known as the ATP Pit. Permit desired for the carry forward of conditional use permit #06-025 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on March 17, 2006. Public Hearing was held February 15, 2019 at the Zoning Committee meeting and Discussion/Action was postponed until Town decision was made on 11/13/19.

CUP #19-012, Northwoods ATP LP (3)

b. 3a) Discussion/Action Item CUP #19-012 in the Town of Winter. Owner: Northwoods ATP LP. Agent: Steigerwaldt Land Services Inc. The NE ¼ of the SW ¼; S24, T38N, R05W; Parcel #032-538-24-3101; 40 total acres; Zoned Forestry One (F-1); Known as the ATP Pit. Permit desired for the carry forward of conditional use permit #06-025 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on March 17, 2006. Public Hearing was held February 15, 2019 at the Zoning Committee meeting and Discussion/Action was postponed until Town decision was made on 11/13/19.

38 - 50
c. 4) A Public Hearing for CUP #20-007 for the Reclamation Plan of the Kent & Ami Slabaugh Pit in the Town of Sand Lake. Owner: Kenton & Ami Slabaugh. Part of the SE ¼ of the SE ¼; S08, T39N, R09W; Parcel #026-939-08-4401; Total Acres 32.722; Zoned Agricultural One (A-1). Permit desired for the Sawyer County NR 135 Reclamation Issuance for location/operation of a non-metallic mineral open pit.

CUP #20-007, Reclamation Plan, Kenton & Ami Slabaugh

d. 4a) Discussion/Action for CUP #20-007 for the Reclamation Plan
of the Kent & Ami Slabaugh Pit in the Town of Sand Lake.
Owner: Kenton & Ami Slabaugh. Part of the SE ¼ of the SE ¼;
S08, T39N, R09W; Parcel #026-939-08-4401; Total Acres
32.722; Zoned Agricultural One (A-1). Permit desired for the
Sawyer County NR 135 Reclamation Issuance for
location/operation of a non-metallic mineral open pit.

51 - 61  e. 4b) A Public Hearing for CUP #20-007 for the location/operation
of a non-metallic mineral operation in the Town of Sand Lake.
Owner: Kenton & Ami Slabaugh. Part of the SE ¼ of the SE ¼;
S08, T39N, R09W; Parcel #026-939-08-4401; Total Acres
32.722; Zoned Agricultural One (A-1). Permit desired for the
location/operation of a non-metallic mineral open pit.
CUP #20-007, Location and Plan of Operation, Kenton & Ami
Slabaugh

f. 4c) Discussion/Action for CUP #20-007 for the location/operation
of a non-metallic mineral operation in the Town of Sand Lake.
Owner: Kenton & Ami Slabaugh. Part of the SE ¼ of the SE ¼;
S08, T39N, R09W; Parcel #026-939-08-4401; Total Acres
32.722; Zoned Agricultural One (A-1). Permit desired for the
location/operation of a non-metallic mineral open pit.

4. NEW BUSINESS

62 - 68  a. 1) Non-Metallic Mining Ordinance change the renewals to 5
years. (Discussion/Possible Action to send to Towns)
Non-Metallic Mining Renew Changes

69 - 76  b. 2) Bunkhouse Ordinance Amendment. (Discussion/Review Town
questionnaire and potential draft language)
Bunkhouse background information
Questionnaire Summary from Towns
Bunkhouse Draft12 Ordinance Changes

77 - 95  c. 3) Sawyer County Waste Storage Ordinance V3. (Review Town
comments/Discussion/Possible Action to forward to County
Board)
*please note previous versions and comparisons between version can be found on the main page
of the Sawyer County Zoning & Conservation Website
Waste Storage Resolution and Ordinance

d. 4) Any other business that may come before the Committee.
(Discussion Only)

5. ADJOURNMENT
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 OF PUBLIC HEARING
Sawyer County Zoning Committee
February 21, 2020

Zoning Committee Members
Ronald Buckholtz, Chairman
Bruce Paulsen
James Bassett
Elaine Nyberg
Troy Morgan
Dawn Petit

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

PRELIMINARY MATTERS
1) Call to Order and Roll Call
Buckholtz called the Public Hearing before the Sawyer County Zoning Committee to order at 8:30 AM in the Sawyer County Courthouse, 10610 Main St. Hayward, Wisconsin. Roll was called finding present: Buckholtz, Bassett, and Petit. Paulsen, Nyberg and Morgan are absent. James Schlender County Board member attends by phone as alternate for potential conflict of interest. From the Zoning Office Kozlowski and Marks. Rebecca Roeker from 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.
4) Statement of Hearing Notice.
The Public Hearing Notice was published as a Class 2 Notice in accordance with Chapter 985 of the Wisconsin Statutes in the Sawyer County Record on February 5th and 12th, 2020.
5) Approval of January 17, 2020 minutes. Motion to approve by Bassett, 2nd by Petit. All in favor.
6) Public Comment Linda Zillmer, Edgewater property owner questions having an alternate appear by phone. Roeker explains that there is no conflict attending by phone. Motion by Bassett to hear case #20-003, Phillips first and recuse himself from this case, second by Petit. All in favor. Bassett leaves. James Schlender, County Board member attends meeting by phone.

REZONE APPLICATIONS
None

CONDITIONAL USE APPLICATION
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. Kozlowski reads the application, Opinion letters, Town approval and Staff Report. Buckholtz motions to open the public hearing portion, second by Petit. All in favor. Mark Phillips, owner speaks in favor of the application. Discussion held with Committee. No other comments. Motion to close the public hearing portion by Petit, second by Buckholtz. All in favor. Kozlowski reads Discussion/Action portion of case. No comments. Motion by Petit to approve the application with conditions of 1. Land Use Permits are required for all new structures. 2. Hours of
operation to be no earlier that 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 and Federal Laws are followed. Second by Schlender. Findings of Fact: It would not be damaging to the rights or others or property values. It would not be detrimental to ecology, wild life, wetlands or shorelands. It would not create an air quality, water supply, or pollution problem. It would not create topographical problems such as run off, drainage, erosion, flooding, or vegetative cover removal. It would not create traffic or highway access problems. It would not destroy prime agricultural lands. It would be compatible with the surrounding uses and the area. It would not create an objectionable view. Roll call finds: Petit –yes, Buckholtz – yes, Schlender – yes. All in favor.

Schlender leaves attendance by phone and Bassett returns to meeting.

1) A Public Hearing for Conditional Use #20-002 in the Town of Winter. Owner: Flambeau River State Forest – WDNR. All of Section 34; S34, 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. Kozlowski reads the application, Town approval, no opinion letters and Staff report. Motion by Bassett to open the public hearing portion of the case, second by Petit. All in favor. Kozlowski reads letter from DNR stating they are unable to attend. No comments. Motion by Petit to close the public portion of the case, second by Bassett. All in favor.

Kozlowski reads Discussion/Action. Motion by Bassett to approve the application with conditions of: 1. Maintain compliance with NR135. 2. Maintain compliance with Plan of Operation including hours of operation from 6am to 6pm, Monday – Friday and crushing operations from May – November as needed from 6am – 9pm. 3. Maintain compliance with Department of Natural Resources Chapter 30. 4. All other Town, County, State and Federal Laws are followed. Second by Petit. Roll call finds: Buckholtz – , Bassett – yes, Petit – yes. All in favor. Findings of Fact: It would not be damaging to the rights of others or property values. It would not create an objectionable view.

3) A Public Hearing for Conditional Use #20-004 in the Town of Lenroot. Owner: James Miller. Part of the NW1/4 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. Kozlowski reads the application, Town approval, Opinion letters and Staff report. Motion by Bassett to open the public hearing portion of the case, second by Buckholtz, All in favor. James Miller, owner speaks in favor of the application. Discussion with Committee held. No other comments. Motion by Bassett to close the public hearing portion, second by Petit. All in favor. Kozlowski reads Discussion/Action. Discussion held by Committee. Motion to approve by Petit with conditions of: 1. Maintain compliance with NR135. 2. Maintain compliance with Plan of Operation including normal hours of operation from 6am-7pm, Monday-Saturday, with crushing operations from 3-6 weeks per year. 3. Maintain compliance with DNR Chapter 30. 4. All other Town, County, State and Federal Laws are followed. Second by Bassett. Roll call finds: Buckholtz – yes, Petit – yes, Bassett – yes. All in favor. Findings of Fact: It would not be damaging to the rights of others or property values. It would not be detrimental to ecology, wild life, wetlands or shorelands. It would not create an air quality, water supply, or pollution problem. It would not create topographical problems such as run off, drainage, erosion, flooding or vegetative cover removal. It would not create traffic or highway access problems. It would not destroy prime agricultural lands. It would be compatible with the surrounding uses and the area. It would not create an objectionable view.
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. Kozlowski reads application, Town approval, Opinion letters and Staff report. Motion to open the public hearing portion of the case by Bassett, second by Buckholtz. All in favor. No representative. No comments. Motion by Petit to close the public hearing, second by Bassett. All in favor. Kozlowski reads Discussion/Action. Committee discussion held. Motion by Bassett to approve the application with conditions of: 1. Maintain compliance with NR135. 2. Maintain compliance with Plan of Operation including hours of operation from the Town request of 7am-7pm, Monday-Friday. 3. Maintain compliance with DNR Chapter 30. 4. All other Town, County, State and Federal Laws are followed. Second by Petit. Roll call finds: Bassett – yes, Petit – yes, Buckholtz – yes. All in favor. 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 traffic or highway access problems. It would be compatible with the surrounding uses and the area

NEW BUSINESS
1) Non-Metallic Mining Ordinance change for renewals to 5 years. Kozlowski explains that to the Committee that they had discussed this Ordinance change last month and that he would like to send the changes to the Towns for their input. Then have a Public Hearing and approval on the changes before going to County Board for the 5-year renewal. Motion by Petit to approve the 5-year renewal change and send to the Towns for input. Discussion by Committee with Kozlowski. No second on motion to approve so motion failed. Motion by Buckholtz to postpone until March 20, 2020 for all Committee members to discuss. Second by Bassett. Roll call finds: Bassett – yes, Buckholtz – yes, Petit – no. 2 to 1 in favor to postpone. Linda Zillmer, Edgewater property owner requests that there be Public Comment on this in March. Discussion continues. Petit speaks in favor of the 5 year renewal. Mark Olson, Town of Bass Lake points out that Kozlowski is just requesting that the information to be sent to the Towns, so they may have their input and can there be a reconsideration of the Motion. Zillmer Edgewater property owner brings up the language on the agenda for this item. Discussion continues. Kozlowski explaining that the Zoning Department does do annual inspections and that this is a cost savings approach for publications, staff time and that there would be an increase in fees. Discussion continues with Committee.

2) Bunkhouse. Kozlowski advises that this is just a discussion item. Motion by Petit to table Bunkhouse and Storage Waste Ordinance until the March 20, 2020 Zoning Committee meeting. Discussion held by Committee, Kozlowski and Roeker. Second by Bassett. Roll call finds: Buckholtz – yes, Bassett – yes, Petit – yes. All in favor.

3) Any other business that may come before the Committee for discussion. Linda Zilmer questions the telephone attendance for the meeting, Conditions placed on a CUP that stays with the owner and not the land. Discussion continues with Zilmer Edgewater property owner, Phil Nies, Town of Bass Lake, Olson, Kozlowski, Roeker and Committee regarding conditions and attending by telephone. Roeker researches and finds that attendance by telephone is acceptable. Chairman Buckholtz agrees. Roeker states that member Schlender was contacted to attend the meeting the day before. Discussion continues.

ADJOURNMENT
Buckholtz adjourns at 9:57am

Minutes prepared by: Kathy Marks – Deputy Zoning & Conservation Administrator.
Applicant: Jon & Markus Armstrong
W7235 Old 14
Ladysmith, WI 54848

Property Location & Legal Description:
The West ¼ of the NE ¼ of the SW ¼; S15, T39N, R09W; Parcel #026-939-15-3101; 20
Total Acres; Zoned Residential/Recreational One (RR-1)

Request: Rezone 20.0 acres from Residential/Recreational One (RR-1) to Commercial (C-1). As
per applicant’s statement, “This would be to maximize the economic potential with the parcel by
expanding an existing small business in the area. The land has already been logged and the
resources are expunged. Rezoning this land would allow the applicant to expand a dock and lift
business to include boat storage and retail sales for docks, lifts, and water accessories. Christmas
trees would be replanted to revive the ecosystem and provide aesthetic and privacy for the
operation.”

Summary of Request & Project History:
The applicant(s) are requesting to conditionally rezone 20.0 acres of RR-1 to C-1 (see
attached map of parcel). The proposed rezone would result in conforming lot dimensional
requirements. The purpose of this request would then be to have a permitted use within the
commercial-one zone district. The use as specified by the applicant is for boat storage and retail
sales for docks, lifts, and water accessories.

Additional Information/details:
See attached additional maps included in this packet. The nearest C-1 zoned property in
relation to this property is an adjacent portion of C-1 to the SW of this parcel along the HWY 70
corridor. The future land use map for the Town of Sand Lake shows this area as forest
residential. Forest residential as defined by the Town of Sand Lake comprehensive plan are areas
where the town has seen the largest growth in residential development and is projected to
continue to be privately owned forest areas. Areas within the forest residential district are to
maintain a minimum density of one home per five acres. The Town of Sand Lake has approved
the requested rezone request as it would not create a traffic or highway access problem and
would not be damaging to the rights of others. There are a few other residential structures within
the immediate area specifically north of County Hwy E approximately 250’ from the start of the
subject property.

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: Change in Zone District Application

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

Owner: Jon C. & Mark S. Anderson
Address: 15564W County Hwy E
Sawyer Lake, WI 54876

Property description:

<table>
<thead>
<tr>
<th>NW 1/4</th>
<th>NE 1/4</th>
<th>SW 1/4</th>
<th>SE 1/4</th>
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<tr>
<td></td>
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<tr>
<td>20 TOTAL ACRES</td>
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</tbody>
</table>

Change from District: to District: 
RR1 to C1

Purpose of request:

To maximize the economic potential with my land parcel by expanding my existing small business in the area. The land has already been fenced and the opening has expanded. Expanding this land would allow me to expand my truck and equipment business to include both storage and retail sales of a variety of items related to equipment. A Christmas tree would be replanted to enhance the curb appeal and provide aesthetic curb appeal for my operations.

Public Hearing:  

Name & Address of Agent: 

Phone: Email:

Fee: $400 due 01/08/2020

* Signature of property owner(s). The above hereby make application for a change in zone district 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.
Real Estate Sawyer County Property Listing

Today's Date: 1/27/2020

Property Status: Current

Updated: 12/5/2019

Tax ID: 28499
PIN: 57-026-2-39-09-15-3 01-000-000010
Legacy PIN: 02699153101
Map ID: 9.1
Municipality: (026) TOWN OF SAND LAKE
STR: S15 T39N R09W
Description: W1/2 N35W
Recorded Acres: 20.000
Lottery Claims: 0
First Dollar: No
Zoning: (RR1) Residential/Recreational One
ESN: 423

Tax Districts

1 State of Wisconsin
Sawyer County
026 Town of Sand Lake
572478 Hayward Community School District
001700 Technical College

Recorded Documents

WARRANTY DEED
Date Recorded: 10/30/2019
420830

TRUSTEES DEED
Date Recorded: 9/27/2018
414583

QUIT CLAIM DEED
Date Recorded: 8/14/2009
362168

QUIT CLAIM DEED
Date Recorded: 4/22/1999
275908 670/29

Ownership

Updated: 12/5/2019

JON G & MARKUS J ARMSTRONG
LADYSMITH WI

Updated: 12/5/2019

Billing Address:
JON G & MARKUS J ARMSTRONG
W7235 OLD 14
LADYSMITH WI 54848

Mailing Address:
JON G & MARKUS J ARMSTRONG
W7235 OLD 14
LADYSMITH WI 54848

Address:
15569 COUNTY HWY E
STONE LAKE 54876

Site Address: * indicates Private Road
Sawyer County

2020 Assessment Detail

Code
State of Wisconsin
Sawyer County
Town of Sand Lake
Hayward Community School District
Technical College

Recorded Acres
20.000
30,000
0

2-Year Comparison
Land:
30,000
30,000
0.0%
Improved:
0
0
0.0%
Total:
30,000
30,000
0.0%

Property History

N/A
Rezone Request

STAFF REPORT

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

File: # RZN 20-004

Applicant:
Buff Creek Concepts INC
W11820 Buff Creek Trail
Bruce, WI 54819
Agent: Shad Strom

Property Location & Legal Description:
Part of the SESW S28, T41N, R08W; Parcel #010-841-28-3403; 5.03 Total Acres;
Zoned Agricultural One (A-1)

Request: Rezone 5.03 acres from Agricultural Once (A-1) to Commercial (C-1). As per
applicant’s statement this would be for, “The relocation of a construction company (Buff Creek
Concepts, INC. as well as a potential retail shop.”

Summary of Request & Project History:
The applicant(s) are requesting to conditionally rezone 5.04 acres of A-1 to C-1 (see
attached map of parcel). The proposed rezone would result in conforming lot dimensional
requirements. The purpose of this request would then be to have a permitted use within the
commercial-one zone district for the operation and buildings for a construction company doing
business at the location. The applicant has also expressed that they may also be interested in
constructing a retail shop in the future as well. This would also be a permitted use in the
proposed C-1 zone district.

Additional Information/details:
See attached additional maps included in this packet. The nearest C-1 zoned property in
relation to this property is immediately adjacent to the west. There is a larger block of
commercial land in this area along the Hwy B and Hwy K corridor. Also the LCO Casino is just
south of this property along Hwy B. The future land use map for the Town of Hayward shows
this area as Ruraltrans or Rural Transitional (RT). RT, as defined by the Town of Hayward
comprehensive plan, is to identify certain lands in proximity to developed areas, to be preserved
mainly forestry, and open spaces uses until such time as more intensive development may be
appropriate. Areas within the RT classification shall be transitioned and new development shall
be limited in accordance with all Town Policies including the Highway Corridor District. Appropriate Sawyer County base zoning districts within the RT future land use areas include C-1 and the Town does not require an amendment to the future land use map if the Town determines that the new classification is appropriate for more intensive development.

The USDA web soil survey does show this as prime farmland area but as the aerial map shows this is currently a completely wooded lot.

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.
To: Sawyer County Zoning and Conservation  
10610 Main Street, Suite 49  
Hayward, WI 54843  

Phone: 715-634-8288  
E-mail: Kathy.marks@sawyercountygov.org

Owner: Buff Creek Concepts, Inc.

Address: W11820 Buff Creek Trl, Bruce, WI 54819  
Phone: 262-720-3604  
Email: shadstrom@buffcreekconcepts.com

Legacy PIN #: 010841283403  
Zoned: A1

Acreage: 5.03

Change from District: to District: A1 to C1

Property Description: Part S E S W Section 28 T 41 N R 08 W

Purpose of Request: Relocation of Construction Company (Buff Creek Concepts, Inc.) Potential Retail.

*Please Print & Sign (Property Owner)

The above hereby make application for a rezone. 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 inspection by Municipal Officials.

Name, Address, Phone & Email of Agent:

Phone:  
Email:  
Office Information: Fee: $400.00  
Date of Public Hearing: 11-17-20

Rev. 1/2020
Real Estate  Sawyer County Property Listing

Today's Date: 2/11/2020

Updated: 8/22/2016

Tax ID: 11471
PIN: 57-010-2-41-08-28-3 04-000-000030
Legacy PIN: 010941289403
Map ID: 12.3

Municipality: (010) TOWN OF HAYWARD
STR: S28 T41N R08W
Description: PRT S/W
Recorded Acres: 5.030
Calculated Acres: 4.593
Lottery Claims: 0
First Dollar: No
Zoning: (A-1) Agricultural One
FSN: 444

Tax Districts
Updated: 2/6/2007
1 State of Wisconsin
57 Sawyer County
010 Town of Hayward
57/478 Hayward Community School District
001700 Technical College

Recorded Documents
Updated: 11/7/2019
3 WARRANTY DEED
Date Recorded: 10/12/2018  414849
1 QUIT CLAIM DEED
Date Recorded: 4/29/2016  400807
3 PERSONAL REPRESENTATIVES DEED
Date Recorded: 3/3/2015  394563
2 DOMICILIARY LETTER
Date Recorded: 3/3/2015  394562
3 SUMMARY ASSIGNMENT-PROBATE
Date Recorded: 3/13/1998  266396
3 WARRANTY DEED
Date Recorded: 3/16/1978  163822 291/522 P627/155

Ownership
Updated: 10/15/2018
BUFF CREEK CONCEPTS INC
BRUCE WI

Billing Address:
BUFF CREEK CONCEPTS INC
W11820 BUFF CREEK TRL
BRUCE WI 54819

Mailing Address:
BUFF CREEK CONCEPTS INC
W11820 BUFF CREEK TRL
BRUCE WI 54819

Site Address  * indicates Private Road
N/A

Property Assessment
Updated: 11/9/2015
2020 Assessment Detail

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2-Year Comparison

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Property History
N/A

http://tas.sawyercountygov.org/system/REAL_PROPERTY/REAL...
Conditional Use Permit Request  
STAFF REPORT  
Prepared By: Jay Kozlowski, Sawyer County Zoning & Conservation Administrator

File: # CUP 19-012

Applicant:  
Northwoods ATP, LP  
ATTN: F&W Forestry Service INC ATP Client Service  
PO BOX 3610 Albany, GA 31706  
Agent: Stiegerwaldt Land Service INC

Property Location & Legal Description:  
Prt NW 1/4 SW 1/4 S24 T38N R05W. Parcel# 032-538-24-3101. Property is Zoned Forestry One (F-1) and is 40.0 acres. Current operation is approximately 9 acres. This is known as ATP Pit.

Request: The carry-forward of conditional use permit #06-025 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on March 17, 2006 and renewed most recently March 21, 2014.

Project History & Summary of Request  
The carry-forward of CUP 06-025 is for the location of a non-metallic mineral extraction operation including rock crusher. Originally a public hearing for the carry forward of CUP 06-025 was held in February 15, 2019. As part of that public hearing that CUP was postponed pending Town approval of the CUP. The Town had also postponed the hearing pending access road issues as well as gate issues. The Town heard the case in November 15, 2019 where a motion was made to approve the CUP. On November 18, 2019 discussion/action was conducted by the Sawyer County Zoning Committee. A motion was made to postpone the application decision until March 2020 to give time to refer the matter back to LWFRC for possible rescinding of insurance for trails. At the Dec 11, 2019 Land, Water, and Forest Resource Committee the Sawyer County Forestry Administrator, Greg Peterson gave the Committee some background on the Northwoods ATP trial, and how long the process of getting insurance for this trail took. He suggests that the County does not tie the trail insurance with the non-metallic mine request, as it may cause complications for the trail. This matter was just for discussion and no further action was taken at that time.

Since the initial public hearing was conducted more than a year ago it seems appropriate to conduct a new public hearing on this case

The property is 40.0 acres and zoned F-1. The existing land use in this area is forestry and no other structures are within a 9 square mile block in this area.
The Sawyer County Zoning & Conservation Department currently does not have any complaints for this file.

There currently aren’t any hours of operation specified per the operation plan. It is recommended that the hours be 5 AM to 9 PM, Monday – Saturday.

Financial assurance has been received in a form of a bond for $1253.

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 meet 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 recommend hours.
3. Maintain compliance with Department of Natural Resources Chapter 30
4. Comply with all other federal, state, and local regulations

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.
14 It would destroy prime agricultural lands.
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@sawyercounty.gov

Owner Name & Address: Northwoods ATP, LP
Attn: F & W Forestry Services INC ATP Client Service
PO Box 3610 Albany GA 31706-3610

Agent: Steigerwaldt Land Services Inc.
11242N Gorski Rd Hayward, WI
Phone: 715-699-1401

Property description including Parcel Number:
Part of the NW ¼ SW ¼, S24, T 38N, R 65W; Parcel # 032-538-24-3101. Known as ATP Pit.
ZONED F-1, 40 TOTAL ACRES

Permit is desired for:
The carry-forward of conditional use permit #06-025 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on March 17, 2006.

Date of Public Hearing: February 15, 2019

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 $100.00
December 6, 2018

Steigerwaldt Land Services Inc.
11242N Gorski Rd
Hayward, WI 54843

This is the application for renewal of conditional use permit #06-025 for a non-metallic mineral extraction at the ATP pit. This permit was approved at public hearing on March 17, 2006.

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, and the public hearing fee of $100.00.

An application returned by the first Friday of the month will be scheduled for public hearings in the following month. Please return the application by January 4, 2019 (Friday) for hearings in February.

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

Thank you,

Pat Brown
Zoning and Conservation Technician, Non-metallic Mining Reclamation
### Real Estate Sawyer County Property Listing

**Today's Date:** 1/7/2019

#### Description

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**Ownership**

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#### Mailing Address

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<td>WINTER SCHOOL DISTRICT</td>
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<tr>
<td>PO BOX 3610</td>
<td>ALBANY GA 31706-3610</td>
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#### Site Address

* indicates Private Road

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#### Property Assessment

**Property Status:** Current

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ADJOINING LAND USE

The surrounding property is also owned by Northwoods ATP, L.P. and is zoned forestry. See Location/Owne

OPERATION PLAN

SITE LAYOUT

Currently the Northwood's Gravel Pit is inactive and will remain inactive for the year 2014. The Plan of

CLEARING AND STRIPPING

Prior to excavation trees will be cleared from the extraction area and topsoil will be stockpiled for future

EXTRACTION SEQUENCE

Material extraction will begin at the existing open gravel face and proceed in an easterly and southeasterly direction.

OPERATION ACTIVITIES

When gravel is crushed in this pit the likely proposed activities will include: gravel extraction, conveying, loading, crushing and screening.

Duration, hours of operation, extraction rates and operation equipment used are unknown at this time as this is currently an inactive pit. In the event that crushed gravel is hauled, it will be hauled and spread onto Northwoods ATP's road systems.

ENVIRONMENTAL PROTECTION

EROSION CONTROL

Precipitation falling within the current gravel pit remains contained within the historic extraction zone limits. Runoff waters are not expected to accumulate in the bottom of the pit due to the porosity of the soil.

DUST AND NOISE

Existing woodlands will provide a natural buffer to any future gravel operations.

OPERATION PLAN SUBMITTED BY:
STEIGERWALDT LAND SERVICES, INC.
10632 HAYWARD COURT
HAYWARD, WISCONSIN 54843
Northwoods Gravel Pit Plan
Location/Ownership Map
NESW, Sec. 24, T38N-R5W
Sawyer Co, Wisconsin
Figure #1

January 2014

Map Disclaimer
This map is intended to provide a visual representation of property and geographic features. It is not a legal survey for a judgment on the property based on reasonably available information suitable for the intended purposes. This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. The use of this map is intended to be consistent with the intent and accuracy of the map and its purpose. No guarantees or warranties are expressed.

MAP LOCATION

BTG Lands

T37N-R5W

T38N-R4W

T38N-R5W

Map Document

Northwoods Gravel Pit Plan
Location/Ownership Map
NESW, Sec. 24, T38N-R5W
Sawyer Co, Wisconsin

Figure #1

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Soil Map—Sawyer County, Wisconsin
(Northwoods ATP, L.P. Gravel Pit)

Figure #2

Map Scale: 1:7,440 (printed on A size (8.5'' x 11'') sheet.)

USDA Natural Resources Conservation Service
Web Soil Survey
National Cooperative Soil Survey

1/27/2011
Page 1 of 3
Northwoods Gravel Pit Plan of Operation
NESW, Sec. 24, T38N-R5W
Sawyer Co, Wisconsin

Gravel Pit Location
(Approx. 3.6 acres)

Figure #3

January 2014
Conditional Use Permit Request-Reclamation Plan

STAFF REPORT

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

File: # CUP 20-007 Reclamation Plan

Applicant:
Kenton & Ami Slabaugh
6879N State Hwy 27
Stone Lake, WI 54876

Property Location & Legal Description:
Part of the SE ¼ of the SE ¼; S08, T39N, R09W; Parcel #026-939-08-4401; Total Acres 32.722; Zoned Agricultural One (A-1)

Request: Permit issuance of the Reclamation Plan

Project History & Summary of Request

The applicant is requesting to open a new non-metallic mineral extraction sand pit on the property described above. Per the NR 135 requirements before approval can be granted for the conditional use operation process the regulatory authority being the County needs to approve the applicant's reclamation plan (attached).

The Sawyer County Zoning & Conservation Department has reviewed the "reclamation summary" and concludes that the plan is consistent with the standards specified in NR 135.

The Sawyer County Zoning Committee, being the regulatory authority may approve, conditionally approve, or deny the reclamation plan.

If the regulatory authority approves the reclamation plan subject to general compliance requirements of NR 135, the approval may not include conditions that are not related to the reclamation plan. Other conditions may be added during the public hearing process for the "location and plan of operation". One required condition of an approved reclamation plan shall be that the new mine obtain financial assurance pursuant to NR 135.40.

If the regulatory authority denies the reclamation plan it needs to have the findings of one the following:

1) The applicant has, after being given an opportunity to make corrections, failed to provide an adequate permit application, reclamation plan, financial assurance or any other submittal required by NR 135 or the applicable reclamation ordinance.
2) The proposed nonmetallic mining site cannot be reclaimed in compliance with the reclamation standards contained in the applicable reclamation ordinance, NR 135 or subch. 1 of ch. 295, Stats.

3) The applicant, or its agent, principal or predecessor has, during the course of nonmetallic mining in Wisconsin within 10 years of the permit application or modification request being considered shown a pattern of serious violations of this chapter or of federal, state or local environmental laws related to nonmetallic mining reclamation.

A denial shall be in writing and shall contain documentation of reasons for denial. The regulatory authority's decision to deny an application to issue a reclamation permit may be reviewed NR 135.30.
Kent and Ami Slabaugh Pit
Reclamation Summary
May 2020

Applicant Name: Kent Slabaugh

Address: 16140 W Boylan RD
Stone Lake, WI 54876

Phone: (715) 699-4450

Total Area of Mine: 5 acres

Purpose and planned excavation of mine: The purpose of the mine is for the production of fill sand. The total extent of the mine is shown on the Site Plan Map. Excavation will be done as needed to meet demands of business. In order to limit the amount of exposed soil and reduce the possibility of erosion and pollution of surface or groundwater, as well as limit the amount of fees reclamation will occur contemporaneously.

Reclamation Costs: The estimated cost of reclamation is $1500 per acre of disturbed area. Financial assurance will be based on the operations open whole acre area.

Phase 1: Top soil will be removed and stockpiled, for further reclamation. Pit will be approximately 10-15ft of depth. As pit expands the used portion of pit will be reclaimed. Approximately 1 acre of pit will be active at one time.

Total size 1 acres. Financial assurance = $1500

Phase 2: Final reclamation will be begin. All open slopes will be sloped to a minimum of 3:1 or flatter. Topsoil will be evenly distributed

SAWYER COUNTY NR135 RECLAMATION PLAN

General Location: Kent and Ami Slabaugh pit is located in Sec 08 TN 39 Rg 09 PRT SESE in the Town of Sand Lake, Sawyer County, Wisconsin. The pit is approximately 1/10th of a mile west of state highway 27. The properties location is highlighted on the attached copy of page 9, 2015 Sawyer County GIS parcel map.

Soil Type: The soil type at the site is a Cress-Rosholt complex with 0 to 25 percent slopes.

Distribution, thickness and type of topsoil: Thickness of topsoil is less than 8 inches with an abrupt wavy boundary.

Approximate elevation of groundwater: The depth to water table is greater than 80 inches (6.6 feet).

Location of surface waters and existing drainage patterns: The existing drainage pattern of the site is southeasterly draining towards the town rd. ditch, and then easterly draining. During excavation, attention will be directed to not disrupt this drainage. Any exposed area will have an internal drainage pattern. There are two perennial water bodies directly northeast of the mine site. However, they are separated by a big wooded buffer. Sand Lake is
located 3/4 of a mile to the south and LCO is about 1 mile to the east. The existing drainage patterns can be seen on the attached contour map.

Current biological resources, plant communities, and wildlife use at and adjacent to mine site: Biological and wildlife data was mainly determined by visual observations. The proposed mine site is Pasture land. The majority of the remaining property is wooded.

Wildlife usage is moderate in the forest for foraging and cover of the property. Main species present include rabbits, whitetail deer, black bear and various songbirds and smaller mammals common to the area.

No threatened or endangered species where observed or known to inhabit the site.

Proposed post-mining land use: The proposed post-mining land use for the non-metallic mine site is passive recreation. The proposed land use would be appropriate to the current local zoning of Agricultural One. Upon complete reclamation, if land were not actively be farmed natural succession would convert the area to a grassy meadow then back to forested habitat.

BMP’s to be employed before and during non-metallic mine operation: All run-off is planned to be contained within the pit. Total area of exposed soil will be limited to only an area large enough to allow for needed excavation. If the possibility for erosion outside the mine occurs, silt fencing or a sediment basin may be needed. Exposed soils should be seeded with a cover crop and seed mixture to quickly revegetate the site and stabilize the soils protecting from run-off and wind erosion. All operations will be done in a way that will minimize the production of noise, vibration, and/or dust. Best management practices will be used to minimize erosion and pollution of surface and ground water. Water should be applied to non-vegetated areas of the site to control dust during dry or windy conditions.

Topsoil removal, storage, stabilization, and conservation: Topsoil shall be removed prior to excavation of subsoil for each phase. Topsoil removal will be accomplished using bulldozers, front end loaders, and other necessary equipment with the goal of recovering as much of the existing topsoil as possible. Topsoil will be removed in a manner that minimizes the surface area exposed to erosion at any one time.

Topsoil that has been stripped from the site will be stockpiled on level ground and away from any slopes. Stockpiles should be located in an area where they will be easy to access and out of the way to keep double handling to a minimum. To help prevent erosion and weed growth stockpiled topsoil should be seeded. A cover crop of oats, barley, winter wheat, or winter rye should be used if the stockpile will be disturbed in less than six months. If a stockpile will not be disturbed for more than six months at a time a perennial seed mixture should be used (See Critical Area Seeding Attachment). If erosion is occurring to the stockpile, straw bale silt fencing should be placed around topsoil stockpile until it has been seeded and stabilized. See Straw Bale Silt Fencing attachment for proper installation and maintenance.

Purpose and planned excavation of mine: The purpose of the mine is for the production of fill sand. The total extent of the mine is shown on the Site Plan Map. Excavation will be done as needed to meet demands of business. In order to limit the amount of exposed soil and reduce the possibility of erosion and pollution of surface or groundwater, as well as limit the amount of fees reclamation will occur contemporaneously.

Reclamation Costs: The estimated cost of reclamation is $1500 per acre of disturbed area. Financial assurance will be based on the operations open whole acre area.

be evenly distributed

Interim Reclamation sufficient to qualify for the waiver of fees:

Sequential interim reclamation will be done to minimize the area impacted and to reduce the annual fees. Once a phase is completed and the area is stabilized the non-metallic mine operator shall request the Sawyer County Regulatory Authority to certify the area temporarily reclaimed for the purposes of reduction of fees. If an extended period of time is to pass between planned excavations interim reclamation will be done to reduce the amount of exposed area. Methods for interim reclamation are to be the same as for final reclamation.
Final Reclamation

Sloping and Grading: All slopes will be graded to a final slope of 3:1 horizontal to vertical or flatter. The floor of the mine will be graded to prevent ponding of water on the reclaimed surface. Resulting surfaces will be scarified prior to topsoil redistribution. Stockpiled topsoil will be evenly distributed over the entire site.

Revegetation: The areas will be seeded following the final grading and completion of each phase and all site preparation activities. A soil test should be taken before planting to determine the proper amount, if any, of fertilizer and/or lime to be applied.

Seed will be applied to properly prepared soils at any time during the growing season when soil conditions are suitable. Seeding should not be carried out immediately following rain, when ground is too wet, too dry, or during windy conditions.

The seed mixture should be chosen from the Critical Area Seeding attachment that is suitable for the site conditions or D.O.T. #20 from the 1996 WI D.O.T. Standard Specification for Highway Construction manual which consist of 6% Kentucky Bluegrass, 24% Hard Fescue, 40% Tall Fescue, and 30% Perennial Ryegrass. D.O.T. mix #20 should be planted at 12 pounds per acre.

A cover crop of annual rye or oats should also be planted during the spring and summer. Winter wheat or winter rye should be planted as a cover crop after September 1. Seeding can be done using a broadcast seeder or grain drill. Cover crops should be planted at a rate of:

- Annual rye – 5 pounds per acre
- Oats – 48 pounds per acre
- Winter Wheat – 90 pounds per acre
- Winter Rye – 84000 pounds per acre

Mulching and Erosion Control: All slopes should be seeded and covered with mulch. To control erosion during reclamation of side slopes, topsoil should not be distributed over an area larger than what can be seeded and covered with mulch in a day. Mulch reduces run-off and erosion as well as conserves moisture and control weeds. See attached Mulching Standard for mulching options and proper application.

Quantifiable standards for revegetation adequate to show that a sustainable stand of revegetation has been established which will support the approved post-mining land use: One year after an area has been reclaimed the non-metallic mine operator will notify the Sawyer County Regulatory Authority to request final reclamation approval. A representative of Sawyer County will determine adequate revegetation using percent vegetative cover. Since a primary objective of this work is to stabilize the site it is important to provide a high degree of vegetative cover as quickly as possible. This will result in greater protection of the soil from the effects of raindrop impact, which will be absorbed by the vegetative “canopy”. This protection translates into reduced erosion and sedimentation.

Any unacceptable areas are to be fixed by the operator and a return visit by a County representative will determine if the site is acceptable and financial assurance can be released.

Note: All stockpiles must be removed and site vegetated before reclamation will be considered final.
The operator shall provide a signed certification that reclamation will be carried out in accordance with the reclamation plan. The operator shall also certify that the Best Management Practices are installed and maintained. The landowner and lessee, if different from the operator, shall also provide signed certification that they concur with the reclamation plan and will allow its implementation.

In the following situations, the landowner and lessee, if different from the mine operator, are not required to submit a written certification. The operator shall provide written evidence that the landowner and lessee, if different from the operator, have been provided with a written copy of the reclamation plan, and that:

a. The mine operator has submitted a reclamation plan for an existing non-metallic mine in accordance with Sawyer County Non-Metallic Mining Reclamation Ordinance Section 12.20, or

b. The operator has submitted a reclamation plan for a new or reopened mine in accordance with Sawyer County Non-Metallic Mining Reclamation Ordinance Section 12.30 which is located on land for which a lease agreement or memorandum of lease between the landowner and applicant was recorded prior to August 1, 2001 (NMMRO Section 13(6)).

Kent Slabaugh (operator) certify that reclamation will be carried out in accordance with the reclamation plan and the required Best Management Practices are installed and maintained.

Kent Slabaugh
Operator Signature
2-26-20

Kent Slabaugh (landowner) certify that I have received a copy of the reclamation plan, read it and understand it. I further certify that I concur with the reclamation plan and will allow its implementation.

Kent Slabaugh
Landowner Signature
2-26-20

[Signature]
Landowner Signature
2-26-20
Real Estate Sawyer County Property Listing

Today's Date: 3/2/2020

**Tax ID:** 28097

**PIN:** 57-026-2-39-09-08-04-000-000010

**Legacy PIN:** 026939084401

**Map ID:** 16-1

**Municipality:** (026) TOWN OF SAND LAKE

**STR:** S08 T39N R09W

**Description:** PRT SESE

**Calculated Acres:** 32.722

**Lottery Claims:** 0

**First Dollar:** Yes

**Waterbody:** Unnamed Lake

**Zoning:** (A-1) Agricultural One

**ESN:** 423

**Site Address:** * Indicates Private Road

16140W BOYLAN RD

STONE LAKE 54876

**Zoning:** (A-1) Agricultural One

**ESN:** 423

**Site Address:** * Indicates Private Road

16140W BOYLAN RD

STONE LAKE 54876

**Property Assessment**

2020 Assessment Detail

<table>
<thead>
<tr>
<th>Code</th>
<th>Acres</th>
<th>Land</th>
<th>Imp.</th>
</tr>
</thead>
<tbody>
<tr>
<td>G4-AGRICULTURAL</td>
<td>22.300</td>
<td>1,000</td>
<td>0</td>
</tr>
<tr>
<td>G5-UNDEVELOPED</td>
<td>14.000</td>
<td>4,000</td>
<td>0</td>
</tr>
<tr>
<td>G7-OTHER</td>
<td>1.000</td>
<td>2,500</td>
<td>1,000</td>
</tr>
</tbody>
</table>

**2-Year Comparison**

<table>
<thead>
<tr>
<th>Code</th>
<th>2019</th>
<th>2020</th>
<th>Change</th>
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</thead>
<tbody>
<tr>
<td>Land</td>
<td>7,500</td>
<td>7,500</td>
<td>0.0%</td>
</tr>
<tr>
<td>Improved</td>
<td>1,000</td>
<td>1,000</td>
<td>0.0%</td>
</tr>
<tr>
<td>Total</td>
<td>8,500</td>
<td>8,500</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

**Property History**

N/A
Soil Map—Sawyer County, Wisconsin

MAP LEGEND

Area of Interest (AOI)
Soils
Soil Map Unit Polygons
Soil Map Unit Lines
Soil Map Unit Points
Special Point Features
Blowout
Borrow Pit
Clay Spot
Closed Depression
Gravel Pit
Gravelly Spot
Landfill
Lava Flow
Marsh or swamp
Mine or Quarry
Miscellaneous Water
Perennial Water
Rock Outcrop
Saline Spot
Sandy Spot
Severely Eroded Spot
Sinkhole
Slide or Slip
Sodic Spot

Water Features
Streams and Canals

Transportation
Rails
Interstate Highways
US Routes
Major Roads
Local Roads

Background
Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.
Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)
Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sawyer County, Wisconsin
Survey Area Data: Version 17, Sep 14, 2019
Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 28, 2012—Jul 8, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.
## Map Unit Legend

<table>
<thead>
<tr>
<th>Map Unit Symbol</th>
<th>Map Unit Name</th>
<th>Acres in AOI</th>
<th>Percent of AOI</th>
</tr>
</thead>
<tbody>
<tr>
<td>38A</td>
<td>Rosholt sandy loam, 0 to 2 percent slopes</td>
<td>0.8</td>
<td>10.5%</td>
</tr>
<tr>
<td>38B</td>
<td>Rosholt sandy loam, 2 to 6 percent slopes</td>
<td>1.7</td>
<td>23.6%</td>
</tr>
<tr>
<td>380D</td>
<td>Cress-Rosholt complex, 12 to 25 percent slopes</td>
<td>4.8</td>
<td>65.9%</td>
</tr>
<tr>
<td><strong>Totals for Area of Interest</strong></td>
<td></td>
<td><strong>7.3</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

*Natural Resources Conservation Service*

*Web Soil Survey*

*National Cooperative Soil Survey*

*3/2/2020 Page 3 of 3*
File: # CUP 20-007 Location and Operation Plan

Applicant:
Kenton & Ami Slabaugh
6879N State Hwy 27
Stone Lake, WI 54876

Property Location & Legal Description:
Part of the SE ¼ of the SE ¼; S08, T39N, R09W; Parcel #026-939-08-4401; Total Acres 32.722; Zoned Agricultural One (A-1)

Request: Location and operation of a non-metallic mineral extraction sand pit.

Project History & Summary of Request
This request of CUP 20-007 is for the location and operation of a non-metallic mineral extraction sand pit. Previously the public hearing for CUP 20-007 would have been only for potential approval of the reclamation plan per NR 135. The property is 37.3 acres and zoned A-1. The actual mine site is to be 1-5 acres as material is needed. In the past the owner has used this area as a borrow pit for agricultural operations which is exempt from permitting and NR 135 requirements. The applicant is now wanted to sell some of this material which is why the Conditional Use Permitting is required.

As per conditions of an approved reclamation plan financial assurance of $1500 per acre is required. The applicant is planning on having 1 acre of unclaimed area at a time so prior to any approval to start operation financial assurances would need to be collected by Sawyer County.

The specified hours of operation are 6 AM to 7 PM, Monday - Friday with occasional use of the pit on Saturday during normal construction season.

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. Obtain approval or conditional approval of reclamation plan
2. Abide by specified Plan of Operation including hours of operation.
3. Maintain compliance with Department of Natural Resources Chapter 30
4. Comply with all other federal, state, and local regulations

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 # dja-OQ 7
Town of Sand Lake
Sawyer County

To: Sawyer County Zoning & Conservation
10610 Main Street, Suite #49
Hayward, WI 54843
Phone: 715-634-8288
Email: Kathy.marks@sawyercountygov.org

Owner: Kent Slabaugh  Ami Slabaugh
Address: 6879 N HWY 27 Stone Lake WI
Phone: 715-699-1259 Email: amlissGicloud.com
Legacy PIN#: 026-939-08-4401 J: A-1
Acreage: 37.3 32.722
Property Description: sec 08 Tn 39 Rg 09 PRT SESE

Permit desired for: Nonmetallic mining of sand
THE LOCATION/OPERATION OF A NON-METALLIC MINERAL EXTRATION SAND PIT AND RECLAMATION PLAN

Kent Slabaugh  Kent Slabaugh  Ami Slabaugh  
*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 $350.00
Date of Public Hearing 4-17-2020
Kent And Ami Slabaugh Pit

Plan of Operation

May 2020

1. Ownership and Management Data:
   b. Ownership Kent And Ami Slabaugh of Stone Lake.

2. Property Description:

   Sec. 08 Tn 39 Rg 09 PRT SESE
   Site Address 16140W Boylan Rd. Stone Lake

3. The size of the property is 37.3 Acres.
4. Size of Actual Mine Site: 1-5 acres as material is needed.
5. Proposed Activities:
   a. Extraction-Borrow excavation and sand will be excavated from this pit.
   b. Conveying- Loaders and dump trucks will move materials in this pit.
   c. Screening- No screening is planned.
   d. Washing- No washing is planned.
   e. Asphalt Hot Mix Plant- There is no asphalt produced.
   f. Blasting- No blasting.
   g. Stockpiling: Sand stockpiles will be produced at this site.

6. Hours of operation:
   Normal operating hours will be 6:00 A.M. to 7:00 P.M.

7. Days and Months of Operation:
8. Monday-Friday During Normal Construction season. Occasional use of the pit on Saturday.
9. Major Equipment used:
   Excavator, Bulldozer and loader.
10. Excavation:
   a. Depth: The depth of excavation is planned to be 10-15 feet across the face and will not vary considerably as the pit expands.
   b. Setbacks to lot lines: No setbacks are planned, but operation will always be located on entirely on approved property.
   c. Buffers: Native trees will serve as buffers for this site outside of the excavation area.

11. Navigable waters and wetlands:
   There is navigable water/wetland 300 feet north of the pit.

12. 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.

13. Erosion Control Measures:
   Since the pit is internally drained, the floor of the pit will act as a sediment basin. Proper erosion control techniques will be implemented if the potential storm water/sediment to exit the operation.

14. Environmental Considerations:
   a. Noise will be restricted to hours of operation.
   b. Dust will be minimized through watering if necessary.
   c. There will be no impact on adjacent property owners. This is an active agricultural area and main travel corridor through Sawyer County, any notice produced by this operation is normal and typical of this area also only 1 contractor will be using this pit.
   d. Litter/debris/contamination will be the responsibility of and controlled by the owner/operator.
   e. Wildlife will not be significantly affected by the operation.
   f. Other- There are no other environmental considerations to consider.

15. Reclamation Plan (NR135/Nonmetallic Mining Reclamation)
   There will be a reclamation plan written and approved by Sawyer County Zoning and Conservation on file for this pit. All reclamation permits and fees will be current at the time of initial excavation.


   Financial assurance will be posted by the owner/operator and held by Sawyer County in the county vault. Sawyer County Zoning and Conservation will impose a prescribed amount for every active acre as required by WI Stat. NR 135
Real Estate  Sawyer County Property Listing
Today's Date: 3/4/2020

Description
Updated: 2/13/2017
Tax ID: 26097
PIN: 57-026-2-39-08-4 04-000-000010
Legacy PIN: 02693908-401
Map ID: .16.1
Municipality: (026) TOWN OF SAND LAKE
STR: S08 T39N R09W
Description: PTR SESE
Recorded Acres: 37.300
Calculated Acres: 32.722
Lottery Claims: 0
First Dollar: Yes
Waterbody: Unnamed Lake
Zoning: (A-1) Agricultural One
ESN: 423

Tax Districts
Updated: 2/6/2007
1 State of Wisconsin
57 Sawyer County
026 Town of Sand Lake
572478 Hayward Community School District
001700 Technical College

Recorded Documents
Updated: 10/31/2007
□ WARRANTY DEED
Date Recorded: 1/25/2002 297591 790/281
□ FARMLAND PRESERVATION AGREEMENT
Date Recorded: 1/18/1988 207832 414/123

Ownership
Updated: 2/6/2007
KENTON D & AMI SLABAUGH
Mailing Address:
KENTON D & AMI SLABAUGH
5729N STATE HWY 27
STONE LAKE WI 54876

Property Status: Current

Billing Address:
KENTON D & AMI SLABAUGH
5729N STATE HWY 27
STONE LAKE WI 54876

Mailing Address:
KENTON D & AMI SLABAUGH
5729N STATE HWY 27
STONE LAKE WI 54876

Site Address * indicates Private Road
16140W BOYLAN RD
STONE LAKE 54876

Property Assessment
Updated: 9/28/2017
2020 Assessment Detail
Code Acres Land Imp.
G4-AGRICULTURAL 22.300 1,000 0
G5-UNDEVELOPED 14.000 4,000 0
G7-OTHER 1,000 2,500 1,000

2-Year Comparison
2019 2020 Change
Land: 7,500 7,500 0.0%
Improved: 1,000 1,000 0.0%
Total: 8,500 8,500 0.0%

Property History
N/A
January 9, 2020

Dear Sawyer County Zoning Committee,

In regards to the amendment of Section 6.22 & 6.23. It is my option 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 per year</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 fee schedule would be updated for Jan 1, 2021 to increase CUP renewals to $300.

$175/yr = 58.33 per year (current)

$300/yr = $60.00 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) 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 discharge 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
General background Information for Towns:

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, allow only 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 indivial.

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 area. They would be viewed and defined bunkhouse/temporary guest quarters. The intent here is to
allow for overflow sleeping area. All newly created bunkhouses/temporary guest quarters would 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.

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/needings 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. Provided on a separate sheet is a general questionnaire that will help me draft language for an ordinance amendment if that is the route we decide to go. Please fill out the attached questionnaire to discuss at your Town’s Board meeting or Town’s Comprehensive Planning Committee and return to our office via e-mail or regular mail.

Thank you,

Jay Kozlowski

Sawyer County Zoning & Conservation Administrator
Questionnaire for Towns:

1. If an ordinance was properly drafted to allow temporary guest quarters/bunkhouse that would be less than 500 sq ft of area, no kitchen facilities, no walled off bedroom areas, Uniform Dwelling Code (UDC) Inspection, and would not be able to be rented would your Township be in favor of an ordinance amendment?
   
   Yes / No: Additional Comments if any:

2. Currently, plumbing is allowed in accessory structures if connected to a code complying septic system. If proper permits for sanitation are granted by our office, should plumbing be allowed in a bunkhouse?

   Yes / No: Additional Comments if any:

3. Would your Township be willing to change any of its Uniform Dwelling Code requirements to allow for inspections on new bunkhouses?

   Yes / No:

4. Would your Township be willing to change any of its Uniform Dwelling Code requirements to allow for inspections on existing bunkhouses?

   Yes / No:

5. Would your Township be willing to discontinue UDC inspections and have Sawyer County administer the UDC inspection program?

   Yes / No: Additional Comments if any:
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<th>Would Town Allow Plumbing in Bunkhouse?</th>
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SECTION 2.0 DEFINITIONS:

2.1 INTERPRETATION

(13) BUNKHOUSE: An independent stand-alone residential accessory structure without plumbing which is used as temporary guest area only; no Cooking and Food Preparation Facilities; and no greater than 250 square feet of open temporary guest space. See Sections 4.26 4) (a) and 4.26 4) (c).

(21) COOKING AND FOOD PREPARATION FACILITIES: Shall mean any area containing any or all of the following equipment: sink and/or other device for dishwashing, stove or other device for cooking, cabinets and/or shelves for storage of equipment and utensils, and counter or table for food preparation.

(100) TEMPORARY GUEST QUARTERS: Temporary Guest Quarters are the portion of a residential accessory structure which is used as a temporary guest area only; no Cooking and Food Preparation Facilities; and no greater than 499 square feet of temporary guest space. Plumbing may be permitted in an Accessory Structure containing Temporary Guest Quarters. See Sections 4.26 4) (a) and 4.26 4) (b).

4.26 ACCESSORY USES AND STRUCTURES

4) Bunkhouse or Temporary Guest Quarters: A single (one per lot/parcel) Bunkhouse or Temporary Guest Quarters will be permitted by Land Use Permit only in Zoning Districts which allow it, subject to the following conditions:

- For a Temporary Guest Quarters Sections 4.26 4) (a) and 4.26 4) (b) apply;
- For a Bunkhouse Sections 4.26 4) (a) and 4.26 4) (c) apply.

(a) Bunkhouse or Temporary Guest Quarters Accessory Structure shall conform to the setback and other dimensional requirements of the Zoning District within which it is located, unless it is an exempt structure, to include all the conditions:

1) All of the setback requirements are met including shoreland, road, property line and wetland:
   a. Bunkhouse or Temporary Guest Quarters are not eligible for reduced road setbacks in Section 4.211 ACCESSORY STRUCTURE EXEMPTIONS in Sawyer County Zoning Ordinance.
   b. Bunkhouse or Temporary Guest Quarters are not eligible for a Conditional Use Permit under Section 4.26 ACCESSORY USES AND STRUCTURES in Sawyer County Zoning Ordinance.

2) Bunkhouse or Temporary Guest Quarters must meet minimum Lot/Parcel size requirements of the Zoning District.

3) Bunkhouse or Temporary Guest Quarters Accessory Structure cannot be the first building on the Lot/Parcel, a Principal Dwelling must exist.

4) Bunkhouse or Temporary Guest Quarters Accessory Structure cannot be built on an out-lot.

5) Bunkhouse or Temporary Guest Quarters Accessory Structure cannot be split from original property if the result makes a non-conforming parcel.

6) New or existing Boathouses cannot become a Bunkhouse or Temporary Guest Quarters.

7) A Lot/Parcel may only contain either a Bunkhouse or a Temporary Guest Quarters, NOT both. A Lot/Parcel may contain additional Accessory Structures, but additional Accessory Structures may not be a Bunkhouse or contain Temporary Guest Quarters.

8) Must apply for a "Bunkhouse Number" if lot contains a Bunkhouse or Temporary Guest Quarters. The separate Yellow "Bunkhouse Number" sign to be placed directly below Residence Fire Number sign on the property.

9) An Existing Bunkhouse or Temporary Guest Quarters Accessory Structure after March 26, 1971 shall not be considered an "existing non-conforming" or "grand fathered" structure. All properties shall be in compliance with the adoption of this amended ordinance within 24 months after approval of the Sawyer County Board of Supervisors.

(b) TEMPORARY GUEST QUARTERS: Temporary Guest Quarters which are located within or as part of an Accessory Structure are subject to all the following conditions:

1) Temporary Guest Quarters shall not exceed 50 percent of the gross floor area of the accessory structure with a maximum of 499 square feet of temporary guest area. Square footage is measured as all area within
the exterior walls of the guest area and all area within the exterior walls of the entire area of the structure. Enclosed porches will be included in these amounts; decks will not be included in these amounts. Guest areas including bathrooms, utility rooms, entryways, and closets will be included in the square footage not to exceed 499. The creation of walled off bedroom areas are prohibited. Storage area must be separate and segregated from any guest area (can have a door from the guest area to the storage area).

(2) Maximum height of Temporary Guest Quarters Accessory Structure is limited to thirty-five feet from lowest grade to highest peak.

(3) Plumbing, if installed, in the Temporary Guest Quarters Accessory Structure shall conform to the State & Sawyer County Sanitary Codes. The Private Onsite Wastewater Treatment System (POWTS) on the lot must be sized to handle the number of occupants in the Temporary Guest Quarters.

(4) Cooking and Food Preparation Facilities are strictly prohibited.

(5) A Temporary Guest Quarters Accessory Structure shall require a UDC Inspection.

(6) Leasing, rental or use as a residence is strictly prohibited.

(7) A document is recorded with the Register of Deeds outlining use restrictions prior to issuance of Land Use Permit.

(8) Temporary Guest Quarters Accessory Structures are subject to internal inspection by the Zoning Department.

(c) **Bunkhouse:** Independent stand-alone Bunkhouse Accessory Structures (i.e. traditional bunkhouse) are subject to all the following conditions:

(1) The Bunkhouse Accessory Structure does not exceed 250 square feet of footprint. Square footage is measured as the exterior wall area of the structure. The creation of walled off bedroom areas are prohibited. Enclosed porches and entryways will be included in the square footage not to exceed 250; decks will not be included in these amounts. NO other Accessory Structure components allowed as part of this structure (i.e. no garage portion, no bathroom portion, etc.).

(2) Plumbing of the Bunkhouse Accessory Structure is prohibited.

(3) Cooking and Food Preparation facilities are strictly prohibited.

(4) A Bunkhouse shall require a UDC Inspection.

(5) The height limit of the Bunkhouse Accessory Structure shall not exceed sixteen (16) feet from lowest grade to highest peak.

(6) Leasing, rental or use as a residence is strictly prohibited.

(7) A document is recorded with the Register of Deeds outlining use restrictions prior to issuance of Land Use Permit.

(8) Bunkhouse Accessory Structures are subject to internal inspection by the Zoning Department.
Permits
The following is quoted from the Sawyer County Zoning Ordinance:

9.2 Land Use Permits

9.21
1. Except where another section of this ordinance specifically exempts certain types of development from this requirement, a permit shall be obtained from the Zoning Administrator before any new development is initiated or the placement of, construction of, or alteration of, or addition to any structure is initiated.
2. No land use permit shall be issued for a structure designed or intended for human use or occupancy before a Fire number, Certified Soil Test and Sanitary application is filed in the office of the Zoning Administrator. If applicable, a separate "Bunkhouse Number" (yellow sign) will be required (sign to be placed directly below Residence Fire Number) if lot contains a Bunkhouse or Temporary Guest Quarters as listed under 4.26 (4) in the Sawyer County Zoning Ordinance.
3. The Zoning Administrator shall not issue a permit for a structure or a use not in conformity with the requirements of this ordinance.
4. The fee for filing applications for land use permits shall be established by the County Zoning Committee. A copy of the current fee schedule shall be posted in the office of the Zoning Administrator.
5. A permit fee shall be waived for the placement of, or construction of, or alteration of, or addition to any structure whereby the placement contains 100 square feet or less; the structure to be constructed contains 100 square feet or less; or an alteration or addition results in an increase of 100 square feet or less. An application must still be filed with the Zoning Department.
6. No land use permit shall be issued for any structure moved or placed that does not have an approximate assessed value of surrounding structures within 500 feet. Determination of assessed value shall be established by the Town Assessor.
7. Within 12 months after the land use permit issue date, all buildings or structures indicated on the permit that are intended for human use or occupancy shall be completely enclosed.

Note: The following comment is not a part of the ordinance requirements, but rather reflects usual office practice. Typically up to a 6 month extension is granted to the expiration date of a land use permit if the property owner can demonstrate a need for the extension before the expiration date of issued permit.

(add section 9.24)

General Requirements for Obtaining a Land Use Permit
1) Apply for a Fire Number.
2) If applicable, a separate "Bunkhouse Number" (yellow sign) will be required (sign to be placed directly below Residence Fire Number) if lot contains a Bunkhouse or Temporary Guest Quarters as listed under 4.26 (4) in the Sawyer County Zoning Ordinance.
3) Have a Certified Soil Test done.
4) Have a Wisconsin licensed plumber apply for a Sanitary Permit.
5) Contact the Zoning Office for a Land Use Application or print one from our website.
6) Apply for and pay the fee for the Land Use Permit prior to beginning construction. Citations and orders for removal may apply in those instances where construction begins without the issue of the proper permits.

7) Town permits may also be required. Contact the respective Town Clerk.

8) Contact the Uniform Dwelling Code inspector for inspections that are needed.

9) A Major Grading Permit is needed for excavating over 10,000 square feet and a Minor Grading Permit may be needed on shoreland property under other circumstances. (see Sawyer County Shoreland-Wetland Protection Ordinance Section 8.2)

10) Check Flood Plain requirements.

**Wisconsin Uniform Dwelling Code (UDC)**

The UDC is a statewide uniform standard for the construction and inspection of all 1 and 2 family dwellings of which the original construction began after June 1, 1980. Some townships require inspection on other structures. Contact the Township you are located in.

The City of Hayward, and all Towns and Villages are enforcing the UDC as required by the State of Wisconsin. Contact your local UDC inspector for information about inspections in your township or municipality. Click in the links for a list of UDC inspectors and their respective inspection localities. These permits are in addition to any permits required by the Zoning Office.
WHEREAS, on March 20, 1997, Sawyer County adopted its current waste storage ordinance (the “1997 Waste Storage Ordinance”) and repealed any existing animal waste storage ordinances;

WHEREAS, it is necessary to repeal the 1997 Waste Storage Ordinance to protect the health, welfare and safety of Sawyer County, its residents, and its natural resources;

WHEREAS, it is necessary to repeal the 1997 Waste Storage Ordinance to incorporate the NRCS Technical Standards as intended and to bring up to date definitions and references therein;

WHEREAS, the Sawyer County Zoning & Conservation Department is charged with protecting the groundwater, surface water, public health, and natural resources of Sawyer County through this Waste Storage Ordinance by regulating new agricultural manure storage facilities or other waste storage facilities, closure of waste storage facilities, and safe handling of spreading of manure;

WHEREAS, the Sawyer County Land, Water, and Forest Resource Committee voted at its _______________ 2020 meeting to recommend to the Sawyer County Board of Supervisors approval and adoption of the Sawyer County Waste Storage Ordinance, a copy of which is attached hereto and incorporated herein as Exhibit A (the “Waste Storage Ordinance”), and repeal the existing 1997 Waste Storage Ordinance;

WHEREAS, the Sawyer County Zoning Committee voted at its May 15, 2020 meeting to recommend to the Sawyer County Board of Supervisors approval and adoption of the Waste Storage Ordinance, and repeal the 1997 Waste Storage Ordinance; and

WHEREAS, the Sawyer County Board of Supervisors determined, at its meeting on _______________ 2020, that adopting the Waste Storage Ordinance set forth in Exhibit A and repealing the 1997 Waste Storage Ordinance is warranted to protect both the agricultural industry and natural resources of Sawyer County, in addition to protecting the health, welfare and safety of Sawyer County, its residents and its natural resources.

NOW, THEREFORE, BE IT RESOLVED, by the Sawyer County Board of Supervisors does ordain as follows:

1. Adoption. The Waste Storage Ordinance as set forth in Exhibit A is hereby adopted.

2. Repeal of Conflicting Ordinances. Any ordinance or code in conflict with the Waste Storage Ordinance, including the 1997 Waste Storage Ordinance, is hereby repealed.
3. **Administration.** Sawyer County Zoning and Conservation Department Administrator is hereby directed and empowered to take the steps necessary to implement the Waste Storage Ordinance.

SEE ATTACHED EXHIBIT A

This Resolution and the Waste Storage Ordinance is recommended for adoption by the Sawyer County Board of Supervisors at its meeting on _____________, 2020 by this Sawyer County Land, Water & Forest Resource Committee meeting on _____________, 2020.

Bruce Paulsen                     Jesse Boettcher

Ron Buckholtz                    Susie Taylor

Marc Helwig
This Resolution and the Waste Storage Ordinance is recommended for adoption by the Sawyer County Board of Supervisors at its meeting on __________, 2020 by this Sawyer County Zoning Committee meeting on May 15, 2020.

Ron Buckholtz
Bruce Paulsen

Marc Helwig
Dawn Petit

Troy Morgan
Jesse Boettcher, alternate

This Resolution and the Sawyer County Waste Storage Ordinance is hereby adopted by the Sawyer County Board of Supervisors this ______ day of ______, 20__.

Tweed Shuman, Sawyer County Board of Supervisors Chairman
Carol Williamson, County Clerk
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.
(4) "As-built Plans" is the documentation showing actual construction of any Facility subject to this Ordinance.

(5) "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.

(6) "County" means Sawyer County.

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

(8) "DNR" means the Wisconsin Department of Natural Resources.

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

(10) 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.

(11) "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.

(12) "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.

(13) "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.

(14) "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.
Facilities, Nutrient Management Plans, and other technical matters covered by this Ordinance.

(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.**

(1) **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.
provided by the County in the enforcement of this Ordinance, or obtained to assist the County to design a Manure Storage Facility, or in the process of reviewing an application for Permit or amendment to a Permit under this Ordinance.

(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 degradation 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.

(f) 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.
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.
(2) 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.

(3) 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.

(4) 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.

(5) 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.

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

Sec. 1-8 Appeals and Variances.

(1) Appeals.

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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) **Variance**s. 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.