



MARATHON COUNTY ENVIRONMENTAL RESOURCES COMMITTEE AGENDA

Date & Time of Meeting: Tuesday, April 2, 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. **Approval of March 5, 2024, Committee minutes**
5. **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. Sean Janssen – R-R Rural Residential to C Commercial -Town of Plover
 2. Tim Vreeland on behalf of Diane Leist - F-P Farmland Preservation to N-C Neighborhood Commercial and N-C Neighborhood Commercial to F-P Farmland Preservation - Town of Marathon
 - B. Review and Possible Recommendations to County Board for its Consideration (Town Zoning changes pursuant to §60.62(3) Wis. Stats.)
 1. Town of Weston – Rezone 4.20 Acres – AR to RR-2
 2. Town of Rietbrock – Wind Energy System Siting Ordinance
 - C. Review and Possible Recommendations to County Board for its Consideration:
 - D. Review and Possible Action
 1. Committee Approval of Final Draft of Farmland Preservation Plan for Review by Corporation Counsel
<https://www.marathoncounty.gov/services/conservation/farmland-preservation>

**MARATHON COUNTY
ENVIRONMENTAL RESOURCES COMMITTEE
AGENDA**

- 6. 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. Update on Town of Plover Proposed Text Amendment Changes Related to Shipping and Storage Containers
- 7. Policy Issues Discussion and Potential Committee Determination**
- 8. Next meeting April 30, 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
- 9. 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: 03/27/2024 _____
Time: 9:00am _____
By: _____
Date/Time/By: N D _____

SIGNED  _____
Presiding Officer or Designee
NOTICE POSTED AT COURTHOUSE:
Date: _____
Time: _____ a.m. / p.m.
County Clerk _____

NOTICE OF PUBLIC HEARING

A public hearing will be held by the Environmental Resources Committee of the Marathon County Board of Supervisors on Tuesday, April 2nd, 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 Sean Janssen to amend the General Code of Ordinance for Marathon County Chapter 17 Zoning Code to rezone lands from R-R Rural Residential to C Commercial as described as part of Lot 1 of Certified Survey Map #18777, located in part of the Northeast ¼ of the Southeast ¼ of Section 16, Township 29 North, Range 10 East, Town of Plover. Area to be rezoned to C Commercial is described as Lot 3 of the preliminary CSM. Parent Parcel #062-2910-164-0991.
2. The petition of Tim Vreeland on behalf of Diane Leist to amend the General Code of Ordinance for Marathon County Chapter 17 Zoning Code to rezone lands from F-P Farmland Preservation to N-C Neighborhood Commercial and N-C Neighborhood Commercial to F-P Farmland Preservation as all of lot 1 of CSM 16068 located in the Southwest ¼ of the Southeast ¼ and Northwest ¼ of the Southeast ¼, lot 1 of CSM 9724, located in the Northeast ¼ of the Southeast ¼ and that part of the Northwest ¼ of the Southeast ¼ of Section 3, Township 28 North, Range 6 East, Town of Marathon. Area to be rezoned to N-C Neighborhood Commercial is described as Lot 1 and area to be rezoned to F-P Farmland Preservation is described as Lot 2 of the preliminary CSM. Parcel # 054-2806-034-0981 and 054-2806-034-0982.

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.



**Marathon County
Environmental Resources Committee Minutes
Tuesday, March 5, 2024
500 Forest Street, Wausau WI**

<u>Attendance:</u>	<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(excused)		

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; Valerie Parker, Jody Easker, Dale Leffel, Pat Leffel, Jeffrey Gunderson

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**
 Valerie Parker - Town of Plover (0:03)
 Jody Easker – Town of Plover (0:05)
 Dale & Pat Leffel – Town of McMillan (0:07)
 Jeffrey Gunderson – Town of Plover (0:08)
4. **Public Comment for Farmland Preservation Plan Draft** – None.
5. **Approval of January 30, 2024, Committee minutes** (0:11)
Motion / second by Ungerer/Sherfinski to approve of the January 30, 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. Tim Vreeland on behalf of Norman and Margaret Borntrager - G-A General Agriculture to R-E Rural Estate -Town of Wien (0:14)

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 Wien has reviewed the application and recommends approval without any concerns or additional comments.



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Tuesday, March 5, 2024
500 Forest Street, Wausau WI

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 3:21 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

Action: **Motion** / second by Seefeldt/Sherfinski to recommend approval to County Board, of the Borntreger 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.

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 (0:21)

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 Spencer 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 3:25 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

Action: **Motion** / second by Sherfinski/Drabek to recommend approval to County Board, of the Janz 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.



**Marathon County
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3. Town of Plover – Text Amendment Changes to Chapter 17 (0:25)

Discussion: Pagel discussed the Town of Plover to petition part of text amendment changes to Chapter 17.

Shad Harvey was sworn in and gave a history of the Conditional Use process.

Dale Leffel – Town of McMillan was sworn in. (0:57)

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 4:00 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

Action: **Motion** / second by Sherfinski/ Ungerer to postpone approval to County Board
Motion **carried** by voice vote, no dissent.

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

4. Shad Harvey – Text Amendment Change to Chapter 15 – Private Sewage Systems (1:17)

Discussion: Harvey discussed the text amendment changes to Chapter 15.

Action: **Motion** / second by Sherfinski/Ritter to recommend approval to County Board
Motion **carried** by voice vote, no dissent.

Follow though: None.

5. Shad Harvey – Text Amendment Change to Chapter 21 – Nonmetallic Mining Reclamation Code (1:34)

Discussion: Harvey discussed the text amendment changes to Chapter 21.

There was no additional testimony in favor or opposed to the text amendment changes to chapter 21 virtually or in person. The testimony portion of the hearing was closed at 4:40 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

Action: **Motion** / second by Ritter/Ungerer to recommend approval to County Board
Motion **carried** by voice vote, no dissent.

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

The committee went back to 6. (A.4) Text Amendment Change to Chapter 15 – Private Sewage Systems - recognizing that the public hearing component still needed to be completed. (1:39)

There was no additional testimony in favor or opposed to the text amendment changes to Chapter 15 request virtually or in person. The testimony portion of the hearing was closed at 4:50 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

Action: **Motion** / second by Sherfinski/Ungerer to recommend approval to County Board
Motion **carried** by voice vote, no dissent. (the pervious motion for 6 A4 was nulled)



Marathon County
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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.)

1. Town of Wausau – Chapter 17 Amendment Update – Sec. 17.44 AT-1/40 Agriculture Transition District (1:40)

Discussion: Pagel discussed this is a town zoned town and a petition to updated Chapter 17 amendment updated, Section 17.44 -1/40 Agriculture Transition District.

Action: **Motion** / second by Drabek/Ritter to approve the Town of Wausau Chapter 17 Amendment Update.

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 (1:42)

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 (1:47)

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 (1:49)

4. Budget transfer request to accept the Good Idea Mini-Grant in the amount of \$ 8,000 to implement phosphorus-reducing filter strips (1:50)

Motion / second by Sherfinski/Oberbeck to approve all four budget transfers outlined and move to HRFC and County Board for Approval.

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

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 Brief Aerator Update (1:55)

2. Groundwater Plan Update: Sampling, Eastern Groundwater Meeting, & Potential for Marathon County ARPA funds for well mitigation efforts (1:56)

3. Brief Update on Farmland Preservation Plan (2:22)

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, April 2, 2024, 3:00 p.m. Marathon County Courthouse, Assembly Room 500 Forest Street Wausau WI



**Marathon County
Environmental Resources Committee Minutes
Tuesday, March 5, 2024
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/ Ritter to **adjourn** at 5:27 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

DRAFT

**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):
Sean Jansson 234470 N Pole Rd Birnamwood WI 54414

hereby petition to rezone property owned by (Name & Address):
SAME as ABOVE

from the classification R-R, Rural Residential to C, Commercial.

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): SEC 16-29-10 PT of OF NE 1/4 SE 1/4 - Lot 1 CSM (#18777) (DOC# 1820992)

Parcel Identification Number (PIN): 062-2910-164-0991

Town: Plover

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

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. NEW STORE IN FUTURE, Building 40x60x14
SEPIC

B. Explain how the provision for these facilities will not be an unreasonable burden to local government.
NONE

C. What have you done to determine that the land is suitable for the development proposed?
Talk CRZ STAFF and TOWN Chairman or (Plover)

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.
All work will be done within Building.

E. Explain any potential for conflict with existing land uses in the area.
NONE Talked TO Dale Zole and he's good with This Plan.

(OVER)

F. Demonstrate the need of the proposed development at this location. The only land I own

G. What is the availability of alternative locations? Be specific. No other location's

H. If cropland is being consumed by this Zone Change, what is the productivity of the agricultural lands involved? NO CROP land will Be consumed

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. N/A

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.

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 (24hr) 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.**

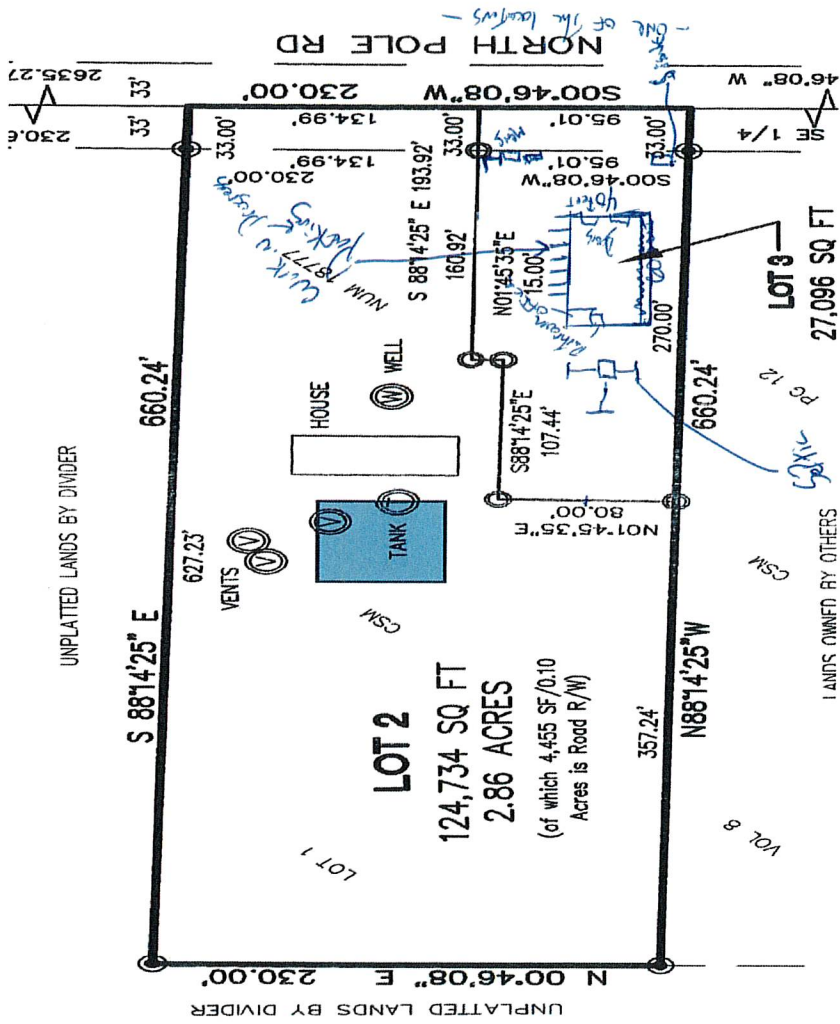
7. Petitioner's Signature [Signature] Phone 715-203-2488 Date 1-23-2024

8. Owner's Signature _____ Phone _____ Date _____
(If different)

Date Fee Received: _____ 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.

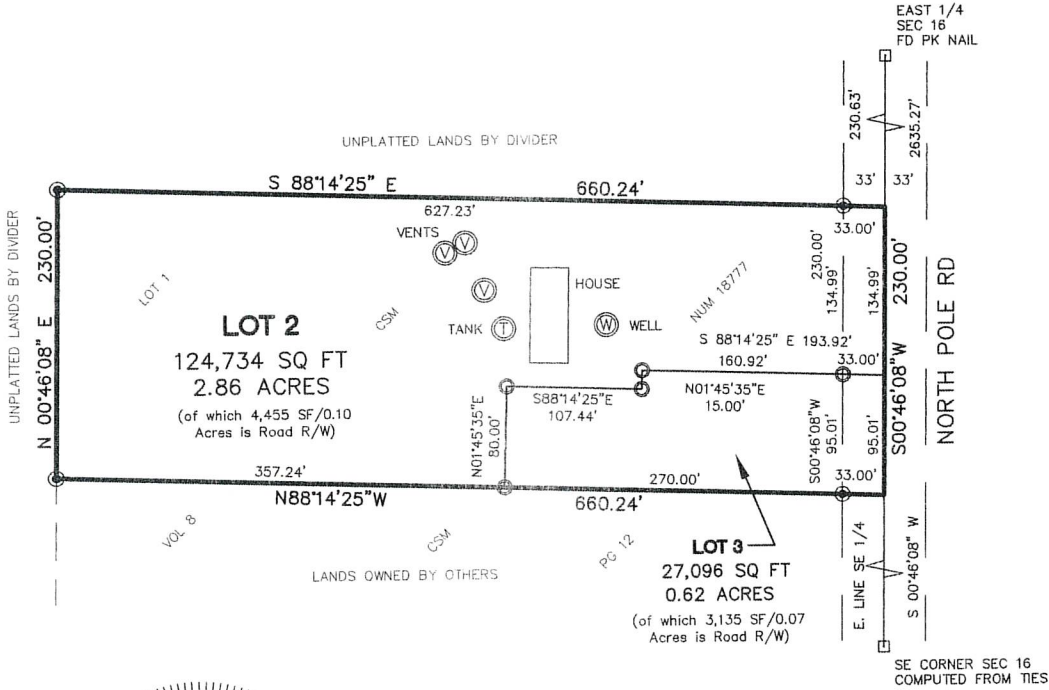
RECEIVED
JAN 23 2024
MARATHON CO. CONSERVATION,
PLANNING & ZONING DEPT



No future Planned community

CERTIFIED SURVEY MAP

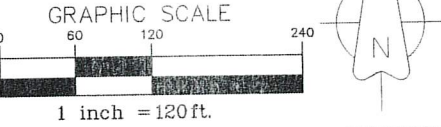
OF ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 18777
 LOCATED IN PART OF THE NORTHEAST 1/4 OF THE
 SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 29 NORTH,
 RANGE 10 EAST, TOWN OF PLOVER, MARATHON COUNTY
 WISCONSIN



APPROVED FOR RECORDING
 UNDER THE TERMS OF THE
 MARATHON CO LAND DIVISION
 REGULATIONS
 BY _____
 DATE _____
 MARATHON CO CONSERVATION
 PLANNING AND ZONING DEPT
 CPZ TRACKING# _____

NOTE: THIS SURVEY DOES
 NOT TRANSFER PROPERTY
 OWNERSHIP. TRANSFER OF
 PROPERTY REQUIRES A
 RECORDED DEED, EXCEPTING
 PUBLIC DEDICATIONS

- 1.3" X 18" IRON PIPE WEIGHING 1.68 LBS/LINEAL FOOT SET(OD)
 - FOUND 2" I. PIPE
 - ◎ FOUND 1" I. PIPE
 - ▲ FOUND PK NAIL OR RR SPIKE
 - FOUND GOV'T CORNER
 - () RECORD DATA
- SHEET 1 OF 2 FIELD DATE 1-20-24



SURVEY PROVIDED BY: CORNERSTONE SURVEYING W12890 HWY 1 DEERBROOK WI 54424 715-216-3234	SURVEYED FOR: JACK KAUTZA 181530 SPORTSMAN DR BIRNAMWOOD WI 54414	BEARING REFERENCE: EAST LINE OF THE SE 1/4 OF SEC 16 ASSUMED TO BEAR S 0°46'08" W
--	--	--

MARATHON COUNTY CERTIFIED SURVEY MAP

I, Charley G. Brinkmeier, Professional Land Surveyor, hereby certify:

That I have surveyed, and mapped by the order of Jack Kautza, a parcel of land being part of the Northeast ¼ of the Southeast ¼ of Section 16, Township 29 North, Range 10 East, Town of Plover, Marathon County, Wisconsin more particularly described as follows:

Commencing at the East 1/4 Corner of Section 16; thence S 0° 46' 08" W, 230.63 feet along the East line of the Southeast ¼ of Section 16 to the point of beginning of the parcel herein described; thence S 0° 46' 08" W, 230.00 feet; thence N 88° 14' 25" W, 660.24 feet; thence N 0° 46' 08" E, 230.00 feet; thence S 88° 14' 25" E, 660.24 feet to the point of beginning of the parcel here in described.

Said parcel contains 151,830 Square Feet or 3.49 Acres of which 7,590 Square Feet or 0.17 Acres is Road R/W.

Subject to all roadways and easements of record.

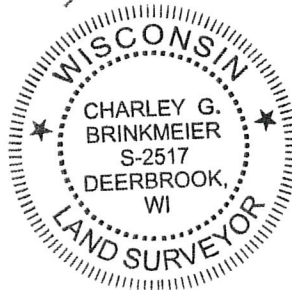
That this map is a true and correct representation of all exterior boundaries of the land surveyed and the subdivision thereof made to the best of my knowledge and belief;

That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and fully complied with all the provisions of the Marathon County Land Division Ordinance;

Dated this 20th day of January, 2024.


P.L.S. No. S-2517

Sheet 2 of 2 Sheets

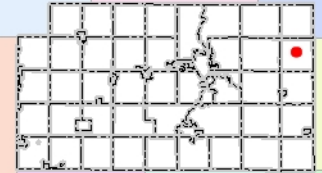




Land Information Mapping System

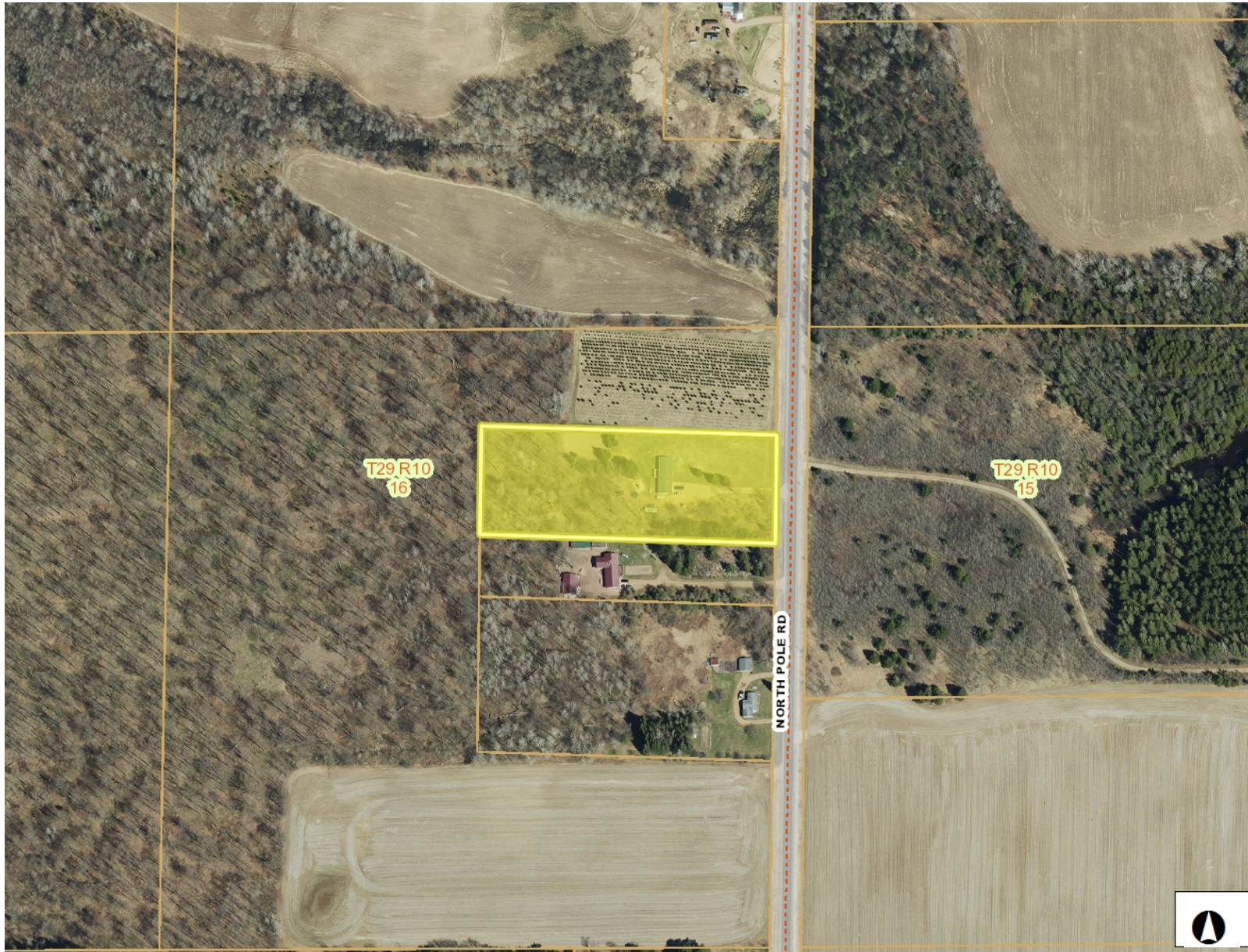
TAYLOR

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

158.94 0 158.94 Feet



NAD_1983_HARN_WISCRS_Marathon_County_Feet

DISCLAIMER: The information and depictions herein are for informational purposes and Marathon County-City of Wausau specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Marathon County-City of Wausau will not be responsible for any damages which result from third party use of the information and depictions herein or for use which ignores this warning.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

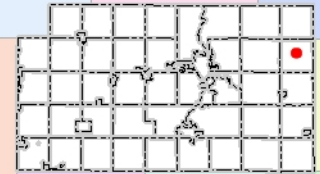
Notes



Land Information Mapping System

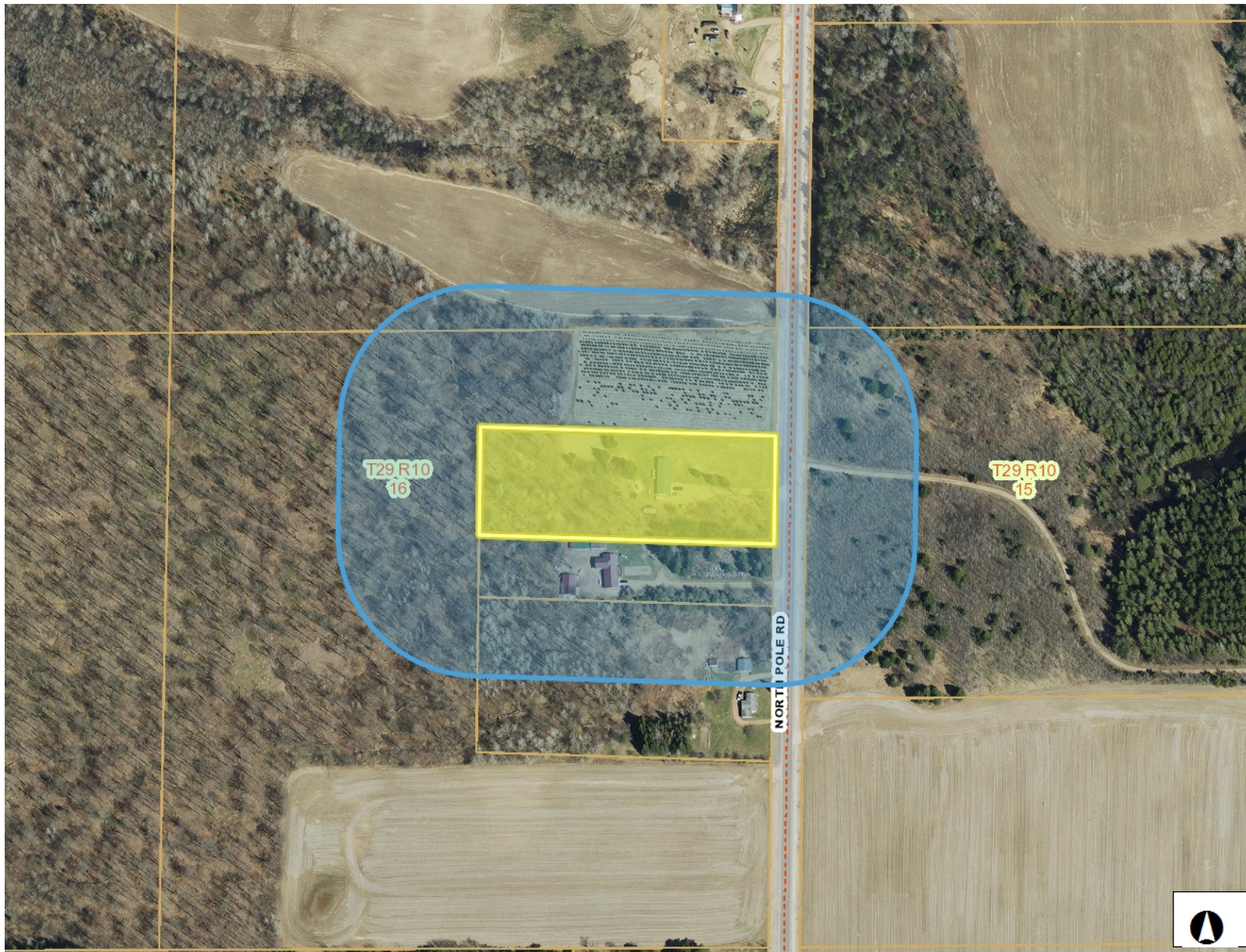
TAYLOR

LINCOLN



WOOD

PORTAGE



Legend

- Road Names
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158.94 0 158.94 Feet



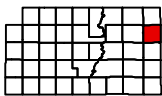
NAD_1983_HARN_WISCRS_Marathon_County_Feet

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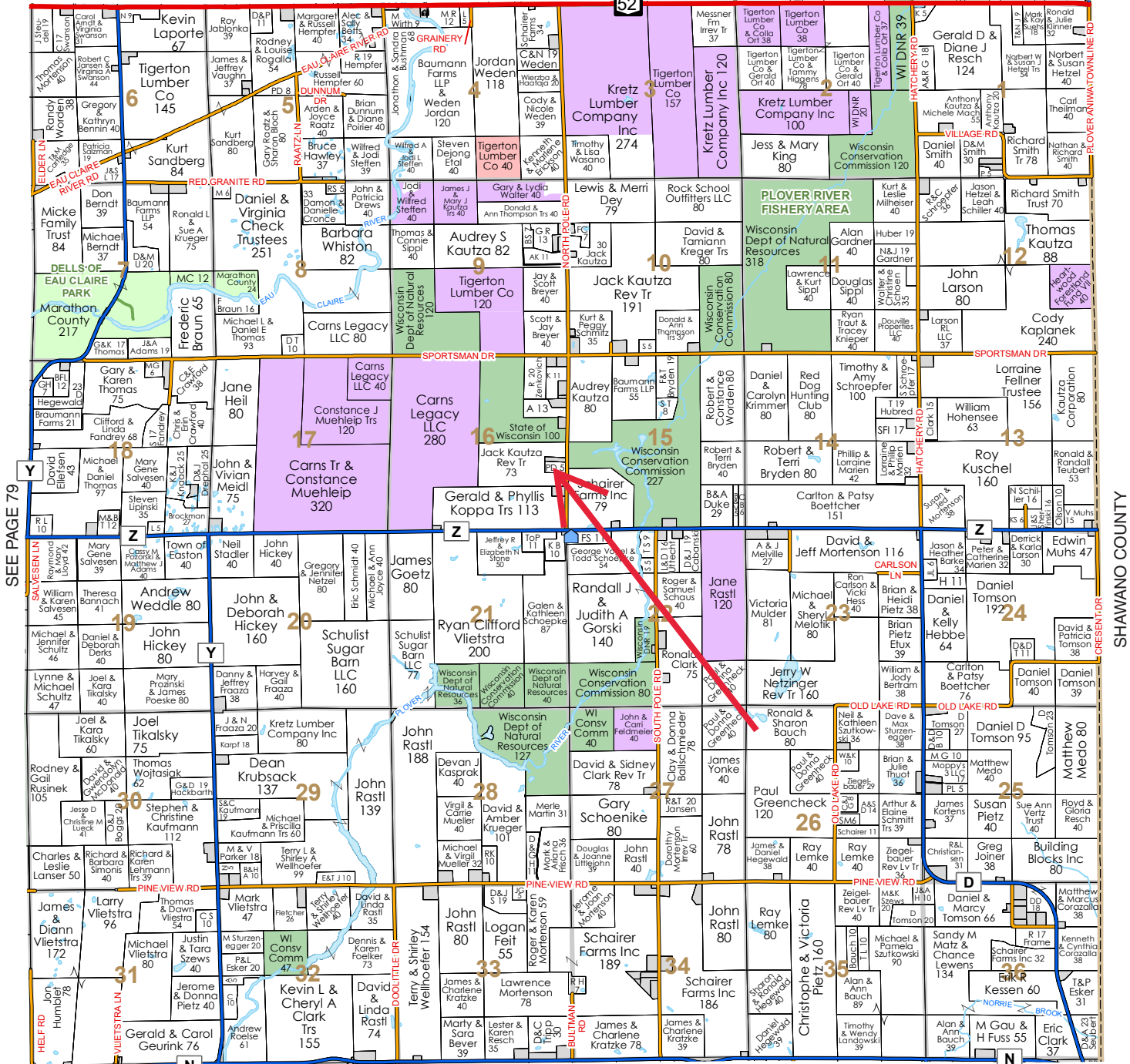


Notes



SEE PAGE 97

52



SEE PAGE 63

Discover 4-H
Join Today!

18 USC 707



**Sean Janssen
Petition to Rezone Land
Staff Report, April 2nd, 2024
Environmental Resources Committee**

PETITIONER:

Sean Janseen-234470 North Pole Rd, Birnamwood, WI 54414

PROPERTY OWNERS:

Sean Janseen-234470 North Pole Rd, Birnamwood, WI 54414

LOCATION OF REZONE REQUEST:

Area proposed to be rezoned is located on North Pole Rd approximately one-half mile north of the intersection of North Pole Rd and County Rd Z.

REQUEST:

The petition of Sean Janssen to amend the General Code of Ordinance for Marathon County Chapter 17 Zoning Code to rezone lands from R-R Rural Residential to C Commercial as described as part of Lot 1 of Certified Survey Map #18777, located in part of the Northeast ¼ of the Southeast ¼ of Section 16, Township 29 North, Range 10 East, Town of Plover. Area to be rezoned to C Commercial is described as Lot 3 of the preliminary CSM. Parent Parcel #062-2910-164-0991.

PUBLIC HEARINGS/MEETINGS:

- Town of Plover Town Board Meeting (February 13th, 2024)
- Marathon County Environmental Resources Committee Meeting (April 2nd, 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-R Rural Residential District. The purpose of the R-R district is to accommodate single-family residential use along existing streets, to preserve the rural character while promoting open space single-family 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 are permitted in this district. These areas may or may not be serviced by municipal water and sanitary sewer.

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

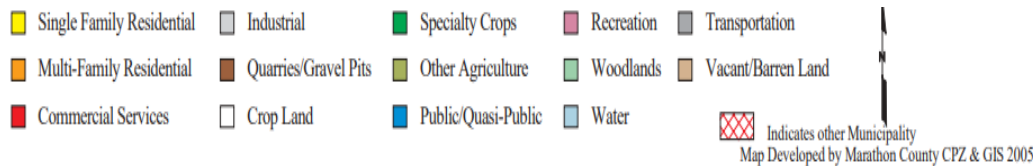
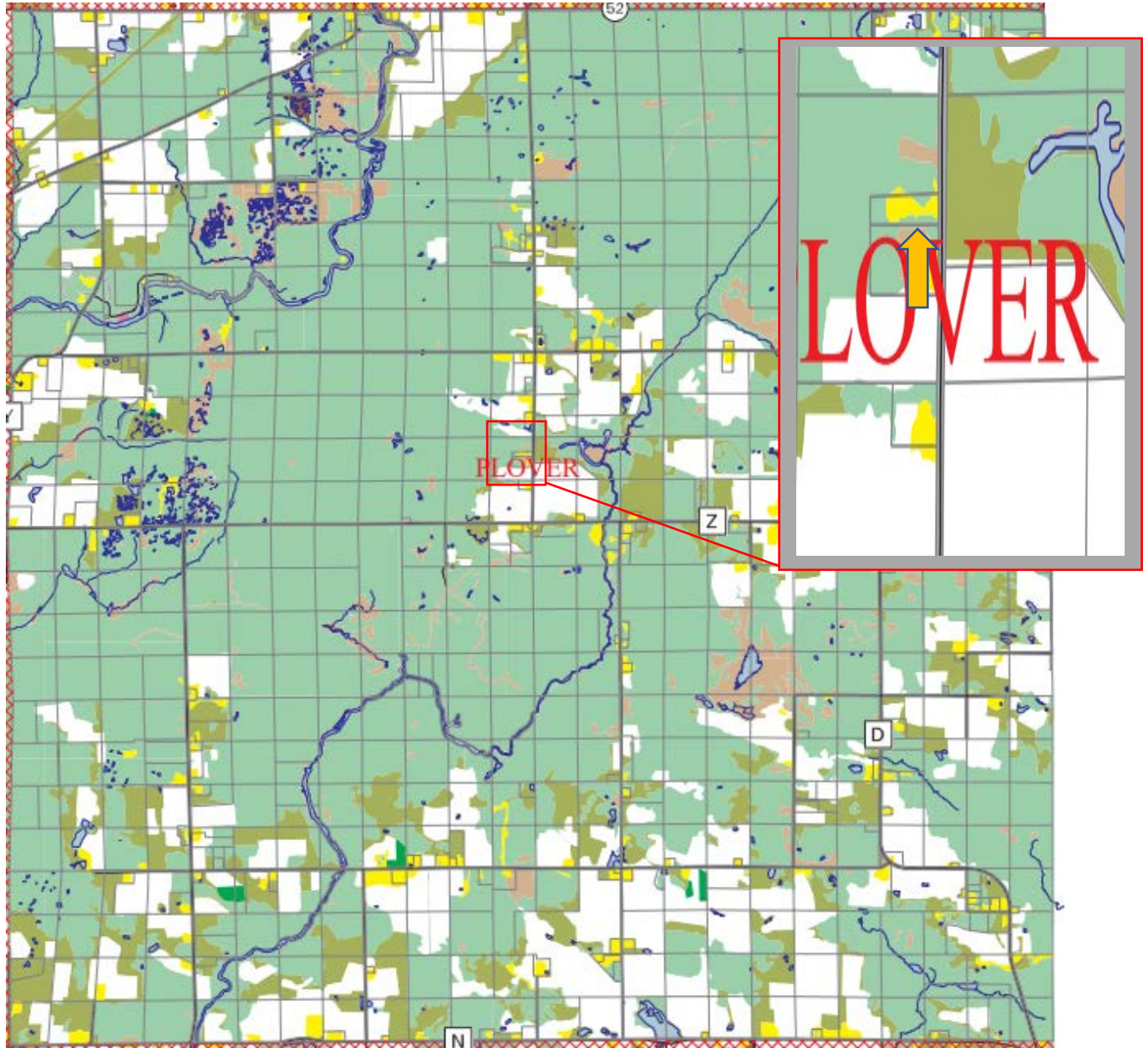
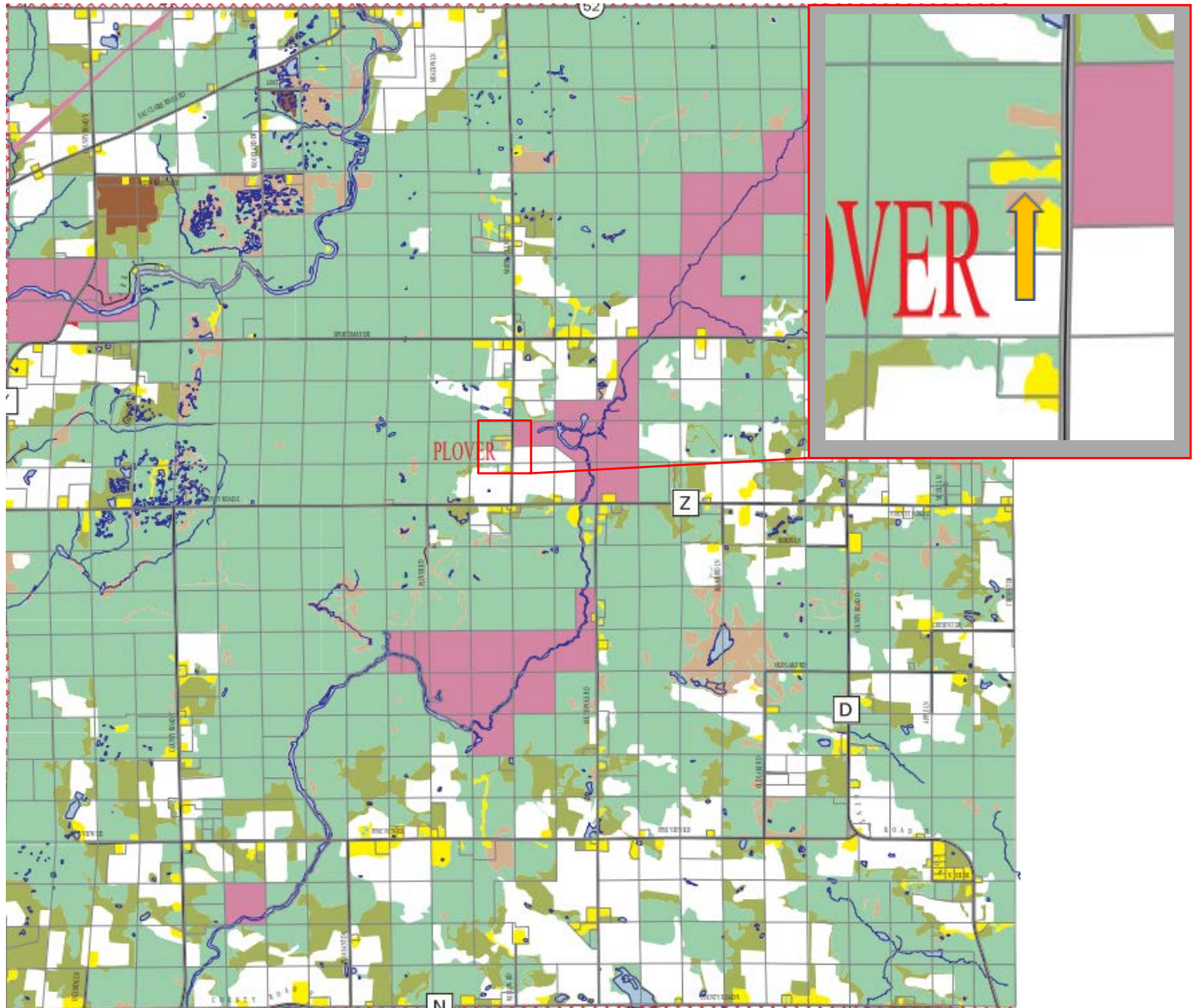


Figure 4-1
2000 Landuse/Landcover
PLOVER

PROPOSED ZONING DISTRICT:

C Commercial District. The purpose of the C district is to provide or promote uses principally to accommodate the sale of retail goods, personal services, and administrative establishments, thereby encouraging local or regional shopping areas. It is intended that the design of this district will encourage grouping of business establishments located on a unified site providing adequate off-street parking facilities as well as an efficient and safe method for handling vehicular and pedestrian traffic.

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



- Single Family Residential
- Commercial
- 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

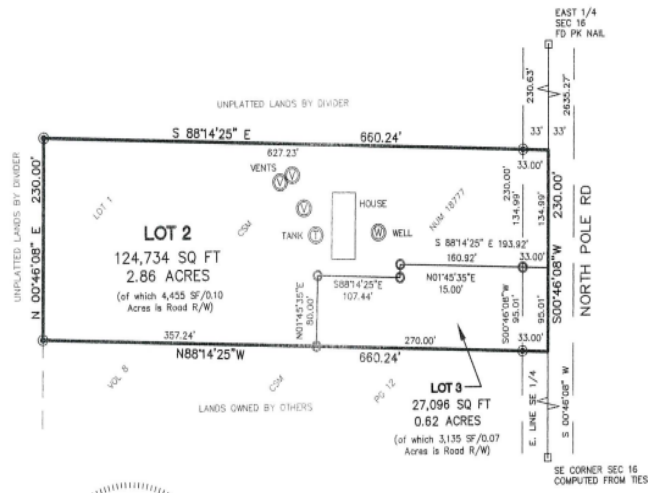
Figure 3-1
Future Land Use
PLOVER

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

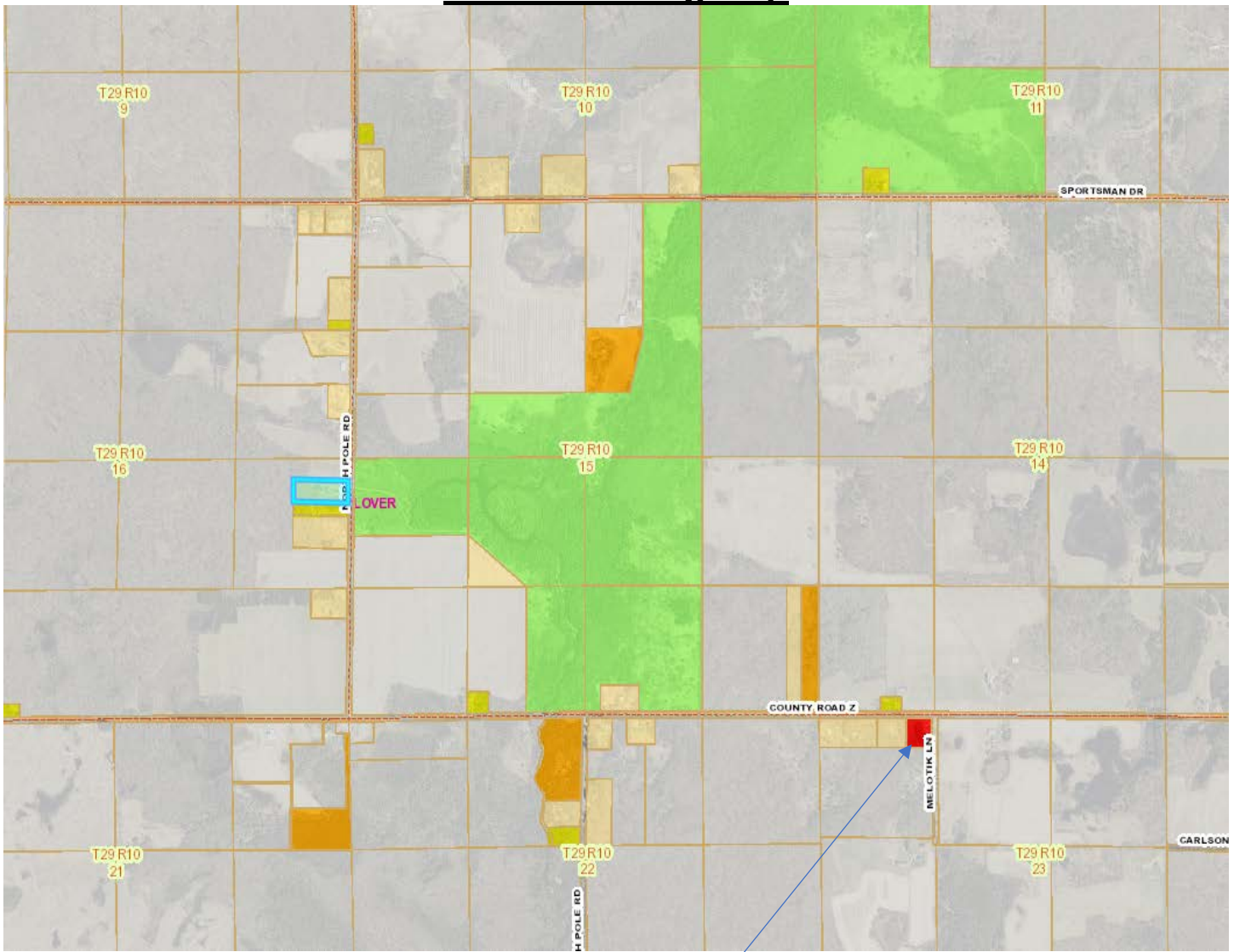
Aerial Photo



Certified Survey Map



Current Zoning Map



*Nearby commercial property is a cabinet/woodworking business.

TOWN RECOMMENDATION:

On February 13th, 2024, the **Town of Plover** 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 Woodlands 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 Plover 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 to make the new parcel suitable for a part time mechanic shop.

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 Plover 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
FROM FARMLAND PRESERVATION ZONING
 BEFORE THE MARATHON COUNTY BOARD OF SUPERVISORS

1. As authorized by §17.91 of the Marathon County Zoning Ordinance (I) (we): (Name and mailing address) Tim Vreeland
6103 Dawn St. Weston WI
 hereby petition to rezone property owned by: (Name and mailing address) Diane Leist
142475 Co. Rd DN Marathon, WI
 from the classification **FP Farmland Preservation** to NC Neighborhood Commercial + NC to FP
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 a Hatched CSM

Parcel Identification Number / PIN (can be found on tax bill): 059-2806-034-0981 + 0982

3. The proposed change is to facilitate the use of the land for (be specific-list all proposed uses):
Just cleaning up property lines.
4. Total acres in parcel (outside of right-of-way): 55.2 acres
5. Total acres zoned Farmland Preservation: FP 45.9 acres A-4(-M) _____ acres
6. Total acres in farm: 45.1 acres
7. How many acres/square feet are you requesting be changed? 5.7 Ac to NC 1.2 Ac FP acres / square feet
8. Are there improvements (structures) on this parcel in question? Yes No
 What is the current use of the structure(s)? Ballroom + hobby farm
9. A. What is your reason for requesting this rezone? (Please check and fill in the blanks)
- | | |
|--|---|
| <input type="checkbox"/> Develop land for non-agricultural residential use | <input type="checkbox"/> Develop land for recreational use |
| <input type="checkbox"/> Develop land for industrial use | <input checked="" type="checkbox"/> Pre-existing use, substandard or nonconforming parcel |
| <input type="checkbox"/> Develop land for commercial use | <input type="checkbox"/> Other: _____ |
- B. How far is the land from a city or village boundary? 2 miles / feet
- C. How far is the land from an existing area of similar use? 1/2 miles / feet
- D. Is the land served by public sewer? Yes No
- E. Is the land served by public water? Yes No
- F. Is the land within a sanitary district? Yes No
- G. If more than one lot was developed: # of Lots: 2 Average lot size: 12.3 + 42.9

10. 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 serve the proposed development at present, or how they will be provided.
No development. cleaning up property lines
- B. Explain how the provision of 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 proposed development?
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

RECEIVED

FEB 13 2024

MARATHON CO. CONSERVATION,
 PLANNING & ZONING DEPT.

- OVER -

E. Explain any potential conflict with remaining agricultural uses in the area.

No Conflict.

F. Demonstrate the need for the proposed development in an agricultural area.

No Development

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

No Alternative

H. What is the productivity of the agricultural lands involved?

The land used as NC are currently developed with no productivity

I. Explain how the location of the proposed development has been selected to minimize the amount of agricultural land converted.

No Development. Land currently developed

J. Explain how the proposed rezoned land is better suited for a use not allowed in the Farmland preservation zoning district.

We are preserving as much farmland as possible.

K. Explain how the rezone is consistent with the Marathon County and town's comprehensive plans.

This is consistent with comprehensive plan.

L. Explain how the rezone is substantially consistent with the Marathon County Farmland Preservation plan which is in effect at the time of the rezone

lands currently dual zoned. clearing up zone district.

M. Explain how the rezone will not substantially impair or limit current or future agricultural use of other protected farmland.

No farmland being consumed.

11. **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. Include the names of all property owners, existing land uses, and zoning classifications within 300 feet of the boundaries of the property on which the rezone is located. 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 direct mail of the public hearing notice.

If, at the public hearing for this zone change request, the Zoning Committee 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 CPZ Department 24 hours or more prior to the next regularly scheduled meeting (*date and time to be announced at each regular meeting*). Minimum of 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.**

12. Petitioner's Signature [Signature] Phone 715-241-0947 Date 2-13-2024

13. Owner's Signature Diane Leist Phone 715 571-2747 Date 1/17/2024
(If different than Petitioner)

Fee \$ 600 - (Checks payable to **Marathon County**) Date Fee Received: _____

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 Committee hearing is recommended.**

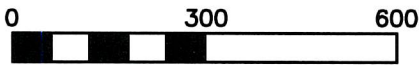
CERTIFIED SURVEY MAP

MARATHON COUNTY NO. _____

VREELAND ASSOCIATES, INC.	
LAND SURVEYORS & ENGINEERS	
6103 DAWN STREET WESTON, WI. 54476	
PH (715) 241-0947 tim@vreelandassociates.us	
PREPARED FOR:	DIANE LEIST
FILE #:	23-0577 LEIST
DRAFTED BY:	TIMOTHY G. VREELAND
DRAWN BY:	DALTON L. ZEINERT

SHEET 1 OF 2 SHEETS

ALL OF LOT 1 OF CSM 16068, LOCATED IN THE SW1/4 OF THE SE1/4 AND NW1/4 OF THE SE1/4, LOT 1 OF CSM 9724, LOCATED IN THE NE1/4 OF THE SE1/4 AND THAT PART OF THE NW1/4 OF THE SE1/4 OF SECTION 3, TOWNSHIP 28 NORTH, RANGE 6 EAST, TOWN OF MARATHON, MARATHON COUNTY, WISCONSIN.

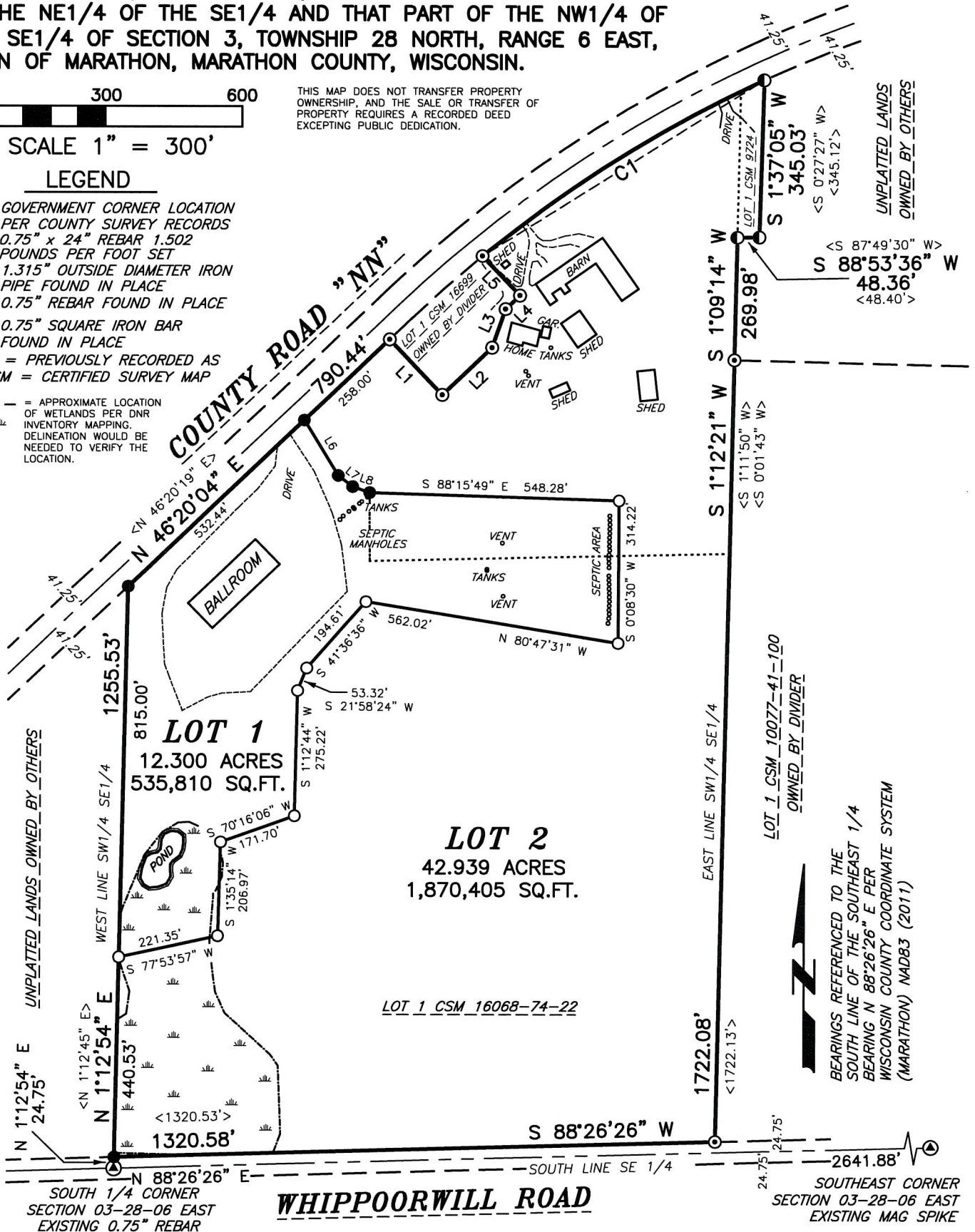


SCALE 1" = 300'

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
- ⊙ = 0.75" REBAR FOUND IN PLACE
- ⊠ = 0.75" SQUARE IRON BAR 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.

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

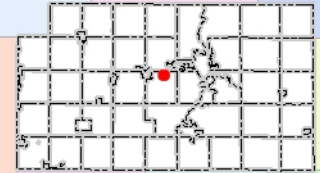




Land Information Mapping System

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

202.85 0 202.85 Feet



NAD_1983_HARN_WISCRS_Marathon_County_Feet

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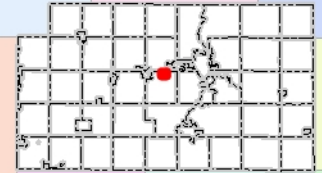
Notes



Land Information Mapping System

TAYLOR

LINCOLN

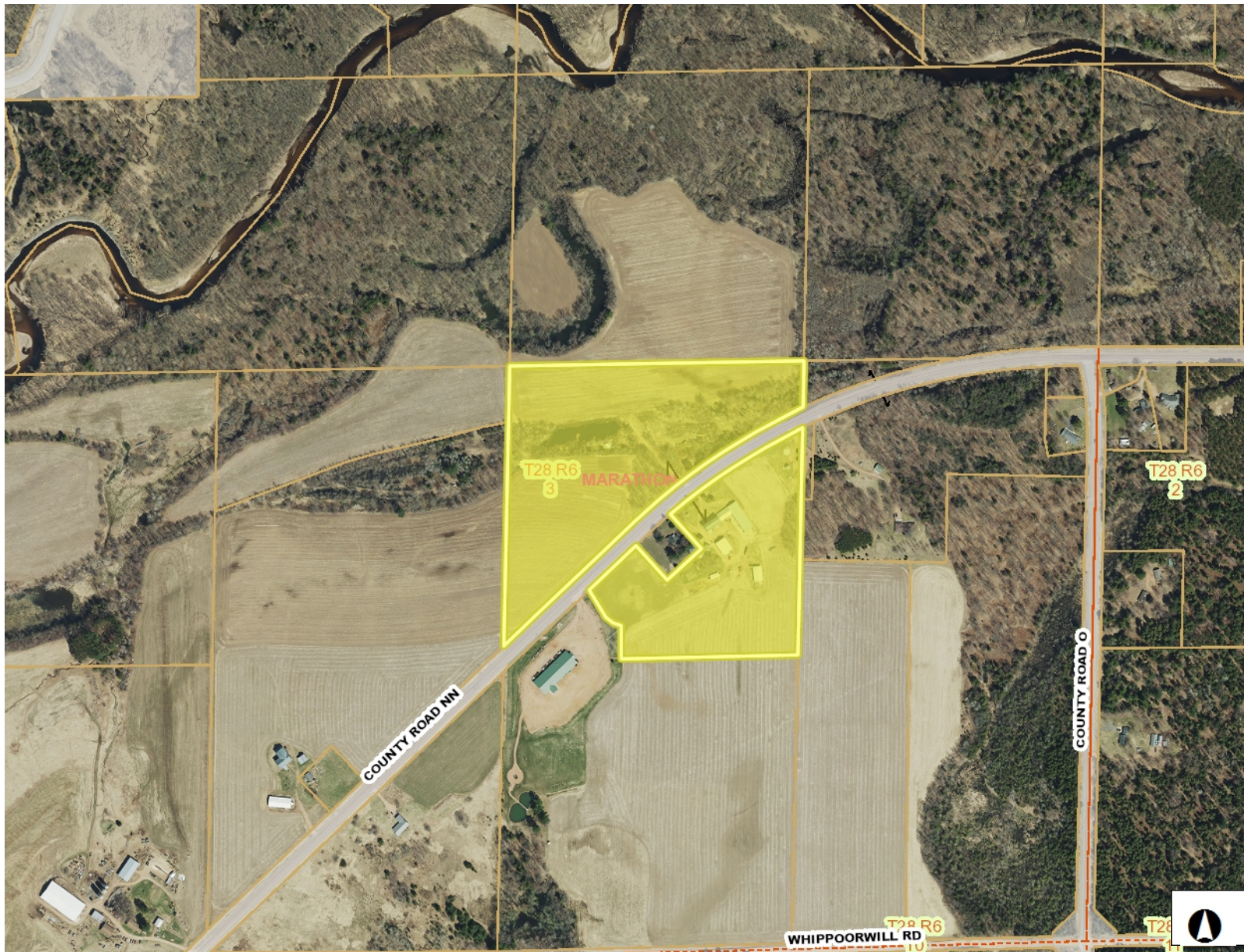


WOOD

PORTAGE

Legend

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334.51 0 334.51 Feet



NAD_1983_HARN_WISCRS_Marathon_County_Feet

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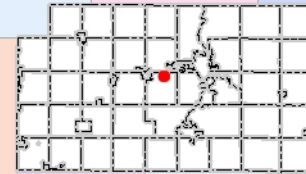
Notes



Land Information Mapping System

TAYLOR

LINCOLN



WOOD

PORTAGE



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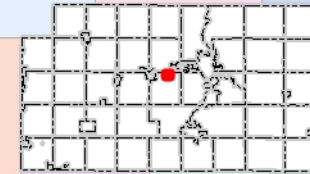
Notes



Land Information Mapping System

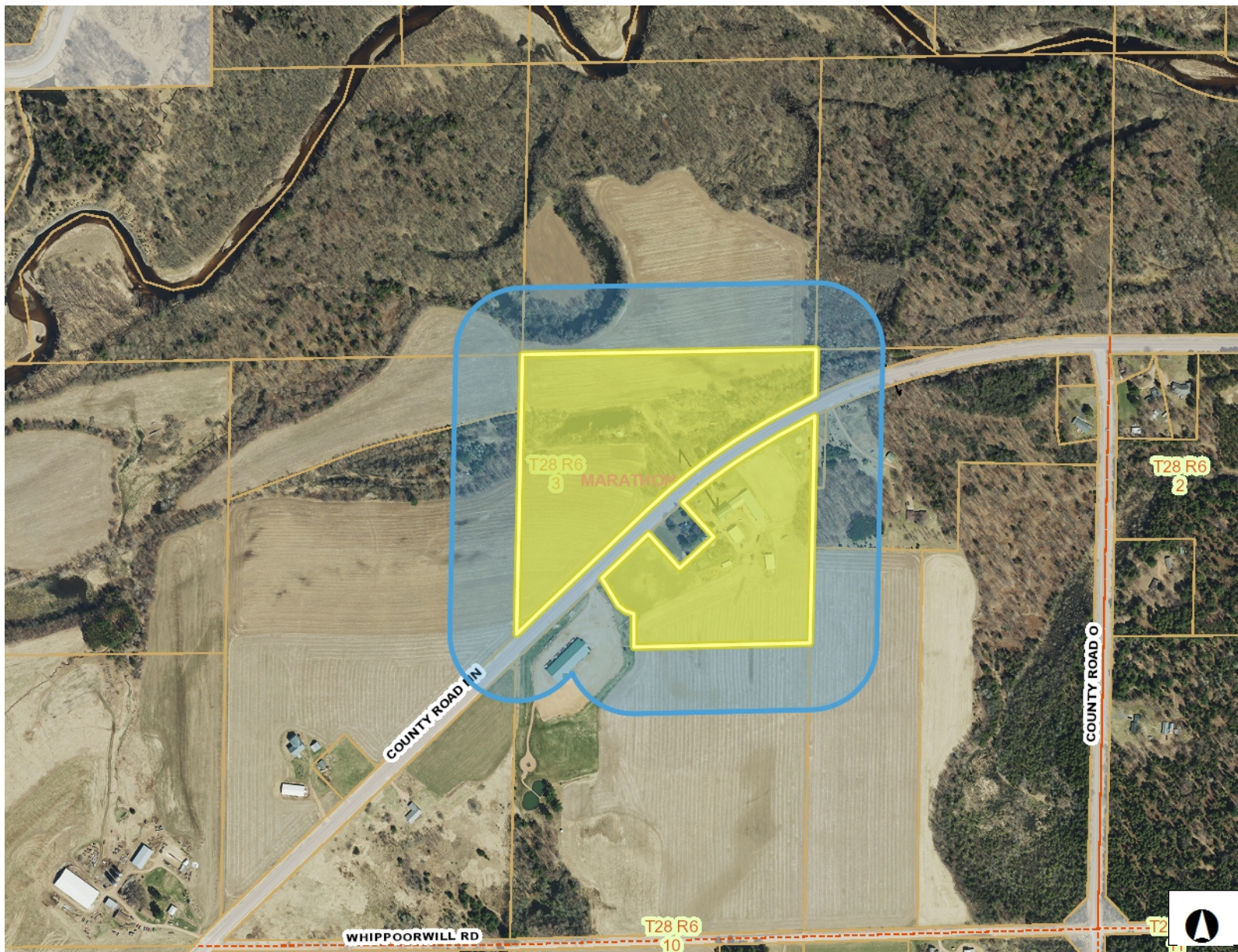
TAYLOR

LINCOLN



WOOD

PORTAGE



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334.51 0 334.51 Feet

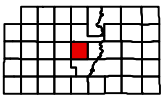


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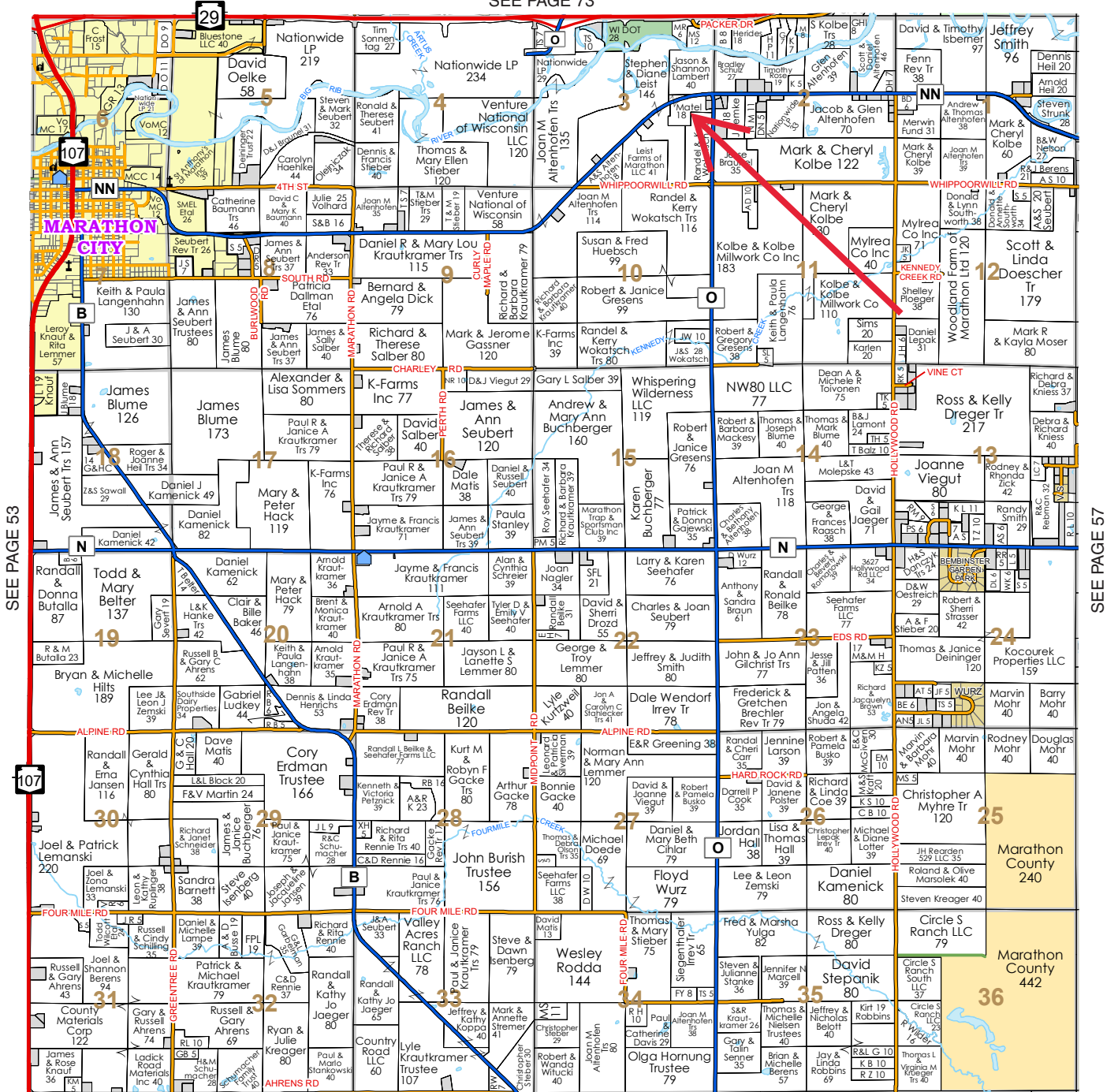


Marathon

Township 28N - Range 6E

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SEE PAGE 73



SEE PAGE 53

SEE PAGE 57

SEE PAGE 37



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 Pet Supplies & Food - Birdseed & Bird Feeders
 Leaning Tree Greeting Cards - and much more.

Located just south of Marathon City on State Hwy 107 • 715-443-2424 or 800-477-3333



Diane Leist
Petition to Rezone Land
Staff Report, April 2nd, 2024
Environmental Resources Committee

PETITIONER:

Tim Vreeland-6103 Dawn St, Weston, WI 54476

PROPERTY OWNERS:

Diane Leist-142475 County Rd NN, Marathon, WI 54448

LOCATION OF REZONE REQUEST:

Area proposed to be rezoned is located on County Rd NN just west of the intersection of County RD NN and County Rd O.

REQUEST:

The petition of Tim Vreeland on behalf of Diane Leist to amend the General Code of Ordinance for Marathon County Chapter 17 Zoning Code to rezone lands from F-P Farmland Preservation to N-C Neighborhood Commercial and N-C Neighborhood Commercial to F-P Farmland Preservation as all of lot 1 of CSM 16068 located in the Southwest ¼ of the Southeast ¼ and Northwest ¼ of the Southeast ¼, lot 1 of CSM 9724, located in the Northeast ¼ of the Southeast ¼ and that part of the Northwest ¼ of the Southeast ¼ of Section 3, Township 28 North, Range 6 East, Town of Marathon. Area to be rezoned to N-C Neighborhood Commercial is described as Lot 1 and area to be rezoned to F-P Farmland Preservation is described as Lot 2 of the preliminary CSM. Parcel # 054-2806-034-0981 and 054-2806-034-0982.

PUBLIC HEARINGS/MEETINGS:

- Town of Marathon Town Board Meeting (March 6th, 2024)
- Marathon County Environmental Resources Committee Meeting (April 2nd, 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:

F-P Farmland Preservation Zoning. The intent of this district is to maintain highly productive agricultural lands in food and fiber production by effectively limiting encroachment of non-agricultural development and minimizing land use conflicts among incompatible uses. This district is not intended to accommodate non-agricultural growth.

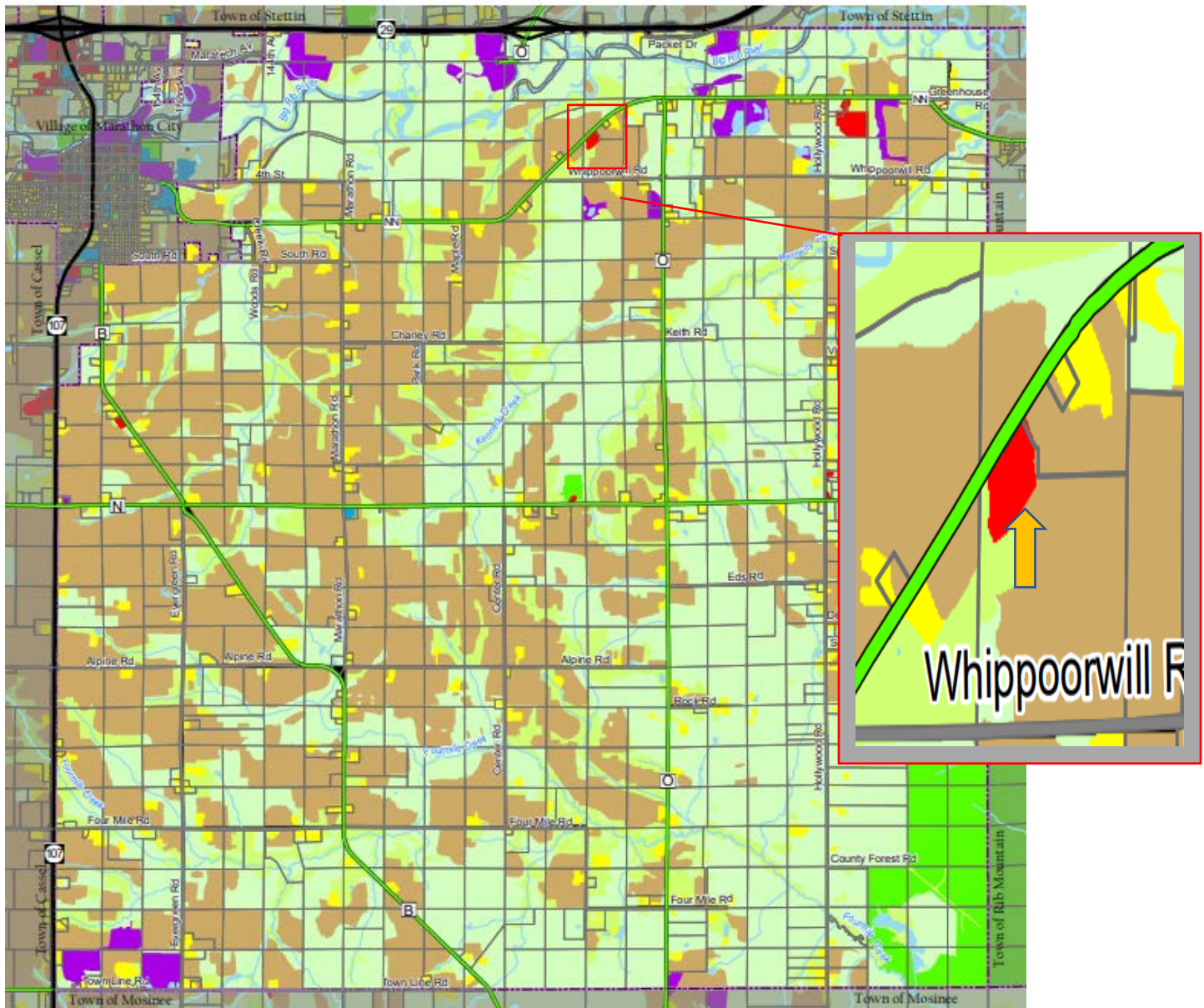
N-C Neighborhood Commercial District. The purpose of the N-C district is to accommodate the wide range of retail stores and personal service establishments which cater to frequent recurring needs.

Existing Generalized Land Use Map – Town of Marathon (Comprehensive Plan 2017) The area proposed to be rezoned is shown as Agriculture, Commercial, and Open Lands in the Town’s Comprehensive Plan Existing Land Use Map (2017). Adjacent land uses are comprised of Agriculture, Open Lands, and Single Family Residential.

Legend

- Minor Civil Divisions
- US Highway
- State Highways
- County Highways
- Local Roads
- Parcels
- Agriculture
- Commercial
- Governmental / Institutional
- Industrial
- Open Lands
- Outdoor Recreation
- Residential
- Transportation
- Water
- Woodlands

Map 5
Existing Generalized Land Use
Town of Marathon
Marathon County, Wisconsin



PROPOSED ZONING DISTRICT:

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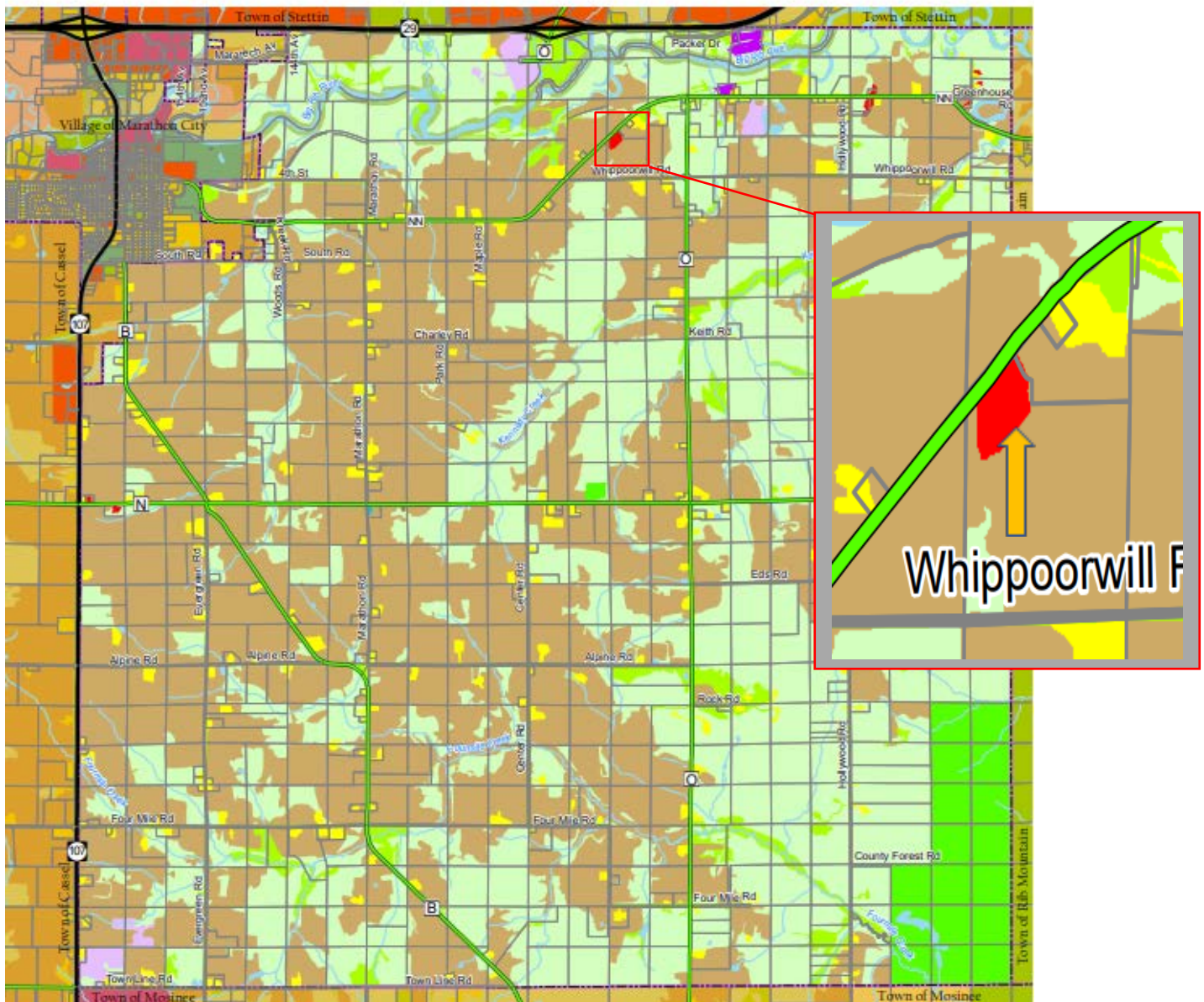
N-C Neighborhood Commercial District. The purpose of the N-C district is to accommodate the wide range of retail stores and personal service establishments which cater to frequent recurring needs.

TOWN COMPREHENSIVE PLAN FUTURE LAND USE MAP (2017 Plan): The area proposed to be rezoned is shown as Commercial and Agriculture in the Town’s Comprehensive Plan Future Land Use Map (2017). Adjacent land uses are comprised of Woodlands, Single Family Residential, Open Lands, and Agriculture.

Legend

- | | | |
|-------------------------|-----------------------------|-----------------------|
| — Minor Civil Divisions | ■ Agriculture | ■ Woodlands |
| — US Highway | ■ Agricultural/Residential | ■ Public/Quasi-Public |
| — State Highways | ■ Commercial | ■ Quarry |
| — County Highways | ■ Industrial | ■ Outdoor Recreation |
| — Local Roads | ■ Multi-Family Residential | ■ River Corridor |
| □ Parcels | ■ Single Family Residential | ■ Water |
| | ■ Open Lands | |

Map 6
Future Land Use Plan
 Town of Marathon
 Marathon County, Wisconsin



TOWN RECOMMENDATION:

On March 6th, 2024, the **Town of Marathon** 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
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- 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 Other Agriculture 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 Marathon participates 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. Area being used by NC is currently developed with no agricultural productivity.

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 Marathon 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: _____



TOWN OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. TW 2024-01

AN ORDINANCE TO APPROVE THE REZONING OF 4.20 ACRES ALONG POPLAR LANE, TOWN OF WESTON, MARATHON COUNTY, WISCONSIN.

WHEREAS, the Plan Commission of the Town of Weston having held a public hearing on the 19th day of March 2024, on the application described below for the zoning of the property described herein; and

WHEREAS, the Plan Commission having thereafter filed its written recommendations and findings with the Town Board of Supervisors, and the said Board having received and approved the recommendation of said Committee;

NOW THEREFORE, the Town Board Supervisors of the Town of Weston do ordain as follows:

SECTION 1: On the application (Project 20240040) of Nathan Wincentsen, 5310 Willow St, Weston, for the following territory now comprising a part of the AR Agriculture and Residential district, located in Section 5, Township 28 North, Range 8 East, Town of Weston, Marathon County, Wisconsin, is hereby designated to be and become hereafter part of the following zoning district:

RR-2 Rural Residential – 2 Acre: The area to be rezoned is described as Commencing at the North 1/4 corner of said Section 5; Thence North 89°19'09" East along the North line of said Fractional Northeast 1/4, 1318.25 feet to the West line of said Northeast 1/4 of the Fractional Northeast 1/4; Thence South 02°15'02" East along said West line, 775.00 feet; Thence North 89°08'12" East, 24.76 feet to the East right-of-way line of Poplar Lane and the point of beginning; Thence continuing North 89°08'12" East, 415.92 feet; Thence South 02°15'02" East, 440.00 feet; Thence South 89°08'12" West, 415.92 feet to said East right-of-way line of Poplar Lane; Thence North 02°15'02" West along said East right-of-way line, 440.00 feet to the point of beginning. That the above described parcel of land contains 182,952 square feet or 4.200 acres, more or less.

BE IT FURTHER RESOLVED that the foregoing amendment to the zoning district designation shall take effect upon the publication of this ordinance. If the rezoning of any lands by this Ordinance does not take effect within 180 days of the date hereof, this Ordinance shall become null and void and the zoning for such lands shall remain unchanged.

SECTION 2: The Clerk shall make necessary alterations upon the official map of the Town of Weston to reflect the changes in the zoning classifications of the property described herein.

SECTION 3: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid.

Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 19th day of March, 2024.

BOARD OF SUPERVISORS

By: David Phelps
~~Milt Olson, its Chair~~
David Phelps, acting chair

Attest:

Robin Huempfer
Robin Huempfer, its Clerk

APPROVED: 3/19/24

PUBLISHED: _____

STATE OF WISCONSIN)
COUNTY OF MARATHON)
TOWN OF WESTON)

RESOLUTION #TW-2024-01
COUNTY REVIEW RESOLUTION

WHEREAS, the Town Board of Supervisors of the Town of Weston has heretofore amended the Town Zoning Ordinance and accompanying Zoning Map, and;

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


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

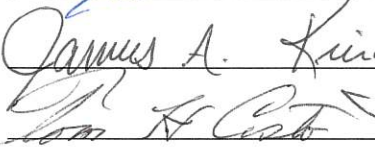
WHEREAS, the proposed amendments are compatible with the adopted comprehensive plan for the Town;

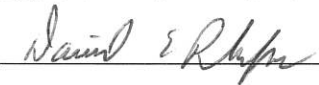
NOW, THEREFORE BE IT RESOLVED, that pursuant to §60.62(3) Wis. Stats, the Town Board of Supervisors of the Town of Weston does hereby request review by the County Zoning Committee and subsequent recommendation for County Board approval of the attached Zoning Ordinance and accompanying Zoning Map.

Dated this 19th day of March 2024.

Signed by the Board of Supervisors of the Town of Weston:



James A. King 3/19/2024


Tom A. Costello 3/19/2024


David R. Rupp 3/19/24

CERTIFICATION

I, Robin Huempfer, Clerk of the Town of Weston, Marathon County, State of Wisconsin, do 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 Supervisors of the Town of Weston on March 19, 2024.



Town Clerk (signature)

3/19/24

Date

**TOWN OF WESTON
NOTICE OF PUBLIC HEARINGS**



NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town of Weston Plan Commission, on Tuesday, March 19, 2024, at 5:30 p.m., at the Weston/Schofield Municipal Court Room, 5209 Mesker Street, Weston, WI 54476, to take testimony relative to the following:

Project # 20240040 Nathan Wincentsen, 5310 Willow St, Weston WI 54476, on behalf of HSU Family, LLP, 152736 Oriole Ln, Wausau, WI 54401, requesting a rezone of 4.2 acres from AR(Agriculture and Residential) to RR-2 (Rural Residential - 2 Acre) Zoning District, to allow for a 4.2-acre lot to be created via certified survey map. The land to be rezoned is described as part of the Northeast 1/4 of the Fractional Northeast 1/4 of Section 5, Township 28 North, Range 8 East, Town of Weston, Marathon County, Wisconsin, further described as follows:

Commencing at the North 1/4 corner of said Section 5; Thence North 89°19'09" East along the North line of said Fractional Northeast 1/4, 1318.25 feet to the West line of said Northeast 1/4 of the Fractional Northeast 1/4; Thence South 02°15'02" East along said West line, 775.00 feet; Thence North 89°08'12" East, 24.76 feet to the East right-of-way line of Poplar Lane and the point of beginning; Thence continuing North 89°08'12" East, 415.92 feet; Thence South 02°15'02" East, 440.00 feet; Thence South 89°08'12" West, 415.92 feet to said East right-of-way line of Poplar Lane; Thence North 02°15'02" West along said East right-of-way line, 440.00 feet to the point of beginning.

That the above described parcel of land contains 182,952 square feet or 4.200 acres, more or less;

The hearing notice with application materials are available for public inspection by emailing the Town of Weston clerk at twclerk@westonwi.gov or Town Zoning Administrator at jhiggins@westonwi.gov.

Written testimony must be submitted to the Town Zoning Administrator, Jennifer Higgins, 4747 Camp Phillips Road, Weston, WI 54476, or emailed to jhiggins@westonwi.gov, by noon on Tuesday, March 12, to be entered into the Public Hearing record at the meeting. All interested persons attending the Public Hearing will be given an opportunity to be heard. Any person with questions or planning to attend needing special accommodations in order to participate should call Milton Olson, Town Chair, at 715-842-5397.

Dated this 29th day of February 2024

Robin Huempfer
Town Clerk/Plan Commission Secretary

Published as a legal ad in the Wausau Daily Herald on Tuesday, March 5, 2024, and Tuesday, March 12, 2024.



Application for Rezone
**REZONE DETERMINATION BY THE TOWN OF WESTON
 PLAN COMMISSION**

Project Number: **20240040 / ORD TW 2024-001** Hearing Date: **March 19, 2024**
 Applicant: **Nathan Wincentsen, 5310 Willow St, Weston WI 54476, on behalf of HSU Family, LLP,
 152736 Oriole Ln, Wausau, WI 54401**
 Location: **East side of Poplar Lane**
 Description: **4.2 acre lot being created in Hsu’s farm field
 Section 5, Township 28 N; Range 8 E, Town of Weston, Marathon County, Wisconsin.**

The Town of Weston, pursuant to the Town of Weston Zoning Code, Article 16 Processes, Section 94.16.03 Amendments to the Official Zoning Map (Rezoning), hereby makes the following findings and evaluation to the Town of Weston Plan Commission:

GENERAL INFORMATION:

Current Zoning: **AR Agriculture and Residential**
 Definition: 94.2.02(1)(b) The AR district is primarily intended to preserve agricultural, forested, and other open lands until ripe for non-agricultural development, including residential, commercial, and industrial development, and to allow for very low density residential development.
 Proposed Zoning **RR-2 Rural Residential – 2 Acres**
 Definition: 94.2.02(1)(c) The RR-2 district is intended for mainly single family detached residential development on minimum two acre sized rural lots, along with compatible home occupations, small-scale institutional and recreational uses, and low-intensity agricultural uses. Development within this district may be served by private on-site wastewater treatment systems (POWTS), and roadways within a rural cross section.
 Future Land Use: **Single Family Residential - Unsewered**
 FLU Description: Single family residences, home occupations, small-scale institutional, recreational, and agricultural uses, all served by private waste treatment (septic) systems.

DETERMINATION:

1. Is the proposed rezoning consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?
Yes.
2. Does the rezoning further the purpose and intent of this Chapter?
Yes, this rezoning is furthering purposes:
(2) Implementing the Comprehensive Plan to the extent possible under zoning;
(6) Encouraging the protection of natural resources;
(7) Preventing the overcrowding of land and undue concentration of population;
(8) Preserving and enhancing property values;
(11) Managing growth and the impacts of land development; and
(12) Preserving and enhancing community appearance and quality of life.
3. Does rezoning address any of the following that are not properly addressed on the current Official Zoning Map?
 1. A mistake was made in mapping on the Official Zoning Map. That is, an area is or has developed in a manner and purpose different from that for which it is mapped. If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the Town may intend to stop an undesirable land use pattern from being perpetuated.

2. Factors have changed, such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes, making the subject property more appropriate for a different zoning district.
3. **Growth patterns or rates have changed, thereby creating the need for a rezoning.**

4. Does the proposed zoning district maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

Yes.

BACKGROUND INFORMATION:

New 4 acre parcel will be created from a farm field HSU’s owns along Poplar Ln. The new owner has submitted plans for a new single family home.

STAFF ANALYSIS AND COMMENT:

Staff is in favor of this rezone and the proposed Certified Survey Map.

CURRENT PROPERTY CONDITIONS:

Existing farm field located across the street from the Greenwood Hills Golf Course and residential development.

PLAN COMMISSION ACTION OPTIONS [Process is outlined in Sec. 94.16.03(6)]:

- 1) Plan Commission recommends approval of the rezone request and forwards the recommendation on to the Town Board at the March 19, 2024, meeting.
- 2) Plan Commission recommends denial of the rezone request and forwards the recommendation on to the Town Board at their March 19, 2024, meeting.
- 3) Plan Commission takes no action, and the request moves on to the Town Board at their March 19, 2024, meeting with no recommendation.

ACTIONS TAKEN:

Town Plan Commission Determination – 3/19/24	RECOMMEND APPROVAL & FORWARD TO BOARD
Town Board of Supervisors Action – 3/19/24	APPROVE
County Board of Supervisors Action –	APPROVE / DENY

STATE OF WISCONSIN)
COUNTY OF MARATHON)
TOWN OF WESTON)

RESOLUTION #TW-2024-01
COUNTY REVIEW RESOLUTION

WHEREAS, the Town Board of Supervisors of the Town of Weston has heretofore amended the Town Zoning Ordinance and accompanying Zoning Map, and;

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


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

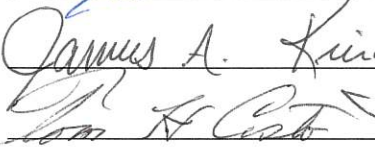
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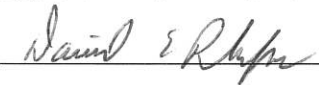
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Dated this 19th day of March 2024.

Signed by the Board of Supervisors of the Town of Weston:



James A. King 3/19/2024


Tom A. Costello 3/19/2024


David R. Rupp 3/19/24

CERTIFICATION

I, Robin Huempfer, Clerk of the Town of Weston, Marathon County, State of Wisconsin, do 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 Supervisors of the Town of Weston on March 19, 2024.



Town Clerk (signature)

3/19/24

Date



TOWN OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. TW 2024-01

AN ORDINANCE TO APPROVE THE REZONING OF 4.20 ACRES ALONG POPLAR LANE, TOWN OF WESTON, MARATHON COUNTY, WISCONSIN.

WHEREAS, the Plan Commission of the Town of Weston having held a public hearing on the 19th day of March 2024, on the application described below for the zoning of the property described herein; and

WHEREAS, the Plan Commission having thereafter filed its written recommendations and findings with the Town Board of Supervisors, and the said Board having received and approved the recommendation of said Committee;

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BE IT FURTHER RESOLVED that the foregoing amendment to the zoning district designation shall take effect upon the publication of this ordinance. If the rezoning of any lands by this Ordinance does not take effect within 180 days of the date hereof, this Ordinance shall become null and void and the zoning for such lands shall remain unchanged.

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Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 19th day of March, 2024.

BOARD OF SUPERVISORS

By: David Phelps
~~Milt Olson, its Chair~~
David Phelps, acting chair

Attest:

Robin Huempfer
Robin Huempfer, its Clerk

APPROVED: 3/19/24

PUBLISHED: _____

REZONE EXHIBIT MAP



Town of Weston Marathon County, WI



OFFICIAL ZONING MAP



Map Date: 3/5/2024
Adoption Date: 4/18/2018



LEGEND

Poplar Ln Parcel

MUNICIPAL FEATURES

ETZ Extraterritorial Zoning Boundary

Town of Weston Unincorporated Boundary

City of Wausau

Right-of-Way

Surface Water

Wetlands

Parcels

ZONING DISTRICTS

AR - Agriculture and Residential

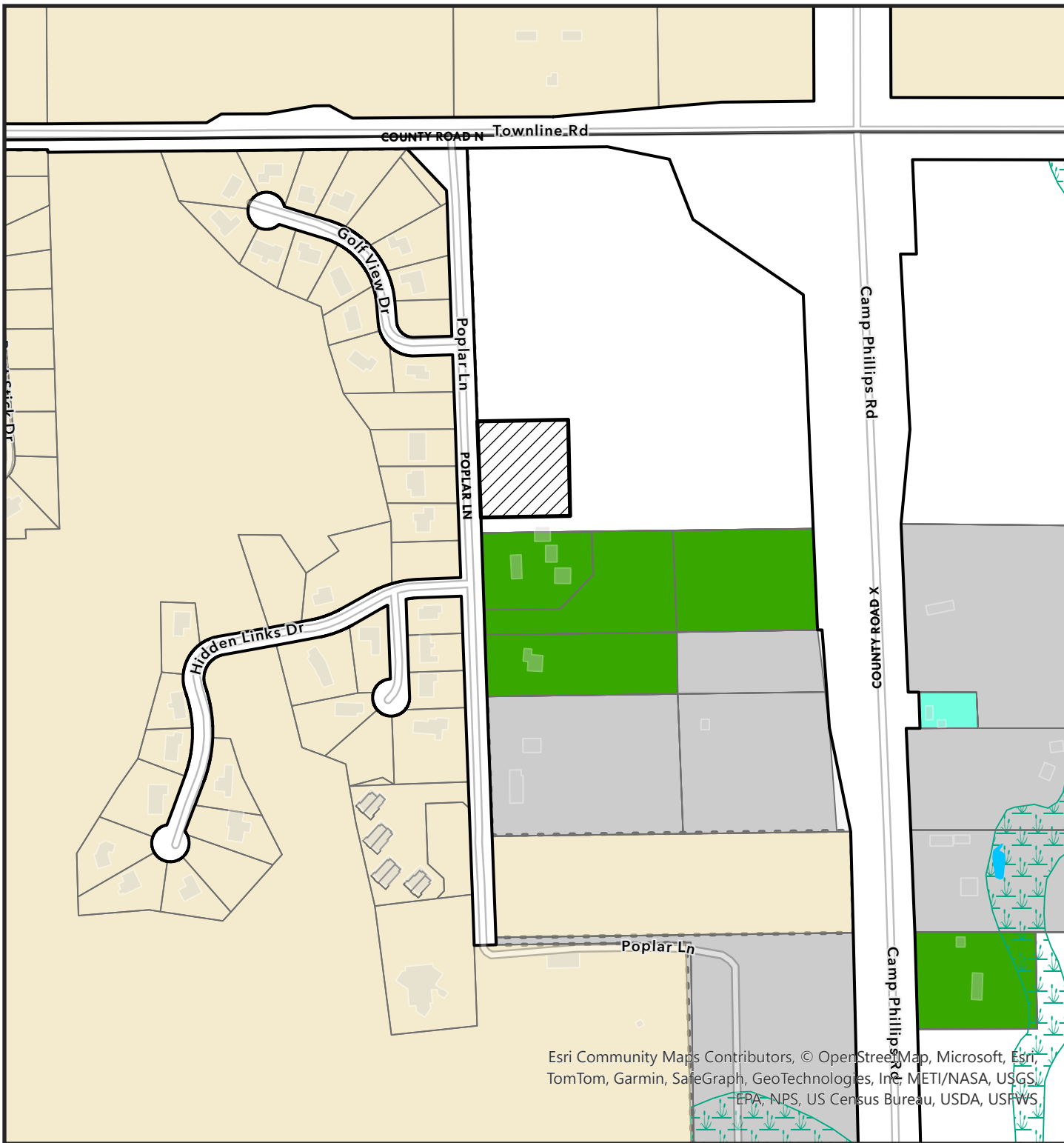
INT - Institutional

RR-2 - Rural Residential-2 Acre

RR-5 - Rural Residential-5 Acre

SF-L - Single Family Residential-Large Lot

SF-S - Single Family Residential-Small Lot



Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

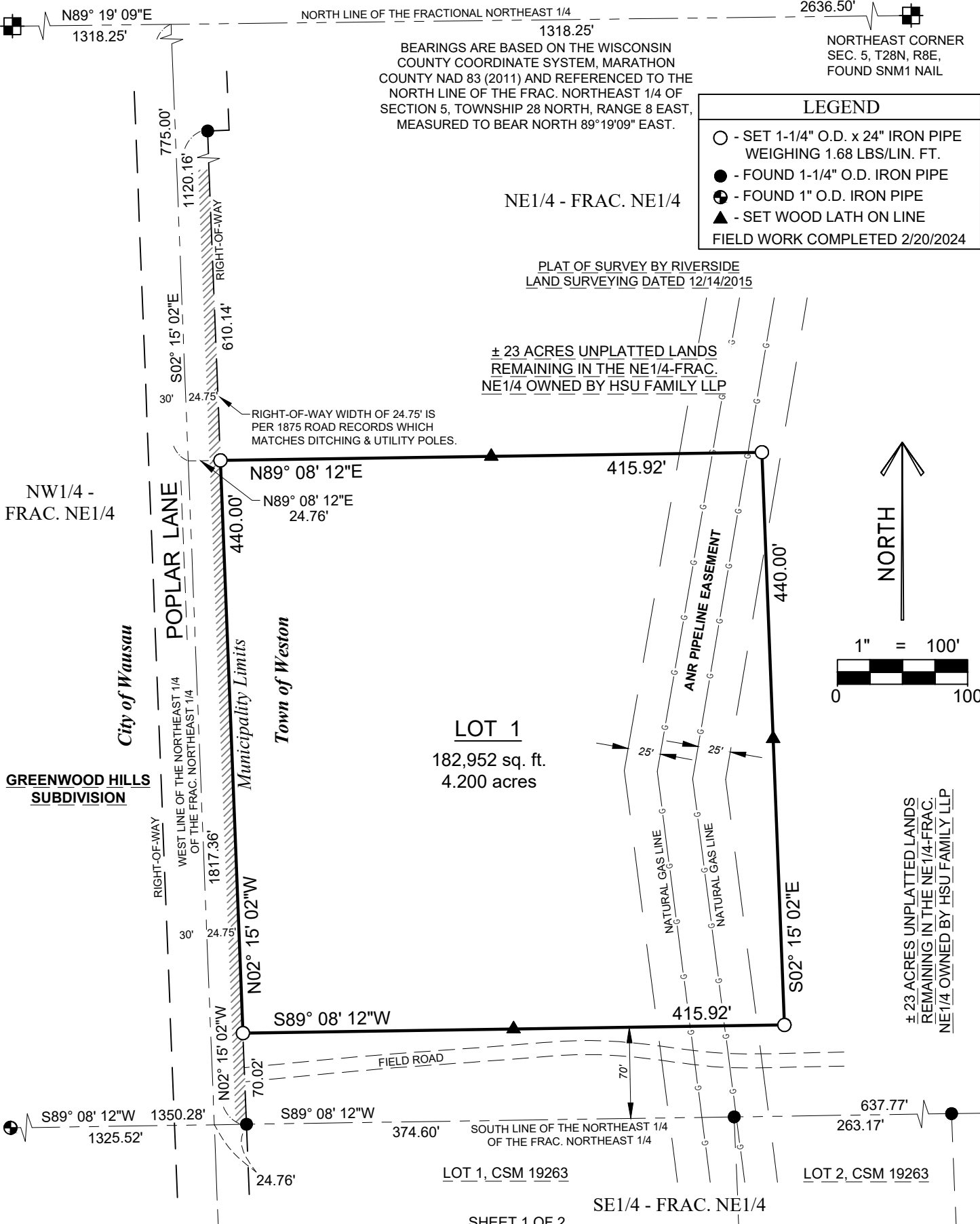
PRELIMINARY

MARATHON COUNTY CERTIFIED SURVEY MAP NO.

Of part of the Northeast 1/4 of the Fractional Northeast 1/4 of Section 5,
Township 28 North, Range 8 East, Town of Weston, Marathon County,
Wisconsin.

NORTH 1/4 CORNER
SEC. 5, T28N, R8E,
FOUND SNM1 NAIL

NOTE:
OWNERS WILL HAVE TO PREPARE AND RECORD DEEDS TO
TRANSFER TITLE RIGHTS TO LOT 1 AS SHOWN HEREON.



RIVERSIDE LAND SURVEYING LLC

5310 WILLOW STREET, WESTON, WI 54476 PH 715-241-7500 - FAX 715-355-6894
email - mail@riversidelandsurveying.com

DRAWN BY M.F.L.	DATE FEBRUARY 20, 2024
CHECKED BY N.J.W.	PROJECT NO. 4289
PREPARED FOR: HSU FAMILY LLP	

TOWN OF RIETBROCK, MARATHON COUNTY, WISCONSIN
AN ORDINANCE CREATING SECTION NO. ____
ENTITLED “WIND ENERGY SYSTEM SITING”

The Town Board of the Town of Rietbrock, Marathon County, Wisconsin, do ordain as follows:

SECTION 1: Section No. ____, entitled “Wind Energy System Siting”, of the Town of Rietbrock is hereby created to provide as follows:

(1) Findings and Purpose.

(a) Wind Energy Systems, while an increasingly important part of a renewable energy portfolio, can have certain adverse impacts. In this regard, the Town finds that the report issued by the National Research Council entitled “Impacts of Wind-Energy Projects,” May 2007, addresses several important public health and safety issues relative to wind energy facilities that require regulation by the Town. With these concerns in mind, the Town Board of the Town of Rietbrock finds and declares that:

1. The Wisconsin State Constitution and State Statutes require government officials to protect the health, safety, and well-being of their Town.
2. Poor planning by government officials has often resulted in the creation of problem industries that adversely affect public health and quality of life, compromise aesthetics, and degrade Town character. Wind Energy Systems are not exempt from those problems, and careful siting and protections are of paramount importance.
3. Regulation of the siting and installation of Wind Turbines is necessary for protection of the health, safety, and well-being of neighboring property owners, the general public, the local economy, local ecosystems, and regional military facilities.
4. The findings set forth in this section are cumulative and interactive and they shall be liberally interpreted in conjunction with one another.
5. Wind Energy Systems have increased significantly in number and can potentially be sited without sufficient regard to their impact on the health, welfare, and safety of residents, especially in small, rural communities.
6. While wind energy is a semi-renewable energy resource of electricity generation, and under some circumstances it may reduce the use of nonrenewable energy sources, the possible benefits must be balanced against potential negative impacts to local citizens, local economy, local ecosystems, and regional military facilities.

7. Wind Energy Systems represent significant potential negative aesthetic and environmental impacts because of their enormous size, lighting, and shadow flicker effects.
8. Wind Energy Systems represent significant potential negative aesthetic and environmental impacts because of their disruption of views and skylines, especially in rural communities without many high, unnatural structures.
9. The Town has many scenic viewsheds, and some of these would be negatively impacted by Wind Energy Systems.
10. Construction of Wind Energy Systems can create traffic problems and damage local roads.
11. The Town's geology includes erodible soils and high-water tables. The Town's geology may be incompatible with certain development. Risks include aquifer and well water contamination via soil overburden infilling on shallow bedrock.
12. If not properly regulated, installation of Wind Energy Systems in areas with similar geology have the potential to create numerous additional drainage paths which may allow contaminated ground water to directly enter into the aquifer below. For instance, construction of miles of wide gravel access roads increases the number of drainage paths for the contaminated water to contaminate drinking water for the Town and other nearby communities.
13. Installation of Wind Energy Systems can create drainage problems through erosion and lack of sediment control of facilities and access road sites and harm farmlands through construction methods utilized.
14. Independent experts have concluded that industrial wind energy turbines can adversely affect meteorology up to fifteen (15) miles away. The resulting changes such as lower humidity levels can result in reduced regional agriculture yields.
15. A Wind Energy System may be a significant source of noise and vibration for the Town. These can have negative health impacts on nearby residents, particularly in quiet rural areas. These can also negatively affect the quiet enjoyment of the area, properties, and quality of life of residents. According to various medical experts and the World Health Organization, the infrasound component of such noise can be the most problematic.
16. Independent studies have shown that infrasound generated from Wind Energy System's can have adverse effects on human health.

17. The Wind Energy System noise and vibration may also negatively affect wildlife. Some noise and vibration impact on wildlife relate to predator-prey behaviors, mating opportunity, and other behaviors that can adversely impact wildlife populations and diversity.

18. Our Town boasts many species of birds and is a habitat for many species of wildlife, both year-round and seasonal.

19. Independent experts (e.g., ornithologists) have concluded that the Wind Turbines kill large quantities of birds. Especially troublesome are the raptors that are killed.

20. Independent experts (e.g., chiropterologists) have concluded that bats killed by Wind Turbines can result in an appreciable reduction in regional agricultural yields. Estimates have been done for every U.S. County, and these experts have projected that this could adversely affect our local economy by more than 1.2 million dollars a year.

21. In certain circumstances, Wind Energy Systems can cause electromagnetic interference with various types of communications, including cell phones, radios, and television.

22. Wind Energy Systems without proper setbacks, can adversely affect property values, which can cause economic hardship to property owners. Reductions in property values could reduce our Town's tax base, resulting in a tax rate increase on all Town property owners.

23. Review of professional and legal literature demonstrates there can be serious legal and economic downsides for landowners entering into complicated and one-sided lease/easement contracts written by Wind Energy System developers not available for public review and discussion.

24. Wind Energy Systems have the potential to adversely interfere with orderly development of the Town, including single-family residences by making such construction unappealing.

25. The Town and its citizens desire to maintain the pastoral, rural nature of this region. Wind Energy Systems are in conflict with the culture and character of the Town.

(b) The purpose of this Ordinance is to adopt and incorporate the requirements of Wis. Stat. § 66.0401 and Wis. Admin. Code PSC Ch. 128 as a local ordinance and to establish local regulations on the installation and use of Wind Energy Systems that serve to preserve or protect the public health or safety; or do not significantly increase the cost of the system or significantly decrease its efficiency; or allow for an alternative system of comparable cost and efficiency.

(2) **Authority.** This Ordinance is adopted pursuant to Wis. Stat. § 66.0401 and Wis. Admin. Code PSC Ch. 128.

(3) **Definitions.** Terms found in this Ordinance shall have the same meaning as defined in Wis. Admin. Code PSC § 128.01 unless noted specifically below or unless context requires otherwise.

(a) Agricultural use means any of the following activities for the purpose of producing an income or livelihood: crop or forage production, keeping livestock, beekeeping, nursery, sod or Christmas tree farming, floriculture, aquaculture, fur farming, forest management, or enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

(b) Community Building means a school, church, or similar place of worship, daycare facility, public library, or other community building.

(c) Confined Animals means an animal on a lot or in a facility where animals are or will be stabled or confined and fed or maintained.

(d) dBA means a-weighted decibels which is a measurement of the relative loudness of sounds in air as perceived by the human ear.

(e) Decommissioning means removal of all of the following:

- a. The above ground portion of a wind energy system, including wind turbines and related facilities, except for access roads if removal has been waived by the property owner.
- b. Underground collector circuit facilities.
- c. Those portions of concrete structures 4 feet or more below grade.

(f) kW means a Kilowatt.

(g) Large Wind Energy System or large wind means a Wind Energy System that has a total installed nameplate capacity of more than three hundred (300) kilowatts and that consists of individual Wind Turbines that have an installed nameplate capacity of more than one hundred (100) kilowatts.

(h) Line-of-Sight Communications means the direct path from a transmitter to a receiver.

(i) Maximum Blade Tip Height means the nominal hub height plus the nominal blade length of a wind turbine, as listed in the wind turbine specifications provided by the wind

turbine manufacturer. If not listed in the wind turbine specification, Maximum blade tip height means the actual hub height plus the blade length.

(j) Meteorological Measuring Device means an instrument, such as an anemometer that measures wind speed.

(k) Nameplate Capacity means the maximum rated output of a wind turbine under specific conditions designated by the manufacturer.

(l) Owner means a person with a direct ownership interest in a wind energy system, regardless of whether the person was involved with acquiring the necessary rights, permits, and approvals, or otherwise planning for the construction and operation of a wind energy system.

- a. At the time a wind energy system is being developed, a person who is acting as a wind energy system developer by acquiring the necessary rights, permits, and approvals for or by planning for the construction and operation of a wind energy system, regardless of whether the person will own or operate the wind energy system.

(m) Participating Property means any of the following:

- a. A turbine host property.
- b. Real property that is subject of an agreement that does all of the following:
 - i. Provides for the payment of monetary compensation to the landowner from an owner regardless of whether any part of a wind energy system is constructed on the property.
 - ii. Specifies in writing any waiver of a requirement or right under this chapter and that the landowner's acceptance of payment establishes the landowner's property as a participating property.

(n) Participating Residence means a residence located on participating property.

(o) Participating Resident means a residence located on a participating property.

(p) Permit means a zoning permit issued by the Town.

(q) PSC refers to Wisconsin Administrative Code PSC.

(r) Nonparticipating Property means real property that is not a participating property.

(s) Nonparticipating Residence means a residence located on nonparticipating property.

(t) Shadow Flicker means a pattern of moving shadows caused by sunlight shining through moving wind turbine blades resulting in alternating changes in light intensity.

(u) Small Wind Energy System or small wind means a Wind Energy System that has a total installed nameplate capacity of three hundred (300) kilowatts or less and that consists of individual Wind Turbines that have an installed nameplate capacity of not more than one hundred (100) kilowatts.

(v) Turbine Host Property means real property on which at least one wind turbine is located.

(w) Wind Access Easement means a written document that creates a legal interest in real property that restricts the use of the property to avoid interference with the wind resource on another property.

(x) Wind Energy System Easement means a written document that creates a legal interest in real property that permits an owner to place, construct, or operate a wind turbine or other wind energy system facility on the property.

(y) Wind Energy System means equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy.

(z) Wind Turbine means a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator. Wind Turbine includes a nacelle, rotor, tower, pad transformer, and other appurtenant structures and/or facilities.

(aa) Windmill means a wind-driven machine that does not produce electricity.

(4) Permit requirement and fee.

(a) The Owner, or his agent, shall apply for and receive a zoning permit from the Town before a proposed Wind Energy System is installed, constructed, or expanded. The Owner shall obtain a zoning permit before any such work can commence. The Owner shall pay an application review fee, which is applied to the cost of reviewing the application. The Owner shall pay a separate permit fee before any permit is issued. All fees shall as from time to time be set by the Town Board.

(b) Costs:

1. The Owner is responsible for paying all costs incurred by the Town in connection with the review and processing of the application, including the cost for services provided by outside attorneys, engineers, environmental specialists, planners, and other consultants and experts deemed necessary by the Town.

2. The Town shall invoice the Owner for the actual and necessary costs incurred pursuant to this Ordinance. The Owner will be provided fifteen (15) days from the date of the invoice to reimburse the Town.

3. The Town is authorized to contract with one (1) or more engineers, environmental specialists, planners, and other consultants and experts to perform necessary services in connection with the application for a Wind Energy System.

(5) **Permit expiration and extension.** A Zoning Permit issued under this Ordinance shall expire if at least fifty-one (51) percent of the project construction has not been completed within twelve (12) months of the permit issue date. An extension may be requested in writing to the Town Board for up to twelve (12) additional months provided the original permit has not yet expired. The Town Board may grant an extension provided the project is not inconsistent with any subsequently enacted law, rule, or regulation.

(6) **Application requirements.**

(a) For small Wind Energy Systems, the Owner shall file an application with the Town that, at a minimum, includes the following information:

1. Wind Energy System description and maps showing the locations of all proposed wind energy facilities. The description and maps shall include:

a. The location of each Wind Turbine.

b. Each Wind Turbine's setback distance from the closest Wind Energy System boundary.

c. Access roads and turnout locations.

d. Location of wells, abandoned or active, adjacent to the Wind Energy System.

2. Technical description of Wind Turbines and Wind Turbine sites.

3. Timeline and process for constructing the Wind Energy System.

4. Information regarding anticipated impact of the Wind Energy Systems on local infrastructure.

5. Information regarding noise and infrasound anticipated to be attributable to the Wind Energy System.

6. Information regarding noise and infrasound of the area where the Wind Energy System will be located prior to construction of the Wind Energy System.

7. Information regarding shadow flicker anticipated to be attributable to the Wind Energy System.
8. Information regarding the anticipated effects of the Wind Energy System on existing land uses adjacent to the Wind Energy System.
9. Information regarding the anticipated effects of the Wind Energy System on airports and airspace.
10. Information regarding the anticipated effects of the Wind Energy System on Line-of-Sight Communications.
11. A list of all state and federal permits required to construct and operate the Wind Energy System.
12. Information regarding the planned use and modification of roads during the construction, operation, and decommissioning of the Wind Energy System, including a process for assessing road damage caused by Wind Energy System activities and for conducting road repairs at the owner's expense.
13. A signed consent form from all Participating Residences affected by the Wind Energy System.
14. A representative copy of all notices issued under PSC § 128.10(5) and PSC § 128.105(1), which are: Pre-application notice. At least sixty (60) days before an Owner files an application to construct a Wind Energy System, an Owner shall use commercially reasonable methods to provide written notice of the planned Wind Energy System to all of the following:
 - a. Adjacent landowners to the planned Wind Turbine host property; and
 - b. Political subdivisions within which the Wind Energy System may be located.

(b) For large Wind Energy Systems, the Owner shall file an application with the Town that, at a minimum, includes the following information:

1. All information required under sec. (6)(a)1-6 and 8-11 of this Ordinance.
2. Information regarding the anticipated effects of the Wind Energy System on existing land uses within one (1) mile of the Wind Energy System.
3. A representative copy of all notices issued under PSC §§ 128.105(1) and 128.42, which are:

a. PSC § 128.105(1): Pre-application notice. At least ninety (90) days before the Owner files an application to construct a Wind Energy System, the Owner shall use commercially reasonable methods to provide written notice of the planned Wind Energy System to all of the following:

a. Land owners within one mile of the planned Wind Turbine host property.

b. Political subdivisions within which the Wind Energy System may be located.

c. Emergency first responders and air ambulance service providers serving the political subdivisions within which the Wind Energy System may be located.

d. The Wisconsin Department of Transportation.

e. The Public Service Commission.

f. The Wisconsin Department of Natural Resources.

g. The Wisconsin Department of Agriculture, Trade and Consumer Protection.

h. The Office of the Deputy Undersecretary of the U.S. Department of Defense.

b. PSC § 128.42(1): Notice of process for making complaints. Before construction of a Wind Energy System begins, an owner shall provide written notice of the process for making complaints and obtaining mitigation measures to all residents and landowners within one (1) mile of any Wind Energy System facility. An owner shall include in the notice the requirements under PSC § 128.40(1) for submitting a complaint to the Owner, a petition for review to the political subdivision, and an appeal to the commission, and shall include a contact person and telephone number for the owner for receipt of complaints or concerns during construction, operation, maintenance, and decommissioning.

4. A copy of all emergency plans developed in collaboration with appropriate first responders under PSC § 128.18(4)(b). An Owner may file plans using confidential filing procedures as necessary.

5. A decommissioning and site restoration plan providing reasonable assurance that the Owner will be able to comply with PSC § 128.19.

(c) For all applications, the Owner shall ensure that information contained in the application is accurate.

(d) Evidence shall be included for all applications to show that, on the same day an owner filed an application under this Ordinance, the owner did use commercially reasonable methods to provide written notice of the filing of the application to property owners and residents as required under PSC §§ 128.10 (5), 128.105(1) and 128.42 as applicable.

(7) Application processing.

(a) Within forty-five (45) days of receiving the application, the Zoning Administrator shall notify the Owner in writing whether the application is complete and, if it is not, what the Owner must do in order to make it complete.

1. The Owner shall provide the additional information specified in the notice to the Zoning Administrator within sixty (60) days of the date of the notice.
2. An additional forty-five (45)-day completeness review period shall begin the day after the Zoning Administrator receives responses to all items identified in the notice under subsection 1.
3. If the Owner fails to provide additional information specified in the notice to complete the application within sixty (60) days of the date of the notice, the application shall be deemed abandoned. The Owner may file a new application at a later date, subject to payment of a new application fee. There is no limit to the number of times that an Owner may file an application.
4. An application shall be deemed complete if it complies with the filing requirements of section (6) of this Ordinance and of PSC § 128.50.

(b) A date and time for a public hearing before the Plan Commission on the application shall be set as soon as possible after receiving a complete application. The Plan Commission shall publish a class 2 notice, under Wis. Stat. Ch. 985 stating that an application has been filed with the Town. The notice shall include a brief description of the proposed Wind Energy System and its proposed location, the locations where the application is available for public review, the method and time period for the submission of public comments to the Plan Commission, and the approximate schedule for review of the application by the Town.

(c) The Plan Commission shall recommend and the Town Board shall consider the following criteria when determining whether to deny or grant an application:

1. Conflicts with safety and safety-related codes and requirements.
2. How the area where the proposed Wind Energy System is zoned.

3. Whether the operation of the Wind Energy System in the proposed location would create unacceptable risks to public health or safety.
4. Conflicts with any provision of this Ordinance.
5. Such other considerations the Town Board or Plan Commission determines is reasonable and pertinent.

(d) The Town Board and Plan Commission shall make a record of its decision making on an application, including a written record of the public hearing, copies of documents submitted at the public hearing, and copies of any other documents provided to the Town in connection with the application.

(e) The Town Board shall base its decision and the Plan Commission shall base its recommendation on an application on written findings of fact that are supported by the evidence in the record of the public hearing.

(f) The Town Board shall grant or deny an application for a Wind Energy System no later than ninety (90) days after the day on which it notifies the Owner that the application for approval is complete. The Town Board may extend this time period in writing provided the extension is done during the initial ninety (90)-day period. Any combination of the following extensions may be granted:

1. An extension of up to forty-five (45) days if the Town Board needs additional information to determine whether to approve or deny the application.
2. An extension of up to ninety (90) days if the Owner makes a material modification to the application.
3. An extension of up to ninety (90) days for other good cause specified in writing by the Town. If the Town fails to act within the initial ninety (90) days, or within any extended time period, the application is considered approved.

(g) The Town Clerk shall provide a written decision to the Owner and the Public Service Commission.

(h) The Town Board may enter into a development agreement with an Owner that supersedes in whole or in part the requirements of this Section.

(8) **Revocation of Permit.** Approval of an application may be rescinded by the Town Board if construction of the Wind Energy System is not in conformance with the approved plans. A deviation from the approved plans shall constitute a violation of this Ordinance.

(a) The Town Board shall notify the Owner of the date, time, and place of the meeting at which the revocation shall be considered at least twenty (20) days prior to the meeting at which the case will be considered. The Owner shall be given the opportunity to present

information and to answer questions. The Town Board, as appropriate, may revoke approval if it finds that a violation exists and has not been remedied prior to the meeting.

(9) Real property provisions.

(a) Easement recording required. A Wind Energy System easement or wind access easement shall be recorded under Wis. Stat. Ch. 706. A Wind Energy System easement or wind access easement shall include the term of the easement and a full legal description of the property subject to the easement.

(b) Wind lease and waiver provisions. A Wind Energy System lease and any waiver under sections (9)(d) and (14)(b) shall hold harmless and indemnify the real property owner for all of the following:

1. Any violation of federal, state or local law by the Owner of the Wind Energy System.
2. Any damages or bodily injury caused by the construction, operation or decommissioning of the Wind Energy System.

(10) Existing property uses.

(a) Land use and commercial enterprises. An Owner shall make reasonable efforts to ascertain and accommodate any land use or commercial enterprise located on a nonparticipating property within one (1) mile of a proposed Wind Turbine site if the land use or commercial enterprise exists when the Owner gives notice under PSC § 128.105(1), or if complete publicly-available plans for construction are on file with a political subdivision within thirty (30) days of the date the Owner gives notice under PSC § 128.105(1).

(b) Land use and commercial enterprises – Small wind. Subsection (a) applies to small Wind Energy Systems but only for existing land uses and enterprises that are located on adjacent nonparticipating properties.

(c) Agricultural use. An Owner shall design a Wind Energy System to reasonably minimize the conversion of land from agricultural use.

(11) Shadow flicker.

(a) Planning.

1. The shadow flicker requirements in this section apply to a nonparticipating residence or Community Building that exists when the Owner gives notice under PSC § 128.105(1) or for which complete publicly-available plans for construction

are on file with a political subdivision within thirty (30) days of the date on which the Owner gives notice under PSC § 128.105(1).

2. An Owner shall design the proposed Wind Energy System to minimize shadow flicker at a residence or Community Building to the extent reasonably practicable.

3. An Owner of a large Wind Energy System shall use shadow flicker computer modeling to estimate the amount of shadow flicker anticipated to be caused by a Wind Energy System and shall design the Wind Energy System so that computer modeling indicates that no nonparticipating residence or Community Building will experience any shadow flicker under planned operating conditions.

(b) Shadow flicker limits. An Owner shall operate the Wind Energy System in a manner that does not cause any shadow flicker at a nonparticipating residence or Community Building. If a nonparticipating residence or Community Building experiences any shadow flicker under the Wind Energy System's normal operating conditions, the Owner shall use operational curtailment to comply with this subsection.

(c) Shadow flicker mitigation.

1. An Owner of a Wind Energy System shall work with an Owner of a nonparticipating residence or Community Building to mitigate the effects of shadow flicker to the extent reasonably practicable.

2. An Owner of a large Wind Energy System shall provide reasonable shadow flicker mitigation at the Owner's expense for a nonparticipating residence or Community Building experiencing shadow flicker.

3. An Owner of a large Wind Energy System shall model shadow flicker and a nonparticipating residence or Community Building is eligible for mitigation if computer modeling shows that there will be shadow flicker at the nonparticipating residence or Community Building. An Owner of a nonparticipating residence or Community Building is not required to document the actual hours per year of shadow flicker if modeling indicates the nonparticipating residence or Community Building is eligible for mitigation. A nonparticipating residence or Community Building that experiences shadow flicker based on records kept by the resident of a nonparticipating residence or the occupant of a Community Building shall also be eligible for mitigation.

4. An Owner of a large Wind Energy System may provide shadow flicker mitigation for any residence or Community Building in addition to the mitigation required under subsection 2.

5. The requirement under subsection 2. to mitigate shadow flicker applies when the Owner of a large Wind Energy System receives a complaint or request

for mitigation regarding shadow flicker for an eligible nonparticipating residence or Community Building. If shadow flicker mitigation is required, the Owner of the Wind Energy System shall allow the owner of the nonparticipating residence or Community Building to choose a preferred reasonable mitigation technique, including installation of blinds or plantings at the Wind Energy System Owner's expense.

(d) Waiver. Upon request by an Owner of a Wind Energy System, an owner of an affected nonparticipating residence or Community Building may relieve the Wind Energy System Owner of a requirement under subsection (b) or (c)2. at the affected nonparticipating residence or Community Building by written contract with the Wind Energy System Owner.

(e) Notification.

1. Before entering into a contract under subsection (d), a large Wind Energy System Owner shall provide notice of the requirements of this section to individual owners of an affected nonparticipating residence or Community Building.

2. Before the initial operation of the large Wind Energy System, a large Wind Energy System Owner shall provide notice of the requirements of this section to an owner of a nonparticipating residence or Community Building within one (1) mile of a constructed Wind Turbine that has not entered into a contract under subsection (d).

(12) Signal interference.

(a) Planning.

1. Except as provided in section (11)(d), the signal interference requirements in this section apply to commercial communications and personal communications in use when the Wind Energy System begins operation.

2. An Owner shall use reasonable efforts to avoid causing interference with commercial communications and personal communications to the extent practicable.

3. An Owner may not construct Wind Energy System facilities within existing Line-of-Sight Communications paths that are used by government or military entities to provide services essential to protect public safety. The Town may require an Owner to provide information showing that Wind Turbines and other Wind Energy System facilities will be in compliance with this paragraph.

(b) Commercial communications interference mitigation. An Owner of a large Wind Energy System shall use reasonable and commercially available technology to mitigate interference caused by a Wind Energy System with commercial communications in use

when a Wind Energy System begins operation. Before implementing mitigation measures, the Owner shall consult with affected parties regarding the preferred mitigation solution for commercial communications interference problems. Except as provided in section 11(d), an Owner shall mitigate commercial communications interference caused by the Wind Energy System by making the affected party's preferred reasonable mitigation solution effective until either the Wind Energy System is decommissioned or the communication is no longer in use, whichever is earlier.

(c) Personal communications interference mitigation.

1. An Owner of a large Wind Energy System shall use reasonable and commercially available technology to mitigate interference with personal communications in use when a Wind Energy System begins operation caused by a Wind Energy System. The Town may require an Owner to use reasonable and commercially available technology to mitigate interference with personal communications that were not in use when the Wind Energy System began commercial operation, if a Wind Energy System is causing the interference and the interference occurs at a location at least one (1) mile from a Wind Turbine.

2. Before implementing mitigation measures, the Owner of a large Wind Energy System shall consult with affected parties regarding the preferred mitigation solution for personal communications interference problems. Except as provided in section (11)(d), an Owner shall mitigate personal communications interference caused by the Wind Energy System by making the affected party's preferred reasonable mitigation solution effective until either the Wind Energy System is decommissioned or the communication is no longer in use, whichever is earlier.

(d) Mitigation protocol. The Town may, under a protocol established under PSC § 128.50(2), require an Owner to implement a new mitigation solution that becomes commercially available before the Wind Energy System is decommissioned to address interference for which mitigation is required under section (11)(b) or 11(c) and for which the original mitigation solution implemented is only partially effective.

(13) **Stray voltage.**

(a) Testing required.

1. An Owner shall work with the local electric distribution company to test for stray voltage at all dairy and confined animal operations within one (1) mile of a Wind Energy System facility pursuant to the stray voltage protocol established by the commission before any Wind Energy System construction activity that may interfere with testing commences and again after construction of the Wind Energy System is completed, except as otherwise specified by commission staff under subsection 2.

2. Before any testing under subsection 1. begins, an Owner shall work with the Town to determine the manner in which stray voltage testing will be conducted and on which properties. The electric distribution company serving a dairy or confined animal operation where testing is required under subsection 1. shall conduct or arrange to conduct all required testing at the expense of the Owner.

(b) Results of testing. An Owner and the electric distribution company shall provide to the commission and the Town staff the results of all stray voltage testing in writing.

(c) Requirement to rectify problems. An Owner shall work with the electric distribution company and farm Owner to rectify any stray voltage problems attributable to the construction and operation of the Wind Energy System, in compliance with the commission's stray voltage protocol.

(14) Lighting.

(a) Large Wind Energy Systems:

1. An Owner shall use shielding or control systems approved by the federal aviation administration to reduce visibility of light to individuals on the ground.

(b) Small Wind Energy Systems:

1. A small Wind Energy System may be artificially lighted only if lighting is required by the Federal Aviation Administration.

2. An Owner shall use shielding or control systems approved by the Federal Aviation System to reduce visibility of light when viewed from the ground.

(15) Noise.

(a) The noise generated by the operation of a Wind Energy System may not exceed thirty-five (35) dBA for no more than five (5) minutes in one occurrence, as measured at the outside wall of a nonparticipating residence or Community Building that existed when the Owner gave notice pursuant to PSC § 128.105(1) or for which complete publicly available plans for construction were on file with the Town within thirty (30) days of the date when the Owner gave notice pursuant to PSC § 128.105(1).

(b) The Owner of an adjacent nonparticipating residence or adjacent Community Building may relieve the Owner of the small Wind Energy System of the requirement to meet any of the noise limits in this section by written contract as provide in PSC § 128.14(5) and (6).

(c) The Owner shall provide the notice as prescribed by PSC § 128.14(6)(b) and PSC § 128.61(4) as applicable.

(d) If an Owner receives a complaint of a violation of the noise standards contained in PSC 128.14 and the Owner has not provided the Town with the results of an accurate test conducted within ninety (90) days of the date of the complaint showing that the Wind Energy System is in compliance with the noise standard at the location relating to the complaint, the Owner shall promptly conduct a noise study to evaluate compliance with the noise standards at that location using the most current version of the noise measurement protocol as described in PSC § 128.50(2).

(e) In the event audible noise due to Wind Energy System operations contains a steady pure tone, such as a whine, whistle, screech, or hum, the Owner shall promptly take corrective action to permanently eliminate that noise. This paragraph does not apply to sound the Wind Energy System produces under normal operating conditions.

(16) Setbacks.

(a) An Owner shall measure Wind Turbine setback distances as a straight line from the vertical centerline of the Wind Turbine tower to the nearest point on the permanent foundation of a building or residence or to the nearest point on the property line or feature, as applicable.

(b) An Owner shall work with owners of Participating and Nonparticipating Properties to site Wind Turbines to minimize individual hardships.

(c) For small Wind Energy Systems:

1. A small Wind Energy System must be set back at least one (1.0) times the maximum blade tip height from any nonparticipating property line, nonparticipating residence, Community Building, or overhead communication and electrical transmission line, not including utility service lines to individual houses or outbuildings.

2. The owner of an adjacent nonparticipating property, adjacent nonparticipating residence or adjacent Community Building may waive the required setback distance by providing a written agreement with the Owner to the Town.

(d) For large Wind Energy Systems:

1. A large Wind Energy System shall comply with the following setbacks distances as follows:

a. A Large Wind Energy System shall be setback no less than one (1) mile or 3.1 times the maximum blade tip height, whichever is greater, from Community Buildings.

b. A Large Wind Energy System shall be setback no less than 1.1 times the maximum blade tip height from Participating Residences.

c. A Large Wind Energy System shall be setback no less than one (1) mile or 3.1 times the maximum blade tip height, whichever is greater, from Nonparticipating Residences.

d. A Large Wind Energy System shall be setback no less than one (1) mile or 3.1 times the maximum blade tip height, whichever is greater, from Nonparticipating Property line.

e. A Large Wind Energy System shall be setback no less than one 1.1 times the maximum blade tip height from overhead communication and electric transmission or distribution lines, not including utility service lines to individual houses or outbuildings.

f. A Large Wind Energy System shall be setback no less than one 1.1 times the maximum blade tip height from public road rights-of-way.

g. There shall be no minimum setback for a Large Wind Energy System from Participating Property lines and overhead utility services lines, including lines to individual houses and outbuildings.

2. The owner of a Nonparticipating Residence or Community Building may waive the applicable Wind Turbine Setback distances in Table 1 for those structures to a minimum setback distance of 1.1 times the maximum blade tip height. The owner of a Nonparticipating Property may waive the applicable Wind Turbine Setback distance in Table 1 from a nonparticipating property line.

(e) Wind Energy Systems shall meet the noise decibel requirements of Section (15)(a) and shadow flicker requirements of Section (11) at said setbacks.

(17) **Material change/modifications.** An Owner may not make a material change in the approved design, location or construction of a Wind Energy System without the prior written approval of the Town. An Owner shall submit an application for a material change to an approved Wind Energy System to the Town. The Town may not reopen the merits of the earlier approval, but shall consider only those issues relevant to the proposed change. An application for material change is subject to PSC § 128.35. At its discretion, the Town may hold at least one (1) public meeting to obtain comments on and to inform the public about a proposed material change to an approved Wind Energy System.

(18) **Ownership change.** An Owner shall provide the Town with notice of any change in ownership of the Wind Energy System thirty (30) days before the effective date of the change. A notice of change in ownership of a large Wind Energy System shall include information showing that the financial responsibility for decommissioning specified under this Ordinance will be met by the new Owner.

(19) **Construction, operation, and maintenance.** Physical characteristics are as follows:

(a) An Owner may not display advertising material or signage other than warnings, equipment information, or indicia of ownership on a Wind Turbine. An Owner may not attach any flag, decorative sign, streamers, pennants, ribbons, spinners, fluttering, or revolving devices to a Wind Turbine. An Owner may attach a safety feature or wind monitoring device to a Wind Turbine.

(b) An Owner shall ensure that a Wind Turbine has a conventional or unobtrusive finish.

(c) An Owner shall install lighting at a Wind Energy System that complies with standards established by the federal aviation administration. A political subdivision may not establish lighting requirements for a Wind Energy System that conflict with standards established by the federal aviation administration. A political subdivision may require use of shielding or control systems approved by the federal aviation administration to reduce visibility of lighting to individuals on the ground.

(d) An Owner shall take appropriate measures to ensure that a Wind Turbine is not readily climbable except by authorized personnel.

(e) An Owner shall ensure that all Wind Turbine access doors and electrical equipment are locked when authorized personnel are not present.

(f) An Owner shall place appropriate warning signage on or at the base of each Wind Turbine.

(g) An Owner of a large Wind Energy System shall post and maintain up-to-date signs containing a 24-hour emergency contact telephone number, information identifying the Owner, and sufficient information to identify the location of the sign within the Wind Energy System. An Owner shall post these signs at every intersection of a Wind Energy System access road with a public road and at each Wind Turbine location.

(h) An Owner shall clearly mark guy wires and supports for a Wind Energy System, meteorological tower or other device for measuring wind speeds so that the wires and supports are visible to low flying aircraft under fair weather conditions.

(20) **Electrical standards.**

(a) An Owner shall construct, maintain, and operate collector circuit facilities in a manner that complies with the national electrical safety code and PSC Ch. 114 and shall construct, maintain, and operate all Wind Energy System facilities in a manner that complies with the national electrical code.

(b) An Owner of a large Wind Energy System shall construct collector circuit facilities for a Wind Energy System underground to the extent practicable.

(c) An Owner of a large Wind Energy System shall establish an inspection schedule for all overhead collector circuits to ensure that third-party facilities, including cable television and telecommunications cables, are not attached or bonded to overhead collector circuit grounding. If third-party facilities are found attached to the overhead collector facilities, the Owner shall ensure that the third-party facilities are promptly removed.

(21) Construction, operation and maintenance standards.

(a) An Owner shall construct, operate, repair, maintain and replace Wind Energy System facilities as needed to keep the Wind Energy System in good repair and operating condition and in a manner that protects individuals from injury.

(b) Large Wind Energy Systems.

1. An Owner of a large Wind Energy System shall carry general liability insurance relating to claims for property damage or bodily injury arising from the construction, operation, and decommissioning of the Wind Energy System and shall include turbine host property owners as additional insured persons on the policy.

- a. The Owner's insurance policy shall provide sufficient coverage for any personal injuries, deaths, or property damage that could be caused by the Wind Energy System.
- b. The Owner's insurance policy shall provide a level of coverage that is mutually agreeable with the Town.
- c. The insurance policies shall contain an endorsement obligating the insurance company to provide the Town with thirty (30) days written notice in advance of an Owner's policy cancelation.
- d. Prior to construction of a Wind Energy System, the Owner shall deliver to the Town a copy of each of the policies or certificates representing the Owner obtained the necessary insurance.

2. An Owner shall minimize soil compaction, topsoil mixing and damage to drainage systems on agricultural land during the construction or decommissioning of the Wind Energy System. An Owner shall store any topsoil removed during the construction of a Wind Energy System for land reclamation after decommissioning. The topsoil shall be stored on the Participating Property and stored and placed in a location and manner, in cooperation with the Participating Property Owner.

3. An Owner shall utilize all applicable best practices in the placement, construction, operation, and maintenance of its wind energy facilities in order to minimize soil compaction, protect the topsoil, prevent topsoil mixing, and avoid and repair any damage to drainage systems on agricultural land.

4. An Owner shall describe the applicable best practices that it intends to use in the placement, construction, operation, and maintenance of its wind energy facilities in its application.

5. Except for the area physically occupied by the large Wind Energy System facilities, an Owner shall restore the topography, soils and vegetation of the project area to original condition after construction is complete, unless otherwise provided in a contract signed by an affected landowner, considering any modifications needed to comply with the Wisconsin Department of Natural Resources requirements.

(22) Security.

(a) The Wind Energy Systems shall be located, fenced, or otherwise secured to prevent unauthorized access.

(b) The Wind Energy System shall be made inaccessible to individuals and constructed or shielded in such a manner that it cannot be climbed or collided with.

(c) The Wind Energy System shall be installed in such a manner that is readily accessible only to persons authorized to operate or service it.

(d) The Owner shall not install any video surveillance at a height exceeding ten (10) feet from ground level unless approved by the Town Board.

(23) Emergency procedures for small Wind Energy Systems. An Owner shall notify a political subdivision of the occurrence and nature of a Wind Energy System emergency within twenty-four (24) hours of the Wind Energy System emergency.

(24) Emergency procedures for large Wind Energy Systems.

(a) An Owner shall notify the Town of the occurrence and nature of a Wind Energy System emergency within twenty-four (24) hours of the Wind Energy System emergency.

(b) An Owner shall establish and maintain liaison with the Town and with fire, police, and other appropriate first responders serving the Wind Energy System to create effective emergency plans that include all of the following:

1. A list of the types of Wind Energy System emergencies that require notification under subsection (a).

2. Current emergency contact information for first responders and for the Wind Energy System Owner, including names and phone numbers.
3. Procedures for handling different types of Wind Energy System emergencies, including written procedures that provide for shutting down the Wind Energy System or a portion of the system as appropriate.
4. Duties and responsibilities of the Owner and of first responders in the event of a Wind Energy System emergency.
5. An emergency evacuation plan for the area within one (1) mile of any Wind Energy System facility, including the location of alternate landing zones for emergency services aircraft.

(c) The Owner shall review the emergency plan at least annually in collaboration with fire, police and other appropriate first responders to update and improve the emergency plan as needed.

(d) The Owner shall distribute current copies of the emergency plan to the Marathon County Emergency Management Department, fire, police and other appropriate first responders as identified by the Town.

(e) The Town may require the Owner to provide, at the Owner's expense, annual training for fire, police, and emergency manager, the Town, and other appropriate first responders regarding responding to a Wind Energy System emergency until the Wind Energy System has been decommissioned.

(f) An Owner of a large Wind Energy System shall do all of the following:

1. Furnish its operator, supervisors and employees who are responsible for emergency action a copy of the current edition of the emergency procedures established under this subsection to ensure compliance with those procedures.
2. Train the appropriate operating personnel to ensure they have knowledge of the emergency procedures and verify that the training is effective.
3. As soon as possible after the end of a Wind Energy System emergency, review employee activities to determine whether the procedures were effectively followed.

(25) **Third-party construction inspector.** For a large Wind Energy System, the Town may contract with a third-party inspector to monitor and report to the Town regarding the Owner's compliance with permit requirements during construction. The inspector monitoring compliance under this section shall also report to a state permitting authority upon the state permitting authority's request. The inspector shall make monthly written

reports to the Town. The Owner shall reimburse the Town for the actual and necessary cost of the inspector.

(26) Post-construction filing requirement.

(a) Within ninety (90) days of the date a large Wind Energy System commences operation, the Owner shall file with the Town and the public service commission an as-built description of the Wind Energy System, an accurate map of the Wind Energy System showing the location of all Wind Energy System facilities, geographic information system information showing the location of all Wind Energy System facilities, and current information identifying the Owner of the Wind Energy System.

(b) An Owner shall label each Wind Turbine location described in its filing and shown on the map of the Wind Energy System with a unique identifier consistent with the information posted at the Wind Turbine location under section (18)(g).

(27) Compliance Monitoring. This section applies to large Wind Energy Systems only.

(a) An Owner shall maintain a maintenance log for each Wind Turbine. The log must contain the following information:

1. Date and time maintenance was performed;
2. Nature of the maintenance performed; and
3. Reason for the maintenance.

(b) An Owner shall, at the Owner's expense, provide the Town with a copy of the maintenance log for each Wind Turbine for each month to the Town.

(c) The Town may retain such consultants or experts as it deems necessary to assess and determine whether the Wind Energy System facilities are compliant or to assess whether the Wind Energy System facilities are being maintained in good repair and operating condition.

(28) Information.

(a) An Owner shall, within thirty (30) days of consulting with any federal or state agency about the construction, operation, or decommissioning of the Wind Energy System, provide the Town with information about the reason for the consultation.

(b) An Owner shall, within thirty (30) days of receiving any non-binding recommendation for the construction, operation, or decommissioning of the Wind Energy System from any federal or state agency, provide the Town with information about the consultation.

(29) **Studies.** An Owner shall cooperate with any study of the effects of Wind Energy Systems that is coordinated by a state agency.

(30) **Abandonment and decommissioning.**

(a) For small Wind Energy Systems:

1. A small Wind Energy System that does not generate electricity for a continuous period of five hundred forty (540) days will be deemed abandoned and the Town may issue a notice of abandonment to the Owner.

2. If, within thirty (30) days of receipt of a notice of abandonment, the Owner provides the Town with information showing that the small Wind Energy System has not been abandoned, the Town will withdraw the notice.

3. Unless the Town withdraws the notice of abandonment, a small Wind Energy System tower must be decommissioned as prescribed by PSC § 128.19. If the Owner fails to remove a small Wind Energy System and reclaim the site, the Town may remove or cause the removal of the small Wind Energy System and arrange for the reclamation of the site. The cost of removal and reclamation will become a lien upon the property and may be collected in the same manner as property taxes.

(b) For large Wind Energy Systems:

1. An Owner of a large Wind Energy System shall decommission and remove the Wind Energy System when the system is at the end of its useful life.

2. A large Wind Energy System is presumed to be at the end of its useful life if the large Wind Energy System generates no electricity for a continuous three hundred sixty (360)-day period. This presumption may be rebutted under subsection 3.

3. Upon application by the Owner, and except as provided in subsection 4., the Town may grant an extension of the time period for returning the Wind Energy System to service by one or more additional one hundred eighty (180)-day periods if the Owner demonstrates it is likely the Wind Energy System will operate again in the future and any of the following occur:

a. The Owner submits a plan to the Town that demonstrates an ongoing good faith effort to return the large Wind Energy System to service and outlines the steps and schedule for returning the large Wind Energy System to service in a reasonable period of time, including by repairing, replacing or repowering the large Wind Energy System facilities as necessary to generate electricity.

b. The Owner demonstrates that the large Wind Energy System is part of a prototype or other demonstration project being used for ongoing research or development purposes.

c. The Owner demonstrates that the large Wind Energy System is being used for educational purposes.

4. The Town may deny a request for an extension under subsection 3. if the large Wind Energy System has not generated any electricity for a continuous period of five hundred forty (540) days or more and the Town finds that the Owner is not capable of returning the Wind Energy System to service within a reasonable period of time.

5. A large Wind Energy System is irrefutably presumed to be at the end of its useful life if the large Wind Energy System generates no electricity for a period of five hundred forty (540) days and any of the following occur:

a. The Owner does not request an extension of the time period for returning the large Wind Energy System to service under subsection 3.

b. The Town denies a request for an extension under subsection 4. and any appeal rights have expired.

6. When decommissioning is required, the Owner shall begin decommissioning within three hundred sixty (360) days after the large Wind Energy System has reached the end of its useful life. The Owner shall complete decommissioning and removal of the large Wind Energy System within five hundred forty (540) days after the large Wind Energy System has reached the end of its useful life.

(31) **Decommissioning review.** An Owner of a large Wind Energy System with a nameplate capacity of one (1) megawatt or larger shall file a notice of decommissioning completion with the Town and any political subdivision within which its Wind Energy System facilities are located when a Wind Energy System approved by the Town has been decommissioned and removed.

(a) The Town shall conduct a decommissioning review to determine whether the Owner has decommissioned and removed the Wind Energy System as required by PSC § 128.19 and whether the Owner has complied with its site restoration obligation under PSC § 128.19(4). Owner shall pay the actual costs incurred by Town during the decommissioning review.

(b) The Owner shall cooperate with the Town by participating in the decommissioning review process.

(32) **Financial responsibility – large Wind Energy System.**

(a) An Owner of a large Wind Energy System with a nameplate capacity of one (1) megawatt or larger shall provide the Town with financial assurance of the Owner's ability to pay the actual and necessary cost to decommission the Wind Energy System before commencing any construction activities.

(b) An Owner shall provide the Town with three (3) estimates of the actual and necessary cost to decommission the Wind Energy System. The cost estimates shall be prepared by third parties agreeable to the Owner and the Town. The amount of financial assurance required by the Town will be the average of the three (3) estimates.

(c) An Owner, prior to the start of construction of a Wind Energy System, shall provide the Town an Irrevocable Letter of Credit. The Letter or Credit shall be substantially similar to the form provided by the Town and approved by the Town and shall be from an FDIC insured financial institution. The Letter of Credit shall be payable at sight to the Town, authorize partial draws, and shall include a provision requiring that the Town be given written notice not less than 45 days nor more than 60 days prior to expiration of the Letter of Credit. The Letter of Credit shall be payable to the Town at any time upon presentation of the following:

- a. A sight draft drawn on the issuing bank in the amount to which the Town is entitled;
- b. An affidavit executed by the Town Chairman certifying the Town's request under subsection (d).; and
- c. The Letter of Credit. The Letter of Credit shall bear an expiration date set by the Town Board.

(d) The Letter of Credit shall provide that the funds may be used for decommissioning the Wind Energy System until such time as the Town determines that the Wind Energy System has been decommissioned, as provided for in PSC § 128.19(5)(b), or the Town approves the release of the funds, whichever occurs first and to cover any other costs incurred by the Town under this Section. The financial assurance must also provide that the Town may access the funds for the purpose of decommissioning the Wind Energy System if the Owner does not decommission the system when decommissioning is required.

(e) The Town may periodically request information from the Owner regarding industry costs for decommissioning the Wind Energy System. If the Town finds that the future anticipated cost to decommission the Wind Energy System is at least ten (10) percent more or less than the amount of financial assurance provided under this section, the Town may correspondingly increase or decrease the amount of financial assurance required. The Town may not adjust the financial assurance under this paragraph more often than once in a five (5)-year period.

(f) The Town may require an Owner to submit a substitute financial insurance of the Owner's choosing if an event occurs that raises material concern regarding the viability of the existing financial assurance. The Owner shall provide proof of the substitute financial insurance within 60 days of receiving notice from the Town that a concern regarding the viability of existing financing exists.

(33) **Large Wind Energy System Indemnification.** An Owner shall indemnify the Town. The Owner shall defend, indemnify, protect, hold safe, hold harmless, and exempt the Town, and its officers, Board members, committees, councils, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, cost or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by delivery, construction, erection, modification, location, equipment's performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Wind Energy System, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the Town or its employees or agents. With respect to the penalties, damages, or charges referenced herein, reasonable attorney's' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the Town.

(34) **Complaint process for Wind Energy Systems.**

(a) An aggrieved person who has made a complaint to an Owner in accordance with PSC § 128.40 may petition the Town for review of the complaint if it has not been resolved within forty-five (45) days of the day the Owner received the original complaint.

(b) The petition for review must be filed with the Town within ninety (90) days of the date of the original complaint and shall contain the following:

1. Name, address, and telephone number of the person filing the petition;
2. Copy of the original complaint to the Owner;
3. Copy of the Owner's original response;
4. Statement identifying the specific Wind Turbine or site of the problem;
5. Statement describing the unresolved complaint;
6. Statement describing the desired remedy;
7. Any other information the complainant deems relevant to the complaint;
and
8. Notarized signature of the person filing the petition.

(c) The Town shall forward a copy of the petition to the Owner by certified mail within ten (10) days of the Town receiving the petition.

(d) The Owner shall file an answer to the petition with the Town and provide a copy of its answer to the complainant within thirty (30) days of its receipt of the petition.

(e) The answer must include the following:

1. Name, address, and telephone number of the person filing the answer;
2. Statement describing the actions taken by the Owner in response to the complaint.
3. Statement of the reasons why the Owner believes that the complaint has been resolved or why the complaint remains unresolved;
4. Statement describing any additional action the Owner plans or is willing to take to resolve the complaint;
5. Any other information the Owner deems relevant to the complaint; and
6. Notarized signature of the person filing the answer.

(f) The complainant and the Owner may, within thirty (30) days following the Owner's filing of its answer, file such additional information with the Town as each deems appropriate.

(g) The Town may request such additional information from the complainant and the Owner as it deems necessary to complete its review.

(h) The Town may retain such consultants or experts as it deems necessary to complete its review. The cost of the Town's consultants or experts shall be paid for by the Owner.

(i) The Town shall issue a written decision and may take such enforcement action as it deems appropriate with respect to the complaint.

(j) The decision of the Town and enforcement action is subject to review under Wis. Stat. § 66.0401(5).

(35) Additional process for large Wind Energy Systems.

(a) An Owner shall comply with the notice requirements contained in PSC § 128.42(1).

(b) An Owner, before construction of a large Wind Energy System begins, shall provide the Town with a copy of the notice issued pursuant to PSC § 128.42(1), along with

a list showing the name and address of each person to whom the notice was sent and a list showing the name and address of each political subdivision to which the notice was sent.

(c) An Owner shall, before construction of a large Wind Energy System begins, file with the Town the name and telephone number of the Owner's contact person for receipt of complaints or concerns during construction, operation, maintenance, and decommissioning. The Owner shall keep the current name and telephone number of the contact person on file with the Town.

(d) Pursuant to PSC § 128.41, a monitoring committee may be established to oversee resolution of complaints regarding a Wind Energy System.

(36) Violations.

(a) It is unlawful for any person to violate any provision of this Ordinance.

(b) It is unlawful for any person to knowingly provide false information, make a false statement, fail to provide, or misrepresent any material fact to a Town agent, board, commission, committee, department, employee, official, or officer acting in an official capacity under this Ordinance.

(c) It is unlawful for a person to disobey; fail, neglect, or refuse to comply with; or otherwise resist a permit or order issued pursuant to this Ordinance.

(37) Enforcement.

(a) Authority. The Town shall enforce this Ordinance and may conduct inspections and investigate complaints relating to compliance with this Ordinance.

(b) Inspection authority. The Town Board may request permission to inspect, at a reasonable time and date, any premises or structure for which a permit has been applied for or granted to determine compliance with this Ordinance. Refusal to grant permission is grounds for denial or revocation of a permit. If permission is not given, the Town Board may apply for, obtain, and execute a special inspection warrant pursuant to Wis. Stat. § 66.0119. The Owner shall pay for the actual costs of any inspection by the Town.

(c) Notice of noncompliance. If the Town Board finds a violation of any provision of this Ordinance, the Town Board may issue a written notice to the Owner stating the conditions of non-compliance, specifying the action required to come into compliance, and providing a reasonable amount of time within which compliance is required.

(d) Permit revocation authority. The Town Board may revoke a permit for noncompliance with any provision of this Ordinance, refusal to permit inspection of Wind Energy Systems facilities for which a permit has been granted, or failure to comply with the action requirement contained in a notice of noncompliance.

(e) Other enforcement means. Nothing in this section may be construed to prevent the Town from using any other lawful means to enforce this Ordinance.

(38) Penalties.

(a) A person will, upon conviction for any violation of this Ordinance, shall forfeit not less than One Hundred and 00/100 Dollars (\$100.00) nor more than One Thousand and 00/100 (\$1,000.00) for each offense, together with the costs of prosecution for each violation, and may be ordered to take such action as is necessary to abate the offense within a specified time. Each day a violation continues to exist or occur shall constitute a separate offense.

SECTION 2: If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is found invalid or unconstitutional by a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: This Ordinance shall take effect and be in full force and effect from and after its passage and publication or posting as required by law.

Adopted this ____ day of _____, 2024.

TOWN BOARD, TOWN OF RIETBROCK

BY: _____
Lyonel D. Wisnewski, Chairman

ATTEST:

Jody Davis, Town Clerk

ADOPTED: _____

PUBLISHED/POSTED: _____

TOWN OF RIETBROCK- PUBLIC HEARING AGENDA

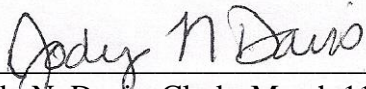
Date: Monday March 11, 2024

Time: 8:00 PM

Place: Rietbrock Town Hall

AGENDA

1. Introduction of the Wind Energy System Siting ordinance.
2. Public Comment regarding Wind Energy System Siting ordinance.
3. Planning Commission action, prepare a recommendation for Town Board on Wind Energy System Siting ordinance.



Jody N. Davis, Clerk- March 11, 2024

**NOTICE OF PUBLIC HEARING
FOR THE TOWN OF RIETBROCK**

Notice is hereby given that on March 11th, 2024, at 8:00 PM, at the Rietbrock Town Hall, a **PUBLIC HEARING** on the PROPOSED DRAFT of the “Wind Energy System Siting” ordinance will be held. Copies of the ordinance are available in the clerk’s office, 232681 Meridian Road, Athens, WI 54411. Phone: 715-257-7014.

Jody Davis, Clerk
Town of Rietbrock
February 26, 2024

To: TP Printing, fax 223-3505
Please place this notice in the February 29, 2024 and March 7, 2024 editions of The Record Review.
Thank you,
Jody Davis, 715-257-7014

NOTICE OF PUBLIC HEARING FOR THE TOWN OF RIETBROCK

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Agenda:

1. Introduction of the Wind Energy System Siting ordinance.
2. Public Comment regarding Wind Energy System Siting ordinance.
3. Planning Commission action, prepare a recommendation for Town Board on Wind Energy System Siting ordinance.

Jody Davis, Clerk
Town of Rietbrock
February 26, 2024

March 14, 2024

A special board meeting of the Town Board of Rietbrock was held Thursday March 14, 2024, at the Rietbrock Town Hall. Board members Lyonel Wisnewski, Todd Thurs, Sherry Literski, and Jody Davis were present. Lyonel called the meeting to order at 7:32PM.

There were three visitors (plus five Board members).

A motion was made by Mark, 2nd by Todd to adjust adopt the Public Participation Plan (PPP) for Comprehensive Plan updates currently being pursued. MC

There were no updates for the American Rescue Plan Act (ARPA).

Lyonel and Sherry will be attending the WTA District meeting on March 16th. Jody will be attending on March 18th-19th virtual meetings.

The Zoning and Planning Committee will meet on April 18th, 2024, at 8PM with North Central Wisconsin Regional Planning Commission (NCWRPC) to work on the Comprehensive Plan Updates.

The Zoning/Planning commission update included the recommendation for the Wind Energy System Siting Ordinance.

A motion was made by Lyonel, 2nd by Todd to approve the Wind Energy System Siting Ordinance presented at the March 11th public hearing with the minor revisions presented by the Zoning/Planning Commission to be effective upon County approval. MC

The Clerk will take the next actions to forward ordinance to Marathon County.

In the roads report, Lyonel spoke about completing the culvert inventory.

A motion was made by Lyonel, 2nd by Mark to return the inventory form to the state indicating the Town of Rietbrock will complete their own inventory. MC

The paperwork needs to be completed indicating how the inventory is going to be completed and will be submitted by the clerk.

Permits: Zoning Permits: None
 Utility Permits: None
 New Culvert/Driveway Permits: None
 Sanitation Permits: None
 New Holding Tank Agreements: None
 New Surveys: None
 Fire Runs: Matteon Deaton
 New Addresses: None
 Special Assessments: Jordan Gajewski

Lyonel addressed Town Issues. With the Kenneth Reuter property, expected property to be cleaned up by July 4th, 2024.

There was a fire incident that occurred on February 18, 2024, that may have damaged the

Meridian Road bridge pavement. In addition, there was town labor that occurred as part of this incident. The board will advise of next actions. The fire run was billed per our town ordinance.

Todd made a motion, 2nd by Mark to set the Open Book date to April 29th, 2024, 6:30-8:30PM and the Board of Review (BOR) to May 6th, 2024, 6:30-8:30PM. MC

The annual newsletter was reviewed with board input on additional content.

Public comments were heard.

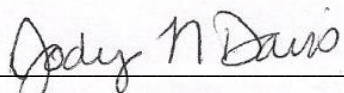
Correspondence was read.

The board went into Executive Session at 9:38PM under WI STATS 19.85(1)(B)(C) for the purpose of considering employment, compensation, or performance evaluation data of public employees over which the board had jurisdiction and exercises responsibility.

Executive session ended at 10:28PM

Todd made a motion, 2nd by Lyonel, to adjourn the meeting. MC

The meeting adjourned at 10:30 PM.



Jody N Davis - Clerk, March 14, 2024

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.~~ Storage/Shipping Containers located in the U-R, L-D-R, R-R, R-E, and C-V/R-C zoning districts are subject to the following standards.
 - a. The exterior shall be painted or sided in a manner to match the character of the use to which they are accessory, as well as the district of which they are located.
 - b. Shall not be used for human habitation.
 - c. Should interior plumbing be present structure shall conform to Marathon County General Code of Ordinances Chapter 15-Private Sewage Code.
 - d. Shall be located in the side or rear yard of the property.
 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.
 3. Storage/shipping containers are prohibited in areas meeting the definition of a Major Subdivision as defined in [Marathon Chapter 18](#).
- 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.

DEFINITION:

Storage/Shipping container. A structure/container designed for the storage and/or shipment of goods by means of boat, train or truck. Such storage containers are self-contained units which do not have axles or wheels directly attached to them. These containers may be used as permanent accessory structures in some zoning districts, as well as for the temporary storage and/or the moving of small amounts of goods, supplies, construction waste, or equipment. [Items such as semi-trailers, box trucks, box vans, any portion of, or similar items placed on the ground are considered vehicles, not shipping/storage containers.](#)

Chapter 18-Land Division and Surveying Regulations

Subdivision Major. Any subdivision classified as a County, State, Condominium, Planned Unit Development, or Conservation Plat.

DRAFT