



Sawyer County

Agenda

Zoning Committee Meeting

Friday, February 17, 2023 @ 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 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.

2. PRELIMINARY MATTERS

- a. Call to Order and Roll Call
- b. Pledge of Allegiance
- c. State of Committee and Hearing Procedure & Statement of Hearing
[Statement of Comm. Hearing & Procedure & Hearing Notice](#)
- d. Approval of January 20, 2023 Meeting Minutes
[1-20-2023 ZC Minutes](#)
- e. Public Comment

4 - 5

6 - 7

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.

3. REZONE APPLICATIONS

- a. None

4. CONDITIONAL USE APPLICATIONS

- a.

8 - 21

A Public Hearing in the Town of Round Lake for CUP #23-002. 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 (5) 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 21, 2020.

[CUP #23-002, Robert & Elaine Thompson Irr. Trust pkt.](#)

- b. Discussion/Action in the Town of Round Lake for CUP #23-002. 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 five (5) 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 21, 2020.

22 - 32

- c. A Public Hearing in the Town of Lenroot. CUP #23-003. Jim Miller Excavating. Part of the NW ¼ of the SW ¼ & the SW q/4 of the SW ¼, Lot 1 CSM 32/41 #7815; S11, T41N, R09W; Tax ID #41221; Parcel #014-941-11-3203; Zoned Commercial One (C-1) and Forestry One (F-1); 18.29 total acres; Known as the Olson Road Pit. Permit desired for the 5 year renewal of CUP #20-004 for the location/operation of a non-metallic mineral extraction operation including rock crusher.

[CUP #23-003, Jim Miller Excavating pkt.](#)

- d. Discussion/Action in the Town of Lenroot. CUP #23-003. Jim Miller Excavating. Part of the NW ¼ of the SW ¼ & the SW q/4 of the SW ¼, Lot 1 CSM 32/41 #7815; S11, T41N, R09W; Tax ID #41221; Parcel #014-941-11-3203; Zoned Commercial One (C-1) and Forestry One (F-1); 18.29 total acres; Known as the Olson Road Pit. Permit desired for the 5 year renewal of CUP #20-004 for the location/operation of a non-metallic mineral extraction operation including rock crusher.

5. NEW BUSINESS

33 - 36

- a. Torgerson Trust for Certified Survey Map over existing County Plat. Requires Zoning Committee acceptance, conditional acceptance, or rejection.

[Torgerson - Certified Survey Map](#)

- b. Ordinance Amendment for Multi-Dwelling development and definition of a resort. (Discussion/Possible Action to send to Towns)
- c. Any other business that may come before the Committee for discussion.

6. ADJOURNMENT

**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
January 20, 2023**

Zoning Committee Members

Jesse Boettcher, Chairman
Ron Buckholtz
Tweed Shuman
Stacey Hessel
John Righeimer
Michael Mastri

Zoning Administration

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

Preliminary Matters

a) Call to Order and Roll Call

Boettcher called the Public Hearing before the Sawyer County Zoning Committee to order at 8:30AM in the Sawyer County Courthouse, 10610 Main St. Hayward, Wisconsin. Roll Call finds: Jesse Boettcher, Ronald Buckholtz, Tweed Shuman, Stacey Hessel. From the Zoning Office: Kozlowski and Marks. Kylie Owens, assistant to legal counsel, Andy Phillips for Sawyer County.

b) Pledge of Allegiance.

c) Statement of Committee and Hearing Procedure and Statement of Hearing Notice. Those persons wishing to speak will be afforded the opportunity provided they identify themselves. 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.

d) Approval of December 16, 2022 minutes. Motion by Buckholtz to approve the December 16, 2022 Zoning Committee minutes. Second by Hessel. All in favor.

e) Public Comment. Linda Zillmer, Edgewater property owner and Douglas Kurtzweil, Town of Hunter property owner speak.

REZONE APPLICATIONS

None

CONDITIONAL USE APPLICATIONS

a) A Public Hearing in the Town of Lenroot. CUP #23-001. Owner: Julius & Lana Cook. Part of the NE ¼ of the SE ¼ ; S34, T42N, R09W; Parcel #014-942-34-4110; Tax ID#18668; 1.62 Total acres; Zoned Residential/Recreational One (RR-1). Permit desired for: Section 4.26 (3) accessory structure across a Town road. Size of building not to exceed 40' x 80' and will meet all setbacks. Kozlowski reads the application, Staff report, and Town opinion. No neighbor opinion letters returned. Motion by Buckholtz to open the public hearing portion of the application, second by

Shuman. All in favor. Lana Cook, owner speaks in favor of the application. Discussion with Committee held. No audience comments. Motion by Hessel to close the public hearing portion of the application, second by Shuman. All in favor. Kozlowski reads the discussion/action portion of the application. Motion by Shuman to approve the application, second by Hessel. Discussion held. Conditions of: 1) No habitable area is allowed in this structure. 2) No commercial use or operation allowed in the structure. 3) Size of proposed accessory structure not to exceed 40' x 80'. 4) All lighting to be downward facing lighting. 5) Must follow all other Town, County, State and Federal regulations/laws/conditions. Findings of Fact: 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 be consistent with the Town and/or County Comprehensive Plan. 9) It would not create an objectionable view.

NEW BUSINESS

a) Ordinance Amendment for Multi-Dwelling Development and definition of a resort. Kozlowski explains why the Ordinance was not sent to the Towns in December and that it is needed to be gone over more. Discussion by Committee. Motion by Buckholtz to postpone the decision to send to the Towns, second by Shuman. Discussion held. Buckholtz amends his motion to include that the changes be brought back to the Committee in February, second by Shuman. Discussion continues. Kylie Owens, assistant to Andy Phillips, Corporation Counsel advises that the Committee can move forward with the postponement. Roll call finds: Boettcher – yes, Shuman – yes, Hessel – yes, Buckholtz – yes. All in favor.

b) Short-Term Rentals and the future for Sawyer County. Kozlowski explains the need for a Short-Term Rental Ordinance. Kylie Owens, assistant to Andy Phillips, Corporation Counsel says that there will be changes needed to the old proposal as the laws have changed and changes needed specifically to Sawyer County needs. Discussion held. Andy Albardo, Sawyer County Administrator speaks of having an AD-HOC Committee or keeping it at the Zoning Committee level. More discussion to be held in February.

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

Boettcher adjourned meeting at 9:25am.

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 23-002

Applicant:

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

Property Location & Legal Description:

Part of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and Part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; S12, T41N, R08W; Parcel #024-841-12-2302 and #024-841-12-3201; Zoned Forestry One (F-1), Commercial One (C-1) and Residential/Recreational One (RR-1); 26.5 Total Acres, however this Conditional Use is only being considered for the mining taking place in the Forestry One (F-1) zone district and is approximately 13.6 Total Acres. Known as the Hwy 77 Pit.

Request: The five (5) 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 21, 2020.

Project History & Summary of Request:

The renewal of CUP 88-011 is for the location of a non-metallic mineral extraction operation including rock crusher and hot mix plant. The property is 26.5 acres with the mining occurring on the 13.6 acres of F-1 zoned Land and with the current operation area of approximately 8 acres. Minor expansion is proposed further to the South up unto the F-1 zone district line. Approximately 30,000 cubic feet of material is extract per year. Land area expansion is very limited with this existing pit.

The surrounding use is forestry and light residential with the nearest house at approximately 800' feet away. Any crushing operation or hot mix plant operation must be located a minimum of 1000' from any residence.

The Zoning Department does not show any complaints on file for this site.

Financial assurance has been received for \$9000 in the form of a letter of credit.

Additional information for Conditional Use Permits:

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

If an applicant agrees to 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 normal hours of operation from 6AM-7PM, Monday through Friday.
- 3 Maintain compliance with Department of Natural Resources Chapter 30
- 4 All other town, County, State, Federal Laws are followed

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

- 1 It would not be significantly 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.
- 9 It would be consistent with the Town and/or County Comprehensive Plan

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

- 10 It would be significantly damaging to the rights of others and property values.
- 11 It would be detrimental to ecology, wild life, wetlands or shorelands.
- 12 It would create an air quality, water supply, or pollution problem.
- 13 It would create topographical problems such as run off, drainage, erosion, flooding, or vegetative cover removal.
- 14 It would create traffic or highway access problems.
- 15 It would destroy prime agricultural lands.
- 16 It would not be compatible with the surrounding uses and the area.
- 17 It would create an objectionable view.
- 18 It would not be consistent with the Town and/or County Comprehensive Plan.



Conditional Use Application # 23-002
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: Bob Thompson & Sons Inc

Address: PO Box 657 Hayward WI 54843

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

Legacy PIN#: 024-841-12-2302 & 3201 Zoned: F-1 Acreage: 26.5

Property Description: Part SWNW and Part NW3W; S12, T41N, R08W

Permit desired for: 5 year renewal of CUP 20-005 for
location/operation of non-metallic mineral extraction, including
rock crusher and hot mix plant, originally approved at public
hearing July 29, 1988 and renewed most recently on
February 21, 2020

Daniel Thompson 
*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 2-17-23

Rev. 1/2021

renewal \$ 300

Real Estate Sawyer County Property Listing

Today's Date: 1/17/2023

Property Status: **Current**

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

**Description**

Updated: 7/7/2017

Tax ID:	26620
PIN:	57-024-2-41-08-12-3 02-000-000010
Legacy PIN:	024841123201
Map ID:	.10.1
Municipality:	(024) TOWN OF ROUND LAKE
STR:	S12 T41N R08W
Description:	PRT NWSW
Recorded Acres:	14.940
Calculated Acres:	15.183
Lottery Claims:	0
First Dollar:	No
Zoning:	(C-1) Commercial One (F-1) Forestry One (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: 10/28/2015

SCRIVENERS AFFIDAVIT	
Date Recorded: 7/29/2013	386384
QUIT CLAIM DEED	
Date Recorded: 10/8/2015	398053
QUIT CLAIM DEED	
Date Recorded: 1/17/2013	383017
WARRANTY DEED	
Date Recorded: 10/29/1991	226040 474/284

**Ownership**

Updated: 2/21/2013

ROBERT D & ELAINE M THOMPSON IRREV TRUST HAYWARD WI
Billing Address:
ROBERT D & ELAINE M THOMPSON IRREV TRUST
 PO BOX 657
 HAYWARD WI 54843
Mailing Address:
ROBERT D & ELAINE M THOMPSON IRREV TRUST
 PO BOX 657
 HAYWARD WI 54843
**Site Address** * indicates Private Road

N/A

**Property Assessment**

Updated: 7/16/2019

2022 Assessment Detail

Code	Acres	Land	Imp.
G2-COMMERCIAL	2.000	6,000	0
G6-PRODUCTIVE FOREST	12.940	19,400	0

2-Year Comparison

	2021	2022	Change
Land:	25,400	25,400	0.0%
Improved:	0	0	0.0%
Total:	25,400	25,400	0.0%

**Property History**

N/A

Real Estate Sawyer County Property Listing

Today's Date: 1/17/2023

Property Status: Current

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

**Description**

Updated: 2/18/2013

Tax ID:	26596
PIN:	57-024-2-41-08-12-2 03-000-000020
Legacy PIN:	024841122302
Map ID:	.7.2
Municipality:	(024) TOWN OF ROUND LAKE
STR:	S12 T41N R08W
Description:	PRT SWNW
Recorded Acres:	11.600
Calculated Acres:	12.135
Lottery Claims:	0
First Dollar:	No
Zoning:	(F-1) Forestry One
ESN:	404

**Tax Districts**

Updated: 2/6/2007

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

**Recorded Documents**

Updated: 10/28/2015

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

**Ownership**

Updated: 2/21/2013

ROBERT D & ELAINE M THOMPSON IRREV TRUST HAYWARD WI

Billing Address:

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

Mailing Address:

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

**Site Address** * indicates Private Road

N/A

**Property Assessment**

Updated: 7/16/2019

2022 Assessment Detail

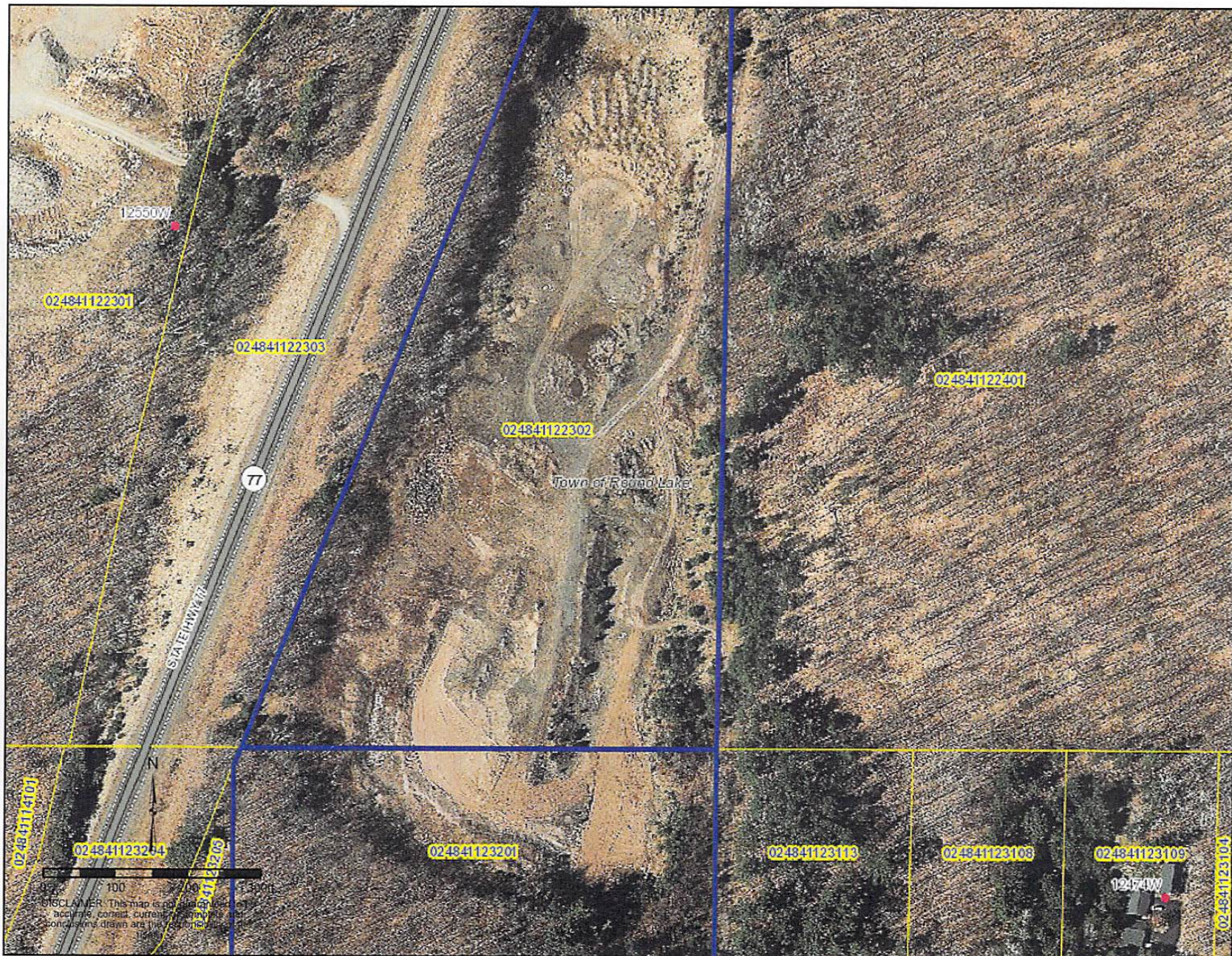
Code	Acres	Land	Imp.
G2-COMMERCIAL	11.600	33,000	0

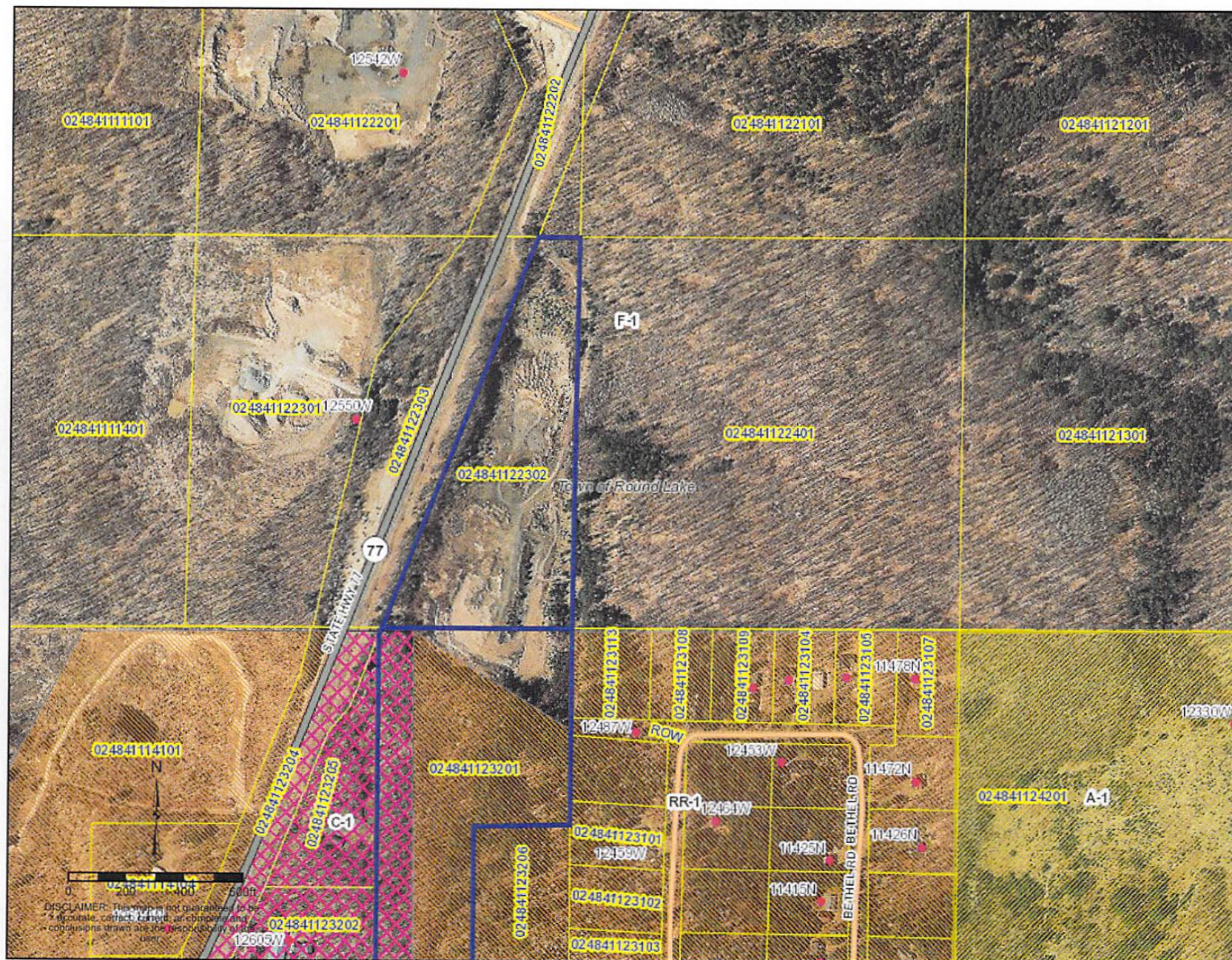
2-Year Comparison

	2021	2022	Change
Land:	33,000	33,000	0.0%
Improved:	0	0	0.0%
Total:	33,000	33,000	0.0%

**Property History**

N/A







LOCATION: I6684W US Hwy 63

MAILING: Post Office Box 657
Hayward, WI 54843

PHONE: 715-634-3139

BOB THOMPSON & SONS INC.
OPERATION & RECLAMATION PLAN
HIGHWAY 77 SOUTH PIT
2023

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LIST OF FIGURES

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OPERATION ACTIVITY

Proposed Activities

Proposed Activities will possibly include:

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

Hours of Operation

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

Access Route

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

OPERATION EQUIPMENT

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

OPERATION PLAN

Erosion Control

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

Environmental Considerations

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

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

Owner-Site Information

The Bob Thompson & Sons Inc. Highway 77 pit is located in Sawyer County, Section 12, Town 41N, R8W, SW ¼ NW ¼. It is along the east side of State Highway 77. Acreage of the south pit is approximately 3.79 acres of the total 19.94 acre area. See the location map on sheet 1.

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

Extraction Sequence

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

Reclamation

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

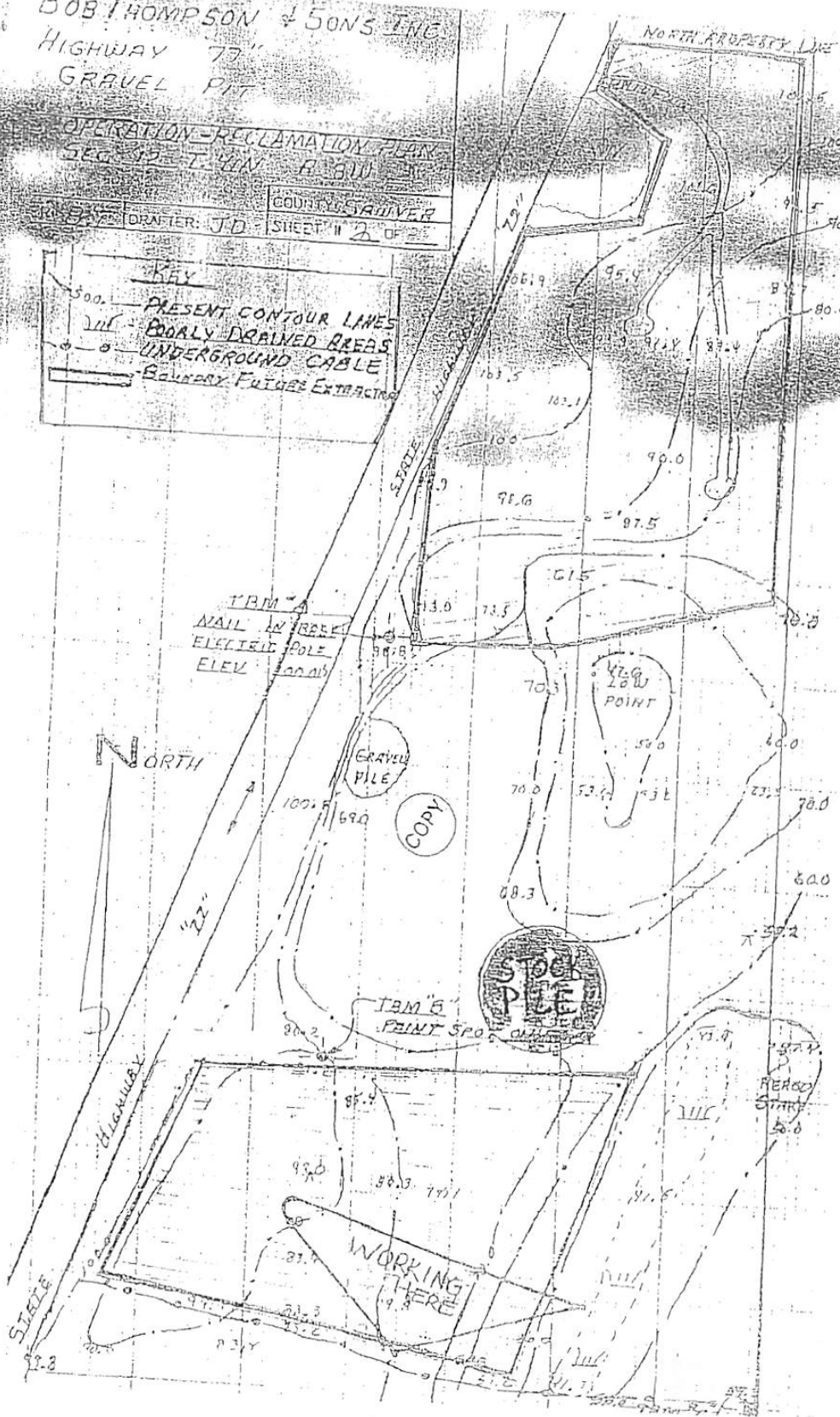
BOB THOMPSON & SONS INC
 HIGHWAY 77
 GRAVEL PIT

MAP 2

OPERATION-RECLAMATION PLAN
 SEC 12 T 4N R 30W

COUNTY SASSAR
 DRAFTER: J.D. SHEET # 2 OF 2

KEY
 50.0 PRESENT CONTOUR LINES
 III - POOLY DRAINED AREAS
 - - - UNDERGROUND CABLE
 - - - BATTERY FUTURE EXTRACTOR





Conditional Use Permit Request STAFF REPORT

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

File: # CUP 23-003

Applicant:

James Miller
14680W Highland Road
Hayward, WI 54843

Property Location & Legal Description:

Part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$; Lot 1 CSM 32/41 #7815; S11, T41N, R09W; Parcel #014-941-11-3203; Zoned Commercial One (C-1) and Forestry One (F-1); 18.29 Total Acres. Current operation is approximately 5.5 acres across the split zone districts and is known as the Olson Road Pit.

Request: Permit desired for the five (5) 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 21, 2020.

Project History & Summary of Request:

The renewal of CUP 01-007 is for the location of a non-metallic mineral extraction operation including rock crusher and screen plant. The property is 18.2 acres with the current operation area of approximately 5.5 acres. This has increased approximately 1.5 acres over the last 3 years with some reclamation occurring as new areas are opened up. It is anticipated that approximately an additional 2.35 acres would be expanded over the next 5 years. The non-metallic mineral operation is confined mainly to F-1 zone district with the C-1 district's use primarily for an office building. The surrounding use is forestry and light residential and other non-metallic mineral operations with the nearest house at approximately 2500' feet away.

The Zoning Department does not show any complaints on file for this site.

Financial assurance has been received for \$4500 in the form of a letter of credit.

Additional information for Conditional Use Permits:

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

If an applicant agrees to 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 normal hours of operation from 6AM-7PM, Monday through Saturday, with crushing operations from 3-6 weeks per year.
- 3 Maintain compliance with Department of Natural Resources Chapter 30
- 4 All other town, County, State, Federal Laws are followed
- 5 Expansion of existing pit not to exceed additional 4 acres within the next 5 years without early renewal of CUP.

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

- 1 It would not be significantly 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 be consistent with the Town and/or County Comprehensive Plan
- 9 It would not create an objectionable view.

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

- 10 It would be significantly damaging to the rights of others and property values.
- 11 It would be detrimental to ecology, wild life, wetlands or shorelands.
- 12 It would create an air quality, water supply, or pollution problem.
- 13 It would create topographical problems such as run off, drainage, erosion, flooding, or vegetative cover removal.
- 14 It would create traffic or highway access problems.
- 15 It would destroy prime agricultural lands.
- 16 It would not be compatible with the surrounding uses and the area.
- 17 It would not be consistent with the Town and/or County Comprehensive Plan
- 18 It would create an objectionable view.

has to be
in morning



Conditional Use Application # 23-003
Town of Lenroot

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: Jim Miller

★

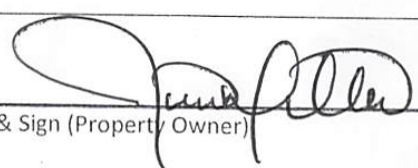
Address: 11294 N. Olson Rd

Phone: 715-638-2552 Email: info@jimmillerexcavating.com

Legacy PIN#: 014-941-11-3203 Zoned: C-1/F-1 Acreage: 18.29

Property Description: Port NWSW 1/4 SWSW Lot 1 csm 7815
11294 N Olson Road

Permit desired for: 5 year renewal of cup #20-004 for
location/operation of non-metallic mineral extraction
operation including rock crusher


*Please Print & Sign (Property Owner) 1-18-23

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 2-17-23
Rev. 1/2021

renewal # 300

Real Estate Sawyer County Property Listing

Today's Date: 1/17/2023

Property Status: Current

Created On: 12/13/2011 12:44:38 PM

**Description**

Updated: 8/3/2021

Tax ID:	41221
PIN:	57-014-2-41-09-11-3 02-000-000030
Legacy PIN:	014941113203
Map ID:	.10.3
Municipality:	(014) TOWN OF LENROOT
STR:	S11 T41N R09W
Description:	PRT NWSW & SWSW LOT 1 CSM 32/41 #7815
Recorded Acres:	18.290
Calculated Acres:	18.282
Lottery Claims:	0
First Dollar:	Yes
Zoning:	(C-1) Commercial One (F-1) Forestry One
ESN:	400

**Tax Districts**

Updated: 12/13/2011

1	State of Wisconsin
57	Sawyer County
014	Town of Lenroot
572478	Hayward Community School District
001700	Technical College

**Recorded Documents**

Updated: 4/4/2019

WARRANTY DEED	
Date Recorded: 9/7/2012	380575
CERTIFIED SURVEY MAP	
Date Recorded: 12/9/2011	376055

Child History Record Count: 2 -

HISTORY [Expand All History](#)

White=Current Parcels

Pink=Retired Parcels

Tax ID: 17904 **Pin:** 57-014-2-41-09-11-3 03-000-000020 **Leg. Pin:** 014941113302 **Map ID:** .11.2
Tax ID: 17901 **Pin:** 57-014-2-41-09-11-3 02-000-000010 **Leg. Pin:** 014941113201 **Map ID:** .10.1

41221 This Parcel ↑ Parents ↓ Children

**Ownership**

Updated: 8/3/2021

JAMES H MILLER HAYWARD WI**Billing Address:**

JAMES H MILLER
 11294N OLSON RD
 HAYWARD WI 54843

Mailing Address:

JAMES H MILLER
 11294N OLSON RD
 HAYWARD WI 54843

**Site Address** * indicates Private Road

11294N OLSON RD HAYWARD 54843

**Property Assessment**

Updated: 5/1/2017

2022 Assessment Detail

Code	Acres	Land	Imp.
G2-COMMERCIAL	1.000	9,000	95,400
G6-PRODUCTIVE FOREST	17.290	25,800	0

2-Year Comparison

	2021	2022	Change
Land:	34,800	34,800	0.0%
Improved:	95,400	95,400	0.0%
Total:	130,200	130,200	0.0%

**Property History**

Parent Properties	Tax ID
57-014-2-41-09-11-3 02-000-000010	17901
57-014-2-41-09-11-3 03-000-000020	17904

OPERATION ACTIVITY

Proposed Activities

Proposed Activities will possibly include:

Sand and gravel extraction-

Loading-continuous

Crushing-brief periods

Screening-brief periods

Hours of Operation

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

Crushing Operations will be conducted for 3-6 weeks per year. These operations

Are conducted by secondary firms, which use portable equipment.

Access Route

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

OPERATION EQUIPMENT

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

OPERATION PLAN

Erosion Control

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

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

Environmental Considerations

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

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

The site contains no surface ground waters.

Owner-Site Information

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

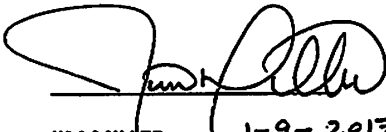
Extraction Sequence

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

Reclamation

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

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


JIM MILLER 1-9-2017
JIM MILLER EXCAVATING, INC
Property Owner


1-18-23



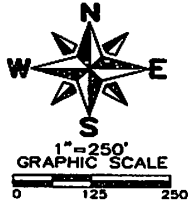


376055
PAULA CHISSER
REGISTER OF DEEDS SAWYER COUNTY, WI
12/09/2011 01:30PM
REC FEE: 30.00

PAGES 1

SAWYER COUNTY CERTIFIED SURVEY

ALL OF LOT 1 CSM #6079 V.21/P.310-311
LOCATED IN THE SW 1/4-SW 1/4 & NW 1/4-SW 1/4 OF
SECTION 11, T41N, R9W, TOWN OF LENROOT,
SAWYER COUNTY, WISCONSIN.



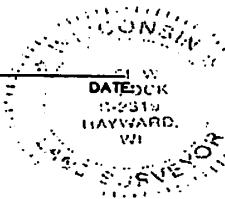
BEARINGS ARE REFERENCED TO
THE WEST LINE OF THE SW 1/4
SEC. 11, T41N, R9W
ASSUMED TO BEAR
N00°29'51"E

LEGEND
□ = FND. 5/8" SQ. IRON BAR
○ = FND. 1 1/4" IRON PIPE
ALL OTHER MONUMENTS
FOUND AS NOTED

SURVEYORS CERTIFICATE:
I, JEFF W. MULOCK, WISCONSIN REGISTERED LAND SURVEYOR,
HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED A CERTIFIED
SURVEY INCLUDING ALL OF LOT 1 OF CSM #6079 V.21/P.310-311
LOCATED IN THE SW 1/4-SW 1/4 &
NW 1/4-SW 1/4 OF SECTION 11, T41N, R9W, TOWN OF LENROOT,
SAWYER COUNTY, WISCONSIN,
MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A SURVEY MARKER NAIL AT THE SW CORNER OF
SECTION 11;
THENCE N00°29'45"E 223.16' TO A SURVEY MARKER NAIL AT THE
POINT OF BEGINNING;
THENCE N00°29'45"E 1107.82' TO AN ALUMINUM CAPPED MONUMENT;
THENCE N00°29'57"E 1331.18' TO A BRASS CAPPED MONUMENT AT
THE WEST 1/4 CORNER OF SECTION 11;
THENCE S88°24'50"E 332.74' TO AN IRON PIPE;
THENCE S00°27'09"W 1330.04' TO AN IRON PIPE;
THENCE S00°27'55"W 1027.44' TO AN IRON BAR;
THENCE S83°14'23"W 212.87' TO AN IRON BAR;
THENCE S68°04'39"W 132.29' TO THE POINT OF BEGINNING.
THE ABOVE DESCRIBED PARCEL CONTAINS 18.29 ACRES OF LAND
MORE OR LESS AND IS SUBJECT TO ALL EASEMENTS AND
RESERVATIONS OF RECORD.

THIS SURVEY WAS MADE IN COMPLIANCE WITH CHAPTER 236.34 OF
WISCONSIN STATUTES, AE-7 OF THE WISCONSIN ADMINISTRATIVE CODE
AND THE SUBDIVISION REGULATIONS OF SAWYER COUNTY AND THAT I
HAVE SURVEYED AND MAPPED THE LAND HEREIN DESCRIBED, AND
THE MAP IS A CORRECT REPRESENTATION OF THE SURVEY MADE TO
THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS MADE
UNDER THE DIRECTION OF JIM MILLER.

Jeff W. Mulock 12/08/11
JEFF W. MULOCK WISCONSIN LAND SURVEYOR #2319



SAWYER COUNTY ZONING DEPARTMENT APPROVAL

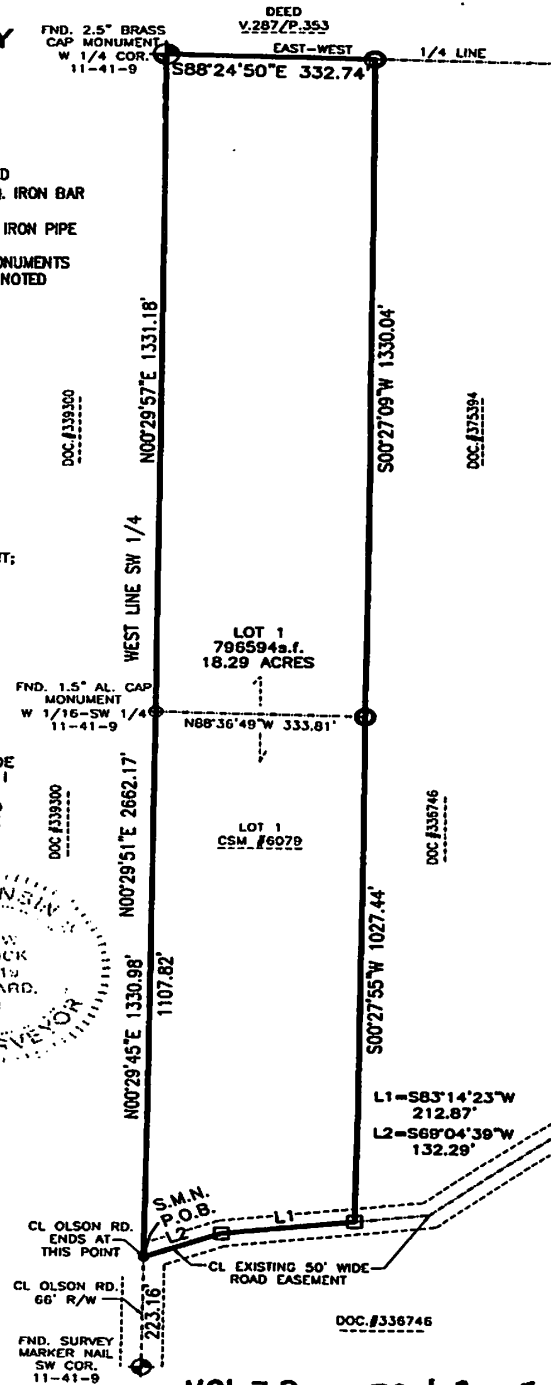
Andy Garkley 12/19/2011
DEPARTMENT APPROVAL DATE:

APEX SURVEYING
15561 RAILROAD ST. #202
HAYWARD WI 54843
715-634-3435

CLIENT
JIM MILLER

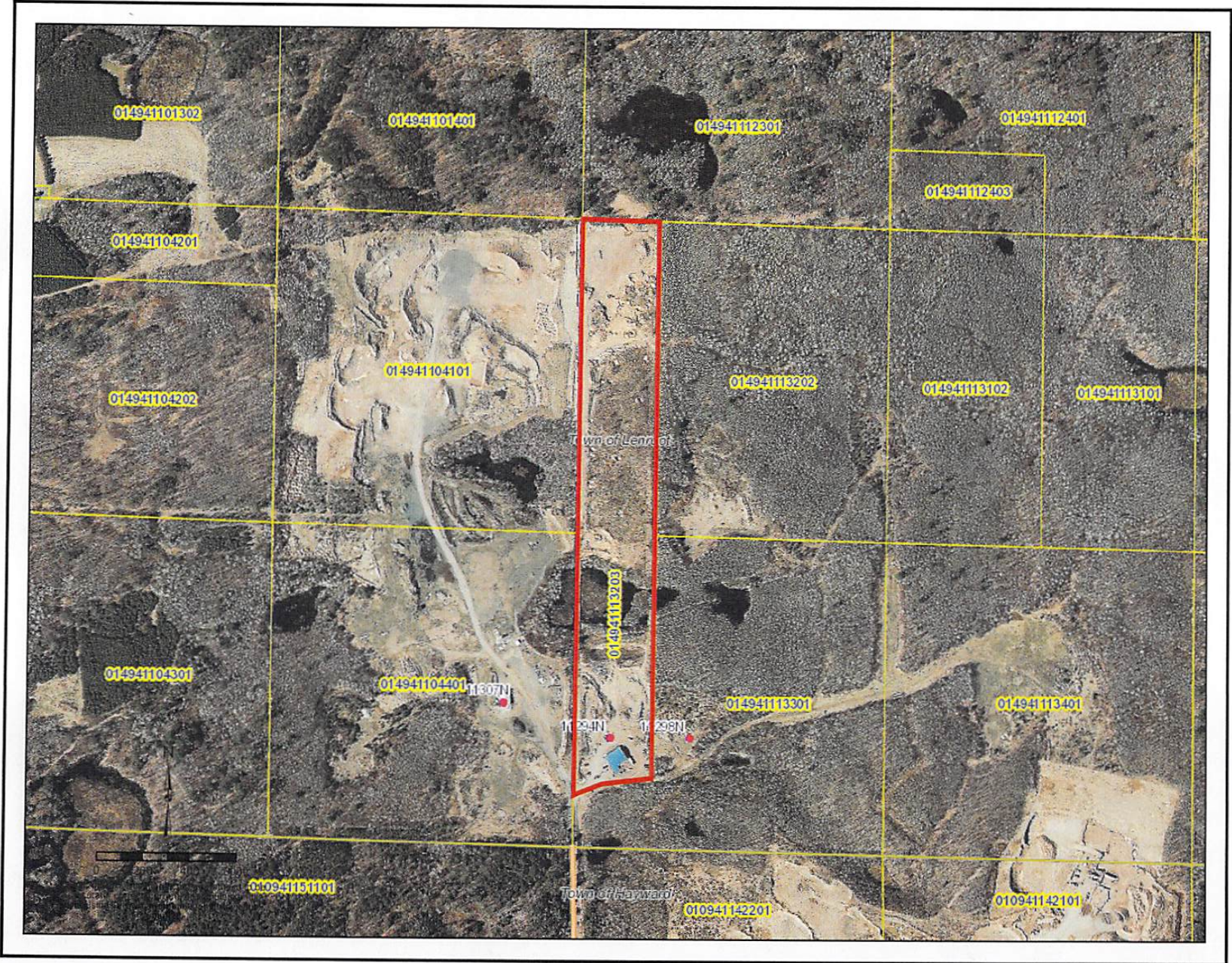
SHEET 1 OF 1 SHEETS
12/07/11
11419HAY
apexsurveying@cheqnet.net

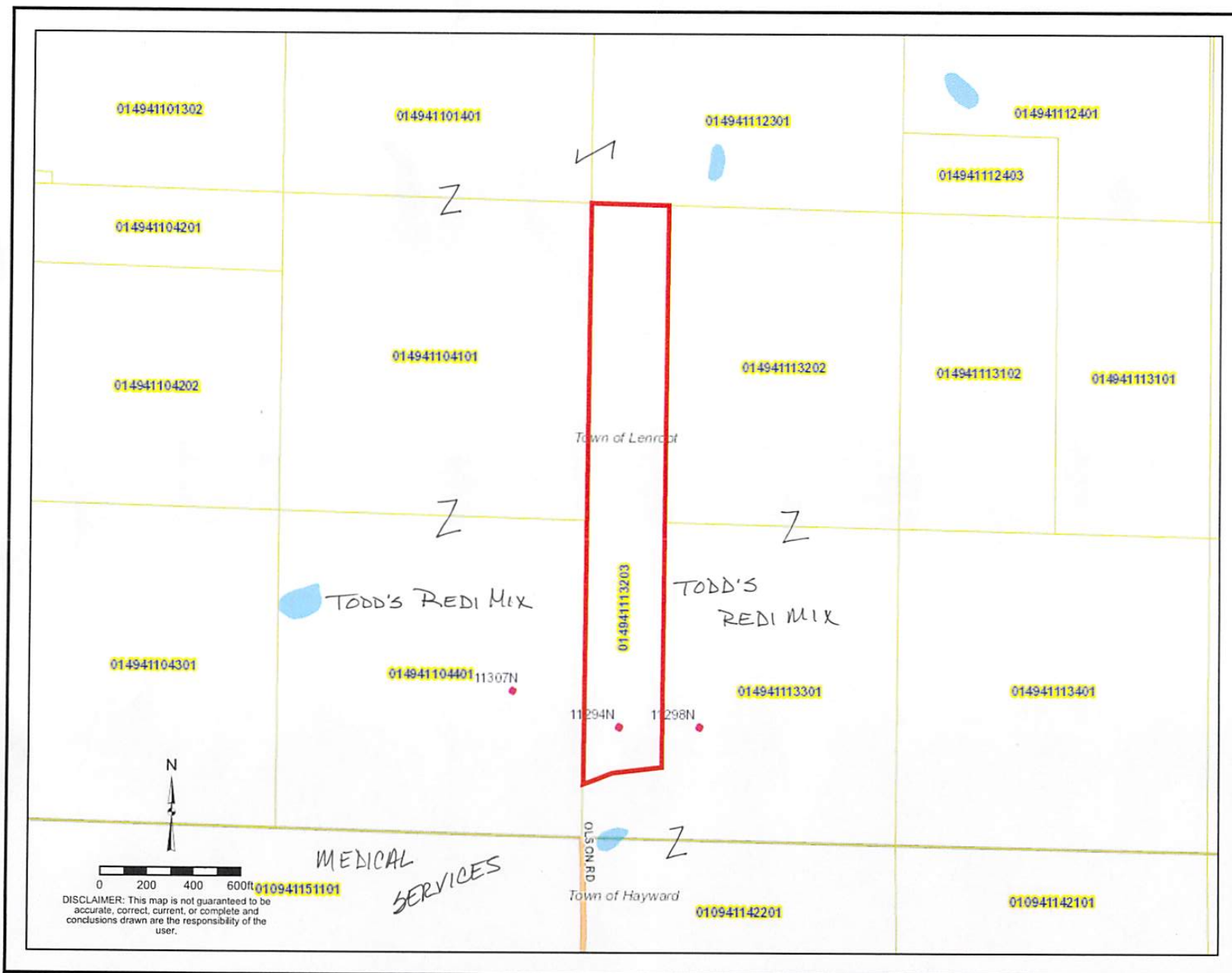
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376055 1 of 5



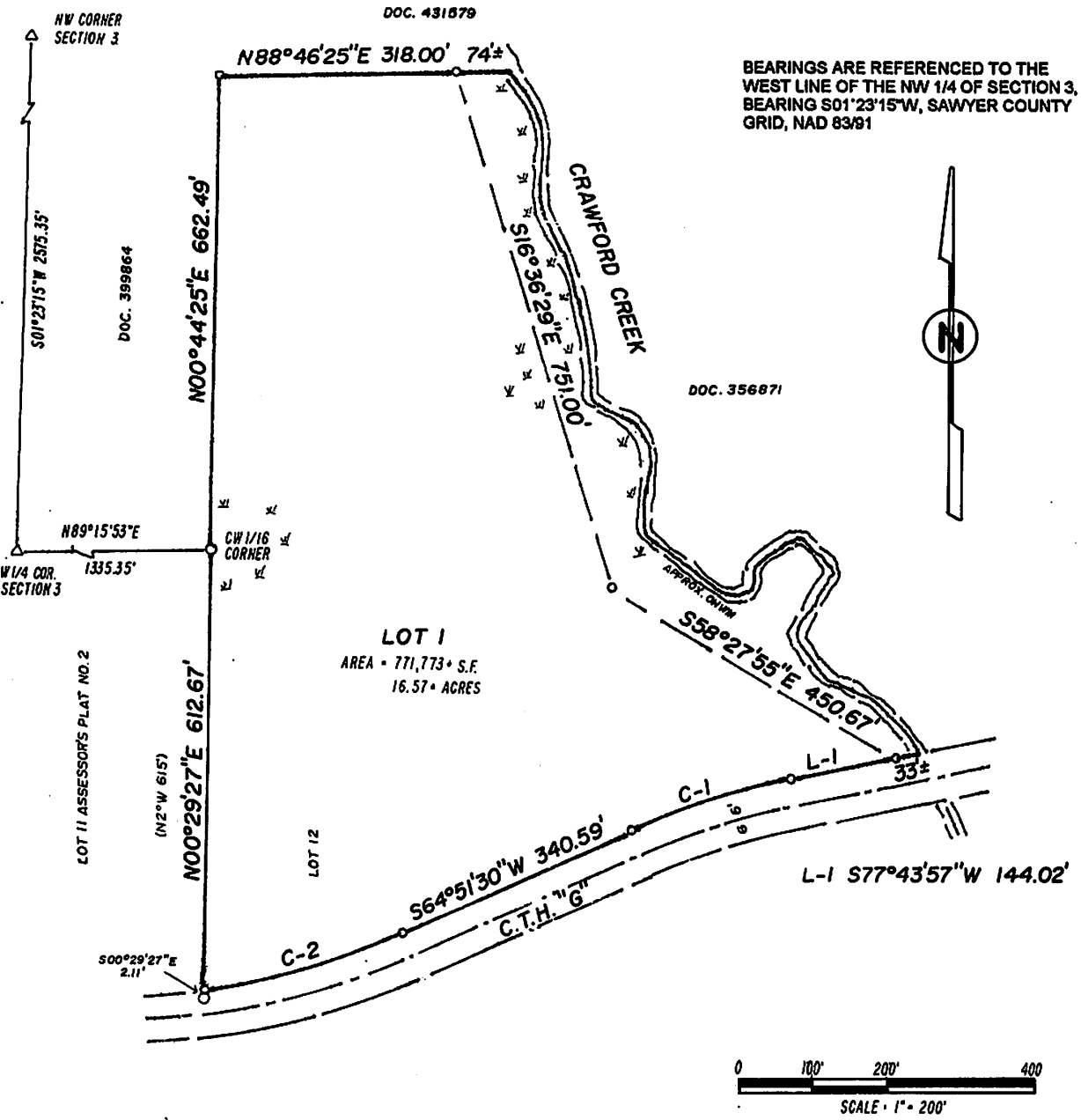
VOL 32

PG 41





SAWYER COUNTY CERTIFIED SURVEY MAP
A PART OF GOVERNMENT LOT 3 OF SECTION 3, TOWNSHIP
38 NORTH, RANGE 6 WEST, INCLUDING ALL OF LOT 12 OF
ASSESSOR'S PLAT NO 2, TOWN OF OJIBWA,
SAWYER COUNTY, WISCONSIN.



BEARINGS ARE REFERENCED TO THE
 WEST LINE OF THE NW 1/4 OF SECTION 3,
 BEARING S01°23'15"W, SAWYER COUNTY
 GRID, NAD 83/91

THE EASTERLY LOT LINE EXTENDS TO THE
 CENTER OF CRAWFORD CREEK

THE ORDINARY HIGH WATER MARK OF
 CRAWFORD CREEK IS APPROXIMATE AND
 FOR REFERENCE ONLY.
 ANY LAND BELOW THE OHWM IS SUBJECT TO
 THE PUBLIC TRUST IN NAVIGABLE WATERS
 UNDER ARTICLE IX, SECTION I
 OF THE STATE CONSTITUTION

- LEGEND**
- FOUND 1.25" IRON PIPE BENT, REPLACED
 WITH 1.25" X 24" IRON PIPE, WT 1.68 LBS.FT
 - △ FOUND SURVEY MARKER NAIL WITH 1" TOP
 - SET 1.25" x 18" IRON BAR, WT 4.17 LBS/FT
 - (xx) (RECORD DATA)
 - ≡ APPROXIMATE WETLAND, NOT DELINIATED

SAWYER COUNTY CERTIFIED SURVEY MAP

PART GOVERNMENT LOT 3 OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 6 WEST, INCLUDING ALL OF LOT 12 OF ASSESSOR'S PLAT NO. 2, TOWN OF OJIBWA, SAWYER COUNTY, WISCONSIN

CURVE TABLE						
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	DEGREE OF CURVE
C-1	1011.91'	227.38'	226.90'	S71°17'44"W	12°52'28"	5°39'44"
C-2	913.87'	278.91'	277.83'	S73°36'05"W	17°29'12"	6°16'11"

SURVEYOR'S CERTIFICATE:
I, Daniel K. Pleoger, Professional Land Surveyor, hereby certify:
That by the direction of Tod Torgerson I have surveyed, divided and mapped part of Government Lot 3 of Section 3, Township 38 North, Range 6 West, including all of Lot 12 of Assessor's Plat No 2, Town of Ojibwa, Sawyer County, Wisconsin, described as follows:

Commencing at the West 1/4 corner of Section 3;
Thence along the monumented E-W 1/4 line N89°15'53"E, 1335.35' to a found iron pipe at the monumented CW1/16 corner, and the point of beginning;
Thence along the west line of Government Lot 3, N00°44'25"E, 662.49 feet to a set iron bar;
Thence N88°46'25"E, 318.00 feet to a set iron bar meander corner that is S88°46'25"W, approximately 74 feet from the center of Crawford Creek;
Thence along a meander line S16°36'29"E, 751.00 feet to a set iron bar;
Thence along a meander line S58°27'55"E, 450.67 feet to a set iron bar meander corner on the northerly right-of-way line of County Highway G, said meander corner is S77°43'57"W, approximately 33 feet from the center of Crawford Creek;
Thence leaving said meander line and along the northerly right-of way of County Highway G, S77°43'57"W, 144.02 feet to a set iron bar;
Thence 227.38 feet along the arc of a curve to the left to a set iron bar, said curve has a radius of 1011.91 feet, a chord of S71°17'44"W, 226.90 feet, and a delta angle of 12°52'28";
Thence S64°51'30"W, 340.59 feet to a set iron bar;
Thence 278.91 feet along the arc of a curve to the right to a set iron bar, said curve has a radius of 913.87 feet, a chord of S73°36'05"W, 277.83 feet, and a delta angle of 17°29'12";
Thence leaving said right-of-way and along the west line of Lot 12, Assessor's Plat No. 2, Town of Ojibwa, N00°29'27"E, 612.67 feet to the point of beginning.
The parcel contains approximately 771, 773 square feet, or approximately 16.57 acres including lands between the meander line and the center of Crawford Creek, between the lot lines extended.

That I have fully complied with Section 236.34 of the Wisconsin Statutes; and the Sawyer County Subdivision Ordinance;
That this map is a correct representation of the exterior boundaries of the land surveyed and the division thereof;
That said survey and map are correct to the best of my knowledge and belief.
Said parcel is subject to all existing easements and reservations.

Certified this 26th day of December, 2022.

Daniel K. Pleoger
Wisconsin Professional Land Surveyor No. 1537

Approved by:

Jay Kozlowski
Sawyer County Zoning Administrator

Pleoger Land Surveying, LLC
W5299 Sundling Road
Winter, WI 54896

Field work completed Nov. 12, 2022
Sheet 2 of 4 Sheets

SAWYER COUNTY CERTIFIED SURVEY MAP

PART GOVERNMENT LOT 3 OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 6 WEST, INCLUDING ALL
OF LOT 12 OF ASSESSOR'S PLAT NO. 2, TOWN OF OJIBWA, SAWYER COUNTY, WISCONSIN

OWNER'S CERTIFICATE:

The Tod J. and Amy J. Torgerson Revocable Trust dated November 5, 2008, as owner, do hereby certify that we caused the land on this Certified Survey Map to be surveyed, divided, and mapped, and dedicated as represented on this Map;
We also certify that this Certified Survey Map is required by S.236.34 to be submitted to the Town of Ojibwa and the County of Sawyer for approval or objection.

Tod J. Torgerson and Amy J. Torgerson date
Trustees of the Tod J. and Amy J. Torgerson Revocable Trust dated November 5th, 2008.

Personally came before me this _____ day of _____, 2023,
The above named Tod J. Torgerson and Amy J. Torgerson, Trustees of the Tod J. and Amy J. Torgerson Revocable Trust dated November 5, 2008.
To me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My commission is permanent/expires _____

SAWYER COUNTY CERTIFIED SURVEY MAP

PART GOVERNMENT LOT 3 OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 6 WEST, INCLUDING ALL OF LOT 12 OF ASSESSOR'S PLAT NO. 2, TOWN OF OJIBWA, SAWYER COUNTY, WISCONSIN

TOWN BOARD APPROVAL

Resolved that this Certified Survey Map by Tod J and Amy J Torgerson, Trustees of the Tod J. and Amy J. Torgerson Revocable Trust dated November 5, 2008, is hereby approved by the Town Board of the Town of Ojibwa, Sawyer County, Wisconsin.

Dan Granica Town Chairman date

Jill Petit Town Clerk/Treasurer date

SAWYER COUNTY ZONING COMMITTEE APPROVAL

Resolved that this Certified Survey Map by Tod J and Amy J Torgerson, Trustees of the Tod J. and Amy J. Torgerson Revocable Trust dated November 5, 2008, is hereby approved by the Sawyer County Zoning Committee, Sawyer County, Wisconsin.

Jesse Boettcher **Zoning Committee Chair** **date**