

**MINUTES  
MARATHON COUNTY BOARD OF ADJUSTMENT**

Members present in person: Mike Ritter, and Kerry Brimmer

Members present via WebEx / phone: Richard Lawson, Thomas Seubert, Jim Servi and Carolyn Opitz

Member not present:

Also present remotely via phone / WEBEX or in person: Shad Harvey, Nicole Delonay, Laurie Miskimins, Garrett Pagel, Michael Puerner, Jared Williams, Ron Braatz, Craig Hunt, Mark Hill, Terry Brost (Lynn Farms)

**Called to order** at 9:00 a.m., 500 Forest St, Wausau by Vice Chair Lawson, who explained the **rules of the hearing** and the reason for the establishment of the Board of Adjustment.

**1. The application** of Tim Najour on behalf of Buckhorn RNG, LLC for a conditional use permit per section 17.301.09(A) of the General Zoning Code of Ordinances under Marathon County Chapter 17 Zoning Code to construct and operate a renewable natural gas processing facility (utility) in the F-P Farm Preservation district on Lynn Farms INC. property, part of the Northeast ¼, Southeast ¼, Section 5, Township 27 North, Range 2 East, Town of Brighton ; Pin # 010.2702.094.0999 with a property address of: 216770 Bridgewater Ave, Unity, WI 54488.

Harvey was sworn in and asked the Board to use the determination worksheets in their decisions and cited the provisions of law which apply. Harvey reviewed the staff report and discussed Ordinance Section 17.204.57 for the purpose of constructing and operating a renewable natural gas processing facility (utility) in the F-P Farm Preservation district on Lynn Farms INC. property Harvey reviewed the sections of Chapter 17 that apply to this request and the information shared by the applicant to address the questions that apply. Harvey stated the Town of Brighton gave their approval to the petition at their February 7<sup>th</sup>, 2023, meeting.

Mark Hill and Jared Williams were both sworn in and stated their positions within the company Novilla. Novilla is the parent company of Buckhorn RNG, LLC who would be operating the facility. Mark Hill explained the renewable natural gas process. Jared Williams went through the project structure details and what the construction will look like on this property. Williams also went through the benefits to Marathon County, such as local employment, and locally produced energy.

Jim Servi questioned if the company has had any other unexpected issues arise with other projects throughout the Midwest. Staff from Novilla responded that sometimes they will do Geotech studies which looks at the ground quality and they may have to move the site accordingly, and there can be utility delays, and supply chain shortages.

Servi also questioned the approval procedure with WEC.

Novilla has had zero recordable injuries at any of their facilities both during construction and in operation.

Harvey indicated the extending of the utility would be within the road right away.

Kerry Brimmer questioned if other local farms would be able to truck in waste or be possibly added to the facility.

Novilla responded to Kerry Brimmer they do not intend to at this time.

There was no additional testimony in favor, opposed, or as interest may appear via in person, or virtually. Testimony portion of the hearing closed at 10:00 am.

**Motion/second** by Servi/Seubert to **grant** the conditional use permit with conditions for Tim Najour on behalf of Buckhorn RNG, LLC as requested. The conditions are as follows:

1. Conditional Use Permit expires after 20-year lease agreement or in the event any entity other than Buckhorn RNG, LLC is operating the facility. In either circumstance a new Conditional Use Permit will need to be obtained.
2. An Emergency Management Plan shall be submitted to Marathon County Conservation, Planning, & Zoning, and to local Fire Departments.

The Board deliberated and completed the *Conclusion of Law and Decision Sheet*.

Motion **carried** 5 yes, 0 no, roll call vote.

**2. Approve September 22, 2022, minutes** – **Motion** / second by Seubert/ Opitz to approve the September 22, 2022, minutes as distributed. Motion **carried** by voice vote, no dissent.

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**3. Board education and training as needed**

Harvey updated the BOA to a new request/policy from the Wisconsin DNR, encouraging BOAs to adopt a standing letter/invitation for the DNR that would allow them to provide input when a shoreland variance is before a BOA. Without such letters in place, the DNR cannot provide input when these cases come up. Seubert asked if this would delay the hearing of cases. Harvey explained, the standing invitation/letter would actually expedite DNR's ability to participate in these cases. This item will be put on a future BOA agenda to determine if the BOA wants to create/adopt such a letter.

**4. Announcements and Requests**

Miskimins explained Chair Gibbs is still working to recruit a new Chair for the BOA.

**5. Next meeting date** – March 23, 2023, at 9:00 am, 500 Forest Street

**6. Meeting adjourned** – Motion/second by Opitz/ Servi, Lawson adjourned the meeting at 10:16 am Motion **carried** by voice vote, no dissent.

Respectfully submitted,  
Carolyn Opitz, Secretary  
Marathon County Board of Adjustment

cc: Board of Adjustment (6), County Clerk, Town Clerk

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