



# MARATHON COUNTY ENVIRONMENTAL RESOURCES COMMITTEE AGENDA

Date & Time of Meeting: **Tuesday, January 4, 2022 at 3:00 p.m.**

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

**Committee Members:** Jacob Langenhahn - Chair; Sara Guild, -Vice-chair; Rick Seefeldt, Allen Drabek, Bill Conway, Randy Ffrick, Dave Oberbeck, Vacant - FSA Member, Marilyn Bhend – WI Towns & Villages Association (non-voting member)

**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: 146 270 5670**

**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. 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, 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.)*

## **3. Approval of November 30, 2021 Committee minutes**

## **4. 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. James Gardner on behalf of Dean Krubsack – R-E Rural Estate to R-R Rural Residential – Town of Plover
2. Tim Vreeland on behalf of Dale Taylor – G-A General Agriculture to R-R Rural Residential – Town of Guenther
3. Public testimony on the text amendment changes to the General Code of Ordinances for Marathon County Chapter 11.02 Animal Waste Management Ordinance Code <https://bit.ly/3kXDjNc>

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

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

D. Review and Possible Action

1. Environmental Repair Fund Status
2. Zoning & Regulatory Program Staffing Restructure

## **5. Educational Presentations/Outcome Monitoring Reports and Committee Discussion**

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

1. CPZ – Zoning Ordinance – Education on proposed revisions (memo)
  - a. Chapter 17 Zoning Code
  - b. Open House: Tuesday, January 18<sup>th</sup>; 10AM – 4:30 PM; 210 River Drive, Large Conference Room

**MARATHON COUNTY  
ENVIRONMENTAL RESOURCES COMMITTEE  
AGENDA**

- 2. Update on Fenwood Creek
  - a. Funding utilizing local Fiscal Recovery Funds
  - b. UniverCity Project results

**6. Policy Issues Discussion and Committee Determination to the County Board for its Consideration**

**7. Next meeting February 1, 2022 3:00 pm Assembly Room and future agenda items:**

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


**8. 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: 12/22/2021  
Time: 9:25 a.m.  
By: cek  
Date/Time/By: \_\_\_\_\_

SIGNED  \_\_\_\_\_  
Presiding Officer or Designee

NOTICE POSTED AT COURTHOUSE:

Date: \_\_\_\_\_  
Time: \_\_\_\_\_ a.m. / p.m.  
By: 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, January 4, 2022 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 James Gardener on behalf of Dean Krubsack to amend the Marathon County Zoning Ordinance to rezone lands from R-E Rural Estate to R-R Rural Residential described as part of the SW ¼ of the NW ¼ of Section 29, Township 29 North, Range 10 East, Town of Plover. The parcel (8.17 acres) is described as PIN# 062.2910.292.0994; Address 231405 County Road Y, Birnamwood WI 54414.
2. The petition of Tim Vreeland on behalf of Dale Taylor to amend the Marathon County Zoning Ordinance to rezone lands from G-A General Agriculture to R-R Rural Residential described as part of the NE ¼ of the NE ¼ of Section 15, Township 26 North, Range 8 East, Town of Guenther. The proposed parcel (2.549 acres) is described as Lot #1 on the preliminary Certified Survey Map (CSM) submitted with the rezone petition, part of parent parcel PIN# 032.2608.151.0993; Address 161899 Ledebuhr Rd Mosinee WI 54455.
3. The petition of Laurie Miskimins, Conservation, Planning, and Zoning (CPZ) Director, for text amendment changes to the General Code of Ordinance for Marathon County Chapter 11.02 Animal Waste Management Ordinance Code. The text amendments may be viewed online at <https://bit.ly/3kXDjNc> or at the Marathon County Conservation Planning and Zoning Office, 210 River Drive, Wausau WI 54403. Copies may be obtained by contacting the CPZ Department at 210 River Drive, Wausau WI 54403, or by calling (715) 261-6000.

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

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

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

**Phone Number: 1-408-418-9388**

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Jacob Langenhahn



Jacob Langenhahn, Chairman  
Environmental Resources Committee



Laurie Miskimins Director  
Conservation, Planning, and Zoning Department

**Publish: December 20<sup>th</sup> and 27<sup>th</sup>, 2021**

E-mailed to: Wausau Daily Herald ([WDH-Legals@wdhmedia.com](mailto:WDH-Legals@wdhmedia.com)) on December 15, 2021 at 8:15 a.m.



**Marathon County  
Environmental Resources Committee Minutes  
Tuesday, November 30, 2021  
500 Forest Street, Wausau WI**

<b>Attendance:</b>	<b><u>Member</u></b>	<b><u>Present</u></b>	<b><u>Not present</u></b>
<i>Chair</i>	Jacob Langenhahn .....	X	
<i>Vice-Chair</i>	Sara Guild .....		X
	Rick Seefeldt.....	X	
	Bill Conway .....	X	
	Allen Drabek.....	X	
	Randy Fifrick .....	X	
	Dave Oberbeck .....	X	
	Marilyn Bhend .....	X	
	Eric Vogel.....	X	

} via Webex or phone

Also present via Webex, phone or in person: Laurie Miskimins, Dominique Swangstu, Robert Hoffman, Andrew Lynch, Matt Repking, Teal Fyksen, Nicole Fehl and Cindy Kraeger – Conservation, Planning, and Zoning (CPZ); Jamie Polley, Tom Lovlien – Park, Recreation and Forestry (PRF); Craig McEwen –County Board Vice Chair; Meleesa Johnson – Solid Waste Department; Travis Ostrowski, Dan Day, Kim Polley and Jean Maszk.

1. **Call to order** – Called to order by Chair Langenhahn at 3:00 p.m. via WEBEX.
2. **Public Comment** – None.
3. **Approval of November 2, 2021 Committee minutes**

**Motion /** second by Drabek / Seefeldt to approve of the November 2, 2021 Environmental Resources Committee minutes as distributed.

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

4. **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. Larry Zarnke – F-P Farmland Preservation to R-R Rural Residential – Town of Eau Pleine  
**Discussion:** Hoffman was sworn in and noted the staff report and decision sheet had been included in the packet. Hoffman reviewed the rezone request of Outlot #1 (3.735 acres) shown on the Certified Survey Map (CSM) that was submitted with the petition. The area in question was designated as a Farmland Preservation area, yet the area in question has no prime farm soils from Group 1 nor Group 2. The rezone is partially consistent with the existing and future land use maps within the town comprehensive plan. It appears no active cropland will be converted as a result of the proposed rezone. The need is related to a parcel combination with a lot adjacent to the outlot in question, if and when the rezone is approved the parcel will be combined with the northern parcel to create a lot that is buildable. Following the rezone and parcel combination the owner will pursue a zoning permit for an accessory structure onsite to replace an existing building that crosses property lines.

The Town of Eau Pleine 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. Testimony portion of the hearing was closed at 3:14 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

**Action: Motion /** second by Fifrick / Seefeldt to recommend approval to County Board, of the Larry Zarnke 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 plan and is located in the Farmland Preservation Zoning District. The area proposed to be rezone was designated as farmland preservation in the Farmland Preservation Plan, yet there are no prime farm soils on the area in question. The rezone appears to meet all applicable rezone standards.

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

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

2. Kenyon & Sue Ann Rose – N-C Neighborhood Commercial to R-R Rural Residential – Town of Elderon

Discussion: Hoffman was sworn in and noted the staff report and decision sheet had been included in the packet. Hoffman reviewed the rezone request of Parcel #2 (2.445 acres) shown on the CSM that was submitted with the petition. The rezone request is related to a proposed change in use - conversion of the existing bar into a home. Hoffman additionally reviewed the reasoning behind why CPZ staff are recommending approval of the rezone request, citing the rezone standards, requirements, and pertinent site characteristics.

The Town of Elderon has reviewed the application and recommends approval without any concerns.

There was no additional testimony in favor or opposed to this rezone request virtually or in person. 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 Ffrick / Drabek to recommend approval to County Board, of the Kenyon & Sue Ann Rose 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 and is not located in the Farmland Preservation Zoning District. 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.

3. Kim & Gwen Sandley – R-R Rural Residential to G-A General Agriculture – Town of Spencer

Discussion: Hoffman was sworn in and noted the staff report and decision sheet had been included in the packet. Hoffman reviewed the proposed rezone of Lot #1 (4.99 acres) shown on the CSM that was submitted with the petition. The rezone request is related to rezoning the existing area to be consistent with the existing zoning district of the majority of the parcel in question with future uses to include the construction of a new accessory structure onsite. Wetland delineation has been done or will need to be done prior to permit issuance and construction onsite. Hoffman additionally reviewed the reasoning behind why CPZ staff are recommending approval of the rezone request, citing the rezone standards, requirements, and pertinent site characteristics.

The Town of Spencer has reviewed the application and recommends approval without any concerns.

There was no additional testimony in favor or opposed to this rezone request virtually or in person. Testimony portion of the hearing was closed at 3:27 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

Action: **Motion** / second by Seefeldt / Conway to recommend approval to County Board, of the Kim & Gwen Sandley 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 and is not located in the Farmland Preservation Zoning District. 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.

4. Travis & Lydiah Ostrowski and Daniel & Kristy Day – L-D-R Low Density Residential to G-A General Agriculture and G-A General Agriculture to L-D-R Low Density Residential – Town of Elderon

Discussion: Swangstu was sworn in and noted the staff report and decision sheet had been included in the packet. Swangstu reviewed the proposed rezone to LDR shown as part of Lot #1 (the area shown below the south line) of Parcel 2 CSM Number 15079 on the preliminary Certified Survey Map that was submitted with the petition, whereas the area proposed to be rezoned to G-A is shown as Outlot #1 on the preliminary Certified Survey Map. The rezone request is related to meeting an applicable side yard setback for a residential addition to a Single Family home. The transfer of land is equal in size. Swangstu additionally reviewed the reasoning behind why CPZ staff are recommending approval of the rezone request, citing the rezone standards, requirements, and pertinent site characteristics.

The Town of Elderon has reviewed the application and recommends approval without any concerns.

Travis Ostrowski and Daniel Day were sworn in. No discussion.

There was no additional testimony in favor or opposed to this rezone request virtually or in person. Testimony portion of the hearing was closed at 3:36 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

Action: **Motion** / second by Ffrick / Seefeldt to recommend approval to County Board, of the Travis & Lydiah Ostrowski and Daniel & Kristy Day 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 and is not located in the Farmland Preservation Zoning District. 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.

5. Kim Polley – R-R Rural Residential to G-A General Agriculture – Town of Hewitt

Discussion: Swangstu was sworn in and noted the staff report and decision sheet had been included in the packet. Swangstu reviewed the proposed rezone of an area of land previously described as Lot #1 (2.8630 acres) shown on the Certified Survey Map #1403072 that was submitted with the application. The request is related to rezoning the existing area that is zoned RR to be consistent with the majority of the parcel zoned GA. The pin number reference in the public hearing notice no longer exists given the area in question was combined with the larger G-A zoned parcel with the Combination Affidavit Doc #1847784, yet the area to be rezoned is consistent with the description in the public hearing notice.

The Town of Hewitt has reviewed the application and recommends approval without any concerns.

Kim Polley was sworn in and is the owner of the parcel.

There was no additional testimony in favor or opposed to this rezone request virtually or in person. Testimony portion of the hearing was closed at 3:44 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

Action: **Motion** / second by Ffrick / Drabek to recommend approval to County Board, of the Kim Polley 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 and is not located in the Farmland Preservation Zoning District. Adequate facilities are present or will be provided and providing any necessary public facilities will not burden local government. Based on the proposed land division and existing land uses onsite the rezone should not result in any adverse effect on natural areas. The committee made their

recommendation of approval based on the information, findings of fact, and conclusions of law as described in the CPZ staff report included in the ERC packet  
Motion **carried** by voice vote, no dissent.

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

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

1. To approve the Annual County Forest Work Plan

Discussion: The annual resolution and 2022 Work Plan were included in the meeting packet and briefly reviewed. Both have been approved by the Forestry and Recreation Committee. Action is required to forward these to County Board for its consideration. County Board approval is necessary to be eligible for grant funds.

Action: **Motion** / second by Seefeldt / Drabek to approve the Annual County Forest Work Plan and forward the resolution to County Board for its consideration.

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

Follow through: The resolution and work program will be forwarded to County Board for its consideration at their next regularly scheduled meeting.

2. Application for County Forest Acreage Share Loan Payment

Discussion: The annual resolution was included in the meeting packet; if adopted, the interest free loan may be used for the purchase, development, preservation, and maintenance of forest lands.

Action: **Motion** / second by Seefeldt / Drabek to approve the application for County Forest Acreage Share Loan Payment and forward to County Board for its consideration.

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

Follow through: The resolution will be forwarded to County Board for its consideration at their next regularly scheduled meeting.

- D. Review and Possible Action

1. Consider additions to the Nonmetallic Mining Fee Schedule (Minor Revision)

Discussion: Fyksen discussed the potential fees of the permit transfer flat fee and reclamation plan revision flat fee that would be added to the fee schedule.

Action: **Motion** / second by Seefeldt / Fifrick to approve the recommended nonmetallic mining fee schedule adjustment.

Follow through: The new nonmetallic mining fee schedule will be posted to the CPZ website, along with other department fees.

2. Environmental Repair Fund Status

Discussion: The Environmental Repair Funds can only be accessed if there is a legislative change. Langenhahn will contact County Board Chair Gibbs to have discussion regarding these funds at a future meeting.

Action: None needed, for informational purposes only.

Follow through: None.

## 5. Educational Presentations/Outcome Monitoring Reports and Committee Discussion

- A. Department Updates: Conservation, Planning and Zoning (CPZ)

1. Review draft language for the Animal Waste Management Ordinance / Open house details for public engagement <https://bit.ly/3kXDjNc>

Discussion: Repking discussed the memo that was included in the meeting packet and timeline of proposed policy revisions related to the Animal Waste Management Ordinance.

Follow through: CPZ will hold an open house on December 6, 2021 3pm – 7pm and December 7, 3 pm – 7pm at the Stratford Library and finalize the draft ordinance to bring back to the Committee in January.

2. Strategic Plan Update

Discussion: Miskimins discussed updates to the action item table related to the Strategic Plan Objective strategies. The table was included in the meeting packet. There may be other actions to add in the coming months, but this is where it stands now. One action, related to the POWTS MCDEVCO loan program, was discussed by the Committee as needing more information on what is being accomplished. Staff will meet with MCDEVCO in December and bring back to the Committee to discuss at a future meeting date. McEwen thanked the staff for the update on the strategies and stated that December of 2022 is when they will wrap up this 4-year cycle of the Strategic Plan. The Committee should start thinking about what future strategies and actions might consist of.

Follow through: None.

6. **Policy Issues Discussion and Committee Determination to the County Board for its Consideration**

7. **Next meeting date, time & location and future agenda items:**

**Tuesday, January 4, 2022 3:00 p.m. Marathon County Courthouse, Assembly Room 500 Forest Street Wausau WI**

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

- Miskimins thanked Dominique Swangstu for his years of service to the ERC and his knowledge of the rezone process and text amendment revisions. Robert Hoffman was welcomed to the Committee and will be taking over the rezone process of the ERC.
- Chair Langenhahn thanked Dom for his work with the ERC and thanked him for keeping everyone informed /on track on difficult rezones.
- Eric Vogel term expires at the end of December 2021. Chair Langenhahn thanked Vogel for his two years of service on the Committee.
- Bhend commented on the knowledge and the work the Committee performs.

8. **Adjourn – Motion** / second by Drabek / Vogel to **adjourn** at 4:40 p.m. Motion **carried** by voice vote, no dissent.

Laurie Miskimins, CPZ Director

For Jacob Langenhahn, Chair

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

LM/cek





**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):

James Gardner  
222715 Cty Rd. D Birnamwood, WI 54414

hereby petition to rezone property owned by (Name & Address): Dean Krubsack  
231405 Cty Rd. Y, Birnamwood, WI, 54414

from the classification R-E, Rural Estate to R-R, Rural Residential

*z.c. 1/10/14*

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 pg 2 of CSM (see attached)  
all of existing lot (shown as lot #1 and #2 on the preliminary CSM)

Parcel Identification Number (PIN): 062 2910 292 0994

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

The creation of a residential lot for Mr. Krubsack daughter.

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.

Electric line at Road.  
Cell phone only needed.

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

NA

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

will have perth test done.

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.

Build by Code

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

NA

F. Demonstrate the need of the proposed development at this location.  
Daughter to build home next to father.

G. What is the availability of alternative locations? Be specific. None with high land and short electrical hookup.

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

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

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

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

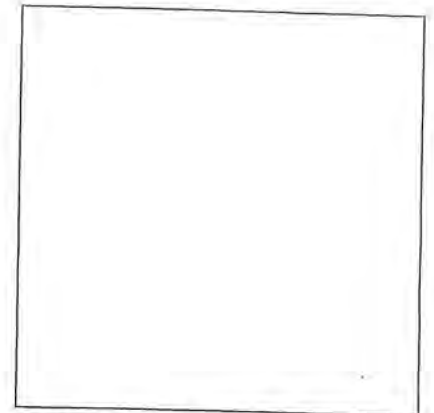
6. If the Environmental Resources Committee, at the public hearing for this zone change request, is unable to make a recommendation based upon the facts presented and/or request additional information, clarification or data from the petitioner, Town Board, or any other source, that information shall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

7. Petitioner's Signature Juan Gonzalez Phone 715-370-1366 Date 10/12/21  
8. Owner's Signature [Signature] Phone 715-441-0460 Date 10/12/21  
*(If different)*

Date Fee Received: 10/19/21 Fee \$600.00 PAYABLE TO MARATHON COUNTY  
FS

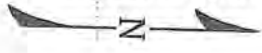
**Attendance at the Public Hearing** before the Marathon County Environmental Resources (ERC) Committee is not mandatory **if** you have appeared before the Town Planning Commission and/or the Town Board to present your proposal. If there was opposition to your proposal at the town level, attendance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

MARATHON COUNTY CERTIFIED SURVEY MAP# \_\_\_\_\_



PART OF THE SW1/4 OF THE NW1/4 SECTION 29, TOWNSHIP 29 NORTH, RANGE 10 EAST, TOWN OF PLOVER, MARATHON COUNTY, WISCONSIN.

BEARINGS REFERENCED TO THE WEST LINE OF THE NW1/4 29-29-10 ASSUMED TO BEAR: N1°17'07"W

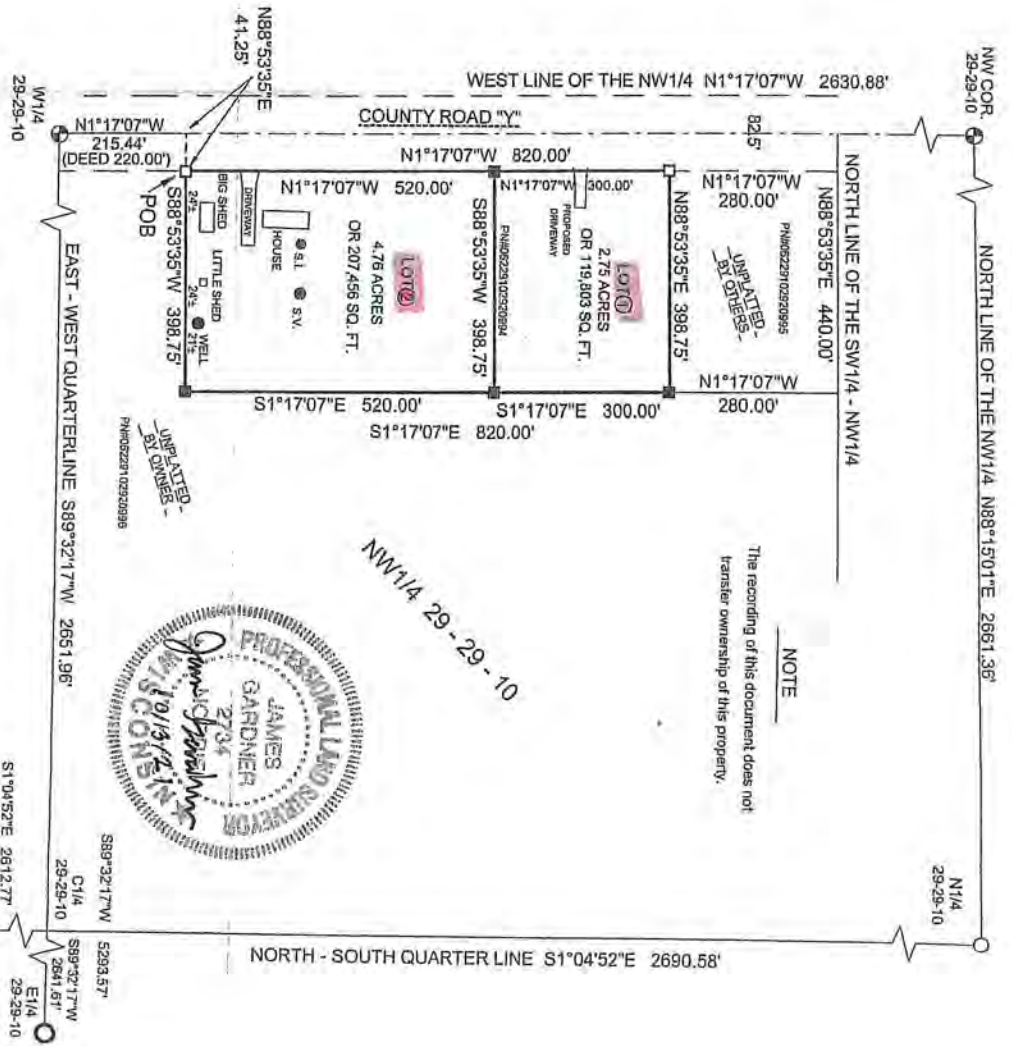


- LEGEND**
- ⊕ FOUND MAG. NAIL / WITH GOOD WITH TIES
  - SET 1" X 18" SQ. PIPE 1.00 LBS/FT
  - SET 1" X 18" SQ. ROD 3.00 LBS/FT
  - FOUND 1.3" IRON PIPE
  - FOUND 1" IRON
  - FOUND 2" IRON PIPE W/CHANNEL POST



Drafted by James Gardner of Gardner Land Surveying 715-370-1366

SHEET 1 OF 2



**NOTE**  
The recording of this document does not transfer ownership of this property.



NW1/4 29 - 29 - 10

# Marathon County Certified Survey Map

Part of the SW1/4-NW1/4, Section 29, Township 29 North, Range 10 East,  
Town of Plover, Marathon County, Wisconsin.

I, James Gardner, Registered Land Surveyor, hereby certify:

That I have surveyed, divided and mapped by under the direction of Dean Krubsack, a Parcel of land being part of the SW1/4 of the NW1/4, Section 29, Township 29 North, Range 10 East, Town of Plover, Marathon County, Wisconsin being more particularly described as follows:

Commencing at the West 1/4 Corner of said Section 29; thence N01°17'07"W, 215.44 feet to a point on the West line of said NW1/4 of said Section 29; thence N88°53'35"E, 41.25 feet, which is the point of beginning of this survey; thence continuing along the East Right of Way of County Road Y, N01°17'07"W, 820.00 feet; thence N88°53'35"E, 398.75 feet; thence S1°17'07"E, 820.00 feet; thence S88°53'35"W, 398.75 feet to the point of beginning. This parcel contains 7.51 acres or 327,136 square feet.

Lots shown on this CSM are monumented and shown on plat herewith. This parcel is subject to all roadways and easements if any in use or of record

I further certify that this map is a true and correct representation of all the exterior boundaries of the land surveyed to the best of my knowledge and belief according to official records and that I have fully complied with the regulations of Marathon land subdivision ordinance and the provisions of Chapter 236.34 of the Wisconsin Statutes.

Dated this 13 day of Oct, 2021

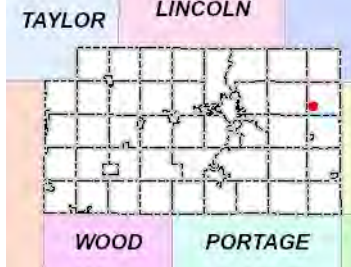
James M. Gardner, PLS 2734


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



# Land Information Mapping System



## Legend

- Road Names
- Parcels
- Parcel Lot Lines
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- Named Places
- Municipalities
- 2020 Orthos Countywide
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3

84.14 0 84.14 Feet



NAD\_1983\_HARN\_WISCRS\_Marathon\_County\_Feet

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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

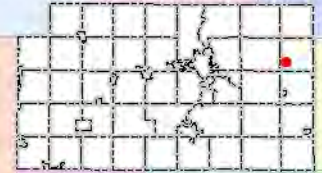
## Notes



# Land Information Mapping System

TAYLOR

LINCOLN



WOOD

PORTAGE

SM 42-24

COUNTY ROAD Y

LOT 1  
CSM 6-241

398.75'

280'

1820'

398.75'

30

29

1272.80'

IT 1

CSM 51-141

66'

82.5'

667.93'

739.02'



120.96 0 120.96 Feet



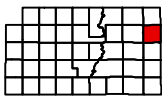
NAD\_1983\_HARN\_WISCRS\_Marathon\_County\_Feet

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## Notes



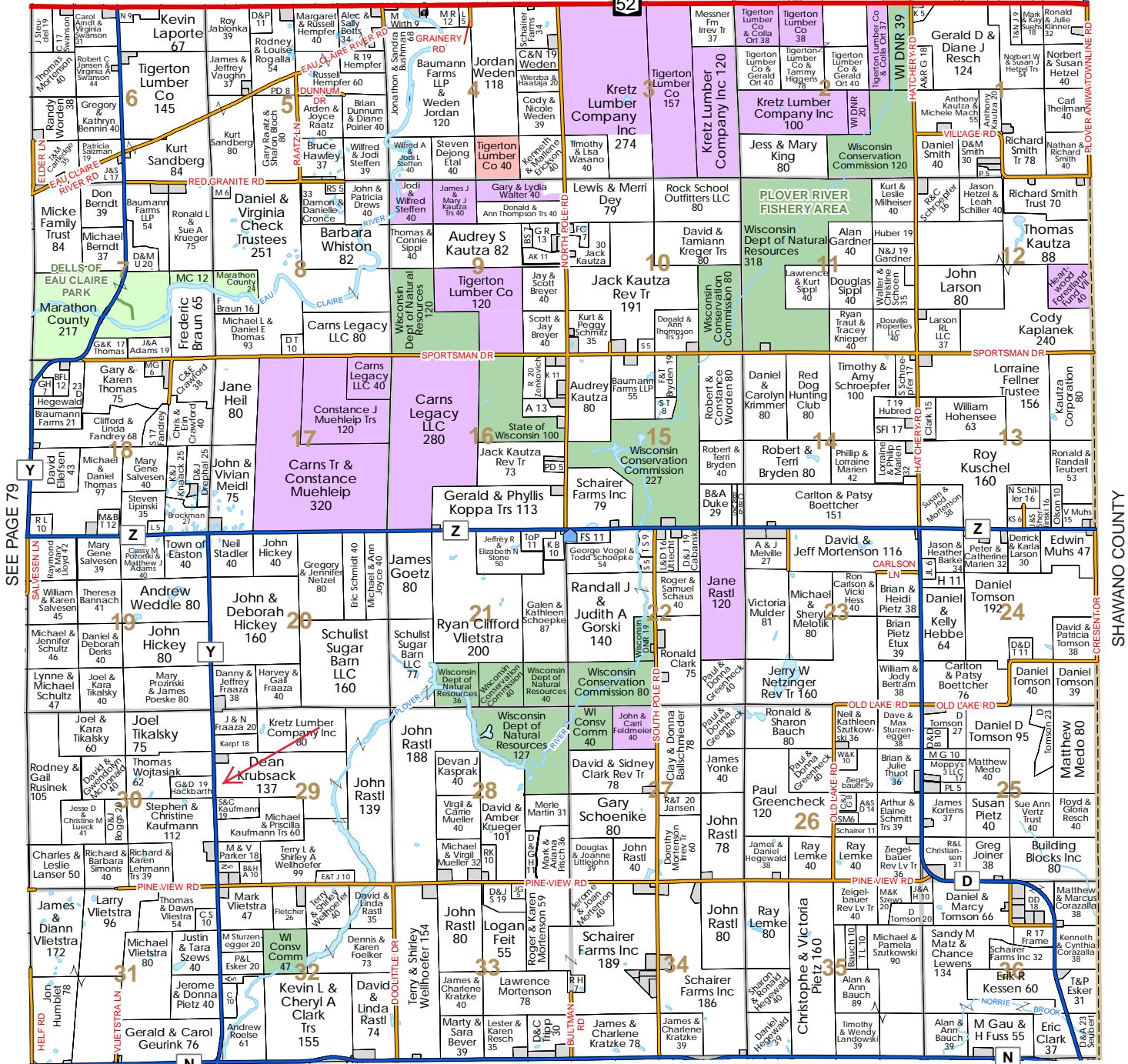
# Plover

# Township 29N - Range 10E

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SEE PAGE 97

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SEE PAGE 79

SEE PAGE 63

SHAWANO COUNTY

STATE OF WISCONSIN )  
MARATHON COUNTY )  
TOWN OF PLOVER

**RESOLUTION ON ZONING ORDINANCE AMENDMENT**

TO THE MARATHON COUNTY ENVIRONMENTAL RESOURCES COMMITTEE

I, Valerie Parker, Clerk of the Town of Plover, Marathon County, State of Wisconsin, do hereby certify that the following is a true and correct copy of a resolution adopted by the Town of Plover Town Board at a meeting held on the 9<sup>th</sup> day of November, 2021.

RESOLUTION

WHEREAS, Section 59.69(5)(e)3., Wisconsin Statutes, provides that if a town affected by a proposed amendment disapproves of the proposed amendment, the town board may file a certified copy of a resolution adopted by such board disapproving of the petition with the Environmental Resources Committee prior to, at or within ten (10) days after the public hearing, and

WHEREAS, if the town board of the town affected in the case of an ordinance relating to the location of boundaries of districts files such a resolution, the Environmental Resources Committee may not recommend to the County Board approval of the petition without change, but may only recommend approval with change or recommend disapproval.

NOW, THEREFORE BE IT RESOLVED that the Town of Plover Town Board considered on the 9<sup>th</sup> day of November, 2021, petition of James Gardener on behalf of Dean Krubsack to amend the Marathon County Zoning Ordinance to rezone lands from R-E Rural Estate to R-R Rural Residential described as part of the SW ¼ of the NW ¼ of Section 29, Township 29 North, Range 10 East, Town of Plover. The parcel (8.17 acres) is described as PIN# 062.2910.292.0994; Address 231405 County Road Y, Birnamwood WI 54414

The Town of Plover hereby has considered the following standards for rezoning above property (use additional sheets if necessary):

1) **Has the applicant provided what public facilities and/or services currently serve the proposed development, what additional services may be required, and how the additional services will be provided?**

No  Yes Explain: \_\_\_\_\_

2) **Has the applicant demonstrated how the provision of the public facilities will not be an unreasonable burden to local government?**

No  Yes Explain: \_\_\_\_\_

3) **Has the applicant determined that the land is suitable for the development proposed? Explain.**

No  Yes Explain: \_\_\_\_\_

4) **Has the applicant demonstrated 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? Explain.**

No  Yes Explain: \_\_\_\_\_

5) **Is there any potential for conflict with existing land uses in the area?**

No  Yes Explain: \_\_\_\_\_

(OVER)



- 6) Has the applicant demonstrated the need for the proposed development at this location? Explain.  
 No  Yes Explain: \_\_\_\_\_
- 7) Has the applicant demonstrated the availability of alternative locations? Be specific  
 No  Yes Explain: \_\_\_\_\_
- 8) Is cropland is being consumed by this zone change? What is the productivity of the agricultural lands involved?  
 No  Yes Explain: \_\_\_\_\_
- 9) Has the applicant explained how the proposed development will be located to minimize the amount of agricultural land converted?  
 No  Yes Explain: \_\_\_\_\_
- 10) Is proposed rezone request consistent with the town's adopted Comprehensive Plan? Explain.  
 No  Yes Explain: \_\_\_\_\_
- 11) Is there anything else the Town wishes to present or comment on regarding this application to the Marathon County Environmental Resources (ERC) Committee?  
 No  Yes Explain: \_\_\_\_\_

The Town of Plover recommends:  **Approval**  **Disapproval** of the amendment and/or zone change.

OR  **Requests an Extension\*** for the following reasons: \_\_\_\_\_

\*Wis. Stats §59.69(5)(e), (3), and (3m) authorizes Towns to extend the time to disapprove a zone change for a total of thirty (30) days beyond the date of the public hearing. The extension must be by Town Board Resolution and remains in effect until the Town Board adopts a resolution rescinding the extension.

Clerk Valerie R. Park  
 Town Board [Signature]  
[Signature]  
[Signature]

NOTE: If you recommend disapproval of this request, please make every effort to send a representative to the Environmental Resources Committee Public Hearing. Town input at the hearing is always appreciated. Please return this form before December 15, 2021 to:

Marathon County Conservation, Planning and Zoning Department  
 210 River Drive  
 Wausau, WI 54403



**Dean E. Krubsack  
Petition to Rezone Land  
Staff Report, January 4<sup>th</sup>, 2022  
Environmental Resources Committee**

**Findings of Fact**

**PUBLIC HEARINGS/MEETINGS:**

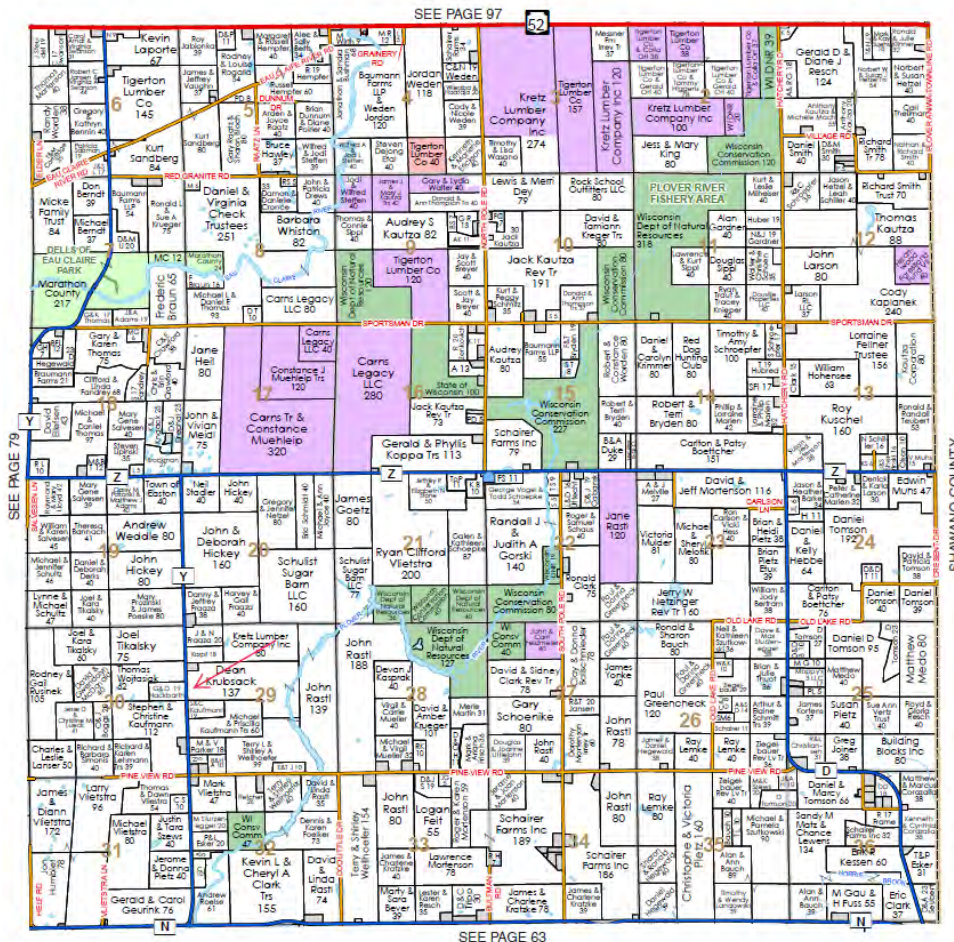
- Town of Plover Town Board Meeting (November 9<sup>th</sup>, 2021)
- Marathon County Environmental Resources Committee Meeting (January 4<sup>th</sup>, 2022, at 3:00 pm)

**PETITIONER:** James Gardner (Gardner Land Surveying) – 222715 County Road D, Birnamwood, WI 54414

**PROPERTY OWNER:** Dean E. Krubsack – 231405 County Road Y, Birnamwood, WI 54414

**LOCATION OF REZONE REQUEST:** Area proposed to be rezoned is located adjacent to County Road Y and approximately 1.29 miles south of the intersection of County Road Z and County Road Y.

*Map 1: Location of Rezone Request*



**REQUEST:**

The petition of James Gardner on behalf of Dean Krubsack to amend the Marathon County Zoning Ordinance to rezone lands from R-E Rural Estate to R-R Rural Residential described as part of the SW ¼ of the NW ¼ of Section 29, Township 29 North, Range 10 East, Town of Plover. The parcel (8.17 acres) is described as PIN# 062.2910.292.0994. Address: 231405 County Road Y, Birnamwood WI 54414

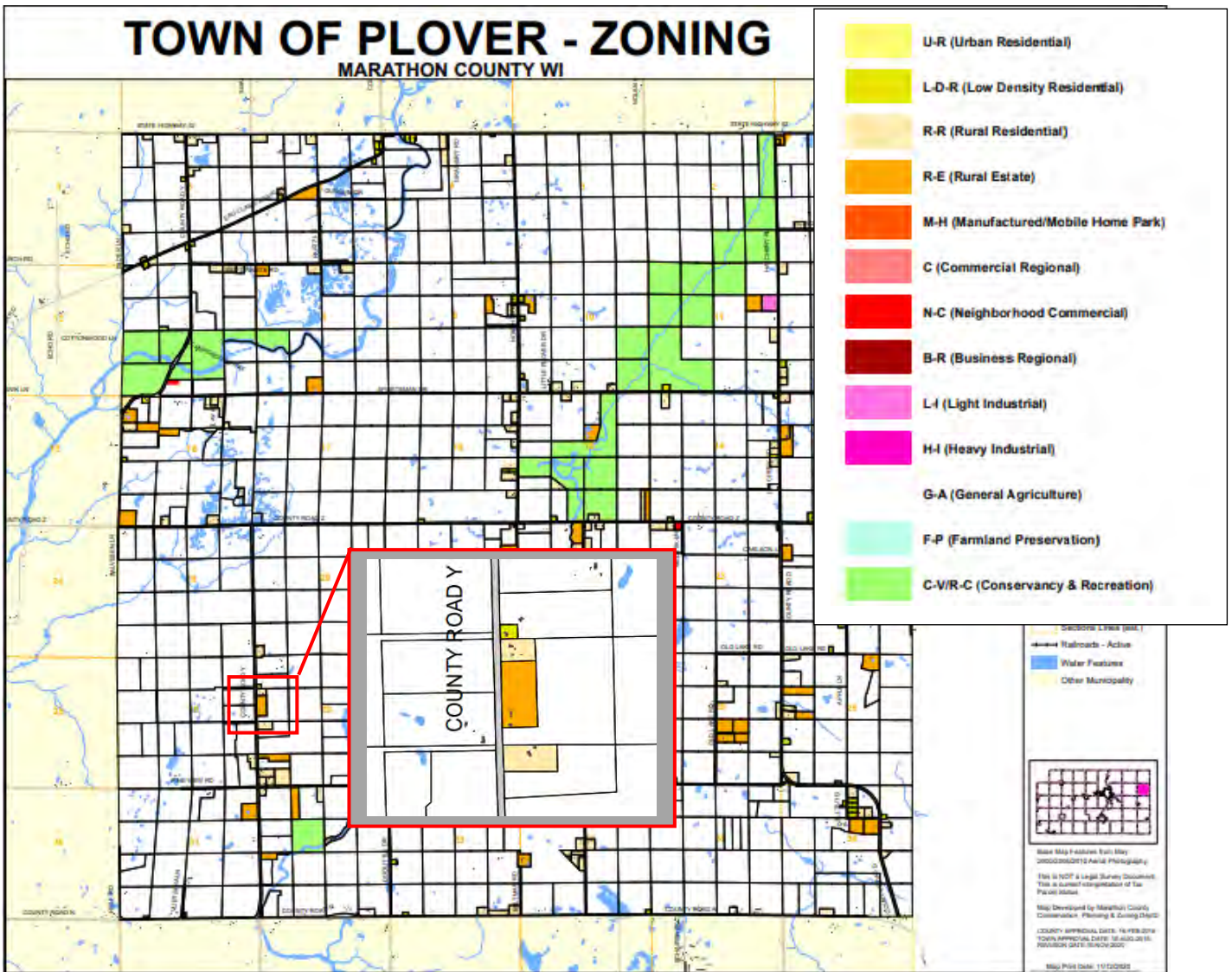
**EXISTING ZONING DISTRICT:**

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

**PROPOSED 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 ZONING DISTRICT MAP:** Adjacent parcels are zoned Rural Residential (Orange) and General Agriculture (White) with other residentially zoned parcels within close proximity.

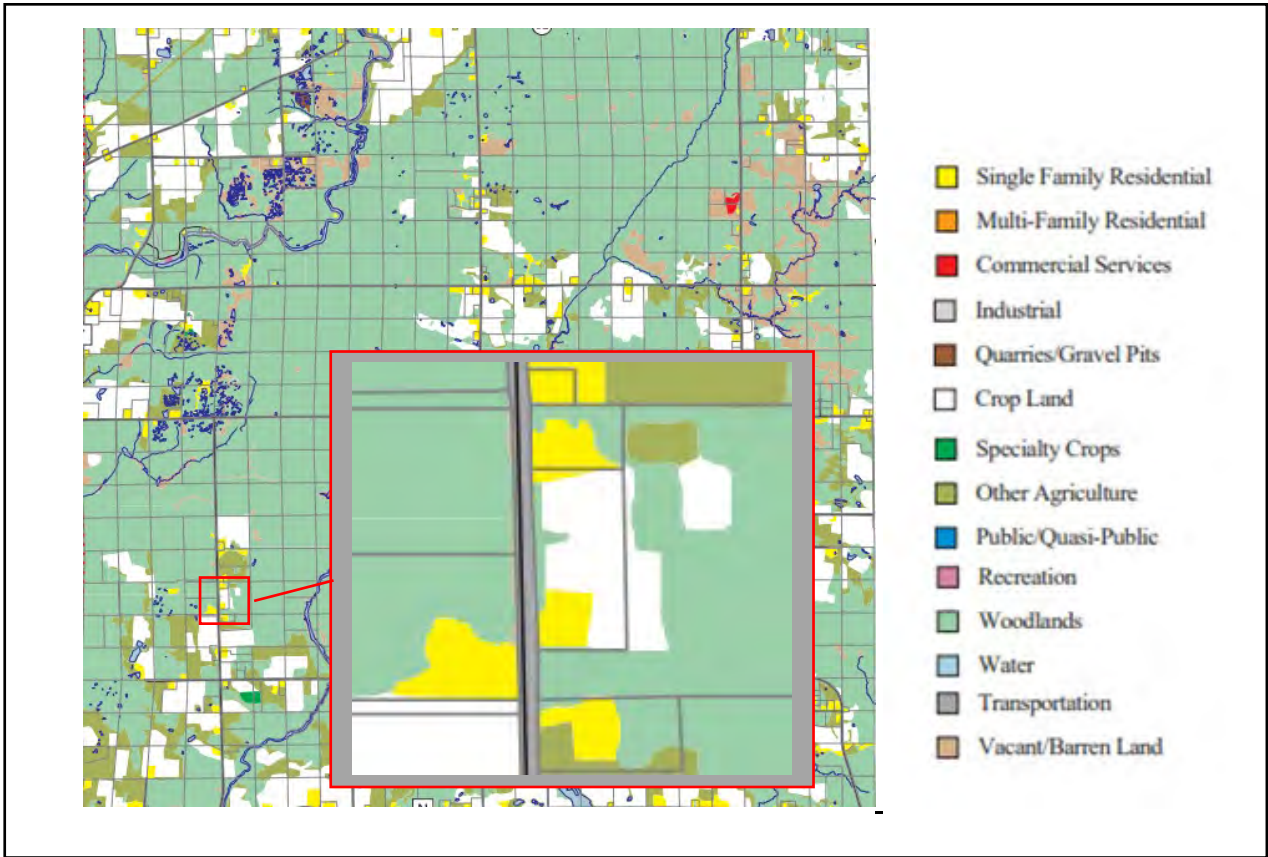


Map #2 Town of Plover Zoning District Map

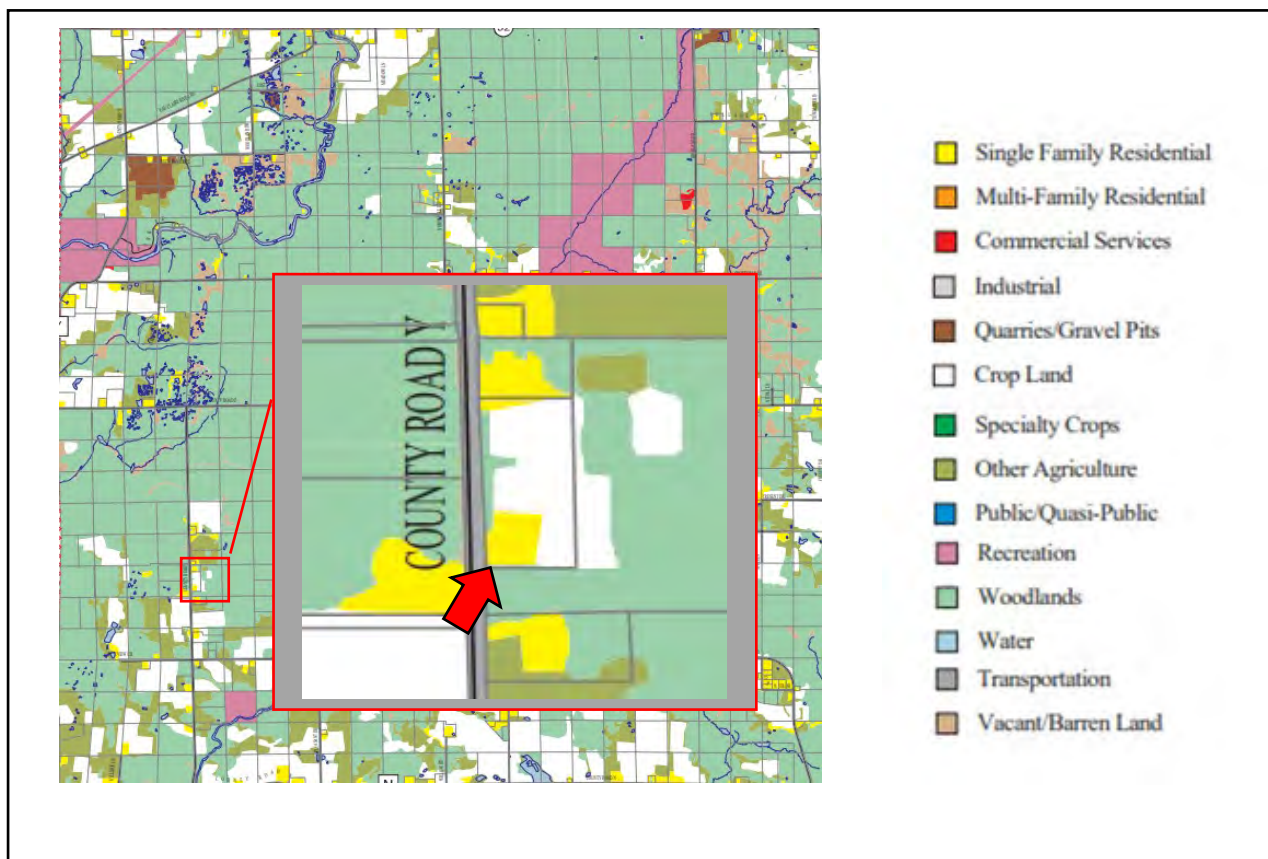
**Legal Notification:**

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

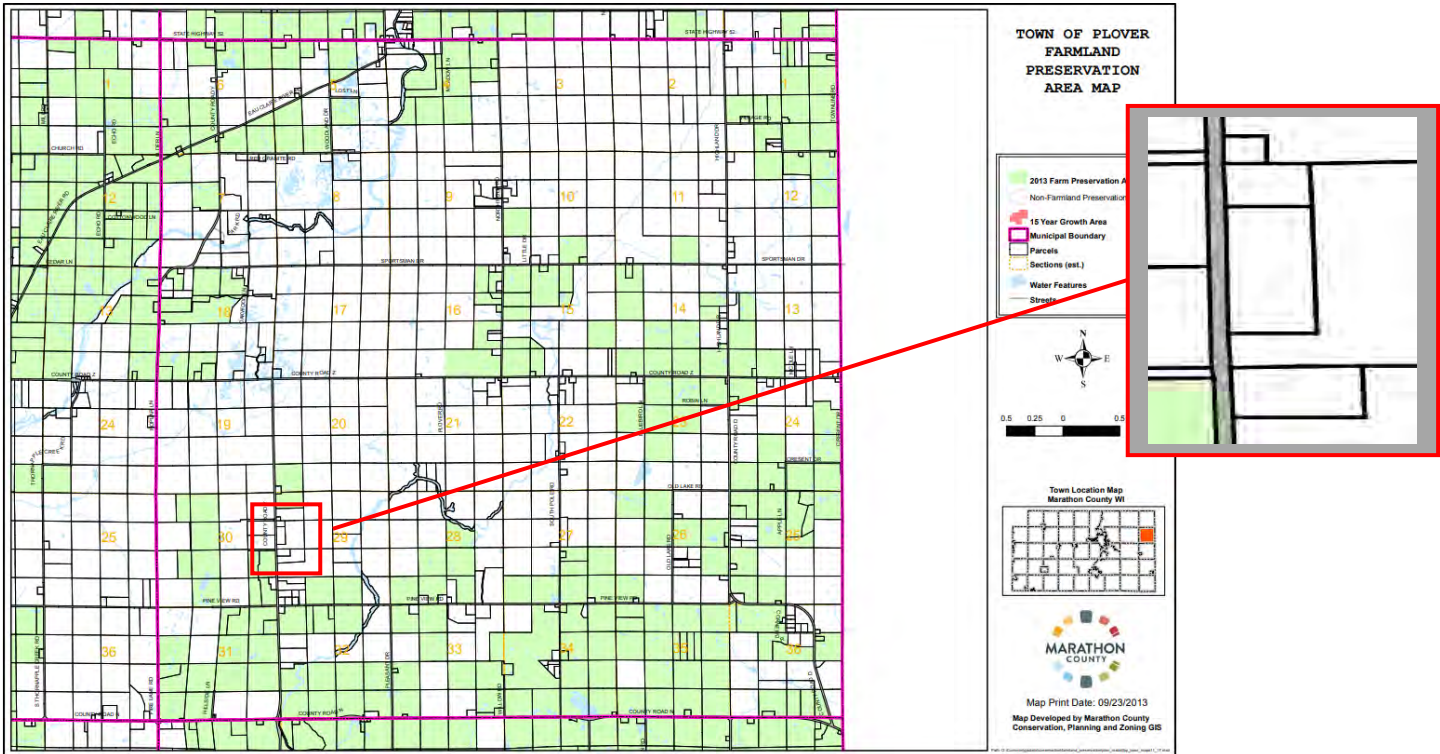
**Existing Generalized Land Use/Land Cover Map – Town of Plover (Comprehensive Plan 2005)** The area proposed to be rezoned is shown as Crop Land, Single Family Residential, and Woodland land uses in the Town's Comprehensive Plan Existing Land Use/Land Cover Map (2000). Adjacent land uses are comprised of similar land uses including Single Family Residential and Woodland uses.



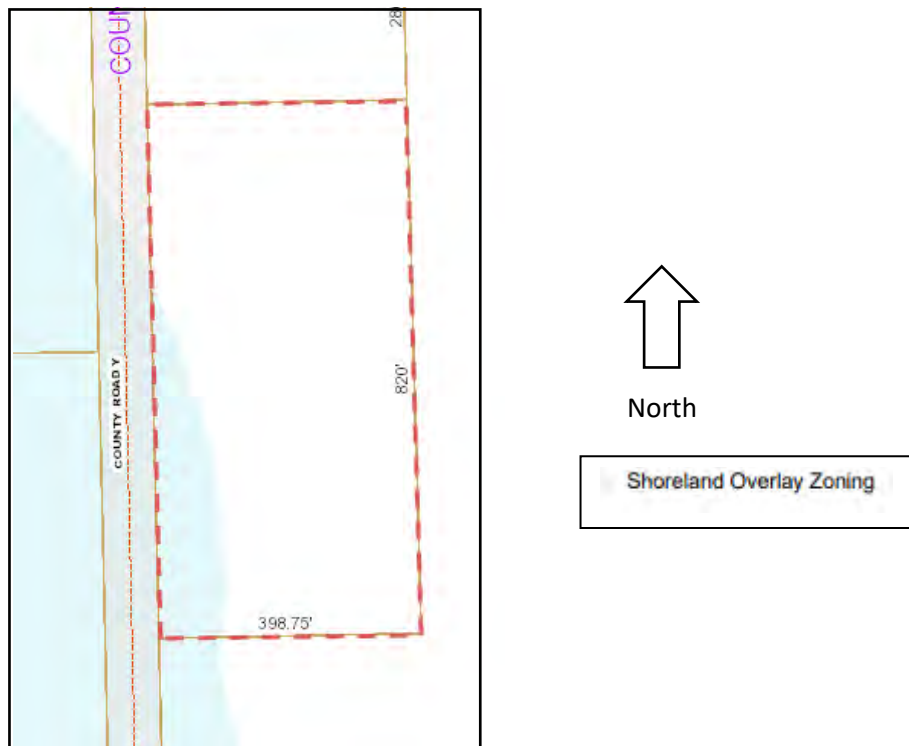
**TOWN COMPREHENSIVE PLAN FUTURE LAND USE MAP (2005 Plan):** The area proposed to be rezoned is shown as Crop Land, Single Family Residential, and Woodland land uses in the Town's Comprehensive Plan Future Land Use Map. Adjacent land uses are comprised of similar land uses including Single Family Residential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



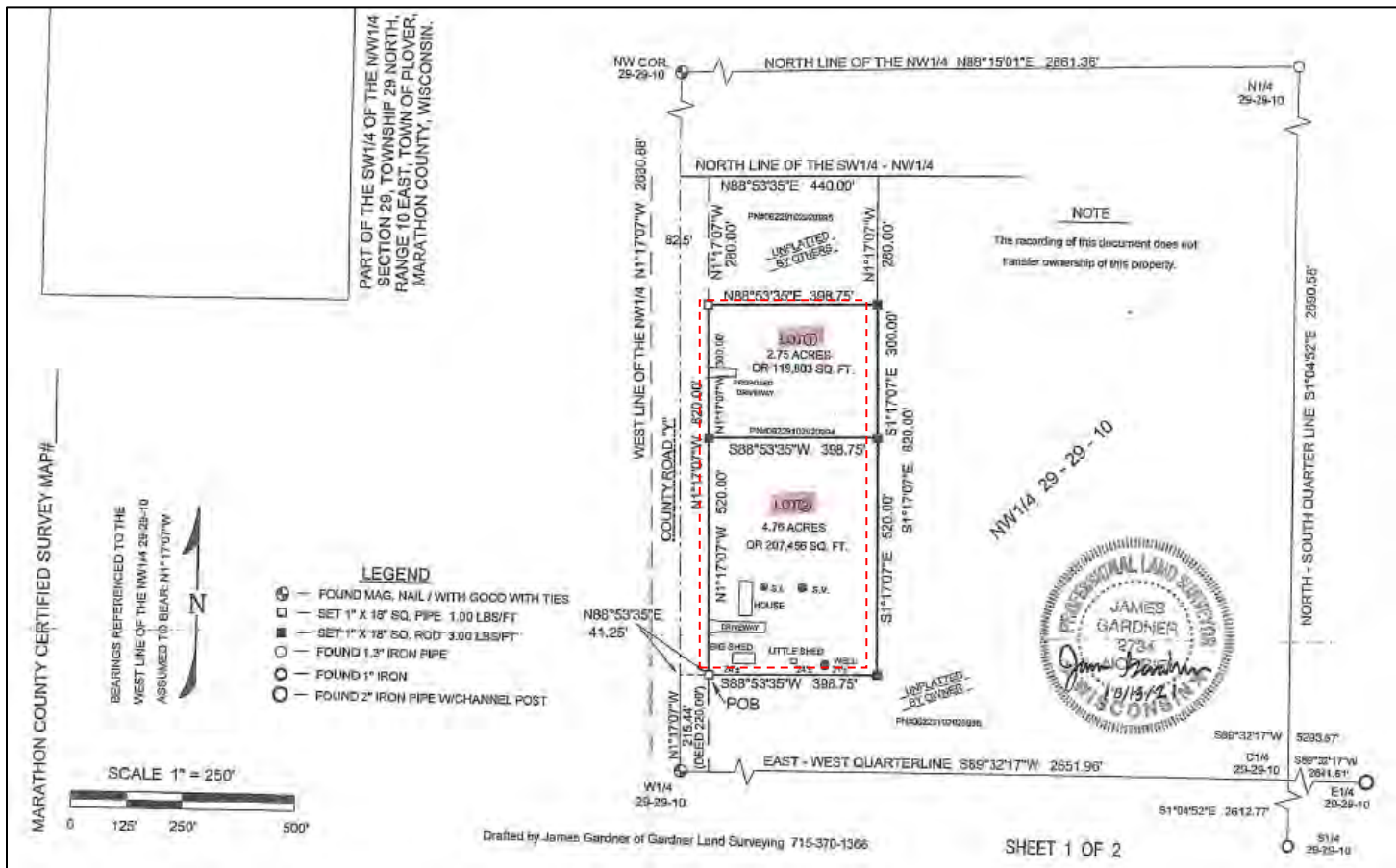
**FARMLAND PRESERVATION PLAN:** The area in question was designated as a non-farmland preservation area in the Farmland Preservation Plan. Yet, the Town of Plover does not participate in Farmland Preservation zoning therefore there are no parcels within the town zoned farmland preservation.



**SIGNIFICANT PARCEL LIMITATIONS OR NATURAL FEATURES:** The area proposed to be rezoned has shoreland overlay areas, yet no DNR mapped wetlands, mapped floodplain, or waterways are present on the parcel proposed to be rezoned as seen below.



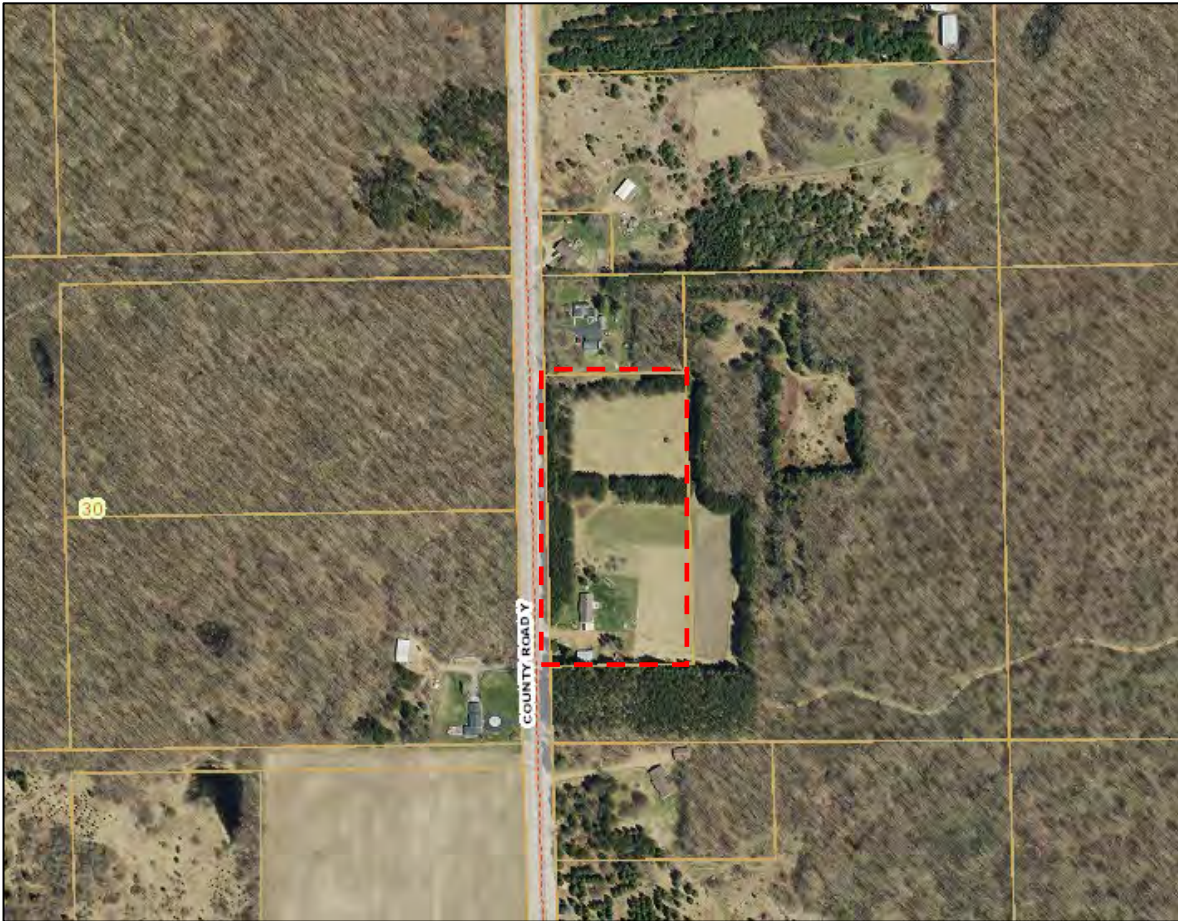
**Existing Preliminary Certified Survey Map (CSM):**



**Aerial Photo #1:**



**Aerial Photo #2:**



*Shaded boundaries (above) indicate the approximate locations proposed to be rezoned, see the preliminary CSM for more specific information and details.*

**TOWN RECOMMENDATION:**

On November 9<sup>th</sup>, 2021 the **Town of Plover** Town Board Recommended **Approval** to Marathon County's Environmental Resources Committee.

11) Is there anything else the Town wishes to present or comment on regarding this application to the Marathon County Environmental Resources (ERC) Committee?

No     Yes Explain: \_\_\_\_\_

The Town of Plover recommends:  **Approval**     **Disapproval**    of the amendment and/or zone change.

**OR**     **Requests an Extension\*** for the following reasons: \_\_\_\_\_

\*Wis. Stats §59.69(5)(e), (3), and (3m) authorizes Towns to extend the time to disapprove a zone change for a total of thirty (30) days beyond the date of the public hearing. The extension must be by Town Board Resolution and remains in effect until the Town Board adopts a resolution rescinding the extension.

Clerk Valerie R. Park

Town Board [Signatures]

## **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 parcel proposed to be rezoned is shown to be designated for Residential, Crop Land, and Woodland land uses 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 area in question was designated as a non-farmland preservation area, yet the town of Plover does not participate in farmland preservation zoning. As indicated by the town 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.

It appears no active crop land will be converted as a result of the proposed rezone.

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 related to a proposed land division and subsequent single-family home development.

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

**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. If approved, the Town of Plover should update their comprehensive plan to reflect the proposed rezone. The rezone is partially consistent with the future land use map. The future and existing land use maps should also be revised to cover the entire area proposed to be rezoned. The rezone also appears to be consistent with the purpose and intent of the Town's Comprehensive Plan 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 of 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.





**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:

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- 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:

---

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---

---

Signature:

Chairman: \_\_\_\_\_

PETITION FOR ZONE CHANGE  
BEFORE THE MARATHON COUNTY BOARD OF SUPERVISORS

1. As authorized by §17.91 of the Marathon County Zoning Code (I) (we) (Name & Address):  
Tim Vreeland 6103 Dawn St. Weston WI 54476

hereby petition to rezone property owned by (Name & Address): Dale Taylor  
161899 Ledebuhr Rd Mosinee WI 54455

from the classification GA, General Ag to RR, Rural Res.

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

Parcel Identification Number (PIN): 032-2608-151-0993

3. The proposed change is to facilitate the use of the land for (be specific-list all proposed uses):  
Create a 2.549 Ac. parcel with existing home.

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

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

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

C. What have you done to determine that the land is suitable for the development proposed?  
It is an existing home with well + septic on a public road.

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 development so no adverse effects

E. Explain any potential for conflict with existing land uses in the area. No conflicts expected. Town zoning requires 2.5 Ac and other like zoned parcels in area.

(OVER)

RECEIVED

NOV 04 2021

F. Demonstrate the need of the proposed development at this location. No Development.

G. What is the availability of alternative locations? Be specific. No Alternative.

H. If cropland is being consumed by this Zone Change, what is the productivity of the agricultural lands involved? No Cropland.

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

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

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

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

7. Petitioner's Signature [Signature]  
8. Owner's Signature [Signature]  
*(If different)*

Phone 715-241-0947 Date 11-3-21  
Phone 715-571-6995 Date 10-22-21

Date Fee Received: 11-16-2021

**RECEIVED**  
Fee \$600.00 PAYABLE TO MARATHON COUNTY  
NOV 15 2021

MARATHON CO. CONSERVATION,  
PLANNING & ZONING DEPT.

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

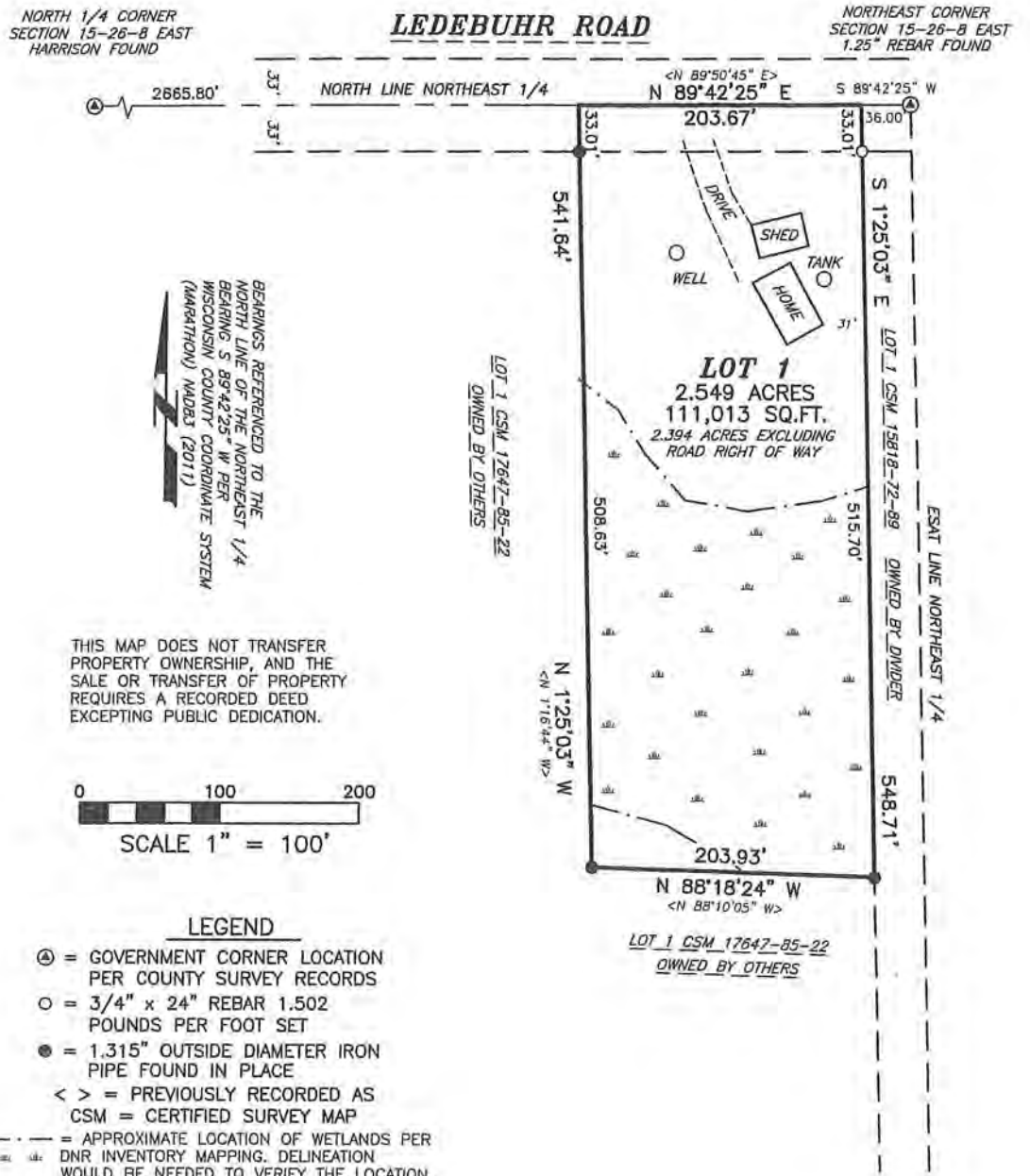
# CERTIFIED SURVEY MAP

## MARATHON COUNTY NO. \_\_\_\_\_

PART OF LOT 1 OF CSM 15818-72-89 AND THAT PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 26 NORTH, RANGE 8 EAST, TOWN OF GUENTHER, MARATHON COUNTY, WISCONSIN.

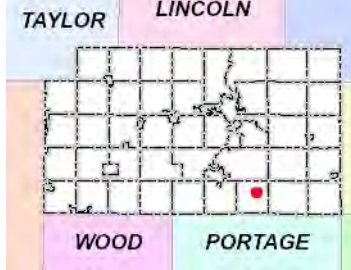
<b>VREELAND ASSOCIATES, INC.</b>	
6103 DAWN STREET WESTON, WI. 54476	
PH (715) 241-0947    tim@vreelandassociates.us	
OWNER:	<b>DALE TAYLOR</b>
FILE #:	21-0516 TAYLOR
DRAFTED AND DRAWN BY: TIMOTHY G. VREELAND	

UNPLATTED LANDS OWNED BY OTHERS





# Land Information Mapping System



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178.26 0 178.26 Feet



NAD\_1983\_HARN\_WISCRS\_Marathon\_County\_Feet

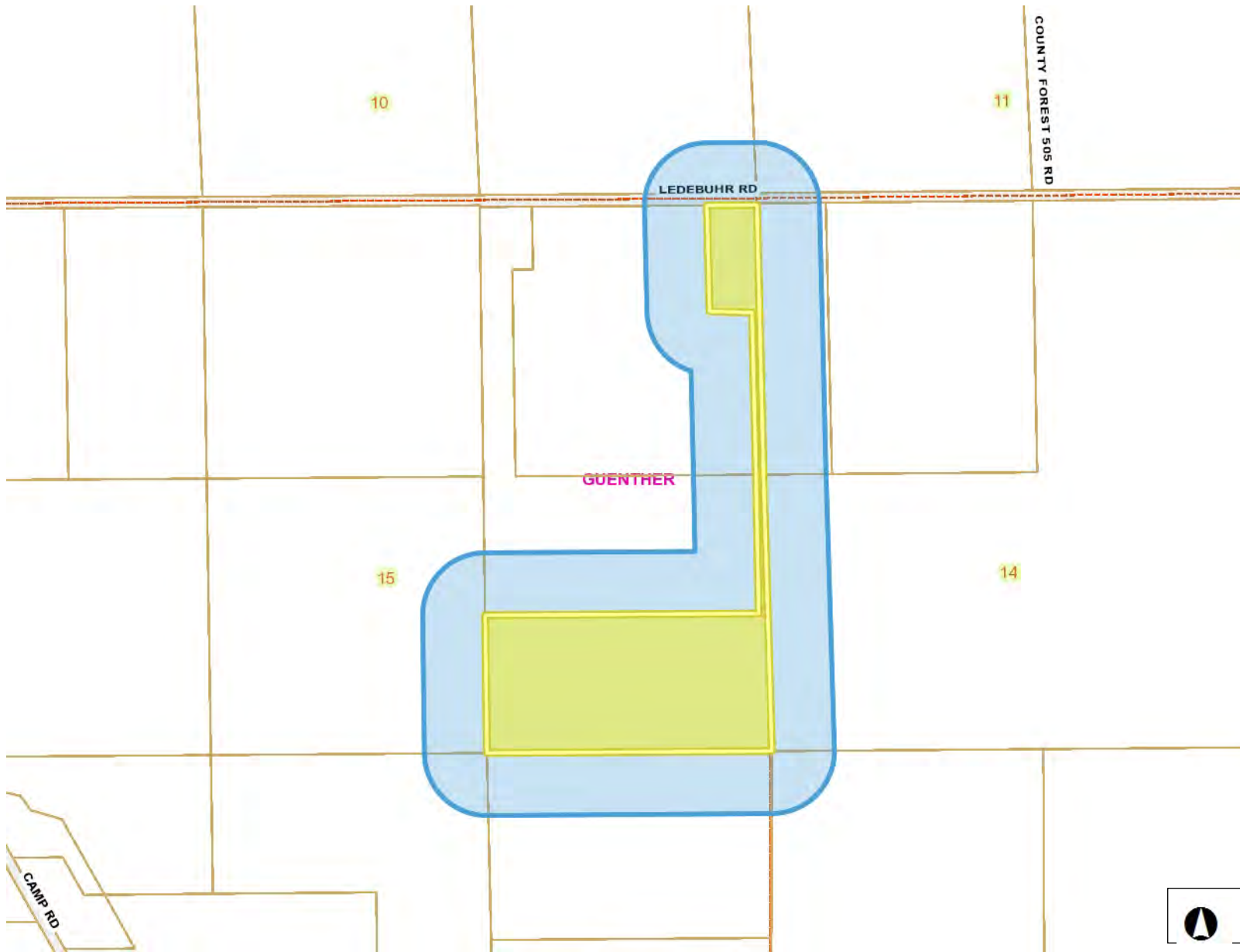
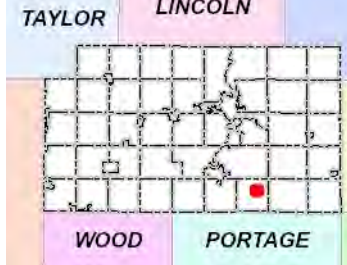
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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

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356.53 0 356.53 Feet

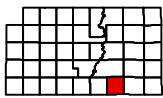


NAD\_1983\_HARN\_WISCRS\_Marathon\_County\_Feet

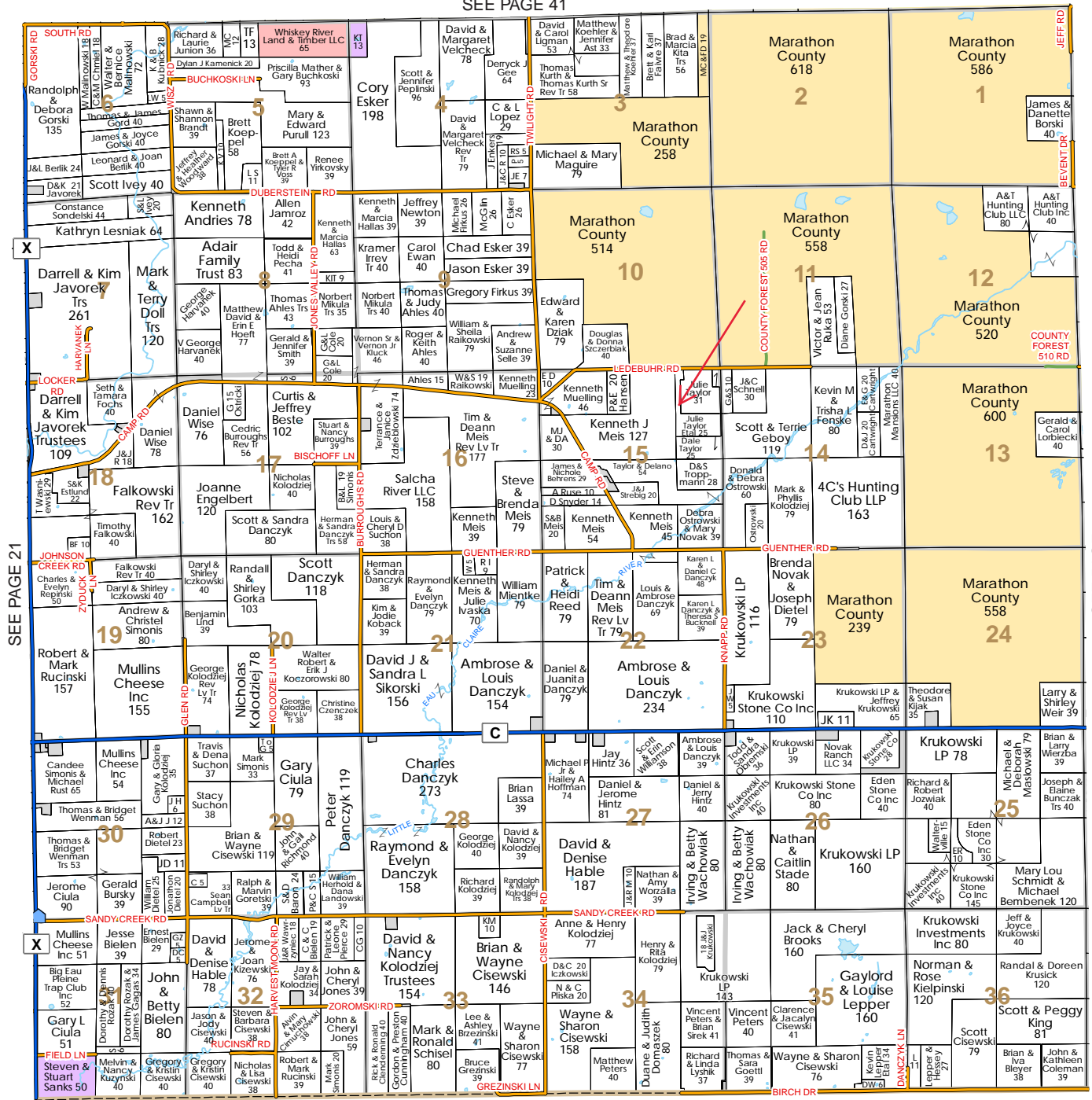
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## Notes



SEE PAGE 41



SEE PAGE 21

SEE PAGE 25

PORTAGE COUNTY



4-H is America's largest youth development organization -- empowering nearly six million young people across the U.S. with the skills to lead for a lifetime.





STATE OF WISCONSIN )  
MARATHON COUNTY )  
TOWN OF GUENTHER )

**RESOLUTION ON ZONING ORDINANCE AMENDMENT**

TO THE MARATHON COUNTY ENVIRONMENTAL RESOURCES COMMITTEE

I, Joan Whitt, Clerk of the Town of Guenther, Marathon County, State of Wisconsin, do hereby certify that the following is a true and correct copy of a resolution adopted by the Town of Guenther Town Board at a meeting held on the 13<sup>th</sup> day of December, 2021.

RESOLUTION

WHEREAS, Section 59.69(5)(e)3., Wisconsin Statutes, provides that if a town affected by a proposed amendment disapproves of the proposed amendment, the town board may file a certified copy of a resolution adopted by such board disapproving of the petition with the Environmental Resources Committee prior to, at or within ten (10) days after the public hearing, and

WHEREAS, if the town board of the town affected in the case of an ordinance relating to the location of boundaries of districts files such a resolution, the Environmental Resources Committee may not recommend to the County Board approval of the petition without change, but may only recommend approval with change or recommend disapproval.

NOW, THEREFORE BE IT RESOLVED that the Town of Guenther Town Board considered on the 13<sup>th</sup> day of December, 2021, petition of Tim Vreeland on behalf of Dale Taylor to amend the Marathon County Zoning Ordinance to rezone lands from G-A General Agriculture to R-R Rural Residential described as part of the NE ¼ of the NE ¼ of Section 15, Township 26 North, Range 8 East, Town of Guenther. The proposed parcel (2.549 acres) is described as Lot #1 on the preliminary Certified Survey Map (CSM) submitted with the rezone petition, part of parent parcel PIN# 032.2608.151.0993; Address 161899 Ledebuhr Rd Mosinee WI 54455.

The Town of Guenther hereby has considered the following standards for rezoning above property *(use additional sheets if necessary)*:

1) **Has the applicant provided what public facilities and/or services currently serve the proposed development, what additional services may be required, and how the additional services will be provided?**

No  Yes Explain: \_\_\_\_\_

2) **Has the applicant demonstrated how the provision of the public facilities will not be an unreasonable burden to local government?**

No  Yes Explain: \_\_\_\_\_

3) **Has the applicant determined that the land is suitable for the development proposed? Explain.**

No  Yes Explain: \_\_\_\_\_

4) **Has the applicant demonstrated 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? Explain.**

No  Yes Explain: \_\_\_\_\_

5) **Is there any potential for conflict with existing land uses in the area?**

No  Yes Explain: \_\_\_\_\_

(OVER)

- 6) Has the applicant demonstrated the need for the proposed development at this location? Explain.  
 No  Yes Explain: \_\_\_\_\_
- 7) Has the applicant demonstrated the availability of alternative locations? Be specific  
 No  Yes Explain: \_\_\_\_\_
- 8) Is cropland is being consumed by this zone change? What is the productivity of the agricultural lands involved?  
 No  Yes Explain: \_\_\_\_\_
- 9) Has the applicant explained how the proposed development will be located to minimize the amount of agricultural land converted?  
 No  Yes Explain: \_\_\_\_\_
- 10) Is proposed rezone request consistent with the town's adopted Comprehensive Plan? Explain.  
 No  Yes Explain: \_\_\_\_\_
- 11) Is there anything else the Town wishes to present or comment on regarding this application to the Marathon County Environmental Resources (ERC) Committee?  
 No  Yes Explain: \_\_\_\_\_

The Town of Guenther recommends:  **Approval**  **Disapproval** of the amendment and/or zone change.

**OR**  **Requests an Extension\*** for the following reasons: \_\_\_\_\_

\*Wis. Stats §59.69(5)(e), (3), and (3m) authorizes Towns to extend the time to disapprove a zone change for a total of thirty (30) days beyond the date of the public hearing. The extension must be by Town Board Resolution and remains in effect until the Town Board adopts a resolution rescinding the extension.

Clerk Goane Whitt  
 Town Board Sam Dreyer  
Frank Mee  
Steven Cisewski

NOTE: If you recommend disapproval of this request, please make every effort to send a representative to the Environmental Resources Committee Public Hearing. Town input at the hearing is always appreciated. Please return this form before December 15, 2021 to:

Marathon County Conservation, Planning and Zoning Department  
 210 River Drive  
 Wausau, WI 54403



# Dale Taylor Petition to Rezone Land Staff Report, January 4<sup>th</sup>, 2022 Environmental Resources Committee

## Findings of Fact

### PUBLIC HEARINGS/MEETINGS:

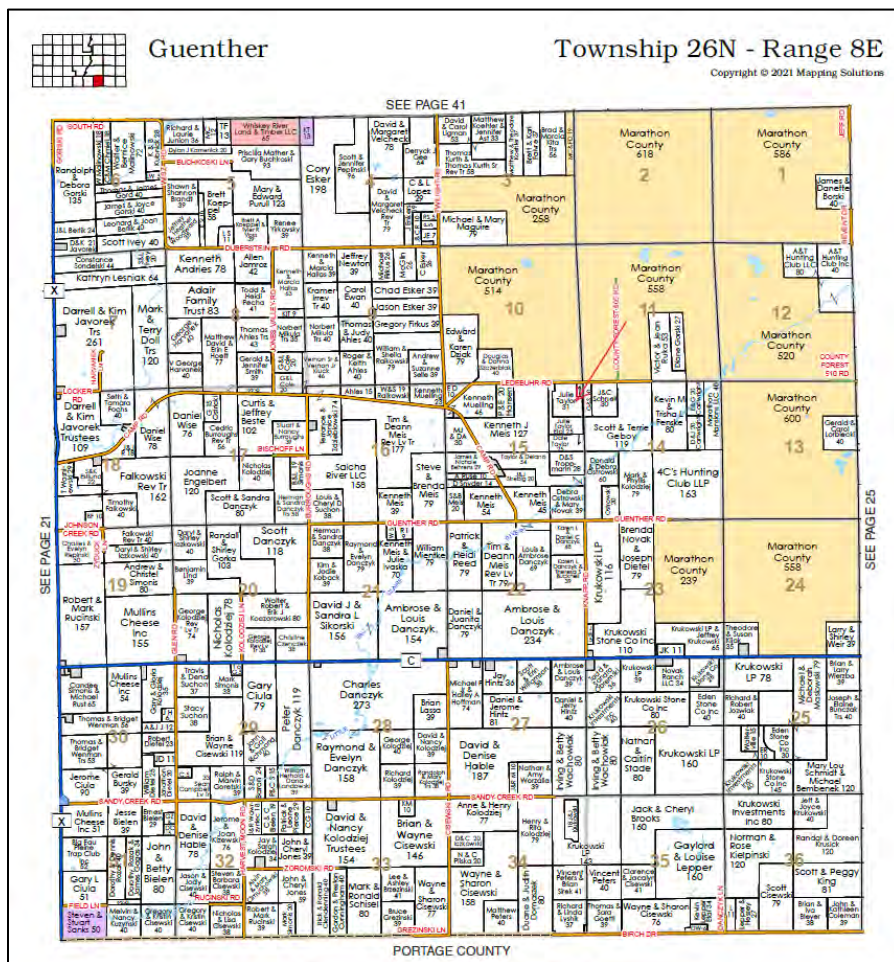
- Town of Guenther Town Board Meeting (December 13<sup>th</sup>, 2021)
- Marathon County Environmental Resources Committee Meeting (January 4<sup>th</sup>, 2022, at 3:00pm)

**PETITIONER:** Tim Vreeland – 6103 Dawn Street, Weston WI 54476

**PROPERTY OWNER:** Dale Taylor – 161899 Ledebuhr Road, Mosinee WI 54455

**LOCATION OF REZONE REQUEST:** Area proposed to be rezoned is located approximately 1 mile east of the intersection of Camp Road and Ledebuhr Road near the center of the Town of Guenther as shown below.

*Map 1: Location of Rezone Request*



### REQUEST:

The petition of Tim Vreeland on behalf of Dale Taylor to amend the Marathon County Zoning Ordinance to rezone lands from G-A General Agriculture to R-R Rural Residential described as part of the NE ¼ of the NE ¼ of Section 15, Township 26 North, Range 8 East, Town of Guenther. The proposed parcel (2.549 acres) is described as Lot #1 on the preliminary Certified Survey Map (CSM) submitted with the rezone petition, part of parent parcel PIN# 032.2608.151.0993; Address 161899 Ledebuhr Rd Mosinee WI 54455.

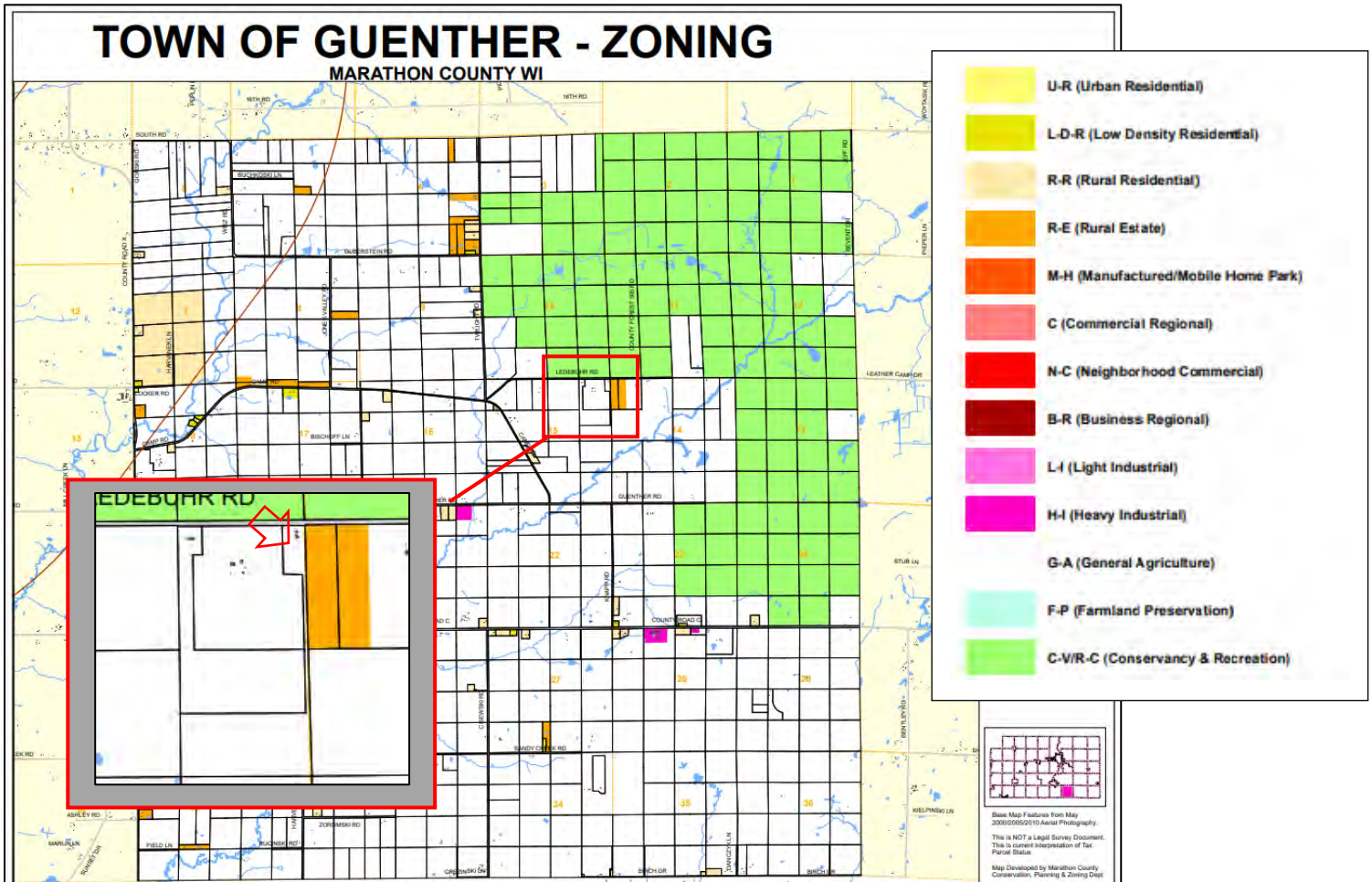
**EXISTING ZONING DISTRICT:**

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

**PROPOSED 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 ZONING DISTRICT MAP:** Adjacent parcels are zoned General Agriculture (White) and Rural Estate (Orange).

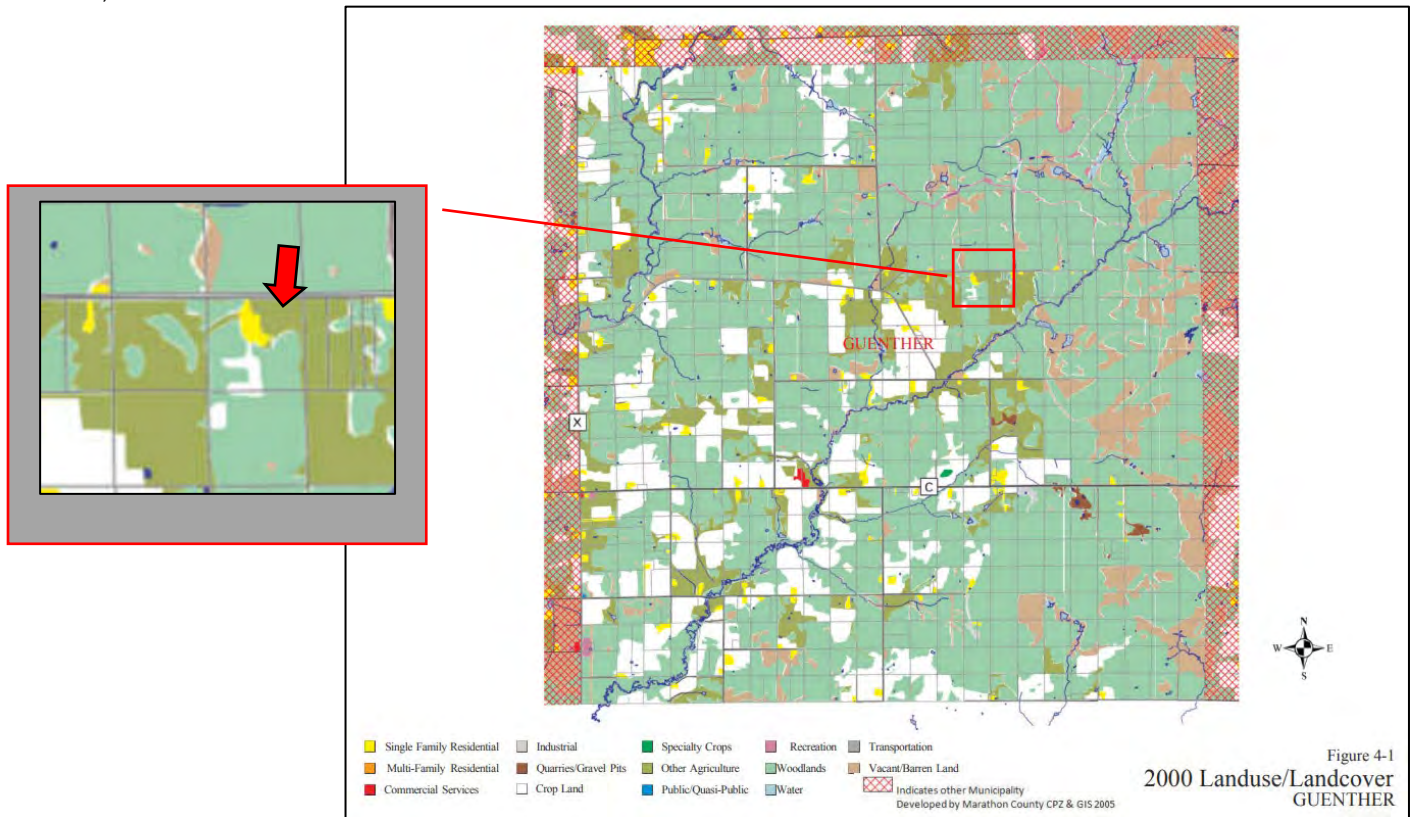


Map #2 Town of Guenther Zoning District Map

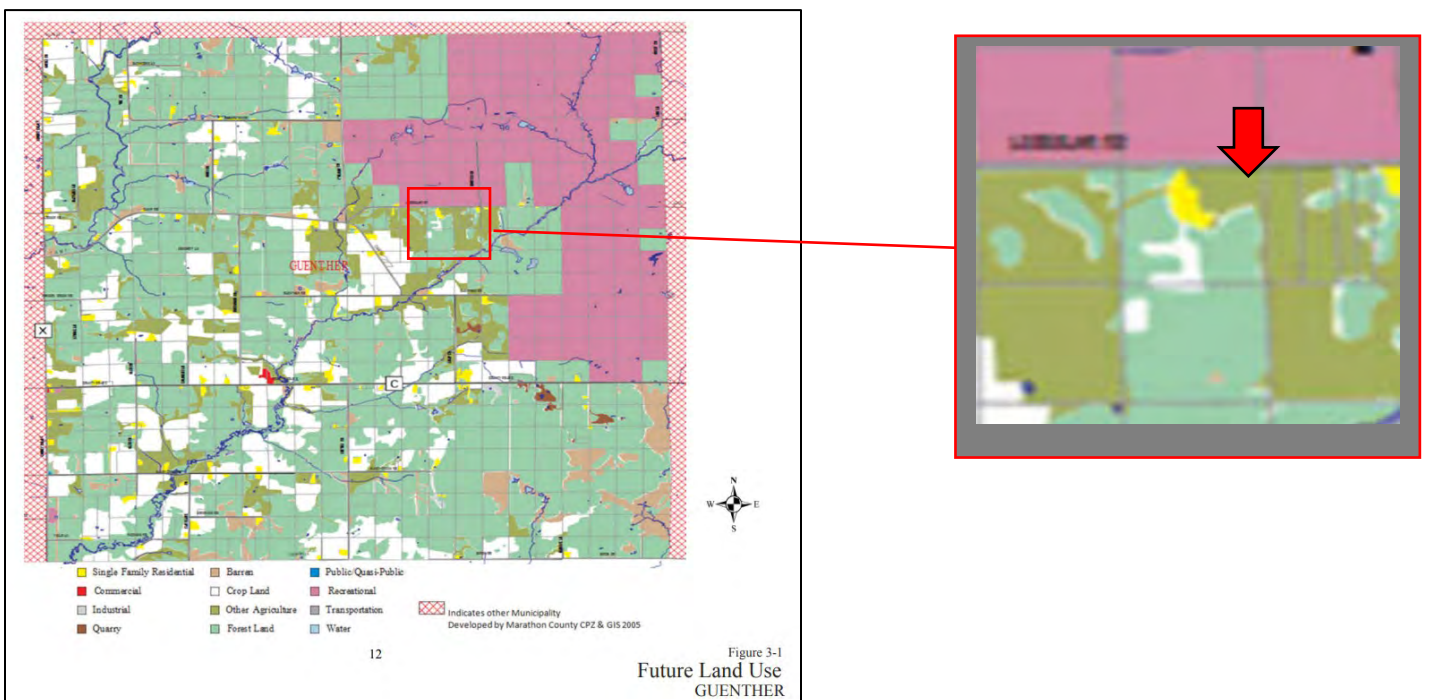
**Legal Notification:**

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.

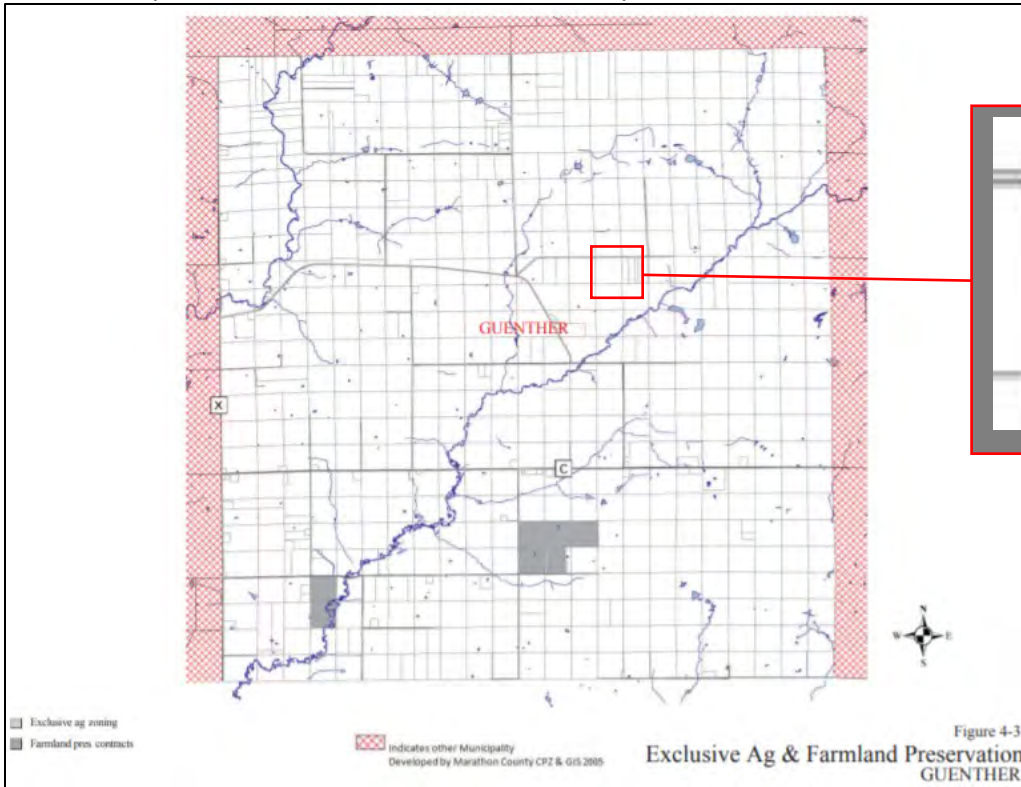
**Existing Generalized Land Use/Land Cover Map 2000 – Town of Guenther (Comprehensive Plan 2018)** The area proposed to be rezoned is shown as other agriculture land uses in the Town’s Comprehensive Plan Existing Land Use/Land Cover Map. Adjacent land uses are comprised of similar land uses including Single Family Residential, Agricultural, and Woodland uses.



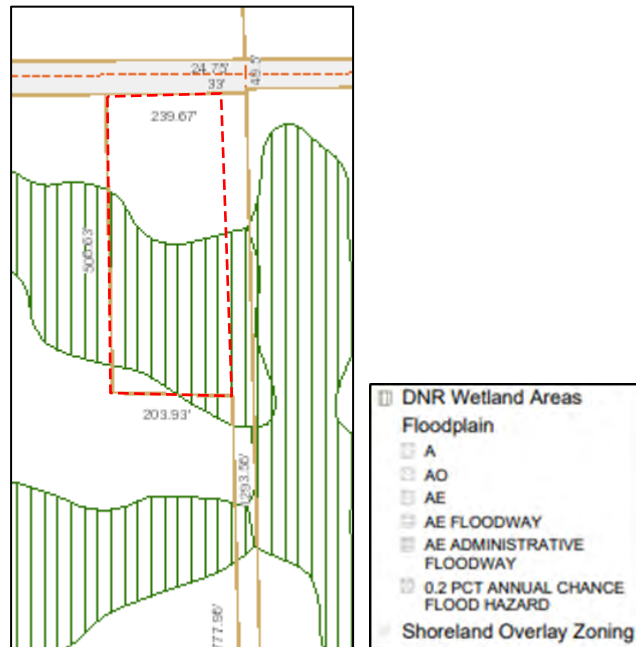
**TOWN COMPREHENSIVE PLAN FUTURE LAND USE MAP (2018 Plan):** The area proposed to be rezoned is shown to be designated for Other Agriculture land uses in the Town’s Comprehensive Plan Future Land Use Map. Adjacent land uses are comprised of similar land uses including Single Family Residential, Agricultural, Recreational, and Woodland uses.



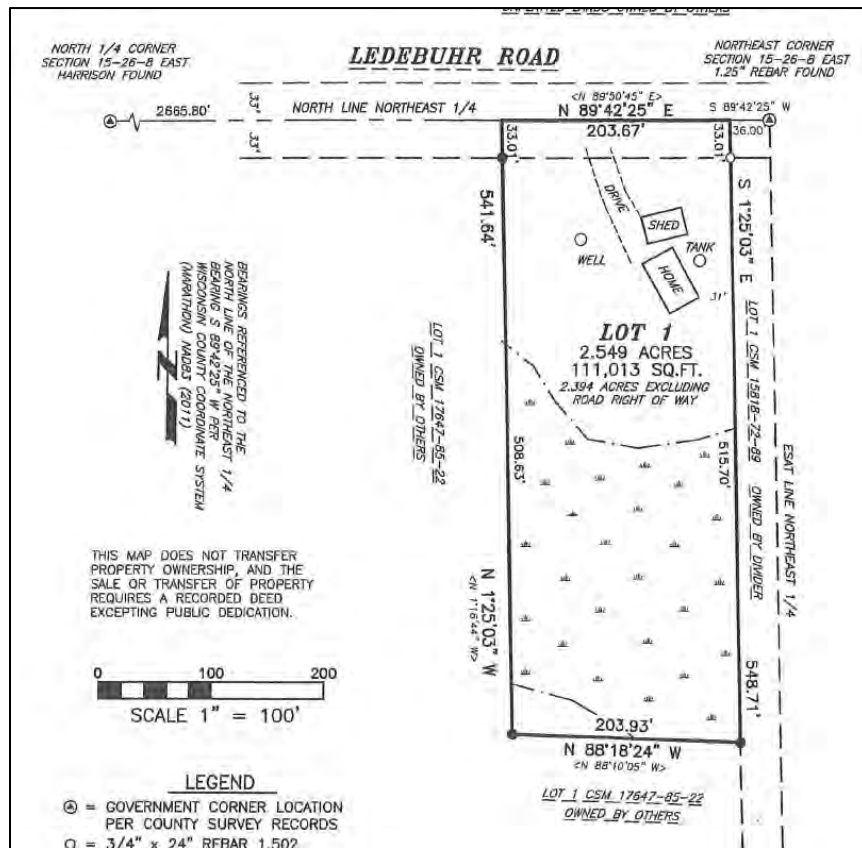
**FARMLAND PRESERVATION PLAN:** The area in question was designated as a non-farmland preservation area in the Farmland Preservation Plan. Yet, the Town of Guenther does not participate in Farmland Preservation zoning therefore there are no parcels within the town zoned farmland preservation.



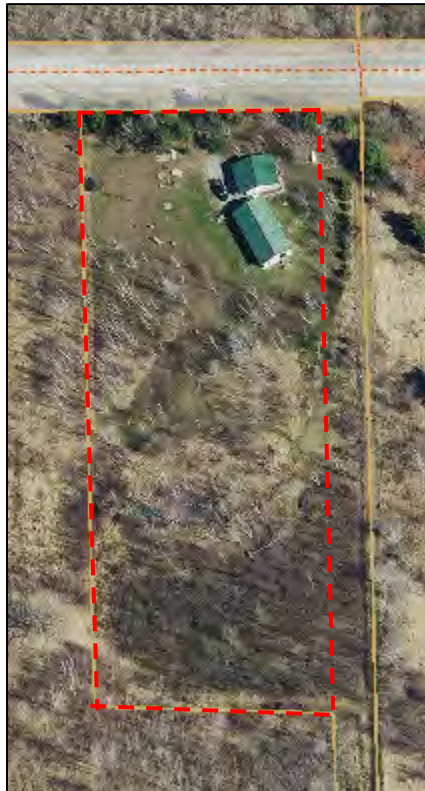
**SIGNIFICANT PARCEL LIMITATIONS OR NATURAL FEATURES:** The area proposed to be rezoned has DNR mapped wetlands, yet has no FEMA floodplain areas nor any shoreland overlay areas.



# Preliminary Certified Survey Map:

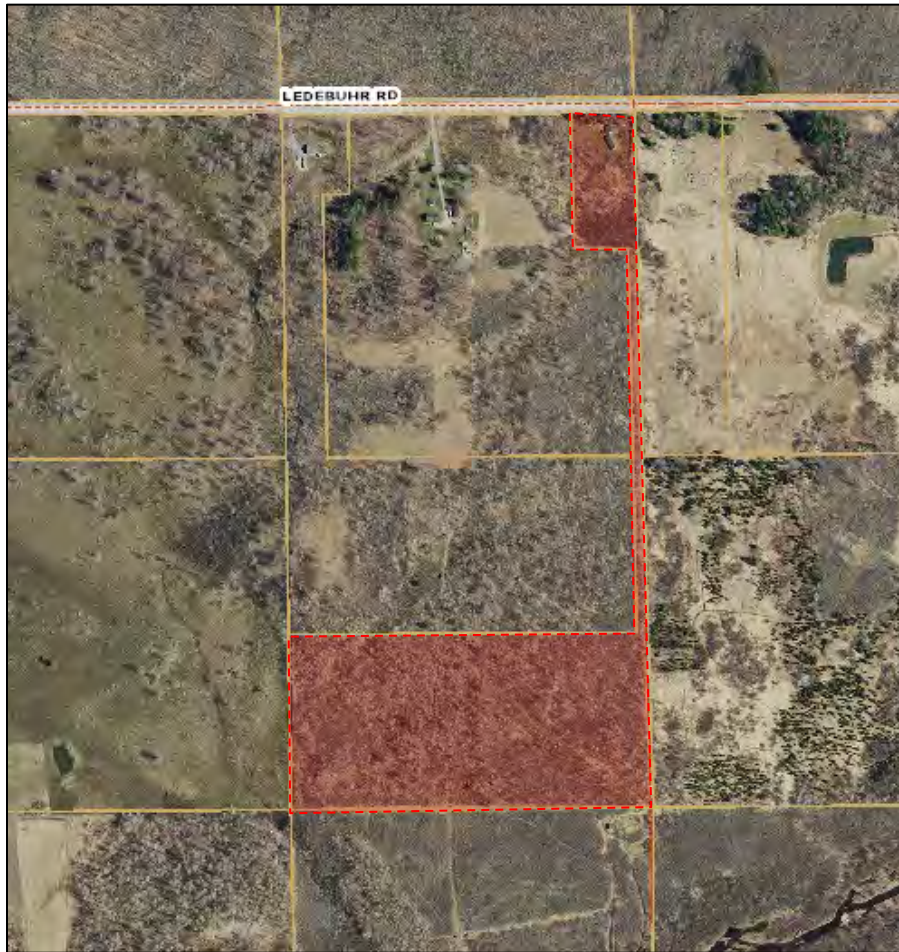


## Aerial Photo #1:



Red dotted area (above) indicates the approximate location proposed to be rezoned, see the preliminary CSM for more specific information and details.

**Aerial Photo #2 (Zoomed out): Parent parcel shown below in red**



*Red shaded/dotted areas (above) indicate the location of the parent parcel, see the preliminary CSM for more specific information and details.*

**TOWN RECOMMENDATION:**

On December 13<sup>th</sup>, 2021 the **Town of Guenther** Town Board Recommended **Approval** to Marathon County's Environmental Resources Committee.

11) Is there anything else the Town wishes to present or comment on regarding this application to the Marathon County Environmental Resources (ERC) Committee?  
 No  Yes Explain: \_\_\_\_\_

The Town of Guenther recommends:  **Approval**  **Disapproval** of the amendment and/or zone change.

*OR*  **Requests an Extension\*** for the following reasons: \_\_\_\_\_

\*Wis. Stats §59.69(5)(c), (3), and (3m) authorizes Towns to extend the time to disapprove a zone change for a total of thirty (30) days beyond the date of the public hearing. The extension must be by Town Board Resolution and remains in effect until the Town Board adopts a resolution rescinding the extension.

Clerk: Joane Whitt  
Town Board: Gami Demigok  
Frank Mea  
Steven Cisewski



## 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 other agriculture land uses (adjacent to residential) 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 area in question was designated as a non-farmland preservation area, yet the town does not participate in farmland preservation zoning. As indicated by the town resolution the town board believes the rezone in questions is consistent with the Town's 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.

It appears no active crop land will be converted as a result of the proposed rezone.

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 related to 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 Guenther 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.

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## STAFF (CPZ) RECOMMENDATION(S):

If approved, the Town of Guenther should update their comprehensive plan to reflect the proposed rezone. The future and existing land use maps already partially reflect the rezone in question yet should be revised to include the whole area proposed to be rezoned from G-A to R-R. Area proposed to be rezoned is shown as a non-farmland preservation area in the Farmland Preservation Plan, yet the town does not participate in Farmland Preservation Zoning.

Based on the information provided above, findings of fact, conclusions of law, and the town recommendation/resolution, 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.



**Case: #2**  
**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

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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

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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

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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

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

Agree       disagree       insufficient information

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

Agree       disagree       insufficient information

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**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:

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- 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:

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Signature:

Chairman: \_\_\_\_\_



## MEMORANDUM

DATE: January 4<sup>th</sup>, 2022  
TO: Environmental Resources Committee  
FROM: Paul Daigle-County Conservationist and Matt Repking Conservation Analyst  
SUBJECT: ORDINANCE REVISIONS - Chapter 11.02 – Animal Waste Management Ordinance

The Marathon County Conservation, Planning, and Zoning Department (CPZ) is currently revising Chapter 11.02 – Animal Waste Management Ordinance of the General Code of Ordinances. The proposed revisions are for clarification of Marathon County's Chapter 11.02 – Animal Waste Management Ordinance. Public hear draft is available here:

<https://www.co.marathon.wi.us/Departments/ConservationPlanningZoning/ZoningandRegulatoryServices/RegulationsOrdinancesandCodes.aspx>

### **The types of changes proposed include:**

- Update additional definitions
- Separate, identify and clarify the following State Performance Standards and Prohibitions:
  - Tolerable Soil loss
  - Add clean water diversions for feedlots, manure storages, and barnyards in Water Quality Management areas
  - Phosphorus Index
  - Process Wastewater
  - No Unconfined manure piles in a water quality management area.
  - Add 5 foot Tillage setback

### **The approximate timeline and important dates are as follows:**

- ❖ **November 2, 2021** Education at Environmental Resource Committee on proposed changes
- ❖ **November 30, 2021** Education at Environmental Resource Committee to review proposed draft language
- ❖ **November and December 2021** -- distribution of various public interest groups (farmers, EPPIC, lake groups, etc.), meet with groups if requested. Hold at least one open house on proposed changes.
- ❖ **December 6<sup>th</sup> 2021** 3pm-6:30 pm Public information meeting/open house 210 River Drive Wausau
- ❖ **December 7<sup>th</sup>, 2021** 3 pm-6:30 pm Public information meeting/open house 213201 Scholar St, Stratford, WI (Stratford Library)
- ❖ **November-December 2021** Various small group and individual meetings and calls with citizens.
- ❖ **January 4, 2022** Hold public hearing at Environmental Resources Committee introduce draft ordinance changes for approval. (3:00pm – Courthouse Assembly room, 500 Forest Street, Wausau, WI 54403) The intent of this hearing is to allow public comment regarding ordinance changes and address any questions/concerns related to ordinance language.
- ❖ **January 2022**– Chapter 11.02 submitted to County Board for Approval
- ❖ **February 2022** – Chapter 11.02 backup date for approval at County Board.
- ❖ **March 1<sup>st</sup>, 2022** if proposed changes are approved they would go into effect no later than this date.

These ordinance revisions coincide with Objective 5.2 and 6.3 of the Marathon County Strategic Plan – Promote sound land use decisions that conserve and preserve natural resources in decision with economic development and growth; and protect and enhance the quantity and quality of potable groundwater and potable surface water supplies, respectively. If you have any questions or concerns related to the Animal Waste Management Ordinance revisions, please feel free to contact me.

*The Marathon County Conservation, Planning, and Zoning (CPZ) Department's mission is to protect our community's land and environment. We promote thoughtful and deliberate use of resources to ensure that Marathon County has healthy people, a healthy economy, and a healthy environment, today and tomorrow.*

#### **Conservation, Planning & Zoning Department**

210 River Drive | Wausau, WI 54403-5449 | Tel 715.261.6000 | Fax 715.261.6016 | Call 800.236.0153 if within Marathon County  
cpz@co.marathon.wi.us | www.co.marathon.wi.us



**MARATHON**  
**COUNTY**



Conservation, Planning,  
& Zoning Department

## Revisions to Chapter 11.02 Animal Waste Management Ordinance

LINK TO PUBLIC HEARING DRAFT

<https://www.co.marathon.wi.us/Departments/ConservationPlanningZoning/ZoningandRegulatoryServices/RegulationsOrdinancesandCodes.aspx>

Paul Daigle  
County Conservationist and  
Matt Repking Conservation  
Analyst

# Animal Waste Management Ordinance

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Conservation, Planning,  
& Zoning Department

- The purpose of this ordinance is to:
  - regulate the location, design, construction, installation, alteration, operation, maintenance, closure, use, and application of animal waste from waste storage facilities
  - prevent the degradation of surface and groundwater
  - protect the groundwater and surface water resources
  - provide for the administration and enforcement of the ordinance and provide penalties for its violations

# Policy Implications:

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Conservation, Planning,  
& Zoning Department

- These ordinance revisions coincide with Objective 5.2 and 6.3 of the Marathon County Strategic Plan



# Policy Implications (continued)



Conservation, Planning,  
& Zoning Department

- Consistent with Land and Water Resource Management Plan:

Marathon County: Land & Water Resource Management Plan

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## CHAPTER 4 | PLAN IMPLEMENTATION & COORDINATION *(continued)*

### **NR 151 Agricultural Performance Standards and Prohibitions Implementation:**

The specific roles and responsibilities of the county and state agencies in implementing these standards and prohibitions are well defined in NR 151 and ATCP 50. Under this program approach, CPZ staff will conduct status reviews of cropland and animal production areas for compliance with NR 151 APSP as part of existing incentive, cost sharing, and permitting programs. In conducting the status review, staff may consult with WDNR when determining which of the state standards and prohibitions apply to parcels being evaluated and determine the extent of compliance for each of the applicable standards and prohibitions. While conducting status reviews, staff use prescribed tools to determine compliance with applicable NR 151 performance standards and prohibitions. The information from the status review form is used to document the compliance status of parcels within the county. The status review results are tracked in the county's GIS, insuring current and future status of parcels and to create reports pertaining to overall NR 151 compliance throughout the county.

# Engagement of Community

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Conservation, Planning,  
& Zoning Department

- Minimum: Public hearing notice and today's hearing
- Offers to attend local farm group meetings starting in October
- Mailing to all towns in the county, as well as over 900 landowners and farmers
  - Two public information meetings
  - Individual meetings with farmers
- Local media coverage
- December meetings with farmers and farm groups

# Reason for revisions and clarification

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Conservation, Planning,  
& Zoning Department

- Clarification of terminology
- Currently most State Performance Standards and Prohibitions (NR 151) are included in ordinance but to compete for grants:
  - Need to pull out and identify them individually
    - Example: Nutrient mgt. includes Phosphorus Index, Tolerable soil loss and Water Quality Management Areas. Marathon Co. needs to define these individually to receive all possible points for grant funds.

# #1 Reason for changes: More money for farmers



Conservation, Planning,  
& Zoning Department

## 2021 Targeted Resource Management Grant

Example Targeted Resource Mgt grant from 2021: Score was 156.2, could have had an additional 20.35 = 176.55; needed **167.3** to be funded

Table 4. Large-Scale TMDL Project Applications

Rank	Applicant	Project Name	Region	Score	Total Eligible Project Costs	Total State Share Requested	Cumulative Requested
1	Waupaca County	Shaw Creek - Lower Little Wolf River Watershed	NER	208.2	\$1,222,000	\$600,000	\$600,000
2	Brown County	Upper/Lower East River TRM	NER	189.8	\$540,000	\$378,000	\$978,000
3	Outagamie County	Upper Duck Creek 3 TMDL Implementation	NER	167.2	\$856,000	\$599,200	\$1,577,200
4	Marathon County	Fenwood Creek Watershed Project (Phase II)	WCR	156.2	\$745,214	\$411,650	\$1,988,850
5	Dodge County	Lake Sinissippi-Rock River Watershed Plan	SCR	150.7	\$70,000	\$490,000	\$2,478,850
6	Dodge County	Wildcat Creek Watershed	SCR	150.7	\$860,000	\$600,000	\$3,078,850

Black font = proposed to be fully funded

Red font = funding not available

# Most changes are for clarification not expanding authority



Conservation, Planning,  
& Zoning Department

- **Existing Definition:**

- Animal Waste. Can be any of the following: **1) Manure:** Animal excreta and includes the following when intermingled with excreta in normal farming operations: debris including bedding, water, soil, hair, and feathers; processing derivatives including separated sand, separated manure solids, precipitated manure sludges, supernatants, digested liquids, composted biosolids, and process water; and runoff collected from barnyards, animal lots, and feed storage areas. **2) Leachate:** The concentrated liquid which has percolated through or drained from animal feed or waste storage areas. **3) Process Wastewater:** Wastewater from the production area or indirectly used in the operation of animal feeding operations that results from any or all of the following: a) Spillage or overflow from animal water systems. b) Washing, cleaning or flushing pens, barns, waste storage facilities or other animal feeding operation facilities. c) Direct contact swimming, washing or spray cooling of animals or dust control. d) Water that comes into contact with any raw materials or animal byproducts including manure, feed, milk, eggs, or bedding.

# Most changes are for clarification not expanding authority, cont.

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Conservation, Planning,  
& Zoning Department

- Existing Definition:
  - Direct Runoff. Includes any of the following: 1) **Runoff of stored animal waste**, including manure leachate, that discharges a significant amount of pollutants to surface waters of the state or to a direct conduit of groundwater. 2) **Runoff from an animal lot** that can be predicted to discharge a significant amount of pollutants to surface waters of the state or to a direct conduit to groundwater

# State Performance Standards and Prohibitions- unconfined animal waste piles, new language included (included in current ordinance)



Conservation, Planning,  
& Zoning Department



# State Performance Standards and Prohibitions- barnyard runoff; language included (in current ordinance)



Conservation, Planning,  
& Zoning Department



Animal lot is predicted to release  
80 lbs P/yr.



# State Performance Standards and Prohibitions-stream banks; language included (in current ordinance)



Conservation, Planning,  
& Zoning Department

2016 (Reoccurring, 3<sup>rd</sup>, use of staff time, multiple visits)



- Degraded stream bank; direct access

2017



- Voluntary: limited access to stream and reduce cattle numbers

State Performance Standards and Prohibitions-Process wastewater/silage leachate; language included (in current ordinance) and new language added for clarification



Conservation, Planning,  
& Zoning Department

## Silage bag site



- Well managed bag storage site
- Good selection for site, not near well or adjacent to road ditch
- No dead vegetation below the silage bags from leachate
- No large piles of refusal/waste silage
- Sufficient grass buffer area down slope of storage area

State Performance Standards and Prohibitions-Process wastewater/silage leachate; language included (in current ordinance) and new language added for clarification

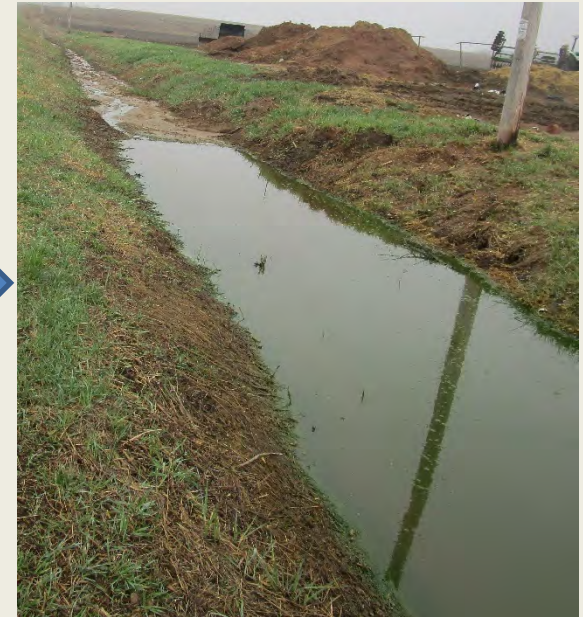


Conservation, Planning,  
& Zoning Department

## Silage bag and bunker site



Discharges  
to ditch



- Not a well managed silage storage site
- Leachate/runoff/silage/sediment enters road ditch
- Burned/dead vegetation from leachate
- Large piles of refusal/waste silage
- No buffer area down slope of storage area

# Revisions:



Conservation, Planning,  
& Zoning Department

- Nothing can be more strict than current State Law-Inclusion is desire to have local control
- Include new definitions out of NR 151 State Code:
  - Accounting Period (phosphorus index and tolerable soil loss)
  - Crop Producer (phosphorus index and tolerable soil loss)
  - Phosphorus Index
  - Surface Waters (5-foot tillage setback)
  - Tolerable Soil
  - Water Quality Management Area (unconfined animal waste pile and clean water diversions)

# Separate, identify and clarify State Performance Standards and Prohibitions:

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Conservation, Planning,  
& Zoning Department

- Currently in ordinance but breaking them out:
  - Tolerable soil loss
  - Phosphorus index
  - Process wastewater
- Not currently in ordinance
  - Add clean water diversions for feedlots, manure storages, and barnyards in Water Quality Management areas
  - Add no unconfined animal waste pile in a water quality management area.
  - Add 5-foot Tillage setback

# Separate, identify and clarify State Performance Standards and Prohibitions:



Conservation, Planning,  
& Zoning Department

- Currently in ordinance but breaking them out:
  - Tolerable soil loss (part of nutrient mgt. plan)
  - Phosphorus index (part of nutrient mgt. plan)
  - Process wastewater/leachate (in definition of animal waste)
  - Add clean water diversions for feedlots, manure storages, and barnyards in Water Quality Management areas (handled under direct runoff from lot)
  - Add no unconfined animal waste pile in a water quality management area. (part of storage standard and direct runoff)
- Not currently in ordinance
  - Add 5-foot Tillage setback

# Summary: Reason for revisions and clarification

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Conservation, Planning,  
& Zoning Department

- Clarification of terminology
- Currently most State Performance Standards and Prohibitions (NR 151) are included in ordinance but:
  - Need to pull out and identify them individually (consistency w/ NR151)
  - DNR suggested we identify individually:
    - Example Targeted Resource Mgt grant from last year: 156.2, could have had an additional 20.35 = 176.55; needed 167.3 to be funded
- Tool to use for enforcement of worse case scenarios/situations

# Questions?



**Conservation, Planning,  
& Zoning Department**

Contact information:

715-261-6000

[cpz@co.marathon.wi.us](mailto:cpz@co.marathon.wi.us)

**Thank you!**



# General Code of Ordinances for Marathon County Chapter 11.02 Animal Waste Management Ordinance



Approved by Marathon  
County Environmental  
Resources Committee  
~~June 2, 2020~~

Approved by Marathon  
County Board of  
Supervisors  
~~June 23, 2020~~

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The County Board of Supervisors of the County of Marathon does ordain as follows:  
Section 11.02 of the General Code relating to Animal Waste is repealed and recreated as follows:

**ANIMAL WASTE MANAGEMENT.**  
**(Cr. #256)**

**(1) INTRODUCTION.**

- a) Statutory Authority. This ordinance is adopted under authority granted by sections 59.02, 59.03, 59.69, 59.70, 92.06, 92.07, 92.09, 92.11, 92.15 and 92.16, Wisconsin Statutes (Wis. Stats), and ss. ATCP 50.56 and NR 151.05 Wisconsin Administrative Code (Wis. Admin Code).
- b) Title. This ordinance shall be known, referred to and cited as the, "County Animal Waste Management Ordinance."
- c) Findings and Declaration of Policy.
1. The County Board finds that storage of animal waste in waste storage facilities and the utilization of livestock sourced nutrients not meeting state agricultural performance standards and prohibitions may cause pollution of the surface and ground waters of the County; and may result in actual or potential harm to the health of County residents and transients; terrestrial and aquatic plant and animal life; surface and groundwater quality; and to the property tax base of the County.
  2. The County Board finds that the technical standards developed by the United States Department of Agriculture (U.S.D.A.) Natural Resources Conservation Service (NRCS) and adopted by the Environmental Resources Committee provide effective, practical and environmentally safe methods of storing animal waste and utilizing nutrients.
- d) Purpose. The purpose of this ordinance is to regulate the location, design, construction, installation, alteration, operation, maintenance, closure, use, and application of animal waste from all waste storage facilities covered by this ordinance so as to protect the health and safety of residents and transients; prevent the degradation of surface and groundwater thereby preventing the spread of disease and promoting the prosperity and general welfare of the citizens of Marathon County; and protect the groundwater and surface water resources of Marathon County. It is also intended to provide for the administration and enforcement of the ordinance and provide penalties for its violations.
- e) Applicability. This ordinance, to be effective upon adoption by the County Board, shall apply to all areas of Marathon County including municipalities that have agreed to allow the Department to enforce this ordinance in their jurisdiction.
- f) Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- g) Compliance.
1. Waste storage facilities shall be constructed, maintained, operated, and closed in compliance with all applicable Federal, State, and local laws, codes and ordinances. It is the owner's/operator's responsibility to obtain any required permits and/or approvals from other governmental units.
  2. No approval pursuant to this ordinance shall be issued where the applicant is in violation of this or any code administered by the department, nor for any parcel(s) of land which have an outstanding violation until the violation has been corrected. A request for waiver of this provision may be made to the Department Director or designee.
- h) Abrogation, Greater Restrictions, and Severability

1. Abrogation and Greater Restrictions. This ordinance is not intended to repeal, annul, abrogate, impair, or interfere with any existing covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.
2. Severability and Non-liability. Should any section, clause, provision or portion of this ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in effect.

DRAFT

## (2) DEFINITIONS

Accounting Period. Means the crop rotation period over which compliance is measured and consists of the current year and extends back the previous 7 years moving forward each consecutive year creating a rolling time period not to exceed 8 years.

Animal Lot. A feedlot, barnyard, or other out facility where livestock are concentrated for feeding or other purposes. "Animal lot" does not include a pasture or winter grazing area. Two or more animal lots at the same livestock facility constitute a single animal lot, for the purposes of this ordinance, if runoff from the animal lots drain to the same treatment area or if runoff from the animal lot treatment area converges or reaches the same surface water within 200 feet of any of those treatment areas.

Animal Waste. Can be any of the following:

- 1) Manure: Animal excreta and includes the following when intermingled with excreta in normal farming operations: debris including bedding, water, soil, hair, and feathers; processing derivatives including separated sand, separated manure solids, precipitated manure sludges, supernatants, digested liquids, composted biosolids, and process water; and runoff collected from barnyards, animal lots, and feed storage areas.
- 2) Leachate: The concentrated liquid which has percolated through or drained from animal feed or waste storage areas.
- 3) Process Wastewater: Wastewater from the production area or indirectly used in the operation of animal feeding operations that results from any or all of the following:
  - a) Spillage or overflow from animal water systems.
  - b) Washing, cleaning or flushing pens, barns, waste storage facilities or other animal feeding operation facilities.
  - c) Direct contact swimming, washing or spray cooling of animals or dust control.
  - d) Water that comes into contact with any raw materials or animal byproducts including manure, feed, milk, eggs, or bedding.

Applicant. Any person who applies for a permit under this ordinance.

BARNY Model. Means the NRCS "Evaluation System to Rate Feedlot Pollution Potential," ARM-NC-17 (April 1982 version with modifications as of August 2005).

Note: The BARNY model is a commonly used computer model that predicts nutrient runoff from animal lots. Copies of the BARNY model are on file with the department, the secretary of state, and the legislative reference bureau. An Excel computer spreadsheet version is available at [www.datcp.state.wi.us](http://www.datcp.state.wi.us).

Committee. A committee made up of members of the Marathon County Board of Supervisors and others who, by authority from Wis. Stats. Chapter 92, determine policy and give direction for soil and water conservation activities. The Environmental Resources Committee (ERC) also provides direction for the Department. The Environmental Resources Committee shall be the decision making board for purposes of this ordinance.

Concentrated Animal Feeding Operation (CAFO). An animal feeding operation to which any of the following apply:

- 1) The operation has 1,000 animal units or more at any time and stores manure or process wastewater in a below or at grade level storage structure or land applies manure or process wastewater.
- 2) The operation has 300 to 999 animals units and has a category I unacceptable practice under s. NR 243.24 (1) (a).
- 3) Under s. NR 243.26 (2) the operation is designated by the Wisconsin Department of Natural Resources as having a significant discharge of pollutants to navigable waters or has caused the fecal contamination of water in a well.

Conservation Practice. Means a best management practice designed to reduce or prevent soil or sediment loss to the waters of the state.

Crop Producer. Means an owner or operator engaged in crop related agricultural practices such as: beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grain, grass, mint, and seed crops; raising of fruits, nuts, and berries; sod farming; placing land in federal programs for payments in kind; owning land, at least 35 acres of which is enrolled in the Conservation Reserve Program and vegetable raising.

Department. Marathon County Conservation, Planning and Zoning (CPZ) Department (responsible for soil and water conservation activities in Marathon County).

Direct Runoff. Includes any of the following:

- 1) Runoff of stored animal waste, including manure leachate, that discharges a significant amount of pollutants to surface waters of the state or to a direct conduit of groundwater.
- 2) Runoff from an animal lot that can be predicted to discharge a significant amount of pollutants to surface waters of the state or to a direct conduit to groundwater.

Director. The Director of the Marathon County Conservation, Planning and Zoning Department or their designee.

Failing and Leaking Waste Storage Facilities. Any waste storage facilities that fail to contain any component of the animal waste that it is intended to contain.

Idle Storage Facility. A waste storage facility which is:

- 1) No longer being used for its intended purpose and no longer having any additional animal waste placed into it.
- 2) Has not had any animal waste added or removed for a period of two (2) years.
- 3) Will, by all the evidence available, not again be used to store animal waste by an active livestock operation.

Livestock Facility: Means a structure or system constructed or establish on a livestock operation.

Maximum Operating Level (MOL). Means the level in the waste storage facility or containment facility, measured vertically from the lowest point of the top of the facility, that is the sum of the margin of safety and the level necessary to contain precipitation and runoff that will enter the facility as a result of a 25-year, 24-hour storm event.

Margin of Safety Level. Means the level in the waste storage facility or containment facility that is one foot vertically below the lowest point of the top of the facility or structure.

Natural Resources Conservation Service (NRCS). An agency of the United States Department of Agriculture which, for purposes of this ordinance, develops and maintains a Technical Guide with conservation practice standards and specifications, engineering manuals and handbooks, and other technical documentation related to waste storage facilities, nutrient management plans, and other technical matters covered in this ordinance

Nutrient Management Plan. A document that is annually updated outlining the requirements for managing the amount (rate), source, placement (method of application), and timing of all sources of plant nutrients and soil amendments to cropland and pastures as identified in ATCP 50.04(3).

Pasture. Land on which livestock graze or otherwise seek feed in a manner that maintains the vegetative cover over the grazing area. Pasture may include limited areas of bare soil such as cattle lanes and supplemental feeding areas provided the bare soil areas are not significant sources of pollution to waters of the state.

Permit. The signed, written statement issued by the Director or their designee under this ordinance that is required before an applicant can construct, install, move, reconstruct, extend, enlarge, convert, substantially alter or close a waste storage facility or its waste transfer system.

Permittee. Any person to whom a permit is issued under this ordinance.

Person. Any individual, corporation, partnership, joint venture, agency, [contractor, engineer, consultant, agent](#), unincorporated association, municipal corporation, county or state agency within Wisconsin, the federal government or any combination thereof.

[Phosphorus Index or P-index.](#) Means Wisconsin's agricultural land management planning tool for assessing the potential of a cropped or grazed field to contribute phosphorus to the surface water.

Safety Devices. Means devices, which are designed to protect humans and livestock from the hazards associated with a waste storage facility.

Stored Animal Waste. Means animal waste that is kept in a waste storage facility or unconfined animal waste pile.

Substantially Altered. A change initiated by an owner or operator that results in a relocation of a waste storage facility or structure, or significant changes to the size, depth or configuration of a waste storage facility or structure including:

- 1) Replacement of a liner in a waste storage facility or structure;
- 2) An increase in the volumetric capacity or area of a waste storage facility or structure greater than 20%;
- 3) A change in a waste storage facility or structure related to a change in livestock management from one species of livestock to another such as cattle to poultry.

[Surface Waters:](#) Means all natural and artificial named and unnamed lakes and all naturally flowing streams within the boundaries of the state but not including cooling lakes, farm ponds, and facilities constructed for the treatment of wastewaters.

Technical Guide. The document provided by the Natural Resources Conservation Service which contains technical data, including the standards referenced within this ordinance to properly and safely locate, construct, install, alter, design, operate, maintain and close a waste storage facility and/or the associated manure transfer system.

Technical Standard 313. A section of the Technical Guide that contains technical data for the proper location, construction, installation, alteration, design, operation and maintenance of a waste storage facility made by construction of an embankment and/or excavating a pit or dugout, or by fabricating a structure.

Technical Standard 634. A section of the Technical Guide that contains technical data for installation of components such as conduits, pumps, valves, and other structures or devices to transfer animal waste from buildings and yards to a waste storage facility and/or loading area for final disposal and establishes the minimum acceptable requirements for design, construction, and operation of waste transfer system components. It includes mechanical pumping or elevation differential (gravity head) systems.

Technical Standard 360. A section of the Technical Guide that contains technical data for the closure of waste storage facilities that are no longer used for their intended purpose to a sanitary and environmentally safe condition.

Technical Standard 590. A section of the Technical Guide that contains technical data for managing the amount (rate), source, placement (method of application), and timing of plant nutrients and soil amendments and establishes the minimum acceptable requirements for the land application of plant nutrients associated with organic wastes (manure and organic byproducts), commercial fertilizer, legume crops and crop residues.

Technical Standard 520. A section of the Technical Guide that contains technical data for a liner of a waste storage facility constructed using compacted soil with or without soil amendments.

Technical Standard 521. A section of the Technical Guide that contains technical data for a liner of a waste storage facility constructed using a geomembrane or a geosynthetic clay material.

Technical Standard 522. A section of the Technical Guide that contains technical data for a liner of a waste storage facility constructed using reinforced or non-reinforced concrete.

Tolerable Soil Loss or “T”: Means the maximum rate of erosion, in tons per acre per year, allowable for particular soils and site conditions that will maintain soil productivity.

Unconfined Animal Waste Pile. A quantity of animal waste that is at least 350 ft<sup>3</sup> in volume and which covers the ground surface to a depth of at least 2 inches and is not confined within an animal waste storage facility, livestock housing facility, and barnyard runoff control facility or covered or contained in a manner that prevents storm water access and direct runoff to surface water or leaching of pollutants to groundwater.

Waste Storage Facility. Any site or area specifically designed and/or constructed for the purpose of storage or containment of animal waste and manure. This includes any waste storage facility previously designed and installed meeting the NRCS Technical Guidelines current at the time of installation, any commercial-prefabricated storage facility, concreted slabs, earthen dugouts, dikes or any other area intended for the storage of animal waste and manure. For the purposes of this ordinance, a storage area intended to contain an accumulation of manure within an area excavated, or diked using soil or any other material, for the purpose of storing the manure, no matter how small that accumulation may be or how long the manure is to be stored there, shall be considered a waste storage facility.

Water Quality Management Area: The area within 1,000 feet from the ordinary high water mark of navigable waters that consist of a lake, pond or flowage, except that, for a navigable water that is a glacial pothole lake, the term means the area within 1,000 feet from the high water mark of the lake; the area within 300 feet from the ordinary high water mark of navigable waters that consist of a river or stream; and a site that is susceptible to groundwater contamination, or that has the potential to be a direct conduit for contamination to reach groundwater.

Waste Transfer System. A combination of hoppers, reception structures, tanks, pumps, pipes, channels, valves or conduits used to transfer animal waste and other fluids and residues associated with animal waste to a waste storage facility, a waste treatment strip, a loading area, cropland or satellite waste storage facility using permanent pipeline and conduits.

### (3) **ACTIVITIES SUBJECT TO REGULATION**

- a) Permit Requirements. Any person who locates, installs, moves, reconstructs, extends, enlarges, converts, substantially alters, closes or changes use of a waste storage facility or parts thereof; or who employs another to do the same, on land subject to this section, shall be subject to the permit requirements of this ordinance.
- b) Waste Storage Facilities:
  - 1) Failing and Leaking. Waste storage facilities that pose an imminent threat to public health, fish, aquatic life, and/or surface or ground water shall be upgraded, replaced, or closed in accordance with this ordinance.
  - 2) Idle Waste Storage Facilities. As specified in Technical Standard 360, removal of animal waste, contaminated soils, and closure of any permitted or unpermitted, idle waste storage facility to a safe and sanitary condition, as determined by the Department, is required within two (2) years of the time the waste storage facility becomes idle. The owner or operator may retain the waste storage facility if they are able to verify all of the following conditions are met:
    - a) The waste storage facility has been designed, constructed and maintained in compliance with the NRCS Technical Standard(s) in effect at the time it was constructed and has functional safety devices in place. If it was not built to a NRCS Technical standard(s) it must meet the current NRCS Technical Standard(s).
    - b) Retention of the waste storage facility is warranted based on anticipated future use.
    - c) Landowner agrees to develop and follow an operation and maintenance agreement for the waste storage facility.
    - d) If the waste storage facility is utilized again for its intended purpose, the Department must be notified and any animal waste stored in it must be applied according to Technical Standard 590.



3) A livestock facility shall not:

- a) Have an overflow of animal waste from waste storage facilities.
- b) Have direct runoff from stored animal waste leaving the property and/or be a threat to surface and/or ground water resources. .
- c) Allow animal waste levels to exceed the maximum operating level (M.O.L.) of the waste storage facility.
- d) Have an unconfined animal waste pile in a water quality management area.
- e) Allow surface and/or roof water to enter/fall onto an animal lot and/or manure storage when located within a water quality management area. (Note: Clean water diversions or other best management practices shall be used to divert water before entering the animal lot and/or manure storage).
- f) Have a significant discharge of process waste water and/or leachate leaving the property and/or be a threat to surface and/or ground water resources.

Note: The department shall consider all the following factors when determining whether a discharge of process waste water and/or leachate is a significant discharge leaving the property and/or be a threat to surface and/or ground water resources:

- a) Volume and frequency of the discharge.
- b) Location of source relative to receiving water resources and/or leaving the property.
- c) Means of process waste water or leachate conveyance to surface and/or ground water resources and/or leaving the property.
- d) Slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of process waste water or leachate discharges to surface and/or ground water resources and/or leaving the property

4) Safety Devices. All waste storage facilities shall be equipped with safety devices, including fences and warning signs intended to protect humans and livestock from the hazards associated with such facilities. Safety devices shall be designed and installed as required by Technical Standard 313.

5) Road and Property Line Setbacks.

- a) A new waste storage facility may not be located within 50 feet of a parcel line where the permittee does not own the adjacent parcel and/or within 50 feet of public road right-of-way line.
- b) An existing waste storage facility seeking expansion must keep a minimum separation distance of 50 feet of a parcel line where the permittee does not own the adjacent parcel and/or 50 feet of a public road right-of-way line.
- c) Setbacks described above do not supersede the Livestock Facilities Licensing Ordinance setbacks or any other setbacks established by law.

c) Land Application of Animal Waste. Regardless of whether an operator has a nutrient management plan:

1) Animal waste shall not:

- a) Run off the application site during or after an application; and/or discharge through subsurface drains off the field site.
- b) Be applied to land where vegetation is not removed mechanically or by grazing, except to provide nutrients for establishment and maintenance of a conservation practice, and application will not result in runoff of animal waste.

2) No over application of animal waste shall occur. In the event of a complaint/investigation, spreading logs and maps shall be provided to the Department upon request to determine the rate and location of animal waste applied. Logs and maps shall include but not limited to: spreader/toolbar calibration, number of loads, animal waste volume or weight for the spreader, date, type of animal waste, nutrient analysis, and application method.

3) Owners, operators, contractors, custom applicators or any entity handling animal waste are responsible for animal waste applications that result in runoff, or spills that are caused by their acts, omissions, and/or decisions.

d) A livestock facility shall not:

- 1) Have direct runoff of animal waste from an animal lot into waters of the state or a direct conduit to ground water.
  - a) Fifteen pounds of phosphorus, if no part of the animal lot is located within 1000 feet of a navigable lake or 300 feet of a navigable stream.
  - b) Five pounds of phosphorus, if any part of the animal lot is located within 1000 feet of a navigable lake or 300 feet of a navigable stream.

Note: Phosphorus amounts and distances from navigable waters are consistent with Livestock Facilities Licensing Ordinance. Concentration of phosphorus is determined using the BARNY Model.

- 2) Allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod or self-sustaining vegetative cover (this prohibition does not apply to properly designed, installed, and maintained livestock or farm equipment crossings).

e) Nutrient Management Plans.

- 1) Nutrient management plans must be filed annually to the Department by April 1<sup>st</sup>.
- 2) Nutrient management Technical Standard 590 requirements shall apply to any or all of the following:
  - a) All landowners with an animal waste storage facility permitted by this ordinance.
  - b) All landowners, regardless if they have applied animal waste, who have received a bona fide offer of cost share funding for nutrient management planning consistent with ATCP 50.08.

f) Compliance with Permit Requirements. A person is in compliance with this ordinance if they follow the procedures and requirements of this ordinance, receive a permit from the Director or their designee prior to beginning activities requiring a permit and they comply with the requirements of the permit.

Where issuance of an after-the-fact permit or approval would have the effect of correcting a violation it may be granted if all conditions required for issuance can be complied with.

g) Requirements of Cost Sharing.

Cost sharing for cropland and livestock facilities or operations will be consistent with ATCP 50.08.

Note: For determination of cost share eligibility, cropland (NR151.09 (4)(b) and livestock facilities (NR 151.095(5)(b) will be used to determine “new” or “existing” status.

h) A crop producer shall not:

- 1) Conduct tillage operations that negatively impact stream bank integrity or deposit soil directly into surface waters.
- 2) Conduct tillage operations within 5 feet of the top of the channel of surface waters. Tillage setbacks greater than 5 feet but no more than 20 feet may be required to meet this ordinance.
- 3) Allow the tillage setback area under sub 2. to degrade to less than 70% coverage of adequate sod or self-sustaining vegetative cover (periodic maintenance may be required on the tillage setback area).  
Note: The tillage setback does not apply to grass waterways installed as conservation practices.
- 4) Allow land where crops and/or feed are grown, including pastures to be managed in a way that it exceeds the “tolerable” (T) rate of soil erosion.  
Note: Soil erosion will be calculated according to the Revised Universal Soil Loss equation and/or using the most current version of SnapPlus software.
- 5) Allow the phosphorus index for croplands, pasture, and winters grazing areas to exceed 6 over the accounting period and/or exceed 12 in any individual year within the accounting period.

**(4) STANDARDS.**

The Wisconsin Field Office Technical Guide of the United States Department of Agriculture (U.S.D.A.) Natural Resources Conservation Service (NRCS) has been adopted by the Committee and the Department. The Technical Guide shall apply until amended or renumbered and then shall apply as amended or renumbered. The following technical standards of the Technical Guide will be used when a waste storage

facility is to be constructed, installed, abandoned, moved, reconstructed, extended, enlarged, converted, substantially altered, closed or emptied for nutrient application: 313-Waste Storage Facility; 520-Pond Sealing or Lining, Compacted Soil Treatment; 522-Pond Sealing or Lining, Concrete; 521-Pond Sealing or Lining, Geomembrane or Geosynthetic Clay Liner; 634-Waste Transfer System; 360-Waste Facility Closure; and 590-Nutrient Management.

**(5) APPLICATION FOR AND ISSUANCE OF PERMITS**

a) Permit Required. No person may undertake an activity subject to this ordinance without obtaining a permit from the Department prior to beginning the proposed activity.

b) Exception to Permit Requirement. All emergency repairs on any component of the waste storage facility or waste transfer system which cause any disruption of the original construction of the waste storage facility or waste transfer system shall be done so as to restore the waste storage facility or waste transfer system to the original state, as determined by the technical standards set forth in Section (4) above; and such repairs shall further be reported to the Department within two (2) calendar days. Nutrient management planning and implementation are also exempt from obtaining a permit.

c) Fees. A non-refundable application fee and Waste Storage Construction Permit fee under this ordinance shall be calculated utilizing the fee schedule adopted by the ERC. The fee schedule may be amended as the ERC deems necessary. A double fee may be charged for all after-the-fact applications and/or permits.

d) Waste Storage Facility and Waste Transfer System Plans and Specifications. Each application for a permit under this ordinance shall include plans and specifications prepared and approved by an agricultural or civil engineer registered with the State of Wisconsin or a Department of Agriculture, Trade and Consumer Protection (DATCP) or NRCS engineering practitioner, in accordance with the criteria of the appropriate standard. The plans, specifications, and documentation for construction shall include:

1. Management assessment.
2. Site assessment.
3. Safety design.
4. Operation and maintenance plan.
5. Nutrient management plan.
6. Construction plan, schedules, and staging.
7. Construction inspection plan.
8. Final construction plan (as-built) showing any plan changes and certifying that the facility meets all applicable NRCS Technical Standards

e) Review of Application. The Director or their designee shall receive and review all permit applications and shall:

1. Determine if the proposed waste storage facility and its waste transfer system meets required standards set forth in sub. (4) of this ordinance. Within twenty (20) business days after receiving the completed application and fee, the Department shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the Department shall so notify the permit applicant in writing. The Department has twenty (20) business days from the receipt of the additional information in which to approve or disapprove the application. If the Department fails to approve or disapprove the permit application in writing within twenty (20) business days of the receipt of the permit application or if no written request for additional information is made by the Department within twenty (20) business days, the application shall be deemed approved and the applicant may proceed as if a permit had been issued.
2. CAFO plans, specifications, and documentation for construction will not be reviewed and/or approved by the Department until they are reviewed and/or approved by the Wisconsin Department of Natural Resources (DNR).

f) Permit Conditions. All permits issued under this ordinance shall be issued subject to the following conditions and requirements. Activities authorized by permit shall be completed within 2 years from the date of issuance after which time such permit shall be void.

- 1) Waste storage facility and its waste transfer system design, construction, alteration or closure shall be according to Department approved standards and plans.
- 2) Permittees must obtain all required permits and authorizations before commencing construction activities.

Note: DNR and other permits may be required for construction site erosion control, storm water management, floodplain, shore land construction, and livestock facilities with 500 or more animal units.

- 3) The permittee shall give five (5) business days' notice to the Department before starting any construction activity authorized by the permit.
- 4) Approval in writing shall be obtained from the Department prior to any modifications to the approved waste storage facility plan.
- 5) The agricultural or civil engineer registered with the State of Wisconsin or a DATCP or NRCS engineering practitioner shall certify in writing to the Department that any activities permitted under this ordinance were installed as planned, meet the guidelines of the appropriate NRCS Technical Standards, and provide an "as-built" set of plans to the Department. As-built documentation will be submitted to the Department within three (3) months of project completion.

Note: To be considered completed, a waste storage facility must be fully constructed as designed including a permanent mark/location for the maximum operating level and implementation/installation of all safety devices.

- g) Permit Revocation. The Director or designee may revoke any permit issued under this ordinance if the holder of the permit has misrepresented any material fact in the permit application or waste storage facility plan, or if the holder of the permit violates any of the conditions of the permit. The decision of the Director or designee may be appealed pursuant to section 8 below.

**(6) ADMINISTRATION**

- a) Delegation of Authority. The County hereby designates the Director or designee for the administration and enforcement of this ordinance.
- b) Powers and Administrative Duties. In the administration and enforcement of this ordinance, the Director or designee shall have the following powers and duties:
- 1) Advise applicants regarding the provisions of this ordinance and assist them in preparing permit applications.
  - 2) Receive, review, and investigate permit applications and fees, and make inspections to determine compliance with provisions of this ordinance.
  - 3) Issue permits in accordance with the terms and conditions of this ordinance.
  - 4) Inspect the site of any permitted activity to ensure those activities are being conducted according to plan specifications.
  - 5) Investigate complaints relating to compliance with this ordinance.
  - 6) Take actions as necessary to enforce the terms and conditions of this ordinance
  - 7) Perform other duties as specified in this ordinance.
- c) Inspection and Monitoring Authority. Inspection and monitoring authority is set forth in Wis. Stats., Section 92.07(14). The Director or designee is authorized to enter upon any lands affected by this ordinance to inspect the land prior to or after permit issuance to determine compliance with this ordinance. Application and/or permit issuance shall constitute permission to enter upon all land that is or will be subject to permit requirements.
- d) Maintenance of Records. The Director or designee shall maintain in the county records:
- 1) Keep an accurate record of all permit applications, waste storage facility plans, closures, permits issued, inspections made, enforcement actions taken, and all other official actions.
  - 2) Track landowner compliance with state agricultural performance standards and prohibitions as specified by this ordinance.
- e) Recording on the Deed. In the case of idle waste storage facilities, if a landowner would like to do the minimum required to close the facility to a safe and sanitary condition, a landowner can sign an Affidavit of Closure that would be recorded on the deed to that parcel. The affidavit will identify that this was a waste storage facility at one time, that it has been returned to a safe and sanitary condition pursuant to NRCS Technical Standard 360, and if it is to be utilized as a waste storage facility in the future, it is the responsibility of the landowner to obtain a permit and provide documentation that it meets current NRCS Technical Standards prior to utilization.

**(7) ENFORCEMENT AND PENALTIES**

- a) Enforcement and Penalties.
- 1) Construction, Alteration, or Closure. With respect to waste storage facilities that are currently under construction, undergoing alteration, or actively decommissioning: which are determined to be in violation of this ordinance:
    - a) The Director and or designee shall cause a stop work order to be posted as follows:
      - 1) Posting, upon the land where the violation occurs.
      - 2) By mailing a copy of the order to the address of all parties identified in the permit.
      - 3) By mailing a copy of the order to the address of other persons whose activity is in violation of the ordinance
    - b) The order shall specify the activity which constitutes a violation and shall set forth a reasonable time frame for the property to be brought into compliance. Continued work which does not bring the property into compliance shall constitute a violation of this ordinance.

- 2) Operation and Management. With respect to waste storage facilities which are under active use or idle:
  - a) Order for Abatement: The Director and or designee may issue an order to abate any violation of this ordinance.
  - b) Permit Suspension or Revocation: The Director or designee may determine that the severity of a violation or repeated violations warrant suspension or revocation of the permit. Continued operation after the permit is suspended or revoked shall constitute a violation of this ordinance.
- 3) Citation. The Director or designee may issue a citation of not less than \$5 nor more than \$500 for each offense, plus the applicable surcharges, assessments and costs for each violation.
- 4) Long Form Summons and Complaint. The Director or designee may pursue a long form summons and complaint through a court of law:
  - a) Each day a violation exists or continues shall be considered a separate offense under this ordinance.
  - b) Upon conviction by a court of law, pay a forfeiture of not less than \$500 nor more than \$5,000, plus the applicable surcharges, assessments and costs for each violation.
- 5) In addition, the Director or designee may seek injunctive relief from a court of record to enjoin further violations.
- 6) Nothing in this ordinance shall prevent the Director or designee from pursuing any other remedies available at law for conduct that is a violation of this ordinance including, but not limited to, public nuisance procedures under Wis. Stats., Chapter 823 which provides among other things that the costs of abatement of a public nuisance by the County may be collected against the owner of the real estate upon which the public nuisance exists. Such costs of abatement may be recovered against the real estate as a special charge under Wis. Stats., 66.027 unless paid earlier.

## **(8) APPEALS AND VARIANCES**

- a) Appeals.
  1. Under authority of Wis. Stats., Chapter 68, the Marathon County Board of Adjustment, created under Wis. Stats., 59.69 and under Marathon County Code of Ordinances, and acting as an appeal authority under Wis. Stats., Section 59.694(7)(a), is authorized to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination by the Director or their designee in administering this ordinance.
  2. Any person having a substantial interest which is adversely affected by the order, requirement, decision, or determination made under this ordinance may file an appeal.
  3. All appeals shall specify written evidence and the reason for the request, including which requirements from this ordinance are involved, and shall be filed via certified mail.
  4. The Board of Adjustment shall set a meeting to hear the appeal within ten (10) calendar days of receipt of the appeal.
  5. A written decision shall be mailed to the appellant within thirty (30) calendar days of the appeal. The decision will affirm, deny, or modify the initial determination.
  6. The rules, procedures, duties, and powers of the Board of Adjustment and Wis. Stats., Chapter 68, shall apply to appeals filed under this section.
- b) Variances. The Board of Adjustment may upon appeal authorize a variance from the requirements of this ordinance when, upon showing by the applicant, unnecessary hardship would result from literal enforcement of this ordinance.

A variance shall:

1. Be consistent with the spirit and purpose of this ordinance.
2. Be based on unique circumstances and not to the general conditions of the area.
3. Not be granted for a self-created hardship.

4. Not permit an activity or practice that may fail structurally or otherwise and cause significant water pollution or other off-site impacts.
  5. Not be granted if the variance will result in an outcome that is contrary to the public interest and be damaging to the rights of other persons.
  6. Not be granted solely on the basis of economic gain or loss.
  7. Not be granted solely on the fact that certain conditions existed prior to the effective date of the ordinance
- a) No variance from the standards in Technical Guide may be approved unless the county receives a variance or waiver from the technical standards through the NRCS or other qualified engineering authority. If public funds are involved, this may be a program requirement.
  - b) No variance from the performance standards and prohibitions in 11.02 (3)(a) above may be granted unless the county complies with the variance requirements specified in NR 151.097, and receives approval from the Department of Natural Resources. Requests for a variance shall be made in writing and shall provide information documenting the following:
    1. Compliance with the performance standard or technical standard is not feasible due to site conditions.
    2. The landowner or operator will implement best management practices or other corrective measures that ensure a level of pollution control that will achieve a level of water quality protection comparable to that afforded by the performance standards in NR 151.
    3. The landowner or operator or their agents or assigns did not create the conditions for which the variance is requested.



**DATE:** December 30<sup>th</sup>, 2021

**TO:** Environmental Resources Committee

**FROM:** Lance Leonhard, County Administrator &  
Laurie Miskimins, Director, Marathon County Conservation, Planning, & Zoning

**SUBJECT:** Zoning & Regulatory Program Staffing Restructure

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The County Administrator and CPZ are requesting an immediate staff restructure of the Zoning & Regulatory Programs at CPZ. Figure 1 on page 2 illustrates the current structure. Figure 2 on page 3 illustrates the new structure. The number of positions remains at 8 (7 full-time, and 1 casual), however we are proposing changing some classifications and duties.

#### **Operational Advantages of the Restructure**

- The Zoning Administrator title and high-level responsibilities will live at the management level, specifically within the Land Resource Manager position.
  - This responsibility is similar to duties held by other Managers at CPZ.
  - Predominate responsibility related to citations, ordinance updates, trainings, and Town engagement falls to the LRM and the Director.
  - Final discretion/decision on tough issues will be with the LRM, and the Director, as needed.
- Create a consistent senior position (Zoning Specialist) across all three sub-areas of the Zoning & Regulatory Programs (Zoning, Nonmetallic Mining and Private Onsite Wastewater Treatment Systems ((POWTS)).
  - Align job duties and expectations to be consistent and in line with that of a Zoning Specialist level position.
  - Zoning Specialists will maintain significant oversight over operational day-to-day functions, preparation of staff reports, and presentations to committees.
- Create advancement opportunities within POWTS.
  - The current structure does not allow POWTS technicians opportunities for advancement within the Marathon County POWTS program. We believe this is leading to higher rates of turnover in these positions.

#### **Specific Classification Changes Envisioned through Restructure**

- Zoning Analyst/Administrator classification reduced to Zoning Specialist (note – Zoning Analyst/Administrator high-level duties are performed by the LRM position)
- Reclass one (1) Onsite Waste Technician position to a Zoning Specialist (POWTS) position



**Financial Impact of Restructure**

After running the analysis with Employee Resources, the estimated budget impact is neutral. If payroll and benefit costs within this restructure were to increase at any point, CPZ’s increases in fee revenues collected would be more than enough to cover these costs.

**Why Now?**

The new Director has had time to evaluate the structure and duties of the Zoning & Regulatory Programs. Ultimately there are certain duties the Zoning Analyst/Administrator has held that belong at a management level. Further, CPZ wants to ensure classifications and duty expectations are more in alignment across all three sub-areas of the Zoning & Regulatory programs. Recent vacancies within the Zoning & Regulatory Programs have provided us an opportunity to pursue this restructure to better align with Marathon County’s needs. CPZ is requesting to move this restructure forward now to ensure that we have sufficient time to fill all our positions and to onboard and train staff for the 2022 construction season.

**Request to the ERC**

Support of this request is respectfully requested so that it may be forwarded to Human Resources, Finance, and Property Committee, and the County Board for approval.

**Figure 1.** Current Structure of Zoning & Regulatory Programs

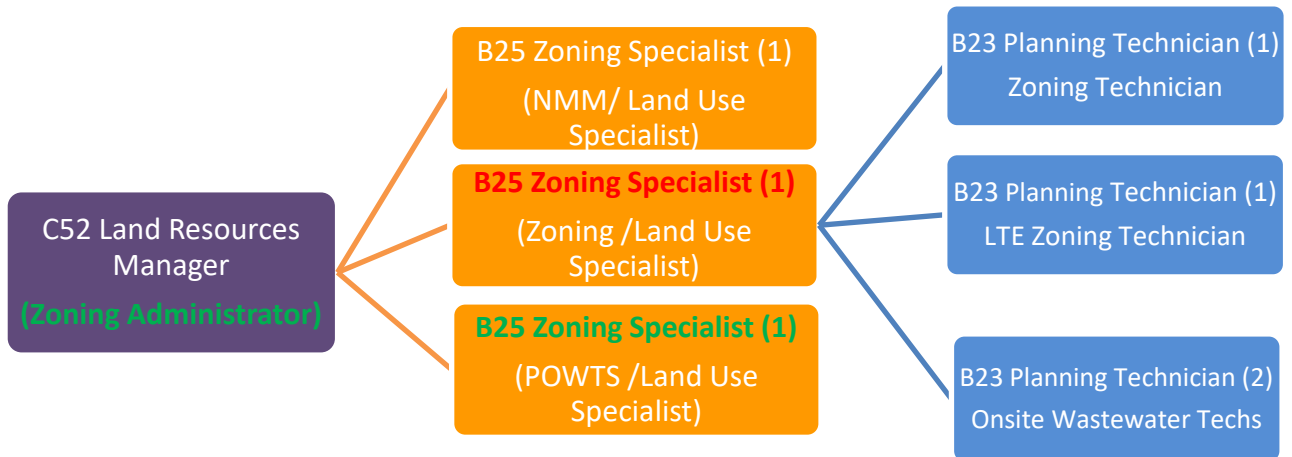


\*The working title of the POWTS staff are “Onsite Wastewater Specialists,” however their classification is Planning Technician.

**Figure 2.** Proposed New Structure of Zoning & Regulatory Programs

**Red Text:** Will reclass an Analyst to a Specialist

**Green Text:** 1) Will move Zoning Administrator duties to the LRM, and 2) Will reclass a Technician to a Specialist





**DATE:** December 20<sup>th</sup>, 2021

**TO:** Environmental Resources Committee

**FROM:** Laurie Miskimins, Director, Marathon County Conservation, Planning, & Zoning

**SUBJECT:** 2022 TEXT AMENDMENTS TO THE MARATHON COUNTY GENERAL CODE OF ORDINANCES – CHAPTER 17

Each year Marathon County Conservation, Planning and Zoning (CPZ) reviews the General Code of Ordinances for Marathon County Chapter 17 – Zoning Code to propose any text amendments. Most of the revisions suggested are to provide clarity and/or simplicity in our implementation and enforcement of the ordinance. Some changes have also been brought forth based on input from the Towns over the last year.

These revisions are brought forward to the Environmental Resources Committee (ERC) now for initial explanation and discussion. In addition to ERC's review, CPZ is seeking input from Towns and citizens. On December 17<sup>th</sup>, 2021, *the Summary of Revisions for Chapter 17* was emailed to the Towns for input and comment. CPZ will be hosting an Open House on [January 18<sup>th</sup>, 2022](#), from [10:00am to 4:30pm](#) for additional input on the proposed revisions. Towns and citizens not comfortable coming to the office in person, can also ask questions or provide comments by calling the CPZ office at (715) 261-6000 or emailing [CPZ@co.marathon.wi.us](mailto:CPZ@co.marathon.wi.us). A full DRAFT ordinance will be posted on the Conservation, Planning, and Zoning website by [January 11<sup>th</sup>, 2022](#).

Following the Open House, CPZ staff may modify the draft code language, based on comment and input received. A FINAL DRAFT will be prepared for the public hearing to be held during the ERC meeting on [February 1<sup>st</sup>, 2022](#). CPZ's goal is to have the ERC recommend approval based on CPZ staff recommendations and Town input at their [February 1<sup>st</sup>, 2022](#), meeting and forward the draft to the Marathon County Board of Supervisors for action at their meeting on [February 22<sup>nd</sup>, 2022](#). This will allow changes to be reflected in preparation for the upcoming building season and prior to county elections.

Year: 2022		Summary of Proposed Revisions to Marathon County General Code Ordinances Chapter 17 - Zoning Code		
Amendment #	Title	Section (in proposed code)	Proposed Change	Reason for Change
1	Title 2	Section 17.202.11 Floor Area Standards	Change minimum floor area standards for manufacture homes and mobile homes to be consistent with HUD and UDC standards (State and Federal), rearrange the section to provide more clarity and consistency.	Make consistent with applicable state and federal standards
2	Title 2	Section 17.204.12 Roadside/Produce Stand & Section 17.203.05 Table of Permitted Uses (Table 3)	Include produce stands in the title, and make this use permitted in the N-C and C district. Remove additional restrictions on who can have a temporary roadside/produce stands and where they can be located.	Increase flexibility, and give owner/tenant ability to allow someone to set up a stand on the site.
3	Title 2	Section 17.204.47 Mechanical Equipment Sales and/or Service & Section 17.203.05 Table of Permitted Uses (Table 3)	Extend the permitted use option to the L-I zoning district.	Make consistent with zoning district and use.
4	Title 2 and 4	Section 17.401.01 Shipping/Storage Containers for Permanent use & Section 17.203.05 Table of Permitted Uses (Table 3)	Allow for shipping/storage containers to be considered a permitted use in all zoning districts except the UR, LDR, and RR zoning districts where the use/structures would require a Conditional Use Permit (subject to Board of Adjustment review and approval).	Increase flexibility and a recent influx of violations derived from the recent (2021) revisions which required a CUP in the larger zoning districts (and Commercial/Industrial Districts) and prohibited them in the smaller residential districts. Town of Plover submitted a petition to revise the ordinance (consistent with the proposed text) yet agreed to wait and include the revision in the annual process.
5	Title 2	Section 17.204.57 Major Home Occupations/Home Professional Business & Section 17.203.05 Table of Permitted Uses (Table 3)	Create the opportunity for a Conditional Use Permit within the UR, LDR, RR zoning districts.	Provide more clarity and consistency.
6	Title 2	Section 17.204.49 Places of Assembly	Include Buffering and Screening references for proposed uses subject to the Zoning Administrator's and/or Board of Adjustment determinations. Additionally, referencing adhering to all federal, state, and local approvals and requirements.	Ensure adequate screening is provided for particular uses and proposal, while ensuring all applicable standards, permits, and approvals are obtained prior to the start of construction.
7	Title 3	Section 17.301.11(B) Outlots Within the Farmland Preservation Zoning District - Section 17.301.11 Minimum Lot Size	Clarify when an outlot can be created within the Farmland Preservation Zoning District, while ensuring outlots created with the intent to be combined with adjacent lands is done so within 6 months of the survey/deed being reordered with the County Register of Deeds.	Ensure compliance with the applicable 35 acre minimum parcel size within the FP zoning district while allowing for outlots to be created when they meet the definition and purpose and intent of an Outlot.
8	Title 4	Section 17.401.05 Fences/Wall Regulations	Remove unnecessary regulation related to fencing/wall materials and standards.	Not being enforced nor needed in a rural zoning ordinance.
9	Title 4	Private Use: Permit, Application, and Filing Requirements (Solar Energy Systems)	Provide clarity regarding minimum setbacks for ground and building mounted solar arrays, to ensure they meet the applicable setbacks.	Provide more clarity and consistency.
10	Title 5	Section 17.501.01 General Standards (Parking)	Require only one minimum parking spot for residential units, and provide clarity regarding what types of vehicles can utilize parking spaces.	Provide more clarity and simplicity.
11	Title 7	Section 17.701.02 Administration (Signs)	Allow more flexibility for application submissions for signs that require a Conditional Use Permit through the Board of Adjustment.	Increase consistency.
12	Title 7	Section 17.701.08 Illumination of Signs (Signs)	Allow flexibility regarding external lighting for signs.	Increase flexibility.
14	Title 7	Section 17.702.04 Off Premise Ground Signs	Remove the directional requirement for the signs.	Ease of enforcement and remove unnecessary regulations related to these types of signs.
15	Title 7	Section 17.702.05 Changeable Copy and Electronic Message Center Signs (Signs)	Remove the limitation on the max square footage of a changeable copy and electronic message center (existing total maximums will still be in place).	Increased interest regarding larger electronic sign proposals/practices.
16	Title 7	Section 17.703.02 Temporary Signs	Remove minimum setback for temporary signsh They shall be located completely on the property in which they are erected	Provide more clarity and consistency.
17	Title 9	Definitions	Include Decks less than 100sq.ft and fences less than 100 linear feet in the definition of Minor Structure, so would not require a general zoning permit but still must meet all applicable setbacks.	Provide clarity and reduce burden for minor structures.