



MARATHON COUNTY ENVIRONMENTAL RESOURCES COMMITTEE **AMENDED AGENDA**

Date & Time of Meeting: Tuesday, March 5, 2024, at 3:00 p.m.

Meeting Location: WebEx/Courthouse Assembly Room, B-105, 500 Forest Street, Wausau WI 54403

Committee Members: Jacob Langenhahn (Chair); Allen Drabek (Vice-Chair); Rick Seefeldt; David Oberbeck; Mike Ritter; Andrew Venzke; Tony Sherfinski; Kim Ungerer; Marilyn Bhend (Towns & Villages Association Rep)

Marathon County Mission Statement: *Marathon County Government serves people by leading, coordinating, and providing county, regional, and statewide initiatives. It directly or in cooperation with other public and private partners provides services and creates opportunities that make Marathon County and the surrounding area a preferred place to live, work, visit, and do business. (Last updated 12-20-05).*

Environmental Resources Committee Mission Statement: *Provide leadership for the implementation of the County Strategic Plan, monitoring outcomes, reviewing and recommending to the County Board policies related to environmental resource initiatives of Marathon County. (Revised: 04/17/12)*

Strategic Plan Goals 2018 - 2022 Objective 5.2 - Promote sound land use decisions that conserve and preserve natural resources in decisions with economic development and growth.

Objective 6.3 - Protect and enhance the quantity and quality of potable groundwater and potable surface water supplies.

Persons wishing to attend the meeting by phone may call into the **telephone conference ten (10) minutes prior to the start time indicated above using the following number:**

Phone Number: +1-408-418-9388

Access Code/Meeting Number: 2482 290 3069

Please Note: If you are prompted to provide an "Attendee Identification Number" enter the # sign. No other number is required to participate in the telephone conference.

When you enter the telephone conference, **PLEASE PUT YOUR PHONE ON MUTE!**

The meeting will also be broadcast on Public Access or at <https://tinyurl.com/MarathonCountyBoard>

1. **Call meeting to order.**
2. **Pledge of Allegiance to the Flag**
3. **Public Comment (15-minute limit)** *(Any person who wishes to address the County Board, or one of its committees, during the "Public Comment" portion of meetings, must provide his or her name, address in writing, and the topic he or she wishes to present to the Marathon County Clerk, or chair of the committee, no later than five minutes before the start of the meeting. The topic must be relevant to the committee's area of jurisdiction.)*
4. **Public Comment for Farmland Preservation Plan Draft**
<https://www.marathoncounty.gov/services/conservation/farmland-preservation>
5. **Approval of January 30, 2024, Committee minutes**
6. **Operational Functions required by Statute, Ordinance, or Resolution:**
 - A. Public Hearings, Review, Possible Actions, and Possible Recommendations to the County Board for its Consideration (County Zoning changes)
 1. Tim Vreeland on behalf of Norman and Margaret Borntreger - G-A General Agriculture to R-E Rural Estate -Town of Wien
 2. Tim Vreeland on behalf of Dennis and Deborah Janz - R-E Rural Estate and G-A General Agriculture to G-A General Agriculture and R-E Rural Estate - Town of Spencer
 3. Town of Plover – Text Amendment Changes to Chapter 17
 4. Shad Harvey – Text Amendment Change to Chapter 15 – Private Sewage Systems
 5. Shad Harvey – Text Amendment Change to Chapter 21 – Nonmetallic Mining Reclamation Code
 - B. Review and Possible Recommendations to County Board for its Consideration (Town Zoning changes pursuant to §60.62(3) Wis. Stats.)
 1. Town of Wausau – Chapter 17 Amendment Update – Sec. 17.44 AT-1/40 Agriculture Transition District

**MARATHON COUNTY
ENVIRONMENTAL RESOURCES COMMITTEE**

AMENDED AGENDA

C. Review and Possible Recommendations to County Board for its Consideration:

1. Budget transfer request to accept Wisconsin Department of Natural Resources Surface Water Grant funds in the amount of \$99,760 for the aerator and monitoring at the Big Eau Pleine
2. Budget transfer request to accept Nature Conservancy Challenge Grant in the amount of \$10,000 for incentives to farmers in the Big Eau Pleine watershed for implementation of conservation practices
3. Budget transfer request to accept Department of Agriculture and Consumer Trade Protection Nutrient Management Grant in the amount of \$1,350 for incentives for farmers to implement practices related to nutrient management.
4. **Budget transfer request to accept the Good Idea Mini-Grant in the amount of \$ 8,000 to implement phosphorus-reducing filter strips.**

D. Review and Possible Action – None.

7. Educational Presentations/Outcome Monitoring Reports and Committee Discussion

A. Department Updates: Conservation Planning and Zoning (CPZ), Parks Recreation and Forestry (PRF), Conservation, Planning and Zoning

1. Brief Aerator Update
2. Groundwater Plan Update: Sampling, Eastern Groundwater Meeting, & Potential for Marathon County ARPA funds for well mitigation efforts
3. Brief Update on Farmland Preservation Plan

8. Policy Issues Discussion and Potential Committee Determination

9. Next meeting April 2, 2024, 3:00 pm Assembly Room and future agenda items:

- A. Committee members are asked to bring ideas for future discussion.
- B. Announcements/Requests/Correspondence

10. Adjournment

Any person planning to attend this meeting who needs some type of special accommodation in order to participate should call the County Clerk's Office at 715-261-1500 at least one business day before the meeting.

EMAILED AND/OR FAXED TO:

News Dept. at Daily Herald (715-848-9361), City Pages (715-848-5887),
Midwest Radio Group (715-848-3158), Marshfield News (877-943-0443),
TPP Printing (715 223-3505)

Date: 02/27/2024
Time: 2:00pm

By: _____
Date/Time/By: N D

SIGNED _____

Presiding Officer or Designee

NOTICE POSTED AT COURTHOUSE:

Date: _____
Time: _____ a.m. / p.m.

By: _____
County Clerk



**Marathon County
Environmental Resources Committee Minutes
Tuesday, January 30, 2024
500 Forest Street, Wausau WI**

Attendance:	<u>Member</u>	<u>Present</u>	<u>Not present</u>
<i>Chair</i>	Jacob Langenhahn.....	X	
<i>Vice-Chair</i>	Allen Drabek.....	X	
	Rick Seefeldt.....	X	
	Dave Oberbeck.....	X	
	Andrew Venzke.....		X
	Tony Sherfinski.....	X	
	Kim Ungerer.....	X	
	Mike Ritter.....	X	
	Marilyn Bhend.....	X	

} Via in person,
Webex
Or phone

MEETING RECORDING

Also present via Webex, phone or in person: Laurie Miskimins, Shad Harvey, Nicole Delonay, and Garrett Pagel- Conservation Planning and Zoning; Lance Leonhard – County Administrator; Mike Puerner – Corporation Counsel, Kurt Gibbs – County Board Supervisor, Timothy Burkholder, and Chad Billeb – Marathon County Sheriff’s Office; Kevin Behnke

1. **Call to order** – Called to order by Chair Langenhahn at 3:00 p.m.
2. **Pledge of Allegiance to the Flag**
3. **Public Comment** – None.
4. **Public Comment for Farmland Preservation Plan Draft** – None.
5. **Approval of January 5, 2024, Committee minutes (0:01)**
Motion / second by Sherfinski/Ritter to approve of the January 5, 2024, Environmental Resources Committee minutes. Motion **carried** by voice vote, no dissent.
6. **Operational Functions required by Statute, Ordinance, or Resolution**
 - A. **Public Hearings, Review, Possible Actions, and Possible Recommendations to the County Board for its Consideration (County Zoning changes)**
 1. Lawrence Olson on behalf of Bach Properties LLC - G-A-General Agriculture to L-D-R Low Density Residential -Town of Holton (0:04)

Discussion: Pagel was sworn in and noted the staff report and decision sheet had been included in the packet. Pagel reviewed the rezone request shown on the Preliminary Certified Survey Map (CSM) that was submitted with the petition. Pagel additionally reviewed the reasoning behind why Conservation Planning and Zoning (CPZ) staff are recommending approval of the rezone request, citing the rezone standards, requirements, and pertinent site characteristics. The Town Holton has reviewed the application and recommends approval without any concerns or additional comments.

There was no additional testimony in favor or opposed to this rezone request virtually or in person. The testimony portion of the hearing was closed at 3:12 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the



Marathon County
Environmental Resources Committee Minutes
Tuesday, January 30, 2024
500 Forest Street, Wausau WI

decision sheet.

Action: **Motion** / second by Seefeldt/ Sherfinski to recommend approval to County Board, of the Lawrence Olson rezone request. Noting the reasoning provided in the staff report and conclusions of law, the Committee determined the rezone is consistent with the Marathon County and Town comprehensive plans. Adequate facilities are present or will be provided and providing any necessary public facilities will not burden local government. Based on the proposed land division and existing land uses onsite the rezone should not result in any adverse effect on natural areas. The committee made their recommendation of approval based on the information, findings of fact, and conclusions of law as described in the CPZ staff report included in the ERC packet.

Motion **carried** by voice vote, no dissent.

Follow through: Forward to County Board for action at their next regularly scheduled meeting.

1. Jon Sundermeyer on behalf of Bach Properties LLC - G-A General Agriculture to R-R Rural Residential - Town of Holton (0:09)

Discussion: Pagel noted the staff report and decision sheet had been included in the packet. Pagel reviewed the rezone request shown on the Preliminary Certified Survey Map (CSM) that was submitted with the petition. Pagel additionally reviewed the reasoning behind why Conservation Planning and Zoning (CPZ) staff are recommending approval of the rezone request, citing the rezone standards, requirements, and pertinent site characteristics. The Town Holton has reviewed the application and recommends approval without any concerns or additional comments.

There was no additional testimony in favor or opposed to this rezone request virtually or in person. The testimony portion of the hearing was closed at 3:16 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

Action: **Motion** / second by Drabek/Ritter to recommend approval to County Board, of the Jon Sundermeyer rezone request. Noting the reasoning provided in the staff report and conclusions of law, the Committee determined the rezone is consistent with the Marathon County and Town comprehensive plans. Adequate facilities are present or will be provided and providing any necessary public facilities will not burden local government. Based on the proposed land division and existing land uses onsite the rezone should not result in any adverse effect on natural areas. The committee made their recommendation of approval based on the information, findings of fact, and conclusions of law as described in the CPZ staff report included in the ERC packet.

Motion **carried** by voice vote, no dissent.

Follow through: Forward to County Board for action at their next regularly scheduled meeting.

- B. Review and Possible Recommendation to County Board for its Consideration (Town Zoning changes pursuant to §60.62(3) Wis. Stats.) – None.
- C. Review and Possible Recommendations to County Board for its Consideration



**Marathon County
Environmental Resources Committee Minutes
Tuesday, January 30, 2024
500 Forest Street, Wausau WI**

1. Opportunity for providing recommendations relative to items to be included in the Administrator's 2024 Annual Work Plan (0:13)
2. Marathon County Assemblies Ordinance (12.04): Review of Draft Updates & Consideration of forwarding to County Board (0:22)
- D. Review and Possible Action – None.
7. **Educational Presentations/ Outcome Monitoring Reports and Committee Discussion**
 - A. Department Updates: Conservation Planning and Zoning (CPZ), Parks Recreation and Forestry (PRF), Solid Waste –
 1. General Code of Ordinances for Marathon County: Overview of Draft Updates – Chapter 15 – Private Sewage Systems & Chapter 21 – Nonmetallic Mining Reclamation Code (CPZ) (1:39)
8. **Policy Issues Discussion and Committee Determination to the County Board for its Consideration** -None
9. **Next meeting date, time & location, and future agenda items:**

Tuesday, March 5, 2024, 3:00 p.m. *Marathon County Courthouse, Assembly Room 500 Forest Street Wausau WI*

 - A. Committee members are asked to bring ideas for future discussion.
 - B. Announcements/Requests/Correspondence
10. **Adjourn – Motion/** second by Seefeldt/ Drabek to **adjourn** at 4:48 p.m.

Laurie Miskimins, CPZ Director

For Jacob Langenhahn, Chair

cc: (via email/web site) ERC members; County Administrator; Corporation Counsel; County Clerk

LM/nd

NOTICE OF PUBLIC HEARING

A public hearing will be held by the Environmental Resources Committee of the Marathon County Board of Supervisors on Tuesday, March 5th, 2024, at 3:00 p.m., Marathon County Courthouse Assembly Room B-105 500 Forest Street Wausau 54403, at which time the Committee will consider the following:

1. The petition of Tim Vreeland on behalf of Norman and Margaret Borntrager to amend the General Code of Ordinance for Marathon County Chapter 17 Zoning Code to rezone lands from G-A General Agriculture to R-E Rural Estate located in part of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 29, Township 28 North, Range 4 East, Town of Wien. The area proposed to be rezoned from G-A General Agriculture to R-E Rural Estate is described as Lot 1 of the preliminary CSM. Parcel Pin #084-2804-294-0994.
2. The petition of Tim Vreeland on behalf of Dennis and Deborah Janz to amend the General Code of Ordinance for Marathon County Chapter 17 Zoning Code to rezone lands from R-E Rural Estate and G-A General Agriculture to G-A General Agriculture and R-E Rural Estate described as part of Lot 1 of Certified Survey Map 5714-21-32 and part of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 19, Township 26 North, Range 2 East, Town of Spencer. The area proposed to be rezoned to G-A- General Agriculture is described as part of Lot 1 and the area proposed to be rezoned to R-E Rural Estate is described as part Lot 2 and Lot 3 of the preliminary CSM. Parent Parcel Pin #074-2602-194-0993, 074-2602-194-0995, and 074-2602-194-0996.
3. The petition of the Town of Plover, Marathon County, Wisconsin, for text amendment changes to the General Code of Ordinance for Marathon County Chapters 17 Zoning Code. The text amendments may be viewed online at <https://shorturl.at/sIRUY> or at the Marathon County Conservation Planning and Zoning Office, 210 River Drive, Wausau, WI 54403. Copies may be obtained by contacting the CPZ Department at 210 River Drive, Wausau, WI 54403, or by calling (715) 261-6000.
4. The petition of Shad Harvey, Conservation, Planning, and Zoning (CPZ) Land Resources Manager, for text amendment changes to the General Code of Ordinance for Marathon County Chapter 15 Private Sewage Systems. The text amendments may be viewed online at <https://shorturl.at/gKQ12> or at the Marathon County Conservation Planning and Zoning Office, 210 River Drive, Wausau WI 54403. Copies may be obtained by contacting the CPZ Department at 210 River Drive, Wausau WI 54403, or by calling (715) 261-6000.
5. The petition of Shad Harvey, Conservation, Planning, and Zoning (CPZ) Land Resources Manager, for text amendment changes to the General Code of Ordinance for Marathon County Chapter 21 Nonmetallic Mining Reclamation Code. The text amendments may be viewed online at <https://shorturl.at/adHL7> or at the Marathon County Conservation Planning and Zoning Office, 210 River Drive, Wausau WI 54403. Copies may be obtained by contacting the CPZ Department at 210 River Drive, Wausau WI 54403, or by calling (715) 261-6000.

All interested persons will be provided the opportunity to be heard at the public hearing. Those planning to attend this meeting who need some type of special accommodation in order to participate should call the County Clerk's Office at 715-261-1500. Please call at least one business day in advance of the meeting.

In the event you are unable to attend the public hearing and wish to provide written testimony prior to the hearing please forward to: Conservation, Planning and Zoning Department, 210 River Drive, Wausau, WI 54403-5449 Jacob Langenhahn – Environmental Resource Committee Chair.

We are encouraging people to attend the meeting by phone. Please call into the telephone conference ten minutes prior to the start time indicated above using the following number:

Phone Number: 1-408-418-9388

Access Code/ Meeting Number: 2482 290 3069

PLEASE NOTE: If you are prompted to provide an "Attendee Identification Number" enter the # sign. No other number is required to participate in the telephone conference.

PETITION FOR ZONE CHANGE
BEFORE THE MARATHON COUNTY BOARD OF SUPERVISORS

1. As authorized by §17.91 of the Marathon County Zoning Code (I) (we) (Name & Address):

Tim Vreeland Vreeland Associates
6103 Dawn St. Weston WI 54476

hereby petition to rezone property owned by (Name & Address): Norman and Margaret Borntreger
120916 Blackberry Rd Edgar WI 54426

from the classification GA, General Ag to RE, Rural Estate.

2. The legal description of that part of the property to be rezoned is (include only the description of the land proposed to be rezoned. You may need to have a surveyor draft this description): Lot 3 of attached

CSM

Parcel Identification Number (PIN): 081-2804-294-0994

3. The proposed change is to facilitate the use of the land for (be specific-list all proposed uses):

Remove home from remainder of lands

4. Please address the following criteria as best as you can. These are the "standards for rezoning" which will be addressed at the public hearing. (Use additional sheets if necessary).

A. In detail, explain what public facilities and services serve the proposed development at present, or how they will be provided.

No Development.

B. Explain how the provision for these facilities will not be an unreasonable burden to local government.

No Borden

C. What have you done to determine that the land is suitable for the development proposed?

Existing Home

D. Explain what will have to be done so the development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.

No adverse effects

E. Explain any potential for conflict with existing land uses in the area.

No conflict. Existing like zone property in the area.

(OVER)

F. Demonstrate the need of the proposed development at this location. _____

_____ No Development _____

G. What is the availability of alternative locations? Be specific. _____

_____ No Alternative _____

H. If cropland is being consumed by this Zone Change, what is the productivity of the agricultural lands involved?

_____ Cropland will continue to be Cropped _____

I. If cropland is being consumed by this zone change, explain how the proposed development will be located to minimize the amount of agricultural land converted. _____

_____ No Development. _____

- 5. Include on a separate sheet (no larger than 11 x 17) a drawing of the property to be rezoned, at a scale of 1"=200 ft or larger. Show additional information if required. (If larger sheets are required to adequately portray the site, include ten (10) copies).

All property owners within 300 feet of the parent parcel proposed for rezoning are parties in interest, and will be notified by Marathon County Conservation, Planning, and Zoning Department of the public hearing notice via direct mail.

- 6. If the Environmental Resources Committee, at the public hearing for this zone change request, is unable to make a recommendation based upon the facts presented and/or request additional information, clarification or data from the petitioner, Town Board, or any other source, that information shall be supplied to the Conservation, Planning, and Zoning Department 24 hours or more prior to the next regularly scheduled meeting (date and time to be announced at each regular meeting). Twenty four hour notice is required for all agenda items. If the requested information, etc. is not supplied, the zone change petition is denied and will only appear on the agenda as a report. No additional testimony will be accepted. The petitioner (applicant) may re-apply at any time to bring the matter back before the Committee. No exceptions to this policy will be granted.

7. Petitioner's Signature [Signature] Phone 715-241-0947 Date 11-7-23

8. Owner's Signature Norman B Bourtrages Phone 715-687-4735 Date 12-20-23
(If different)

Date Fee Received: 11/8/23

Fee \$600.00 PAYABLE TO MARATHON COUNTY

Attendance at the Public Hearing before the Marathon County Environmental Resources (ERC) Committee is not mandatory if you have appeared before the Town Planning Commission and/or the Town Board to present your proposal. If there was opposition to your proposal at the town level, attendance at the ERC hearing is recommended.

RECEIVED

NOV 08 2023

Zoning Division - Marathon County CPZ Dept. - 210 River Drive - Wausau, WI 54403-5449
www.co.marathon.wi.us Telephone: (715) 261-6020 or 6021

Fax: (715) 261-6016
MARATHON CO. CONSERVATION, PLANNING & ZONING DEPT

State Bar of Wisconsin Form 1-2003
WARRANTY DEED

STATE OF WISCONSIN - MARATHON COUNTY
RECORDED
11-16-2023 at 3:20 PM
DEAN J. STRATZ, REGISTER OF DEEDS
DOC#: **1890732**
Pages: 2
Transfer Fee: \$150.00

Document Number

Document Name

This document has been electronically recorded and returned to: Runkel Abstract and Title Co.

THIS DEED, made between Lester V. Yoder and Rosanna E. Yoder, husband and wife as survivorship marital property
(“Grantor,” whether one or more),
and Eli E. Nisely and Lizzie N. Nisely, husband and wife, as survivorship marital property
(“Grantee,” whether one or more).

Grantor, for a valuable consideration, conveys to Grantee the following described real estate, together with the rents, profits, fixtures and other appurtenant interests, in Marathon County, State of Wisconsin (“Property”) (if more space is needed, please attach addendum):

See attached Exhibit A

Recording Area

Name and Return Address
Eli E. Nisely
Lizzie N. Nisely
120557 Blackberry Road
Edgar, WI 54426

Pt. 084-2804-294-0997

Parcel Identification Number (PIN)

This is not _____ homestead property.
(is) (is not)

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances except: any municipal and zoning ordinances and agreements entered under them, recorded easements for the distribution of utility and municipal services, recorded building and use restrictions and covenants, and general taxes levied in the year of closing.

Dated November 14, 2023.

_____(SEAL) Lester Voder _____(SEAL)
* _____ * Lester V. Yoder

_____(SEAL) Rosanna Yoder _____(SEAL)
* _____ * Rosanna E. Yoder

AUTHENTICATION

ACKNOWLEDGMENT

Signature(s) _____
authenticated on _____

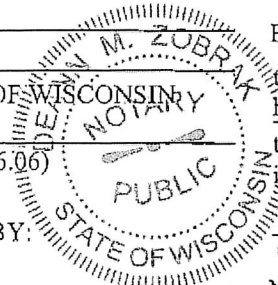
STATE OF WISCONSIN)
MARATHON) ss. COUNTY)

Personally came before me on November 14, 2023
the above-named Lester V. Yoder and Rosanna E. Yoder,
husband and wife

to me known to be the person(s) who executed the foregoing instrument and acknowledged the same

Deann M. Zobra
* Deann M. Zobra
Notary Public, State of Wisconsin
My Commission (is permanent) (expires: 01-08-2025)

THIS INSTRUMENT DRAFTED BY:
Rebecca L. Pilgrim
Attorney at Law



(If not, _____
authorized by Wis. Stat. § 706.06)

(Signatures may be authenticated or acknowledged. Both are not necessary.)

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.

WARRANTY DEED

© 2003 STATE BAR OF WISCONSIN

FORM NO. 1-2003

* Type name below signatures.

State Bar of Wisconsin Form 1-2003
WARRANTY DEED

STATE OF WISCONSIN - MARATHON COUNTY
RECORDED
11-16-2023 at 3:34 PM
DEAN J. STRATZ, REGISTER OF DEEDS
DOC#: **1890736**
Pages: 2
Transfer Fee: \$540.00

Document Number

Document Name

This document has been electronically recorded and returned to: Runkel Abstract and Title Co.

THIS DEED, made between Lester V. Yoder and Rosanna E. Yoder, husband and wife as survivorship marital property

("Grantor," whether one or more),
and Norman B. Borntrager and Margaret E. Borntrager, husband and wife, as survivorship marital property

("Grantee," whether one or more).

Grantor, for a valuable consideration, conveys to Grantee the following described real estate, together with the rents, profits, fixtures and other appurtenant interests, in Marathon County, State of Wisconsin ("Property") (if more space is needed, please attach addendum):

See attached Exhibit A

Recording Area

Name and Return Address

Norman B. Borntrager
Margaret E. Borntrager
120916 Blackberry Road
Edgar, WI 54426

Pt. 084-2804-294-0997

Parcel Identification Number (PIN)

This is _____ homestead property.
(is) (is not)

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances except: any municipal and zoning ordinances and agreements entered under them, recorded easements for the distribution of utility and municipal services, recorded building and use restrictions and covenants, and general taxes levied in the year of closing.

Dated November 14, 2023

(SEAL) Lester Yoder (SEAL)
* Lester V. Yoder

(SEAL) Rosanna Yoder (SEAL)
* Rosanna E. Yoder

AUTHENTICATION

ACKNOWLEDGMENT

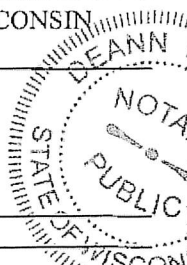
Signature(s) _____
authenticated on _____

STATE OF WISCONSIN)
MARATHON COUNTY) ss.

* Personally came before me on November 14, 2023
the above-named Lester V. Yoder and Rosanna E. Yoder, husband and wife
to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, _____
authorized by Wis. Stat. § 706.06)

THIS INSTRUMENT DRAFTED BY:
Rebecca L. Pilgrim
Attorney at Law

 Deann M. Zbrak
Notary Public, State of Wisconsin
My Commission (is permanent) (expires: 01-08-2025)

(Signatures may be authenticated or acknowledged. Both are not necessary.)

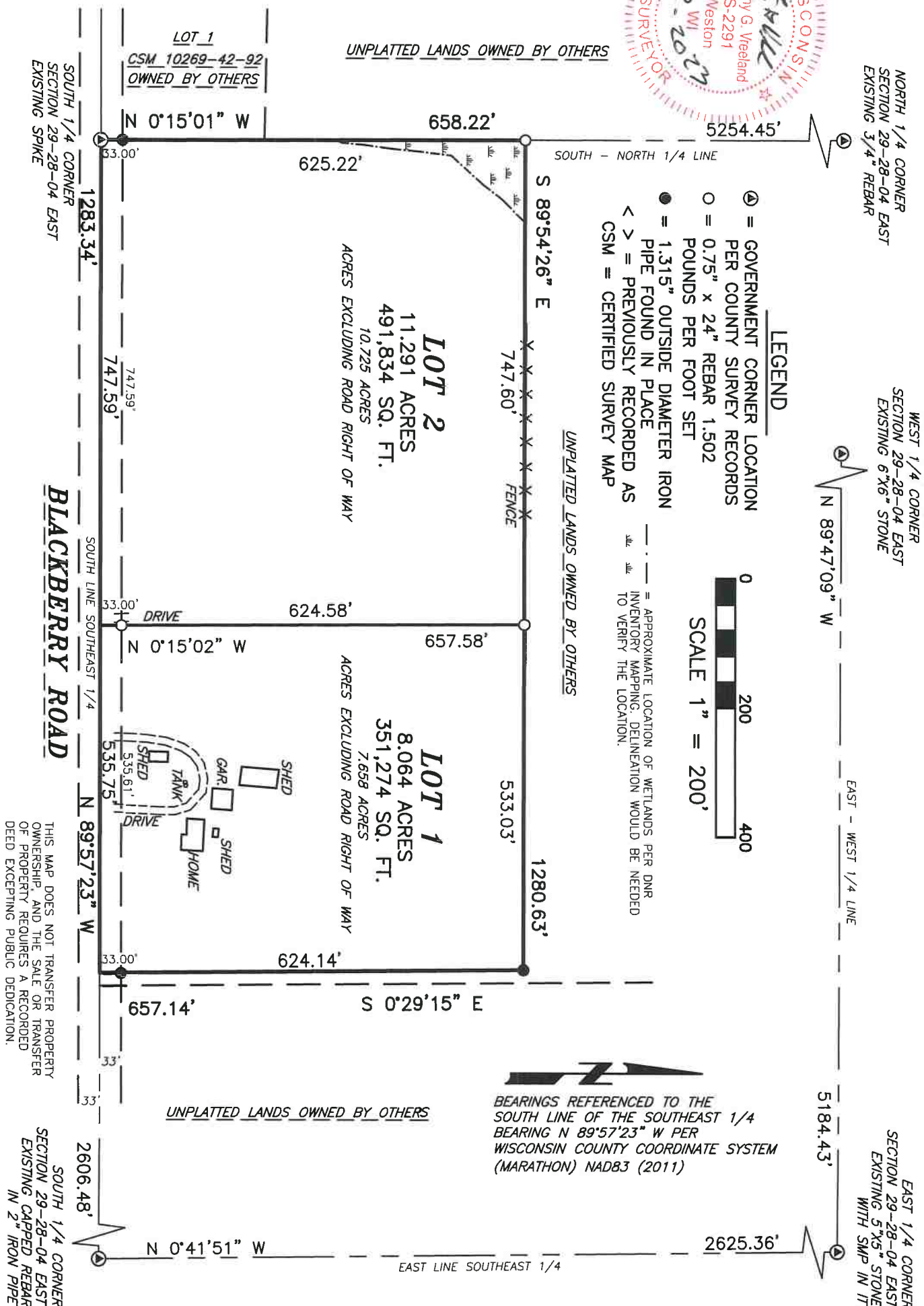
NOTE: THIS IS A STANDARD FORM. ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.

CERTIFIED SURVEY MAP

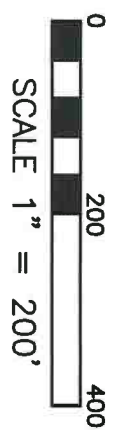
MARATHON COUNTY NO. _____

PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 28 NORTH, RANGE 4 EAST, TOWN OF WIEN, MARATHON COUNTY, WISCONSIN.

SHEET 1 OF 2 SHEETS



- LEGEND**
- ⊙ = GOVERNMENT CORNER LOCATION PER COUNTY SURVEY RECORDS
 - = 0.75" x 24" REBAR 1.502 POUNDS PER FOOT SET
 - = 1.315" OUTSIDE DIAMETER IRON PIPE FOUND IN PLACE
 - < > = PREVIOUSLY RECORDED AS CSM = CERTIFIED SURVEY MAP
 - = APPROXIMATE LOCATION OF WETLANDS PER DNR INVENTORY MAPPING. DELINEATION WOULD BE NEEDED TO VERIFY THE LOCATION.



BEARINGS REFERENCED TO THE SOUTH LINE OF THE SOUTHEAST 1/4 BEARING N 89°57'23" W PER WISCONSIN COUNTY COORDINATE SYSTEM (MARATHON) NAD83 (2011)

THIS MAP DOES NOT TRANSFER PROPERTY OWNERSHIP, AND THE SALE OR TRANSFER OF PROPERTY REQUIRES A RECORDED DEED EXCEPTING PUBLIC DEDICATION.

SOUTH 1/4 CORNER SECTION 29-28-04 EAST EXISTING CARPED REBAR IN 2" IRON PIPE

NORTH 1/4 CORNER SECTION 29-28-04 EAST EXISTING 3/4" REBAR

WEST 1/4 CORNER SECTION 29-28-04 EAST EXISTING 6"x6" STONE

EAST - WEST 1/4 LINE

EAST 1/4 CORNER SECTION 29-28-04 EAST EXISTING 5"x5" STONE WITH SMP IN IT

SOUTH 1/4 CORNER SECTION 29-28-04 EAST EXISTING SPIKE

BLACKBERRY ROAD

LOT 1
CSM 10269-42-92
OWNED BY OTHERS

UNPLATTED LANDS OWNED BY OTHERS

LOT 2
11.291 ACRES
491,834 SQ. FT.
10.725 ACRES
AGRES EXCLUDING ROAD RIGHT OF WAY

LOT 1
8.064 ACRES
351,274 SQ. FT.
7.658 ACRES
AGRES EXCLUDING ROAD RIGHT OF WAY

UNPLATTED LANDS OWNED BY OTHERS

EAST LINE SOUTHEAST 1/4

CERTIFIED SURVEY MAP

PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 28 NORTH, RANGE 4 EAST, TOWN OF WIEN, MARATHON COUNTY, WISCONSIN.

VREELAND ASSOCIATES, INC. LAND SURVEYORS & ENGINEERS	
6103 DAWN STREET WESTON, WI. 54476 PH (715) 241-0947 tim@vreelandassociates.us	
PREPARED FOR:	LESTER YODER
FILE #:	23-0463 YODER
DRAFTED BY:	TIMOTHY G. VREELAND
DRAWN BY:	DALTON L. ZEINERT

SHEET 2 OF 2 SHEETS

SURVEYORS CERTIFICATE

I, TIMOTHY G. VREELAND, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE DIRECTION OF LESTER YODER, I SURVEYED, MAPPED AND DIVIDED THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 28 NORTH, RANGE 4 EAST, TOWN OF WIEN, MARATHON COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 29; THENCE N 0°15'01" W ALONG THE SOUTH - NORTH 1/4 LINE 658.22 FEET; THENCE S 89°54'26" E 1280.63 FEET; THENCE S 0°29'15" E 657.14 FEET TO THE SOUTH LINE OF THE SOUTHEAST 1/4; THENCE N 89°57'23" W ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 1283.34 FEET TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD AND USE.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION AND THE CERTIFIED SURVEY MAP THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH SECTION 236.34 OF THE WISCONSIN STATUTES IN SURVEYING, MAPPING AND DIVIDING THE LANDS, CHAPTER A-E 7 OF THE WISCONSIN ADMINISTRATIVE CODE AND THE LAND DIVISION ORDINANCE OF MARATHON COUNTY AND THE TOWN OF WIEN, ALL TO THE BEST OF MY KNOWLEDGE AND BELIEF IN SURVEYING, DIVIDING AND MAPPING THE SAME.



DATED THIS 2ND DAY OF NOVEMBER, 2023
SURVEY PERFORMED OCTOBER 17TH, 2023

TIMOTHY G. VREELAND

P.L.S. 2291

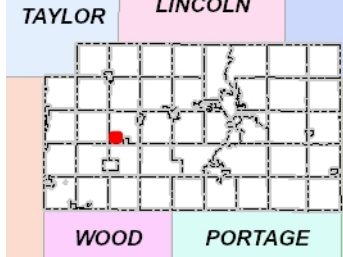
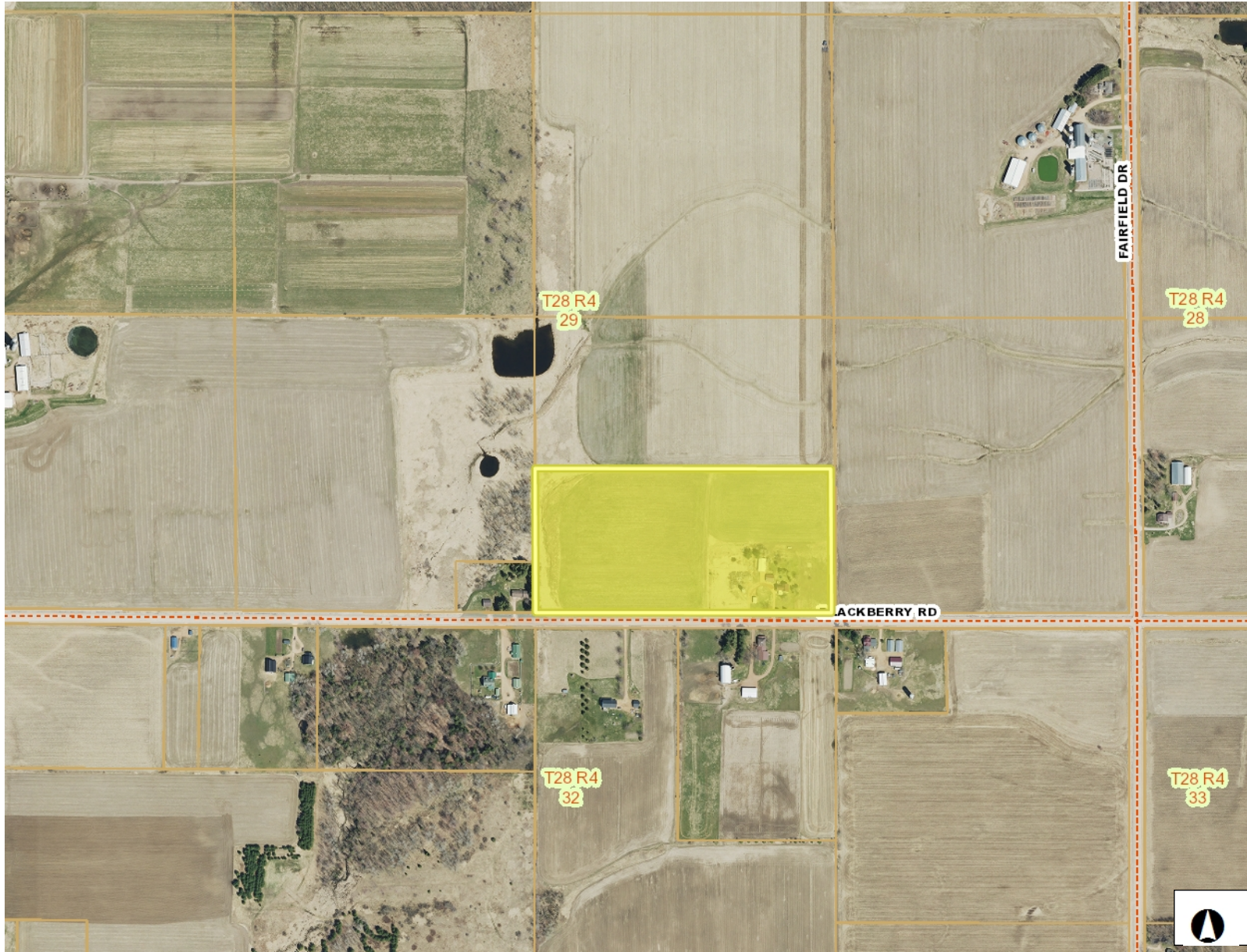
APPROVED FOR RECORDING UNDER
THE TERMS OF THE MARATHON
COUNTY LAND DIVISION REGULATIONS.

BY _____

DATE _____
MARATHON CO. CONSERVATION,
PLANNING & ZONING DEPT.
CPZ TRACKING NO _____



Land Information Mapping System



- Legend**
- Road Names
 - Parcels
 - Parcel Lot Lines
 - Land Hooks
 - Section Lines/Numbers
 - Right Of Ways
 - Named Places
 - Municipalities
- 2020 Orthos Countywide
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3

324.39 0 324.39 Feet



NAD_1983_HARN_WISCRS_Marathon_County_Feet

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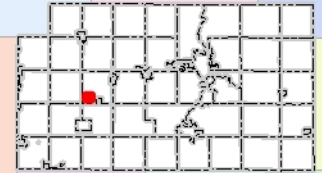
Notes



Land Information Mapping System

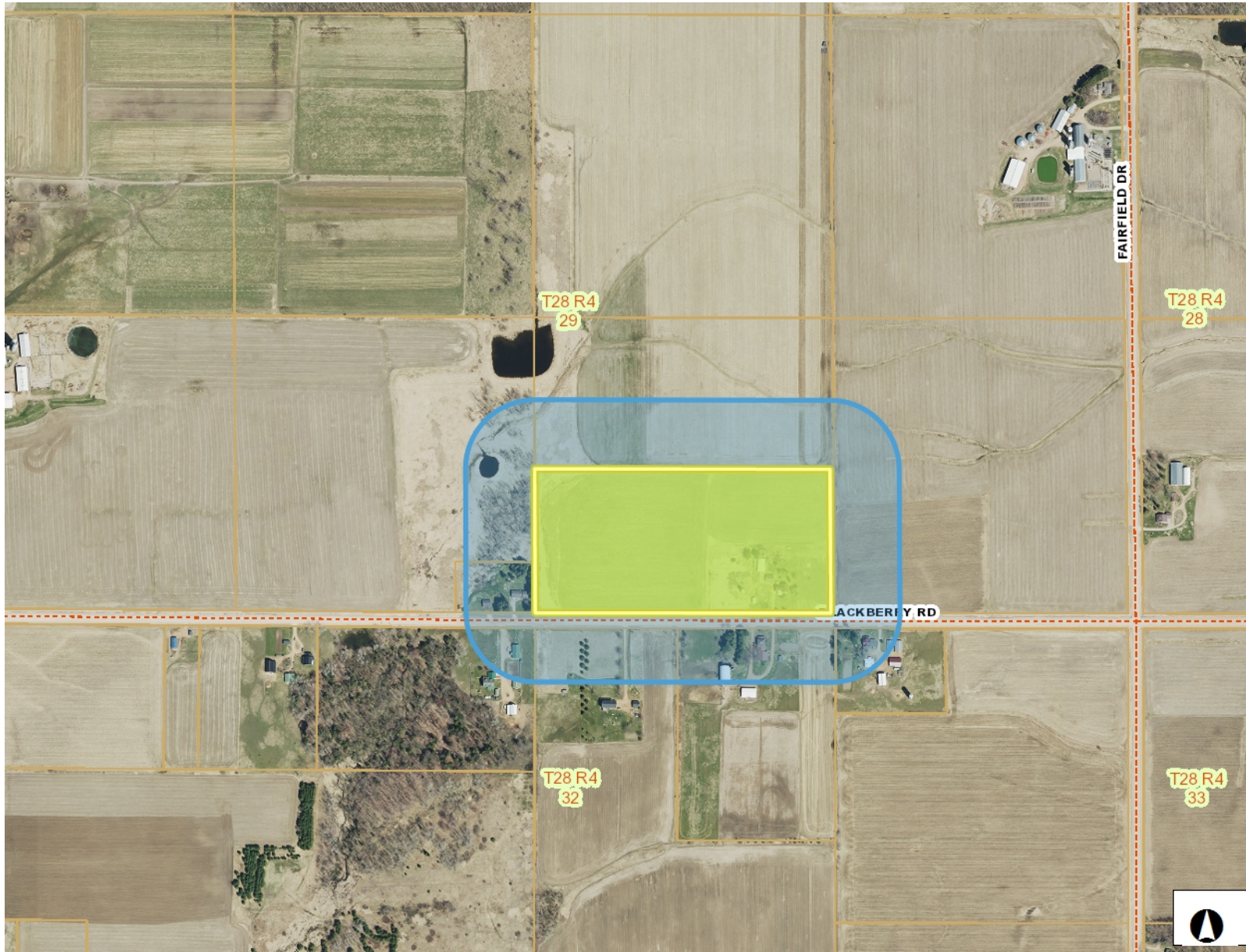
TAYLOR

LINCOLN



WOOD

PORTAGE



Legend

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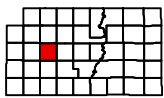
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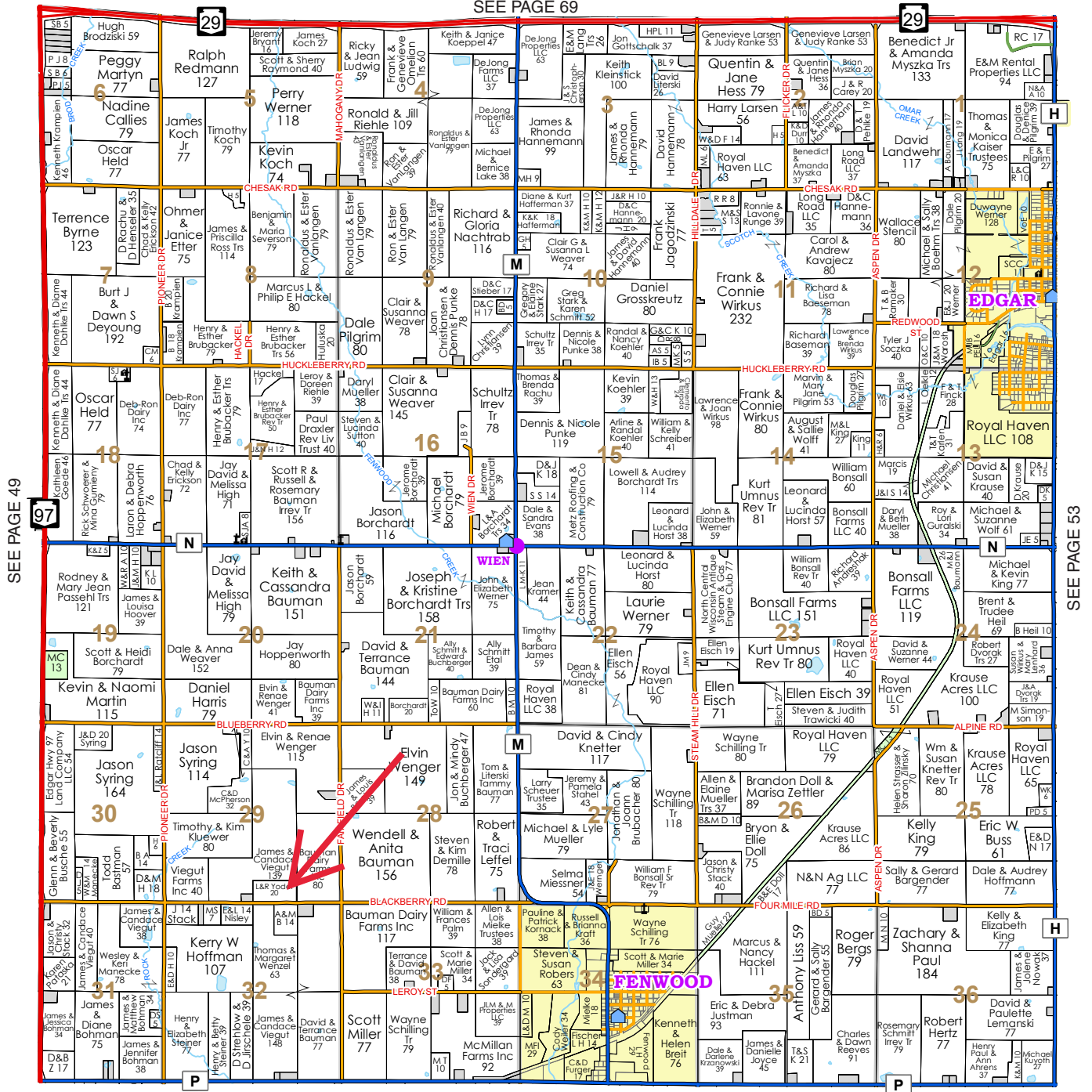
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Notes





SEE PAGE 69



SEE PAGE 49

SEE PAGE 53

SEE PAGE 33



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**Norman and Margaret Borntager
Petition to Rezone Land
Staff Report, March 5th, 2024
Environmental Resources Committee**

PETITIONER:

Tim Vreeland-6103 Dawn St, Weston, WI 54476

PROPERTY OWNERS:

Norman and Margaret Borntager-120916 Blackberry Rd, Edgar, WI 54426

LOCATION OF REZONE REQUEST:

Area proposed to be rezoned is located on Blackberry Rd just west of the intersection of Blackberry Rd and Fairfield Dr.

REQUEST:

The petition of Tim Vreeland on behalf of Norman and Margaret Borntager to amend the General Code of Ordinance for Marathon County Chapter 17 Zoning Code to rezone lands from G-A General Agriculture to R-E Rural Estate located in part of the Southwest ¼ of the Southeast ¼ of Section 29, Township 28 North, Range 4 East, Town of Wien. The area proposed to be rezoned from G-A General Agriculture to R-E Rural Estate is described as Lot 1 of the preliminary CSM. Parcel Pin #084-2804-294-0994.

PUBLIC HEARINGS/MEETINGS:

- Town of Wein Town Board Meeting (February 9th, 2024)
- Marathon County Environmental Resources Committee Meeting (March 5th, 2024, at 3:00pm)

Legal Notification:

A legal advertisement was published in the *Wausau Daily Herald*. Notice of the zoning change request was also sent by regular mail to adjacent property owners within 300 feet of the subject property.

EXISTING ZONING DISTRICT:

G-A General Agricultural. The purpose of the G-A district is designed to foster the preservation and use of agricultural land related uses and to provide for limited residential uses in a rural environment but not the division of land as classified in 18.07(2) and (3) into five or more tracts, parcels or lots within a five-year period. This district provides for limited residential development with modest densities that require relatively large land areas that are compatible with the surrounding rural land use activities. The district is intended to provide towns with multiple options to guide growth and development in concert with the comprehensive planning efforts.

Existing Generalized Land Use Map – Town of Wien (Comprehensive Plan 2005) The area proposed to be rezoned is shown as Crop Land and Single-Family Residential in the Town’s Comprehensive Plan Existing Land Use Map (2000). Adjacent land uses are comprised of Woodlands, Crop Land, Other Agriculture, and Single Family Residential.

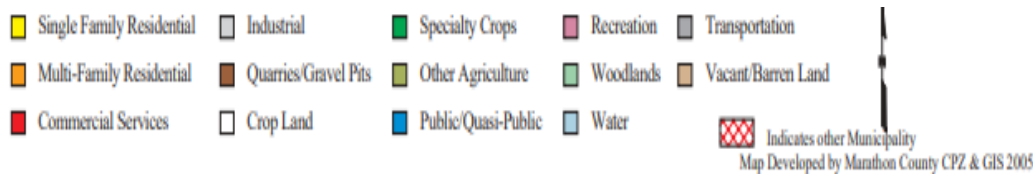
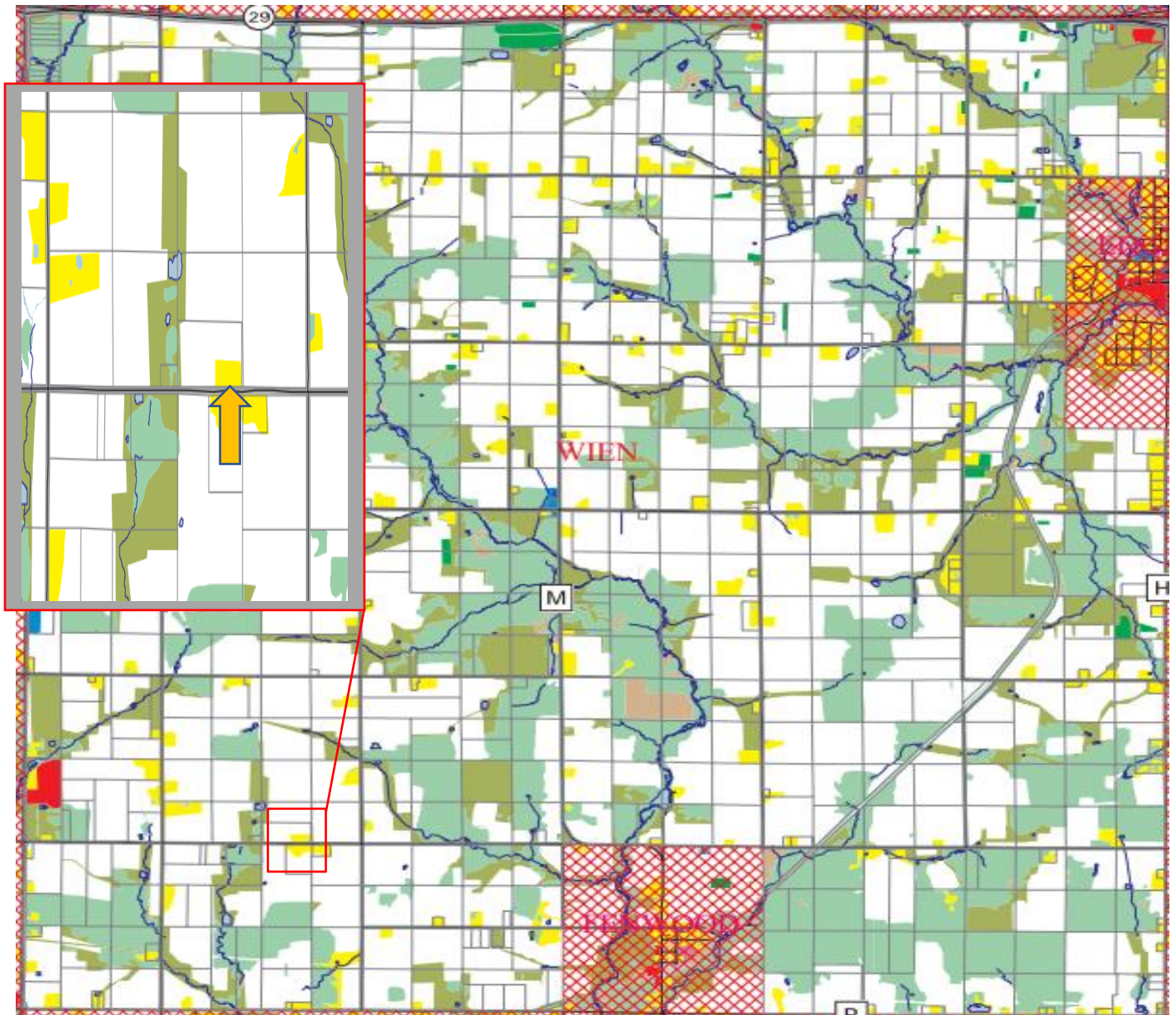
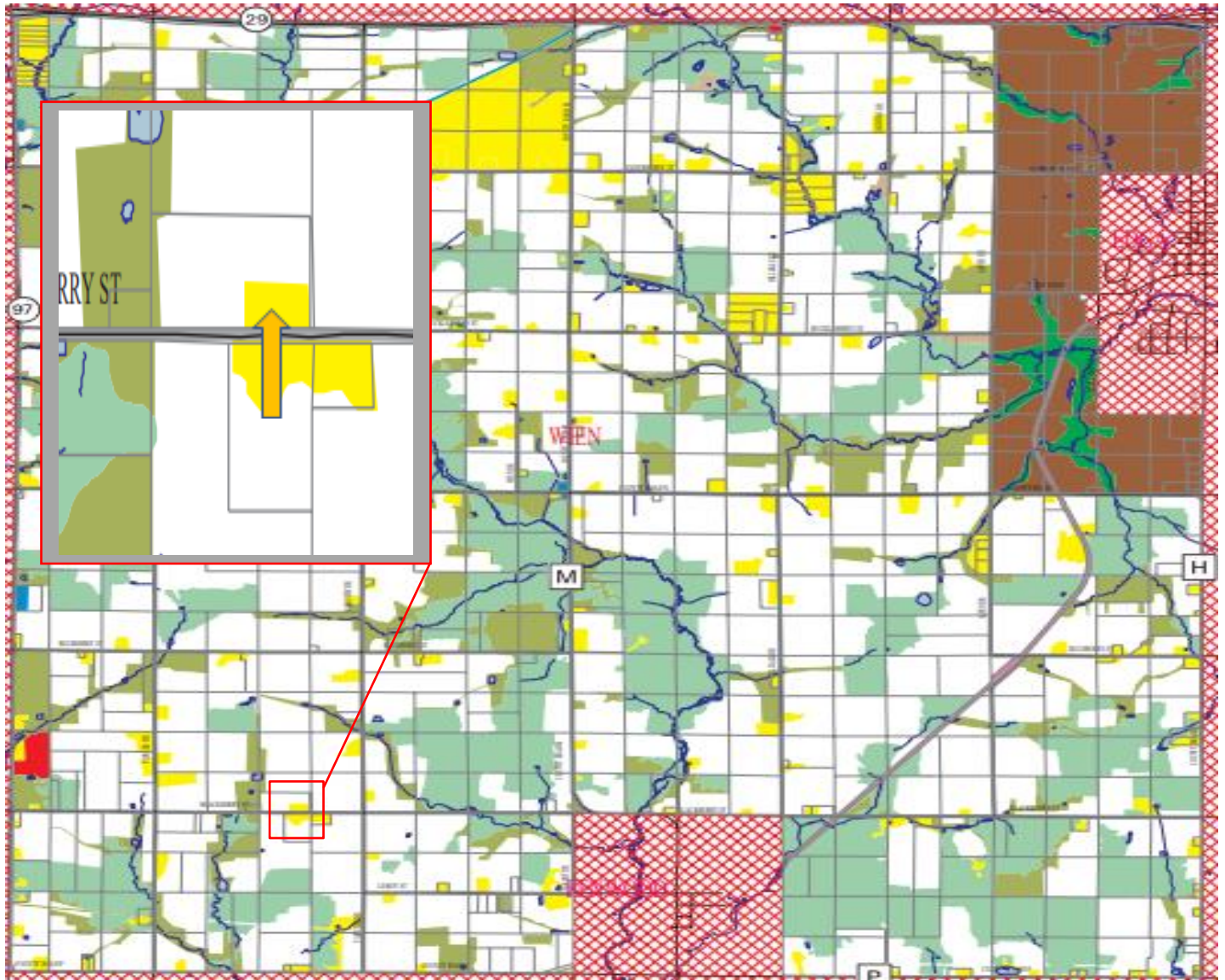


Figure 4-1
2000 Landuse/Landcover
WIEN

PROPOSED ZONING DISTRICT:

R-E Rural Estate District. The purpose of the R-E district is to accommodate single-family residential use along existing streets, to preserve the rural character while promoting open space single-family medium residential development (involving the extension of new streets), and to separate agricultural uses from other more extensive community development within the County. Limited agricultural activities and livestock are allowed in this district. These areas may or may not be serviced by municipal water and sanitary sewer.

TOWN COMPREHENSIVE PLAN FUTURE LAND USE MAP (2005 Plan): The area proposed to be rezoned is shown as Single Family Residential and Crop Lands in the Town’s Comprehensive Plan Future Land Use Map (2005). Adjacent land uses are comprised of Woodlands, Crop Land, Single Family Residential, and Other Agriculture.



- Single Family Residential
- Commercial Services
- Industrial
- Mixed Development
- No Development
- Barren
- Crop Land
- Other Agriculture
- Forest Land
- Public/Quais-Public
- Recreational
- Transportation
- Water

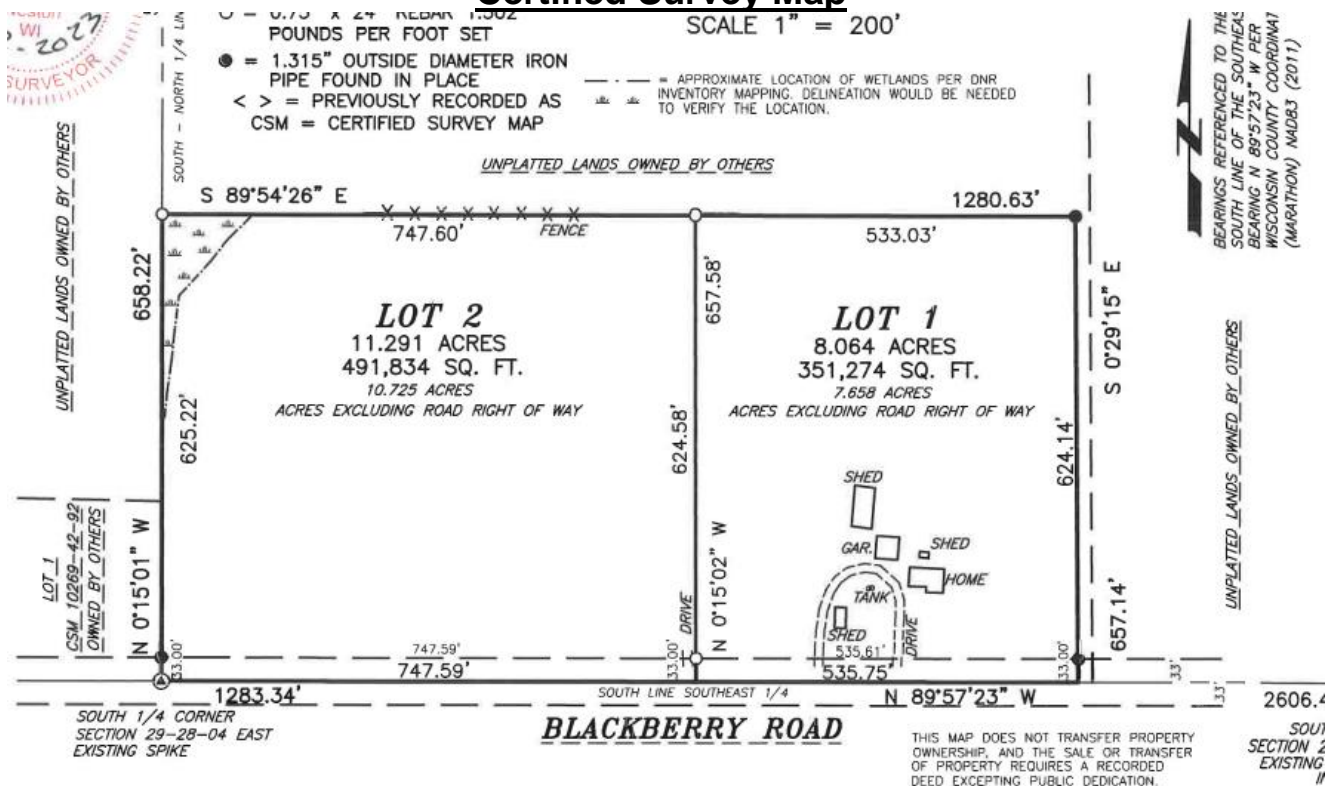
Indicates other Municipality
Map Developed by Marathon County CPZ & GIS 2005

Figure 3-1
Future Land Use
WIEN

Aerial Photo



Certified Survey Map



TOWN RECOMMENDATION:

On February 9th, 2024, the **Town of Wien** Town Board Recommended **Approval** to Marathon County's Environmental Resources Committee.

Staff Comments regarding ERC Conclusions of Law:

1. The rezoning is substantially consistent with the following plans. (*note how the proposed relates to the future land use plan and the vision, goals, objectives, and policies of the plan*)

- a. [Marathon County](#) Comprehensive Plan
- b. [Town](#) Comprehensive Plan and,
- c. Marathon County [Farmland Preservation Plan](#).

The Marathon County Comprehensive Plan relies on the Town Comprehensive Plan regarding specific land uses and zoning districts for individual parcels. The area proposed to be rezoned is shown to be designated as Single Family Residential and Crop Land in the Town's future land use map, CPZ staff rely on the towns to make these recommendations given the town board members and residents know their town and the true purpose and intent of the plan. The Town of Wien does not participate in farmland preservation zoning. As indicated by the town's future land use map and resolution/recommendation it appears the rezone is consistent with the purpose and intent of the Comprehensive Plan.

2. The location of the proposed development minimizes the amount of agricultural land converted and will not substantially impair or limit current or future agricultural use of other protected farmland.

No farmland will be consumed.

3. The applicant has demonstrated that...

- a. There is a need for the proposed development,
- b. Adequate public facilities are present or will be provided (*note impacts on roads, water, sewage, drainage, schools, emergency services, etc.*), and
- c. Providing public facilities will not be an unreasonable burden to the local government.

a. The need is for a proposed land division and correct a zoning district violation.

b. All necessary public facilities are anticipated to be provided (if not already provided) given any proposed development would rely of private systems such as a private well and sanitary system (if applicable).

c. No anticipated burden on local government, all applicable building, construction, and use standards will be applied during the zoning and building permit review process.

4. The rezoning will not cause unreasonable air and water pollution, soil erosion, or adverse effects on rare or irreplaceable natural areas.

All Federal, State, and Local permits and approvals are required for any applicable development onsite. Additionally, the proposed rezone will likely not result in any unreasonable air and water pollution as all pertinent regulations apply and will need to be adhered to. Any disturbance greater than one acre would need a DNR Stormwater Management Permit.

5. The Town has approved the proposed rezone of the property.

The Town of Wien Town Board has recommended approval of this rezone petition.

6. All concerns from other agencies on the proposed rezone have been addressed? (*DNR, Highway, DOT*) What are the concerns?

The county was not made aware of any concerns from other agencies.

STAFF (CPZ) RECOMMENDATION(S):

The rezone meets all the zoning district standards as it relates to size, frontage, access, and dimension. The rezone also appears to be consistent with the purpose and intent of the Town's Comprehensive Plan and as indicated by the town resolution. Based on the information provided above, findings of fact, conclusions of law, and the town's recommendation, it appears the rezone request meets all the rezone criteria and standards for rezoning. Therefore, CPZ staff recommend that the Environmental Resources Committee recommend **Approval** to the Marathon County Board of Supervisors. Should the rezone be approved by Marathon County Board of Supervisors, CPZ staff recommend that the town update its comprehensive plan to reflect the zoning change if applicable.



Case: #1
Environmental Resources Committee
Decision Form

Conclusions of Law

Marathon County Environmental Resources Committee (ERC) must consider all of the following standards in their decision. Please review and explain how the request does or does not meet each of these standards.

To approve a rezone, ERC must answer 'agree' to each of these standards. If the ERC recommends approval, but answers 'disagree' to any of these questions, a plan/ordinance changes, and/or additional information is required to satisfy the criteria.

1. The rezoning is substantially consistent with the following plans. *(note how the proposed relates to the future land use plan and the vision, goals, objectives, and policies of the plan)*
- a. [Marathon County](#) Comprehensive Plan
 - b. [Town](#) Comprehensive Plan and,
 - c. Marathon County [Farmland Preservation Plan](#).

Agree disagree insufficient information

2. The location of the proposed development minimizes the amount of agricultural land converted and will not substantially impair or limit current or future agricultural use of other protected farmland.

Agree disagree insufficient information

3. The applicant has demonstrated that...

- a. There is a need for the proposed development,
- b. Adequate public facilities are present or will be provided *(note impacts on roads, water, sewage, drainage, schools, emergency services, etc.)*, and
- c. Providing public facilities will not be an unreasonable burden to the local government.

Agree disagree insufficient information

4. The rezoning will not cause unreasonable air and water pollution, soil erosion, or adverse effects on rare or irreplaceable natural areas.

Agree disagree insufficient information

5. The Town has approved the proposed rezone of the property.

Agree disagree insufficient information

6. All concerns from other agencies on the proposed rezone have been addressed? *(DNR, Highway, DOT)* What are the concerns?

Agree disagree insufficient information

Environmental Resources Committee Decision

On the basis of the above findings of fact, conclusions of law, and the record in this matter, the Marathon County Environmental Resources Committee finds that the rezoning is:

- Approved Motion/ Second
- Denied, for the following reasons
- Tabled for further consideration

Specify reasons for denial, or additional information requested:

- An amendment to the county comprehensive plan is needed to approve this petition.
- An amendment to the county farmland preservation plan is needed to approve this petition.

Describe recommended amendments:

Signature:

Chairman: _____

PETITION FOR ZONE CHANGE
BEFORE THE MARATHON COUNTY BOARD OF SUPERVISORS

1. As authorized by §17.91 of the Marathon County Zoning Code (I) (we) (Name & Address):
Tim Vreeland Vreeland Assoc. 6103 Dawn St.
Weston

hereby petition to rezone property owned by (Name & Address): Dennis & Deb Janz
100620 26th Rd Spencer
RE Rural Res to GA General Ag
from the classification GA, General Ag to RE, Rural Res

2. The legal description of that part of the property to be rezoned is (include only the description of the land proposed to be rezoned. You may need to have a surveyor draft this description): See attached CSM

Parcel Identification Number (PIN): 074-2602-194-0993/0995/0996

3. The proposed change is to facilitate the use of the land for (be specific-list all proposed uses):
Adjustment of property lines.

4. Please address the following criteria as best as you can. These are the "standards for rezoning" which will be addressed at the public hearing. (Use additional sheets if necessary).

A. In detail, explain what public facilities and services serve the proposed development at present, or how they will be provided. No development

B. Explain how the provision for these facilities will not be an unreasonable burden to local government.
No Burden

C. What have you done to determine that the land is suitable for the development proposed?
No Development

D. Explain what will have to be done so the development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.
No adverse effects

E. Explain any potential for conflict with existing land uses in the area.
No conflict

RECEIVED

JAN 10 2024

CONSERVATION

(OVER)

Zoning Division - Marathon County CPZ Dept. - 210 River Drive - Wausau, WI 54403-5449

F. Demonstrate the need of the proposed development at this location. _____

_____ No Development _____

G. What is the availability of alternative locations? Be specific. _____

_____ No Alternative locations _____

H. If cropland is being consumed by this Zone Change, what is the productivity of the agricultural lands involved?

_____ No consumption of croplands _____

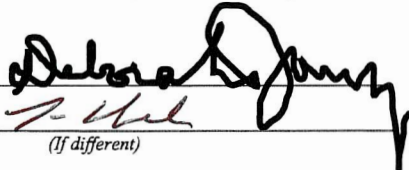
I. If cropland is being consumed by this zone change, explain how the proposed development will be located to minimize the amount of agricultural land converted. _____


_____ NA _____

5. Include on a separate sheet (no larger than 11 x 17) a drawing of the property to be rezoned, at a scale of 1"=200 ft or larger. Show additional information if required. **(If larger sheets are required to adequately portray the site, include ten (10) copies).**

All property owners within 300 feet of the parent parcel proposed for rezoning are parties in interest, and will be notified by Marathon County Conservation, Planning, and Zoning Department of the public hearing notice via direct mail.

6. If the Environmental Resources Committee, at the public hearing for this zone change request, is unable to make a recommendation based upon the facts presented and/or request additional information, clarification or data from the petitioner, Town Board, or any other source, that information shall be supplied to the Conservation, Planning, and Zoning Department 24 hours or more prior to the next regularly scheduled meeting (date and time to be announced at each regular meeting). Twenty four hour notice is required for all agenda items. If the requested information, etc. is not supplied, the zone change petition is denied and will only appear on the agenda as a report. No additional testimony will be accepted. The petitioner (applicant) may re-apply at any time to bring the matter back before the Committee. **No exceptions to this policy will be granted.**

7. ^{Owner} Petitioner's Signature  Phone 715-305-9663 Date 12-24-23

8. ^{Petitioner} Owner's Signature  Phone 715-241-0997 Date 1-4-24
(If different)

Date Fee Received: 1/11/2024 \$600.00

Fee \$600.00 PAYABLE TO MARATHON COUNTY

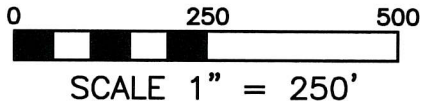
Attendance at the Public Hearing before the Marathon County Environmental Resources (ERC) Committee is not mandatory if you have appeared before the Town Planning Commission and/or the Town Board to present your proposal. If there was opposition to your proposal at the town level, attendance at the ERC hearing is recommended.

CERTIFIED SURVEY MAP

MARATHON COUNTY NO. _____

ALL OF LOT 1 CSM 5714-21-32 AND THAT PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 19, TOWNSHIP 26 NORTH, RANGE 2 EAST, TOWN OF SPENCER, MARATHON COUNTY, WISCONSIN.

VREELAND ASSOCIATES, INC.	
LAND SURVEYORS & ENGINEERS	
6103 DAWN STREET WESTON, WI. 54476	
PH (715) 241-0947 tim@vreelandassociates.us	
PREPARED FOR:	NICK HEINTZ
FILE #:	23-0565 HEINTZ
DRAFTED BY:	TIMOTHY G. VREELAND
DRAWN BY:	DALTON L. ZEINERT

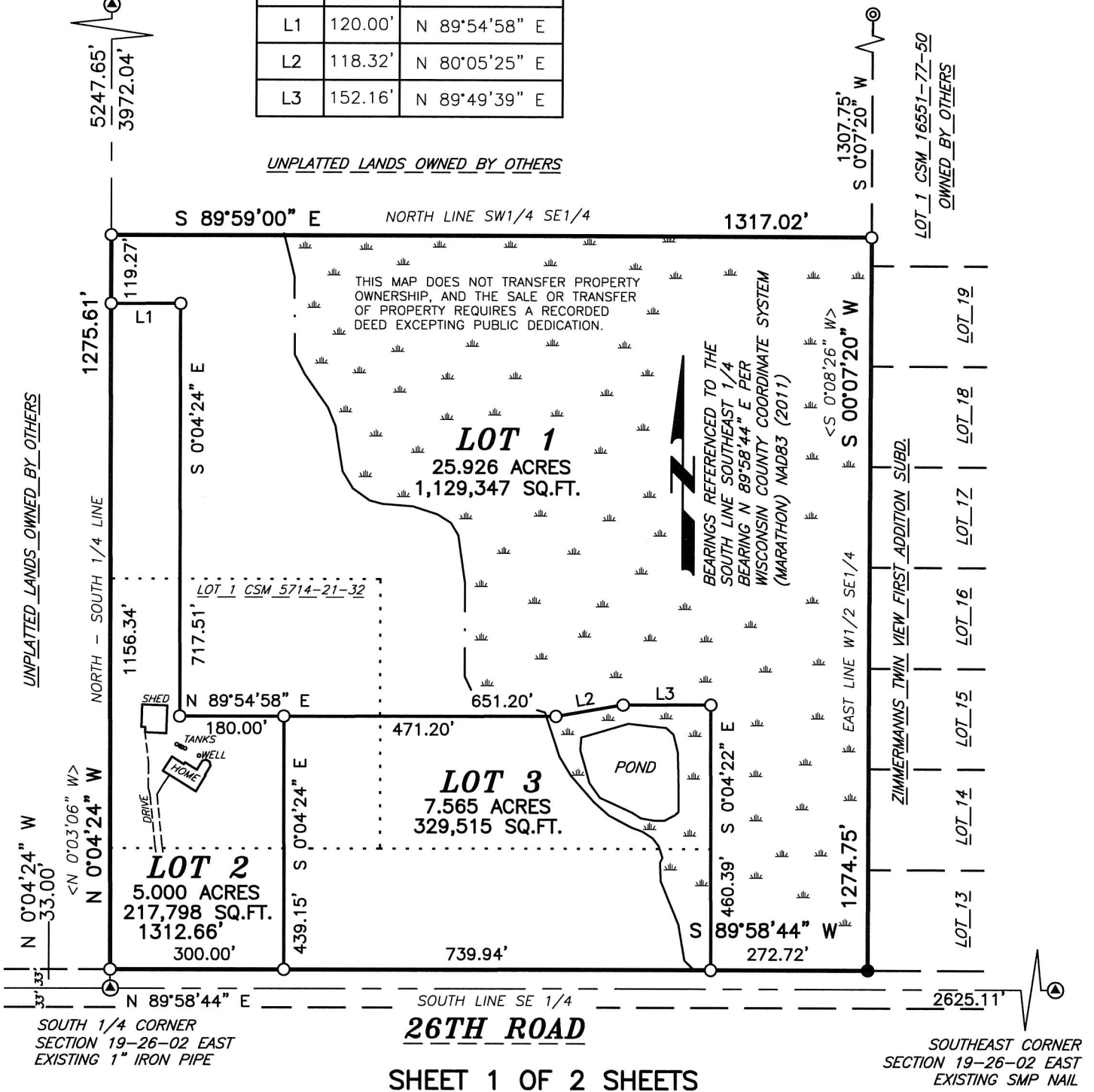


LEGEND

- = GOVERNMENT CORNER LOCATION PER COUNTY SURVEY RECORDS
- = 0.75" x 24" REBAR 1.502 POUNDS PER FOOT SET
- = 0.75" REBAR FOUND IN PLACE
- = 1" OUTSIDE DIAMETER IRON PIPE FOUND IN PLACE
- = PREVIOUSLY RECORDED AS CSM = CERTIFIED SURVEY MAP

Line Table		
Line #	Length	Direction
L1	120.00'	N 89°54'58" E
L2	118.32'	N 80°05'25" E
L3	152.16'	N 89°49'39" E

NORTH 1/4 CORNER SECTION 19-26-02 EAST EXISTING 2" IRON PIPE



26TH ROAD

SHEET 1 OF 2 SHEETS

SOUTHEAST CORNER SECTION 19-26-02 EAST EXISTING SMP NAIL

CERTIFIED SURVEY MAP

ALL OF LOT 1 CSM 5714-21-32 AND THAT PART OF THE SW 1/4
OF THE SE 1/4 OF SECTION 19, TOWNSHIP 26 NORTH, RANGE 2
EAST, TOWN OF SPENCER, MARATHON COUNTY, WISCONSIN.

SHEET 2 OF 2 SHEETS

SURVEYORS CERTIFICATE

I, TIMOTHY G. VREELAND, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE DIRECTION OF NICK HEINTZ, I SURVEYED, MAPPED AND DIVIDED ALL OF LOT 1 CERTIFIED SURVEY MAP NUMBER 5714, RECORDED IN VOLUME 21 ON PAGE 32 AND THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 26 NORTH, RANGE 2 EAST, TOWN OF SPENCER, MARATHON COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 19; THENCE N 0°04'24" W ALONG THE NORTH -SOUTH 1/4 LINE 33.00 FEET TO THE NORTH LINE OF 26TH ROAD AND TO THE POINT OF BEGINNING; THENCE CONTINUING N 0°04'24" W ALONG THE NORTH - SOUTH 1/4 LINE 1275.61 FEET; THENCE S 89°59'00" E ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 1317.02 FEET; THENCE S 0°07'20" W ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 1274.75 FEET TO THE NORTH LINE OF 26TH ROAD; THENCE S 89°58'44" W ALONG THE NORTH LINE OF 26TH ROAD 1312.66 FEET TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD AND USE.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION AND THE CERTIFIED SURVEY MAP THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH SECTION 236.34 OF THE WISCONSIN STATUTES IN SURVEYING, MAPPING AND DIVIDING THE LANDS, CHAPTER A-E 7 OF THE WISCONSIN ADMINISTRATIVE CODE AND THE LAND DIVISION ORDINANCE OF MARATHON COUNTY AND THE TOWN OF SPENCER, ALL TO THE BEST OF MY KNOWLEDGE AND BELIEF IN SURVEYING, DIVIDING AND MAPPING THE SAME.

DATED THIS 28TH DAY OF DECEMBER, 2023
SURVEY PERFORMED DECEMBER 15TH, 2023

TIMOTHY G. VREELAND P.L.S. 2291

APPROVED FOR RECORDING UNDER
THE TERMS OF THE MARATHON
COUNTY LAND DIVISION REGULATIONS.

BY _____

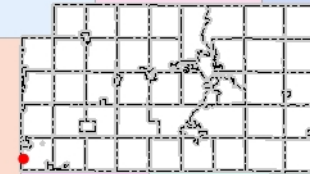
DATE _____
MARATHON CO. CONSERVATION,
PLANNING & ZONING DEPT.
CPZ TRACKING NO. _____



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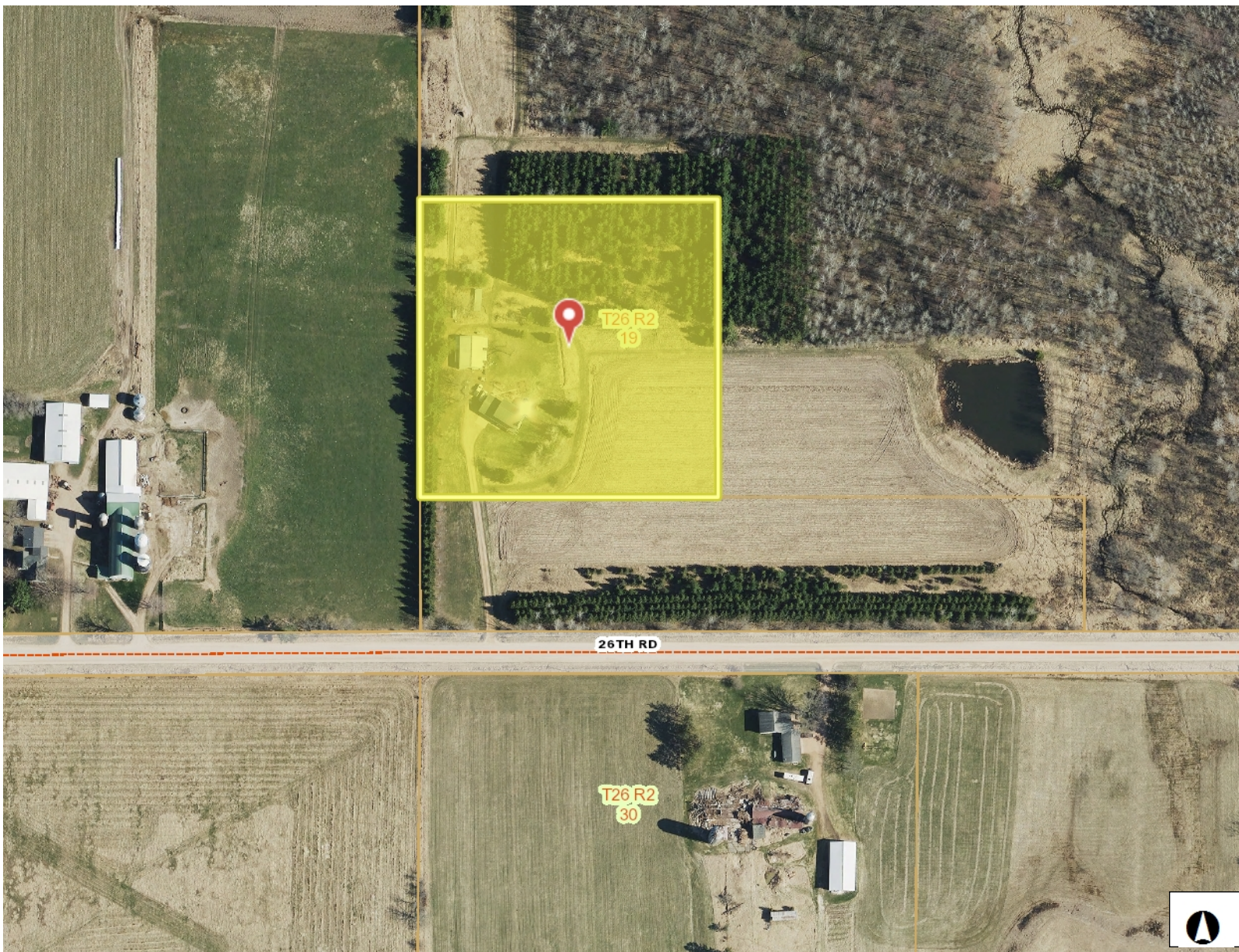
TAYLOR

LINCOLN



WOOD

PORTAGE



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116.88 0 116.88 Feet



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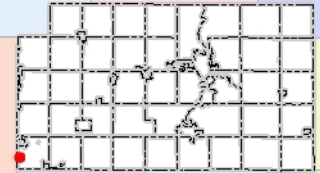




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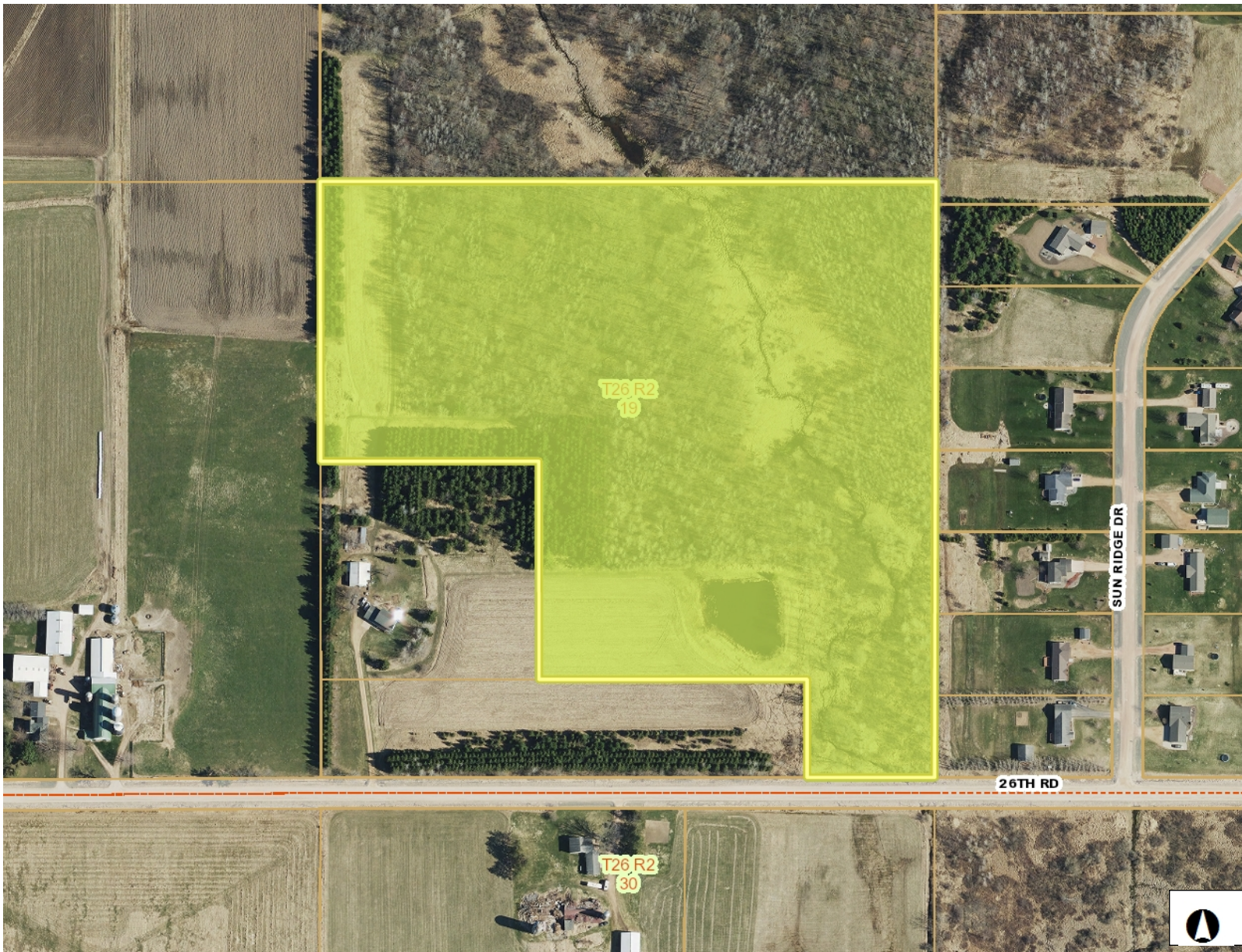
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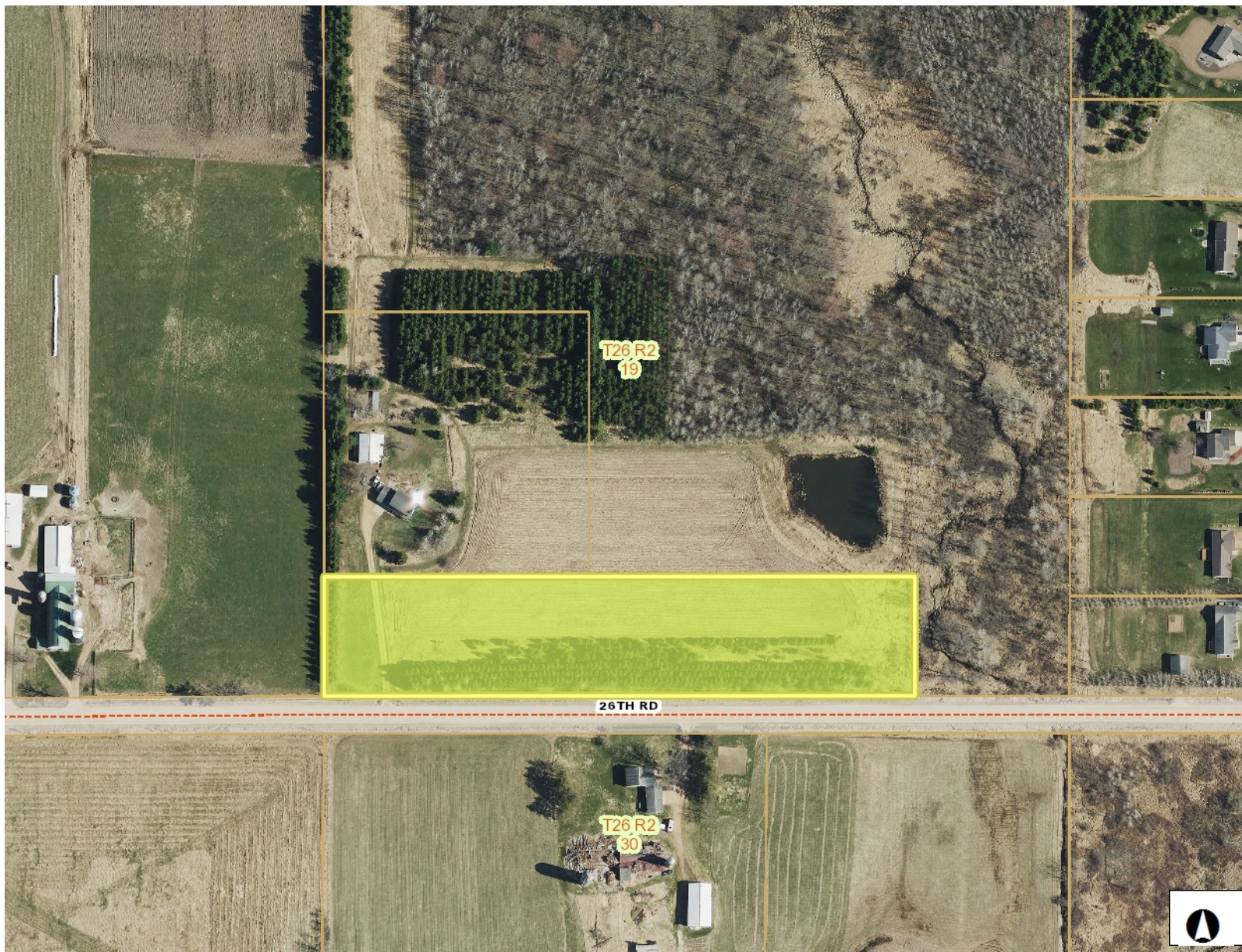
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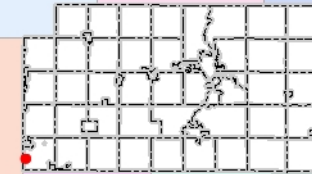


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131.23 0 131.23 Feet



NAD_1983_HARN_WISCRS_Marathon_County_Feet

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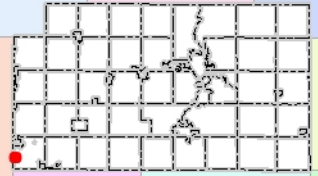
Notes



Land Information Mapping System

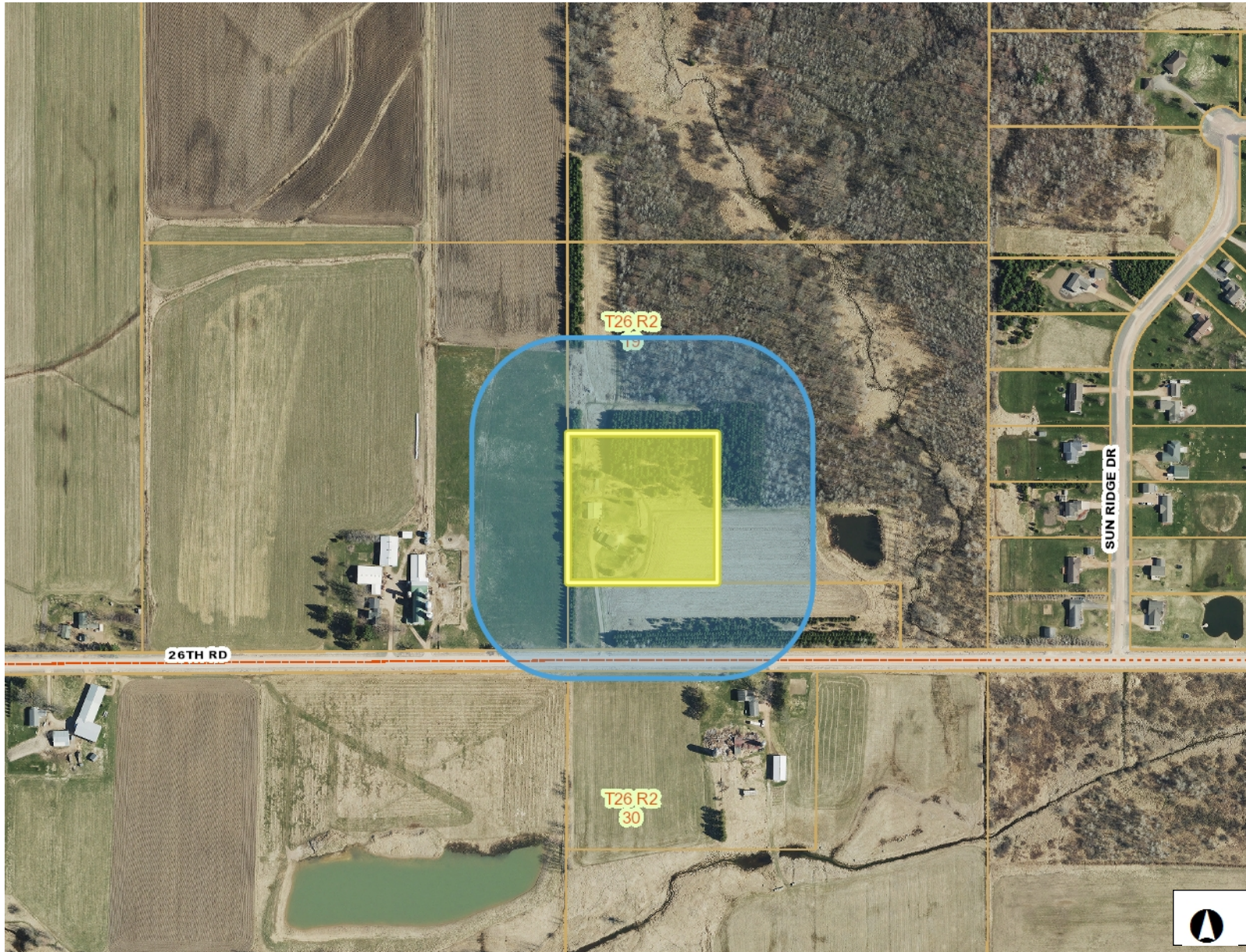
TAYLOR

LINCOLN



WOOD

PORTAGE



Legend

- Road Names
- Parcels
- Parcel Lot Lines
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- Named Places
- Municipalities
- 2020 Orthos Countywide
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

233.76 0 233.76 Feet



NAD_1983_HARN_WISCRS_Marathon_County_Feet

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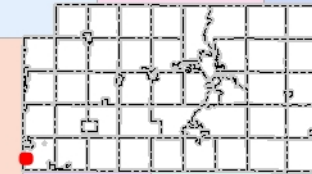
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Land Information Mapping System

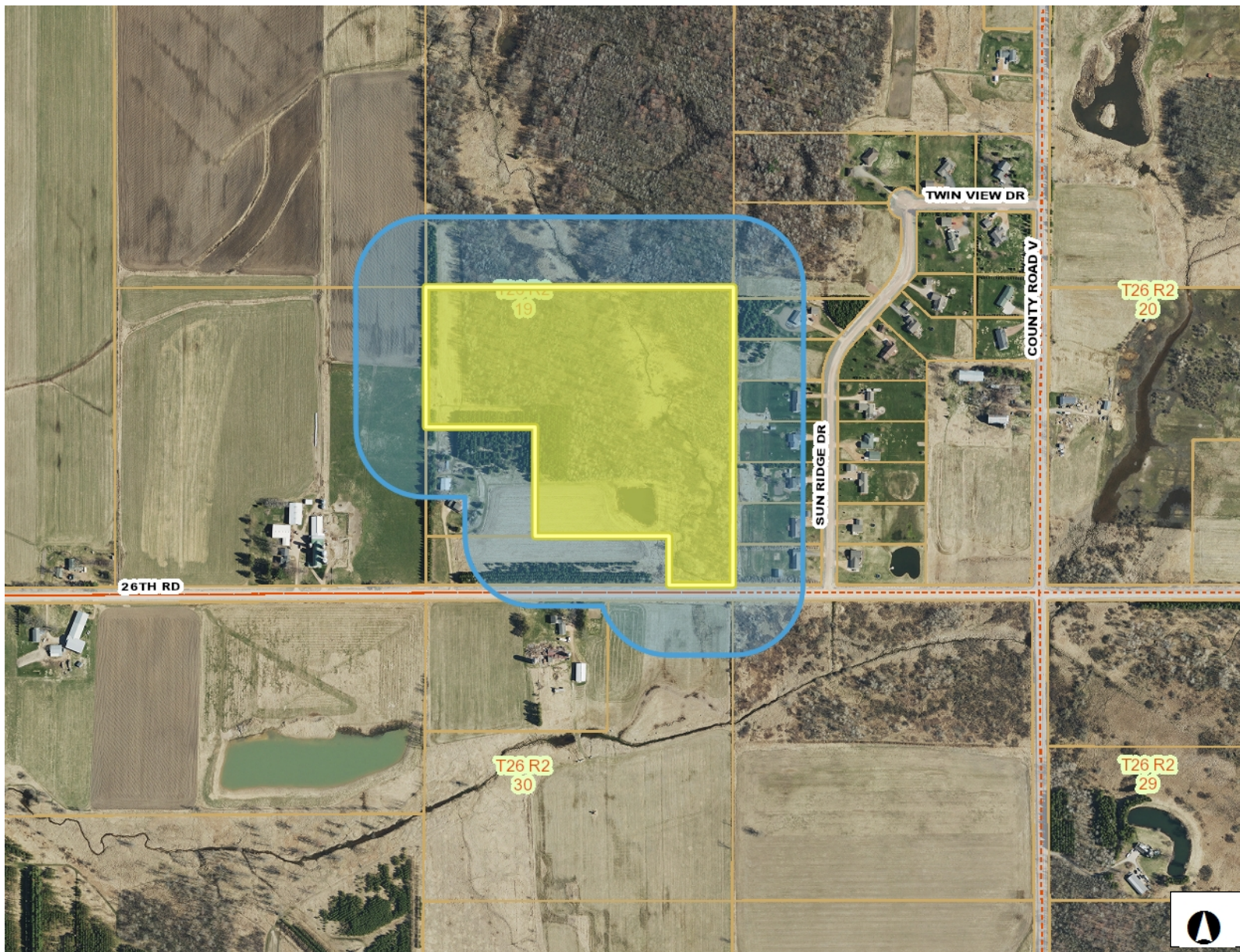
TAYLOR

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319.19 0 319.19 Feet



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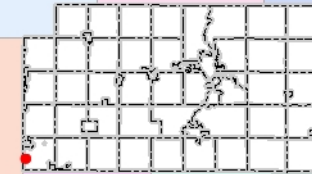


Land Information Mapping System



TAYLOR

LINCOLN



WOOD

PORTAGE

Legend

- Road Names
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131.23 0 131.23 Feet

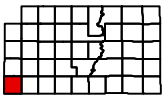


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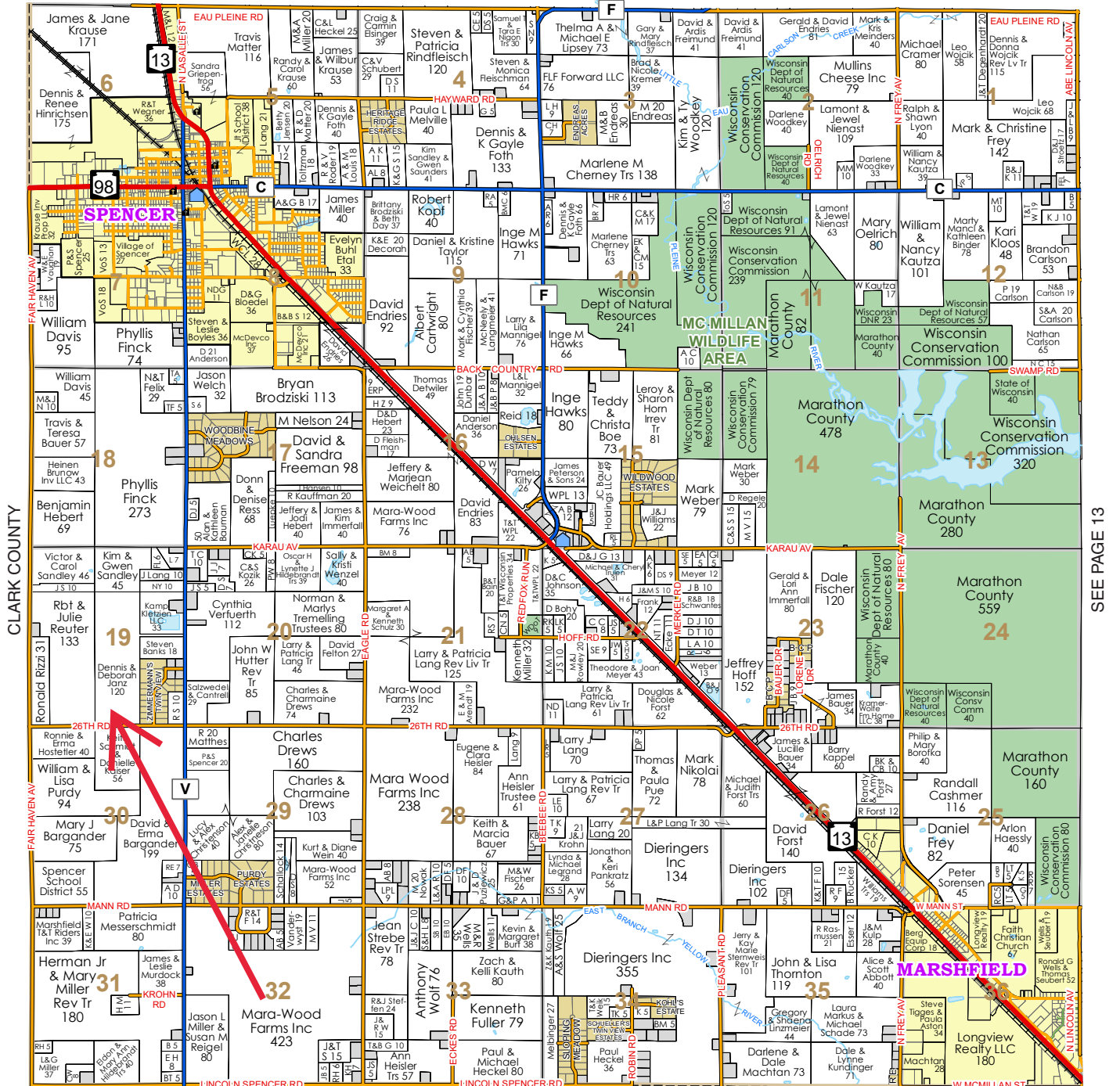


Spencer

Township 26N - Range 2E

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SEE PAGE 29



SEE PAGE 13

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Jennifer Howen
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Brad Kreklau

Ian Pierce

Leon Woller
ATHENS
(715) 257-1414 | 704 Pine St

Katherine Zoromski

Jennifer Zinda-Mancl
STEVENS POINT
(715) 341-5808 | 3205 Post Rd

Stacey Zimmermann

Brian Deffner
SHAWANO
(715) 803-4030
1478 E Green Bay St



**Dennis and Deborah Janz
Petition to Rezone Land
Staff Report, March 5th, 2024
Environmental Resources Committee**

PETITIONER:

Tim Vreeland 6103 Dawn St, Weston, WI 54476

PROPERTY OWNERS:

Dennis and Deborah Janz-100620 26th Rd, Spencer, WI 54479

LOCATION OF REZONE REQUEST:

Area proposed to be rezoned is located on 26th Rd just west of the intersection of 26th Rd and County Rd V.

REQUEST:

The petition of Tim Vreeland on behalf of Dennis and Deborah Janz to amend the General Code of Ordinance for Marathon County Chapter 17 Zoning Code to rezone lands from R-E Rural Estate and G-A General Agriculture to G-A General Agriculture and R-E Rural Estate described as part of Lot 1 of Certified Survey Map 5714-21-32 and part of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 19, Township 26 North, Range 2 East, Town of Spencer. The area proposed to be rezoned to G-A- General Agriculture is described as part of Lot 1 and the area proposed to be rezoned to R-E Rural Estate is described as part Lot 2 and Lot 3 of the preliminary CSM. Parent Parcel Pin #074-2602-194-0993, 074-2602-194-0995, and 074-2602-194-0996.

PUBLIC HEARINGS/MEETINGS:

- Town of Spencer Town Board Meeting (February 13th, 2024)
- Marathon County Environmental Resources Committee Meeting (March 5th, 2024, at 3:00pm)

Legal Notification:

A legal advertisement was published in the *Wausau Daily Herald*. Notice of the zoning change request was also sent by regular mail to adjacent property owners within 300 feet of the subject property.

EXISTING ZONING DISTRICT:

R-E Rural Estate District. The purpose of the R-E district is to accommodate single-family residential use along existing streets, to preserve the rural character while promoting open space single-family medium residential development (involving the extension of new streets), and to separate agricultural uses from other more extensive community development within the County. Limited agricultural activities and livestock are allowed in this district. These areas may or may not be serviced by municipal water and sanitary sewer.

G-A General Agricultural. The purpose of the G-A district is designed to foster the preservation and use of agricultural land related uses and to provide for limited residential uses in a rural environment but not the division of land as classified in 18.07(2) and (3) into five or more tracts, parcels or lots within a five-year period. This district provides for limited residential development with modest densities that require relatively large land areas that are compatible with the surrounding rural land use activities. The district is intended to provide towns with multiple options to guide growth and development in concert with the comprehensive planning efforts.

Existing Generalized Land Use Map – Town of Plover (Comprehensive Plan 2005) The area proposed to be rezoned is shown as Woodlands and Other Agriculture in the Town’s Comprehensive Plan Existing Land Use Map (2000). Adjacent land uses are comprised of Woodlands, Crop Land, Other Agriculture, and Single Family Residential.

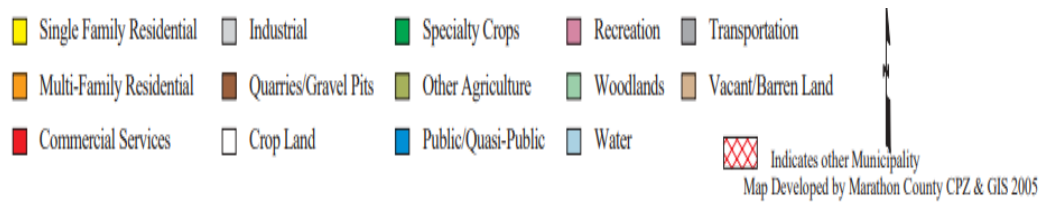
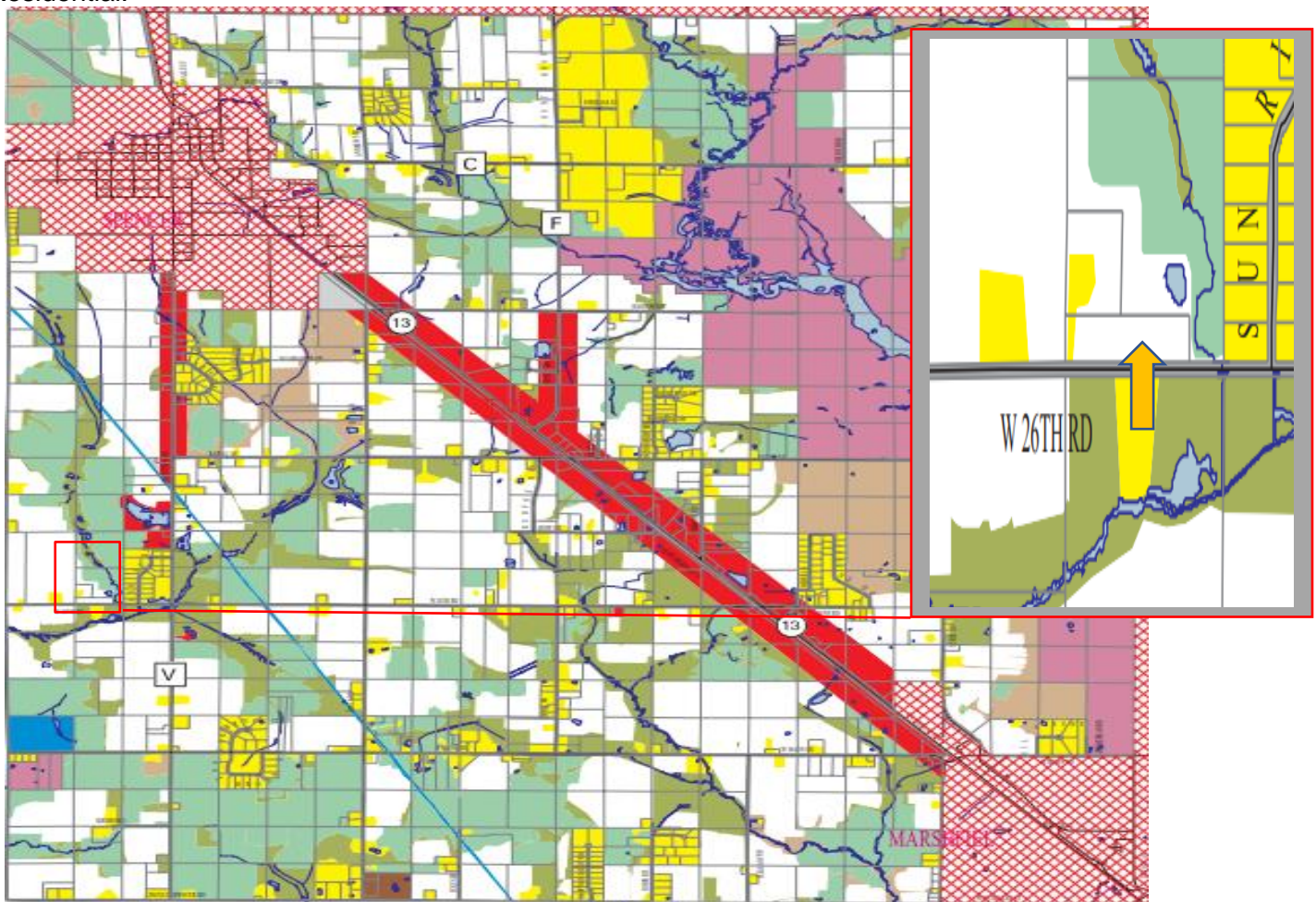


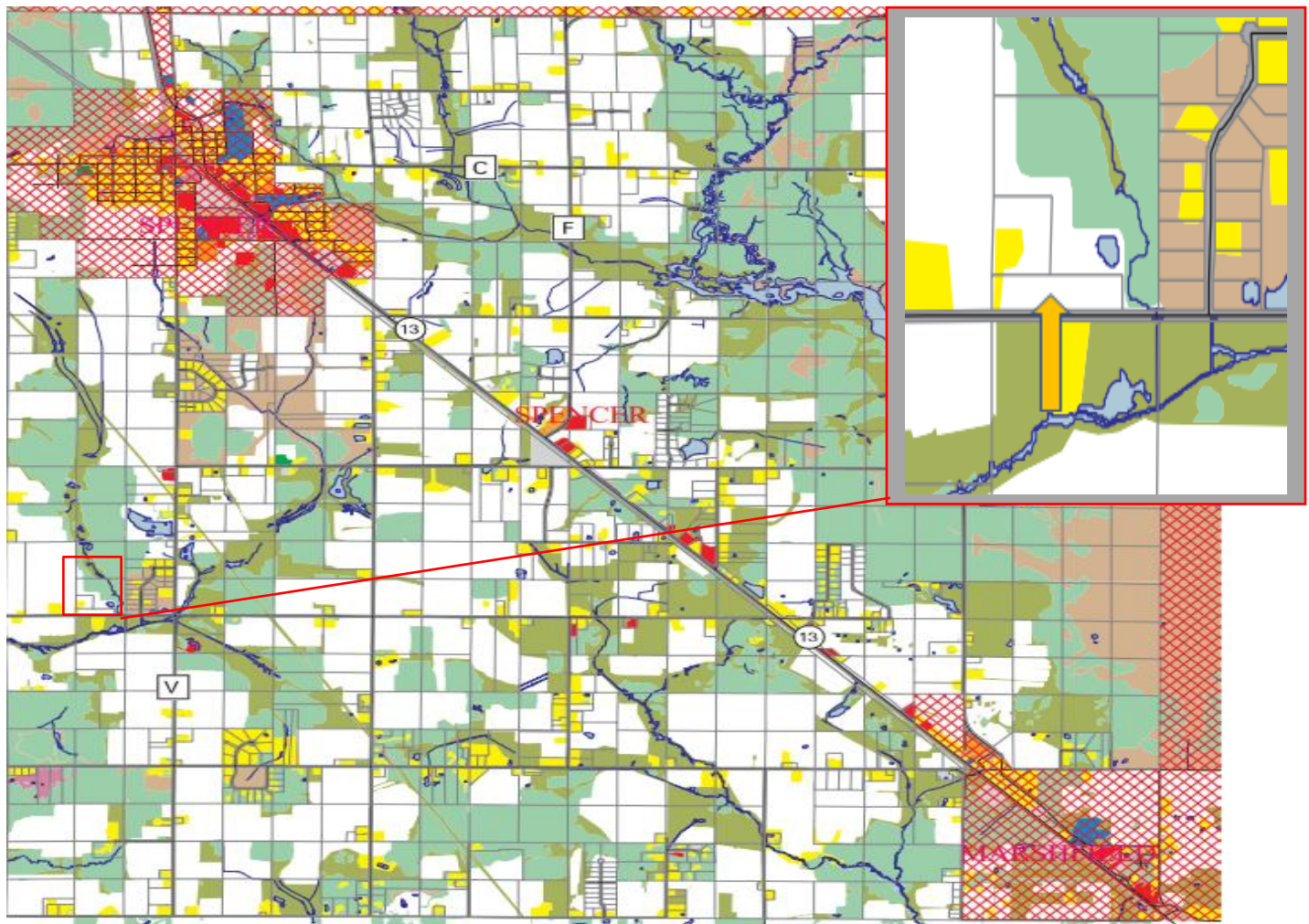
Figure 4-1
2000 Landuse/Landcover
T-SPENCER

PROPOSED ZONING DISTRICT:

Lot 1: G-A General Agricultural. The purpose of the G-A district is designed to foster the preservation and use of agricultural land related uses and to provide for limited residential uses in a rural environment but not the division of land as classified in 18.07(2) and (3) into five or more tracts, parcels or lots within a five-year period. This district provides for limited residential development with modest densities that require relatively large land areas that are compatible with the surrounding rural land use activities. The district is intended to provide towns with multiple options to guide growth and development in concert with the comprehensive planning efforts.

Lot 2 and Lot 3: R-E Rural Estate District. The purpose of the R-E district is to accommodate single-family residential use along existing streets, to preserve the rural character while promoting open space single-family medium residential development (involving the extension of new streets), and to separate agricultural uses from other more extensive community development within the County. Limited agricultural activities and livestock are allowed in this district. These areas may or may not be serviced by municipal water and sanitary sewer.

TOWN COMPREHENSIVE PLAN FUTURE LAND USE MAP (2005 Plan): The area proposed to be rezoned is shown as Single Family Residential, Woodlands, Crop Lands in the Town's Comprehensive Plan Future Land Use Map (2005). Adjacent land uses are comprised of Woodlands, Crop Land, Single Family Residential, and Other Agriculture.



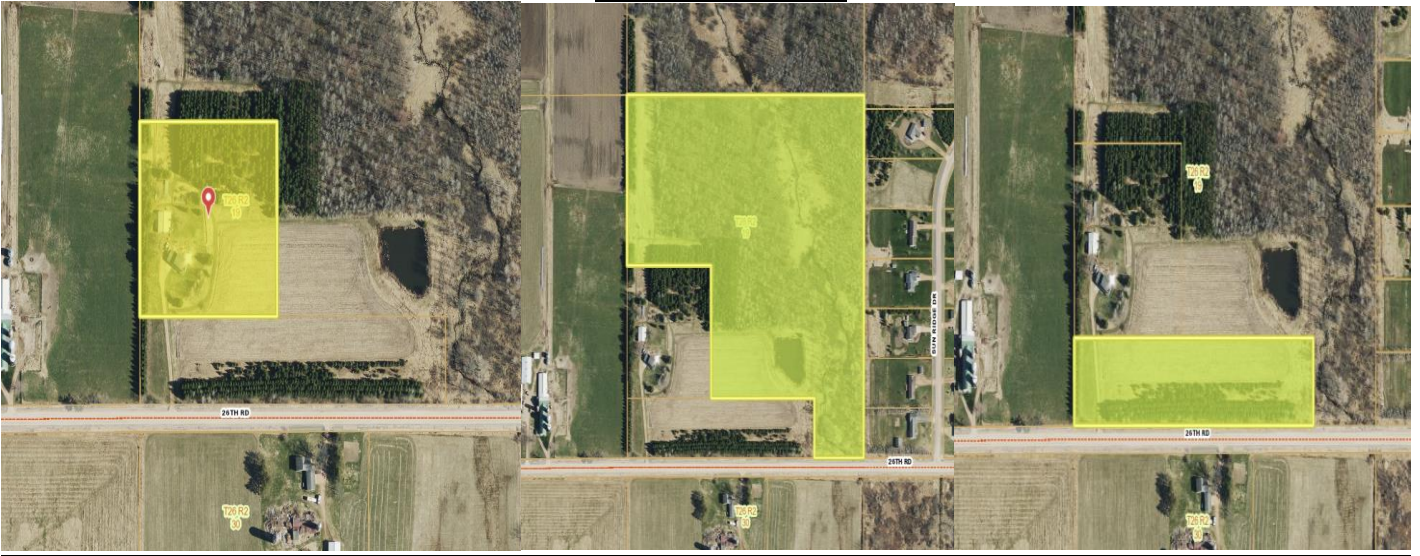
- Single Family Residential
- Commercial
- Industrial
- Quarry
- Barren
- Crop Land
- Other Agriculture
- Forest Land
- Public/Quasi-Public
- Recreational
- Transportation
- Water

Indicates other Municipality
Map Developed by Marathon County CPZ & GIS 2005

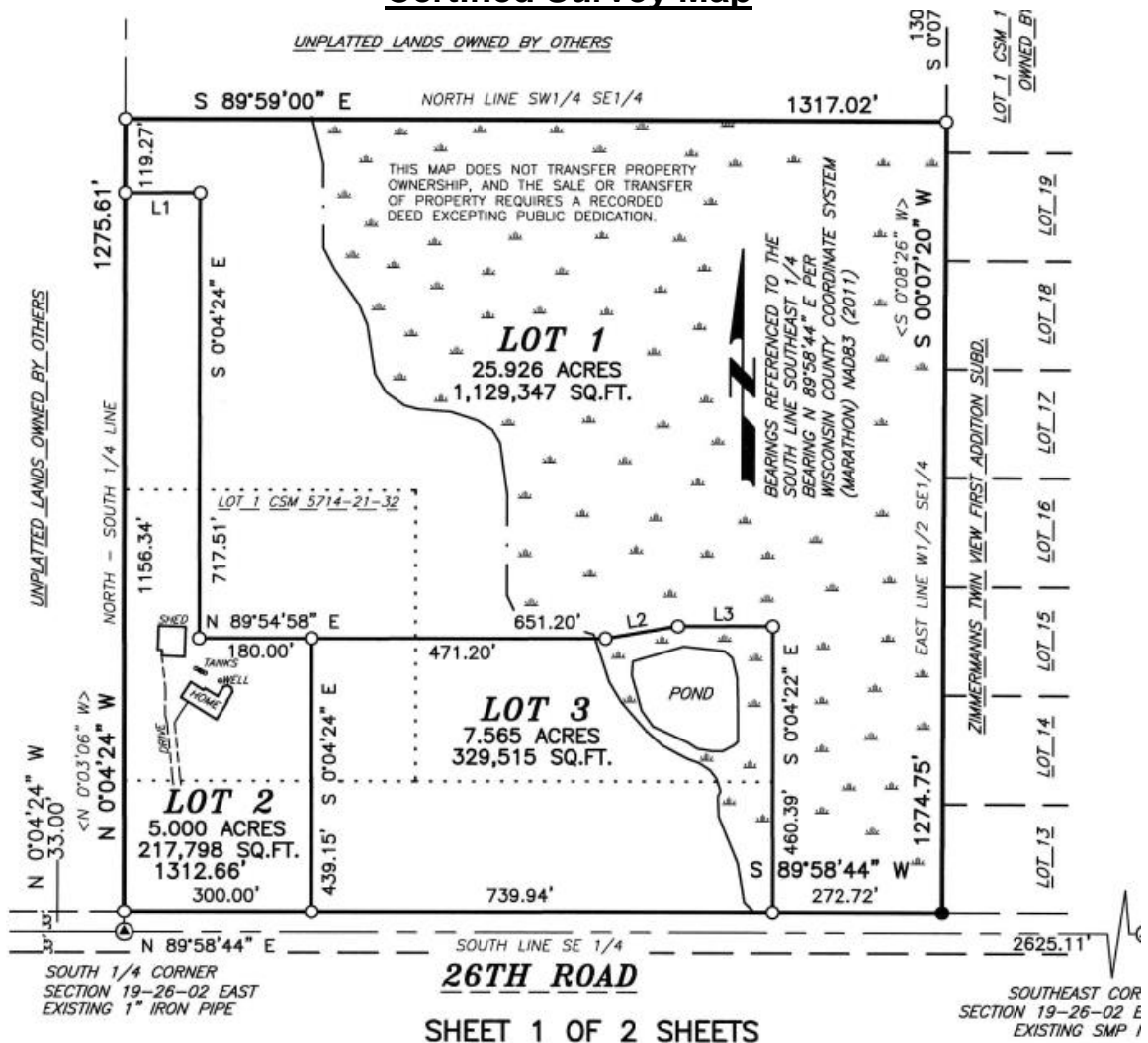
Figure 3-1
Future Land Use
T-SPENCER

FARMLAND PRESERVATION PLAN: The Town of Spencer does not participate in Farmland Preservation.

Aerial Photo



Certified Survey Map



TOWN RECOMMENDATION:

On February 13th, 2024, the **Town of Spencer** Town Board Recommended **Approval** to Marathon County's Environmental Resources Committee.

Staff Comments regarding ERC Conclusions of Law:

1. The rezoning is substantially consistent with the following plans. (*note how the proposed relates to the future land use plan and the vision, goals, objectives, and policies of the plan*)

- a. [Marathon County](#) Comprehensive Plan
- b. [Town](#) Comprehensive Plan and,
- c. Marathon County [Farmland Preservation Plan](#).

The Marathon County Comprehensive Plan relies on the Town Comprehensive Plan regarding specific land uses and zoning districts for individual parcels. The area proposed to be rezoned is shown to be designated as Single Family Residential, Woodlands, and Crop Lands in the Town's future land use map, CPZ staff rely on the towns to make these recommendations given the town board members and residents know their town and the true purpose and intent of the plan. The Town of Spencer does not participate in farmland preservation zoning. As indicated by the town's future land use map and resolution/recommendation it appears the rezone is consistent with the purpose and intent of the Comprehensive Plan.

2. The location of the proposed development minimizes the amount of agricultural land converted and will not substantially impair or limit current or future agricultural use of other protected farmland.

No farmland will be consumed.

3. The applicant has demonstrated that...

- a. There is a need for the proposed development,
- b. Adequate public facilities are present or will be provided (*note impacts on roads, water, sewage, drainage, schools, emergency services, etc.*), and
- c. Providing public facilities will not be an unreasonable burden to the local government.

a. The need is for a proposed land division.

b. All necessary public facilities are anticipated to be provided (if not already provided) given any proposed development would rely of private systems such as a private well and sanitary system (if applicable).

c. No anticipated burden on local government, all applicable building, construction, and use standards will be applied during the zoning and building permit review process.

4. The rezoning will not cause unreasonable air and water pollution, soil erosion, or adverse effects on rare or irreplaceable natural areas.

All Federal, State, and Local permits and approvals are required for any applicable development onsite. Additionally, the proposed rezone will likely not result in any unreasonable air and water pollution as all pertinent regulations apply and will need to be adhered to. Any disturbance greater than one acre would need a DNR Stormwater Management Permit.

5. The Town has approved the proposed rezone of the property.

The Town of Spencer Town Board has recommended approval of this rezone petition.

6. All concerns from other agencies on the proposed rezone have been addressed? (*DNR, Highway, DOT*) What are the concerns?

The county was not made aware of any concerns from other agencies.

STAFF (CPZ) RECOMMENDATION(S):

The rezone meets all the zoning district standards as it relates to size, frontage, access, and dimension. The rezone also appears to be consistent with the purpose and intent of the Town's Comprehensive Plan and as indicated by the town resolution. Based on the information provided above, findings of fact, conclusions of law, and the town's recommendation, it appears the rezone request meets all the rezone criteria and standards for rezoning. Therefore, CPZ staff recommend that the Environmental Resources Committee recommend **Approval** to the Marathon County Board of Supervisors. Should the rezone be approved by Marathon County Board of Supervisors, CPZ staff recommend that the town update its comprehensive plan to reflect the zoning change if applicable.



Case: #1
Environmental Resources Committee
Decision Form

Conclusions of Law

Marathon County Environmental Resources Committee (ERC) must consider all of the following standards in their decision. Please review and explain how the request does or does not meet each of these standards.

To approve a rezone, ERC must answer 'agree' to each of these standards. If the ERC recommends approval, but answers 'disagree' to any of these questions, a plan/ordinance changes, and/or additional information is required to satisfy the criteria.

1. The rezoning is substantially consistent with the following plans. *(note how the proposed relates to the future land use plan and the vision, goals, objectives, and policies of the plan)*
- a. [Marathon County](#) Comprehensive Plan
 - b. [Town](#) Comprehensive Plan and,
 - c. Marathon County [Farmland Preservation Plan](#).

Agree disagree insufficient information

2. The location of the proposed development minimizes the amount of agricultural land converted and will not substantially impair or limit current or future agricultural use of other protected farmland.

Agree disagree insufficient information

3. The applicant has demonstrated that...

- a. There is a need for the proposed development,
- b. Adequate public facilities are present or will be provided *(note impacts on roads, water, sewage, drainage, schools, emergency services, etc.)*, and
- c. Providing public facilities will not be an unreasonable burden to the local government.

Agree disagree insufficient information

4. The rezoning will not cause unreasonable air and water pollution, soil erosion, or adverse effects on rare or irreplaceable natural areas.

Agree disagree insufficient information

5. The Town has approved the proposed rezone of the property.

Agree disagree insufficient information

6. All concerns from other agencies on the proposed rezone have been addressed? *(DNR, Highway, DOT)* What are the concerns?

Agree disagree insufficient information

Environmental Resources Committee Decision

On the basis of the above findings of fact, conclusions of law, and the record in this matter, the Marathon County Environmental Resources Committee finds that the rezoning is:

- Approved Motion/ Second
- Denied, for the following reasons
- Tabled for further consideration

Specify reasons for denial, or additional information requested:

- An amendment to the county comprehensive plan is needed to approve this petition.
- An amendment to the county farmland preservation plan is needed to approve this petition.

Describe recommended amendments:

Signature:

Chairman: _____



DATE: December 20th, 2023

TO: Clerks and Chairs of County-Zoned Towns

FROM: Garrett Pagel-Land Use Specialist

SUBJECT: PETITION FROM THE TOWN OF PLOVER FOR TEXT AMENDMENTS TO THE MARATHON COUNTY *GENERAL CODE OF ORDINANCES: CHAPTER 17–ZONING CODE*

Per 17.806.03 of the Marathon County General Code of Ordinances, any town board for a town wherein the Marathon County Zoning code is in effect may petition for an amendment to the code. The Town of Plover has petitioned Marathon County to amend 17.401.B(1) to require a Conditional Use Permit for the permanent use of shipping/storage containers in the U-R, L-D-R, and R-R zoning districts. A marked-up version of the text can be viewed here: <https://www.marathoncounty.gov/services/zoning>. They are also included in this email.

Per our ordinance procedures, all County Zoned Towns are being contacted about this proposed change and are being provided an opportunity to give input before the Environmental Resources Committee takes up the proposal at the March 5th, 2024, committee meeting. This letter outlines guidance for giving input relative to the proposed changes.

Marathon County Conservation, Planning, & Zoning (CPZ), asks that all County Zoned towns consider the proposed changes at their next Town Board Meeting and submit comments to CPZ by no later than **Friday, February 23rd, 2024**. It is suggested that Town Boards document their comments through their minutes (draft copies are acceptable) or by a formal resolution. Comments can be emailed to garrett.pagel@co.marathon.wi.us.

The Public Hearing for this proposed change is scheduled to take place at the Environmental Resources Committee Meeting, scheduled for 3pm on March 5th, 2024, at the Marathon County Courthouse Assembly Room, located at 500 Forest Street, Wausau, WI 54403. Options for virtual attendance will be available, and anyone can contact CPZ or view the March 5th, 2024, agenda (posted by Friday, February 23rd, 2024., at <https://www.marathoncounty.gov/Home/Components/Calendar/Event/937/17?curm=3&cury=2024>.

If you have any questions regarding this process, please email me (garrett.pagel@co.marathon.wi.us)

If your Town Board cannot take up the topic prior to Friday, February 23rd, 2024, and intends to so in March, please notify me as soon as possible by emailing garrett.pagel@co.marathon.wi.us or calling 715-261-6039.



PETITION FOR AMENDMENT TO THE TEXT
OF THE MARATHON COUNTY CODE OF ORDINANCE – CHAPTER 17

1. As authorized by §17.806.04 of the Marathon County Zoning Code (I) (we) *(Name & Address)*:
Town of Plover - Attn Clerk Valerie Parker
230801 County Road Y
Biramwood, WI 54414

hereby petition to amend the text of the Marathon County Zoning Code - Chapter 17 as follows:

2. Current Zoning Code language:
Sec. 17.401 - Accessory Structures and Fences
B.1. Storage/shipping containers used as permanent accessory structures
are prohibited in the U-R, L-D-R, and R-R Zoning Districts, and require...
3. The proposed Zoning Code language (be specific):
Sec. 17.401 - Accessory Structures and Fences
B.1. Storage/shipping containers used as permanent accessory structures
require a Conditional Use Permit in the R-E, C-V/R-C, U-R, L-D-R,
and R-R Zoning Districts
4. Purpose and intent of proposed Zoning Code language amendment:
Allow property owners/residents to use storage/shipping containers on their
property, as permanent structures, in order to store personal items that the
owner/resident otherwise would have sitting outside. We believe this will
keep properties cleaner and less unsightly.
5. How does the proposed amendment related to the Marathon County Comprehensive Plan?
Allows for properties to have a clean and more orderly appearance, and will
lessen junk complaints coming in from neighbors.

Petitioner's Signature: Zing Nienh Phone: 715-610-1655 Date: 12-12-23

More information may be requested by the Marathon County Conservation, Planning, and Zoning Department to properly evaluate your request. Insufficient information provided may be cause to deny a petition. If you have any questions regarding the procedure, please contact the CPZ office at 715-261-6000.

|

Title 2: Zoning Districts and Uses

USE	P Permitted Use			C Conditional Use				(Blank) Use Not Permitted					Development Standards
	Residential Districts				Agricultural Districts			Nonresidential Districts					
	U-R	L-D-R	R-R	R-E	F-P	G-A	C-V/R-C	N-C	C	B-R	L-I	H-I	
ACCESSORY, TEMPORARY, and OTHER USES													
Accessory Buildings, Structures, and Uses	P	P	P	P	P	P	P	P	P	P	P	P	Chapter 17.401
Accessory Building(s) prior to a Principal Structure (For personal/private use and/or accessory to the principal use of the lot)	C	C	C	P	P	P	C						Section 17.401.01(A)
Permanent use of Storage/Shipping containers as an accessory structure	C	C	C	C	P	P	C	P	P	P	P	P	Section 17.401.01
Concrete and/or Blacktop Mix Plant, processing, stockpiling, and recycling of road building materials					C	C					C	C	Section 17.204.61
Garage, Yard, and Estate Sales	P	P	P	P	P	P	P						Section 17.204.55
Minor Occupation/Home Professional Business (in residential unit)	P	P	P	P	P	P							Section 17.204.56
Minor Occupation/Home Professional Business (in accessory building)	C	C	C	C	C	C	C						Section 17.204.56
Major Home Occupation/Home Professional Business	C	C	C	C	C	C							Section 17.204.57
Hunting/Fishing Shelter					C	P							Section 17.204.58
Recreational Vehicles/Campers (private)	P	P	P	P	P	P	P						Section 17.204.59
Limited Outdoor Sales, Display or Storage (accessory to a principal use)								P	P	P	P		Section 17.204.60
Off-Street Public Parking Lot or Garage								C	C	C	P	P	
Outdoor Dining (accessory to a permitted restaurant use)						C	C	P	P	P			Section 17.204.62
Solar Energy Systems – Private Use	P	P	P	P	P	P	P	P	P	P	P	P	Chapter 17.408
Solar Energy Systems – Commercial Use					C	C	C				C	C	Chapter 17.408
Small Wind Energy Systems	P	P	P	P	P	P	P	P	P	P	P	P	Chapter 17.405 Note: See Title 3 for specific Farmland Preservation Regulations
Large Wind Energy Systems					C	C	C				C	C	Chapter 17.405 Note: See Title 3 for specific Farmland Preservation Regulations
Special Event, Transient Amusements, and Temporary/Intermittent Events					P	P	P						Section 17.204.65
Temporary Residential Structure	P	P	P	P	P	P							Section 17.204.63
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Chapter 17.404 Note: See Title 3 for specific Farmland Preservation Regulations

Title 4: GENERAL PROVISIONS

Chapter 17.401 ACCESSORY STRUCTURES AND FENCES

Section 17.401.01	GENERAL STANDARDS APPLICABLE TO ALL ACCESSORY STRUCTURES
-------------------	--

- A. **Principal Structure Required.** In U-R, L-D-R, and R-R districts, accessory structures or buildings shall only be constructed or placed on a lot that contains a principal structure, unless a conditional use permit is obtained from the Board of Adjustment. The structure shall also adhere to any additional conditions placed on the permit by the Board of Adjustment. Refer to [Table 3](#) for all permitted and conditional use options by zoning district.
- B. **Materials/Appearance.** To the extent possible, the exterior façade materials, appearance and architectural design of all accessory structures shall match the character of the use to which they are accessory, as well as the district of which they are located.
 - 1. Storage/shipping containers used as permanent accessory structures ~~are prohibited~~ **require a Conditional Use Permit** in the U-R, L-D-R, ~~and R-R, R-E, and C-V/R-C zoning districts.~~ ~~and require a conditional use permit in the R-E and C-V/R-C districts.~~
 - 2. Storage/shipping containers used as permanent accessory structures, may be required to be screened from roads and/or adjacent properties in those districts in which they are allowed. Where applicable, screening may be manmade and/or vegetative and shall be approved by the Zoning Administrator prior to the issuance of a zoning permit. Only one permanent storage/shipping container is permitted on parcels five acres or less. See [Table 3](#) for all permitted and conditionally approved uses designated by zoning district.
- C. **Temporary Accessory Structures.** Temporary buildings for uses incidental to construction work may be erected in any of the zone districts herein established, however, such temporary building or buildings shall be removed upon the completion or abandonment of the construction work. In residential districts, temporary accessory structures that do not require permanent attachment to the ground but have similar characteristics as an accessory structure and are intended to serve the same purpose as an accessory structure with permanent attachment, such as moveable carports, shall meet district yard setback requirements.
 - 1. All storage/shipping containers used on a temporary basis during construction, grading projects, or agricultural operations when utilized solely for the storage of supplies, solid waste, or equipment associated with construction, grading, or agricultural operations may be permitted in all zoning districts without the issuance of a zoning permit. Yet, shall not remain onsite for longer than 90 days in relation with an onsite project or until a permit associated with the onsite project expires or becomes void.

STATE OF WISCONSIN)
COUNTY OF MARATHON) SS
TOWN OF WAUSAU)

RESOLUTION: R-2-2023


WHEREAS, the Town Board of Supervisors of the Town of Wausau has heretofore been petitioned to amend the Town Zoning Ordinance, and

WHEREAS, the Town on due notice conducted a public hearing on the proposed amendment(s), and

WHEREAS, the proposed amendments(s) has been given due consideration by the Town Board in open session,

NOW, THEREFORE, pursuant to §60.62(3) Wis. Stats., the Town Board of Supervisors of the Town of Wausau does hereby request review by the County Zoning Committee and subsequent recommendation for County Board approval of the attached Zoning Ordinance (and accompanying Zoning Map).

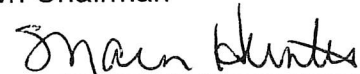
Dated this 15th day of November, 2023



Town Chairman



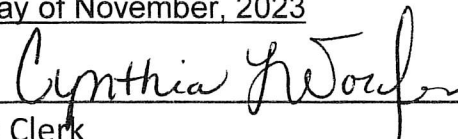
Town Supervisor



Town Supervisor

CERTIFICATION

I, Cynthia L Worden, Clerk of the Town of Wausau, Marathon County, State of Wisconsin hereby certify that the attached is a true and correct copy of a Zoning Resolution adopted by a majority vote of the Town Board of the Town of Wausau on 15th day of November, 2023



Town Clerk

11/15/2023

Date

PROOF OF PUBLICATION

Wausau Town Of
5203 N 69Th St
Wausau WI 54403-9507

STATE OF WISCONSIN, COUNTY OF BROWN

I being duly sworn, doth depose and say that I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, has been published in said newspaper in the issues dated:

10/30/2023, 11/06/2023

That said newspaper was regularly issued and circulated on those dates and that the fees charged are legal.

Sworn to and subscribed before on 11/06/2023



Legal Clerk



Notary, State of WI, County of Brown

4-6-27

My commission expires

Publication Cost: \$74.67
Order No: 9443944 # of Copies:
Customer No: 1012789 -1
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Please do not use this form for payment remittance.

DENISE ROBERTS
Notary Public
State of Wisconsin

TOWN OF WAUSAU
NOTICE OF PUBLIC HEARING
Town of Wausau Zoning Code of
Ordinances

Chapter 17 Amendment

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING will be held before the Town of Wausau Planning Commission on Wednesday, the 15th day of November 2023 at 7 p.m. at the Town of Wausau Municipal Building located at 161484 County Road Z, Wausau, WI. 54403.

Sec.17.44. AT-1/40 agricultural transition district.

3 c. Campers or camping trailers may be stored or parked indefinitely, provided the unit is stored in or behind a structure or is screened from the road with natural screening so that it is not visible from the right-of-way. Tents and self-contained campers or camping trailers may be occupied by the owner or their immediate family on a temporary basis, not to exceed sixty (60) days in a calendar year, provided that approval is granted by the Town Board or a duly appointed deputy if the use is to exceed thirty (30) days.

New wording:

Sec.17.44. AT-1/40 agricultural transition district.

3 c. Campers or camping trailers may be stored or parked indefinitely on a property owner's property providing the unit is parked on some type of surface such as cement blacktop, or gravel and does not interfere with the vision clearance triangle. The unit when parked must meet all the setbacks of the zoning district. Tents and self-contained campers or camping trailers may be occupied by the owner or their immediate family on a temporary basis, not to exceed sixty (60) days in a calendar year. Approval by the Town Board or its designee is required if the use is to exceed thirty (30) days.

Dated this 25th day of October, 2023
Cynthia L Worden, Town of Wausau
Clerk.

WNAXLP

October 30, November 6 2023

LWIX0029890

Town of Wausau Public Hearing – Chapter 17 Amendment

Town of Wausau Municipal Center

161484 Cty Rd Z

Wausau, WI 54403

Wednesday, November 15, 2023

Planning Commission Members Present: Steve Schlei, Darrin Damrow, Mary Ninneman, Sharon Hunter

Absent: Terry Peterson

Chairman Baer called the meeting to order and read the publication to amend Chapter 17 of the Town of Wausau Zoning Code of Ordinance. Section 17.44 AT 1/40 Ag transition District.

The current Town of Wausau Zoning Ordinance reads: **Sec.17.44. AT-1/40 agricultural transition district.**

3 c. Campers or camping trailers may be stored or parked indefinitely, provided the unit is stored in or behind a structure or is screened from the road with natural screening so that it is not visible from the right-of-way. Tents and self-contained campers or camping trailers may be occupied by the owner or their immediate family on a temporary basis, not to exceed sixty (60) days in a calendar year, provided that approval is granted by the Town Board or a duly appointed deputy if the use is to exceed thirty (30) days.

The proposed Town of Wausau Zoning Ordinance would read as follows: **Sec.17.44. AT-1/40 agricultural transition district.**

3 c. Campers or camping trailers may be stored or parked indefinitely on a property owner's property providing the unit is parked on some type of surface such as cement blacktop, or gravel and does not interfere with the vision clearance triangle. The unit when parked must meet all the setbacks of the zoning district. Tents and self-contained campers or camping trailers may be occupied by the owner or their immediate family on a temporary basis, not to exceed sixty (60) days in a calendar year. Approval by the Town Board or its designee is required if the use is to exceed thirty (30) days.

Comments made during the hearing were that the camper ordinance should be included in zoning district-residential and agricultural. There was concern that only lots under two acres in the ag district should be restricted to the proposed wording. The concern was that with areas with lots under two acres parked campers could infringe on the neighbors' property.

Steve Schlei made a motion and Darrin Damrow seconded to adjourn. Motion passed.

Town of Wausau Planning Commission Meeting

Town of Wausau Municipal Center

161484 Cy Rd Z, Wausau WI 54403

Wednesday, November 15, 2023

Planning Commission Members Present: Steve Schlei, Darrin Damrow, Mary Ninneman, Sharon Hunter

Absent: Terry Peterson

Chairman Baer called the meeting to order.

Steve Schlei made a motion and Darrin Damrow seconded to approve the 10/2/23 minutes. Motion passed.

A CSM for Pete Gutowski was reviewed. The CSM is to readjust the lot line, so the well is located on the same lot as the home. Steve Schlei made a motion to accept the CSM and Mary Ninneman seconded. Motion passed.

Discussion was held on the conditional use request by LLC Telecom to erect a 115-foot tower. Steve Schlei made a motion to approve the 115-foot tower as constructed in the plan presented by LLC Telecom Services. Mary Ninneman seconded. Motion passed.

Discussion was held on the proposed Chapter 17 Amendment - Sec.17.44. AT-1/40 agricultural transition district regarding the storage of campers.

Steve Schlei made a motion to amend Section 17.44 in AT-1/40 agricultural transition district as published. ~~In addition, list the amended wording in the R-1/20 residential district and A-1/80 agricultural district for property under two acres contingent on consulting with the Town Attorney recommendation.~~ Mary Ninneman seconded. Motion passed.

Steve Schlei made a motion and Darrin Damrow seconded to adjourn. Motion passed.

TOWN OF WAUSAU BOARD MEETING 11-15-2023
161484 County Road Z
Wausau, WI 54403

Chairman Baer called the Town of Wausau Board meeting to order following two hearings and a meeting for the town planning commission which all began at 6:30 p.m. at the Town of Wausau Municipal Building.

All elected officials were present.

The first order of business was to review the recommendation of the town planning commission for approval of a certified survey map for Pete Gutowski to adjust his property line with the adjoining property owner to allow for his well to be located on his property rather than the neighboring parcel. A motion was made and seconded to accept the recommendation of the town planning commission and approve a certified survey map for Pete Gutowski in Section 17, Town of Wausau. Hunter/Buntin

A motion was made and seconded to approve the recommendation of the planning commission to approve a conditional use permit for a cell tower for LCC Telecom in Section 32 with the specifications listed on the plan that was submitted and noted on planning commission meeting minutes. Hunter/Buntin

A motion was made and seconded to approve the recommendation of the planning commission to amend wording in the Town of Wausau Zoning Code of Ordinances Section 17.44 3 (c) AT-1/40 agricultural transition district pertaining to the storage of campers/camping trailers. ~~It was also included in the motion that if allowable, the section would be added to the Residential District and also in Ag-1/80 District for property that is 2 acres or less.~~ Hunter/Buntin

3 c. Campers or camping trailers may be stored or parked indefinitely on a property owner's property providing the unit is parked on some type of surface such as cement blacktop, or gravel and does not interfere with the vision clearance triangle. The unit when parked must meet all the setbacks of the zoning district. Tents and self-contained campers or camping trailers may be occupied by the owner or their immediate family on a temporary basis, not to exceed sixty (60) days in a calendar year. Approval by the Town Board or its designee is required if the use is to exceed thirty (30) days.

Board members discussed any update from notifying property owner Jodi Bouchard of 230420 Colonial Rd. on the illegal placement of mailbox. To date there has been no response for a letter sent on October 16, 2023. A motion was made and seconded to send another letter stating that the mailbox will be

removed December 1, 2023, at owner's expense and the town will not be held responsible for any damage done to it during removal. Baer/Buntin

Eric Breitenfeldt 231262 Spur Lane was present to respond to a complaint and letter sent to him about violating the junk car ordinance on his property. He has cleaned it all up to comply.

Supervisor Buntin shared information and need to purchase tablet computers for Board members. The clerk should put each meeting material into a file for Board members to have access to before meetings such as previous meeting minutes, invoices, applications for different licenses, or information for other topics. This would also allow Board members to go back and review material easily from past meetings. A proposal from Advanced IT Solutions for 3 Microsoft Surface Pros comes to \$2,099.97 along with a new HP ProBook for the treasurer at a cost of \$849.99. It was pointed out that Jim Borelli uses his personal computer for filling out road grant applications and reporting road ratings to the state. Supervisor Buntin made a motion to purchase 4 Microsoft Pros and 1 HP ProBook along with a dock for the treasurer and allow some expense for training using funds found in budget line R58 (refunds) specifically using the \$5000 that was refunded from the Wausau School District for overcharging the town for Wellborn blacktop costs dating back to when the new Wausau East High School was built. Chairman Baer seconded. Motion so carried.

Jim Borelli led discussion on purchasing a new tractor. He stated that any new John Deere tractor would take 9-12 months. A Case would take 9 months. A New Holland would take about 90 days. The McCormick tractor needs to be replaced. It has been broken down more than running. Parts cannot be gotten anymore. A motion was made and seconded to purchase a new New Holland 145 HP tractor with a Tiger brush head for a cost of \$205,720 from Swiderski Equipment using the remainder of ARPA funds along with future equipment funds in the budget. Baer/Buntin

A motion was made and seconded to purchase a 7-year extended warranty plan for the tractor at a cost of \$15,756 taking the funds also out of the future equipment fund. Baer/Buntin

A motion was made to adjourn. Baer/Buntin

Minutes taken and recorded by Cynthia L Worden, Town of Wausau Clerk



2024 Summary of Proposed Revisions to Marathon County General Code Ordinances Chapter 15 -Private Sewage Systems

Amendment #	Page Number (refers to page # on bottom right of page in the Draft)	Section (in proposed code)	Proposed Change	Reason for Change
1	2	15.6 Definitions	<u>Committee</u> . The Committee (Environmental Resources Committee) designated by Marathon County Board having jurisdiction over this ordinance.	To better identify the Environmental Resources Committee as the oversight committee to this ordinance.
2	3	15.6 Definitions	<u>Public Sewer</u> . Sewer system and other forms of sanitary sewer systems approved by the State Department of Natural Resources and maintained by a public agency authorized to operate such systems. Availability is determined by the agency authorized to operate such system.	Define Public Sewer to make the code more clear.
3	3	15.6 Definitions	<u>Sanitary Permit - County</u> . A permit issued by the Department for the reconnection, repair , or modification of a private sewage system or for the installation of a non-plumbing sanitation system, pursuant to §59.70 and 145.04, Wisconsin Statutes.	Add clarity to what a County Sanitary Permit is issued for.
4	3	15.6 Definitions	<u>Sanitary Permit - State</u> . A permit issued by the Department for the installation, replacement , repair , or modification of a private sewage system, pursuant to §145.135 and 145.19, Wisconsin Statutes.	Add clarity to what a State Sanitary Permit is issued for and remove historic statute reference .
5	4	15.7 Compliance	(1)All structures or premises in the County that are permanently or intermittently intended for human habitation or occupancy which are provided with interior plumbing , which and are not serviced by a public sewer or a privately owned wastewater treatment facility regulated by the Department of Natural Resources, shall have a system for holding or treatment and dispersal of sewage and wastewater which complies with the provisions of this ordinance.	Add clarity to when a POWTS is required.

6	4	15.7 Compliance	(3) Before any land division which would separate any POWTS components from the parcel where the structure served by those components is located, documents listed in §15.15(4) (b), (c), and (d) may be required.	Moved from Section 15.15 Applications to a more appropriate section.
7	5	15.10 Limitations	A sanitary permit for the installation, modification, or replacement of a holding tank, or which designates a holding tank as a replacement system, shall not be issued unless a Soil and Site Evaluation determines that the property is unsuitable for any other type of system permitted by SPS 383, Wisconsin Administrative Code, except as provided in (a), (b) or (c) below.	Added to include new proposed addition.
8	5	15.10 Limitations	(c) A holding tank may be installed as a replacement to a failing or compromised system prior to obtaining a Soil and Site Evaluation Report [SS1] if the Administrator deems the current site conditions to pose an immediate health or safety hazard. In addition to items required in §15.15, an application for a sanitary permit to install a holding tank on an emergency basis shall include a copy of a recorded affidavit from: 1. The property owner, agreeing to obtain a Soil and Site Evaluation of the above property conforming to SPS 385, Wisconsin Administrative Code, and filed with the Marathon County Conservation, Planning and Zoning Department, and to obtain a revision to his or her sanitary permit and install another type of system recognized by SPS 383, Wisconsin Administrative Code, if determined suitable by the Soil and Site Evaluation Report.	Added to provide a expedited pathway to install a holding tank for emergency purposes.
9	6	15.10 Limitations	(7) Building sewers for new structures or additions construction shall exit the building such that a minimum of 18 inches of soil cover above the sewer can be provided without placing soil within 8 inches of unapproved building materials. (Note: if untreated lumber is used for framing and sheeting, the top of the building sewer must exit at least 26 inches below the top of the foundation.)	Add clarity to what this standard applies to.
10	7	15.13 Soil and Site Evaluation	(d) Denial of the permit if the site does not meet all the provisions of this ordinance and appropriate Wisconsin Statutes and Administrative Codes. If the permit application is denied, the fees will be returned to the submitting party, except as provided in §15.26(4)(a).	Remove non-existing code reference.
11	9	15.15 Application Requirements	(f) Soil and Site Evaluation report, form SBD-8330 or equivalent, which complies with SPS 385, Wisconsin Administrative Code, unless exception is provided by 15.15(5)(c).	Add code reference for clarity.
12	10	15.15 Application Requirements	Before any land division which would separate any POWTS components from the parcel where the structure served by those components is located, documents listed in (b), (c), and (d) above may be required.	Moved to Section 15.7 Compliance because it was a more appropriate location.
13	11	15.16 Plans	(7) A modification to the design of a private sewage system which has been previously approved shall be submitted to the Department or the State as specified in SPS 383, Wisconsin Administrative Code. Plan revisions must be approved prior to system installation. A fee may be charged when submitting revised plans, see §15.26(5).	Removed non-existing code reference.

14	12	15.18 Permit Expiration and Renewal	(7)A new sanitary permit shall be obtained by the owner or his/her agent prior to beginning construction of a POWTS if a sanitary permit has expired.	Add clarity to this standard.
15	18	15.29 Inspections; Non-plumbing Sanitary Systems	Note: SPS 362.2900 and DHS 178.14 ATCP 79.16, Wisconsin Administrative Code, may apply to non-plumbing sanitary systems serving uses other than one and two family dwellings.	Remove historic reference and added current reference.
16	21	15.37 Maintenance Program	(4)Pumping of a septic or holding tank shall be done by a certified septage servicing operator in accordance with NR 113, Wisconsin Administrative Code.	Add holding tanks for clarity.
17	23	15.40 Powers and Duties	(1)Have access to any premises for the purpose of performing official duties between 8 a.m. and 8 p.m. or at other times set by mutual agreement between the property owner or his agent and the Administrator or upon issuance of a special inspection warrant in accordance with §66.122 66.0119, Wisconsin Statutes. Application for a sanitary permit is considered for the purposes of this ordinance as the owner's consent to enter the premises.	Replace with correct reference.
18	24	15.40 Powers and Duties	(12) Withhold permit(s) or approval(s) pursuant to this ordinance where the applicant or owner or licensed contractor is in violation of this, or any ordinance administered by the Department and for any parcel(s) of land which have an outstanding violation until the violation(s) have been corrected. A request for waiver of these provisions may be made, to grant or deny a permit or approval on the merits of the application, to the Corporation Counsel and the Environmental Resources -Land Conservation and Zoning Environmental Resources Committee.	Direction from the state indicated we are not allowed to prevent a licensed contractor from completing work based on a violation on a different property. Replace Land Conservation zoning with Environmental Resources Committee.
19	24	15.40 Powers and Duties	(14) Consider and approve or deny requests to install sewage holding components (tanks) prior to obtaining an approved Soil and Site Evaluation Report when a health or safety emergency exists, pursuant to §15.10(5)(c). to sanitary permit issuance When a health or safety emergency exists. Such a request may be approved only if the owner of the property has submitted an affidavit acknowledging the emergency and agreeing to complete all required application materials per §15.15 obtain the required sanitary permit by a specified date.	Direction from the state indicated permit needs to be issued prior to installation of all POWTS.

2024 Summary of Proposed Revisions to Marathon County General Code Ordinances Chapter 21 - Nonmetallic Mining

Amendment #	Page Number (refers to page # on bottom right of page in the Draft)	Section (in proposed code)	Proposed Change	Reason for Change
1	i	Table of Contents	TITLE 4 FEEs.....14 Chapter 21.401 Fees.....14 Section 21.401.01 Annual Fee..... 14	Title 4 was not included on the previous Table of Contents.
2	Page 1	Section 21.101.02 Authority	AUTHORITY. In accordance with the provisions of Wis. Stats. 295.13 and 59.02 , 59.51, 59.692, and 59.694 and Wisconsin Administrative Code NR135, the County Board enacts this Chapter.	Wis Stat 59.51 is a more appropriate statute.
3	Page 1	Section 21.101.04 Applicability	B. This Nonmetallic Mining Reclamation Ordinance shall take effect January 1, 2020 <i>Date of adoption</i> . All prior nonmetallic mining regulations and amendments thereto are hereby repealed, except to the extent where there is a pre-existing violation.	Date needs to be adjusted to reflect most recent adoption.

To review full drafts of Chapters 15 and 21 of The General Code of Ordinances for Marathon County please visit:

<https://www.marathoncounty.gov/services/zoning>

Look under the *Ordinance Updates Header*.

Hard copies of the draft are available upon request to Shad.Harvey@co.marathon.wi.us

**GENERAL CODE OF ORDINANCES
FOR MARATHON COUNTY
CHAPTER 15
PRIVATE SEWAGE SYSTEMS**



Approved by Marathon County
Environmental Resources Committee
TBD

Approved by Marathon County
Board of Supervisors TBD

CHAPTER 15 PRIVATE SEWAGE SYSTEMS

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INTRODUCTION

15.1 STATUTORY AUTHORITY.

This ordinance is adopted pursuant to the authorization in §59.70(1), 59.70(5), 145.04, 145.19, 145.20, 145.245 Wisconsin Statutes

15.2 PURPOSE

This ordinance is adopted to promote and protect public health and safety by assuring the proper siting, design, installation, inspection and management of private sewage systems and non-plumbing sanitation systems, and to assure the timely repair or replacement of failing private sewage systems.

15.3 REPEAL AND EFFECTIVE DATE

This ordinance shall be effective after public hearing, adoption by the County Board and publishing or posting as required by law. The existing provisions for the County shall be repealed effective on the date of the enactment of this ordinance.

15.4 SEVERABILITY AND LIABILITY

Should any section, clause, provision, or portion of this ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

This ordinance shall not create a liability on the part of or a cause of action against the County or any employee thereof for any private sewage system or non-plumbing sanitation system which may not function as designed. There shall be no liability or warranty for any site which is approved or denied. The issuance of a sanitary permit and the final inspection of such a system does not warrant the system's function, nor is there a guarantee that the system is free of defects or that all aspects of the system comply to Wisconsin Statute or Administrative Code requirements.

15.5 INTERPRETATIONS

The provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes and related administrative codes.

15.6 DEFINITIONS

The following terms shall have the meanings indicated in this section.

Administrator. A person employed by Marathon County in the Conservation, Planning, and Zoning Department to administer and enforce this ordinance.

Buildings. See Structure.

Committee. The Committee ([Environmental Resources Committee](#)) designated by Marathon County Board having jurisdiction over this ordinance.

Conventional Private Sewage System. A private sewage system consisting of a septic tank and an in-ground soil absorption component with gravity distribution of effluent.

Department. The Marathon County Conservation, Planning, and Zoning Department.

Failing Non-plumbing Sanitation System. A non-plumbing sanitation system is one which causes or results in the discharge of human wastes or excrement:

- (a) Into Surface Water or ground water;
- (b) Into Zones of Bedrock; or
- (c) To the surface of the ground.

Failing Private Sewage System. Also referred to as a “Failing private on-site wastewater treatment system” or “Failing POWTS”, has the meaning specified under §145.245(4), Wisconsin Statutes.

A private sewage system which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private sewage system.

Human Habitation. The act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence.

Minor Repairs. A minor repair to a private sewage system includes the replacement or repair of any of the following.

- (a) Manhole covers;
- (b) Manhole risers;
- (c) Septic tank baffles;
- (d) Effluent pumps and related controls or wiring;
- (e) Other components as determined by the Department.

Modification in Wastewater Flow or Contaminant Load. A modification in wastewater flow or contaminant load shall be considered to occur:

In public buildings, facilities or places of employment, when there is a proposed change in occupancy of the structure; or the proposed modification affects either the type or number of plumbing appliances, fixtures or devices discharging to the system; and

In dwellings, when there is an increase or decrease in the number of bedrooms.

Non-plumbing Sanitation System. Sanitation systems and devices within the scope of SPS 391, Wisconsin Administrative Code, which are alternatives to water carried waste plumbing fixtures

and drain systems; including, but not limited to, incinerating toilets, composting toilets and privies.

Occupancy. Pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

Plumber. A person licensed by the State as a Master Plumber or Master Plumber-Restricted Service.

Portable Restroom. A self-contained portable unit that includes fixtures, incorporating holding tank facilities, designed to receive human excrement.

Private Sewage System. Also referred to as a “Private On-Site Wastewater Treatment System” or “POWTS”, has the meaning given under s. 145.01(12), Wis. Stats.

Privy. An enclosed nonportable toilet into which nonwater-carried human wastes are deposited.

Privy-Pit. A privy with a subsurface storage chamber which is not watertight.

Privy-Vault. A privy with a subsurface storage chamber that is watertight.

Public Sewer. Sewer system and other forms of sanitary sewer systems approved by the State Department of Natural Resources and maintained by a public agency authorized to operate such systems. Availability of public sewer is determined by the agency authorized to operate such system.

Rebuilt. The construction which takes place after a structure is demolished or damaged to the extent of fifty percent (50%) of its current equalized assessed value.

Sanitary Permit. The term “sanitary permit”, as used in this ordinance shall mean a County Sanitary Permit, a State Sanitary Permit or both.

Sanitary Permit - County. A permit issued by the Department for the reconnection, repair, or modification of a private sewage system or for the installation of a non-plumbing sanitation system, pursuant to §59.70 and 145.04, Wisconsin Statutes.

Sanitary Permit - State. A permit issued by the Department for the installation, replacement, repair, or modification of a private sewage system, pursuant to ~~§145.135 and~~ 145.19, Wisconsin Statutes.

Septic Tank. An anaerobic treatment tank.

Soil and Site Evaluation Application. An application submitted for the purpose of requesting county verification of a Soil and Site Evaluation Report.

State. The Wisconsin Department of Safety and Professional Services.

Structure. Anything constructed or erected, the use of which requires a location in or on the premises, or any other attachment to something having a permanent location on the ground.

GENERAL REQUIREMENTS

15.7 COMPLIANCE

- (1) All structures or premises in the County that are permanently or intermittently intended for human habitation or occupancy **which are provided with interior plumbing, ~~which~~** and are not serviced by a public sewer or a privately owned wastewater treatment facility regulated by the Department of Natural Resources, shall have a system for holding or treatment and dispersal of sewage and wastewater which complies with the provisions of this ordinance.
- (2) The private sewage system or non-plumbing sanitation system for newly constructed structures or structures requiring a Reconnection Permit shall be installed, inspected, and approved before the structure may be occupied.
- (3) **Before any land division which would separate any POWTS components from the parcel where the structure served by those components is located, documents listed in §15.15(4) (b-d) may be required.**

15.8 INCORPORATION OF PROVISIONS BY REFERENCE

This ordinance incorporates by reference the following rules, regulations, and laws, as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code governing the location, construction, and use of private sewage systems: §59.70(5), Chs. 145, 254.59, 281.48 and 968.10, Wisconsin Statutes; Chs. SPS 381, SPS 382, SPS 383, SPS 384, SPS 385, SPS 387, SPS 391, NR 113 and NR 116 Wisconsin

Administrative Code. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

15.9 APPLICABILITY

The requirements of this ordinance shall apply to all geographic areas of the County.

15.10 LIMITATIONS

- (1) All domestic wastewater shall enter a private sewage system unless otherwise exempted by the State or this ordinance.
- (2) A non-plumbing sanitation system may be permitted only when the structure or premises served by the non-plumbing sanitation system is not provided with an indoor plumbing system. If plumbing is installed in the structure or running water is supplied to the structure, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided.
- (3) Portable restrooms may be utilized for temporary purposes only. For the purpose of this section, temporary shall mean the following: For temporary gatherings, festivals and similar activities, a period of 30 consecutive days or less. For use at any construction site, the duration of the construction plus two (2) weeks. A sanitary permit is not required for a portable restroom.

(4) Any private sewage system, or portion(s) thereof, installed within a floodplain shall comply with all applicable requirements of NR 116, Wisconsin Administrative Code, and the Marathon County Zoning Code, Chapter 17 of the General Code of Ordinances for Marathon County.

(5) Installation of a holding tank is prohibited if any other type of private sewage system permitted by SPS 383, Wisconsin Administrative Code, may be utilized.

A sanitary permit for the installation, modification, or replacement of a holding tank, or which designates a holding tank as a replacement system, shall not be issued unless a Soil and Site Evaluation determines that the property is unsuitable for any other type of system permitted by SPS 383, Wisconsin Administrative Code, except as provided in (a), (b) or (c) below.

(a) A temporary holding tank may be installed if a public sewer, approved by the Department of Natural Resources, will be installed to serve the property within 2 years of the date of sanitary permit issuance. In addition to items required in §15.15, an application for a sanitary permit to install a temporary holding tank shall include written statements from:

1. The municipality or sanitary district, verifying the date that public sewer will be installed and available to serve the property;
2. The Department of Natural Resources, verifying approval of the public sewer; and
3. The property owner, agreeing to connect to public sewer when it becomes available and to abandon the temporary holding tank.

If public sewer does not become available within 2 years of the date of sanitary permit issuance, the holding tank shall be replaced with another type of system recognized by SPS 383, Wisconsin Administrative Code

(b) A holding tank may be installed to serve a use, other than a dwelling, with a Design Wastewater Flow of less than 150 gallons per day. In addition to items required in §15.15, an application for a sanitary permit to install a holding tank to serve a use with less than 150 gallons per day shall include a copy of a recorded affidavit from:

1. The property owner, agreeing to install another type of system if any change of occupancy or use occurs which results in a Design Wastewater Flow which equals or exceeds 150 gallons per day.

(c) A holding tank may be installed as a replacement to a failing or compromised system prior to obtaining a Soil and Site Evaluation Report if the Administrator deems the current site conditions to pose an immediate health or safety hazard. In addition to items required in §15.15, an application for a sanitary permit to install a holding tank on an emergency basis shall include a copy of a recorded affidavit from:

1. The property owner, agreeing to obtain a Soil and Site Evaluation of the above property conforming to SPS 385, Wisconsin Administrative Code, and filed with the Marathon County Conservation, Planning and Zoning Department, and to obtain a revision to his or her sanitary permit and install another type of system recognized by SPS 383, Wisconsin

Administrative Code, if determined suitable by the Soil and Site
Evaluation Report.

- (6) Failing systems.
 - (a) When a failing private sewage system or non-plumbing sanitation system is identified, it shall be brought into compliance with current code requirements, replaced with a code compliant system or its use discontinued within that period of time required by Department order.
 - (b) Unlawfully modified private sewage systems, a private sewage system that has sewage bypassed or a holding tank which is discharging untreated or partially treated sewage into the ground, onto ground surface or into surface waters may be ordered by the Department to be corrected or replaced with a code compliant system.
- (7) Building sewers for new structures or additions ~~construction~~ shall exit the building such that a minimum of 18 inches of soil cover above the sewer can be provided without placing soil within 8 inches of unapproved building materials. (Note: if untreated lumber is used for framing and sheeting, the top of the building sewer must exit at least 26 inches below the top of the foundation.)

15.11 ABANDONMENT OF PRIVATE SEWAGE SYSTEMS

- (1) When public sewers approved by the Department of Natural Resources become available to the structure or premises served, the private sewage system shall be disconnected within one year and a connection made to the public sewer. Determination of whether sewer is available shall be made by the utility having jurisdiction.

Abandonment of the disconnected private sewage system shall be done in accordance with the provisions of SPS 383, Wisconsin Administrative Code.

- (2) The components of an existing private sewage system that are not part of the approved design of a replacement system shall be abandoned at the time of the installation of the replacement system by the plumber installing the system. The abandonment shall comply with SPS 383, Wisconsin Administrative Code.

PERMITS AND APPLICATIONS

15.13 SOIL AND SITE EVALUATION

- (1) Soil and site evaluations shall comply with SPS 383, SPS 385 and SPS 391, Wisconsin Administrative Code, and this ordinance.
- (2) Soil test pits shall be constructed which allow adequate visual observation of the soil profile in place. This is best accomplished by the excavation of backhoe pits.
- (3) Soil and Site Evaluation Reports shall include the following:
 - (a) A soil test pit or boring located not more than 25 feet from the distribution cell of each existing POWTS on the property under consideration which extends to a depth adequate to determine whether the system is failing;
 - (b) The elevation of the infiltrative surface of each existing POWTS on the property under consideration.
- (4) Department verification of a Soil and Site Evaluation Report may be necessary to determine the suitability of a lot for a private sewage system. This verification will be made at the discretion of the Administrator and will be made prior to the issuance of the sanitary permit. This verification shall result in one of the following:
 - (a) Issuance of the permit provided all information on the application is correct and complete.
 - (b) Establishment of a file indicating site suitability.
 - (c) Holding the application pending clarification of information or new information by the owner, the plumber, or the certified soil tester.
 - (d) Denial of the permit if the site does not meet all the provisions of this ordinance and appropriate Wisconsin Statutes and Administrative Codes. If the permit application is denied, the fees will be returned to the submitting party, ~~except as provided in §15.26(4)(a).~~
- (5) A certified soil tester may request Department verification of a Soil and Site Evaluation Report before a complete sanitary permit application is submitted. Application for this verification shall include all information required in §15.15(1)(a - f) on forms provided by the Department, the original copy of the Soil and Site Evaluation Report and as many copies as are required by the Department.
 - (a) A re-inspection fee may be assessed if excavation of soil test pits is not complete before the appointed time for Department verification.
- (6) Interpretive Determinations
 - (a) Department soil verification is required for all interpretive determinations.
 - (b) A complete Soil and Site Evaluation report must be filed prior to Department soil verification.
 - (c) Department verification shall be conducted when the site is not snow covered or frozen.

- (d) Soil pits shall be excavated to a depth of 3 feet below the limiting factor, to bedrock, or observed water table, whichever is shallower. The bottom of the soil pit shall be at least 2 feet by 3 feet.
- (e) The proposed system area shall be staked on the contour, prior to Department verification, using steel, wood, plastic or other durable material, be of a color which contrasts the dominant vegetation and of sufficient height to remain visible.

15.14 SANITARY PERMITS

- (1) Every private sewage system shall require a separate application and sanitary permit.
- (2) A sanitary permit shall be obtained by the property owner, his agent or contractor, in the name of the property owner, prior to the installation, establishment or construction of any structure which requires a private sewage system or non-plumbing sanitation system. Any property owner, his agent or contractor, who starts construction prior to obtaining a sanitary permit is in violation and may be subject to the penalties provided in this ordinance.
- (3) A sanitary permit shall be obtained by the property owner, his agent or contractor, before any private sewage system or part thereof may be installed, replaced, repaired, reconnected or modified. A sanitary permit is not required for minor repairs.
- (4) A County Sanitary Permit shall be obtained prior to constructing or installing a non-plumbing sanitation system.
- (5) If any part of a private sewage system has failed or requires replacement or modification, the entire system shall be evaluated for code compliance prior to sanitary permit issuance. This shall include a soil and site evaluation for those components that utilize in situ soil for treatment or dispersal, unless a Soil and Site Evaluation Report, form SBD-8330 or equivalent, which complies with SPS 385, Wisconsin Administrative Code verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater and/or bedrock complies with SPS 383, Wisconsin Administrative Code was previously submitted to and approved by the Department.
If any part of the system is found to be defective or not in conformance with the applicable provisions of this ordinance, the sanitary permit application shall include specifications for the repair, renovation, replacement or removal of that part.
- (6) Any sanitary permit provisions, stipulations or conditions of approval shall have the same authority as any provision of this ordinance.
- (7) When public sewer approved by the Department of Natural Resources is available to the structure or premises served as described in §15.11, a sanitary permit may not be issued.

15.15 APPLICATION REQUIREMENTS

- (1) A sanitary permit application shall include the following information which shall be furnished by the applicant on forms required by the State and/or the Department along with all applicable fees:
 - (a) Names and addresses of the applicant (owner of the site) and the plumber employed (when applicable).
 - (b) Legal description of the subject site and the parcel identification or parcel number.
 - (c) All lot dimensions.
 - (d) Driving directions to the site.
 - (e) Building use (single family, duplex, etc.).
 - (f) Soil and Site Evaluation report, form SBD-8330 or equivalent, which complies with SPS 385, Wisconsin Administrative Code, [unless exception is provided by 15.10\(5\)\(c\)](#).
 - (g) System plans (see §15.16).
 - (h) Appropriate agreements and contracts for system management and maintenance.
 - (i) An Existing POWTS Evaluation Report verifying that any existing private sewage systems on the same parcel of land as the structure or structures served by the proposed POWTS are not failing private sewage systems.
 - (j) Copies of any documents required in §15.15(4) and verification that they have been recorded.
 - (k) Any other information required by the Department, including verification of compliance with §15.40(12) of this ordinance.
- (2) When any official State action is required prior to the issuance of a sanitary permit, an original copy of the official action shall accompany the application.
- (3) Pit privy permit applications shall be accompanied by soil data provided by a Certified Soil Tester to determine compliance with SPS 391, Wisconsin Administrative Code.
- (4) The following documents must be recorded with the Marathon County Register of Deeds prior to sanitary permit issuance:
 - (a) Maintenance agreements or other maintenance documents, if recording is required by SPS 383, Wisconsin Administrative Code, or §15.38 of this ordinance.
 - (b) If the proposed private sewage system, or parts thereof, are located on or within the minimum setback from a different parcel than the structure served, the parcels shall be combined in accordance with the General Code of Ordinances for Marathon County Chapter 18 Land Division and Surveying Regulations and Chapter 17 Zoning Code. Where it is not possible to combine the parcels, an appropriate easement must be recorded.
 - (c) If the proposed private sewage system serves more than one structure under different ownership, a document identifying all parties that have ownership rights and are responsible for the operation and maintenance must be recorded.
 - (d) If the proposed private sewage system is owned by a party other than the owner of the parcel on which it is installed, a document identifying the owner of the system, the structures to be served by the system, and the party responsible for operation and maintenance must be recorded.

- (e) If the design wastewater flow of a private sewage system for a dwelling is not based upon the number of bedrooms within the dwelling, a deed restriction limiting occupancy to that used in the design must be recorded.
- (f) If a holding tank will be installed in lieu of another type of private sewage system for a use with a design wastewater flow of less than 150 gallons per day, an affidavit as specified in §15.10(5) of this ordinance.

~~Before any land division which would separate any POWTS components from the parcel where the structure served by those components is located, documents listed in (b), (c), and (d) above may be required.~~

- (5) The Department reserves the right to require Floodplain and/or Wetland delineation prior to sanitary permit issuance. The Department may require elevations on plans to be tied to floodplain elevation datum by a Registered Land Surveyor.
- (6) The Department reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.

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15.16 PLANS

System plans shall be submitted for approval to the Department or to the State in accordance with SPS 383, Wisconsin Administrative Code. Plans shall comply with the requirements of SPS 383, Wisconsin Administrative Code, and this ordinance.

- (1) The number of Plans copies submitted shall be determined by to the Department.
- (2) If plans are reviewed and approved by the State, each set of the plans submitted to the Department shall bear any State approval stamp or seal.
- (3) Plans submitted shall be clear, legible and permanent copies.
- (4) Plans submitted shall comply with SPS 383, Wisconsin Administrative Code, and include the following:
 - (a) The name of the property owner and the legal description of the site;
 - (b) Estimated daily wastewater flow and design wastewater flow.
 - (c) A detailed plot plan (site plan), dimensioned or drawn to scale, on paper no smaller than 8½ inches by 11 inches in size. The plot plan shall delineate the lot size and the location of all existing and proposed: private sewage system components; building sewers; private interceptor main sewers; wells; water mains or water services; buildings; lot lines; swimming pools; navigable waters; and the benchmark established on the Soil and Site Evaluation Report. Adjoining properties shall be checked to insure that the horizontal setback parameters in SPS 383.43, Wisconsin Administrative Code, are complied with. All separating distances and dimensions shall be clearly shown on the plot plan.
 - (d) Details and configuration layouts depicting how the system is to be constructed.
 - (e) A management plan for the proposed system.
 - (f) A description of a contingency plan in the event the proposed private sewage system fails and cannot be repaired. [see §15.10(5)].
 - (g) Sufficient supporting information to determine whether the proposed design, installation and management of the proposed private sewage system or modification to an existing system complies with this ordinance.
- (5) Plans shall be signed or sealed as specified in SPS 383, Wisconsin Administrative Code.
- (6) A copy of the approved plans shall be maintained at the construction site until the private sewage system installation is completed, inspected and accepted. The plans shall be made available to the Department or the State upon request.
- (7) A modification to the design of a private sewage system which has been previously approved shall be submitted to the Department or the State as specified in SPS 383, Wisconsin Administrative Code. Plan revisions must be approved prior to system installation. A fee may be charged when submitting revised plans, see §15.26~~(5)~~.

15.17 PERMIT CARDS

- (1) The permit card issued by the Administrator to the property owner or his agent shall serve as the sanitary permit.
- (2) The permit card shall contain all the information required by §145.19, Wisconsin Statutes.
- (3) The permit card shall be displayed at the site in such a manner that it will be visible from a road abutting the lot during all construction phases.
- (4) The permit card may not be removed until the private sewage system has been installed, inspected, and approved by the Administrator.
- (5) Failure to display the permit card shall be considered a violation of this section and may subject the property owner, his agent or contractor, to penalty provisions of this ordinance.

15.18 PERMIT EXPIRATION AND RENEWAL

- (1) A sanitary permit for a private sewage system or non-plumbing sanitation system which has not been installed, replaced, repaired, modified or reconnected and approved shall expire two years after the date of issuance unless renewed. Permits may be renewed following submittal of an application to the Department prior to the expiration date of the original permit.
- (2) There shall be a fee for the renewal of a sanitary permit.
- (3) The renewal shall be based on Wisconsin Administrative Code, Statute, and ordinance requirements in force at the time of renewal.
- (4) Changed Wisconsin Administrative Code, Statute, or ordinance requirements may impede the renewal.
- (5) A new permit card shall be issued when the permit is renewed.
- (6) A sanitary permit which has been renewed shall expire two years from the date of renewal.
- (7) A new sanitary permit shall be obtained by the owner or his/her agent prior to beginning construction of a POWTS if a sanitary permit has expired.

15.19 TRANSFER OF OWNERSHIP

Transfer of ownership of a property for which a valid sanitary permit exists shall be subject to the following:

- (1) The applicable State form shall be submitted to the Department.
- (2) The sanitary permit card shall be returned to the Department so that a new permit card may be issued.
- (3) Transfer of ownership shall not affect the expiration date or renewal requirements.

15.20 CHANGE OF PLUMBERS

- (1) When an owner wishes to change plumbers, it will be necessary for him to furnish the Department with the applicable State form signed by the new plumber.
- (2) The change of plumbers shall be approved by the Department prior to the installation of the private sewage system.
- (3) A change of plumbers for systems requiring State plan approval shall not be approved by the Department unless the plan bears the stamp of an architect, engineer, or plumbing designer, or a State level approval is obtained by the new plumber.
- (4) There may be a filing fee. (See § 15.26).

15.21 PERMIT DENIAL

When applicable provisions of Wisconsin Statutes, Wisconsin Administrative Code or this Ordinance have not been complied with when applying for a sanitary permit, the permit shall be denied. Reasons for the denial shall be forwarded to the plumber, landowner and when appropriate State representative(s) and Corporation Counsel.

15.22 RECONNECTION

- (1) A County reconnection permit shall be obtained prior to:
 - (a) Construction, installation, or placement of a structure to be connected to an existing private sewage system;
 - (b) Disconnection of a structure from an existing private sewage system and connection of another structure to the system, except as permitted in §15.22(4); or
 - (c) Rebuilding a structure that is connected to a private sewage system.
 - (d) A modification of, or addition to, an existing building which includes a new building sewer and/or a new connection to an existing private sewage system.
- (2) Prior to issuing a reconnection permit, the existing private sewage system shall be examined to:
 - (a) Determine if it is a failing system.
 - (b) Determine if it will be capable of handling the proposed wastewater flow and contaminant load from the building to be served.
 - (c) Determine that all minimum setback requirements of SPS 383, Wisconsin Administrative Code, will be maintained.
- (3) Application for a County reconnection permit shall include the following:
 - (a) All items in §15.15(1)(a - e) and §15.15(1)(h-k);
 - (b) An Existing POWTS Evaluation Report, as specified in §15.25. If a code compliant private sewage system was installed less than three (3) years before the issuance of the reconnection permit or if an Existing POWTS Evaluation Report was accepted by the Department less than three (3) years before reconnection permit issuance, a new Existing POWTS Evaluation Report is not required.
 - (c) A detailed plot plan as described in §15.16(4)(c).
 - (d) Reconnection to existing holding tanks may require a new servicing contract and an updated holding tank agreement which meets the requirements of this ordinance.
 - (e) Reconnection to an existing system other than a holding tank may require a new maintenance agreement or contract.
- (4) Replacing a structure with a new or different structure within two years of the date of permit issuance will only require a statement that the system has not been altered, a statement that a modification in wastewater flow or contaminant load will not occur, a plot plan that documents all setbacks between the structure and system components, and a reinspection fee.
- (5) Reconnection to an undersized system is not permitted.
- (6) All systems shall be inspected at the time of reconnection, prior to backfilling, to insure that proper materials and methods are being used.

15.23 CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD

Prior to commencing the construction of an addition to or modification of a structure which will affect the wastewater flow and/or contaminant load to an existing private sewage system, the owner(s) of the property shall:

- (1) Possess a sanitary permit to construct a new private sewage system or modify an existing private sewage system to accommodate the modification in wastewater flow or contaminant load; or
- (2) Provide the following to the Department:
 - (a) Documentation that a Private Sewage System of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, as specified in SPS 383, Wisconsin Administrative Code;
 - (b) Documentation showing that the location of the proposed structure conforms to the applicable setback distances to all of the existing private sewage system components; and
 - (c) An Existing POWTS Evaluation Report, as specified in §15.25. If a code compliant private sewage system was installed less than three (3) years before the issuance of the reconnection permit or if an Existing POWTS Evaluation Report was accepted by the Department less than three (3) years before reconnection permit issuance, a new Existing POWTS Evaluation Report is not required.
- (3) If the existing private sewage system is found to be undersized, construction of the building addition or modification shall be allowed only if permitted by SPS 383 and SPS 384, Wisconsin Administrative Code.
- (4) Any installation, addition or modification of a system must be completed and accepted before the addition or modified area of the structure may be occupied.

15.24 CONSTRUCTION NOT AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD

Prior to commencing construction of any structure or addition to a structure on a site where there exists a private sewage system the owner or his agent shall determine that the proposed structure conforms with applicable setback limitations of SPS 383, Wisconsin Administrative Code. Documentation shall be submitted as required in SPS 383, Wisconsin Administrative Code.

15.25 EXISTING POWTS EVALUATION REPORTS

- (1) When an evaluation of an existing private sewage system is required by this ordinance, by the General Code of Ordinances for Marathon County Chapter 22 Shoreland, Shoreland-Wetland Code, or is voluntarily submitted to the Department, an Existing POWTS Evaluation Report shall be completed which shall include all the following:
 - (a) A Soil and Site Evaluation Report verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater and/or bedrock complies with SPS 383, Wisconsin Administrative Code.

Submittal of a Soil and Site Evaluation Report will not be required if:

 1. The existing POWTS is a code compliant holding tank; or
 2. A Soil and Site Evaluation Report, form SBD-8330 or equivalent, which complies with SPS 385, Wisconsin Administrative Code, verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater and/or bedrock complies with SPS 383, Wisconsin Administrative Code was previously submitted to and approved by the Department.
 - (b) A report provided by a plumber, certified septage servicing operator, certified POWTS inspector or other person(s) authorized to do so by SPS 383, Wisconsin Administrative Code, relative to the condition, capacities, and code compliance of any existing treatment or holding tanks;
 - (c) A report provided by a plumber, certified POWTS inspector, or other person(s) authorized to do so by SPS 383, Wisconsin Administrative Code, relative to the condition, capacities, and code compliance of all other system components;
 - (d) A plot plan signed by a plumber, certified soil tester, certified POWTS inspector, or other person(s) authorized to do so by SPS 383, Wisconsin Administrative Code, which shows the POWTS at the time of evaluation, including information specified in §15.16(4)(c);
 - (e) An evaluation of the use and wastewater flow of the structure(s) served relative to the capacity of the existing POWTS.
 - (f) Verification that all domestic wastewater from the structure discharges into the POWTS.
- (2) Existing POWTS Evaluation Reports must be on forms provided by or in a format approved by the Department. Existing POWTS Evaluation Reports must be signed by the licensed or certified person(s) performing the evaluation(s).
- (3) Existing POWTS Evaluation Reports must be submitted to the Department within thirty (30) days of completion of the evaluation.
- (4) When there is more than one private sewage system on a parcel a separate Existing POWTS Evaluation Report shall be submitted for each system.

- (5) The Department shall review and make a determination on an Existing POWTS Evaluation Report within ten (10) business days after receiving all required information and fees, except when weather conditions prevent verification of the report.
 - (a) If the report confirms that the POWTS is code compliant the Department shall accept the report.
 - (b) If the existing POWTS is found to be failing or not in conformance with this ordinance it shall be repaired, replaced with a code compliant system, or otherwise brought into compliance as required by Department order.
- (6) An Existing POWTS Evaluation Report which was submitted to and accepted by the Department in accordance with this section shall be valid for a period of three (3) years.

15.26 SCHEDULE OF FEES

- (1) Fee schedule. See department approved fee schedule as approved by the Committee.
- (2) Nonrefundable. All fees received by the Department are nonrefundable and shall be placed in the County treasury.
- (3) Double Fee.
 - (a) Any installation, establishment, or construction of a building or structure which requires a private sewage system or non-plumbing sanitation system without obtaining all permits and approvals prior to commencing the above stated activities shall result in a double fee.
 - (b) Any installation, replacement, repair, reconnection or modification of a private sewage system or non-plumbing sanitation system without obtaining all permits and approvals prior to commencing the above stated activities shall result in a double fee.

INSPECTIONS

15.27 INSPECTIONS; GENERAL

- (1) Notice for inspection shall be given to the Department for all private sewage systems installed, replaced, repaired, modified or reconnected.
- (2) These private sewage systems shall be inspected by the Department for compliance with SPS 382, SPS 383, and SPS 384, Wisconsin Administrative Code, other appropriate Wisconsin Statutes and Administrative Codes and this ordinance.
- (3) Notification for inspection shall be given in accordance with the requirements of SPS 383 Wisconsin Administrative Code.
- (4) The entire system shall be left completely open until it has been inspected and accepted, unless the requirements of SPS 383, Wisconsin Administrative Code, are not met by the Department.
- (5) When a private sewage system is ready for inspection, the plumber in charge shall make arrangements to enable the inspector to inspect all parts of the system. The plumber shall provide the proper apparatus, equipment and necessary assistance to make a proper inspection.
- (6) Private sewage systems may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the Administrator.

15.28 INSPECTIONS; SITE CONSTRUCTED HOLDING TANKS

- (1) All site constructed holding tanks shall be inspected after the floor is poured and the keyway and water stop are installed or after the forms for the tank walls have been set but in all instances before any concrete for the walls has been poured.
- (2) Concrete walls may be poured only after it has been determined that the tank, as formed, complies with the approved plans.
- (3) This inspection shall not eliminate the need for an inspection after the installation has been completed.

15.29 INSPECTIONS; NON-PLUMBING SANITARY SYSTEMS

- (1) All non-plumbing sanitary systems installed shall be inspected for compliance with SPS 391, Wisconsin Administrative Code, or as amended, and this ordinance.

Note: SPS 362.2900 and ~~DHS 178.14~~ [ATCP 79.16](#), Wisconsin Administrative Code, may apply to non-plumbing sanitary systems serving uses other than one and two family dwellings.

- (2) The property owner shall notify the Department for inspection immediately after the non-plumbing sanitary system has been constructed or installed.

15.30 INSPECTIONS; MOUND AND AT-GRADE SYSTEMS

- (1) The plumber installing the mound or at-grade system shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays and holidays.
- (2) Mound and at-grade systems shall be inspected at the time the ground surface is plowed, before distribution pipes have been placed in the cell, at the time the distribution piping installation has been completed before backfilling, and after all work has been completed. The Department may waive certain mound or at-grade inspections on a case-by-case basis.

15.31 INSPECTIONS; SAND FILTERS

- (1) The plumber installing the sand filter shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays and holidays.
- (2) Sand filters shall be inspected at the time the liner or tank and underdrain are in place, before placement of any treatment media, at the time the distribution piping installation has been completed and after all work has been completed.

15.32 EXPERIMENTAL SYSTEMS

- (1) The plumber installing the system shall coordinate any required preconstruction meeting(s).
- (2) The plumber installing the system shall notify the Department at least two (2) workdays prior to beginning the installation of the system to schedule the inspection(s) and shall notify the State as may be required by the approved plans.
- (3) Inspections shall be performed pursuant to the approved plan requirements and as deemed necessary by the Department to assure compliance with appropriate codes and the plan approval.

15.33 REINSPECTIONS

- (1) A reinspection fee may be assessed when a reinspection of a private sewage system is required because the initial inspection disclosed that the installation is incomplete at the scheduled inspection time or does not comply with applicable Wisconsin Statutes, Administrative Codes, the approved plans or this ordinance. Each additional reinspection required at the site shall require a fee.
- (2) The reinspection fee shall be due within ten working days of written notification by the Department. Failure to pay this fee within that period shall constitute a violation of this ordinance.

15.34 TESTING

- (1) If testing of new systems or new system components is required by SPS 382, 383 or 384, Wisconsin Administrative Code, or as a condition of plan approval, notice shall be given to the Department as specified in §15.27(3), so that the Department may make an inspection during the test.
- (2) The Department shall verify that required testing has been completed, by:
 - (a) Performing an inspection during the test,
 - (b) Requiring written verification from the responsible person, or
 - (c) Both a and b.

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SYSTEM MAINTENANCE AND MANAGEMENT

15.36 MAINTENANCE AND MANAGEMENT

- (1) All private sewage systems and non-plumbing systems shall be managed and maintained in accordance with SPS 383, 384 and 391 Wisconsin Administrative Code, and this ordinance.
- (2) The owner of a POWTS or the owner's agent shall report to the Department each inspection, maintenance or servicing event, in accordance with SPS 383, Wisconsin Administrative Code, and this ordinance.
- (3) The property owner shall submit a copy of an appropriate maintenance agreement and/or servicing contract to the Department prior to sanitary permit issuance.
- (4) The property owner shall submit a new or revised maintenance agreement and/or servicing contract to the Department whenever there is a change to such document(s).
- (5) The property owner shall submit a new maintenance agreement and/or servicing contract to the Department prior to expiration of any existing maintenance agreement and/or servicing contract.

15.37 SEPTIC TANK MAINTENANCE PROGRAM

- (1) All new and existing private sewage systems shall be visually inspected within three years of the date of installation and at least once every three years thereafter.
- (2) Visual inspection of a private sewage system shall be conducted by persons specified in SPS 383.54 to determine the condition of the tank and whether wastewater or effluent from the POWTS is ponding on the ground surface.
- (3) All new and existing septic tanks shall be pumped within three years of the date of installation and at least once every three years thereafter, unless upon inspection the tank is found to have less than 1/3 of the volume occupied by sludge and scum.
- (4) Pumping of a septic or holding tank shall be done by a certified septage servicing operator in accordance with NR 113, Wisconsin Administrative Code.
- (5) The owner of a POWTS or the owner's agent shall report to the Department in accordance with SPS 383.55, Wisconsin Administrative Code. Reports shall verify the condition of the tank, whether wastewater or effluent from the POWTS is discharging to or ponding on the ground surface and the date of pumping. Reports shall include all information required in SPS 383.55, Wisconsin Administrative Code. Other maintenance or management reports required by SPS 383 or 384, Wisconsin Administrative Code, shall be included with this report.

15.38 HOLDING TANK MAINTENANCE AGREEMENT

- (1) The owner of each holding tank shall sign a Maintenance Agreement which documents maintenance requirements for the holding tank system, including owner's responsibility to maintain a servicing contract, to have the system serviced, and to provide servicing reports in accordance with this ordinance. The Maintenance Agreement shall be binding upon the owner, the heirs of the owner and assignees of the owner. The Maintenance Agreement shall be filed with the register of deeds and shall be recorded in a manner which will permit the existence of the agreement to be determined by reference to the property where the holding tank is installed.
- (2) The owner or agent shall submit a copy of the holding tank Maintenance Agreement when plans are submitted to the Department for review.
- (3) The Department may require the owner of a holding tank found to be violating the Maintenance Agreement to replace the holding tanks with a soil absorption system or, if the parcel is unsuitable for any type of soil absorption system, to hire a plumber to install a water meter and evaluate the holding tanks for code compliance and sign a new Service Contract which requires the certified septage servicing operator to report water meter readings at each pumping.

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ADMINISTRATION AND ENFORCEMENT

15.39 ADMINISTRATION

The Administrator shall be responsible for the administration of this ordinance. The Administrator may delegate his responsibilities to personnel employed by the Conservation, Planning, and Zoning Department and in the case of issuing abatement orders, to the County Health Department.

15.40 POWERS AND DUTIES

In the administration of this ordinance, the Administrator shall have the following powers and duties:

- (1) Delegate duties to and supervise clerical staff and other employees to assure full and complete compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.
- (2) Advise applicants concerning the provisions of this ordinance and assist them in preparing permit applications.
- (3) Review and approve plans for private sewage systems for one and two family residences or as approved through agent status by the State.
- (4) Issue sanitary permits and inspect properties for compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.
- (5) Review and approve Existing POWTS Evaluation Reports for compliance with this ordinance.
- (6) Keep records of all sanitary permits issued, inspections made, work approved, and other official actions.
- (7) Report violations of this ordinance to the Corporation Counsel.
- (8) Have access to any premises for the purpose of performing official duties between 8 a.m. and 8 p.m. or at other times set by mutual agreement between the property owner or his agent and the Administrator or upon issuance of a special inspection warrant in accordance with ~~§66.122~~66.0119, Wisconsin Statutes. Application for a sanitary permit is considered for the purposes of this ordinance as the owner's consent to enter the premises.
- (9) Upon reasonable cause or question as to proper compliance, revoke or suspend any sanitary permit and issue cease and desist orders requiring the cessation of any construction, alteration or use of a building or POWTS which is in violation of the provisions of this ordinance, until compliance with this ordinance or applicable Wisconsin Statutes and the Administrative Code is obtained.
- (10) Issue and enforce orders to plumbers, certified septage servicing operators, property owners, their agents or contractors or the responsible party, to assure proper compliance

with all provisions of this ordinance or delegate this authority to the County Health Department.

- (11) Apply for and distribute grants obtained through the Wisconsin Fund Grant Program.
- (12) Withhold permit(s) or approval(s) pursuant to this ordinance where the applicant ~~or owner~~ ~~or licensed contractor~~ is in violation of this, or any ordinance administered by the Department and for any parcel(s) of land which have an outstanding violation until the violation(s) have been corrected. A request for waiver of these provisions may be made, to grant or deny a permit or approval on the merits of the application, to the Corporation Counsel and the ~~Environmental Resources Land Conservation and Zoning~~ Committee.
- (13) Consider and approve or deny requests for a waiver to §15.10(5) of this ordinance (holding tanks). Approval of such requests shall be based upon conditions or circumstances unique to the parcel of land or structure served. In granting such a waiver, the Administrator may require recording of affidavits, the identification and preservation of a replacement system area or other conditions as deemed necessary.
- (14) Consider and approve or deny requests to install sewage holding components (tanks) prior to obtaining an approved Soil and Site Evaluation Report when a health or safety emergency exists, pursuant to §15.10(5)(c). ~~to sanitary permit issuance When a health or safety emergency exists.~~ Such a request may be approved only if the owner of the property has submitted an affidavit acknowledging the emergency and agreeing to ~~complete all required application materials per §15.15 obtain the required sanitary permit~~ by a specified date.
- (15) Perform other duties regarding private sewage systems as considered appropriate by the County or the State.
- (16) Perform reviews on the sale or exchange of parcels of land between owners of adjoining property where parcel(s) are below 10 acres, or if the sale or exchange modifies a parcel below 10 acres, prior to recording. The purpose of the review is to ensure the split does not reduce the capability of the parcel(s) to support a legal sanitary system in accordance with this ordinance. Additional requirements may be applicable per Marathon County Chapter 17.101.06(C).
 - (a) Acceptable forms of sale and exchange documentation include but are not limited to a proposed deed, preliminary certified survey map, plat of survey, land contracts, and/or other documentation as required.

15.41 BOARD OF ADJUSTMENTS

Any person who alleges that there is an error in any order, requirement or decision made in the enforcement of this ordinance may appeal to the Board of Adjustment as provided in Ch. 17 (Zoning Ordinance) of the General Code. Any appeal shall be made on forms furnished by the Department within 30 days of the date of that administrative action. Other substantiating evidence will be accepted.

15.42 VIOLATIONS AND PENALTIES

- (1) Any person who fails to comply with the provisions of this ordinance, or any order of the Department issued in accordance with this ordinance, or resists enforcement, shall be subject to a penalty as provided in §25.04 of the General Code.
- (2) Any construction which is in violation of this ordinance shall cease upon written orders from the Administrator or the placement of a notification of violation at the site.
- (3) All construction shall remain stopped until the order is released by the Administrator.
- (4) Violations of this ordinance shall be prosecuted by the Corporation Counsel.

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CHAPTER 25 CONSTRUCTION AND EFFECT OF ORDINANCES

25.4 PENALTY PROVISIONS

(1) General Penalty

Except as otherwise provided, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

- (a) First Offense. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$5 nor more than \$500, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 90 days.
- (b) Second Offense. Any person found guilty of violating any ordinance or part of an ordinance of this Code, who has previously been convicted of a violation of the same ordinance within one year, shall, upon conviction thereof, forfeit not less than \$10 nor more than \$500 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 6 months

(2) Continued Violations

Each violation, and each day a violation continues or occurs, shall constitute a separate offense. Nothing in this Code shall preclude the County from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(3) Execution Against Defendant's Property

Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the County, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

**GENERAL CODE OF ORDINANCES
FOR MARATHON COUNTY
CHAPTER 21
NONMETALLIC MINING
RECLAMATION CODE**



Approved by Marathon County
Environmental Resources **TBD**

Approved by Marathon County
Board of Supervisors **TBD**

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Title 1: TITLE, PURPOSE AND SCOPE

Chapter 21.101

General

Section 21.101.01 TITLE

This Chapter shall be known and cited as the Marathon County Nonmetallic Mining Reclamation Code.

Section 21.101.02 AUTHORITY

AUTHORITY. In accordance with the provisions of Wis. Stats. 295.13 and ~~59.02~~, 59.51, 59.692, and 59.694 and Wisconsin Administrative Code NR135, the County Board enacts this Chapter.

Section 21.101.03 PURPOSE AND SCOPE

The purpose of this Chapter is to require reclamation of nonmetallic mining sites. This Chapter establishes standards for reclaiming nonmetallic mining sites, sets out nonmetallic mining reclamation permit requirements for reclamation standards, defines procedures and requirements applicable to mines subject to this Chapter, and defines procedures for administering nonmetallic mining reclamation.

Section 21.101.04 APPLICABILITY

- A. This Chapter applies to all nonmetallic mining sites within the County, except as exempted in Section 21.101.05 of this Code or are located at a site or that portion of a site within those municipalities with a nonmetallic mining reclamation ordinance adopted pursuant to Wisconsin Administrative Code NR 135.32(2).
- B. This Nonmetallic Mining Reclamation Ordinance shall take effect January 1, 2020. All prior nonmetallic mining regulations and amendments thereto are hereby repealed, except to the extent where there is a pre-existing violation.

Section 21.101.05 EXEMPT ACTIVITIES This Chapter does not apply to the following activities however, other County Ordinances or State Statutes may apply:

- A. Nonmetallic mining at a site or that portion of a site that is subject to permit and reclamation requirements of the Department of Natural Resources (DNR) under Wis. Stats., 30.19, 30.195 or 30.20 and complies with Wisconsin Administrative Code NR340.
- B. Excavations subject to the permit and reclamation requirements of Wis. Stats., 30.30 or 30.31,
- C. Excavations or grading by a person solely for domestic or farm use at the person's residence or farm.
- D. Excavation or grading conducted for the construction, re-construction, maintenance or repair of a highway, railroad, airport facility, or any other transportation facility where the excavation or grading is entirely within the property boundaries of the transportation facility.
- E. Grading conducted for preparing a construction site or restoring land following a flood or natural disaster.
- F. Excavations for building construction purposes conducted on the building site
- G. Nonmetallic mining at a nonmetallic mining site where less than one acre of total affected acreage occurs over the life of the mine.
- H. Any mining operation, the reclamation of which is required in a permit obtained under, Wis. Stats., 293 or Wis. Stats., 295.

- I. Any activities required to prepare, operate or close a solid waste or hazardous waste disposal facility under Wis. Stats., 289 or 291., that are conducted on the property where the facility is located, but an applicable nonmetallic mining reclamation ordinance and the standards established in this Code apply to activities related to solid or hazardous waste disposal that are conducted at a nonmetallic mining site that is not on the property where the solid or hazardous waste disposal facility is located, such as activities to obtain nonmetallic minerals to be used for lining, capping, covering, or constructing berms, dikes, or roads.
- J. Nonmetallic mining conducted to obtain stone, soil, sand or gravel for construction, reconstruction, maintenance or repair of a highway, railroad, airport, or any other transportation facility or part thereof, if the nonmetallic mining is subject to the requirements of the Department of Transportation (DOT) concerning the restoration of the nonmetallic mining site.
 - 1. The exemption provided in this paragraph only applies to a nonmetallic mining operation with limited purpose and duration where the DOT actively imposes reclamation requirements and the operator reclaims the nonmetallic mining site in accordance with these requirements. The duration of the exemption shall be specific to the length of the DOT contract for construction of a specific transportation project.
- K. If a nonmetallic mining site covered under this Section is used to concurrently supply materials for projects unrelated to the DOT project, the exemption in this paragraph still applies, provided that the site is fully reclaimed under DOT contract and supervision. Dredging for navigational purposes, to construct or maintain farm drainage ditches and for the remediation of environmental contamination and the disposal of spoils from these activities.

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Title 2: STANDARDS

Chapter 21.201

Standards

Section 21.201.01 RECLAMATION STANDARDS

Reclamation Standards. All nonmetallic mining sites subject to this Code shall be reclaimed in conformance with the standards contained below:

A. General Standards.

1. Refuse and Other Solid Wastes. Nonmetallic mining refuse shall be reused in accordance with a reclamation plan. Other solid waste shall be disposed of in accordance with applicable rules of the (WDNR) adopted pursuant to Wis. Stats., 289 and 291.
2. Area Disturbed and Contemporaneous Reclamation. Nonmetallic mining reclamation shall be conducted, to the extent practicable, to minimize the area disturbed by nonmetallic mining and to provide for reclamation of portions of the site while nonmetallic mining continues on other portions of the site.
3. Public Health Safety and Welfare. All nonmetallic mining sites shall be reclaimed in a manner so as to comply with federal, state and local regulations governing public health safety and welfare.
4. Habitat Restoration. When the land use required by the reclamation plan approved pursuant to this Code requires plant, fish or wildlife habitat, it shall be restored, to the extent practicable, to a condition at least as suitable as that which existed before the lands were affected by nonmetallic mining operations.

B. **Compliance with Environmental Regulations.** Reclamation of nonmetallic mining sites shall comply with any other applicable federal, state and local laws including those related to environmental protection, zoning or land use control.

C. **Surface Water and Wetlands Protection.** Nonmetallic mining reclamation shall be conducted and completed in a manner that assures compliance with the DNR water quality standards for surface waters and wetlands contained in Wisconsin Administrative Code NR 102 to NR 105. Before disturbing the surface of a nonmetallic mining site and removal of topsoil, all necessary measures for diversion and drainage of runoff from the site to prevent pollution of waters of the state shall be installed in accordance with the reclamation plans approved pursuant to this Code. Diverted or channelized runoff resulting from reclamation may not adversely affect neighboring properties.

D. Groundwater Protection.

1. Groundwater Quantity. A nonmetallic mining site shall be reclaimed in a manner that does not cause a permanent lowering of the water table that would result in adverse effects on surface waters or a significant reduction in the quantity of groundwater reasonably available for future users of groundwater.
2. Groundwater Quality. Nonmetallic mining reclamation shall be conducted in a manner which does not cause groundwater quality standards in Wisconsin Administrative Code NR 140 to be exceeded at the point of standards application.

E. Topsoil Management.

1. Removal. Topsoil and topsoil substitute shall be provided as specified in the reclamation plan approved pursuant to this Code in order to achieve reclamation to the approved post mining land use. Removal of on-site topsoil and topsoil substitute material, when specified in the reclamation plan, shall be performed prior to any mining activity associated with any specific phase of the mining operation.
2. Volume. The operator shall obtain the volume required to perform final reclamation by removal of on-site topsoil or topsoil substitute material or by obtaining topsoil or substitute material as needed to make up the volume of topsoil as specified in the reclamation plan approved pursuant to this Code.
3. Storage. Once removed, topsoil or topsoil substitute material shall, as required by the reclamation plan approved pursuant to this Code, either be used in contemporaneous reclamation or stored in an environmentally acceptable manner. The location of stockpiled topsoil or topsoil substitute material shall be chosen to protect the material from erosion or further disturbances or contamination. Runoff water shall be diverted around all locations in which topsoil or topsoil substitute material is stockpiled.

F. Final Grading and Slopes.

1. All areas affected by mining shall be addressed in the reclamation plan approved pursuant to this Code to provide that a stable and safe condition consistent with the post mining land use is achieved. The reclamation plan may:
 - a. Designate high walls or other un-mined and undisturbed natural solid bedrock as stable and safe and not in need of reclamation or
 - b. Designate other areas affected by mining including slopes comprised of unconsolidated materials that exceed a 3:1 slope, whether or not graded, as stable and safe.
 - c. For slopes designated under b. the Department may require that either a site specific engineering analysis performed by a registered professional engineer to demonstrate that an acceptable slope stability factor is attainable at a steeper slope; or the operator shall perform a field test plot demonstration to demonstrate that a stable and safe condition will be achieved and that the post mine land use specified in the post mine land use will not be adversely affected.
2. Final reclaimed slopes covered by topsoil or topsoil substitute material may not be steeper than a 3:1 horizontal to vertical incline unless found acceptable through one or more of the following: alternative requirements are approved under Section [21.201.01](#) of this Code, steeper slopes are shown to be stable through a field plot demonstration approved as part of an approved reclamation plan, or stable slopes can be demonstrated based on site-specific engineering analysis performed by a registered professional engineer. All areas in the nonmetallic mine site where topsoil or topsoil substitute is to be reapplied shall be graded or otherwise prepared prior to topsoil or topsoil substitute material redistribution to provide the optimum adherence between the topsoil or topsoil substitute material and the underlying material.
3. When the approved post-mining land use includes a body of water the approved final grade at the edge of a body of water shall extend vertically 6 feet below the lowest seasonal water level. A slope no steeper than 3:1 shall be created at a designated location or locations, depending on the size of the water body to allow for a safe exit.

G. Topsoil Redistribution for Reclamation. Topsoil or topsoil substitute material shall be redistributed in accordance with the reclamation plan approved pursuant to this Code in a manner which minimizes compaction and prevents erosion. Topsoil or topsoil substitute material shall be uniformly redistributed except where uniform redistribution is undesirable. Topsoil or topsoil substitute material redistribution may not be performed during or immediately after a precipitation event until the soils have sufficiently dried.

H. Revegetation and Site Stabilization. Except for permanent roads or similar surfaces identified in the reclamation plan approved pursuant to this Code, all surfaces affected by nonmetallic mining shall be reclaimed and stabilized by revegetation or other means. Revegetation and site stabilization shall be in accordance with the approved reclamation plan and shall be performed as soon as practicable after mining activity has permanently ceased in any part of the mine site.

I. Assessing Completion of Successful Reclamation.

1. The criteria for assessing when reclamation is complete and, therefore, when the financial assurance may be released shall be specified in the reclamation plan approved pursuant to this Code. Criteria to evaluate reclamation success shall be quantifiable.
2. Compliance with the revegetation success standards in the approved reclamation plan shall be determined by:
 - a. On-site inspections by Department staff.
 - b. Reports presenting results obtained during reclamation evaluations including summarized data on revegetation, photo documentation or other evidence that the criteria approved in the reclamation plan to ascertain success have been met; or
 - c. A combination of inspections or reports.
3. In those cases where the post mining land use specified in the reclamation plan requires a return of the

mining site to a pre-mining condition, the operator shall obtain baseline data on the existing plant community for use in the evaluation of reclamation success as further described in this Section.

4. Revegetation success may be determined by:
 - a. Comparison to an appropriate reference area.
 - b. Comparison to baseline data acquired at the mining site prior to its being affected by mining.
 - c. Comparison to an approved alternate technical standard.
5. Revegetation using a variety of plants indigenous to the area is favored.

- J. **Intermittent Mining.** Intermittent mining may be conducted provided that the possibility of intermittent cessation of operations is addressed in an operator's reclamation permit, no environmental pollution or erosion of sediments is occurring, and financial assurance for reclamation pursuant to Section [21.501](#) of this Code, is maintained covering all remaining portions of the site that have been affected by nonmetallic mining and that have not been reclaimed.
- K. **Maintenance.** During the period of site reclamation, after the operator has stated that reclamation is complete, but prior to release of financial assurance, the operator shall perform any maintenance necessary to prevent erosion, sedimentation or environmental pollution, comply with the standards of this subchapter, or to meet the goals specified in the reclamation plan approved pursuant to this Code.

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Title 3: PERMITTING

Chapter 21.301

Permitting

Section 21.301.01 PERMITS REQUIRED

No person may engage in nonmetallic mining or in nonmetallic mining reclamation without possessing a nonmetallic mining reclamation permit issued pursuant to this Code, unless the activity is specifically exempted in Section [21.101.05](#) of this Code.

Section 21.301.02 LOCAL TRANSPORTATION RELATED MINES

- A. Borrow Sites for Local Transportation Projects.** A permit shall be issued under this Section for any nonmetallic mine that meets the following conditions:
1. The mine will be opened and reclaimed under contract with a municipality within a period not exceeding 36 months.
 2. The mine is intended to provide stone, soil, sand or gravel for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility or other transportation facility under contract with the municipality.
 3. The mine is regulated and will be reclaimed under contract with the municipality in accordance with the requirements of the DOT concerning the restoration of nonmetallic mining sites.
 4. The mine is not a commercial source of nonmetallic minerals.
 5. Will be constructed, operated and reclaimed in accordance with applicable zoning requirements, if any, and;
 6. Is not otherwise exempt from the requirements of Section [21.101.05](#) of this Code.
- B. Application Requirements** The applicant shall provide the following:
1. A copy of the contract which outlines the terms and conditions of the reclamation of the proposed borrow site. The contractual provisions incorporating requirements of DOT will be in lieu of a reclamation plan and in lieu of financial assurance requirements.
 2. Evidence to show that the borrow site and its reclamation will comply with applicable zoning requirements if any.
 3. The annual fees under Section [21.401.01](#) of this Code, shall apply. No fees will be charged for plan review or expedited plan review.
- C. Public Notice and Hearing.** The public notice and hearing provisions of Section [21.301.05](#) of this Code, do not apply to permits issued under this Section.
- D. Permit Issuance.** A permit pursuant to this Section shall be issued within 7 working days of receipt of a complete application.
- E. Multiple Use of Borrow Site.** If the borrow site is used to concurrently supply materials for other than the local transportation project, the permitting in this Section still applies provided the site will be reclaimed under a contractual obligation with the municipality in accordance with the DOT requirements.
- F. Annual Report.** Notwithstanding Wisconsin Administrative Code NR 135.36, the operator of a borrow site under this Section is required to submit only the information in an annual report necessary to identify the borrow site and to determine the applicable annual fee.

Section 21.301.03 RECLAMATION PERMIT APPLICATION REQUIREMENTS

- A. **Application Required.** No person may engage in nonmetallic mining or in nonmetallic mining reclamation without possessing a nonmetallic mining reclamation permit issued pursuant to this Code unless the activity is specifically exempted in Section [21.101.05](#) of this Code
- B. **Required Submittal.** Prior to beginning mining operations, all operators of nonmetallic mining sites shall apply for and obtain a Marathon County Nonmetallic Mining Reclamation permit. All applications submitted under this Section shall be submitted to the Department and be accompanied by, but not limited to, the following:
1. Marathon County Reclamation Permit Application
 2. The Department's plan review fee
 3. The first year's annual fee, as required by Section [21.401.01](#) of this Code and Wisconsin Administrative Code NR 135.39
 4. A reclamation plan conforming to Wisconsin Administrative Code NR 135.19 and Section [21.301.04](#) of this Code.
 5. A certification that the operator will provide, as a condition of the reclamation permit, financial assurance as required by Section [21.501.01](#) of this Code and Wisconsin Administrative Code NR 135.40 upon granting of the reclamation permit and before mining begins.
 6. To avoid duplication, the permit application and submittals required by this Section may, by reference, incorporate existing plans or materials that meet the requirements of this Code
- C. **Application Contents.** All applications submitted under this Code shall include, but not limited to, the following:
1. A brief description of the general location and nature of the nonmetallic mine.
 2. A legal description of the property on which the nonmetallic mine is located or proposed, including the parcel identification number.
 3. The names, addresses and telephone numbers of all persons or organizations who are owners or lessors of the property on which the nonmetallic mining site is located.
 4. The name, address and telephone number of the person or organization who is the operator.
 5. A certification by the operator of his or her intent to comply with the nonmetallic mining reclamation standards as outlined in this Code.

Section 21.301.04 RECLAMATION PLAN

- A. **Plan Required.** An operator who conducts or plans to conduct nonmetallic mining shall submit to the Department a reclamation plan that meets the requirements of this Section and complies with the Standards of this Code. The reclamation plan shall information sufficient to describe the existing natural and physical conditions of the site including:
1. Site Information. The name and address of the operator.
 2. Nature of Deposit. A description of the nature of the deposit and the mining methods that will be used to extract and process the material including the thickness and type of topsoil.
 3. Groundwater. The elevation of observed or estimated groundwater as determined by existing hydrogeological information, in relation to the site elevation reference point. In specific instances where the existing hydrogeological information is insufficient for purposes of the reclamation plan, the applicant may be required to supplement such information with the opinion of a professional geologist or hydrologist.
 4. Biological Resources. Information available to the mine operator on the biological resources, plant communities and wildlife use at and adjacent to the proposed or operating mine site.
 5. Map. A general location map which shall be drawn at a scale of no less than 1 inch equals 200 feet and shall include the following:
 - a. Property Boundary (Parcel Lines). All property boundaries of the land(s) where the mine site is to be located shall be shown.
 - b. Mine Site Boundary. The boundaries of the mine site that will be permitted shall be shown. If the site is to be mined in phases, the boundaries of each phase shall also be shown.
 - c. Nonmetallic Mineral Deposit. The areal extent of the mineral deposit shall be shown.
 - d. Existing topography of affected lands at contour intervals no wider than ten (10) feet.
 - e. Location and names of all streams, lakes, other water features and roads on or within 300 feet of the project site.
 - f. Location of all man made features on or adjacent to the site and the purpose for which each man made feature and the adjoining land is used.
Areas of previous excavations, stockpiles, sediment basins, wash plants or other land previously affected by nonmetallic mining on the site.
 6. Reclamation Measures. All horizontal and vertical measurements shall be referenced to a permanent reference point. The reclamation plan, including maps, information about the site, a description of the proposed reclamation and post mine land use including methods and procedures to be used and a proposed timetable for completion of various stages of reclamation of the nonmetallic mining site, including provisions for interim reclamation, shall be provided as follows:
 - a. Two printed or one electronic copy of a plan of the proposed reclamation, including erosion control practices necessary during reclamation, final slope angles, high wall reduction, benching, terracing and other structural slope stabilization measures including a description of anticipated topography, water impoundments, artificial lakes and anticipated post mining land use. Site specific engineering analysis performed by a registered professional engineer as provided in Section [21.201.01 \(E\)](#) of this Code may be required for slopes steeper than 3 foot horizontal: 1 foot vertical.
 - b. Description of the volume of topsoil or topsoil substitute and other earth materials that will be necessary to complete the proposed reclamation, and the methods for stripping, storage, stabilization, reapplication and conservation methods that will be used during replacement. If off-site material will be used in reclamation of the site, include a description of the source, nature and volume of material
 - c. Description of plans for disposition of manmade features and related facilities after cessation of mining unless they serve to support the post mine land use.
 - d. The estimated cost of reclamation for each stage of the project or the entire site if staging is not planned.
 - e. A seeding plan which shall include methods of seed bed preparation, seeding rates, mulching, netting and/or other techniques needed to accomplish soil and slope stabilization.
 - f. A timetable of the commencement, duration, and cessation of reclamation activities.

- g. Quantifiable standards for revegetation adequate to show that a suitable stand of vegetation has been established which will support the post mine land use. Standards for revegetation may be based on the percent of vegetative cover, productivity, plant density, diversity or other applicable measures.
 - h. A description of how the reclamation plan addresses the long-term safety of the reclaimed mining site. The description shall include a discussion of site-specific safety measures to be implemented at the site and include measures that address public safety with regard to adjacent land uses.
7. Post-Mining Land Use.
- a. The reclamation plan shall specify a proposed post–mining land use for the nonmetallic mine site. The proposed post–mining land use shall be consistent with local land use plans and local zoning at the time the plan is submitted, unless a change to the land use plan or zoning is proposed. The proposed post–mining land use shall also be consistent with any applicable state, local or federal laws in effect at the time the plan is submitted.
 - b. A statement from the applicable planning or zoning authority that the proposed post mine land use is consistent with zoning and land use plans in effect at the time the application is submitted, unless a change in the zoning or land use plan is proposed.
 - c. Land used for nonmetallic mineral extraction in areas zoned under a farmland preservation zoning ordinance pursuant to subchapter III Wis.Stats.91, shall be restored to agricultural use.
8. Criteria for Successful Reclamation. The reclamation plan shall contain criteria for assuring successful reclamation in accordance with Section [21.201.01 \(H\)](#) of this Code.
9. Alternate Requirements.
- a. Criteria. The Department may approve an alternate requirement to the reclamation standards established in this Code if the operator demonstrates and the Department finds that all of the following criteria are met:
 - 1) The nonmetallic mining site, the surrounding property or the mining plan or reclamation plan has a unique characteristic which requires an alternate requirement.
 - 2) Unnecessary hardship which is peculiar to the nonmetallic mining site or plan will result unless the alternate requirement is approved.
 - 3) Reclamation in accordance with the proposed alternate requirement will achieve the planned post-mining land use and long term site stability in a manner that will not cause environmental pollution or threaten public health, safety or welfare.
 - b. Procedures.
 - 1) An operator who requests an alternate requirement shall submit the request in writing as required in this Section.
 - 2) The alternate requirement shall be approved or disapproved as provided in this Code. Approval or disapproval shall be in writing and shall contain documentation of the reasons why the alternate requirement was or was not approved.
 - 3) A request for an alternate requirement may be incorporated as part of an application to issue or modify a nonmetallic mining reclamation permit.
 - 4) An opportunity for a public informational hearing pursuant to this Code prior to the Department’s action on a request for an alternate requirement may be provided.
10. Certification of Reclamation Plan.
The operator shall provide a signed certification that reclamation will be carried out in accordance with the reclamation plan. The landowner or lessor, if different from the operator, shall also provide signed certification that they concur with the reclamation plan and will allow its implementation. The certification shall be binding on the land owner’s or operator’s heirs and assignees or the certification shall be recorded with the register of deeds to inform subsequent owners of the existence of the reclamation plan.
11. Other Information. The Department may require the submittal of such other information as may be necessary to determine the feasibility of the proposed reclamation.
12. Approval. The Department shall approve, approve conditionally, or deny the reclamation plan in writing.

Section 21.301.05 PERMIT CONDITIONS

A. Conditions Applied to All Permits.

1. Right of Access. The filing of an application shall grant the Department the right of access onto the site and contiguous lands owned or leased by the applicant for any purposes relative to this Code.
2. Lease. A signed copy of the lease or a letter signed by the owner(s) of record which authorizes the operator to enter upon the lessor's land for the purpose of mining as defined in this Code. The expiration date of the lease or agreement shall clearly be indicated therein.
3. Boundary Staking. Prior to commencing nonmetallic mining operations on a site, the sites permitted boundary (s) shall be staked or otherwise marked. The operator shall notify the Department, a minimum of 2 working days prior to commencing operations, that the site is staked in accordance with this Section. Stakes shall be made of steel, fiberglass or other material acceptable to the Department. Stakes may be removed after reclamation is completed and accepted. Painted wood lath may be used for operations of one year or less. Staking may be waived with Department approval if an operation boundary is the same as an existing fence line or other easily identifiable feature.
4. Conflicts with Other Regulations. The operator shall obtain all applicable local, state and federal permits and/or approvals and copies of these permits and/or approvals must be provided to the Department.
5. Compliance with Reclamation. The operator shall comply with contemporaneous and final reclamation plans for the site.
6. Notification of Completion of Reclamation. The operator shall notify the Department in writing that interim or final reclamation has been completed. The notice may include documentation that the quantifiable standard for revegetation contained in the reclamation plan has been met. All stages within a site shall also comply with the notification requirements above. When a stage is complete, the operator shall notify the Department for approval of the reclamation before entering the next stage.
7. Solid and Hazardous Waste. Unless permitted under State and/or Federal authority, no solid or hazardous waste shall be stored, buried, or deposited in or on any nonmetallic mining site.
8. Other Conditions. The Department may apply such other requirements as are reasonably necessary to ensure progressive and final reclamation in a manner consistent with this Code and to limit environmental pollution including but not limited to the financial assurance provisions of this Code.

Section 21.301.06 PUBLIC NOTICE AND RIGHT OF HEARING

A. Public Notice.

1. The Department shall publish a public notice of application within 30 calendar days of the receipt of a complete application for a nonmetallic mine reclamation permit.
2. The notice shall be published as a Class 1 notice pursuant to Wis. Stats., 985.07 (1). The notice shall contain the following:
 - a. A description of the mining and reclamation planned at the proposed site.
 - b. The opportunity for a public hearing pursuant to this Section.
 - c. The location at which the public may review the application and all supporting materials including the reclamation plan.
3. Copies of the notice shall be forwarded by the Department to the county or applicable municipal zoning board, county and applicable local planning organization, the clerk of the municipality in which the proposed site is located, the land conservation officer and owners of land within 300 feet of the boundaries of the parcel or parcels of land on which the proposed site is located.

B. Public Hearing.

1. County Zoning. (Sites Located in Towns under County Zoning Jurisdiction) If a public hearing is required for a Conditional Use Permit under Chapter 17 of the General Code of Ordinances, an opportunity shall be provided to give testimony on reclamation related matters. The Department shall consider the reclamation related testimony in deciding on a permit application pursuant to this Code.
2. Reclamation Public Hearing. (Sites located in Towns or municipalities where there was not an opportunity for the Department to receive testimony on reclamation matters) If there was not an opportunity for the Department to take testimony under Section [21.301.05 \(B\) \(1\) \(a\)](#) above an

opportunity for a public informational hearing maybe provided as follows: Any person residing within, owning property within, or whose principal place of business is within 300 feet of the boundary of a parcel or parcels of land in which the nonmetallic mining site is located or proposed may request a public informational hearing. The request must be made within 30 calendar days of the date of the public notice specified in Section [21.301.05 \(A\) \(1\)](#) of this Code. The hearing shall be held no sooner than 30 calendar days or later than 60 calendar days after being requested. The hearing shall be conducted as an informational hearing for the purpose of explaining and receiving comment from affected persons on the nature, feasibility and effects of the proposed reclamation. The subject matter and testimony at this informational hearing, if it is held separately from any zoning related hearing, shall be limited to the reclamation of the proposed nonmetallic mine site.

Section 21.301.07 PERMIT DECISIONS AND APPEAL PROCESS

A. Notice to Clerk: Upon receipt of a complete permit application or appeal, the Department shall notify by mail the clerk of the town in which the operation is located.

B. Granting or Denial.

1. Permits shall be granted or denied no sooner than 30 calendar days nor later than 90 calendar days following receipt of a complete reclamation permit application and reclamation plan, unless a public hearing is held per Section [21.301.05 \(B\) \(1\)](#). If a public hearing is held, the Department shall issue the reclamation permit or deny the permit no later than 60 calendar days after completing the public hearing. Permits will be granted where the Department finds that the provisions of this Code and the relevant standards have been met, one copy of all plans will be stamped "Approved" and returned to the applicant at the time of permit issuance. Permits shall be denied where the provisions of this Code have not been met or if the applicant has failed or continues to fail to comply with the requirements as outlined in Wisconsin Administrative Code NR135.22.
2. Permits shall include general or site specific conditions if necessary, to comply with this Code. Any condition to a permit shall be limited to those items regulated by this Code. A condition of all permits issued for new mines will be that financial assurance will be obtained prior to beginning mining.

C. Expedited Permitting.

- a. Any person may request an expedited permit with the Department. The request shall state the need for the expedited review, the date by which the expedited review is requested and a payment of the fee under Section [21.401.01](#) of this Code.
- b. Any person may request an expedited review if the reclamation permit is to perform services under contract with a municipality. The request shall state the need for expedited review, include a copy of the applicable Sections of the contract, the date by which the expedited review is requested and a payment of the fee under Section [21.401.01](#) of this Code.
- c. Following receipt of a request under this Section, the Department shall inform the applicant of the estimated date for a decision on issuance of the permit. If the applicant then elects not to proceed with the expedited review, the fee paid shall be returned. This review process may not waive the requirements of this Code for a public notice and hearing.
- d. The Department is not obligated to act upon a request for Expedited Permitting under this Section by a specific date.

D. Cooperative Issuance by Multiple Authorities.

If more than one regulatory authority has jurisdiction over a single nonmetallic mining site, the regulatory authorities shall cooperatively issue a single reclamation permit for the nonmetallic mining site.

E. Appeals of Permit Decisions or Administrative Decisions.

1. Any person who meets the requirements of Wis. Stats., 227.42 (1), may obtain a contested case hearing under Wis. Stats., 68.11, on a Department decision to issue, deny, or modify a nonmetallic mine reclamation permit with a request in writing within 30 calendar days of notice to such person of the Department's decision.
 - a. The Board of Adjustment as established under Section 17.801.03 of the General Code of Ordinances

for Marathon County shall serve as the impartial decision maker and shall conduct the hearing pursuant to Wis. Stats., 68.11 (2).

- b. The Board of Adjustment or a person delegated by the Board of Adjustment shall provide a record of the hearing pursuant to Wis. Stats., 68.11 (3).
- c. Within 20 calendar days of completion of a hearing conducted under a. and the filing of briefs, if any, the Board shall mail or deliver to the appellant its written determination stating the reasons therefore. Such determination shall be a final determination.
- d. Any party to a proceeding resulting in a final determination may seek review thereof by certiorari within 30 calendar days of receipt of the final determination. The court may affirm or reverse the final determination, or remand to the decision maker for further proceedings consistent with the court's decision.
- e. If review is sought of a final determination, the record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at the requester's expense. If the person seeking review establishes impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the county and the person seeking review shall be provided a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript.

F. Permit Duration.

1. A nonmetallic mine reclamation permit issued under this Code shall last through the operation and reclamation as described in the approved reclamation plan of the mining site, unless suspended or revoked pursuant to Section [21.301.06 \(E\)](#).
2. If the mine operator is not the landowner, the reclamation permit duration shall not exceed the duration of the mine lease unless the lease is renewed or the permit is transferred to a subsequent lessee pursuant to Section [21.301.06 \(G\)](#).

G. Permit Termination. When all final reclamation required by a reclamation plan conforming to Section [21.301.04](#) and required by this Code is certified as complete pursuant to Section [21.301.04 \(9\)](#), the Department shall issue a written statement to the operator of the nonmetallic mining site, thereby terminating the reclamation permit.

H. Permit Suspension and Revocation.

1. The Department may suspend or revoke a nonmetallic mining permit issued under this Code if the operator has failed to:
 - a. Submit satisfactory reclamation plan within the required timeframes.
 - b. Submit or maintain financial assurance as required.
 - c. Follow the approved reclamation plan on a repetitive or significant basis.
2. Suspension. If the Department makes any of the findings in Section [21.301.06 \(E\) \(1\)](#) of this Code, it may suspend a nonmetallic mining reclamation permit for up to 30 calendar days. During the time of suspension, the operator may not conduct nonmetallic mining at the site except for reclamation or measures to protect human health and the environment as ordered by the Department.
3. Revocation. If the Department makes any findings in Section [21.301.06 \(E\) \(1\)](#) of this Code, it may revoke a nonmetallic mining reclamation permit. Upon permit revocation, the operator shall forfeit the financial assurance it has provided as required by this Code.

I. Permit Modification.

1. If nonmetallic mining reclamation permit is found by the Department that, due to changing conditions, the nonmetallic mining site no longer is in compliance with this Code it shall issue an order modifying the permit in accordance with Section [21.601.02](#) of this Code. This modifying order may require the operator to amend or submit new application information, financial assurance or other information to ensure compliance with this Code.
2. If operator of any nonmetallic mine that holds a reclamation permit issued under this Code desires to modify such permit or reclamation plan approved under this Code, it may request such modification by

submitting a written application for such modification to the Department. The application for permit or plan modification shall be acted on using the standards and procedures of this Code.

J. Permit Transfer. A nonmetallic mining permit may be transferred to a new operator upon submittal to the Department all of the following:

1. The new operator posts financial assurance pursuant to Section [21.501](#) of this Code. The previous operator shall maintain financial assurance until the new operator has received approval.
2. A written, witnessed certification by the new permit holder that all conditions of the permit will be complied with.

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Title 4: FEES

Chapter 21.401

Fees

Section 21.401.01 ANNUAL FEE

- A. **Annual Fees.** Fees shall be assessed for all un-reclaimed acres of a nonmetallic mine site as follows:
1. An application for a permit shall be accompanied by a fee based on each acre that will be impacted by mining. On an annual basis, permitted mines, shall be assessed a fee for each un-reclaimed acre not released pursuant to Section [21.201.01](#) of this Code. Acres shall be rounded to the nearest whole number for calculating fees.
 2. Department of Natural Resources Fee. In addition to the fee listed in Section [21.401.01 \(A\) \(1\)](#) of this Code, the operator shall submit to the Department an annual fee which shall be paid to the DNR pursuant to Wisconsin Administrative Codes NR 135.39 (3) (b) Table 1. and NR 135.39 (6) (b).
 3. Fees shall be assessed pursuant to the Department fee schedule approved by the Environmental Resource Committee and in compliance with Wisconsin Administrative NR 135.39 (4).
 4. Fees for Local Transportation Projects Permitted Under Wisconsin Administrative Code NR135.23 shall be compliant with Wisconsin Administrative Code NR135.23(1) (g)
 5. Permit fees are not refundable after a permit has been issued.
 6. If the Department determines that areas within a mining site have been successfully reclaimed on an interim basis in accordance with the reclamation plan, the Department shall waive annual acreage fees for those areas.

Section 21.401.02 PUBLIC NOTICE AND HEARING FEES

All requests for a contested case hearing before the County Zoning Board of Adjustment shall be accompanied by a fee as set forth in Chapter 17 of the Marathon County General Code of Ordinances – Zoning Code. This fee is in addition to any other fee required by this Code

Title 5: FINANCIAL ASSURANCE

Chapter 21.501

Financial Assurance

Section 21.501.01 NOTIFICATION

Notification. Following approval of the permit, and as a condition of the permit, except for governmental units and local transportation projects permitted under Section [21.301.02](#) of this Code, the Department shall require proof of financial assurance to be filed with the Department equal to the estimated cost of fulfilling reclamation. The Department shall determine the required financial assurance amount of the project site and shall notify the applicant. Upon notification of the required financial assurance amount by the Department, but prior to commencing nonmetallic mining, the operator shall file with the Department said financial assurance conditioned on faithful performance of all requirements of this Code, and the permit. Upon notification by the Department of financial assurance receipt or deposit approval and conformance with permit conditions, the operator may commence nonmetallic mining and reclamation operations.

Section 21.501.02 METHODS OF FINANCIAL ASSURANCE

- A. **Form.** Financial assurance shall be provided by the operator and shall be by bond or an alternate financial assurance. Financial assurance shall be payable to Marathon County, Wisconsin. Nonmetallic mining shall be limited to the phases which have financial assurance approved for them.
- B. **Cancellation.** All financial assurance shall provide that the financial assurance shall not be canceled by the surety, except after not less than 90 day notice to the Department, in writing, by registered or certified mail. Not less than 30 days prior to the expiration of the 90 day notice of cancellation, the operator must deliver to the Department a replacement form of financial assurance which in absence of all nonmetallic mining shall cease.
- C. **Acreage Covered.** Financial assurance may be provided to the Department but in no instance shall the financial assurance be for an area less than ½ acre. Nonmetallic mining shall be limited to the areas which have financial assurance approved for them.
- D. **Bonds.** Bonds shall be issued by a surety company licensed to do business in this state. At the option of the operator, a performance bond or a forfeiture bond may be filed. Surety companies may have the opportunity to complete the reclamation in lieu of cash payment to the Department. The bond shall be payable to "Marathon County, Wisconsin".
- E. **Alternate Financial Assurance.** An operator may deposit cash, irrevocable letters of credit, irrevocable trusts, established escrow accounts, negotiable certificates of deposit, and negotiable government securities with the Department in lieu of a bond or may demonstrate financial responsibility by meeting net worth requirements as outlined in Wisconsin Administrative Code NR 135.40(13). Certificates of Deposit shall be automatically renewed or replaced with an alternate security before the maturity date. Any interest earned by the financial assurance will be paid to the operator.
- F. **Re-evaluation.** The Department shall review periodically the amount of the mine site's financial assurance to assure it meets outstanding reclamation costs. Reclaimed acres may be released from the financial assurance and the amount of the financial assurance may be adjusted proportionately based upon the remaining unreclaimed acres of the mine site.
- G. **Changing Methods of Financial Assurance.** The operator of a nonmetallic mining site may change from one method of financial assurance to another. This may not be done more than once a year unless required by an adjustment imposed pursuant to this Code. The operator shall give the Department at least 60 calendar day notice prior to changing methods of financial assurance and may not actually change methods without the written approval of the Department.
- H. **Cancellation/Forfeiture.** Financial assurance shall provide that it may not be canceled by the surety or other holder or issuer except after not less than a 90 calendar day notice to the Department in writing by registered or certified mail. Not less than 30 calendar days prior to the expiration of the 90 calendar day notice of cancellation, the operator shall deliver to the Department a replacement financial assurance. In the absence of this replacement financial assurance, all mining shall cease until the time it is delivered and in effect. Financial assurance shall be forfeited if the permit is revoked per this Section and the appeals process has

been completed or an operator ceases mining operations and fails to reclaim the site in accordance with the reclamation plan.

- I. **Bankruptcy Notification.** The operator of a nonmetallic mining site shall notify the Department by certified mail of the commencement of voluntary or involuntary proceedings under bankruptcy Code, 11 USC, et seq., naming the operator as a debtor, within 10 working days of commencement of the proceeding.
- J. **Financial Assurance Release.** The Department shall release the operator's financial assurance if it finds, after inspection of the project site and review of documentation provided by the operator, that the operator has fully carried out and completed reclamation of the project site in accordance with the reclamation plan, and has otherwise complied with this Code. Completion of reclamation shall be determined pursuant to the procedures listed in Section [21.301.04](#) of this Code. The Department shall notify the operator in writing within 60 calendar days after site inspection whether or not the reclamation is complete for all or part of the mine or if weather conditions or snow cover make a determination impractical.
- K. **Financial Assurance on Multiple Projects.** Any operator who obtains a permit from the Department for two or more project sites may elect, at the time the second or subsequent site is approved, to post a single financial assurance in lieu of separate financial assurance on each site. Any financial assurance so posted shall be in an amount equal to the estimated cost to the County for reclaiming all sites the operator has under project permits. When an operator elects to post a single financial assurance in lieu of separate financial assurance previously posted on individual sites the separate financial assurance shall not be released until the new financial assurance has been accepted by the Department.
- L. **Multiple Jurisdictions.** In cases where more than one regulatory authority has jurisdiction, a cooperative financial security arrangement may be developed and implemented by the regulatory authorities.
- M. **Net Worth Test.** An operator that meets the definition of "company" in Wis. Stats., 289.41 (1) (b) may use the new worth method of providing financial assurance. The operator shall submit information to the Department in satisfaction of the net worth requirements of Wis. Stats., 289.41 (4). The criteria in Wis. Stats., 289.41 (6) (b) (d) (e) (f) (g) (h) and (i) shall apply.
 - 1. An operator using the net worth test to provide financial assurance for more than one mine shall use the total cost of compliance for all mines in determining the net worth to reclamation cost ratio in accordance with Wis. Stats., 289.41 (6)
 - 2. The Department's determination of the net worth test shall be in accordance with Wis. Stats., 289.41 (5).
 - 3. The operator shall submit a legally binding commitment to faithfully perform all compliance and reclamation work at the mine site that is required under this ordinance.
- N. **Interim Reclamation Waiver.** If the Department determines that areas within a mining site have been successfully reclaimed on an interim basis in accordance with the reclamation plan, the Department may reduce/waive financial assurance requirements for those areas.

Title 6: ADMINISTRATION AND ENFORCEMENT

Chapter 21.601

Administration

Section 21.601.01 INSPECTIONS

- A. The Department administrator or designee may enter the premises of a nonmetallic mining site in the performance of their official duties or pursuant to a special inspection warrant issued under Wis. Stats., 66.0119, in order to inspect those premises and to ascertain compliance with this Code and permit or to investigate an alleged violation.
- B. Each active project site shall be inspected by Department personnel at least once annually to ensure that the site is in conformance with the operator's permit and shall make a report of the inspection. The report of the inspection may contain a map or diagram which illustrates the area that has been affected by nonmetallic mining, the area that has been reclaimed and the un-reclaimed area and shall document any activity that is inconsistent with the terms of the permit for the site. The operator shall be provided a copy of the information obtained during the inspection. The Department may, at its discretion, substitute the information obtained in this inspection for the annual operator reporting requirement contained in Section [21.602.01](#) of this Code provided the operator submits the certification specified in Section [21.602.01 \(A\)](#) of this Code to the Department within 30 days of receipt of the inspection report.
- C. The Department shall retain the inspection reports for a period of ten years after a permitted nonmetallic mining site has been determined to be closed and shall make the information available to the Department of Natural Resources upon request.
- D. The Department shall inspect a nonmetallic mining site for which an operator has submitted a report under Section [21.201.02 \(A\) \(6\)](#) of this Code, of the completion of reclamation or interim reclamation within 60 calendar days of receipt of the report and make a determination in writing. If it is determined that interim or final reclamation is complete, including revegetation meeting the quantifiable standard as specified in the reclamation plan approved under Section [21.301.04](#) of this Code, the Department shall issue the mine operator a written certification of completion.

Section 21.601.02 ENFORCEMENT

- A. **Enforcement Orders.** The Department may issue orders as set forth in Wis. Stats., 295.19 (1) (a), to enforce Subchapter I of Wis. Stats., 295, Wisconsin Administrative Code NR135, this Code, a permit issued pursuant to this Code or a reclamation plan required by Section [21.301](#) of this Code. A violation of this Code, an order or permit issued pursuant to this Code or a reclamation plan required by Section [21.301](#) of this Code, shall be considered a violation of Subchapter I of Wis. Stats., 295 and Wisconsin Administrative Code NR135.
- B. **Special Orders.** The Department may issue a special order as set forth in Wis. Stats., 295.19(1)(b) and (c), suspending or revoking a nonmetallic mining reclamation permit issued pursuant to Section [21.301](#) of this Code, or directing an operator to immediately cease an activity regulated under Subchapter I of Wis. Stats., 295, Wisconsin Administrative Code NR 135 or this Code until the necessary plan approval is obtained.
- C. **Review of Orders.** A person holding a reclamation permit who is subject to an order pursuant to this Section shall have the right to review the order in a contested case hearing under Wis. Stats., 68.11, notwithstanding the provisions of Wis. Stats., 68.01, 68.03 (8) and (9), 68.06 and 68.10 (1) (b).
- D. **Citations.** Marathon County may issue a citation under Wis. Stats., 66.119 and Section [21.601](#) of this Code to collect forfeitures to enforce Subchapter I of Wis. Stats., 295, Wisconsin Administrative Code NR 135. A permit issued pursuant to this Code or a reclamation plan required by Section [21.301](#) and a permit issued under this Code. The issuance of a citation under this Section shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this Section.

Section 21.601.03 PENALTIES

Any person, firm or corporation who fails to comply with Subchapter I of Wis. Stats., 295, Wisconsin Administrative Code NR 135, and/or this Chapter shall be subject to the penalty provisions contained in Section 25.04 of the Marathon County General Code of Ordinances. Each day a violation exists or continues shall constitute a separate offense.

Section 21.601.04 GOVERNMENTAL IMMUNITY

In carrying out any of the provisions of this Code or in exercising any power or authority granted to them thereby, there shall be no personal liability upon the Department, its agents and employees.

Chapter 21.602

Reporting

Section 21.602.01 ANNUAL OPERATOR REPORTING

Operators shall submit an annual report for every nonmetallic mine site with a reclamation permit to the Department annually.

- A. The annual report shall cover the activities on unreclaimed acreage for the previous calendar year, and shall include the following:
1. The name and mailing address of the operator.
 2. The parcel identification number of the nonmetallic mining site.
 3. The Nonmetallic Mine Reclamation Permit number assigned by Marathon County.
 4. The acreage currently affected by nonmetallic mining and not yet reclaimed.
 5. The amount of acreage that has been reclaimed to date, on a permanent basis and the amount reclaimed on an interim basis.
 6. A plan, map or diagram, drawn to scale, accurately showing the acreage described in this Section.
 7. The following certification signed by the operator:

“I certify that this information is true and accurate, and that the nonmetallic mining site described herein complies with all conditions of the applicable nonmetallic mine reclamation permit and Wisconsin Administrative Code NR 135”.
- B. Annual operator reports shall be submitted to the Department by the operator for all active and intermittent mining sites until nonmetallic mining reclamation at the site is certified complete pursuant to Section [21.301](#) of this Code.

Title 7: DEFINITIONS

Chapter 21.701

General

Section 21.701.01 DEFINITIONS

Alternate Requirement. Means an alternative to the reclamation standards of this Chapter.

Applicable Reclamation Ordinance. Means a nonmetallic mining reclamation ordinance, including this Code that applies to a particular nonmetallic mining site and complies with the requirements of this Code, Wisconsin Administrative Code NR 135 and subchapter I of Wis. Stats., 295, unless the Wisconsin Department of Natural Resources is the regulatory authority as defined in sub. (20) (c) If the Wisconsin Department of Natural Resources is the regulatory authority, "applicable reclamation ordinance" means the relevant and applicable provisions of Wisconsin Administrative Code NR 135.

Board of Adjustment. The Body established under Wis. Stats., 59.694.

Borrow Site. Means an area outside of a transportation project site from which stone, soil, sand or gravel is excavated for use at the project site, except the term does not include commercial sources.

Contemporaneous Reclamation. Means the sequential or progressive reclamation of portions of the nonmetallic mining site affected by mining operations that is performed in advance of final site reclamation, but which may or may not be final reclamation, performed to minimize the area exposed to erosion, at any one time, by nonmetallic mining activities.

Department. Marathon County Conservation, Planning, and Zoning Department.

Enlargement. Any vertical or horizontal increase beyond dimensions of the original application for the project site.

Environmental Pollution. The meaning in Wis. Stats., 295.11 (2).

Financial Assurance. A commitment of funds or resources by an operator to a regulatory authority that satisfies the requirements in Section [21.501](#) of this Code and is sufficient to pay for reclamation activities required by this Code.

Highwall. A vertical or nearly vertical face in solid rock or a slope of consolidated or unconsolidated material that is steeper than 3:1.

Landowner. Means the person who has title to land in fee simple or who holds a land contract for the land. A landowner is not a person who owns nonmetallic mineral rights to land, if a different person possesses title to that land in fee simple or holds a land contract for that land.

Licensed Professional Geologist. A person who is licensed as a professional geologist pursuant to Wis. Stats., 470.

Licensed Professional Hydrologist. A person who is licensed as a professional hydrologist pursuant to Wis. Stats. 470.

Modification. Any vertical or horizontal decrease within the dimensions of the original application for the project site.

Municipality. Has the meaning as defined in Wis. Stats., 299.01 (8).

Nonmetallic Mineral. A product, commodity or material consisting principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to, stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc and topsoil.

Nonmetallic Mining (NMM). Operations or activities for the extraction from the earth of mineral aggregates and nonmetallic minerals for sale or use by the operator; including the use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading, and dredging. Also includes processes carried out at a nonmetallic mining site that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals including but not limited to stockpiling materials, blending mineral aggregates, blasting, grading, crushing, screening, scalping and dewatering.

Does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

Nonmetallic Mining Reclamation or Reclamation. The rehabilitation of a nonmetallic mining site to achieve a land use specified in an approved nonmetallic mining reclamation plan, including removal or reuse of nonmetallic mine refuse, grading of the nonmetallic mine site, removal, storage and replacement of topsoil, stabilization of soil conditions, reestablishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution and if practicable the restoration of plant, fish and wildlife habitat.

Nonmetallic Mining Refuse. Waste soil, rock, mineral, and other natural site waste material resulting from a nonmetallic mine operation. Does not include marketable by-products resulting directly from or displaced by the nonmetallic mine operation.

Nonmetallic Mining Site, Project Site, or Site. All contiguous areas where a nonmetallic mining operation is proposed, present or conducted including all areas from which minerals are stored or processed that are in or contiguous to areas excavated for nonmetallic mining, areas where nonmetallic mining refuse is deposited, and areas affected by activities such as construction or improvement of private roads or haulage ways, areas where grading or regrading is necessary, areas where nonmetallic mining reclamation activities are carried out or structures needed for nonmetallic mining reclamation, such as topsoil stockpile areas, re-vegetation test plots, or channels for surface water diversion, are located. Does not include previously mined areas that were not used for nonmetallic mineral extraction after April 1, 1989 and are not contiguous to mine sites, including separate areas that are connected to active mine sites by public or private roads and areas previously mined but used after April 1, 1989 for non-mining activities such as stockpiles of materials used for an industrial process unrelated to nonmetallic mining. .

Operator. Any person or business entity engaged in or who has applied for a permit to engage in nonmetallic mining whether individually, jointly, or through subsidiaries, agents, employees, contractors, or subcontractors.

Person. An individual owner, operator, corporation, limited liability company, partnership, association, county, municipality, interstate agency, state agency or federal agency.

Registered Professional Engineer. A person who is registered as a professional engineer pursuant to Wis. Stats. 443.04.

Regulatory Authority. Means of the following:

(a) The county in which the nonmetallic mining site is located, that has an applicable reclamation ordinance under Wis. Stats., 295.13, except where a municipality has adopted an applicable reclamation ordinance pursuant to par. (b).

(b) The municipality in which the nonmetallic mining site is located and which has adopted an applicable reclamation ordinance under Wis. Stats., 295.14.

(c) The Department of Natural Resources, in cases where a county mining reclamation program is no longer in effect under Wis. Stats., 295.14, but only if there is no applicable reclamation ordinance enacted by the municipality in which the nonmetallic mining site is located.

Replacement of Topsoil. The replacement or redistribution of topsoil or topsoil substitute material to all areas where topsoil was actually removed or affected by nonmetallic mining for the purposes of providing adequate vegetative cover and stabilization of soil conditions needed to achieve the approved post mining land use and as required by the reclamation plan.

Solid Waste. Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from

community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Wis. Stats., or source material, special nuclear material or by-product material, as defined in Wis. Stats., 254.31 (1).

Topsoil. The surface layer of soil which is generally more fertile than the underlying soil layers, which is the natural medium for plant growth and which can provide the plant growth, soil stability and other attributes necessary to meet the success standards approved in the reclamation plan.

Topsoil Substitute. Soil or other unconsolidated material either used alone or mixed with other beneficial materials and which can provide the plant growth, site stability and other attributes necessary to meet the success standards approved in the reclamation plan.

Unreclaimed Acre or Unreclaimed Acres. Those unreclaimed areas in which nonmetallic mining has occurred after April 1, 1989 and areas where nonmetallic mining reclamation has been completed but is not yet certified as reclaimed under Section [21.201](#) Section [21.201.01\(H\)](#) of this Code and Wisconsin Administrative Code NR135.40 (7). Does not include: areas where reclamation has been completed and certified as reclaimed under Wisconsin Administrative Code NR 135.40 (7); areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after April 1, 1989; areas included in the approved nonmetallic mining reclamation plan but are not yet affected by nonmetallic mining, and areas previously mined but used after April 1, 1989 for non-mining activity, such as stockpiling of materials used for industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from nonmetallic mining. .

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CPZ Budget Amendments



Wisconsin DNR Surface Water Grant

This three-year grant will allow CPZ and its partners to:

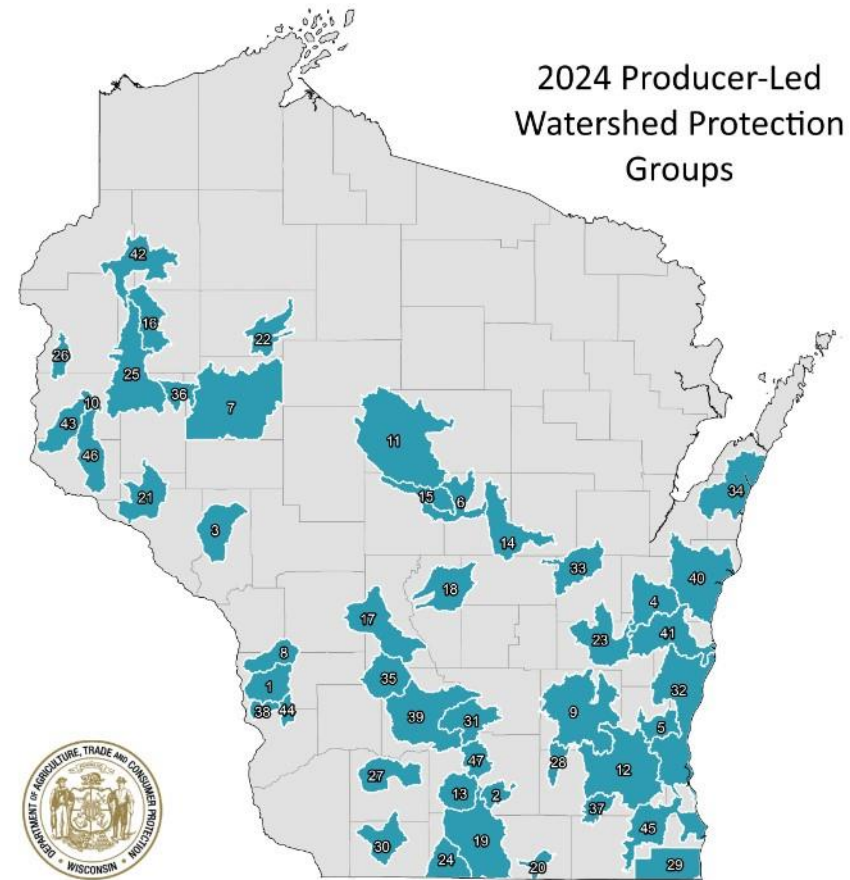
- Help **supplement the cost of new aerators**
- In partnership with DNR Fisheries and BEPCO, monitor, via a **multi-year fish movement study** on the BEP, the “Effects of Low Dissolved Oxygen on the Behavior, Ecology and Movement of Walleye and Northern Pike in the Big Eau Pleine Reservoir.”
- Develop a **Manure Advisory System**, specifically for the Big Eau Pleine Watershed.
- Collaborate with our County Parks and Health Departments to **test for bacteria at the Big Eau Pleine County Park swimming beach** and install **educational signage** that can post swimming advisories.
- Conduct **summer and fall monitoring that tracks phosphorus, algal blooms, and water temperature** in the reservoir.



The Nature Conservancy Conservation Innovation Grant

The Nature Conservancy awarded a total of \$100,000 to ten Wisconsin producer-led conservation groups.

- The awards are between five and ten thousand dollars each to help farmers implement practices that support soil and water quality on their land and in their communities, while also benefitting their economic bottom line.
- The Nature Conservancy prioritized grant awards based on the creativity of the cost-sharing programs, and to newer, less established farmer-led watershed groups.
- The \$10,000 that EPPIC received will be used to further “Conservation Efforts on Leased Lands” (C.E.L.L.) initiatives in the Big Eau Pleine Watershed. Through C.E.L.L., landowners receive a stipend to work with their renters to decrease the Phosphorus Index (PI) on their acreage.



Nutrient Management Farmer Education Implementation Grant

- Marathon County received \$1,350 from the WI Dept. Agriculture (DATCP) to implement nutrient management plans on farms.
- Six farmer stipends and three agronomist stipends (\$150/stipend).
- This will allow farmers to work with County staff and agronomists to review the plan with them and discuss what's working and what's not and then come up with new improved best management practices together.



Mississippi State University Good Idea Mini Grant

- Collaboration between EPPIC, Marathon County, Pheasants Forever, Shortlane Ag Supply LLC, and local landowners.
- Implementation and monitoring of phosphorous-reducing filter strips: Perennial hay (harvestable buffer), pollinator planting, and wildlife enhancement strip.
- Monitoring will include recording educational videos that will be shared to encourage others to try/implement similar practices.



MARATHON COUNTY

Budget Transfer Authorization Request Form

This form must be completed electronically and emailed to **Season Welle, Kristi Palmer**, and to your Department Head. This email will confirm that your Department Head acknowledges and approves this transfer. Forms that are incomplete, incorrect, out-of-balance, or that have not been sent to your Department Head will be returned. The Finance Department will forward completed forms to the Marathon County Human Resources, Finance & Property Committee.

DEPARTMENT: Conservation, Planning & Zoning

BUDGET YEAR: 2024

TRANSFER FROM:

Action	Account Number	Account Description	Amount
Revenue Increase	CC 56900 Land and Water Resource Management RC_43586	2024-2026 DNR Aerator Grant	\$99,760

TRANSFER TO:

Action	Account Number	Account Description	Amount
Expenditure Increase	CC 56900 Land and Water Resource Management SC_53630 Machinery/Equipment Parts	Machinery/Equipment Parts	\$83,760
Expenditure Increase	CC 56900 Land and Water Resource Management SC_53632 Sign Parts/Supplies	Sign Parts/Supplies	\$5,000
Expenditure Increase	CC 56900 Land and Water Resource Management SC_53410 Meeting Expense	Meeting Expenses	\$4,000
Expenditure Increase	CC 56900 Land and Water Resource Management SC_53130 Printing	Printing	2,500

Expenditure Increase	CC 56900 Land and Water Resource Management SC_53110 Postage	Postage	2,500
Expenditure Increase	CC 56900 Land and Water Resource Management SC_52192 Other Professional Services	Other Professional Services	\$2,000

I, the undersigned, respectfully request that the Human Resources, Finance & Property Committee approve the following change in budget / transfer of funds as discussed in the attached supplemental information.

Requested By: Laurie Miskimins **Date Completed:** 2/19/2024

COMPLETED BY FINANCE DEPARTMENT:

Approved by Human Resources, Finance & Property Committee: _____ Date Transferred: _____

MARATHON COUNTY
Budget Transfer Authorization Request – Supplemental Information

Attach this supplemental information to the original Budget Transfer Authorization Request Form. All questions must be completed by the requesting department or the Budget Transfer Authorization Request Form will be returned.

- 1) What is the name of this Program/Grant? (DO NOT use abbreviations or acronyms)
Wisconsin Department of Natural Resources Surface Water Grant for Aerators and monitoring at the Big Eau Pleine.
- 2) Provide a brief (2-3 sentence) description of what this program does.
Funds will supplement the cost of replacing the aerators at the Big Eau Pleine and allow for monitoring of fish and water quality health, and how equipment and efforts are impacting the quality.
- 3) This program is: (Check one)
 An Existing Program.
 A New Program.
- 4) What is the reason for this budget transfer?
 Carry-over of Fund Balance.
 Increase/Decrease in Grant Funding for Existing Program.
 Increase/Decrease in Non-Grant Funding (such as tax levy, donations, or fees) for Existing Program.
 Set up Initial Budget for New Grant Program.
 Set up Initial Budget for New Non-Grant Program
 Other. Please explain: [Click here to enter description](#)
- 5) If this Program is a Grant, is there a "Local Match" Requirement?

- This Program is not a Grant.
- This Program is a Grant, but there is no Local Match requirement.
- This Program is a Grant, and there is a Local Match requirement of: (Check one)
 - Cash (such as tax levy, user fees, donations, etc.)
 - Non-cash/In-Kind Services: (Describe) Personnel costs and other miscellaneous operating expenses.

6) Does this Transfer Request increase any General Ledger 8000 Account Codes? (Capital Outlay Accounts)

- No.
- Yes, the Amount is Less than \$30,000.
- Yes, the Amount is \$30,000 or more AND: (Check one)
 - The capital request HAS been approved by the CIP Committee.
 - The capital request HAS NOT been approved by the CIP Committee.

COMPLETED BY FINANCE DEPARTMENT:

Is 10% of this program appropriation unit or fund? _____ Is a Budget Transfer Resolution Required? _____

MARATHON COUNTY

Budget Transfer Authorization Request Form

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DEPARTMENT: Conservation, Planning & Zoning

BUDGET YEAR: 2024

TRANSFER FROM:

Action	Account Number	Account Description	Amount
Revenue Increase	CC 56900 Land and Water Resource Management RC_48500 Donations from Private Organizations	Donations from Private Organizations (Nature Conservancy)	\$10,000

TRANSFER TO:

Action	Account Number	Account Description	Amount
Expenditure Increase	CC 56900 Land and Water Resource Management SC_57170 Direct Payments	Direct Payments to Landowners	\$10,000

I, the undersigned, respectfully request that the Human Resources, Finance & Property Committee approve the following change in budget / transfer of funds as discussed in the attached supplemental information.

Requested By: Laurie Miskimins

Date Completed: 2/19/2024

COMPLETED BY FINANCE DEPARTMENT:

Approved by Human Resources, Finance & Property Committee: _____ Date Transferred: _____

MARATHON COUNTY

Budget Transfer Authorization Request – Supplemental Information

Attach this supplemental information to the original Budget Transfer Authorization Request Form. All questions must be completed by the requesting department or the Budget Transfer Authorization Request Form will be returned.

- 1) What is the name of this Program/Grant? (DO NOT use abbreviations or acronyms)
Nature Conservancy Funds for implementation of conservation practices within the Eau Pleine Watershed.
- 2) Provide a brief (2-3 sentence) description of what this program does.
Private donation from Nature Conservancy for direct payments to landowners who implement conservation practices to improve water quality in the Eau Pleine Watershed.
- 3) This program is: (Check one)
 - An Existing Program.
 - A New Program.
- 4) What is the reason for this budget transfer?
 - Carry-over of Fund Balance.
 - Increase/Decrease in Grant Funding for Existing Program.
 - Increase/Decrease in Non-Grant Funding (such as tax levy, donations, or fees) for Existing Program.
 - Set up Initial Budget for New Grant Program.
 - Set up Initial Budget for New Non-Grant Program
 - Other. Please explain: [Click here to enter description](#)
- 5) If this Program is a Grant, is there a “Local Match” Requirement?
 - This Program is not a Grant.
 - This Program is a Grant, but there is no Local Match requirement.
 - This Program is a Grant, and there is a Local Match requirement of: (Check one)
 - Cash (such as tax levy, user fees, donations, etc.)
 - Non-cash/In-Kind Services: (Describe) [Click here to enter description](#)
- 6) Does this Transfer Request increase any General Ledger 8000 Account Codes? (Capital Outlay Accounts)
 - No.
 - Yes, the Amount is Less than \$30,000.
 - Yes, the Amount is \$30,000 or more AND: (Check one)
 - The capital request HAS been approved by the CIP Committee.
 - The capital request HAS NOT been approved by the CIP Committee.

COMPLETED BY FINANCE DEPARTMENT:

Is 10% of this program appropriation unit or fund? _____

Is a Budget Transfer Resolution Required? _____

MARATHON COUNTY

Budget Transfer Authorization Request Form

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DEPARTMENT: Conservation, Planning & Zoning

BUDGET YEAR: 2024

TRANSFER FROM:

Action	Account Number	Account Description	Amount
Revenue Increase	CC 56900 Land and Water Resource Management RC_43586	DATCP Nutrient Pest Management Implementation Grant	\$1,350

TRANSFER TO:

Action	Account Number	Account Description	Amount
Expenditure Increase	CC 56900 Land and Water Resource Management SC_57170 Direct Payments	Direct Payment	\$1,350

I, the undersigned, respectfully request that the Human Resources, Finance & Property Committee approve the following change in budget / transfer of funds as discussed in the attached supplemental information.

Requested By: Laurie Miskimins

Date Completed: 2/19/2024

COMPLETED BY FINANCE DEPARTMENT:

Approved by Human Resources, Finance & Property Committee: _____ Date Transferred: _____

MARATHON COUNTY
Budget Transfer Authorization Request – Supplemental Information

Attach this supplemental information to the original Budget Transfer Authorization Request Form. All questions must be completed by the requesting department or the Budget Transfer Authorization Request Form will be returned.

- 1) What is the name of this Program/Grant? (DO NOT use abbreviations or acronyms)
Department of Agriculture Trade and Consumer Protection Nutrient Management Farmer Education Training Grant for Implementation of Nutrient Management Plans
- 2) Provide a brief (2-3 sentence) description of what this program does.
Grant funds to be used to incentivize landowners who implement conservation practices required as part of their Nutrient Management Plan.
- 3) This program is: (Check one)
 - An Existing Program.
 - A New Program.
- 4) What is the reason for this budget transfer?
 - Carry-over of Fund Balance.
 - Increase/Decrease in Grant Funding for Existing Program.
 - Increase/Decrease in Non-Grant Funding (such as tax levy, donations, or fees) for Existing Program.
 - Set up Initial Budget for New Grant Program.
 - Set up Initial Budget for New Non-Grant Program
 - Other. Please explain: [Click here to enter description](#)
- 5) If this Program is a Grant, is there a “Local Match” Requirement?
 - This Program is not a Grant.
 - This Program is a Grant, but there is no Local Match requirement.
 - This Program is a Grant, and there is a Local Match requirement of: (Check one)
 - Cash (such as tax levy, user fees, donations, etc.)
 - Non-cash/In-Kind Services: (Describe) Staff costs associated with administering the grant.
- 6) Does this Transfer Request increase any General Ledger 8000 Account Codes? (Capital Outlay Accounts)
 - No.
 - Yes, the Amount is Less than \$30,000.
 - Yes, the Amount is \$30,000 or more AND: (Check one)
 - The capital request HAS been approved by the CIP Committee.
 - The capital request HAS NOT been approved by the CIP Committee.

COMPLETED BY FINANCE DEPARTMENT:

Is 10% of this program appropriation unit or fund? _____

Is a Budget Transfer Resolution Required? _____

MARATHON COUNTY

Budget Transfer Authorization Request Form

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DEPARTMENT: Conservation, Planning & Zoning

BUDGET YEAR: 2024

TRANSFER FROM:

Action	Account Number	Account Description	Amount
Revenue Increase	CC 56900 Land and Water Resource Management RC_48500 Donations from Private Organizations	Donations from Private Organizations (Foundation for Food and Agricultural Research)	\$8,000

TRANSFER TO:

Action	Account Number	Account Description	Amount
Expenditure Increase	CC 56900 Land and Water Resource Management SC_57170 Direct Payments	Direct Payments to Landowners	\$8,000

I, the undersigned, respectfully request that the Human Resources, Finance & Property Committee approve the following change in budget / transfer of funds as discussed in the attached supplemental information.

Requested By: Laurie Miskimins

Date Completed: 3/1/2024

COMPLETED BY FINANCE DEPARTMENT:

Approved by Human Resources, Finance & Property Committee: _____ Date Transferred: _____

MARATHON COUNTY

Budget Transfer Authorization Request – Supplemental Information

Attach this supplemental information to the original Budget Transfer Authorization Request Form. All questions must be completed by the requesting department or the Budget Transfer Authorization Request Form will be returned.

- 1) What is the name of this Program/Grant? (DO NOT use abbreviations or acronyms)
Good Idea Mini Grant for the implementation of conservation practices within the Eau Pleine Watershed.
- 2) Provide a brief (2-3 sentence) description of what this program does.
The grant funds will be utilized to pay landowners to implement three different kinds of phosphorous reducing filter strips on land located in the Eau Pleine Watershed.
- 3) This program is: (Check one)
 - An Existing Program.
 - A New Program.
- 4) What is the reason for this budget transfer?
 - Carry-over of Fund Balance.
 - Increase/Decrease in Grant Funding for Existing Program.
 - Increase/Decrease in Non-Grant Funding (such as tax levy, donations, or fees) for Existing Program.
 - Set up Initial Budget for New Grant Program.
 - Set up Initial Budget for New Non-Grant Program
 - Other. Please explain: [Click here to enter description](#)
- 5) If this Program is a Grant, is there a “Local Match” Requirement?
 - This Program is not a Grant.
 - This Program is a Grant, but there is no Local Match requirement.
 - This Program is a Grant, and there is a Local Match requirement of: (Check one)
 - Cash (such as tax levy, user fees, donations, etc.)
 - Non-cash/In-Kind Services: (Describe) [Click here to enter description](#)
- 6) Does this Transfer Request increase any General Ledger 8000 Account Codes? (Capital Outlay Accounts)
 - No.
 - Yes, the Amount is Less than \$30,000.
 - Yes, the Amount is \$30,000 or more AND: (Check one)
 - The capital request HAS been approved by the CIP Committee.
 - The capital request HAS NOT been approved by the CIP Committee.

COMPLETED BY FINANCE DEPARTMENT:

Is 10% of this program appropriation unit or fund? _____

Is a Budget Transfer Resolution Required? _____

Groundwater Plan Update



Sampling Update

- Over 1000 sign-ups
- One more round of sampling later this spring
- Overwhelmingly positive feedback and gratitude
- Eastern results generally in-line with State averages
- Full presentation on Western and Eastern results will be made to the County Board this summer



Eastern Groundwater Meeting

- Approximately 35 folks attended the meeting
- UW-Stevens Point Water and Environmental Analysis Lab presentation on preliminary results
- Discussion on County programs that help protect groundwater quality
- Follow-up meetings set with attendees



Potential of ARPA Funds for Community Refill Stations

- State ARPA funds for well mitigation set to run out this year
- Local ARPA Funds can be used to: Make necessary investments in water, sewer, or broadband infrastructure
- Marathon County Strategic Goal 6.3: *Protect and enhance the quantity and quality of potable groundwater and potable surface water supplies.*
- Community Refill Stations:
 - Opportunity to connect all landowners to safe water
 - Beneficial in emergency response situations
 - Chippewa County developing similar project with ARPA funds
- What could make this a successful project for consideration of MC ARPA funding?

Potential of ARPA Funds for Community Refill Stations

