



Sawyer County

Agenda

Zoning Committee Meeting

Friday, August 20, 2021 @ 8:30 AM

Large Courtroom; Sawyer County Courthouse

Page

1.

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** from a computer, iPad, or Android device please go to <https://zoom.us/j/99413118485>. You can also use the dial in number for listening only at [1-312-626-6799](tel:1-312-626-6799) with the Webinar ID: 994 1311 8485. If additional assistance is needed please contact the Zoning & Conservation Department at 715-634-8288 prior to the meeting. The **Sawyer County Zoning Committee** relative to the following proposals:

2. PRELIMINARY MATTERS

- a. Call to Order and Roll Call
- b. Pledge of Allegiance
- c. State of Committee and Hearing Procedure and Statement of Hearing Notice
[Statement of Comm. Hearing & Procedure & Hearing Notice](#)
- d. Approval of Previous Meeting Minutes
[7-16-2021 ZC Minutes](#)
- e. Public Comment

4 - 5

6 - 10

3. REZONE APPLICATIONS

- a. None

4. CONDITIONAL USE APPLICATIONS

11 - 18

- a. A Public Hearing in the Town of in the Town of Round Lake. CUP #21-020. Owner: Donald Anderson. Part of the SE ¼ of the NE ¼, Lot 2 CSM 18-267 #5516; S30, T41. R07W; Parcel #024-741-30-1405; 1.28 total acres; Zoned Residential/Recreational One (RR-1). Permit desired for an accessory structure on vacant property subject to section 4.26 (1) of the Sawyer County Zoning

Ordinance. Placement of a shipping container 8' x 20' in size for storage of tools and equipment to clean up the lot to build a dwelling in three years.

[CUP #21-020, Donald Anderson pkt.](#)

- b. Discussion/Action in the Town of in the Town of Round Lake. CUP #21-020. Owner: Donald Anderson. Part of the SE ¼ of the NE ¼, Lot 2 CSM 18-267 #5516; S30, T41. R07W; Parcel #024-741-30-1405; 1.28 total acres; Zoned Residential/Recreational One (RR-1). Permit desired for an accessory structure on vacant property subject to section 4.26 (1) of the Sawyer County Zoning Ordinance. Placement of a shipping container 8' x 20' in size for storage of tools and equipment to clean up the lot to build a dwelling in three years.
- c. A Public Hearing in the Town of Sand Lake. CUP #21-021. Owner: Robert Wanderer II. Victory Heights 2nd Addition, Lot 18, Block 11; S10, T39N, R09W; Parcel #026-182-11-1800; .434 total acres; Zoned Residential/Recreational One (RR-1). Permit desired for an Accessory building 26'x24' in size across a Town Road subject to Section 4.26 (2) Sawyer County Zoning Ordinance.
[CUP #21-021, Robert Wanderer pkt.](#)
- d. Discussion/Action in the Town of Sand Lake. CUP #21-021. Owner: Robert Wanderer II. Victory Heights 2nd Addition, Lot 18, Block 11; S10, T39N, R09W; Parcel #026-182-11-1800; .434 total acres; Zoned Residential/Recreational One (RR-1). Permit desired for an Accessory building 26'x24' in size across a Town Road subject to Section 4.26 (2) Sawyer County Zoning Ordinance.

19 - 28

5. NEW BUSINESS

29 - 45

- a. Select Material Gravel Pit Review. (Discussion Only)
[Select Material Gravel Pit pkt.](#)
- b. Any other business that may come before the Committee.

6. ADJOURNMENT

7.

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.

8.

***See our website: sawyercountygov.org or contact the Zoning and Conservation Department for more information at 715-634-8288*

**SAWYER COUNTY ZONING COMMITTEE
STATEMENT OF COMMITTEE HEARING AND PROCEDURE AND STATEMENT OF HEARING
NOTICE**

This Sawyer County Zoning Committee ("Zoning Committee") meeting is being held this day and will be called to order at approximately 8:30 a.m. in the Sawyer County Courthouse, 10610 Main Street, Hayward, Wisconsin.

This Statement of Committee Hearing and Procedure and Statement of Hearing Notice is for the public's reference and supplements on the statements on the record under Agenda Item No. 1, "Preliminary Matters." This Statement of Committee Hearing and Procedure and Statement of Hearing Notice is incorporated into the record of today's Zoning Committee meeting.

Nothing in this Statement of Committee Hearing and Procedure and Statement of Hearing Notice modifies or otherwise limits the provisions set forth in the Wisconsin Statutes and other applicable law.

Any persons requiring assistance with this may contact the Sawyer County Zoning Administrator or request assistance at the Zoning Committee meeting during public comments.

Statement of Committee Hearing and Procedure

Individual Public Hearing: Generally, each application requiring a public hearing shall have an individual public hearing conducted just prior to the Agenda item in which the Zoning Committee may take action.

Public Hearing Process: Each public hearing conducted at this Zoning Committee meeting will follow this order: (1) presentation of a summary of the petition set forth in the application or request; (2) submission of a file to the Zoning Committee; and (3) the applicant's statements (or the applicant's representative's statements) and presentation of evidence; (4) public testimony by persons desiring to give pertinent testimony (a "Speaker") in support of the application; (5) public testimony by Speakers in objection to the application; and (6) any rebuttal as permitted by the Zoning Committee Chair. Once the Zoning Committee has the pertinent information, the public hearing will be closed and thereafter the Zoning Committee may deliberate, discuss, pose questions to the Sawyer County staff, legal counsel or the applicant, and take action on the application within the Zoning Committee's discretion.

Hearing Appearance Slip: For all hearings to be conducted at today's Zoning Committee meeting, any Speaker desiring to give pertinent testimony will be afforded to opportunity to do so. A Speaker must complete a Hearing Appearance Slip, which is provided at this meeting next to the meeting Agenda. After completion, the Speaker shall deliver the Hearing Appearance Slip to the Zoning Committee Chair prior to the commencement of the Zoning Committee meeting.

Process and Guidelines for Testimony by Speakers: Prior to speaking, the Speaker must be recognized by the Zoning Committee Chair in order to speak. Once recognized by the Zoning Committee Chair, the Speaker must state their full name and address before giving testimony. The Speaker should also state whether the Speaker represents a client, group, or other association, whether the Speaker is in favor or opposes the proposal on which the testimony is being given, and other pertinent information. Speakers should confine their testimony to the facts and matters presented. Speakers should avoid repetitive testimony, and Speakers are encouraged to state that they agree or disagree with other comments to avoid repetitive testimony. A Speaker's testimony will be limited to three (3) minutes, unless additional time is provided for by the Zoning Committee Chair. Orderly procedures require that each Speaker proceeds without interruption by others. All testimony will be addressed to the Zoning Committee and there will be no questions or arguments between individuals. The Zoning Committee is under no obligation to answer questions posed by the Speaker during the public hearing.

Applications for Rezoning: On applications for a change in zoning designation of property, the decision of the Zoning Committee is a recommendation to the Sawyer County Board of Supervisors for final determination and action. This provision does not modify or otherwise limit the provisions set forth in Wis. Stat. § 59.69 or any other applicable law.

Appeal of Certain Decisions: Any person aggrieved by a decision regarding a conditional use or any other decision in which the County Zoning Committee is the decision making body, a person may commence an action with the Sawyer County Board of Appeals to review the Zoning Committee's decision in whole or in part, within 30 days of the date following the committee's decision letter. This provision does not modify or otherwise limit the provisions set forth in Wis. Stat. § 59.694.

Statement of Hearing Notice

Each public hearing conducted at this Zoning Committee meeting has been published as a Class 2 notice in accordance with Wisconsin Statutes Ch. 985 in the Sawyer County Record and the Sawyer County Gazette, and publically posted within the Sawyer County Courthouse.

Questions

Please contact the Sawyer County Zoning Administrator should you have any questions regarding this Statement of Committee Hearing and Procedure and Statement of Hearing.

**MINUTES OF PUBLIC HEARING
Sawyer County Zoning Committee
July 16, 2021**

Zoning Committee Members

Ron Buckholtz, Chairman
Bruce Paulsen, Vice Chairman
Dawn Petit
Jesse Boettcher
Tweed Shuman
Stacey Hessel, Alternate Member

Zoning & Conservation Administration

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

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 call finding present: Ron Buckholtz, Bruce Paulsen, Dawn Petit - absent, Jesse Boettcher - virtual, Tweed Shuman, and Stacey Hessel. From the Zoning Office: Kozlowski and Marks. Legal Counsel Rebecca Roeker.

2) Pledge of Allegiance.

3) Statement of Committee and Hearing Procedure and Statement of Hearing Notice.

4) The Public Hearing Notice was published as a Class 2 Notice in accordance with Chapter 985 of the Wisconsin Statutes in the Sawyer County Record and Sawyer County Gazette

5) Approval of the July 16, 2021 Agenda. Motion by Paulsen to approve the agenda, second by Hessel. All in favor. Motion carried.

6) Approval of June 18, 2021 minutes. Motion to approve the minutes by Paulsen, second by Hessel. All in favor. Motion carried.

7) Public Comment. Linda Zillmer, Edgewater property owner requests legal answer regarding the Camping Ordinance, New deck size only if acreage density and setbacks are met, Campground applications. Also the County Comprehensive Plan. James Paine, Town of Bass Lake resident speaks of concerns of the Stone Hill road Gravel Pit.

REZONE APPLICATION

a) A Public Hearing in the Town of Hayward. RZN #21-006. Owner: AB Land, LLC. Part of the NE ¼ of the NW ¼, Lot 1 CSM 12/160 #2929. S26, T41N, R09W; Parcel #010-941-26-2119; 1.04 total acres; Zoned Residential One (R-1). Purpose of request is to have a non-retail Commercial Construction building as per Section 17.6 (A) (2). Kozlowski reads the application, Staff report, Town and City opinions and Neighbor opinion letters. Motion to open the public hearing portion of the application by Shuman, second by Hessel. All in favor. Owner is absent, No audience comment. Motion to close the public hearing portion of the application by Paulsen, second by Hessel. All in favor. Kozlowski reads the Discussion /Action portion of the

application. Discussion by Committee and Kozlowski held. Motion by Boettcher to approve the application as stated, second by Paulsen. No further discussion held. Roll call finds Paulsen – yes, Boettcher – yes, Shuman – yes, Hessel – 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 destroy prime agricultural lands.

b) A Public Hearing in the Town of Hayward. RZN #21-008. Owner: Raleigh & Jeanette Britton. Part of the NW ¼ of the NW ¼ and the SW 1.4 of the NW ¼, Lot 1 CSM 37/117 #8554; S35, T41N, R08W; Parcel #010-841-35-2212; 24.19 total acres; Zoned Residential/Recreational One. Purpose of the request is to rezone to Agricultural Two (A-2) per Section 17-5(b) for a small hobby farm so we can be self-sustainable. Kozlowski reads the application, Staff report, Town opinion and Neighbor opinions. Motion to open the public hearing portion of the application by Hessel, second by Shuman. All in favor. Jeanette Britton, owner speaks in favor of the application. No other audience comments. Motion to come out of the public hearing portion of the application by Shuman, second by Hessel. All in favor. Kozlowski reads the discussion/action portion of the application. Motion by Hessel to approve the application, second by Shuman. Discussion held by Committee. Roll call finds Boettcher – yes, Shuman – yes, Hessel – yes, Buckholtz – yes, Paulsen – yes. All in favor. Findings of Fact: It would not be damaging to the rights of others or property values.

CONDITIONAL USE APPLICATIONS

a) A Public Hearing in the Town of Edgewater. CUP #21-003. Owner: Bear Paw Resort LLC. Part of Government Lot 2; S04, T37N, R09W; Parcel #008-937-04-5207; 4.0 Total Acres; Zoned Residential/Recreational Two (RR-2). Permit desired for expansion of 8 of the 10 sites for 2021-2022 expansion. That total would bring the number of sites to 84 from the existing 76 sites. Kozlowski reads the application, staff report, Town opinion and Neighbor opinions. Motion by Shuman to open the public hearing portion of the application, second by Paulsen. All in favor. Will Wallus, owner of Bear Paw LLC speaks in favor of the application. Linda Zillmer, Edgewater property owner gives information on history and site visits. Discussion held with Committee regarding which Ordinance to use. Roeker states that they need to use the old Ordinance that was in effect at the time the application was submitted. No other audience comment. Motion to come out of the public hearing portion by Shuman, second by Paulsen. All in favor. Kozlowski reads the discussion/action portion of the application. Discussion held with Committee, Roeker and Kozlowski. Motion to deny the application by Shuman, no second. Motion fails. Motion to approve the application by Hessel, subject to the conditions read into record. Second by Boettcher. Roll call finds Boettcher – yes, Shuman – no, Hessel – yes, Buckholtz – yes, Paulsen – yes. Four to One in favor. Conditions of:

- 1) Must comply with Chapter ATCP 79 for Campground Regulations and all other applicable local, state or federal laws.
- 2) No mobile homes allowed.
- 3) All lighting must be downed lighting.
- 4) Must follow all other requirements of Sawyer County Zoning Ordinance 6.6 at the time of application.
- 5) A permanent manager or designee available 24 hours per day.

- 6) No fireworks allowed.
- 7) Quiet hours from 22pm to 8am every day
- 8) Must follow all DNR "pier planner" requirements for dock/pier placement.
- 9) No further campground expansion allowed on currently owned land. Condition may be waived if additional land purchases.
- 10) Comply with all Town requirements and conditions.
- 11) Buffer of fencing or trees to a depth of 50' around the Juelf's property on the north and west side.
- 12) An accessory building with fencing or trees the length of the glass property.
- 13) Campsite layout as per applicant handout on page 7 with 2 additional sites further to the South
- 14) Decks to be 75' from the setbacks.
- 15) Electrical pedestal relocated out of the Town Right-a-way no later than 12 months, unless demonstrated good measure.

No other discussion held. Findings of Fact: It would not be damaging to the rights of others or property values. It would no destroy prime agricultural lands.

b) A Public Hearing in the Town of Round Lake. CUP #21-019. Owner: David Stark. Buyer: David Wegener. Part of the NW ¼ of the NE ¼; S28, T41N, R07W; Parcel #024-741-28-1201; 15 total acres; Zoned Residential/Recreational One (RR-1). Permit desired for a 40' x 48' accessory building on vacant property per Section 4.26(1) of the Sawyer County Zoning Ordinance. Kozlowski reads the application, staff report, Town opinion and Neighbor opinion letters. Motion by Shuman to open the public hearing portion of the application, second by Paulsen. All in favor. David Wegener, owner speaks in favor of the application. No audience comment. Motion to close the public hearing portion of the application by Shuman, second by Paulsen. All in favor. Kozlowski reads the discussion/action portion of the application. Motion to approve the application by Shuman, second by Paulsen. With conditions of Land Use Permit is required and applied for accessory structure within 1 year from the date of Zoning Committee decision. Land Use Permit is required and applied for principle structure within 3 years from the date of Zoning Committee decision. Failure to apply will result in citation with potential order for removal of accessory building. Proposed accessory structure must met all other Sawyer County Zoning & Conservation requirements and compliant with all other State & Federal Laws. Size of proposed (pole shed) no to exceed 40' x 48'. Roll call finds Shuman – yes, Hessel – yes, Buckholtz – yes Paulsen – yes, Boettcher yes. All in favor. Findings of Fact: It would not be damaging to the rights of others or property values. It would not destroy prime agricultural lands. It would not create an objectionable view.

REZONE & CONDITIONAL USE APPLICATIONS

a) A Public Hearing in the Town of Draper. RZN #21-007. Owner: Wilderness Products & Services, Inc., Agent: Linda Dezotell. Part of the NW ¼ of the SW ¼ & Part of the SW ¼ of the SW ¼; S23, T39N, R04W; Parcel #006-439-23-3203; 5 total acres; Zoned Forestry One (F-1). Purpose of request is to rezone from Forestry One (F-1) to Residential/Recreational Two (RR-2) to open a Seed & Feed Store in a new building. Kozlowski reads the application, staff report, Town opinion and Neighbor opinion letters. Motion by Paulsen to open the public hearing portion of the application, second by Hessel. All in favor. Linda Dezotell, owner speaks in favor of the application. No audience comment. Motion to close the public hearing portion of the

application by Shuman, second by Hessel. All in favor. Kozlowski reads the discussion/action portion of the application. Motion by Paulsen to approve the application, second by Hessel. No discussion held. Roll call finds Hessel – yes, Buckholtz – yes, Paulsen – yes, Boettcher – yes, Shuman – yes. All in favor. Findings of Fact: It would not be damaging to the rights of others or property values. It would be a good economic addition to this section of the County.

b) A Public Hearing in the Town of Draper. CUP #21-018. Owner: Wilderness Products & Services, Inc., Agent: Linda Dezotell. Part of the NW ¼ of the SW ¼ & Part of the SW ¼ of the SW ¼; S23, T39N, R04W; Parcel #006-439-23-3203; 5 total acres; Zoned Forestry One (F-1). Purpose of request is to open a Seed & Feed Store in a new building. This CUP is subject to RZN #21-007 from F-1 to RR-2. Kozlowski reads the application, staff report, Town opinion and Neighbor opinion letters. Motion by Hessel to open the public hearing portion of the application, second by Paulsen. All in favor. Linda Dezotell, owner speaks in favor of the application. No audience comment. Motion to close the public hearing portion of the application by Shuman, second by Paulsen. All in favor. Kozlowski reads the discussion/action portion of the application. No discussion held. Motion by Hessel to approve the application with conditions of Approval and final ratification of zone district change. All other Federal, State, County and Town regulations must be complied with. No vehicle parking is allowed on County Hwy M. Normal business hours would need to be maintained. Any signage would need to meet Sawyer County Zoning sign provisions. Second by Shuman. Roll call finds Paulsen – yes, Boettcher – yes, Shuman – yes, Hessel – yes, Buckholtz – yes. All in favor. Findings of Fact: It would not be damaging to the rights of others or property values. It is awesome people bring their economy to our County.

c) A Public Re-Hearing in the Town of Hayward. RZN #21-003. Owner: Sinkhole Investments LLC; Matthew Sink. Part of the SE ¼ of the SE ¼, Lot 2 CSM 35/86 #8246; S24, T41M, R09W; Parcel #010-941-24-4406; 18.82 Total Acres; Zoned Residential/Recreational One (RR-1); 14705W State Hwy 77 and The NE ¼ of the NE ¼; S25, T41N, R09W; Parcel #010-941-25-1101; 40 Total Acres; Zoned Agricultural One (A-1). Zone District change from Agricultural One (A-1) and Residential/Recreational One (RR-1) to Residential/Recreational Two (RR-2). Purpose of Rezone is to build a campground. With granting of the rezone to Residential/Recreational Two (RR-2), the owners would then apply for a conditional use permit for the campground. Kozlowski reads the application, staff report, Town opinion, Neighbor opinion letters. Motion to open the public hearing portion of the application by Shuman, second by Paulsen. All in favor. Matt Sink speaks in favor of the application. Seth Hahn Town of Hayward resident speaks in favor of the application. Kozlowski reads Ryan Hanson's letter resident of the Town of Hayward he opposes the application siting traffic problems. Discussion held. Motion by Paulsen to close the public hearing portion of the application, second by Hessel. All in favor. Kozlowski reads the discussion/action portion of the application. Motion to approve the Rezone by Paulsen, second by Boettcher. Discussion held by Committee. Roll call finds Boettcher – yes, Shuman – yes, Hessel – yes, Buckholtz – yes, Paulsen – yes. All in favor. Findings of Fact: It would not destroy prime agricultural lands. It would be good for the economy.

d) A Public Hearing in the Town of Hayward. CUP #21-017. Owner: Sinkhole Investments LLC; Matthew Sink. Part of the SE ¼ of the SE ¼, Lot 2 CSM 35/86 #8246; S24, T41M, R09W; Parcel #010-941-24-4406; 18.82 Total Acres; Zoned Residential/Recreational One (RR-1); 14705W State Hwy 77 and The NE ¼ of the NE ¼; S25, T41N, R09W; Parcel #010-941-25-1101; 40 Total Acres;

Zoned Agricultural One (A-1). Permit desired to develop and operate a seasonal RV/small cabin campground tailored to the weekend tourist looking to explore the Hayward area hiking, biking and ATV.UTV trails in a fully wooded setting. This CUP is subject to RZN #21-003 from RR-1 and A-1 to RR-2. Kozlowski reads the application, staff report, Town opinion, Neighbor opinion letters. Motion by Paulsen – to open the public hearing portion of the application, second by Shuman. All in favor. Matt Sink, owner speaks in favor of the application. Discussion held with Committee. Linda Zillmer, Edgewater property owner speaks neither for nor against the application. Discussion continues. Derek Leslie, Hayward Aviation speaks in favor of the application. No other comments. Motion by Shuman to close the public hearing portion of the application, second by Paulsen. All in favor. Kozlowski reads the discussion/action portion of the application. Motion by Hessel to approve the application with Town conditions, conditions listed in the staff report. Second by Shuman. Discussion held. Hessel amends motion to require an easement be obtained to use the Sawyer County Forestry trail by the Sawyer County Forestry. Second by Shuman. No discussion held. Roll call finds Boettcher – yes, Shuman – yes, Hessel – yes, Buckholtz – yes, Paulsen – yes. All in favor. Findings of Fact: It would no destroy prime agricultural lands. It will help the County's economy.

NEW BUSINESS

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

ADJOURNMENT

Adjournment by Buckholtz at 11:50am.

Minutes prepared by Kathy Marks, Deputy Zoning & Conservation Administrator



Conditional Use Permit Request STAFF REPORT

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

File: # CUP 21-020

Applicant:

Donald Anderson
6450 York Ave S, UNIT NO 513
Edina, MN 55435

Property Location & Legal Description:

Town of Round Lake. Part SENE S30, T41N, R07W; Lot 2 CSM 18/267 #5516; Parcel #024-741-30-1405; 1.28 Total Acres; Zoned Residential/Recreational One (RR-1).

Request: Permit desired for the after-the-fact (ATF) placement of an 8' x 20' accessory building (shipping container) on vacant property, as per Sawyer County Zoning Ordinance Section 4.26 (1) the construction of a single accessory structure on vacant property may be allowed under this subsection by Conditional Use with mandatory conditions required on approval:

4.26(1)....The construction of accessory buildings on vacant property may only be allowed by Conditional Use with Town and Zoning Committee Approval. Granting of a Conditional Use will require within 3 years for a principal dwelling Land Use Permit to be applied for and the principal dwelling to be built within the permit time frame on the same parcel. Failure to build principal dwelling will result in citation and order for removal of accessory structure.

Project History & Summary of Request

As per conversations with the applicants the Conditional Use Permit is being requested for the ATF placement of an 8' x 20' accessory building (shipping container) on the property prior to building the principal dwelling. This shipping container is currently being used to store tools and equipment that were needed to be transported with the loss of the applicant's other home in Bayfield from a fire. In conversations with the applicant they are wanting to do the right thing by applying for this CUP, cleaning up the property of downed trees, and build a small cabin on this lot within the 3-year time frame. Our office had also received complaints on this property not only from the shipping container that was placed on the property but also some other inoperable motor vehicles which at this point have either become licensed or removed from the property.

If the CUP is granted the applicant will still need to complete a Land Use Permit for the shipping container placement which will be assessed and ATF double permit fee.

On the issue of shipping containers to be used as accessory structures, previous office policy/guidance was initially address in 2007. In 2007 the previous ZA, Bill Christman had brought this issue to the Zoning Committee. At that time the ZC determined that shipping containers are defined as accessory structures but “not appropriate on private properties as accessory structure.” Such structures when used as part of a business would be appropriate. After this guidance in 2007 a different Zoning Administrator had asked Corporation Counsel if this policy could be enforced. The Corp Counsel stated that since the Zoning Ordinance does not truly define the difference in these types of accessory structures that it would be very difficult to deny the permitting of them as accessory structures. The Sawyer County Zoning Ordinance and previous Zoning Administrator has allowed shipping containers to be used as accessory structures since 2011 and many adjacent Counties as well as the majority of Counties within the State allow them as accessory structures for storage.

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 An after-the-fact Land Use Permit is required and applied for **accessory structure(s)** within **1 year** from the date of Zoning Committee decision.
- 2 Land Use Permit is required and applied for **principal structure** within **3 years** from date of Zoning Committee decision. Failure to apply will result in citation with potential order for removal of accessory building.
- 3 Proposed accessory structure must me all other Sawyer County Zoning & Conservation requirements and compliant with all other State & Federal Laws
- 4 Size of shipping container not to exceed 8' x 20'.

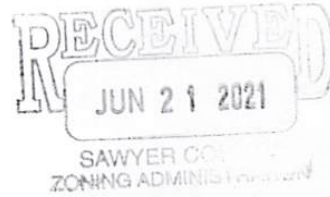
Findings of Fact for Approval: (choose from list below)

- 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.



Conditional Use Application # 21-020
Town of ROUND LAKE

Return Original

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

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

Owner: DONALD A. ANDERSON

Address: 6450 York Ave S., 513, Edina MN 55435

Phone: 715-558-5003 Email: donajr4@yahoo.

Legacy PIN#: 024741301405 Zoned: R1 Acreage: 1.28

Property Description: PRT SENE; S30, T40 R07W; TAX ID # 25943

Permit desired for: accessory structure on vacant property
subject to section 4.26 (1) - placement of
shipping container 8'x20' for that storage of
tools and equipment to clean up to lot to build
house/cabin with 3 years.

Donald A. Anderson

*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
Rev. 1/2021

Date of Public Hearing August 17, 2021

Real Estate Sawyer County Property Listing

Today's Date: 6/21/2021

Property Status: Current

Created On: 2/6/2007 7:55:44 AM



Description

Updated: 2/18/2020

Tax ID: 25943
PIN: 57-024-2-41-07-30-1 04-000-000050
Legacy PIN: 024741301405
Map ID: .4.5
Municipality: (024) TOWN OF ROUND LAKE
STR: S30 T41N R07W
Description: PRT SENE LOT 2 CSM 18/267 #5516
Recorded Acres: 1.280
Lottery Claims: 0
First Dollar: No
Waterbody: Lovejoy Lake
Zoning: (RR1) Residential/Recreational One
ESN: 404



Tax Districts

Updated: 2/6/2007

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



Recorded Documents

Updated: 8/18/2014

WARRANTY DEED

Date Recorded: 7/21/2020

[425168](#)

WARRANTY DEED

Date Recorded: 7/7/1997

[261758](#) 607/364

CERTIFIED SURVEY MAP

Date Recorded: 12/3/1996

[258113](#)

Ownership

Updated: 8/12/2020

DONALD ANDERSON

EDINA MN

Billing Address:

DONALD ANDERSON
 6450 YORK AVE S UNIT NO 513
 EDINA MN 55435

Mailing Address:

DONALD ANDERSON
 6450 YORK AVE S UNIT NO 513
 EDINA MN 55435



Site Address * indicates Private Road

N/A



Property Assessment

Updated: 7/16/2019

2021 Assessment Detail

Code	Acres	Land	Imp.
G1-RESIDENTIAL	1.280	92,400	0

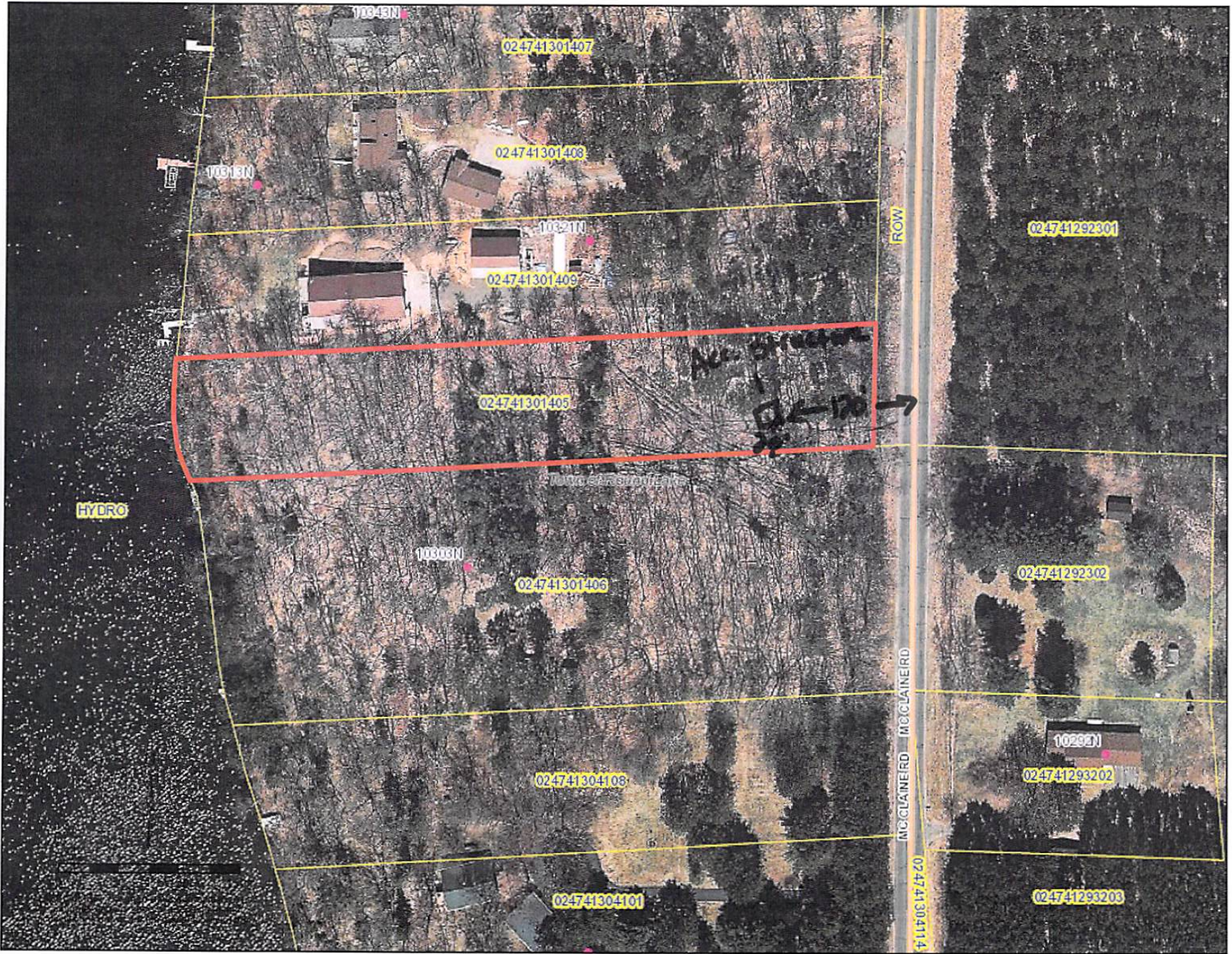
2-Year Comparison

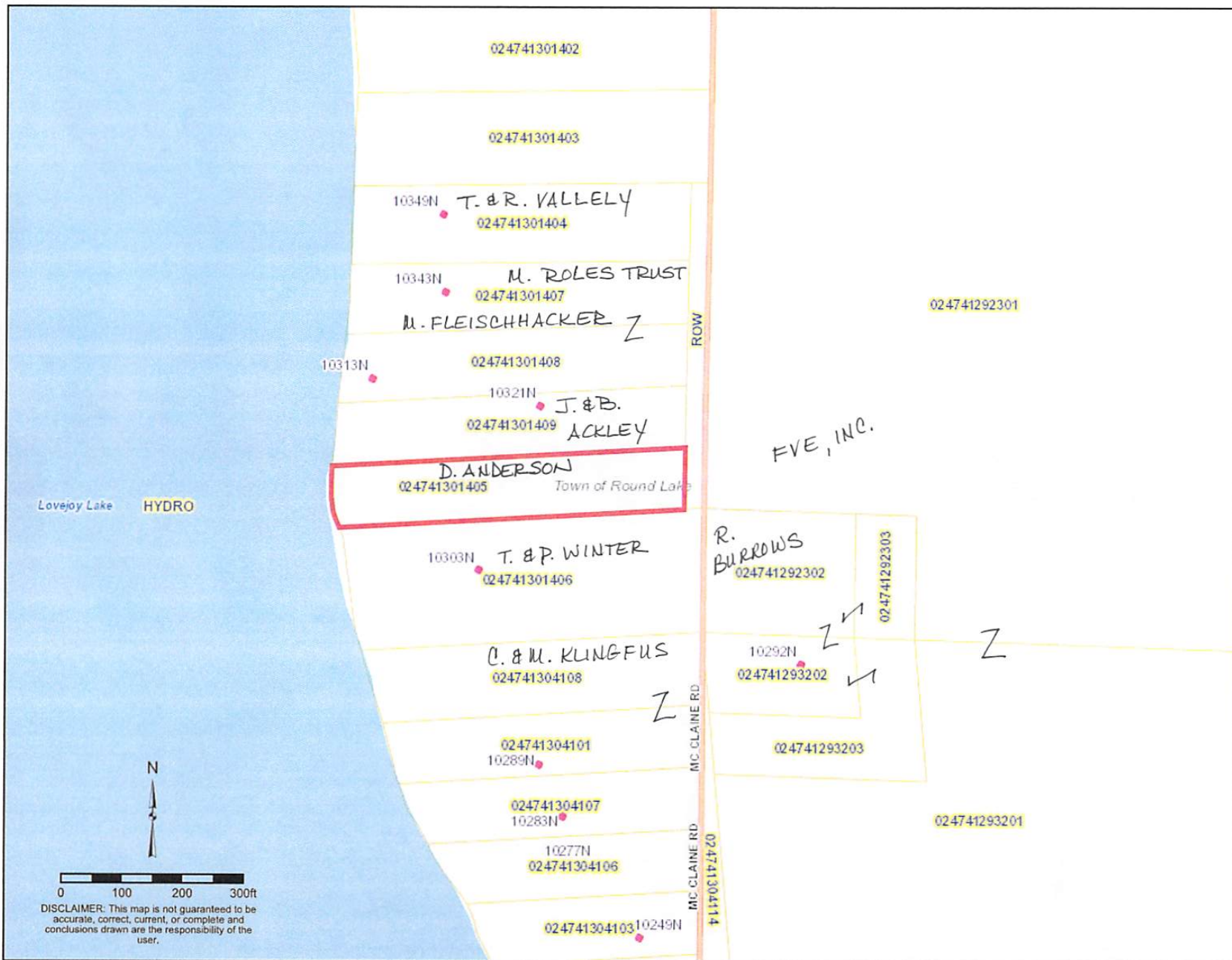
	2020	2021	Change
Land:	92,400	92,400	0.0%
Improved:	0	0	0.0%
Total:	92,400	92,400	0.0%



Property History

N/A





Conditional Use Permit Request STAFF REPORT

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

File: # CUP 21-021

Applicant:

Robert Wanderer
15644W Victory Heights Cir
Stone Lake, WI 54876



Property Location & Legal Description:

Victory Heights 2nd Addition, Lot 18, Block 11; S10, T39N, R09W; Parcel #026-182-11-1800; .434 total acres; Zoned Residential/Recreational One (RR-1).

Request: Permit desired for an Accessory building 26'x24' in size across a Town Road subject to Section 4.26 (2) Sawyer County Zoning Ordinance. Applicant has a primary dwelling located at 15644W Victory Heights Circle

Project History & Summary of Request

The applicant is requesting to build a 26' x 24' accessory structure on the back side of Victory Heights Circle across a Town road from where the primary dwelling is located. Structure is to meet all other setbacks. There is very limited buildable area on the lake shore parcel with the current placement of the driveway, septic system, and future primary dwelling additions. It should also be noted that by placing this accessory structure on the opposite lakeshore side of Victory Heights Circle that impervious surfaces and runoff issues would be greatly decrease. Proposed new accessory structure would be approximately 600' from LCO Lake. See attached maps included in this packet.

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)

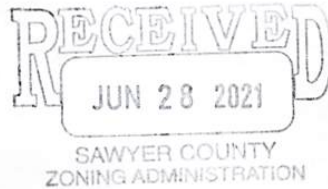
- 1 No habitable area is allowed in this structure.
- 2 No commercial use or operation allowed in structure.
- 3 Size of proposed accessory structure not to exceed 26' x 24'
- 4 Owner must record a restrictive covenant (deed restriction) with vacant lot where accessory structure is to be located and lot that contains primary dwelling
- 5 Must follow all other Town, County, State, Federal regulations/laws/conditions.

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.



Conditional Use Application # 21-021
Town of Sand Lake

Return Original

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

Phone: 715-634-8288

Email: Kathy.marks@sawyercountygov.org

Owner: BOB WANDIERER

Address: 15644 W Victory Hts. Cree, Stone Lake WI 54876

Phone: 715-865-5603 Email: RWANDIER8726@CHARTER.WI.NET

Legacy PIN#: 026-182-11-1800 Zoned: RR-1 Acreage: 0.434

Property Description: VICTORY heights 2nd ADDN lot 18
BLK 11 - site address across road 15644w victory
heights cir

Permit desired for: Accessory Structure 26' x 24' across Town
road Subject to section 4.26(2) Sawyer County
Zoning Ord.

Robert T. Wandier II ROBERT T. WANDIERER II

*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
Rev. 1/2021

Date of Public Hearing August 20, 2021

Real Estate Sawyer County Property Listing

Today's Date: 6/28/2021

Property Status: Current

Created On: 2/6/2007 7:55:45 AM

**Description**

Updated: 11/1/2011

Tax ID:	27086
PIN:	57-026-2-39-09-10-5 15-133-111800
Legacy PIN:	026182111800
Map ID:	-16.11.18
Municipality:	(026) TOWN OF SAND LAKE
STR:	S10 T39N R09W
Description:	VICTORY HEIGHTS 2ND ADDITION LOT 18 BLK 11
Recorded Acres:	0.434
Calculated Acres:	0.438
Lottery Claims:	0
First Dollar:	No
Zoning:	(RR1) Residential/Recreational 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: 4/4/2008

TERMINATION OF DECEDENTS INTEREST
Date Recorded: 321499 524/268 TDI#321499

**Ownership**

Updated: 11/1/2011

ROBERT T WANDERER	STONE LAKE WI
--------------------------	---------------

Billing Address:

ROBERT T WANDERER
15644W VICTORY HEIGHTS CIR
STONE LAKE WI 54876

Mailing Address:

ROBERT T WANDERER
15644W VICTORY HEIGHTS CIR
STONE LAKE WI 54876

**Site Address** * Indicates Private Road

N/A

**Property Assessment**

Updated: 2/6/2007

2021 Assessment Detail

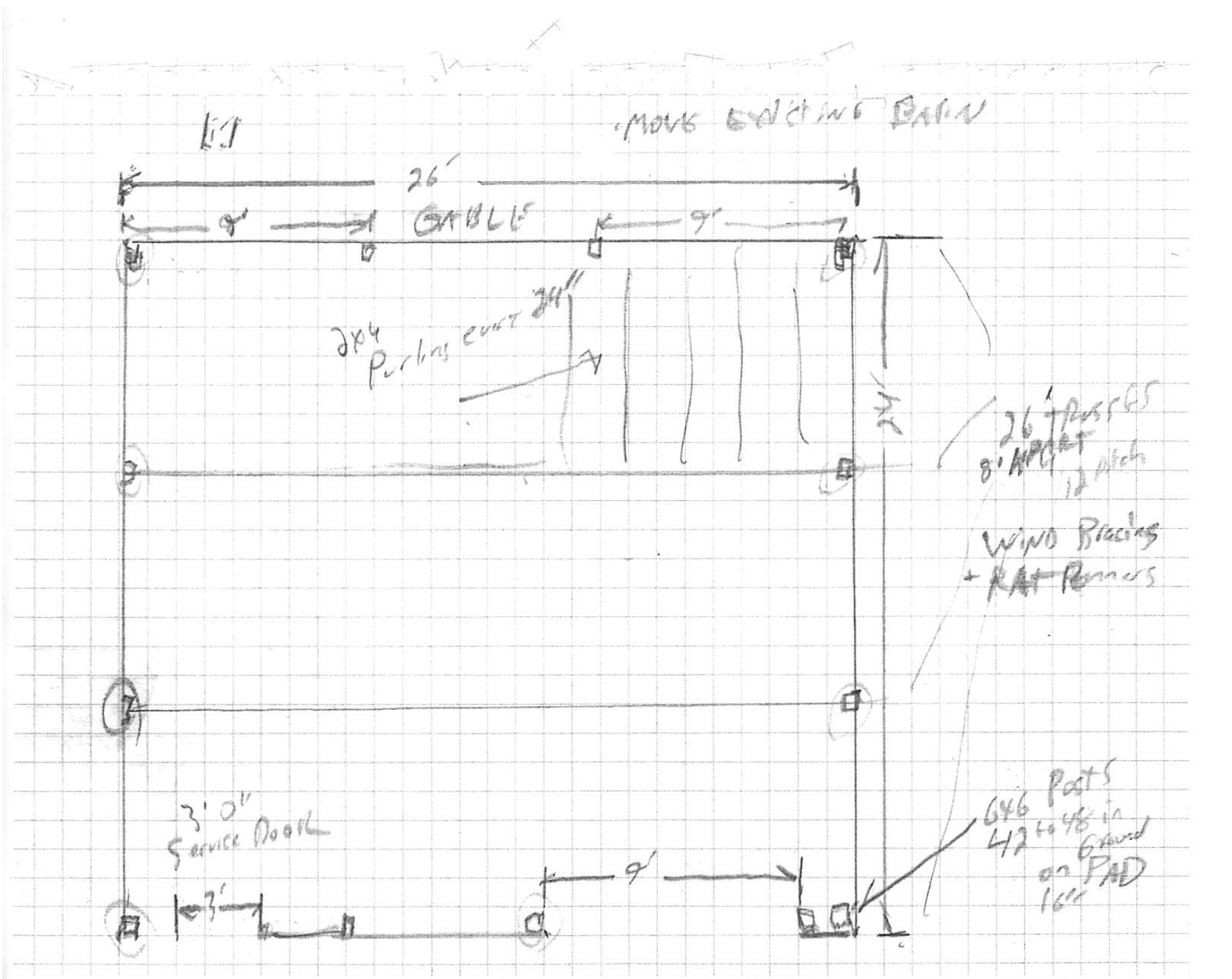
Code	Acres	Land	Imp.
G1-RESIDENTIAL	0.434	4,300	0

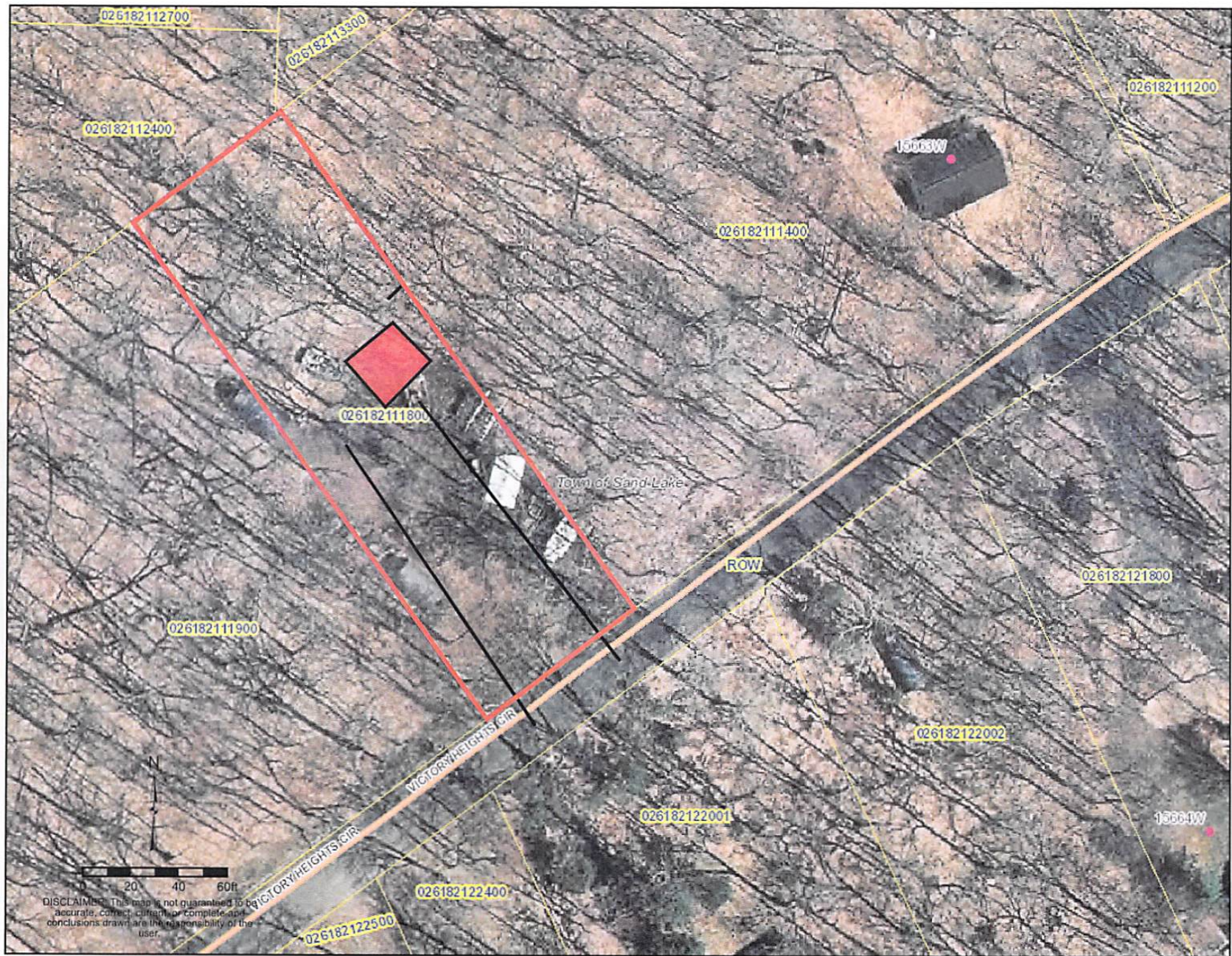
2-Year Comparison

	2020	2021	Change
Land:	4,300	4,300	0.0%
Improved:	0	0	0.0%
Total:	4,300	4,300	0.0%

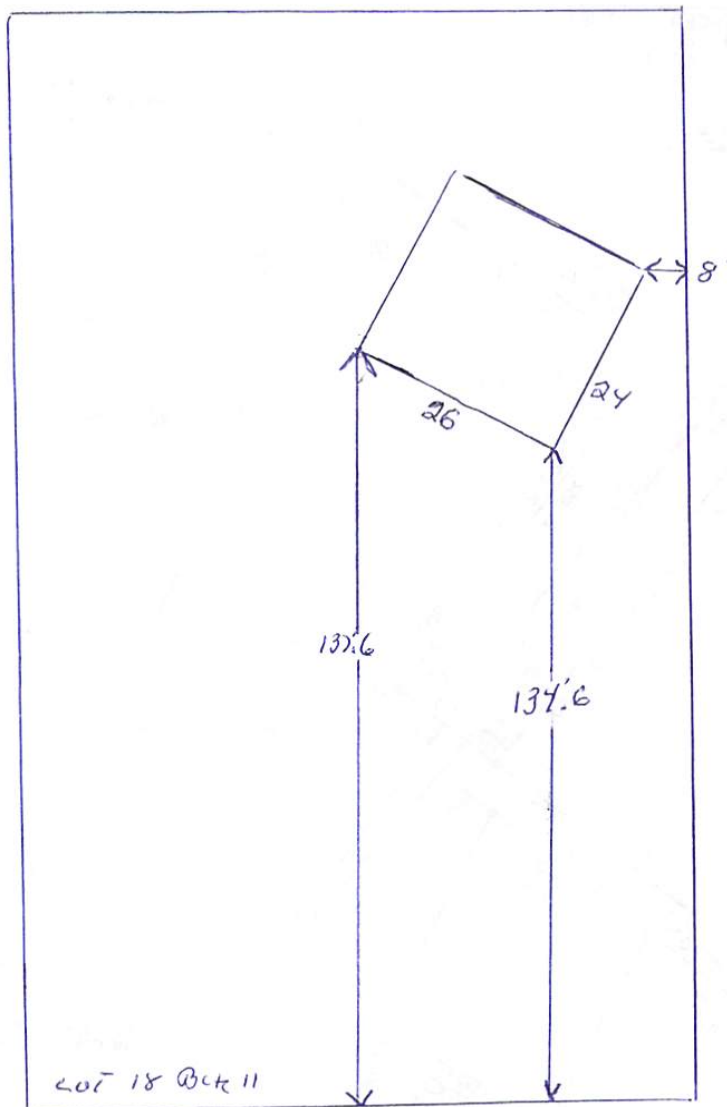
**Property History**

N/A









106444
 VICTORY HTS CIRC
 BOB WANDERER
 715-865-5603

Zoning Issue - Stone Hill Road Select Gravel Pit (old John Williams Pit)

In Summary: The Main Issue is the Gravel Pit removed trees that surround the pit that violated the recently approved CUP 20-024 that requires trees surround the pit. It is my opinion that this is unsightly and will increase noise in the area and decrease property values. The requirement that it be surrounded by trees is in dispute.

Background:

- Stone Hill Road leads to Goossen Rd and Stuckey Bay Lane. All dead end roads. There are approximately 18 residential homes on Stone Hill, Goossen and Stuckey Bay Lane. I would guess 9 or more full time residents. All of the homes have been there longer than the pit. Many have been rebuilt. Approximately 3 homes have small children full time, whereas maybe 10 more have children part time as babysitters or frequent summer visitors.. Stone Hill Road is used frequently by the residents as a walking trek.
- Pit has been there for a long time also. Neighbors have complained informally among ourselves and formally over time about the noise, hours and days of rock crushing noise and truck traffic.
- Apparently previous owner Williams established a Plan of Operations long ago. Paragraph I, labeled "SITE VISIBILITY" says that: "The natural topography of the site would restrict view from roads and adjoining properties. Wooded areas would surround the pit on all sides, which protects the operation". I was informed in July 2021 by two past owners/families of the Pit and also Jay Kozlowski said in email initially that trees were required to remain around the pit.
- Also paragraph H says operations would be done in a manner that noise, etc... be minimized as much as practicable. Also some DNR chapter 30 and NR135 regulations must be adhered to. I looked it up: (NR135 statute says reclamation of mining sites must be done). (DNR Chapter 30, I am not sure how it applies, but I assume it is related to runoff to lakes). Additionally, the plan of operation acknowledges that the pit needs to be reclaimed at a certain point.
- In the last 10(?) years, a large dirt pile was located on the north side of the pit hole, in view of the road.
- In the last two years, relatively small piles of gravel and rocks were located in an open field on the west side of the pit. As a side note, the driveway to that open pit lacked a culvert, causing spring runoff to cross the road into the adjacent corn field which drains down Stone Hill Road towards the lake(see DNR chapter 30).
- Conditional Use Permit 20-024 renewed December 2020. It highlights adherence to the plan of operations and rock crushing rules. Allowed 1 acre expansion.
- In July 2021, Timber was cleared completely on the west side of the pit. Additionally, a large amount of trees were harvested on the south side. I am not sure about the other sides as they were previously hidden by the other trees or if logging will continue. One can now see the back of the pit from the road.
- Based on community complaints, Jay Kozlowski promptly contacted the landowner. Jay K reported back to me that the timber was being sold and that owner had a MSHA

mining violation which required him to take down the trees. Also it was reported that a berm would be constructed to hide the pit.

- As of emails 15-July, Jay Z indicated that berm would be permitted with correction orders written. Zoning is now reading that trees are not required. I understand the mine has already reached their full expansion allowed in the 2020 CUP.

My Issues:

- The area is ugly now.
- The landowner violated the CUP. According to paragraph of section 8.25 of the Sawyer county website on CUPs: "Where a permitted conditional use does not continue in conformity with the conditions of the original approval, the conditional use permit shall be terminated by action of the Zoning Committee."
- The CUP does not mention that if a violation of MSHA occurs, that sections of the plan of operation can be ignored. I am not a lawyer, but I am not aware that Federal regulations overrule local laws related to intrastate commerce.
- A berm is not trees. I read Paragraph I that there should be a wooded surrounding it. I have no idea what that berm is going to look like, but I imagine it will look like one of those big city dumps that have berms around them. It will look ugly and not NATURAL.. It will be harmful to property values. Since there are no trees, noise from rock crushers and trucks will be louder. A berm may increase runoff. Will it be in compliance to DNR Chapter 30? Is there a public review process of the berm or future actions.
- What will the new CUP look like? **Why does it seem my neighbors and I will have to accept something uglier and noisier because the mine had a MSHA violation??**
- There was no public or government input into the tree cutting decision. The CUP and Zoning was ignored, maybe innocently, but that is just not right.
- We have a zoning process. We must follow it or people lose trust in the government.
- My guess only: The Pit probably will expand more than 1 acre on these actions. This action was a roundabout way to increase the pit and operations
- I haven't seen the MSHA violation or talked to the owner, but I assume the mine walls are too steep.. It sounds like the mine has reached its life end with the present 1 acre restrictions of expansion. Maybe it should be closed.

What I want in the near term:

- Exact knowledge of landowner intentions.
- Maybe close the pit permanently.
- Or come up with a written PLAN where the landowner, government and public approve the bringing back of the natural topography. (this better include some big fast growing trees).
- Not necessarily sanction the owner, but I would hope the owner is made to understand what a CUP and zoning is.

Notes prepared by James Paine,
15783 W Stukey Bay Ln
Hayward, WI 54843 520-431-0319 jspaine@gmail.com

CONSTRUCTION PLAN
SAND AND GRAVEL PIT

PRACTICE OPERATION AND RECLAMATION PLAN

OWNER Select Transport Co Darryl Mast

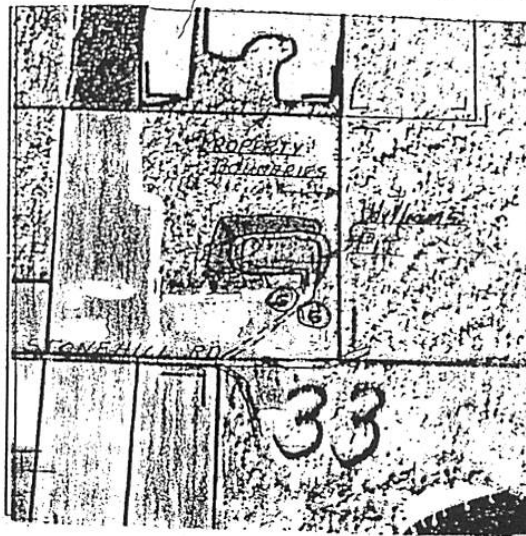
ADDRESS 6506N Old 27 Rd Stone Lake, WI 54876

COUNTY SAWYER

TOWNSHIP BASS LAKE

SECTION 33 TOWNSHIP 40N RANGE 9W

FIELD OFFICE HAYWARD TELEPHONE NO. 715 699 0109



NOTICE TO LANDOWNERS AND CONTRACTORS

The owners of pipelines or other utilities must be notified of the pending construction. You will be liable for damages resulting from construction activities.

DESIGNED BY JD DATE MAY 1996

APPROVED BY _____ DATE _____

SHEET 1 OF 1

PLAN CONTENTS

The John Williams Pit Plan Contents include the following:

A. Operation Activity.....	1
B. Hours of Operation.....	1
C. Operation Equipment.....	1
D. Haul Routes.....	1
E. Site Layout.....	1
F. Extraction Sequence.....	2
G. Erosion Control.....	2
H. Environmental Considerations.....	2
I. Site Visibility.....	2
J. Type of Mining and Processing.....	2
K. Area Affected.....	3
L. Reclamation Plan.....	3

APPENDIXES

1. Sheet 1 - Location of site
2. Sheet 2 - Contour Map of Pit Site

A. OPERATION ACTIVITY

Proposed Activities will possibly include:

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

B. HOURS OF OPERATION

Normal hours of operation will be from 6:00 A.m. to 7:00 P.m. Monday through Saturday during the months of May through December.

Crushing operations will be conducted sometime between May 1st and December 15th of each year of operation. The proposed operating hours for crushing operations are from 7:00 A.m. to 10:00 p.m., excluding holidays. Crushing will be for 3 to 4 weeks per year. Crushing will likely be performed by a secondary crushing firm which will utilize a portable crusher.

C. OPERATION EQUIPMENT

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

D. HAUL ROUTES

Access road to the Williams' pit is through the driveway entrance at Stonehill Road, then west to State Highway 27 about 3/4 mile. The pit location is in section 33, T40N R9W.

E. SITE LAYOUT

Site location is shown on sheet 1. The existing slopes will be maintained during the operation of the pit. New expansion area slopes will follow the Sawyer County ordinance.

F. EXTRACTION SEQUENCE

The expansion area will be in a Northerly and Westerly direction as shown on sheet 2. Top soil, overburden, and sand will temporarily be stock piled beyond the limits of initial excavation until the pit becomes large enough to allow material storage within the limits of the pit. Reclamation will be done in coordination with extraction.

G. EROSION CONTROL

During the operation of the pit, erosion control will be maintained so that all soil will not leave the main pit area on the Williams' property.

H. ENVIRONMENTAL CONSIDERATIONS

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

I. SITE VISIBILITY

The natural topography of the site and location restricts the view of the site from roads and adjoining properties. The wooded areas surround the pit on all sides which protects the operation.

J. TYPE OF MINING AND PROCESSING

For 3-4 weeks each year, gravel crushing equipment will be set up. All known ponds, streams, and waterways are at least 1000 feet away from the site.

K. AREA AFFECTED

The existing pit area is 10 acres. As progress and space is available some reclamation will take place. The area to be expanded is relatively flat in both the northerly and westerly directions. As expansion is made, the runoff from the edges will slope into the pit where it is confined.

Sheet 2 shows the expansion areas for the next five years. An average of 5000 cu. yds. per year of gravel and sand will be mined. Ground water tables slope to the east and southeast. Lac Courte Oreilles Lake is over 1200 feet from the pit. Lake elevation is approximately 90 feet below the pit surface elevation.

L. RECLAMATION PLAN

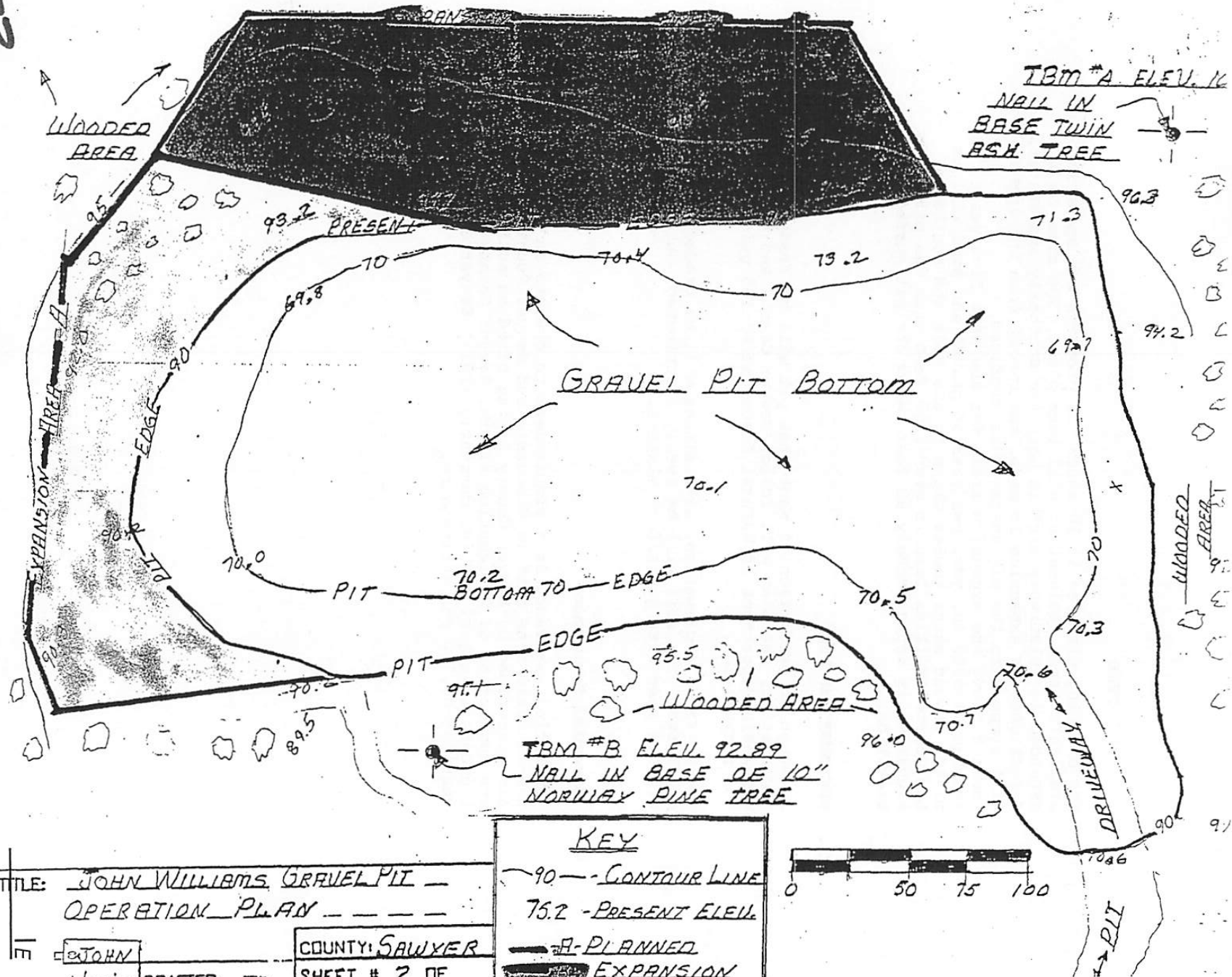
Although no prediction is made when pit will be ready for reclamation, the plan will follow Sawyer County and the Wisconsin Department of Natural Resources NR-135 guidelines for reclamation.

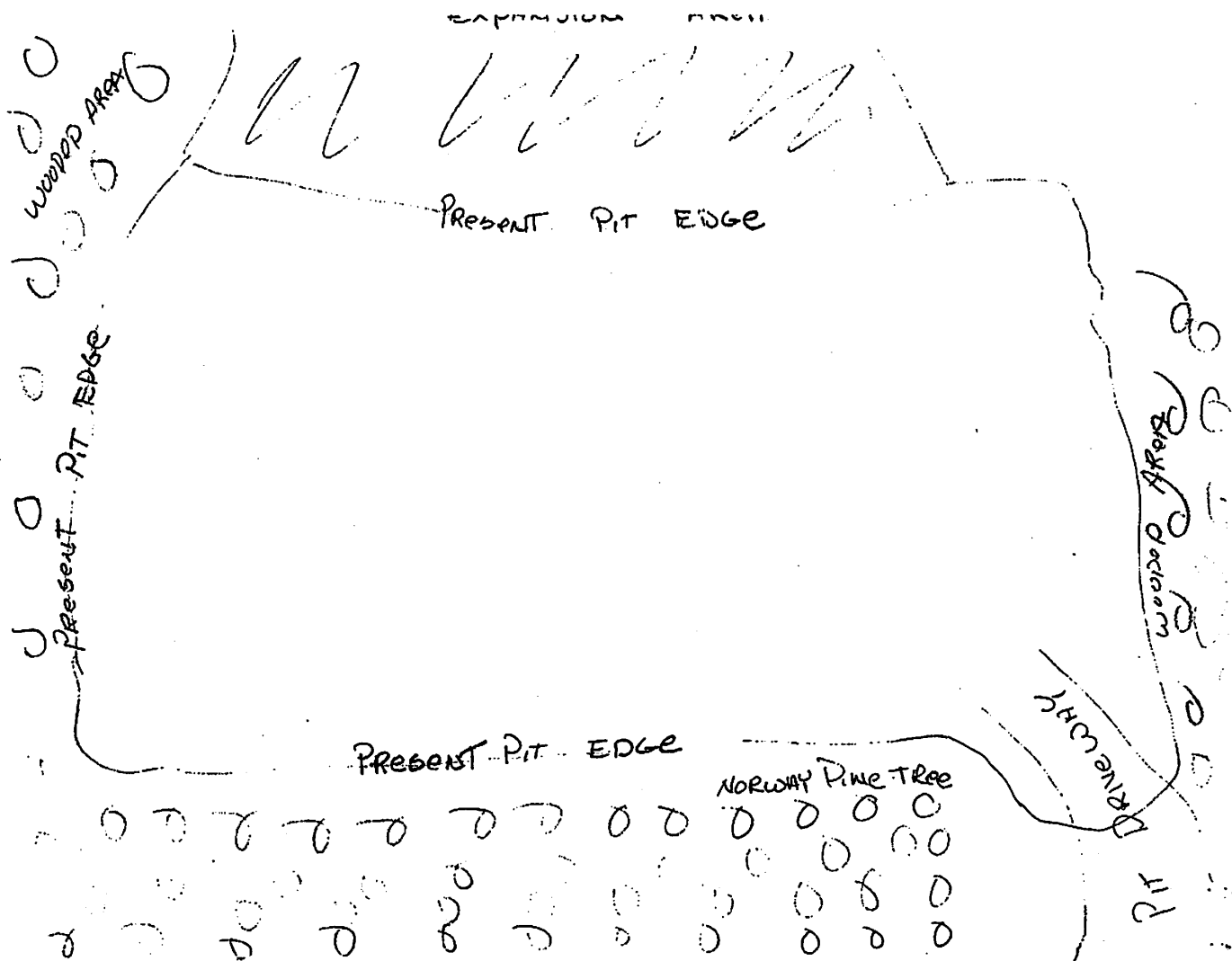
During final reclamation, side slopes will be graded to 3:1 or flatter, top soil will be evenly distributed, entire area will be seed with grass/forb mixture.

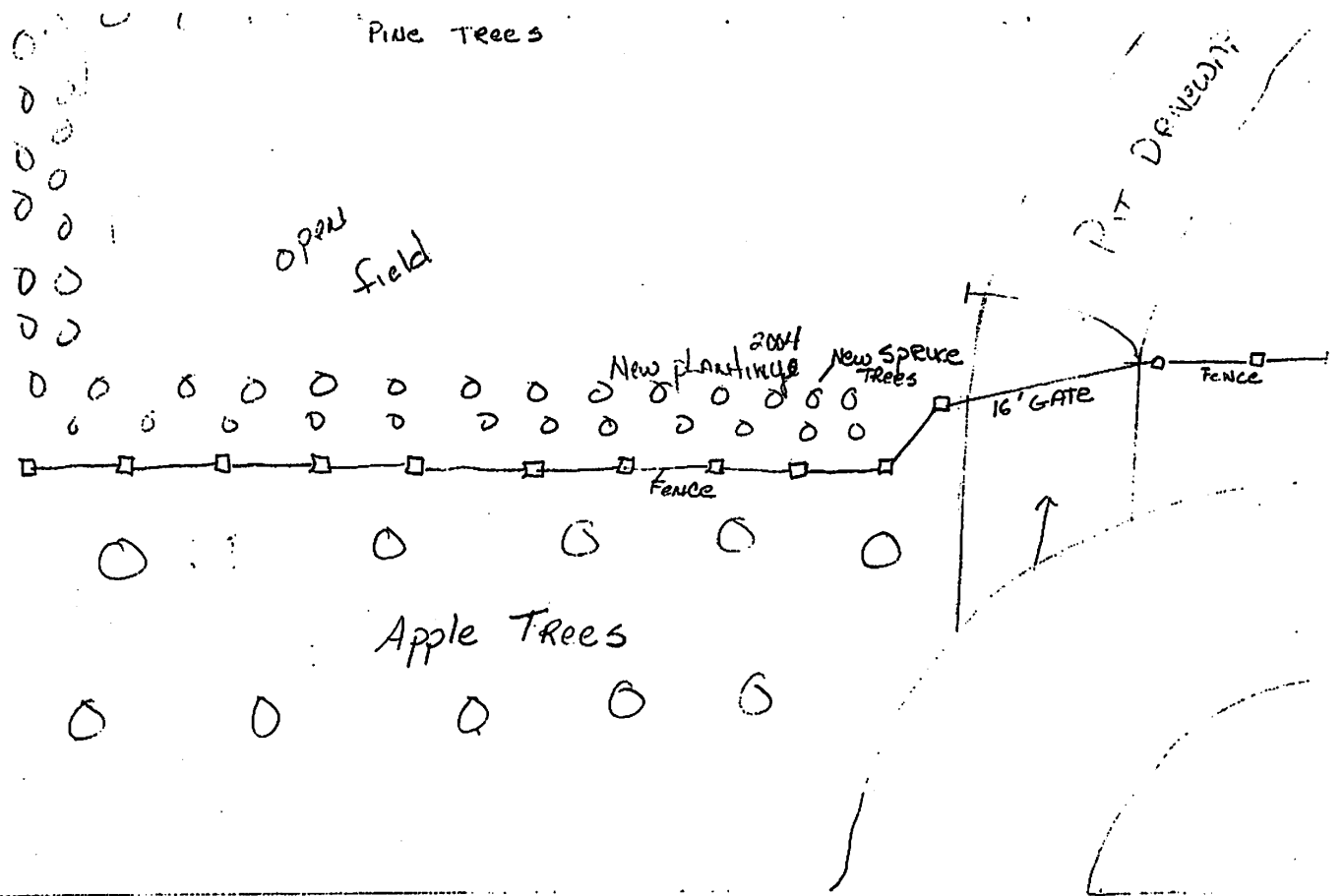
G. Financial Assurance

Financial assurance is a requirement to operate an active non-metallic mine site in Wisconsin and Sawyer County. Rates are prescribed by Sawyer County Zoning based on active acres and complexity of Reclamation effort. Sawyer County is also the beneficiary of the FA. Currently (2017) Sawyer County requires \$1,500 per active acre.

22







LOCATED IN THE E 1/2-SW 1/4-NE 1/4
SECTION 33, T40N, R9W, TOWN OF BASS LAKE,
SAWYER COUNTY, WISCONSIN.

BEARINGS ARE REFERENCED TO
THE SOUTH LINE OF GOV'T. LOT 4
SEC. 33, T40N, R8W
ASSUMED TO BEAR
N89°55'42"E



1"=150'
GRAPHIC SCALE

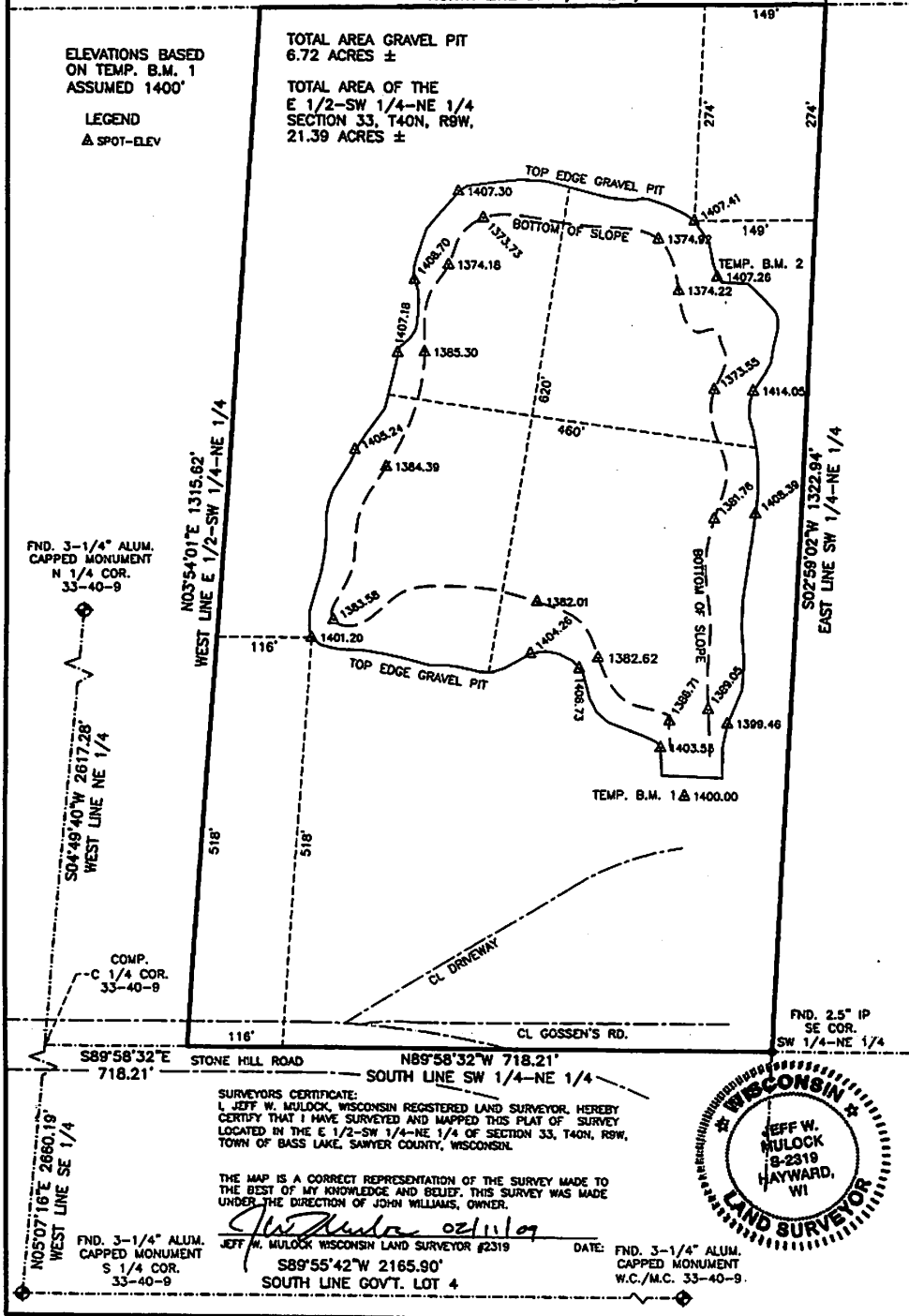
N89°19'16"E 697.63'
NORTH LINE SW 1/4-NE 1/4

ELEVATIONS BASED
ON TEMP. B.M. 1
ASSUMED 1400'

LEGEND
▲ SPOT-ELEV

TOTAL AREA GRAVEL PIT
6.72 ACRES ±

TOTAL AREA OF THE
E 1/2-SW 1/4-NE 1/4
SECTION 33, T40N, R9W,
21.39 ACRES ±





QUALITY YOU CAN
COUNT ON

PERFORMANCE YOU
CAN BANK ON!

T & T TOOL, INC.
700 INDUSTRIAL BLVD
P.O. BOX 118
SPOONER, WI 54801
United States of America
Ph: 715-635-8421

Fax: 715-635-7744

Purchase Order

Number: 91698

Date: 27-Oct-17

To

DARRYL
SELECT TRANSPORT INC.
6506N OLD 27 RD.
STONE LAKE , WI 54876
United States of America

Ship To

T & T TOOL, INC.
700 INDUSTRIAL BLVD
P.O. BOX 118
SPOONER, WI 54801
United States of America

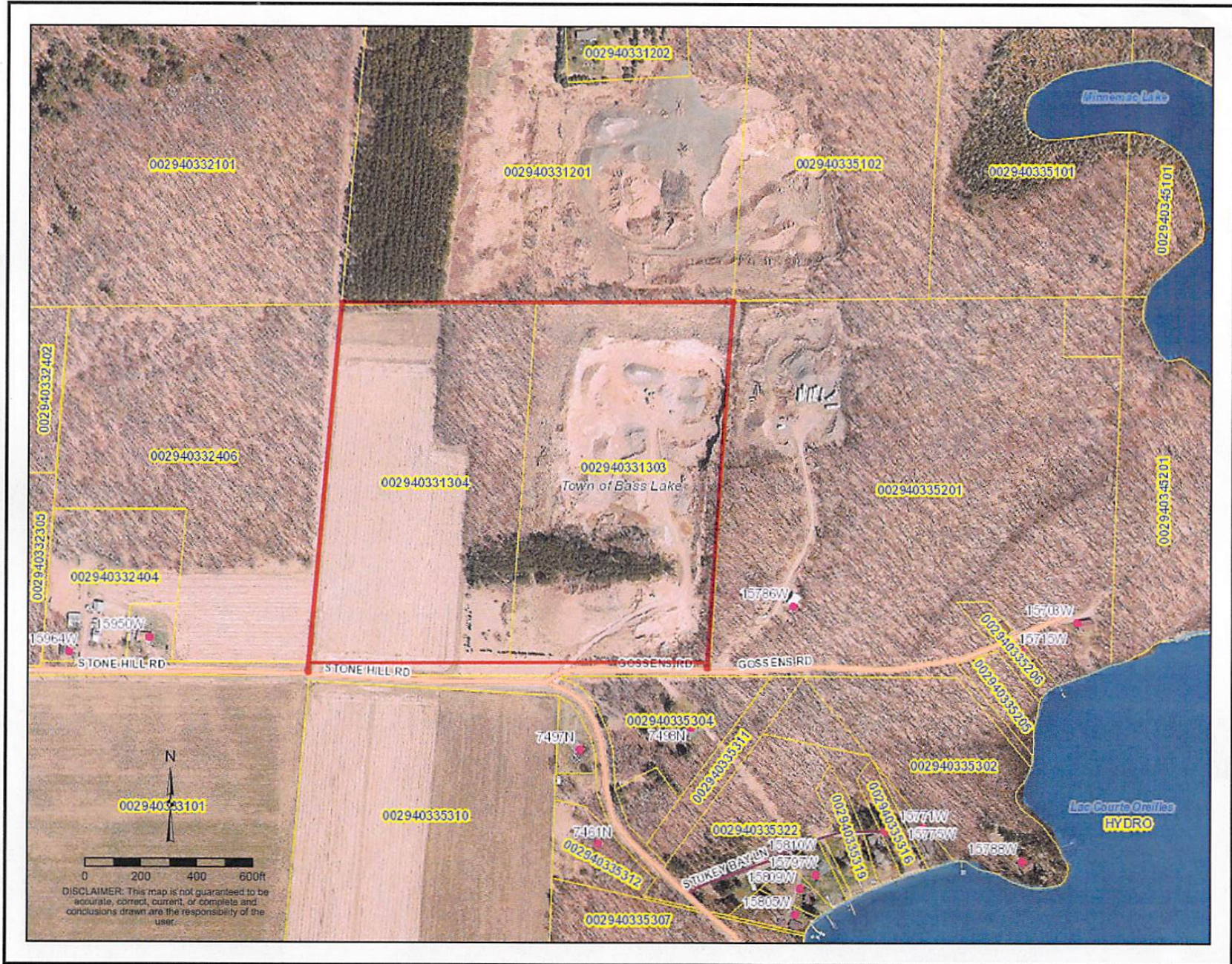
Ph: 1-715-865-3333

Fax:

Ph: 715-635-8421

Fax: 715-635-7744

Terms		Ship Via	FOB	Issued By
				MARY
Quantity	Description		Unit Price	Amount
1 ea	GRADE & FILL PARKING LOT		\$2,100.00 ea	\$2,100.00
Line: 001	Qty: 1	Due: 31-Oct-17		
			Total:	\$2,100.00







Conditional Use Permit Request STAFF REPORT

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

File: # CUP 20-024

Applicant:

Darryl Mast
6506N Old Hwy 27
Stone Lake, WI 54876

Property Location & Legal Description:

Town of Bass Lake SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; S33, T40N, R09W;
Parcel #'s 002-940-33-1303 and 002-940-33-1304;
Total Acres of 41.182; Zoned Agricultural One (A-1).

Request: Permit requested for a 5-year renewal of Conditional Use permit #17-021 for the location/operation of a non-metallic mineral extraction including rock crusher and a new 1-acre expansion area. This CUP was previously approved at a public hearing December 15, 2017 and originally approved in 2012.

Project History & Summary of Request

The renewal of CUP 17-021 is for the location of a non-metallic mineral extraction operation including rock crusher. This latest CUP was renewed for a 3 year time frame and is now up for renewal on a 5 year bases since the new ordinance amendment adoption.

The property is 41.18 acres and zoned A-1. Per the plan of operation, they were approved to have 10 acres of existing pit area open. Currently there is approximately 6.72 acres open and as part of this renewal request they would like to expand an additional 1 acre. The existing use in this area is 1 other gravel pit, agricultural areas, woodland area, and mixed residential. Nearest residence is 700'.

1 complaint has been received during renewal process in the form of a call to our office stating that crushing operations were occurring on Sunday.

The current hours of operations are 6 am – 7 pm Monday – Saturday during the months of May through December. Crushing operations are specified between May 1-Dec 15 from 7AM-10PM, excluding Holidays. Crushing to most likely occur 3-4 weeks per year.

The Sawyer County Zoning & Conservation Department recommends that hours of operation be slightly adjusted as to mirror other pit operations within the area.

The recommendation would be 6 AM-6 PM Monday-Saturday, May-Dec and crushing operations from 7 AM – 8PM Monday – Saturday, May1-Dec 15 up to 4 weeks per year.

Financial assurance has been received for \$20,000 and expires October 24, 2021 in the form of an irrevocable letter of credit

Additional information for Conditional Use Permits:

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

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

Possible Conditions for Approval: (choose from list below) (add or delete from list below)

- 1 Maintain compliance with NR 135 (reclamation plan)
- 2 Maintain compliance with Plan of Operation
- 3 Hours of operation 6 AM – 6 PM Monday-Saturday, May- Dec with ^{exceed} crushing operation from 7 AM - 8 PM Monday-Saturday, May 1 – Dec 15 ^{exclude Holidays.}
- 4 Maintain compliance with Department of Natural Resources Chapter 30

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.