



# MARATHON COUNTY ENVIRONMENTAL RESOURCES COMMITTEE AGENDA

**Date & Time of Meeting:** Tuesday, February 2, 2021 at 3:00 p.m.

**Meeting Location:** 212 River Drive, Room 5 Wausau 54403

**Committee Members:** Jacob Langenhahn - Chair ; Sara Guild, -Vice-chair; Rick Seefeldt, Allen Drabek, Bill Conway, Randy Fifrick, Arnold Schlei, Dave Oberbeck, Eric Vogel - 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.*

The meeting site identified above will be open to the public. However, due to the COVID-19 pandemic and associated public health directives, Marathon County encourages (Committee/Board/Commission) members and the public to attend this meeting remotely. To this end, instead of attendance in person, (Committee/Board/Commission) members and the public may attend this meeting by telephone conference. If (Committee/Board/Commission) members or members of the public cannot attend remotely, Marathon County requests that appropriate safety measures, including adequate social distancing, be utilized by all in-person attendees.

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!**

**1. Call meeting to order**

**2. Public Comment (15 minute limit)**

**3. Approval of January 5, 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. Kocourek Properties LLC – F-P Farmland Preservation to L-D-R Low Density Residential – Town of Marathon
2. Benjamin & Teri Mandli – L-D-R Low Density Residential to N-C Neighborhood Commercial – Town of Reid
3. Robert & Kelsey Schwei – L-D-R Low Density Residential to R-E Rural Estate – Town of Knowlton
4. Public testimony on text amendment changes to the General Code of Ordinance for Marathon County Chapter 17 Zoning Ordinance <https://bit.ly/35z5YAm>
5. Public testimony on text amendment changes to the General Code of Ordinance for Marathon County Chapter 22 Shoreland, Shoreland-Wetlands & Floodplain Ordinance <https://bit.ly/35z5YAm>

B. Review and Possible Recommendations to County Board for its Consideration (Town Zoning changes pursuant to §60.62(3) Wis. Stats.)

1. Town of Rib Mountain – William Fischer PIN# 068.2807.104.0004 152307 Starling Lane

**MARATHON COUNTY  
ENVIRONMENTAL RESOURCES COMMITTEE  
AGENDA**

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

1. Updates to Marathon County Code of Ordinances Chapter 16
2. Updates to Marathon County Code of Ordinances Chapter 19

D. Review and Possible Action

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

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

1. CPZ Strategic Plan Outcomes
  - a. Progress reports for March
2. Report on the Land and Water Plan-next steps
3. CPZ Position reclassification request for March

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

**7. Next meeting March 2, 2021 3:00 pm Room 5 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: January 26, 2021  
Time: 9:05 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, February 2, 2021 at 3:00 p.m., 212 River Drive, Room 5, Wausau WI 54403, at which time the Committee will consider the following:

1. The petition of Kocourek Properties LLC to amend the Marathon County Zoning Ordinance to rezone lands from F-P Farmland Preservation to L-D-R Low Density Residential described as part of the NE ¼ of the NE ¼ of Section 24, Township 28 North, Range 06 East, Town of Marathon. The area proposed to be rezoned is described as Lot #2 (8.172 acres) on the Preliminary Certified Survey Map (CSM) submitted as a part of the rezone petition. Area to be rezoned is identified as part of Parcel PIN# 054-2806-241-0999; Address 146149 County Road N, Wausau WI 54401.
2. The petition of Benjamin & Teri Mandli to amend the Marathon County Zoning Ordinance to rezone lands from L-D-R Low Density Residential to N-C Neighborhood Commercial described as being located in Government Lot 3 of Section 13, Township 27 North, Range 09 East, Town of Reid. The area proposed to be rezoned is described as Lot #2 (1.050 acres) on the Preliminary Certified Survey Map (CSM) submitted as a part of the rezone petition. Area to be rezoned is identified as part of Parcel PIN# 064-2709-135-0909; Address 215120 County Road Y, Hatley WI, 54440.
3. The petition of Robert & Kelsey Schwei to amend the Marathon County Zoning Ordinance to rezone lands from L-D-R Low Density Residential to R-E Rural Estate described as part of Government Lot 3 of Section 28, Township 26 North, Range 07 East and part of NE ¼ of the SE ¼ of Section 29, Township 26 North, Range 07 East, Town of Knowlton. The existing parcel proposed to be rezoned is described as Lot #2 (10.0340 acres) on the Certified Survey Map (CSM) Vol. 62 Pg. 60 (Doc#1423383); Parcel PIN# 048-2607-285-0985.
4. The petition of Paul Daigle, Conservation, Planning, and Zoning (CPZ) Director, for text amendment changes to the General Code of Ordinance for Marathon County Chapter 17 Zoning Ordinance Code. The text amendments may be viewed online at <https://bit.ly/35z5YAm> or at the Marathon County Conservation Planning and Zoning Office, 210 River Drive, Wausau WI 54403. Copies may be obtained by contacting the CPZ Department at 210 River Drive, Wausau WI 54403, or by calling (715) 261-6000.
5. The petition of Paul Daigle, Conservation, Planning, and Zoning (CPZ) Director, for text amendment changes to the General Code of Ordinance for Marathon County Chapter 22 Shoreland, Shoreland-Wetlands & Floodplain Ordinance. The text amendments may be viewed online at <https://bit.ly/35z5YAm> 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

Written testimony may be forwarded prior to the hearing to: Jacob Langenhahn – Environmental Resource Committee Chair, Conservation, Planning and Zoning Department, 210 River Drive, Wausau, WI 54403-5449. All interested persons will be given an opportunity to be heard. 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.

**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:**

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Jacob Langenhahn



Jacob Langenhahn, Chairman  
Environmental Resources Committee



Paul Daigle, Land and Water Program Director  
Conservation, Planning, and Zoning Department

**Publish: January 18 and January 25, 2021**

E-mailed to: Wausau Daily Herald ([WDH-Legals@wdhmedia.com](mailto:WDH-Legals@wdhmedia.com)) on January 13, 2021 at 8:15 a.m.



**Marathon County  
Environmental Resources Committee Minutes  
Tuesday, January 5, 2021  
210 River Drive, 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	} via Webex or phone
<i>Vice-Chair</i>	Sara Guild.....	X	
	Rick Seefeldt .....	X	
	Bill Conway .....	X	
	Allen Drabek .....	X	
	Randy Fifrick.....	X	
	Arnold Schlei .....	X	
	Dave Oberbeck.....	X	
	Marilyn Bhend .....	X	
	Eric Vogel .....	X	

Also present via Webex, phone or in Room 5: Paul Daigle, Dominique Swangstu, Lane Loveland, Jeff Pritchard, Dave Decker, Robert Hoffman, Jared Mader, Kirk Langfoss and Cindy Kraeger– Conservation, Planning, and Zoning (CPZ); Jean Kopplin – City-County IT, Jason Hake – Deputy Administrator, Tom Radenz – REI Engineering; Rachel Whitehair – UW Extension; Larry Weiler, Gary Krueger, Jon Blume, Jeff Downs, Lee Ann Podruch, Bill Schoenowski, Tim Vreeland, Lisa and Brian Bartnik, Clark Eckhoff and Brian Thout.

1. **Call to order** – Called to order by Chair Langenhahn at 3:00 p.m. via WEBEX.

2. **Public Comment** – None.

3. **Approval of December 1, 2020 Committee minutes**

**Motion** / second by Drabek / Conway to approve of the December 1, 2020 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. Gary Krueger on behalf of Garrett Weiler and Enos & Mary Ellen Horst U-R Urban Residential and G-A General Agriculture to R-R Rural Residential – Town of Holton

**Discussion:** Swangstu was sworn in and noted the staff report and decision sheet had been included in the packet. Swangstu reviewed the rezone request of 2.015 acres shown as Lot 1 of the Preliminary Certified Map (CSM) submitted with the petition. 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. Additionally, the remaining farmland (38 acres) will continue to be farmed.

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

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

**Action:** **Motion** / second by Fifrick / Guild to recommend approval to County Board, of the Gary Krueger on behalf of Garrett Weiler and Enos & Mary Ellen Horst rezone request. 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. The rezone should not result in any adverse effect on natural areas. The committee made their recommendation of approval based on the information, findings of fact, and conclusions of law as described in the CPZ staff report included in the ERC packet.

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

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

2. The petition of Tim Vreeland on behalf of Dennie & Linda Davis – G-A General Agriculture to R-R Rural Residential and R-E Rural Estate – Town of Easton

Discussion: Swangstu was sworn in and noted the staff report and decision sheet had been included in the packet. Swangstu reviewed the rezone request in which the areas proposed to be rezoned to R-R are described on Lot#2 and Lot #4 on the Preliminary CSM and the area proposed to be rezoned to R-E are described as Lot #1 and #3 on the Preliminary CSM.. Swangstu stated there is also a shed located on proposed lot #1 which is used for maple syrup processing, the use of which is permitted within the R-E zoning district. Based on the information provided the rezone appears to meet all applicable rezone standards and requirements. Swangstu also provided information and the reasons why CPZ staff are recommending approval of the rezone request.

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

Vreeland was sworn in and stated the parcel is being created for the children of the family.

There was no additional testimony in favor or opposed to this rezone request. Testimony portion of the hearing was closed at 3:20 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

Action: **Motion** / second by Fifrick / Schlei to recommend approval to County Board, of the Tim Vreeland on behalf of Dennie & Linda Davis rezone request. 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. 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. Brian & Lisa Bartnik – L-I Light Industrial to G-A General Agriculture Town of Holton

Discussion: Swangstu was sworn in and noted the staff report and decision sheet had been included in the packet. Swangstu reviewed the rezone request of the existing parcel proposed to be rezoned approximately 3.25 acres which will be combined with the 7+/- acres adjacent agricultural lands to create a compliant parcel as it related to the minimum parcel size for the GA zoning district (10 acres). Swangstu stated the need of the rezone is related to the proposed expansion of the existing home onsite as well as agricultural business space. The agricultural business related facility/building located on the property is considered an existing non-conforming structure due to the fact it is partially located within the road Right of Way and does not meet applicable setbacks. 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.

Lisa Bartnik was sworn in and stated the property was purchased in the early 1970's by her father in law and it is her understanding there have been no issues with the Town with the location of the agricultural facility/building. The building onsite (besides the single family home) is currently being used as maintenance shop for tractors and milk trucks for their milk hauling business. The owners currently have no intention of expanding the business at this time.

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

There was no additional testimony in favor or opposed to this rezone request. Testimony portion of the hearing was closed at 3:35 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

Action: **Motion** / second by Fifrick / Vogel to recommend approval to County Board, of the Brian & Lisa Bartnik rezone request. 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. 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. Re-open the Rick Kersten (Central Wisconsin Lumber and Tie INC.) on behalf of Steve Dahlke – G-A General Agriculture to L-I Light Industrial – Town of Rib Falls postponed from 12-15-2020 County Board agenda.

Discussion: Swangstu was sworn in and noted this rezone was previously approved by the Committee in December but was postponed at the December 15, 2020 County Board and sent back to the Committee due to the agent/applicant requesting to reduce the area of the rezone by 1 acre. After discussion with the owner and agent it was agreed to move forward with the original application as previously submitted. Swangstu stated the rezone before the committee is the exact same rezone petition as presented in December with no changes to the staff recommendation or area to be effected as a result of the rezone

There was no additional testimony in favor or opposed to this rezone request. Testimony portion of the hearing was closed at 3:43 p.m.

Action: **Motion** / second by Ffrick / Vogel to recommend approval to County Board, of the re-opening of Rick Kersten (Central Wisconsin Lumber and Tie INC.) on behalf of Steve Dahlke rezone request. 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. 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

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

5. Re-open the public hearing on the draft Marathon County 2021-2030 Land and Water Resource Management (LWRM) Plan

Discussion: Daigle was sworn in and recapped the LWRM Plan timeline with the committee's accomplishments of learning the history; accepting the goals and outcomes of the plan, the LWRM Plan meets the needs of county, citizens and farmers of Marathon County. Staff, Committee members and people whom provided technical input were recognized. If the LWRM Plan is approved by the Committee it needs to be presented and approved by the State Land and Water Conservation Board and then on to County Board in February.

The following people provided comment via WEBEX of support of the LWRM Plan.

Rachel Whitehair

Jon Blume

The following individuals provided comments of support of the plan. (A complete record of these comments are available at CPZ). Daigle read the comments into the record.

Matthew Oehmichen – EPPIC and the Tech advisory team

Ben Niffenegger, Manager Environmental Affairs, WVIC.

Peter Arnold

Michael Tiboris, Clear Water Farms Director River Alliance of Wisconsin

Rick Parkin

Wayne Breitenfeldt, Wausau Dairy Farmer

Bob Jehn

John Kennedy – Big Eau Pleine Citizens Organization

Matthew Oehmichen and Jason Cavadini

Leann Hogart

Chairman Langenhahn read into the record the email dated November 6, 2020 from Peter Weinschenk seeking a defense of the LWRM Plan by an ERC member.

There was no additional testimony in favor or opposed to draft Marathon County 2021-2030 LWRM Plan. Testimony portion of the hearing was closed at 4:15 p.m.

Fifrick made comments in support of the plan, as the ERC representative on the Local Advisory Committee. Stated strong diverse individuals on committee representing interests of the county.

Action: **Motion** / second by Fifrick / Seefeldt to recommend approval to County Board of the Marathon County 2021-2030 Land and Water Resource Management Plan.

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

Follow through: Forward to County Board for action at the February scheduled meeting.

B. Review and Possible Recommendation to County Board for its Consideration (Town Zoning changes pursuant to §60.62(3) Wis. Stats.)

1. Town of Texas – 239891 Chico Rd

Discussion: Swangstu stated the Town of Texas is town zoned and the rezone petition submitted was intended to change the zoning classification/district from M-2 to A-1 at the property located at 239891 Chico Rd. The zoning change was approved at the town board meeting on December 14, 2020. Although the town is town zoned, County Board approval is still needed per Wis. Stats.

Action: **Motion** / second by Fifrick / Schlei to recommend approval to County Board, of the Town of Texas zone change. Motion **carried** by voice vote, no dissent

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

C. Review and Possible Recommendations to County Board for its Consideration - None

D. Review and Possible Action

1. Royal Vistas Preliminary County Plat – Town of Rib Mountain

Discussion: Decker discussed the details of the Royal Vista Preliminary County Plat. Prior to the submittal of the Royal Vistas Preliminary Plat for approval, a concept plat meeting was held to discuss the plat. Design concepts and plans were discussed and agreed upon by all parties. The preliminary plat reflects the designs discussed at the concept plat meeting.

Action: **Motion** / second by Fifrick / Conway to approve the Royal Vistas Preliminary Plat located in the Town of Rib Mountain. Motion **carried** by voice vote, no dissent.

Follow through: The final plat will be submitted for approval at a later date for future committee action. Approval by County Board is not required.

5. Educational Presentations/Outcome Monitoring Reports and Committee Discussion

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

1. CPZ – Zoning Ordinance – education on proposed revisions (memo)

a. Chapter 17 – Zoning Code

Discussion: Swangstu reported back to the Committee the Town input received from County and Town Zoned towns as well as explained the summary of revisions as well as the memo included in the meeting packet. Swangstu provided the recommended text revisions based on the input provided by the county zoned towns (town officials and residents) as well as Conservation, Planning and, Zoning staff whom administer the zoning ordinance.

Swangstu stated a similar memo and the same summary of proposed text amendments was mailed to the Town Clerks and Town Chairs for their additional input. A summary of the text amendments was included in the meeting packet and will be available on the CPZ website when the draft ordinance is posted. The committee had a few questions regarding specific proposed amendments which will be addressed at the next ERC meeting/public hearing after additional input is provided by the effected towns. The committee was asked to again review and provide input on the text amendments based on the summary of revisions as well as based on the full draft ordinance when it is made available online. The public hearing for these proposed amendments will be held during the February 2, 2021 ERC meeting. Additionally, an open house has been scheduled for 210 River Drive, Wausau WI 54403 on January 14<sup>th</sup>, 2021 so the public, towns, and committee members have any additional questions or recommendations prior to the public hearing in February. Discussion occurred regarding Chapter 17.204 and Chapter 17.301 Special Event and Permitted Temporary Uses and the standards and requirements that apply. The committee also requested additional input from the impacted towns regarding the proposed revision and use, and would like to see a proposal (proposed

text language) at the next ERC meeting which addresses town input and the initial intent behind a proposed revisions.

Comments were received from:

Brian Thuot expressed concerns about the event/use standards and requirements as it relates to the total number of events that can be held within 1 year. He stated there isn't necessarily an issue with the total number of events allowed per year but believes there should be more flexibility when it comes to event cancellations and having the ability to reschedule an event if one day of the event cannot take place due to weather or other unforeseen factor. Thuot also stated these events can be very costly for the event organizers and if an event needs to be cancelled for weather or other reason there is no way for the organizers to recoup all the moneys spent on the event, which could result in the loss of 10's of thousands of dollars for one event.

Clark Ickhoff is in support of Ralph Merwin to support the community with events held throughout the year.

Swangstu was directed to contact the county zoned towns to get more information and input regarding the existing language as well as to inquiry to see if there is any interest in changing the existing standards. Possible changes/topics could include increasing or decreasing the number of events allowed, asking if the existing code fits the needs of the Town events, as well as identify what problems the proposed revisions would address. Lastly, CPZ will identify what the role and authority zoning has regarding these uses/events.

Action: **None.**

Follow through: CPZ staff to continue to draft language and hold open house/public hearing in the upcoming month.

b. Chapter 22 – Shoreland, Shoreland-Wetland, Floodplain Code

Discussion: Swangstu discussed updating and clarifying the language within the ordinance to match State standards.

Action: **None.**

Follow through: CPZ staff to continue to draft language / public hearing in the upcoming month.

6. **Policy Issues Discussion and Committee Determination to the County Board for its Consideration** – None.

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

**Tuesday, February 2, 2021 3:00 p.m. 212 River Drive Room 5 Wausau WI**

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

8. **Adjourn – Motion** / second by Conway / Seefeldt to **adjourn** at 4:55 p.m. Motion **carried** by voice vote, no dissent.

Paul Daigle, Land and Water Program Director

For Jacob Langenhahn, Chair

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

PD/cek

PETITION FOR ZONE CHANGE  
 FROM FARMLAND PRESERVATION ZONING  
 BEFORE THE MARATHON COUNTY BOARD OF SUPERVISORS

1. As authorized by §17.91 of the Marathon County Zoning Ordinance (I) (we): (Name and mailing address) KOCOURSK PROPERTIES LLC, 2727 N. 20<sup>th</sup> Ave. WAUSAU, WI 54401  
 hereby petition to rezone property owned by: (Name and mailing address) KOCOURSK PROPERTIES, LLC 2727 N. 20<sup>th</sup> Ave. WAUSAU WI 54401

from the classification FP Farmland Preservation to L-D-R (Low Density Residential)

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): PART OF THE NE 1/4 - NW 1/4 SEC. 24 - 28.06 TOWN OF MARATHON - SEE ATTACHED LEGAL DESCRIPTION

Parcel Identification Number / PIN (can be found on tax bill): 054-2806-241-0999

3. The proposed change is to facilitate the use of the land for (be specific-list all proposed uses):  
THE OWNER IS INTERESTED IN TRANSFERRING A PORTION OF HIS LAND TO HIS NEPHEW FOR A SINGLE-FAMILY HOME CONSTRUCTION.

4. Total acres in parcel (outside of right-of-way): 8.172 acres  
 5. Total acres zoned Farmland Preservation: FP 8.172 acres A-4(-M) \_\_\_\_\_ acres  
 6. Total acres in farm: + 35 acres  
 7. How many acres/square feet are you requesting be changed? 8.172 acres / square feet  
 8. Are there improvements (structures) on this parcel in question?  Yes  No  
 What is the current use of the structure(s)? N/A

9. A. What is your reason for requesting this rezone? (Please check and fill in the blanks)  
 Develop land for non-agricultural residential use  Develop land for recreational use  
 Develop land for industrial use  Pre-existing use, substandard or nonconforming parcel  
 Develop land for commercial use  Other: \_\_\_\_\_

B. How far is the land from a city or village boundary? + 5 miles / feet  
 C. How far is the land from an existing area of similar use? 66 miles feet  
 D. Is the land served by public sewer?  Yes  No  
 E. Is the land served by public water?  Yes  No  
 F. Is the land within a sanitary district?  Yes  No  
 G. If more than one lot was developed: ..... # of Lots: N/A ..... Average lot size: N/A

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

A. In detail, explain what public facilities serve the proposed development at present, or how they will be provided.  
THE LAND IS NOT SERVED BY PUBLIC SEWER/WATER. DRY UTILITIES SERVE THE PARCEL ALONG CTY RD. N.

B. Explain how the provision of these facilities will not be an unreasonable burden to local government.  
SINGLE-FAMILY HOME CONSTRUCTION TO ACCESS CTY RD. N. PRIVATE WATER & SANITARY SUPPLY. NO IMPACTS TO THE LOCAL GOVERNMENT.

C. What have you done to determine that the land is suitable for the proposed development?  
REVIEWED SOIL MAPPING AND ADJACENT LAND USES AND POSTED COMPREHENSIVE PLANS.

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.  
THE SITE HAS GENTLE GRADES WITH NO ENVIRONMENTALLY SENSITIVE AREAS WITHIN THE BOUNDS OF THE PROPERTY. MINIMAL SOIL DISTURBANCE IS ANTICIPATED.

- OVER -

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

THE ADJACENT LAND USES ARE RESIDENTIAL OR FOREST PRODUCTION. NO CONFLICTS SHOULD OCCUR.

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

THE PROPOSED HOME WILL BE THAT OF THE CARETAKER OF IN EXCESS OF 160 ACRES OF LANDS OWNED BY KOCOURSK.

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

THE LANDOWNER IS INTERESTED IN HAVING HIS NEPHEW LIVE ON THE PROPERTY TO CARE FOR THE LAND AND MAINTAIN A WATCHFUL EYE ON ANY SIDE ACTIVITIES.

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

CURRENT AREA IS PLANTED WITH CONIFEROUS TREES

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

SEE ANSWER TO QUESTION G

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

IT CONFORMS TO ADJACENT LAND USES AND IS NOT CURRENTLY BEING FARMED.

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

BOTH PLANS IDENTIFY RESIDENTIAL LAND USES

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

THE LAND WILL NOT BE FURTHER DIVIDED DUE TO HIGHWAY CONSTRAINTS ON CTY. RD. N. THE INTENT IS TO MAINTAIN THE 160 ACRES KOCOURSK HOLDINGS AS A LARGE TRACT.

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

A SMALL PORTION OF THE 8 ACRE PARCEL WILL BE CLEARED FOR THE HOME. THE REMAINDER OF THE LAND WILL BE FORESTED AS IS TODAY

11. Include on a separate sheet (no larger than 11 x 17) a drawing of the property to be rezoned, at a scale of 1"=200 ft or larger. Include the names of all property owners, existing land uses, and zoning classifications within 300 feet of the boundaries of the property on which the rezone is located. Show additional information if required. (If larger sheets are required to adequately portray the site, include ten (10) copies).

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

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

12. Petitioner's Signature [Signature]

Phone 715-581-0199 Date 11-10-20

13. Owner's Signature Same as Petitioner  
(If different than Petitioner)

Phone \_\_\_\_\_ Date \_\_\_\_\_

Fee \$ 100 - (Checks payable to Marathon County)

Date Fee Received: 11-23-2020

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

RECEIVED

NOV 23 2020

MARATHON CO. CONSERVATION,  
PLANNING & ZONING DEPT



**CIVIL & ENVIRONMENTAL ENGINEERING, SURVEYING**  
 4080 N. 20TH AVENUE, WAUSAU, WI 54401  
 (715) 675-9784

# MARATHON COUNTY CERTIFIED SURVEY MAP

MAP NO. \_\_\_\_\_

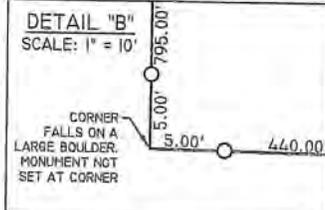
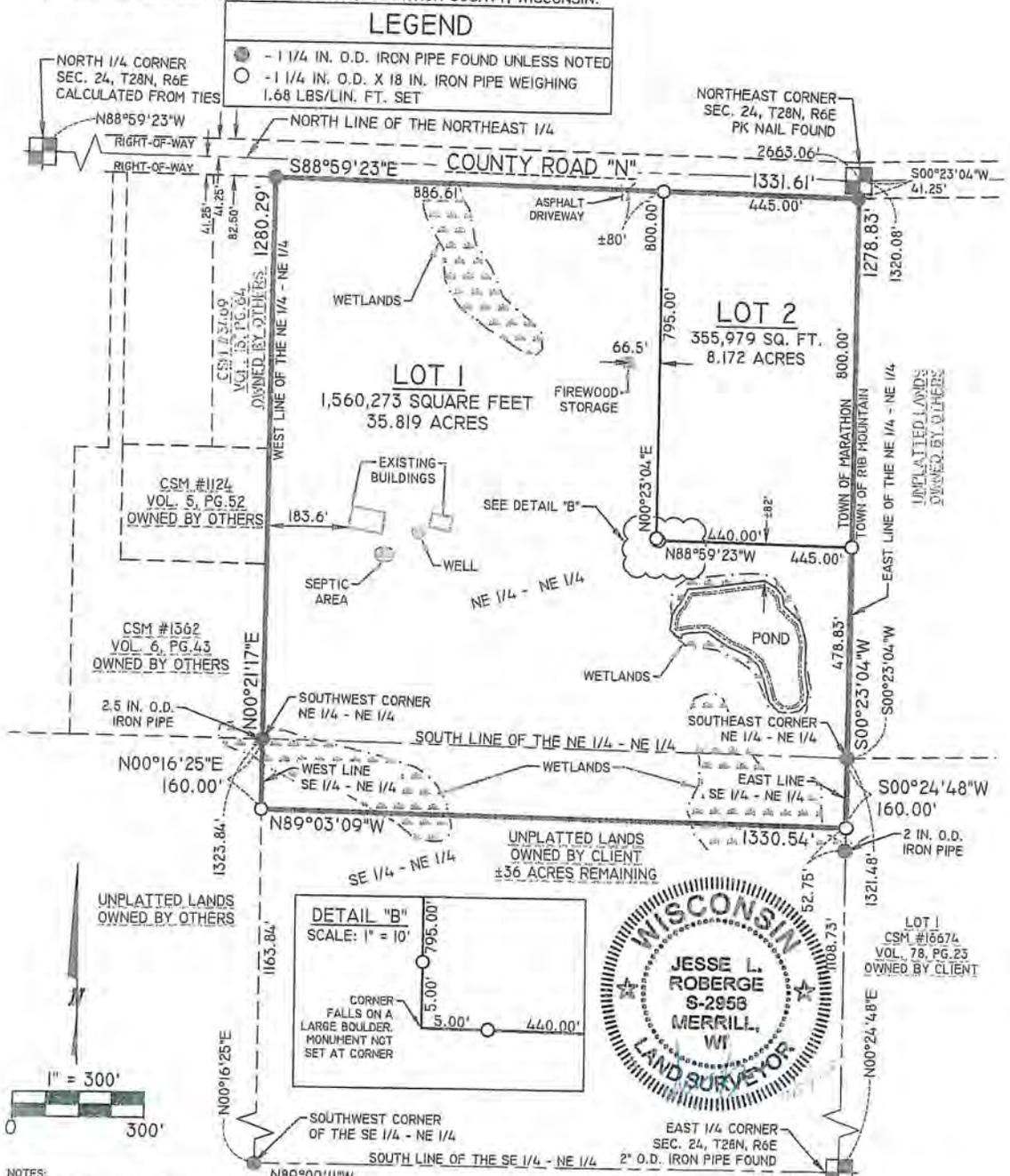
PREPARED FOR: KOCOUREK PROPERTIES, LLC.

LANDOWNER: KOCOUREK PROPERTIES, LLC.

PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 AND PART OF THE  
 SOUTHEAST 1/4 OF THE NORTHEAST 1/4, ALL IN SECTION 24, TOWNSHIP 28  
 NORTH, RANGE 6 EAST, TOWN OF MARATHON, MARATHON COUNTY, WISCONSIN.

## LEGEND

- - 1 1/4 IN. O.D. IRON PIPE FOUND UNLESS NOTED
- - 1 1/4 IN. O.D. X 18 IN. IRON PIPE WEIGHING 1.68 LBS/LIN. FT. SET



- NOTES:
1. FIELD SURVEY WAS COMPLETED ON OCTOBER 19TH AND 20TH, 2020.
  2. BEARINGS ARE BASED ON THE MARATHON COUNTY COORDINATE SYSTEM, NAD 83(2011) DATUM AND REFERENCED TO THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 28 NORTH, RANGE 6 EAST, MEASURED TO BEAR SOUTH 88°59'23" WEST.
  3. RIGHT-OF-WAY FOR COUNTY ROAD "N" WAS BASED UPON MARATHON COUNTY HIGHWAY MAPPING AND DEEDS OF RECORD.
  4. LANDS SHOWN ON THIS CERTIFIED SURVEY MAP WERE PREVIOUSLY SURVEYED BY GARY KRUEGER ON A PLAT OF SURVEY DATED 12-1-2000, ON FILE AT THE MARATHON COUNTY SURVEYOR'S OFFICE.
  5. THE WETLANDS SHOWN ARE BASED ON WDNR WETLAND INVENTORY MAPPING AND HAVE NOT BEEN VERIFIED. A WETLAND DELINEATION WILL NEED TO BE COMPLETED BY A QUALIFIED WETLAND PROFESSIONAL TO DETERMINE THE PRESENCE OF WETLANDS AND THE EXTENT THEREOF.
  6. THIS CERTIFIED SURVEY MAP DOES NOT TRANSFER PROPERTY OWNERSHIP, AND THE SALE OR TRANSFER OF PROPERTY REQUIRES A RECORDED DEED EXCEPTING PUBLIC DEDICATIONS.



**REI**

CIVIL & ENVIRONMENTAL ENGINEERING, SURVEYING  
4080 N. 20TH AVENUE, WAUSAU, WI 54401  
(715) 675-9784

# MARATHON COUNTY CERTIFIED SURVEY MAP

MAP NO. \_\_\_\_\_

PREPARED FOR: KOCOUREK PROPERTIES, LLC.

LANDOWNER: KOCOUREK PROPERTIES, LLC.

PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 AND PART OF THE  
SOUTHEAST 1/4 OF THE NORTHEAST 1/4, ALL IN SECTION 24, TOWNSHIP 28  
NORTH, RANGE 6 EAST, TOWN OF MARATHON, MARATHON COUNTY, WISCONSIN.

### SURVEYOR'S CERTIFICATE

I, JESSE L. ROBERGE, WISCONSIN PROFESSIONAL LAND SURVEYOR S-2958, DO HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF: THAT I HAVE SURVEYED, MAPPED AND DIVIDED PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 AND PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, ALL IN SECTION 24, TOWNSHIP 28 NORTH, RANGE 6 EAST, TOWN OF MARATHON, MARATHON COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 24; THENCE SOUTH 00°23'04" WEST, COINCIDENT WITH THE EAST LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4, 41.25 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD "N" AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°23'04" WEST, COINCIDENT WITH SAID EAST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, 1278.83 FEET TO THE SOUTHEAST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE SOUTH 00°24'48" WEST, COINCIDENT WITH THE EAST LINE OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4, 160.00 FEET; THENCE NORTH 89°03'09" WEST, 1330.54 FEET TO THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE NORTH 00°16'25" EAST, COINCIDENT WITH SAID WEST LINE OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4, 160.00 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE NORTH 00°21'17" EAST, COINCIDENT WITH THE WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4, 1280.29 FEET TO SAID SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD "N"; THENCE SOUTH 88°59'23" EAST, COINCIDENT WITH SAID SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD "N", 1331.61 FEET TO SAID EAST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 AND THE POINT OF BEGINNING.

THAT THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 1,916,252 SQUARE FEET, 43.991 ACRES, MORE OR LESS.

THAT I HAVE MADE THIS SURVEY, DIVISION AND MAP THEREOF AT THE DIRECTION OF KOCOUREK PROPERTIES, LLC, OWNER OF SAID PARCEL.

THAT SAID PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RIGHT-OF-WAYS OF RECORD.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF SECTION 236.34 OF THE WISCONSIN STATUTES, WISCONSIN ADMINISTRATIVE CODE A-E7 AND THE SUBDIVISION REGULATIONS OF THE TOWN OF MARATHON AND MARATHON COUNTY.

THAT THIS MAP IS A CORRECT AND ACCURATE REPRESENTATION OF THE EXTERIOR BOUNDARIES OF SAID PARCEL, AND OF THE DIVISION THEREOF MADE.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

REJ  
JESSE L. ROBERGE  
WI P.L.S. S-2958



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

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

MARATHON CO. CONSERVATION, PLANNING AND ZONING DEPT.

CPZ TRACKING# \_\_\_\_\_

TOWN OF MARATHON

APPROVED FOR RECORDING UNDER THE TERMS OF THE  
TOWN OF MARATHON LAND DIVISION ORDINANCE.

BY: \_\_\_\_\_

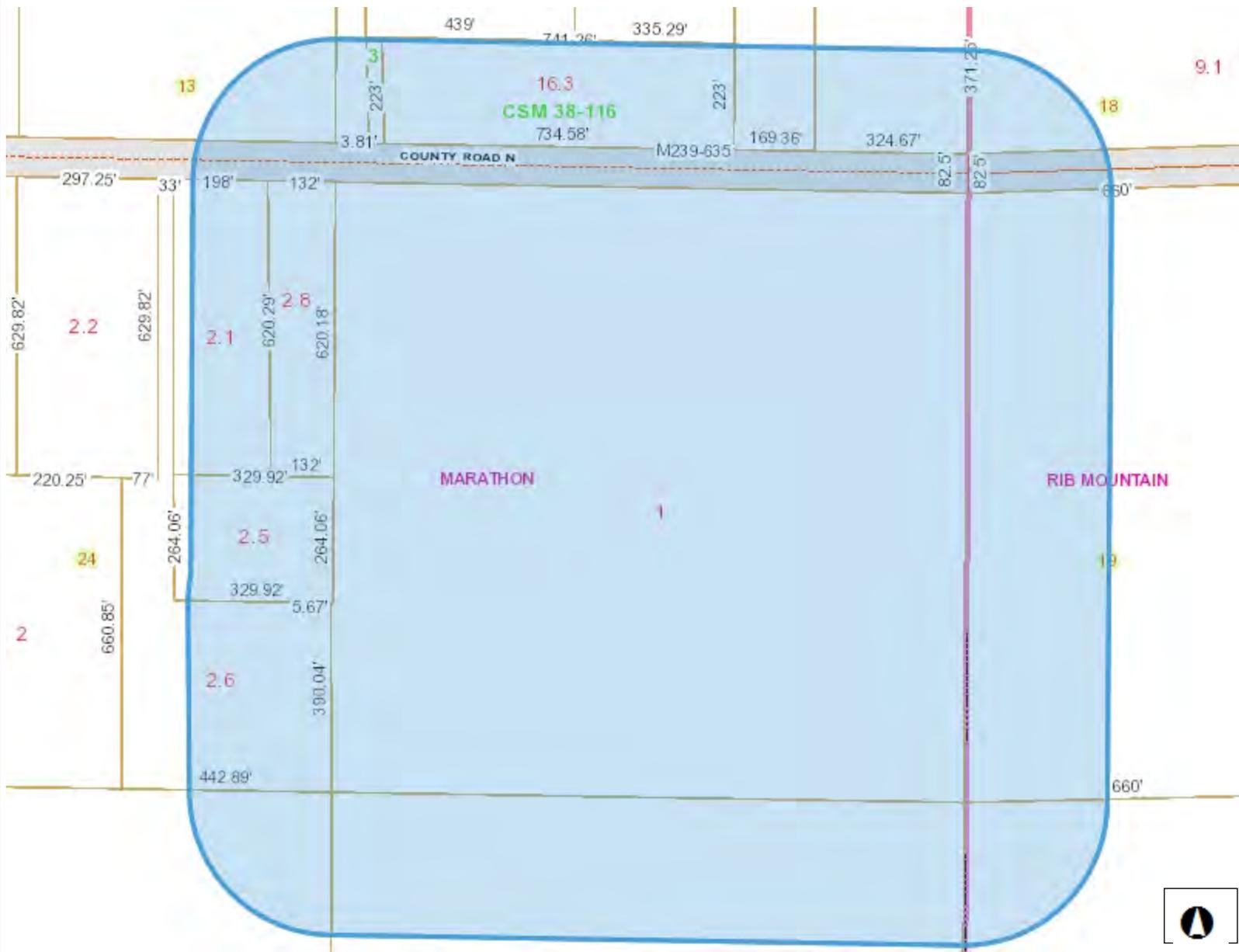
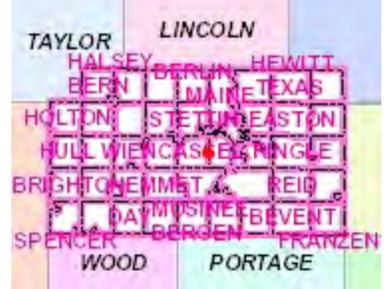
DATE: \_\_\_\_\_







# Land Information Mapping System



### Legend

- Parcel Annotations
- Parcels
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- Municipalities

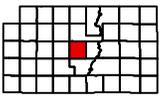
155.77 0 155.77 Feet

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

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

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

### Notes

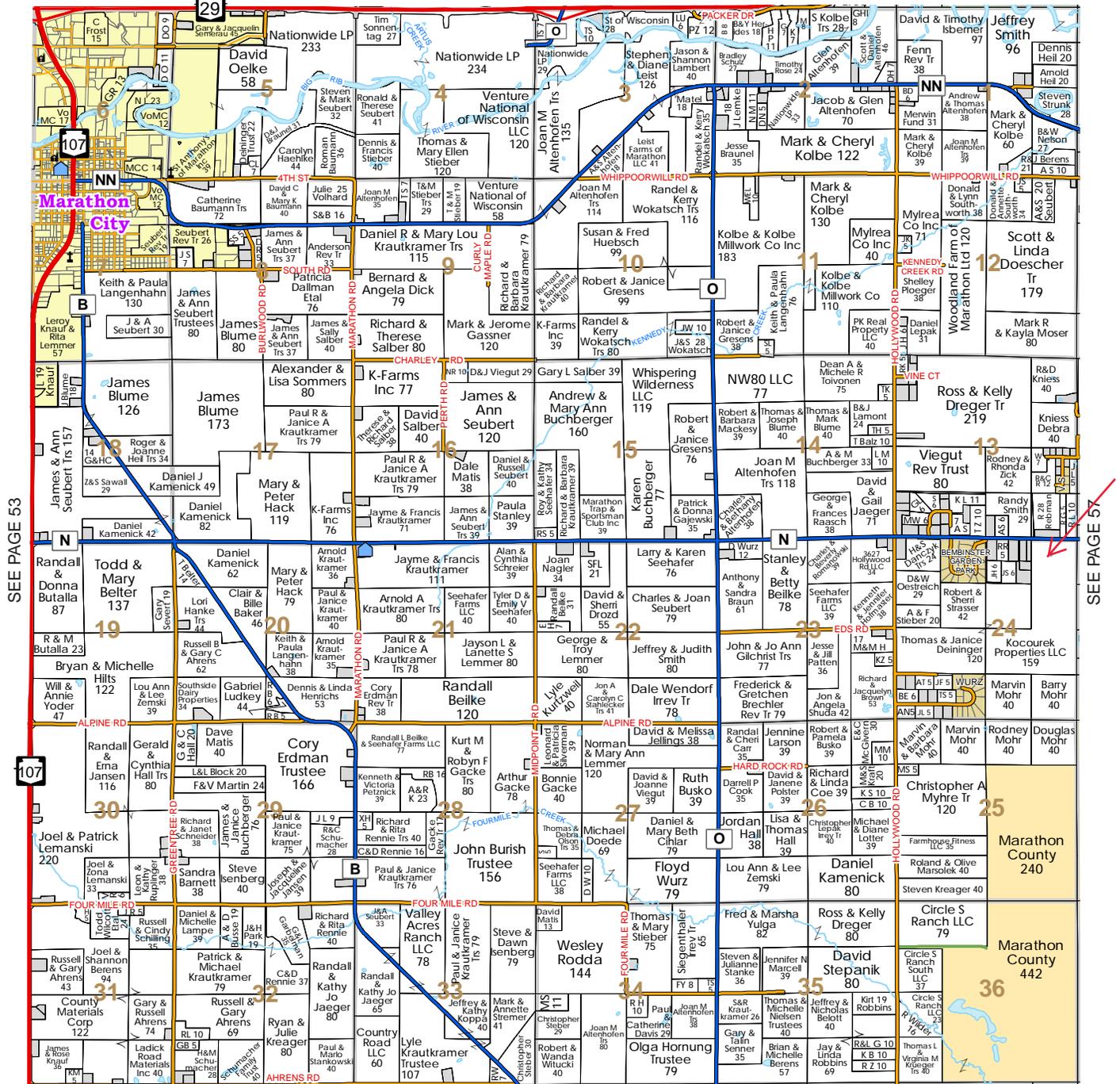


# Marathon

# Township 28N - Range 6E

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SEE PAGE 73



SEE PAGE 37



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STATE OF WISCONSIN )  
MARATHON COUNTY )  
TOWN OF MARATHON )

### RESOLUTION ON ZONING ORDINANCE AMENDMENT

#### TO THE MARATHON COUNTY ENVIRONMENTAL RESOURCES COMMITTEE

I, Kelley Blume, Clerk of the Town of Marathon, 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 Marathon Town Board at a meeting held on the 18th day of January, 2020.

#### 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 Marathon Town Board considered on the 18th day of January, 2020, petition by Kocourek Properties LLC. to amend the Marathon County Zoning Ordinance to rezone lands from F-P Farmland Preservation to L-D-R Low Density Residential described as part of the NE ¼ of the NE ¼ of Section 24, Township 28 North, Range 06 East, Town of Marathon. The area proposed to be rezoned is described as Lot #2 (8.172 acres) on the Preliminary Certified Survey Map (CSM) submitted as a part of the rezone petition. Area to be rezone is identified as part of Parcel PIN# 054-2806-241-0999; Address 146149 County Road N, Wausau Wi 54401

The Town of Marathon 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: The Same as most rural development in the Town
- 2) Has the applicant demonstrated how the provision of the public facilities will not be an unreasonable burden to local government?  
 No  Yes Explain: The public facilities will not be adversely affected
- 3) Has the applicant determined that the land is suitable for the development proposed? Explain.  
 No  Yes Explain: It would appear there has been other development and will have little impact in the area
- 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: Normal precautions would be taken
- 5) Is there any potential for conflict with existing land uses in the area?  
 No  Yes Explain: There is always potential for conflict but it appears to be low or minimal  
The conflict is more with allowing a smaller parcel when 35 acres is required and the Land owner has a large amount of property

- 6) Has the applicant demonstrated the need for the proposed development at this location? Explain.  
 No  Yes Explain: The owner has several 40 acre properties that could be used
- 7) Has the applicant demonstrated the availability of alternative locations? Be specific  
 No  Yes Explain: he overlooked the options he has available
- 8) Is cropland is being consumed by this zone change? What is the productivity of the agricultural lands involved?  
 No  Yes Explain: no agriculture currently on the property but it could be use for agriculture
- 9) Has the applicant explained how the proposed development will be located to minimize the amount of agricultural land converted?  
 No  Yes Explain: no agriculture on site for a number of years the potential was not addressed
- 10) Is proposed rezone request consistent with the town's adopted Comprehensive Plan? Explain.  
 No  Yes Explain: It is in an area of the town that is more developed but all residents present were
- 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 desire to retain the towns rural character and the town maintaining a Board of will informed and diverse members
- The Town of Marathon 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 Kelly S Blum  
 Town Board Ruth [unclear]  
David [unclear]  
Bennie Dail

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 January 13, 2021 to:

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

**RECEIVED**

**JAN 19 2021**

**MARATHON CO. CONSERVATION,  
 PLANNING & ZONING DEPT**

→ concerned about the small lot size



**Kocourek Properties LLC  
Petition to Rezone Land  
Staff Report, February 2<sup>nd</sup>, 2021  
Environmental Resources Committee**

**Findings of Fact**

**PUBLIC HEARINGS/MEETINGS:**

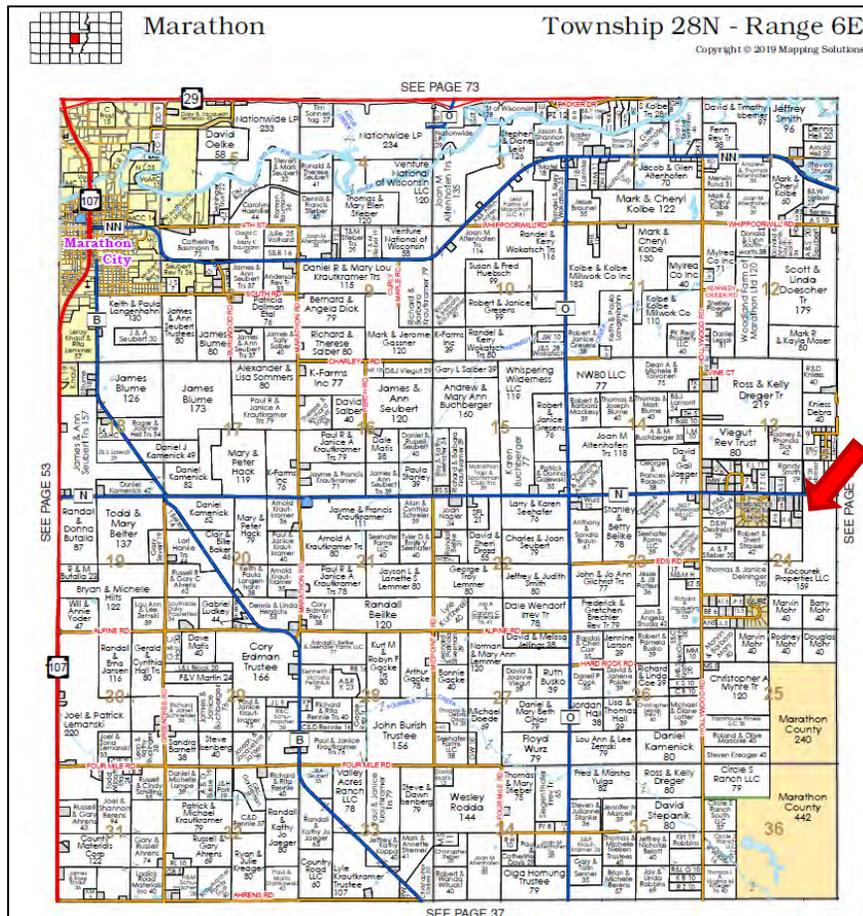
- Town of Marathon Town Board Meeting (January 18<sup>th</sup>, 2021)
- Marathon County Environmental Resources Committee Meeting (February 2<sup>nd</sup>, 2021)

**PETITIONER:** Kocourek Properties LLC – 2727 N 20<sup>th</sup> Ave, Wausau WI 54401

**PROPERTY OWNER:** (*Same*) Kocourek Properties LLC – 2727 N 20<sup>th</sup> Ave, Wausau WI 54401

**LOCATION OF REZONE REQUEST:** Area proposed to be rezoned is located approximately along the western boundary line of the Town of Marathon (adjacent to the Town of Rib Mountain) along County Highway N. (See Map #1)

*Map 1: Location of Rezone Request*



**REQUEST:**

The petition of Kocourek Properties LLC to amend the Marathon County Zoning Ordinance to rezone lands from F-P Farmland Preservation to L-D-R Low Density Residential described as part of the NE ¼ of the NE ¼ of Section 24, Township 28 North, Range 06 East, Town of Marathon. The area proposed to be rezoned is described as Lot #2 (8.172 acres) on the Preliminary Certified Survey Map (CSM) submitted as a part of the rezone petition. Area to be rezoned is identified as part of Parcel PIN# 054-2806-241-0999; Address 146149 County Road N, Wausau WI 54401.

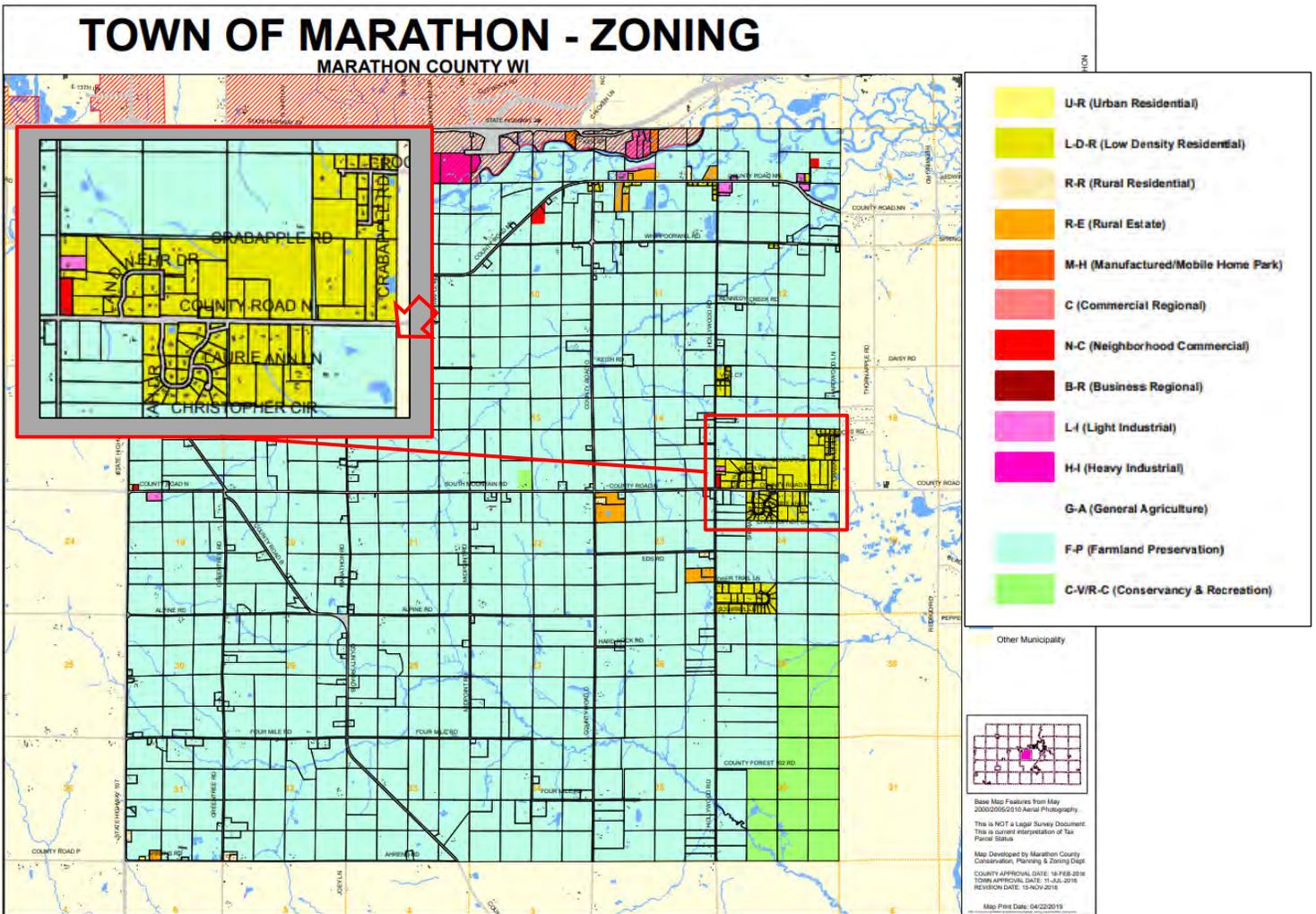
**EXISTING ZONING DISTRICT:**

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

**PROPOSED ZONING DISTRICT:**

**L-D-R Low Density Residential District.** The purpose of the L-D-R district is to accommodate single-family residential use along existing streets and to promote single-family residential development (involving the extension of new streets) where sanitary sewer and municipal water may be available. The densities are intended to provide for areas of suburban character in the community and to prevent excessive demands on sewerage and water systems, streets, schools, and other community facilities. The districts are intended to avoid overcrowding by requiring certain minimum yards, open spaces, and site area while making available a variety of dwelling types and densities to serve a wide range of individual requirements and thereby providing a more orderly and efficient extension of public facilities.

**EXISTING ZONING DISTRICT MAP:** Adjacent parcels are zoned Low Density Residential (Yellow) and Farmland Preservation (Teal).



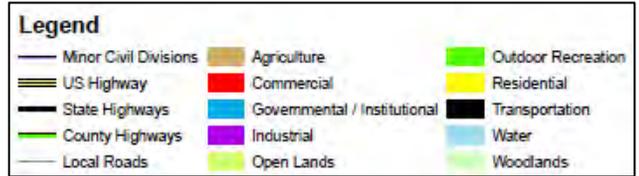
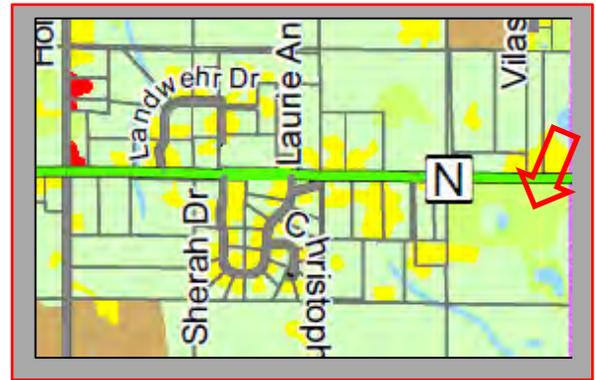
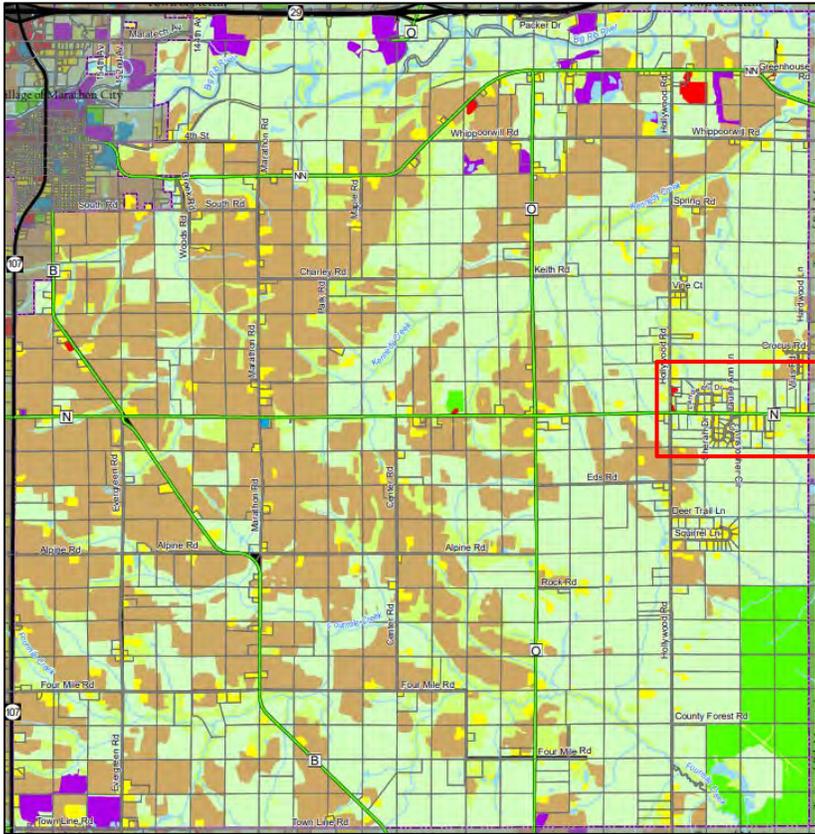
Map #2 Town of Marathon - Zoning District Map

8.172 Acres

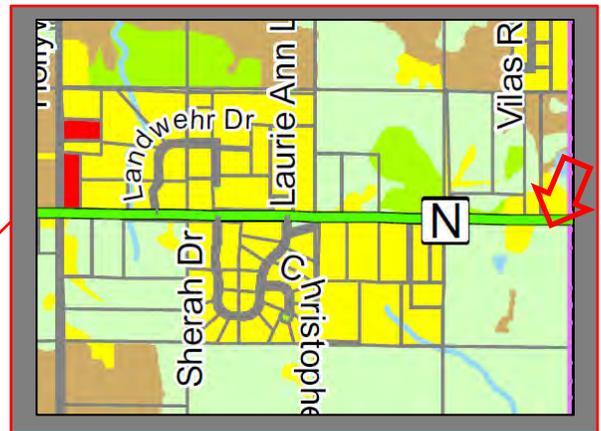
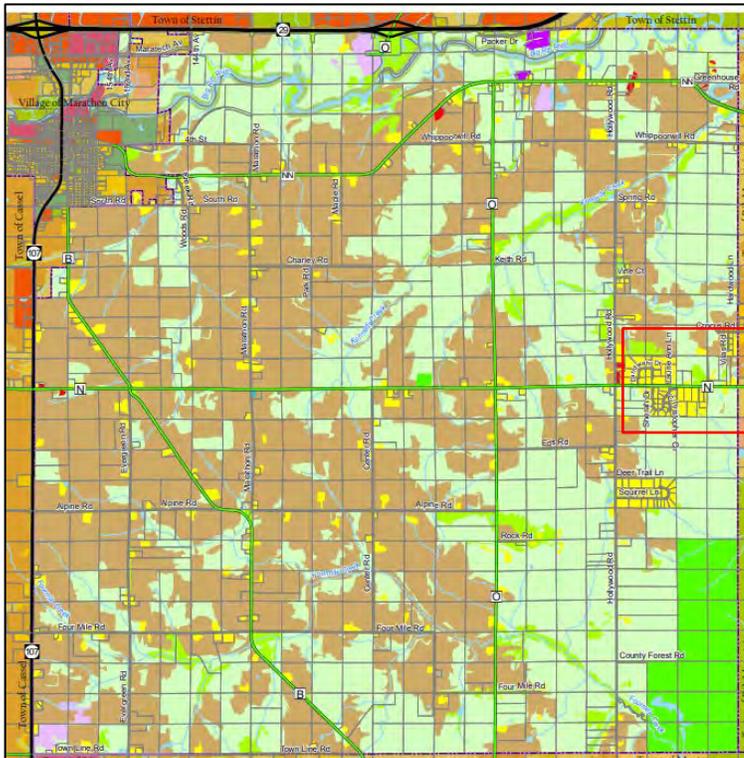
**Legal Notification:**

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.

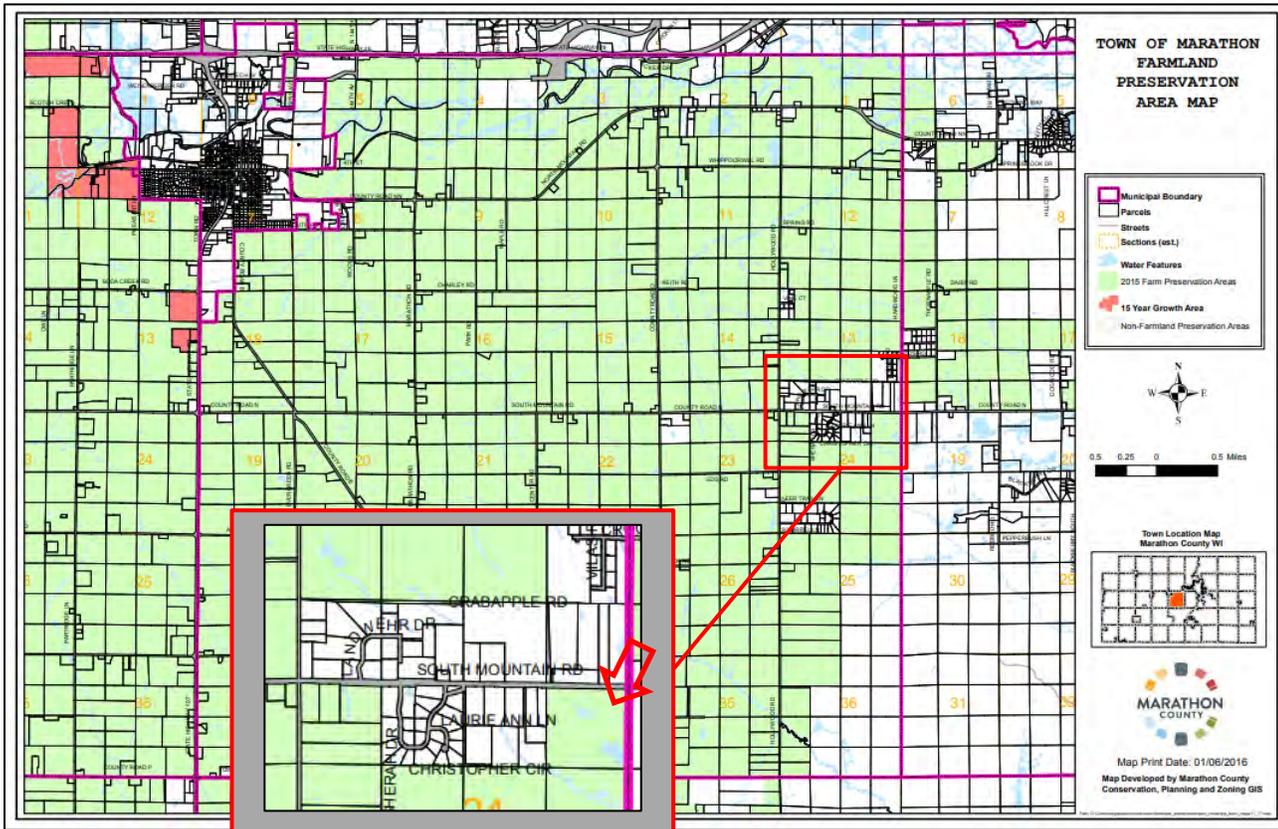
**Existing (2000) Land Use/Land Cover Map – Town of Marathon (2017 Comprehensive Plan)** The area proposed to be rezoned is shown as Woodland and Open Land in the Town’s Comprehensive Plan Existing Land Use/Land Cover Map (2000). Whereas, adjacent land uses include Residential, Woodland, and Open Land Uses.



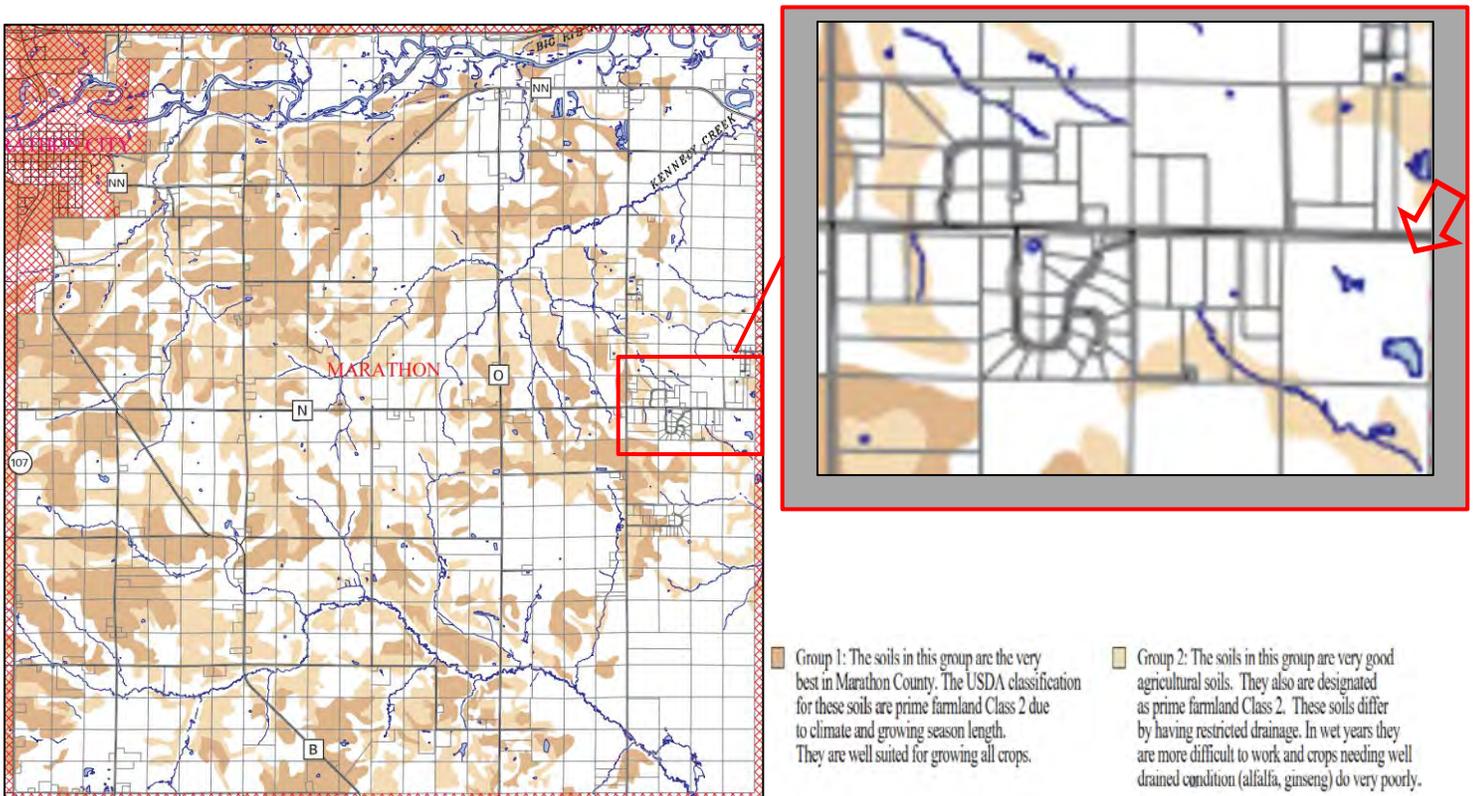
**TOWN COMPREHENSIVE PLAN (2017) FUTURE LAND USE MAP (2006):** The area proposed to be rezoned is shown to be designated as Single Family Residential and Wood Land (Land Uses) in the Town’s Comprehensive Plan Future Land Use Map. Whereas, adjacent land uses also include Woodland, Single Family Residential, and some Agricultural land uses. There appears to be some inconsistencies between the Towns future land use map created in 2017 and the zoning of the parcels.



**FARMLAND PRESERVATION PLAN:** The area in question was designated as a farmland preservation area in the Farmland Preservation Plan.



**Prime Farm Soils (Town of Marathon's Comprehensive Plan 2005):** There are no prime farm soils from either group 1 or group 2 in the area proposed to be rezoned.



**SIGNIFICANT PARCEL LIMITATIONS OR NATURAL FEATURES:** The area proposed to be rezoned has no mapped floodplain or DNR mapped wetlands. Yet the entire area proposed to be rezoned is shown to be included in the shoreland overlay from a nearby waterway.

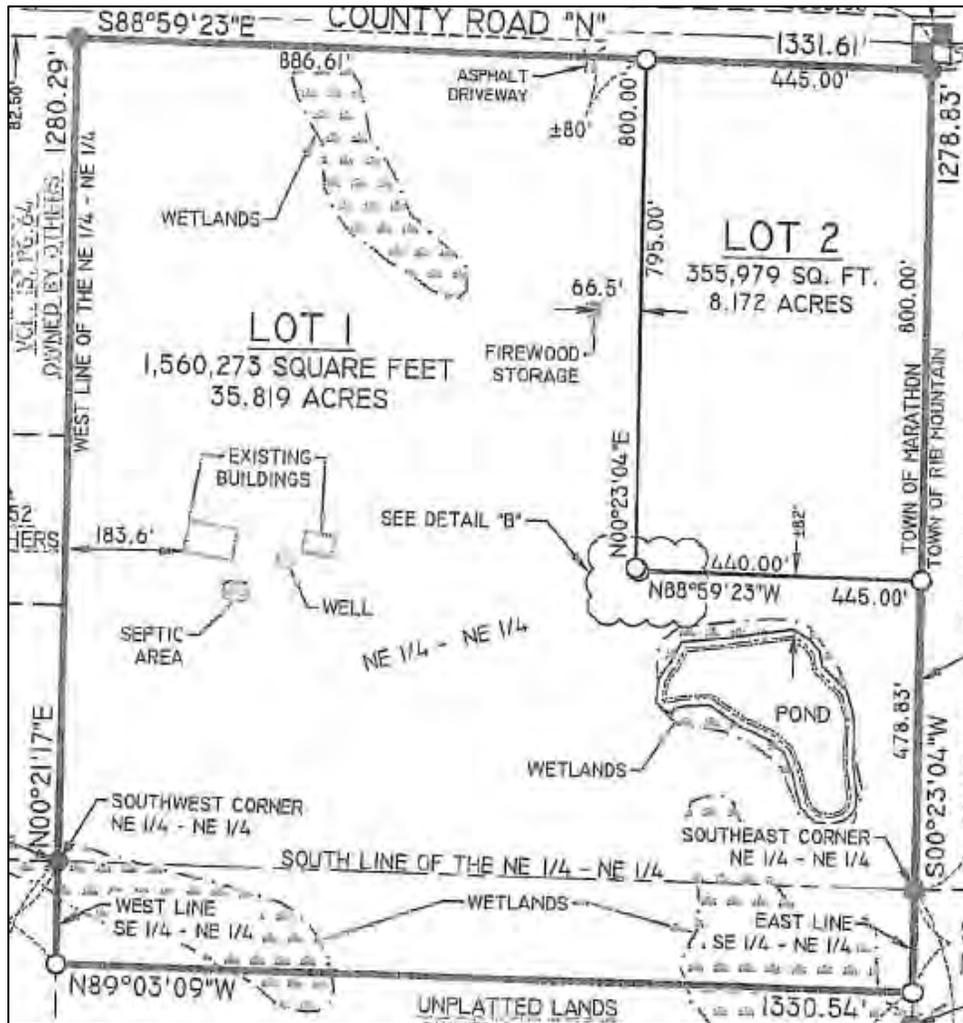


Red boundary shown above is approximate and should be used as a reference, for specific lot dimensions and location please see the preliminary CSM on the following page.

**Aerial Photo:**



**Preliminary Certified Survey Map:**



**TOWN RECOMMENDATION:**

On January 18<sup>th</sup>, 2021 the **Town of Marathon** Town Board Recommended **Disapproval** to Marathon County's Environmental Resources Committee.

The Town of Marathon 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: The same as most rural development in the town
- 2) Has the applicant demonstrated how the provision of the public facilities will not be an unreasonable burden to local government?  
 No  Yes Explain: The public facilities will not be adversely affected

3) Has the applicant determined that the land is suitable for the development proposed? Explain.  
 No  Yes Explain: It would appear there has been other development and will have little impact in the area

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: Normal precautions would be taken

5) Is there any potential for conflict with existing land uses in the area?  
 No  Yes Explain: There is always potential for conflict but it appears to be low or minimal  
The conflict is more with allowing a smaller parcel when 35 acres is required and the Land owner has a large <sup>(OVER)</sup> amount of property

Pg 1 of 2

6) Has the applicant demonstrated the need for the proposed development at this location? Explain.  
 No  Yes Explain: The owner has several 40 acre properties that could be used

7) Has the applicant demonstrated the availability of alternative locations? Be specific  
 No  Yes Explain: he overlooked the options he has available

8) Is cropland being consumed by this zone change? What is the productivity of the agricultural lands involved?  
 No  Yes Explain: no agriculture currently on the property but it could be use for agriculture

9) Has the applicant explained how the proposed development will be located to minimize the amount of agricultural land converted?  
 No  Yes Explain: no agriculture on site for a number of years the potential was not addressed

10) Is proposed rezone request consistent with the town's adopted Comprehensive Plan? Explain.  
 No  Yes Explain: It is in an area of the town that is more developed but all residents present were

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 desire to retain the towns rural character and the town maintaining a Board of will informed

The Town of Marathon 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 Kelly S Blum  
 Town Board Keith [unclear]  
David [unclear]  
Bernie [unclear]

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 January 13, 2021 to:

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

**RECEIVED**  
**JAN 19 2021**  
 MARATHON CO. CONSERVATION,  
 PLANNING & ZONING DEPT

→ concerned about the small lot size

### **Staff Comments regarding Town Supplied Resolution:**

1. (Yes) **Agree** – Noting “Same as most rural development in the Town.”
2. (Yes) **Agree** – Noting “The Public Facilities will not be adversely affected.”
3. (Yes) **Agree** – Noting “It would appear there has been other development and will have little impact in the area.”
4. (Yes) **Agree** – Noting “Normal precautions would be taken.”
5. (Yes) **Disagree** – Noting “There is always potential for conflict but it appears to be low or minimal. The conflict is more with allowing smaller parcel when 35 acres is required and land owner has large amount of property.”
  - The town acknowledges there is a low or minimal potential for conflict with adjacent land uses. The 35 acre minimum is in regard to the Farmland Preservation Zoning District not necessarily all parcels within the town.
6. (No) **Disagree** – Noting “The owner has several 40 acre properties that could be used.”
7. (No) **Disagree** – Noting “He overlooked the options he has available.”
  - Any alternatives that would be permitted without a rezone would require the parcel be at least 35 acres, for many reasons this may not be feasible (due to wetlands, easement requirements, additional cost, etc.)
8. (No) **Agree** – Noting “No agricultural currently on the property but it could be used for agriculture.”
9. (No) **Disagree** – Noting “No agriculture on site for a number of years the potential was not addressed.”
  - The Town agrees there is no agriculture onsite yet, the potential was not addressed during the meeting therefore they checked disagree.
10. (No) **Disagree** – Noting “It is in an area of the town that is more developed but all residents present were concerned about the small lot size.”
  - The Town acknowledges the area in question is within a more developed region of the town but the residents that were at the meeting were opposed to the smaller lot size, even though all the adjacent properties (in the town) are zoned LDR and are the same size or smaller than the proposed parcel (8 acres). There were no comments provided in the town resolution regarding specific goals or objectives the Town Comprehensive Plan, additionally the towns current and future land uses maps were not referenced.
11. Yes – Noting “The desire to retain the town’s rural character and the town maintains a board of will informed and diverse members.”
  - Rural Character can be interpreted to mean many things, yet the town has and needs to recognize areas of the town they would allow for more development and smaller parcel sizes. The area in question is one of those areas in the town that has existing cluster or residential parcels along a county highway as well as adjacent to the Town of Rib Mountain.

### **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 Town of Marathon Comprehensive Plan shows the area in question is intended to be Single Family Residential and Woodland Land Uses in their future land use map. The rezone appears to be partially consistent with the future land use map. Additionally, in Goal #2 “Encourage clustering of land uses.” within the Towns Comprehensive the town has a goal stating “To consider possible preferred areas for residential development.” The area in question is surrounded by L-D-R zoned parcels as well as parcels designated as Single Family Residential in the future land use map. Even though the area in question was designated as a farmland preservation area in the farmland preservation plan (like the majority of the town) there are no prime farm soils or active farmland on the area.

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.

Agricultural lands converted does appear to have been minimized as approximately 8 acres will be rezoned from Farmland Preservation and the area proposed to be rezoned is not actively being farmed. The area proposed to be rezoned is adjacent to the Town of Rib Mountain, the adjacent parcel of which is no currently being farmed and is woodland. Surrounding lands are either residentially zoned or woodland (existing quarry appears to be present east of the parcel in question within the Town of Rib Mountain). Area proposed to be rezoned will be buffered from adjacent uses and zoning districts by County Road N as well as the parent parcel which will continue to be zoned Farmland Preservation. Furthermore, and more importantly, there are not suitable soils on the parcel for agricultural production.

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 creating a parcel for residential development and a pending CSM.

b. Adequate public facilities are or will be present.

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 not result in any unreasonable air and water pollution as all pertinent regulations apply and will need to be adhered to. Agricultural uses onsite will not change. Any disturbance greater than one acre would need a DNR Stormwater Management Permit.

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

The Town of Marathon Town Board has recommended **Disapproval** 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 in regard to the rezone in question.

### **STAFF (CPZ) RECOMMENDATION(S):**

The rezone meets all the zoning district standards as it relates to size, frontage, access, and dimension. The rezone petition does appear to minimize the active agricultural lands converted as no active farmland will be converted and the remaining acreage will remain zoned Farmland Preservation. There does appear to be what looks like tree plantation/stand on the area proposed to be rezoned but there is no crop land present. If approved, the Town of Marathon should update their comprehensive plan to reflect the proposed rezone from Farmland Preservation to Low Density Residential. The future and existing land use maps should be revised to better reflect the approved rezone as well as the existing land uses on the parent parcel. The area proposed to be rezoned appears to be consistent with the goal of clustering residential developments given the surrounding parcels and their zoning district. Additionally, the rezone appears to be consistent with Goal #2 under the *Towns Comprehensive Plan Land Use Goals, Objectives, and Policies* given the proposed rezone is consistent with adjacent land uses and zoning districts. The area in question is already consistent with the existing development patterns and is clustered along a County Road (Cty Rd N) where other Low Density Residential parcels are located. Lastly the area in question has no prime farm soils from group 1 or 2.

Based on the information provided above, findings of fact, and conclusions of law it appears the rezone request meets 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. Yet, staff would request the ERC consider all the previously discussed concerns and rezone standards to make an informed determination.



**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:

---

---

---

---

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):

Teri and Benjamin Mandli  
215120 Cty Rd Y Hatley, WI 54440

hereby petition to rezone property owned by (Name & Address): Teri and Benjamin Mandli  
215120 Cty Rd Y Hatley, WI 54440

from the classification L-D-R, <sup>Low Density</sup> Residential to N-C, <sup>Neighborhood</sup> Commercial

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

See attached.

Parcel Identification Number (PIN): 064-2709-135-0909

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

To use our barn for Weddings & other Small Events.  
Also, to use it for our Photography Studio.

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. The barn will be used to host Weddings & be used as a Photography Studio.

B. Explain how the provision for these facilities will not be an unreasonable burden to local government. This will not cause a burden to local government. We hope to Partner with neighboring business's to offer more Services. Also, these events will only take place a few times a month.

C. What have you done to determine that the land is suitable for the development proposed? We will not be developing the land. The Structures are already in place.

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. We will not be developing the land.

E. Explain any potential for conflict with existing land uses in the area. There should not be any Conflict with existing land uses.

(OVER)

- F. Demonstrate the need of the proposed development at this location. We've had several people (including neighbors & people around Pike Lake) ask to use our barn for weddings & other events. Barn weddings are also growing in popularity; being the #2 spot among Millennials. With the recent remodel of our barn & stunning location on Pike Lake it would be perfect for weddings. Also partnering with local businesses will benefit the community.
- G. What is the availability of alternative locations? Be specific. We have no other locations available. We have spent a lot of money & countless hours restoring our 100 year old barn. It is the perfect location.

H. If cropland is being consumed by this Zone Change, what is the productivity of the agricultural lands involved?  
NONE

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.  
NONE

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 L. Mandli Phone 715-573-8454 Date 10/15/2020  
 8. Owner's Signature L. Mandli Phone 715-573-8454 Date 10/15/2020  
 (If different)

Date Fee Received: NOV 3 11 2020

Fee \$600.00 PAYABLE TO MARATHON COUNTY

MARATHON CO. CONSERVATION  
PLANNING & ZONING

**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. \_\_\_\_\_

LOT 1 CSM 18526 AS DOC. NO. 1795842, LOCATED IN GOVERNMENT LOT 3 OF SECTION 13, TOWNSHIP 27 NORTH, RANGE 9 EAST, TOWN OF REID, MARATHON COUNTY, WISCONSIN.

### VREELAND ASSOCIATES, INC.

6103 DAWN STREET WESTON, WI. 54476  
PHONE 715-241-0947 tim@vreelandassociates.us

OWNER: **BEN & TERI MANDLI**

FILE #: F-268-19 FISCHER

DRAFTED AND DRAWN BY: TIMOTHY G. VREELAND

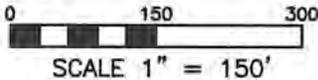
A WAIVER OF MONUMENTATION HAS BEEN GRANTED BY THE DEPARTMENT OF ADMINISTRATION

CENTER 1/4 CORNER SECTION 13-27-9 EAST CALCULATED FROM SUMMARY BY S-2717 DATED 7-15-15

WEST 1/4 CORNER SECTION 13-27-9 EAST X IN STONE FOUND

NORTH LINE SOUTHWEST 1/4

2647.46'



### LEGEND

- ⊙ = GOVERNMENT CORNER LOCATION PER COUNTY SURVEY RECORDS
- = 3/4" x 24" REBAR 1.502 POUNDS PER FOOT SET
- = 1.315" OUTSIDE DIAMETER IRON PIPE FOUND IN PLACE
- ⊙ = MAG SPIKE SET IN BITUMINOUS

LINE TABLE

L1	=	S 40°28'19" E	29.42'
L2	=	S 40°12'32" W	88.08'
L3	=	N 85°48'46" E	201.71'
L4	=	S 43°39'02" E	71.27'
L5	=	S 57°20'02" W	80.00'
L6	=	N 32°39'58" W	25.00'

**LOT 1**  
1.113 ACRES  
48,469 SQ.FT.

**LOT 2**  
1.050 ACRES  
45,727 SQ.FT.  
1.004 ACRES EXCLUDING EASEMENT

WEST LINE SOUTHWEST 1/4  
2628.43'

S 0°09'47" E  
934.73'

N 89°26'36" E  
2207.88'

S 88°00'14" E

SOUTHWEST CORNER SECTION 13-27-9 EAST LOCATION PER TIES

SOUTH LINE SOUTHWEST 1/4

2626.33'

SOUTH 1/4 CORNER SECTION 13-27-9 EAST 2" IRON PIPE FOUND

CURVE 1  
RADIUS = 50.00'  
CENTRAL ANGLE = 83°03'57"  
CHORD = N 39°48'46" E 66.31'  
ARC = 72.49'  
CURVE 2  
RADIUS = 841.25'  
CENTRAL ANGLE = 18°06'05"  
CHORD = S 31°09'30" W 264.78'  
ARC = 265.77'  
LOT 1  
CENTRAL ANGLE = 9°11'29"  
CHORD = N 35°36'48" E 134.81'  
ARC = 134.95'  
LOT 2  
CENTRAL ANGLE = 8°54'36"  
CHORD = N 26°33'46" E 130.69'  
ARC = 130.82'

UNPLATTED LANDS OWNED BY OTHERS

UNPLATTED LANDS OWNED BY OTHERS

UNPLATTED LANDS OWNED BY OTHERS

BEARINGS REFERENCED TO THE BEARING WEST LINE OF THE SW1/4 BEARING S 0°09'47" E PER WISCONSIN COUNTY COORDINATE SYSTEM (MARATHON) NAD83 (2011)

THE EASEMENT SHOWN HEREON IS NOT VALID UNLESS A DOCUMENT IS RECORDED TO GRANT SAID EASEMENT.



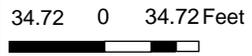


# Land Information Mapping System



### Legend

- Parcel Annotations
- Parcels
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- Municipalities
- 2015 Orthos
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3



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

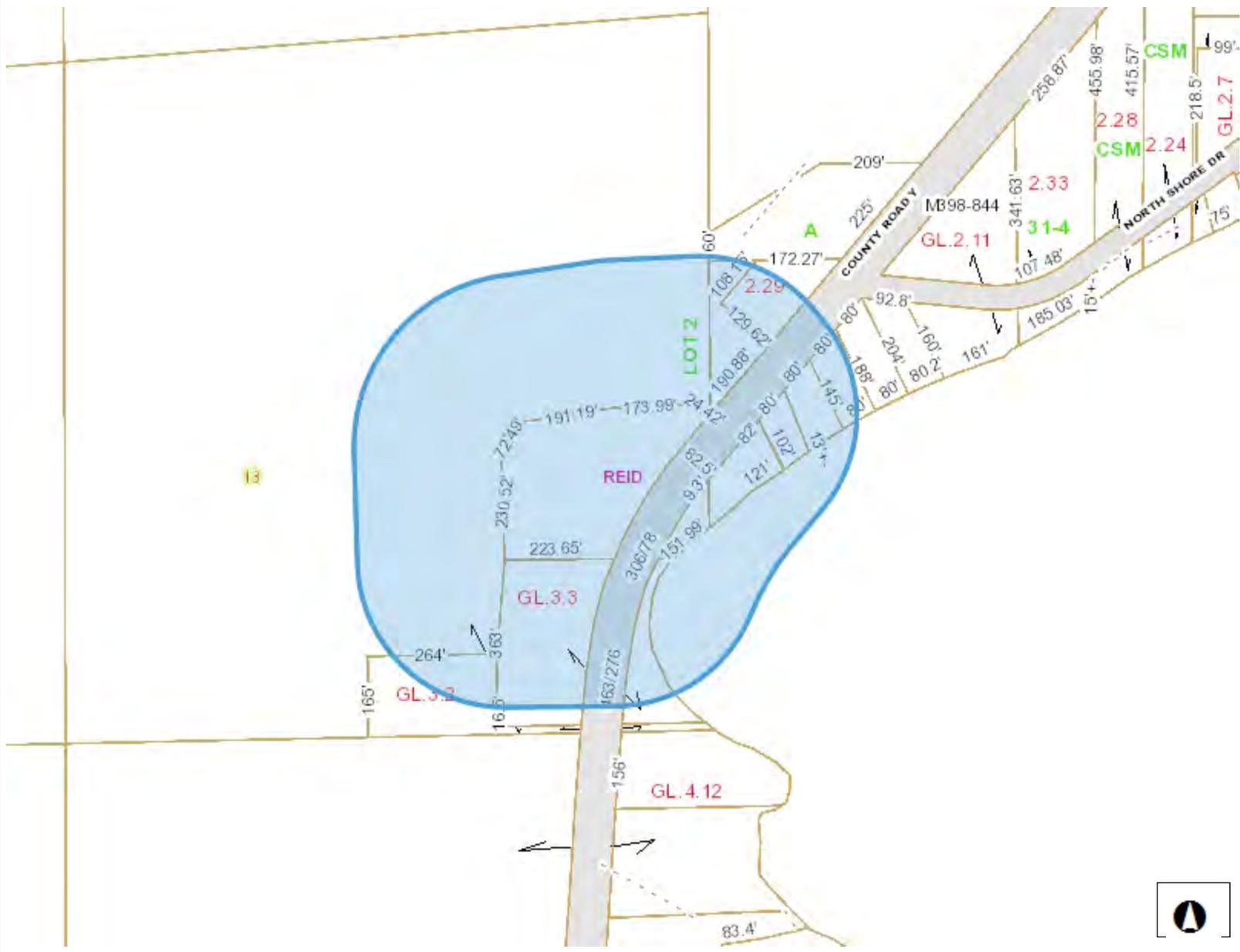
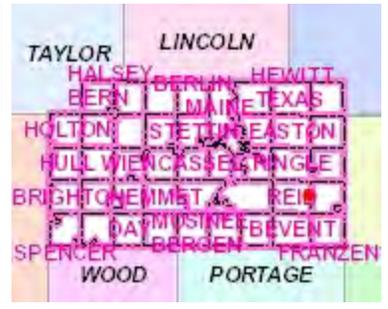
DISCLAIMER: The information and depictions herein are for informational purposes and Marathon County-City of Wausau specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

### Notes



# Land Information Mapping System



**Legend**

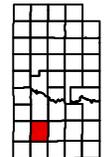
- Parcel Annotations
- Parcels
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- Municipalities

**Notes**



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

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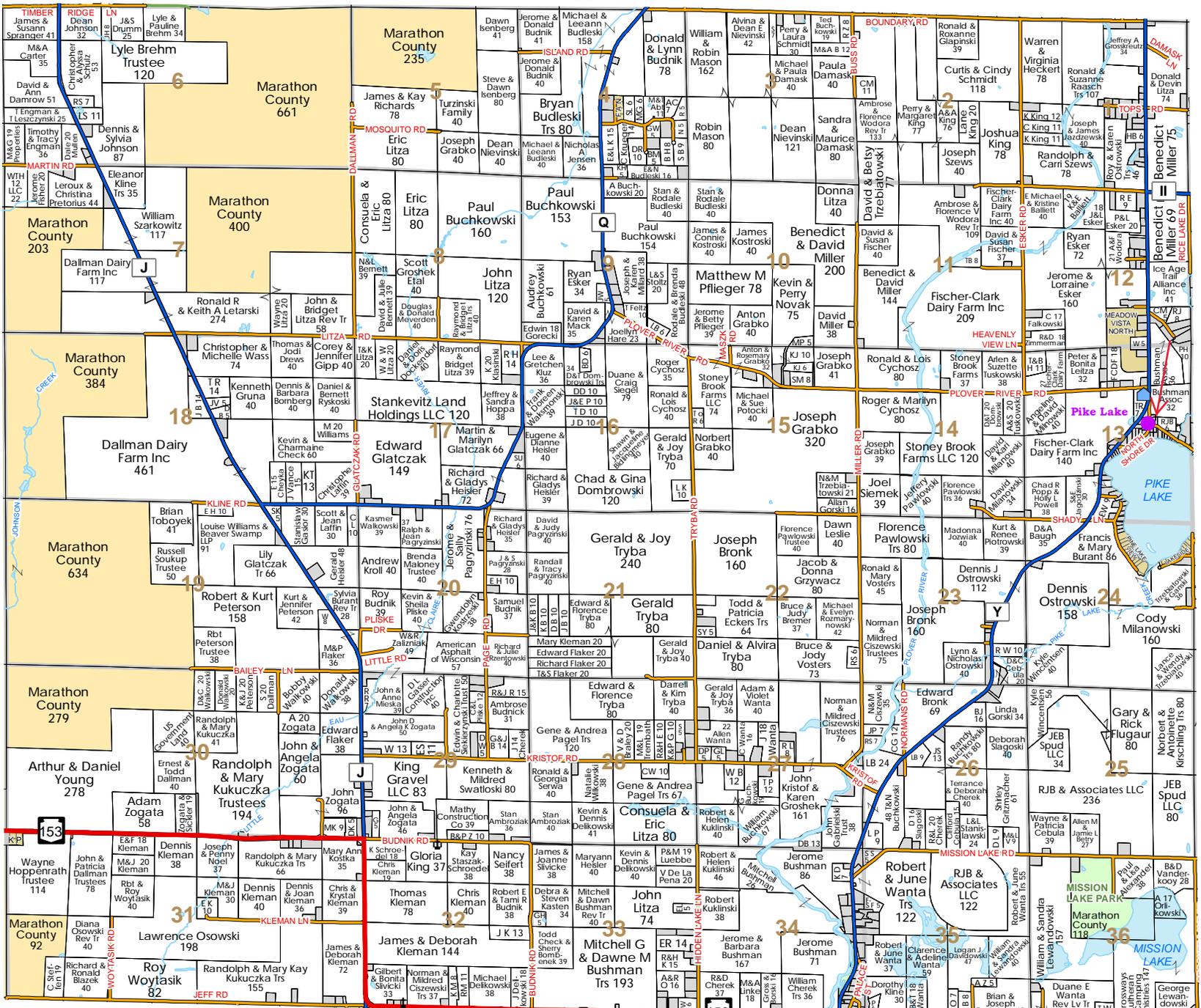


Reid



Township 27N - Range 9E

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SEE PAGE 45

SEE PAGE 41

STATE OF WISCONSIN )  
MARATHON COUNTY )  
TOWN OF REID )

RECEIVED

DEC 11 2020

MARATHON CO. CONSERVATION,  
PLANNING & ZONING DEPT

**RESOLUTION ON ZONING ORDINANCE AMENDMENT**

TO THE MARATHON COUNTY ENVIRONMENTAL RESOURCES COMMITTEE

I, Kittie Milanowski, Clerk of the Town of Reid, 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 Reid Town Board at a meeting held on the 8<sup>th</sup> day of December, 2020.

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 Reid Town Board considered on the 8<sup>th</sup> day of December, 2020, petition of Benjamin & Teri Mandli to amend the Marathon County Zoning Ordinance to rezone lands from L-D-R Low Density Residential to N-C Neighborhood Commercial described as being located in Government Lot 3 of Section 13, Township 27 North, Range 09 East, Town of Reid. The area proposed to be rezoned is described as Lot #2 (1.050 acres) on the Preliminary Certified Survey Map (CSM) submitted as a part of the rezone petition. Area to be rezoned is identified as part of Parcel PIN# 064-2709-135-0909; Address 215120 County Road Y, Hatley WI, 54440.

The Town of Reid 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 Reid 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 Katie Milangau Shi  
 Town Board [Signature]  
Robert Sublimin  
Denise Miller

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 January 20, 2021 to:

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



# Teri and Benjamin Mandli Petition to Rezone Land Staff Report, February 2<sup>nd</sup>, 2021 Environmental Resources Committee

## Findings of Fact

### PUBLIC HEARINGS/MEETINGS:

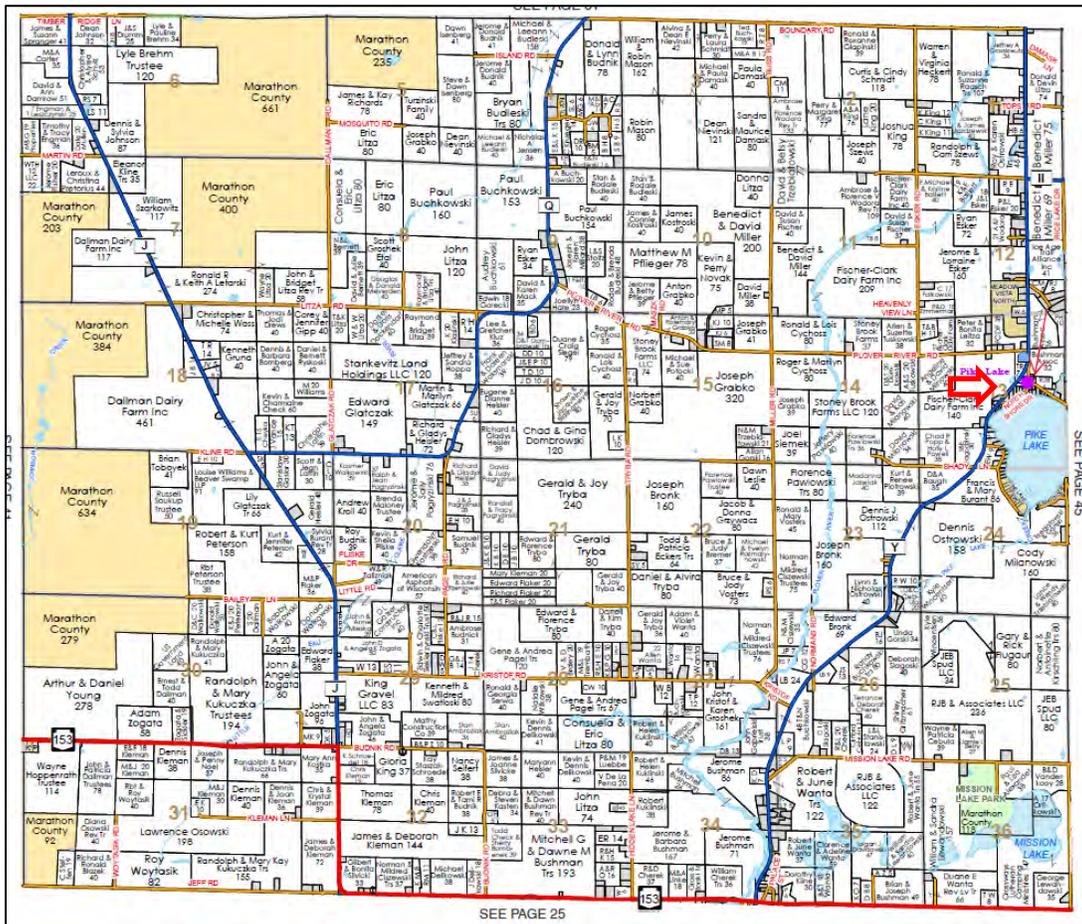
- Town of Reid Town Board Meeting (December 8<sup>th</sup>, 2020)
- Marathon County Environmental Resources Committee Meeting (February 2<sup>nd</sup>, 2021 at 3:00pm)

**PETITIONER:** Teri and Benjamin Mandli – 215120 County Road Y, Hatley WI 54440

**PROPERTY OWNER:** Teri and Benjamin Mandli – 215120 County Road Y, Hatley WI 54440

**LOCATION OF REZONE REQUEST:** Area proposed to be rezoned is located just west of County Road Y adjacent to Pike Lake

*Map 1: Location of Rezone Request*



### **REQUEST:**

The petition of Benjamin & Teri Mandli to amend the Marathon County Zoning Ordinance to rezone lands from L-D-R Low Density Residential to N-C Neighborhood Commercial described as being located in Government Lot 3 of Section 13, Township 27 North, Range 09 East, Town of Reid. The area proposed to be rezoned is described as Lot #2 (1.050 acres) on the Preliminary Certified Survey Map (CSM) submitted as a part of the rezone petition. Area to be rezoned is identified as part of Parcel PIN# 064-2709-135-0909; Address 215120 County Road Y, Hatley WI, 54440.

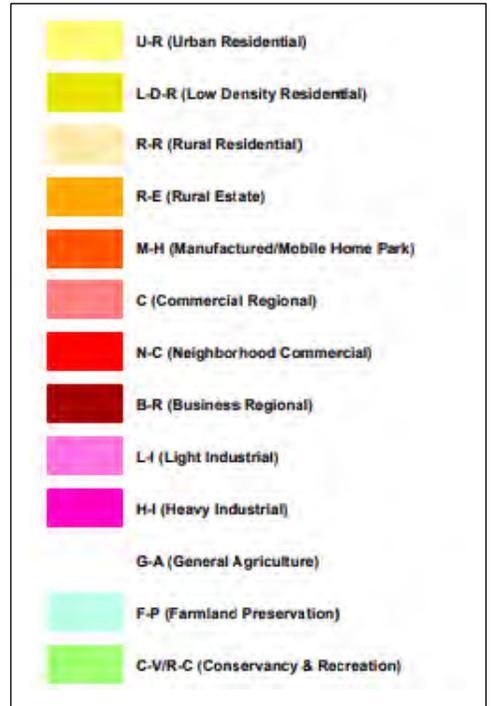
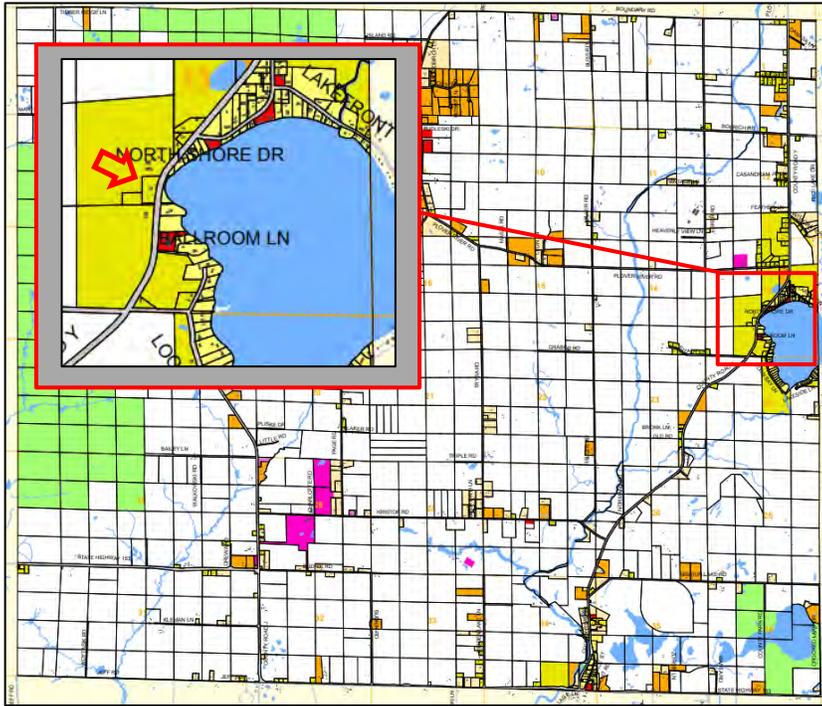
**EXISTING ZONING DISTRICT:**

**L-D-R Low Density Residential District.** The purpose of the L-D-R district is to accommodate single-family residential use along existing streets and to promote single-family residential development (involving the extension of new streets) where sanitary sewer and municipal water may be available. The densities are intended to provide for areas of suburban character in the community and to prevent excessive demands on sewerage and water systems, streets, schools, and other community facilities. The districts are intended to avoid overcrowding by requiring certain minimum yards, open spaces, and site area while making available a variety of dwelling types and densities to serve a wide range of individual requirements and thereby providing a more orderly and efficient extension of public facilities.

**PROPOSED ZONING DISTRICT:**

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

**EXISTING ZONING DISTRICT MAP:** Adjacent parcels are zoned Low Density Residential with some Neighborhood Commercial and General Agricultural zoned parcels within close proximity.



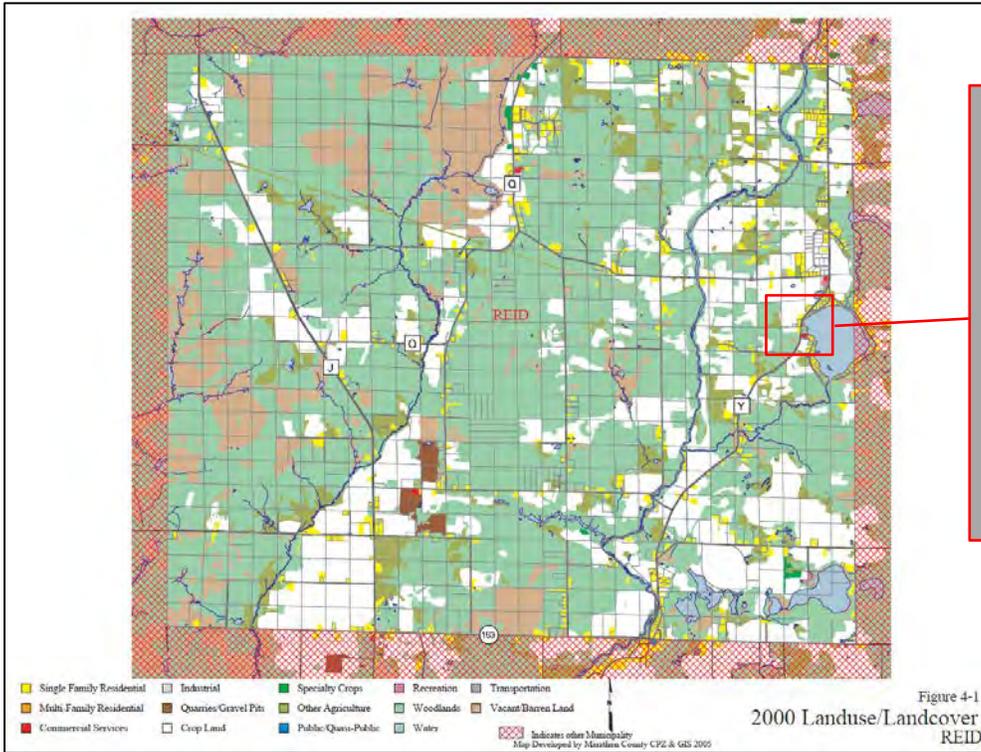
Map #2 Town of Reid - Zoning District Map

**ACREAGE:**  
1.050 Acres

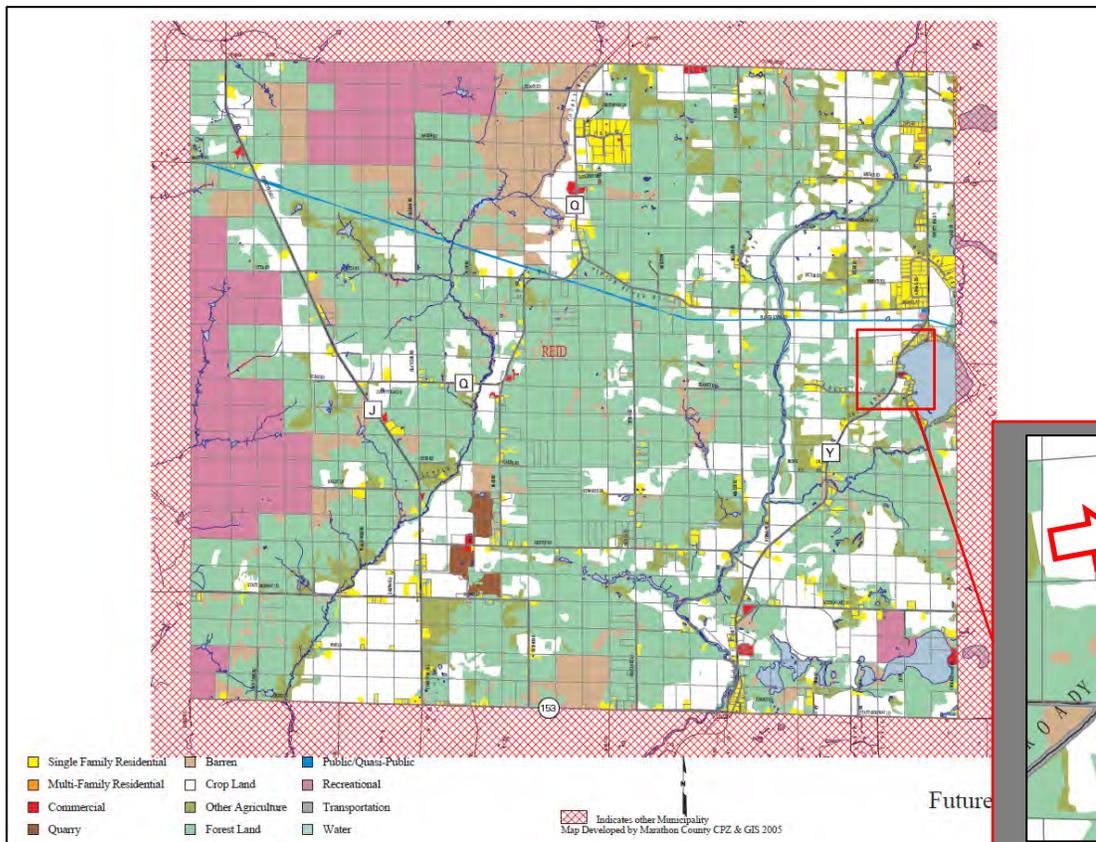
**Legal Notification:**

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



**TOWN COMPREHENSIVE PLAN FUTURE LAND USE MAP:** The area/parcel proposed to be rezoned is shown as Single Family Residential in the Town’s Comprehensive Plan Future Land Use/Land Cover Map Adjacent land uses comprise of Crop Land, Woodland, and Commercial land uses.





Aerial Photo:



Preliminary Certified Survey Map:



## TOWN RECOMMENDATION:

On December 8<sup>th</sup>, 2020 the **Town of Reid** Town Board Recommended **Approval** to Marathon County's Environmental Resources Committee.

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

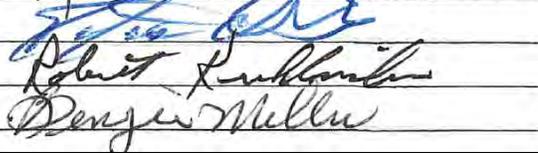
**OR**  **Requests an Extension\*** for the following reasons: \_\_\_\_\_

\*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



Town Board



### 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. Although the area proposed to be rezoned is shown to be designated for single family residential land uses in the future land use map, the towns comprehensive plan is over 15 years old and needs to be updated. 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 proposed to be rezoned was not designated as a FP area in the FP plan and the town has recommended approval of the rezone in question as well as has stated the rezone is consistent with the Towns 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.

There is no active cropland on the parcel proposed to be rezoned, area to be rezoned is adjacent to active agricultural lands owned by a family member of the petitioner.

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 pending Certified Survey Map submitted to our department as well as a proposed business onsite.

**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. (There is no proposed development onsite at this time.)

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

The Town of Reid 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 Reid should update their comprehensive plan to reflect the proposed rezone to Neighborhood Commercial from Low Density Residential. The future and existing land use maps should reflect the current residential use on the parent parcel as well as the proposed rezone to the N-C zoning district. The rezone also appears to be consistent with the purpose and intent of the Towns 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: #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

---

---

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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---

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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):  
Bob + Kelsey Schwei  
202215 Riverstone Way, Mosinee, WI 54455  
 hereby petition to rezone property owned by (Name & Address): Bob + Kelsey Schwei  
600' Lot 3 + part of NE 1/4 of SE 1/4 of sec 29  
 from the classification L-D-R, low density Residential to R-E, Rural Estate DS 12-3-20
  
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): CSM 62-60, CSM 6-297  
See Attached (Lot #2)  
 Parcel Identification Number (PIN): 048-2607-C85-0985
  
3. The proposed change is to facilitate the use of the land for (be specific-list all proposed uses):  
Construct of garage w/ larger doors + size  
allowed by current zoning. Town of Keweenaw would  
rather rezone us conditional use.
  
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. N/A - vacant land would need to  
run electricity + phone.
  
  - B. Explain how the provision for these facilities will not be an unreasonable burden to local government.  
No need for development of roads, etc  
Just constructing a simple structure.
  
  - C. What have you done to determine that the land is suitable for the development proposed?  
consulted w/ Town of Keweenaw Planning/Zoning  
Committee + design/build firms
  
  - 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. N/A - Pine forest  
in sandy environment w/ no slope
  
  - E. Explain any potential for conflict with existing land uses in the area. None

(OVER)

- F. Demonstrate the need of the proposed development at this location. the need for  
owner who lives on S.W. corner to  
have RV, Boat + misc storage
- G. What is the availability of alternative locations? Be specific. Strong availability  
within 10 acre parcel
- H. If cropland is being consumed by this Zone Change, what is the productivity of the agricultural lands involved?  
N/A
- I. If cropland is being consumed by this zone change, explain how the proposed development will be located to minimize the amount of agricultural land converted. N/A

5. Include on a separate sheet (no larger than 11 x 17) a drawing of the property to be rezoned, at a scale of 1"=200 ft or larger. Show additional information if required. **(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 Robert Edmer  
 8. Owner's Signature \_\_\_\_\_  
*(If different)*

Phone 920-891-2139 Date 12/3/20  
 Phone \_\_\_\_\_ Date \_\_\_\_\_

Date Fee Received: 12-3-2020

**RECEIVED**  
 Fee \$600.00 PAYABLE TO MARATHON COUNTY  
 MARATHON CO. CONSERVATION  
 PLANNING & ZONING DEPT.  
 3 2020

**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. 14053 VOL. 62 PAGE 60**  
ALL OF LOT 1, CSM 1613-6-297, LOCATED IN THE NE1/4 SE1/4 SECTION 29 AND GOVERNMENT 3,  
SECTION 28 AND THAT PART OF THE SE1/4 SE1/4, SECTION 29 AND GOVERNMENT LOT 4,  
SECTION 28, ALL IN T 26 N, R 7 E, TOWN OF KNOWLTON, MARATHON COUNTY, WISCONSIN.

SHEET 2 OF 2 SHEETS

## SURVEYORS CERTIFICATE

I, TIMOTHY G. VREELAND, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE DIRECTION OF ROY BERGER, I SURVEYED, MAPPED AND DIVIDED ALL OF LOT 1 OF MARATHON COUNTY CERTIFIED SURVEY MAP NUMBER 1613, RECORDED IN VOLUME 6 OF SURVEYS ON PAGE 297, LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29 AND GOVERNMENT LOT 3 OF SECTION 28 AND THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29 AND GOVERNMENT LOT 4 OF SECTION 28, ALL IN TOWNSHIP 26 NORTH, RANGE 7 EAST, TOWN OF KNOWLTON, MARATHON COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 29; THENCE N 0°27'23" W ALONG THE NORTH - SOUTH QUARTER LINE 1947.36 FEET; THENCE N 89°50'41" E 2129.35 FEET TO THE POINT OF BEGINNING; THENCE N 89°47'55" E 1069.45 FEET; THENCE S 63°57'31" E 195.84 FEET TO THE WESTERLY LINE OF DUBAY DRIVE; THENCE S 3°50'07" W ALONG THE WESTERLY LINE OF DUBAY DRIVE 40.58 FEET; THENCE S 38°33'58" W 316.90 FEET; THENCE S 39°08'48" W 379.42 FEET; THENCE S 37°36'17" W 287.95 FEET; THENCE N 89°50'08" W 149.00 FEET; THENCE N 6°06'17" W 193.51 FEET; THENCE 41.91 FEET ALONG THE ARC OF A COURVE CONCAVE TO THE SOUTH WHOSE RADIUS IS 300.00 FEET, WHOSE CENTRAL ANGLE IS 8°00'17" AND WHOSE CHORD BEARS N 86°36'04" E 41.88 FEET; THENCE S 89°23'47" E 175.71 FEET; THENCE 32.29 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST WHOSE RADIUS IS 50.00 FEET, WHOSE CENTRAL ANGLE IS 37°00'04" AND WHOSE CHORD BEARS S 70°53'45" E 31.73 FEET; THENCE S 52°23'43" E 50.00 FEET; THENCE N 37°36'17" E 95.36 FEET; THENCE N 89°23'47" W 302.27 FEET; THENCE S 89°51'48" W 283.83 FEET; THENCE N 0°57'32" W 313.70 FEET; THENCE N 89°54'48" W 208.38 FEET; THENCE N 0°58'07" W 348.31 FEET TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD AND USE.

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

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



*Timothy G. Vreeland*  
TIMOTHY G. VREELAND

R.L.S. 2291

DATED THIS 30TH DAY OF AUGUST, 2005

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

BY *Christie G. Newaysh*

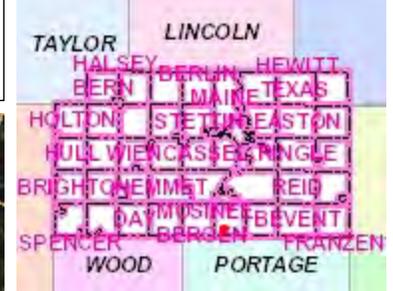
DATE 9-19-05

MARATHON CO. CONSERVATION,  
PLANNING & ZONING DEPT.

APPROVED FOR RECORDING BY THE  
TOWN OF KNOWLTON.

BY *James Brown*

DATE 9-12-05



### Legend

- Parcel Annotations
- Parcels
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- Municipalities
- 2015 Orthos
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3

66.03 0 66.03 Feet



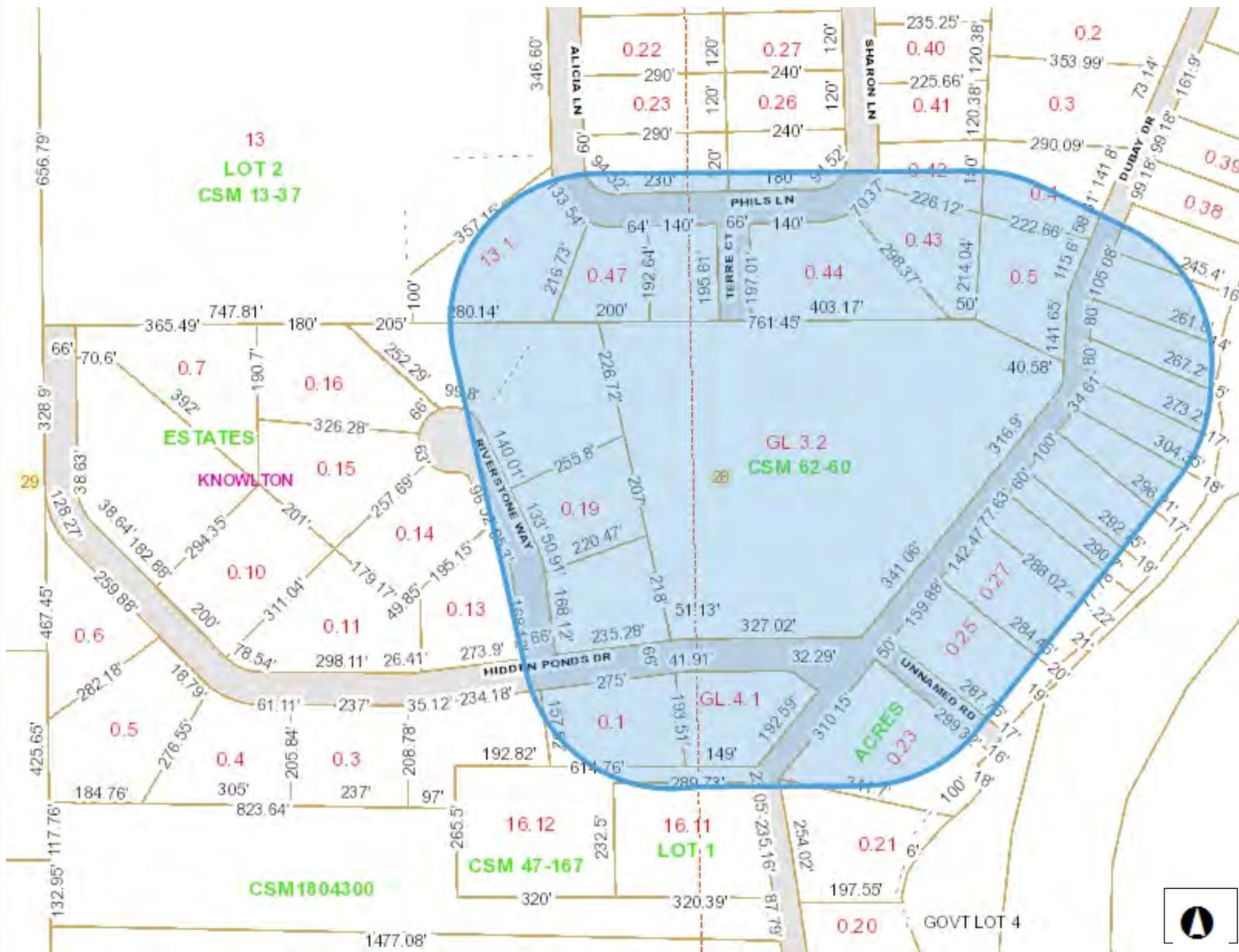
NAD\_1983\_HARN\_WISCRS\_Marathon\_County\_Feet

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

### Notes



# Land Information Mapping System



- Legend**
- Parcel Annotations
  - Parcels
  - Land Hooks
  - Section Lines/Numbers
  - Right Of Ways
  - Municipalities

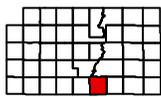


NAD\_1983\_HARN\_WISCRS\_Marathon\_County\_Feet

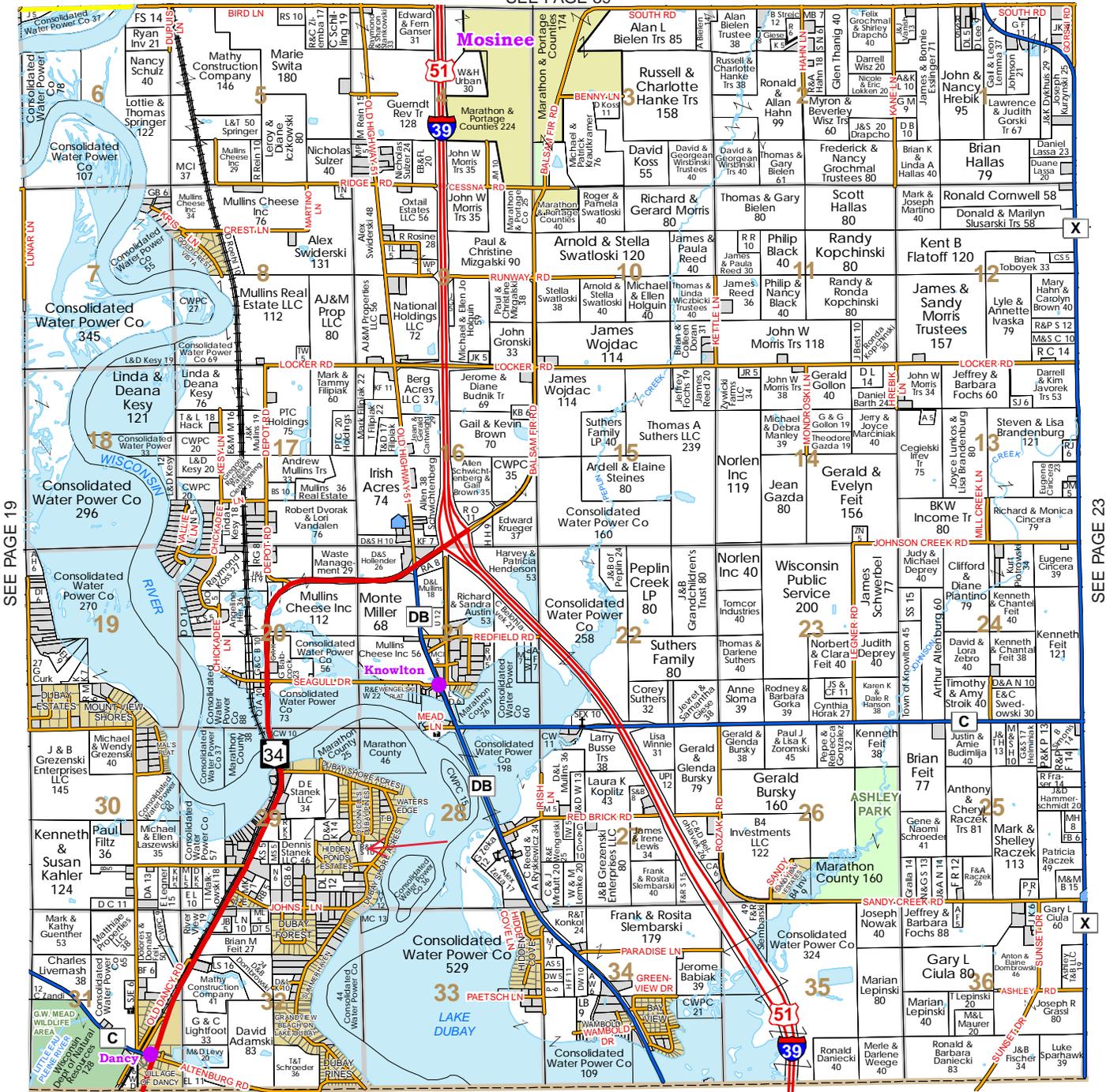
**DISCLAIMER:** The information and depictions herein are for informational purposes and Marathon County-City of Wausau specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement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

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

**Notes**



SEE PAGE 39



PORTAGE COUNTY

**Tim Schindler**  
**Auctioneer LLC**  
**FARM • HOUSEHOLD • ESTATE**  
 N14555 Sandhill Ave. • Curtiss, WI 54422  
 (715) 223-4014  
[www.schindlerauction.com](http://www.schindlerauction.com)  
[info@schindlerauction.com](mailto:info@schindlerauction.com)

STATE OF WISCONSIN )  
MARATHON COUNTY )  
TOWN OF KNOWLTON )

**RESOLUTION ON ZONING ORDINANCE AMENDMENT**

**TO THE MARATHON COUNTY ENVIRONMENTAL RESOURCES COMMITTEE**

I, Alan Fochs, Clerk of the Town of Knowlton, 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 Knowlton Town Board at a meeting held on the 11th day of January, 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 Knowlton Town Board considered on the 11th day of January, 2021, petition of Robert & Kelsey Schwei to amend the Marathon County Zoning Ordinance to rezone lands from L-D-R Low Density Residential to R-E Rural Estate described as part of Government Lot 3 of Section 28, Township 26 North, Range 07 East and part of NE ¼ of the SE ¼ of Section 29, Township 26 North, Range 07 East, Town of Knowlton. The existing parcel proposed to be rezoned is described as Lot #2 (10.0340 acres) on the Certified Survey Map (CSM) Vol. 62 Pg. 60 (Doc#1423383); Parcel PIN# 048-2607-285-0985

The Town of Knowlton 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: NA
- 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: Plans to minimize effect on trees
- 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: NA
- 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: MA
- 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 Knowlton 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 [Signature]  
 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 January 20, 2021 to:

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



# Robert and Kelsey Schwei Petition to Rezone Land Staff Report, February 2<sup>nd</sup>, 2021 Environmental Resources Committee

## Findings of Fact

### PUBLIC HEARINGS/MEETINGS:

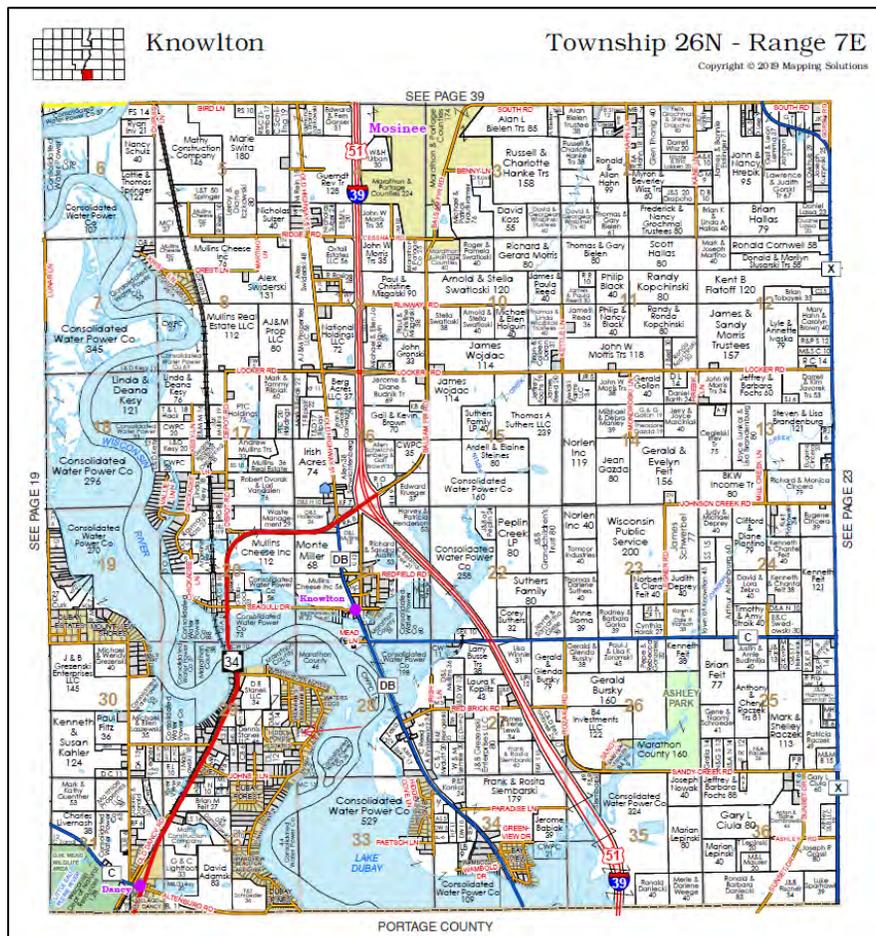
- Town of Knowlton Town Board Meeting (January 11<sup>th</sup>, 2021)
- Marathon County Environmental Resources Committee Meeting (February 2<sup>nd</sup>, 2021 at 3:00pm)

**PETITIONER:** Robert and Kelsey Schwei - 202215 Riverstone Way, Mosinee WI 54455

**PROPERTY OWNER:** Robert and Kelsey Schwei - 202215 Riverstone Way, Mosinee WI 54455

**LOCATION OF REZONE REQUEST:** Area proposed to be rezoned is located on the northwestern corner of the intersection of Dubai Drive and Hidden Ponds Drive.

*Map 1: Location of Rezone Request*



### REQUEST:

The petition of Robert & Kelsey Schwei to amend the Marathon County Zoning Ordinance to rezone lands from L-D-R Low Density Residential to R-E Rural Estate described as part of Government Lot 3 of Section 28, Township 26 North, Range 07 East and part of NE ¼ of the SE ¼ of Section 29, Township 26 North, Range 07 East, Town of Knowlton. The existing parcel proposed to be rezoned is described as Lot #2 (10.0340 acres) on the Certified Survey Map (CSM) Vol. 62 Pg. 60 (Doc#1423383); Parcel PIN# 048-2607-285-0985.

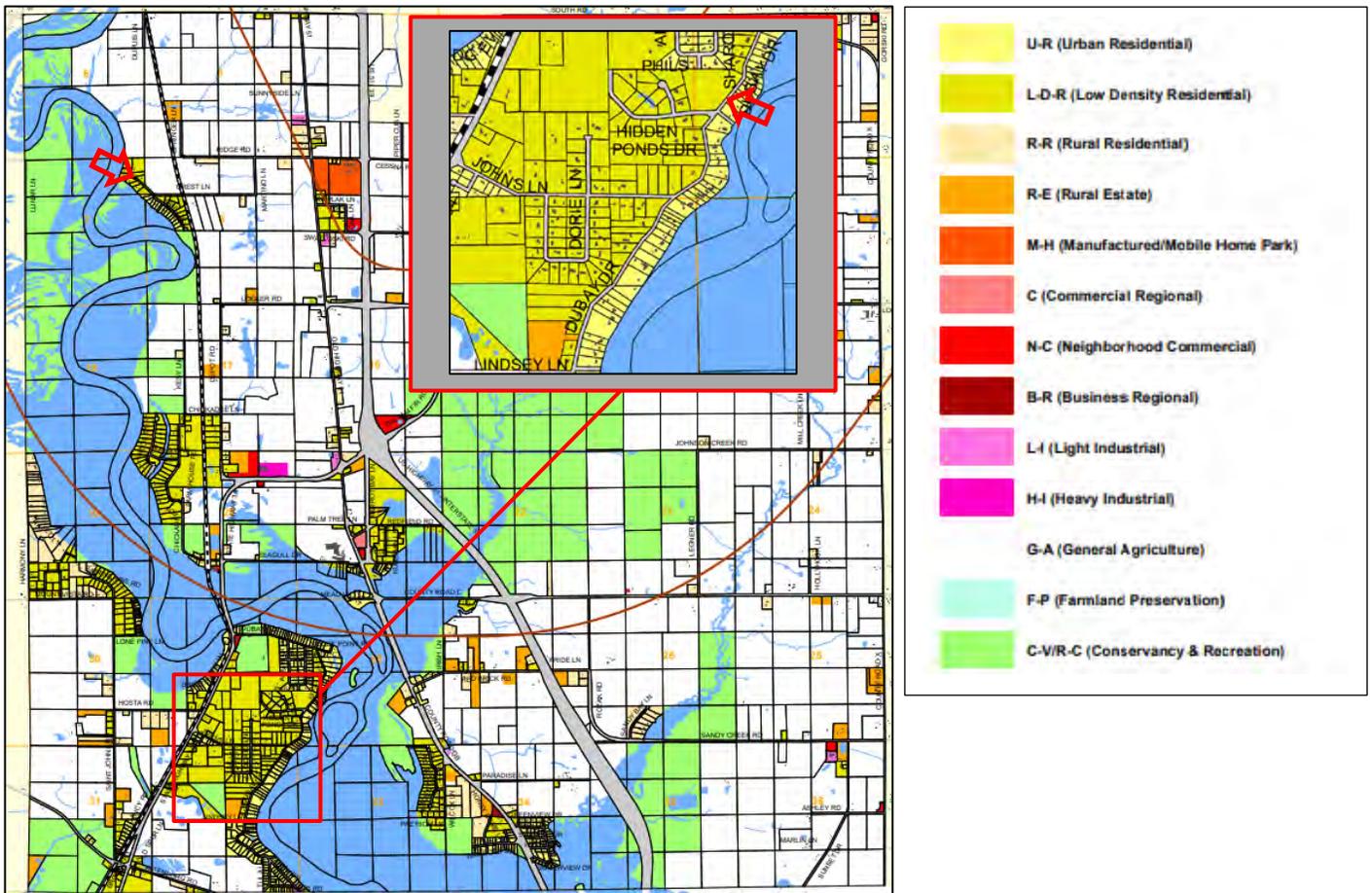
**EXISTING ZONING DISTRICT:**

**L-D-R Low Density Residential District.** The purpose of the L-D-R district is to accommodate single-family residential use along existing streets and to promote single-family residential development (involving the extension of new streets) where sanitary sewer and municipal water may be available. The densities are intended to provide for areas of suburban character in the community and to prevent excessive demands on sewerage and water systems, streets, schools, and other community facilities. The districts are intended to avoid overcrowding by requiring certain minimum yards, open spaces, and site area while making available a variety of dwelling types and densities to serve a wide range of individual requirements and thereby providing a more orderly and efficient extension of public facilities.

**PROPOSED ZONING DISTRICT:**

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

**EXISTING ZONING DISTRICT MAP:** Adjacent parcels are zoned Low Density Residential, there are some Urban Residential and Rural Estate zoned parcels within close proximity.



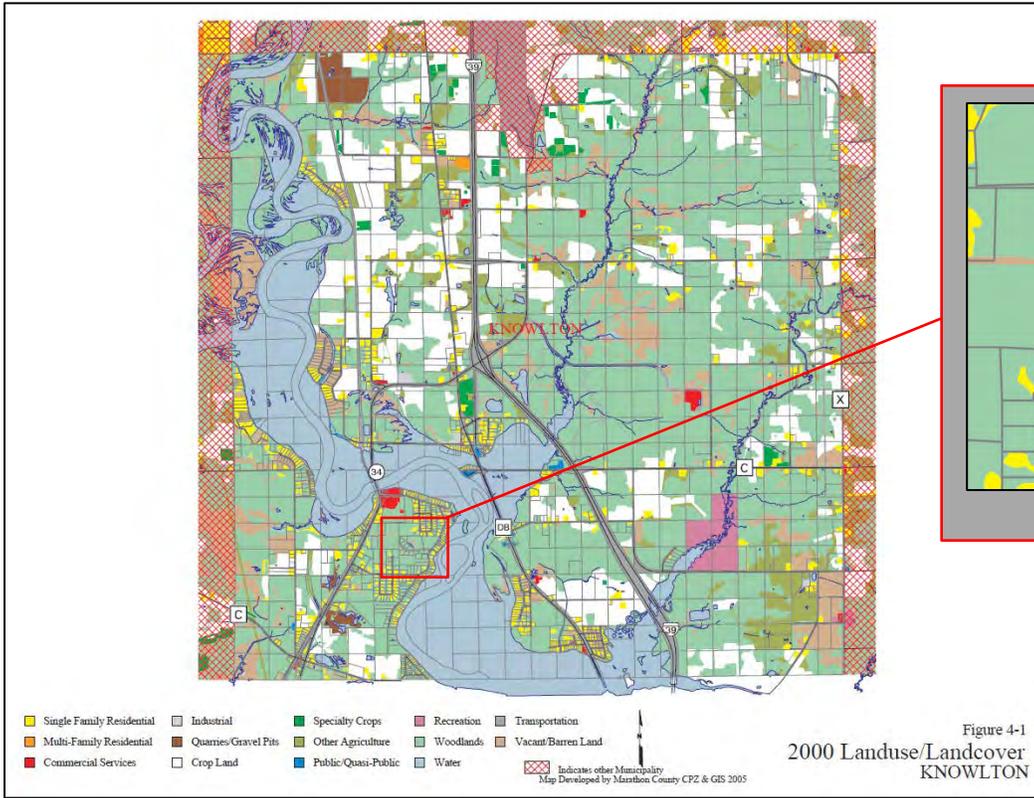
Map #2 Town of Knowlton - Zoning District Map

**ACREAGE:**  
10.034 Acres

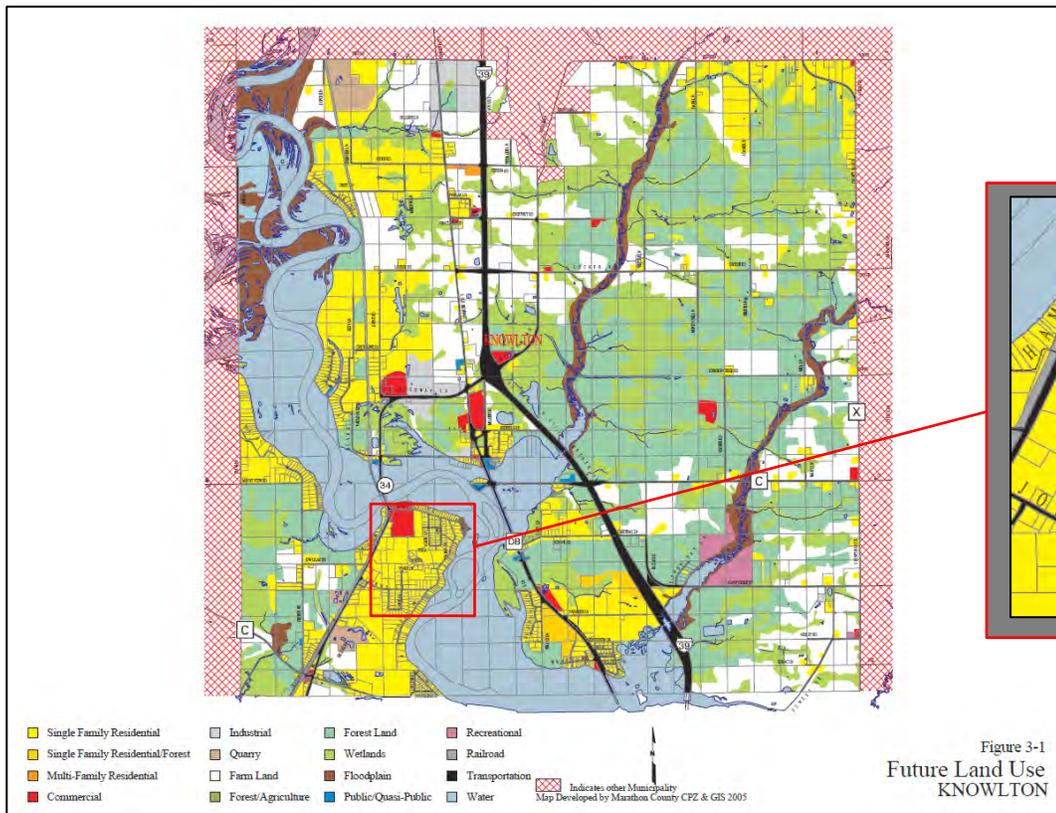
**Legal Notification:**

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.

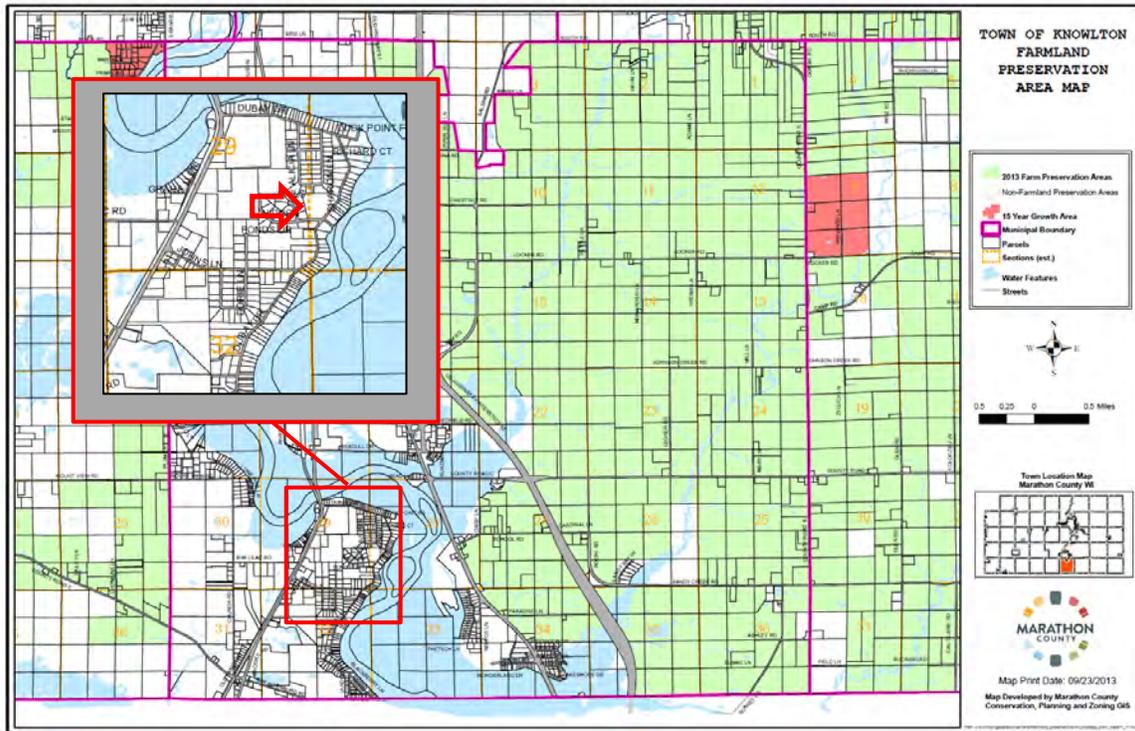
**Existing (2000) Land Use/Land Cover Map – Town of Knowlton (2005 Comprehensive Plan)** The parcel proposed to be rezoned is shown as Woodland in the Town’s Comprehensive Plan Existing Land Use/Land Cover Map (2000). Adjacent land uses are comprised of Woodlands and Single Family Residential land uses.



**TOWN COMPREHENSIVE PLAN FUTURE LAND USE MAP:** The area/parcel proposed to be rezoned is shown as Single Family Residential in the Town’s Comprehensive Plan Future Land Use/Land Cover Map. Adjacent land uses comprise of similar land uses.



**FARMLAND PRESERVATION PLAN:** The parcel in question was not designated as a farmland preservation area in the Farmland Preservation Plan, yet the town does not participate in farmland preservation zoning. Therefore, there are no parcels within the Town of Knowlton that are zoned farmland preservation.



**SIGNIFICANT PARCEL LIMITATIONS OR NATURAL FEATURES:** The area proposed to be rezoned has no mapped floodplain or mapped wetlands yet is covered completely by the shoreland overlay areas from Lake Dubay.



**Aerial Photo:**



**Existing Certified Survey Map:**



## TOWN RECOMMENDATION:

On January 11<sup>th</sup>, 2021 the **Town of Knowlton** Town Board Recommended **Approval** to Marathon County's Environmental Resources Committee.

The Town of Knowlton 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                       
Town Board                       
                      
                    

### 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. Although the area proposed to be rezoned is shown to be designated for single family residential land uses in the future land use map yet the town's comprehensive plan is over 15 years old and needs to be updated. 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 proposed to be rezoned was not designated as a FP area in the FP plan and the town has recommended approval of the rezone in question as well as has stated the rezone is consistent with the Towns Comprehensive plan. (Consistent with the future land use map)

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.

There is no active cropland on the parcel proposed to be rezoned, area to be rezoned is surrounded by residentially zoned parcels.

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 use and/or structure proposed on the parcel which does not conform to the current zoning district standards therefore a rezone petition was submitted.

**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.

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. (There is no proposed development onsite at this time.)

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

The Town of Knowlton 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):**

The rezone meets all the zoning district standards as it relates to size, frontage, access, and dimension. If approved, the Knowlton should update their comprehensive plan to reflect the proposed rezone to Rural Estate from Low Density Residential. The future land use map is already consistent with the proposed rezone showing the area in question as Single Family Residential land uses. The rezone also appears to be consistent with the purpose and intent of the Towns 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: #3**  
**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: \_\_\_\_\_

**Below is the link to the Draft Marathon County Chapter  
17 Zoning Code and Chapter 22 Shoreland, Shoreland-  
Wetland, Floodplain Code**

<https://bit.ly/35z5YAm>



### AGENDA ITEM COVER SHEET

<b>MEETING/DATE:</b>	Board of Supervisors, September 1, 2020
<b>ITEM:</b>	Docket #2020-024: Discussion and action on a Petition of Amendment of the Official Zoning Map from SI Suburban Industrial to UC Urban Commercial for a property at 152307 Starling Lane.
<b>FROM:</b>	Jared Wehner, Director of Community Development

### APPLICANT & PROPERTY INFORMATION

<b>APPLICANT:</b>	William Fischer, 309 10th Avenue, Wausau, WI 54401
<b>OWNER:</b>	Roger Passow, 1424 Grass Road, Arbor Vitae, WI 54568
<b>PROPERTY ADDRESS:</b>	152307 Starling Lane
<b>PIN/PARCEL #:</b>	068-2807-104-0004
<b>ZONING:</b>	SI Suburban Industrial
<b>ADJACENT ZONING:</b>	<b>NORTH:</b> SC <b>SOUTH:</b> SC <b>EAST:</b> SI <b>WEST:</b> SC
<b>PROPOSED ZONING:</b>	UC Urban Commercial
<b>FUTURE LAND USE:</b>	Suburban Flex

### BACKGROUND

The property has had an indoor sales and service use since prior to the adoption of the current zoning code in 1994, but for only half the building. The previous tenant was a fitness/cross fit gym. The buyer, wants to sell residential playground equipment (backyard jungle gyms).

<b>PREVIOUS ACTIONS:</b>	Plan Commission recommended approval on December 9, 2020.
<b>STAFF COMMENTS:</b>	See Determination Report (attached)
<b>ATTACHMENTS:</b>	Rezone Determination Report, Draft Rezone Resolution 20-15, Zoning Map

### POSSIBLE ACTIONS TO BE TAKEN

**APPROVE:** Approve draft Resolution No. 20-15 rezoning the parcel from SI to UC, as by the applicant.

**DENY.**

<b>REQUESTED ACTION:</b>	Approve Resolution No. 20-15 as drafted and presented.
<b>FURTHER ACTION(S):</b>	Notify the applicant of approval/denial of the application [Staff].

**RESOLUTION 20-15**  
**TOWN OF RIB MOUNTAIN, MARATHON COUNTY, WISCONSIN**

A resolution rezoning a portion of land consisting of 1.2 acres of land from SI Suburban Industrial to UC Urban Commercial; located at 152307 Starling Lane, Town of Rib Mountain, Wisconsin; and amending the Official Zoning Map to reflect said change.

WHEREAS, William Fischer, perspective buyer, petitioned to amend a portion of land on the Official Zoning Map of the Town of Rib Mountain from SI Suburban Industrial to UC Urban Commercial; and

WHEREAS, the Plan Commission of the Town of Rib Mountain having held a public hearing on the 9<sup>th</sup> day of December 2020, on the application described above for the zoning of property described herein, and

WHEREAS, the Plan Commission having thereafter filed its written recommendations and findings with the Town Board of Supervisors, and after careful considerations, said Board having received and approved the recommendations of Said Commission; the petition is consistent with the adopted Rib Mountain Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Town of Rib Mountain, Marathon County, Wisconsin, hereby amends the Rib Mountain Zoning Map as follows:

Section 1: On the application (2020-024), property owner Roger F. Passow for the following territory now comprising as part of the SI Suburban Industrial zoning district, located in Section 10, Township 28 North, Range 7 East, Town of Rib Mountain, Marathon County, Wisconsin; is hereby designated to be and become hereafter part of the following zoning district:

**UC Urban Commercial:** the 1.2-acre parcel is described as Lot 2 of Assessor's Plat number 7 of Section 10, Township 28 North, Range 7 East, Town of Rib Mountain, Marathon County, Wisconsin; more commonly known as 152307 Starling Lane.

BE IT FURTHER RESOLVED that the foregoing amendment to the zoning district designations shall take effect only upon approval of the Marathon County Board of Supervisors. If the rezoning of any lands by this Resolution does not take effect within 180 days of the date hereof, this Resolution shall become null and void and the zoning for such lands shall remain unchanged.

Section 2: The Zoning Administrator shall make necessary alterations upon the Official Zoning Map of the Town of Rib Mountain to reflect the changes in the zoning classification of the property described herein.

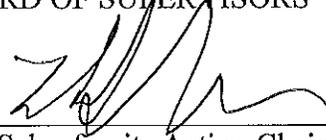
Section 3: **SERVABILITY.** If any section, clause, provision, or portion of this Resolution is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Resolution shall not be affected thereby. If an application of this Resolution to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or

limitation attached to an authorization given under this Resolution is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other resolutions or ordinances whose terms are in conflict with the provisions of this resolution are hereby repealed as to those terms that conflict.

Section 4: EFFECTIVE DATE. This resolution shall take effect upon approval and signature.

Adopted this 15th day of December 2020

BOARD OF SUPERVISORS



---

Fred Schaefer, its Acting Chair

Attest:



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Joanne Ruechel, Town Clerk

STATE OF WISCONSIN )  
COUNTY OF MARATHON )  
TOWN OF RIB MOUNTAIN )

WHEREAS, the Town Board of Supervisors of the TOWN OF RIB MOUNTAIN has heretofore been petitioned to amend the Town Zoning Ordinance and accompanying Zoning Map, and;

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

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

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

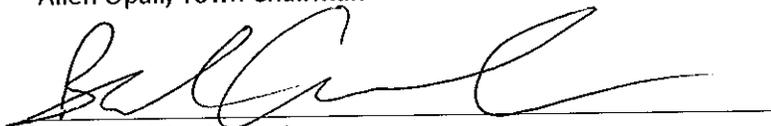
NOW, THEREFORE BE IT RESOLVED, that pursuant to Wis. Stat. §§60.62(3), the Town Board of Supervisors of the TOWN OF RIB MOUNTAIN does hereby request review by the County Environmental Resources Committee (formerly the Land Conservation and Zoning Committee) and subsequent recommendation for County Board approval of the attached Zoning Ordinance Amendment (and accompanying Zoning Map).

Dated this 15<sup>th</sup> day of December, 2020

Signed by the Board of Supervisors of the TOWN OF RIB MOUNTAIN:

**-- NOT PRESENT --**

Allen Opall, Town Chairman



Brad Conklin, Supervisor

Not Present

Dan Fiorenza, Supervisor



Gerry Klein, Supervisor



Fred Schaefer, Supervisor (Acting Chair)

I, Joanne Ruechel, Clerk of the TOWN OF RIB MOUNTAIN, Marathon County, State of Wisconsin do hereby certify that the attached is a true and correct copy of a Zoning Resolution adopted by a majority vote of the Town Board of Supervisors of the TOWN OF RIB MOUNTAIN on December 15, 2020.

  
Joanne Ruechel, Town Clerk

12.15.2020  
Date



## REZONE DETERMINATION REPORT

<b>FROM:</b>	Jared Wehner, Zoning Administrator		
<b>DOCKET NO.</b>	2020-024	<b>HEARING DATE:</b>	December 9, 2020
<b>APPLICANT:</b>	William Fischer, 309 10 <sup>th</sup> Avenue, Wausau, WI 54401		
<b>OWNER:</b>	Roger Passow, 1424 Grass Road, Arbor Vitae, WI 54568		
<b>LOCATION:</b>	152307 Starling Lane; a 1.2-acre parcel described as Lot 2 of Assessor's Plat No. 7, Town of Rib Mountain, Marathon County, Wisconsin.		
<b>DESCRIPTION:</b>	Rezoning 152307 Starling Lane from SI Suburban Industrial to UC Urban Commercial allowing indoor sales and service on the property.		

*The Department of Community Development of the Town of Rib Mountain, pursuant to the Town of Rib Mountain Zoning Code, Subchapter 11 Processes, Section 17.223 Amendment of Official Zoning Map Procedures, hereby makes the following findings and evaluation to the Town of Rib Mountain Plan Commission:*

## GENERAL INFORMATION

**CURRENT ZONING:**      **Suburban Industrial**

**DEFINITION:**  
**17.035(3)(g)**

Description and Purpose. This district is intended to permit both large and small scale industrial and office development at an intensity which is consistent with the overall desired suburban community character of the community. Beyond a relatively low maximum Floor Area Ratio (FAR) and a relatively high minimum Green Space Ratio (GSR), the primary distinguishing feature of this district is that it is geared to indoor industrial activities which are not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is intended to provide a location for suburban intensity light industrial land uses such as assembly operations, storage and warehousing facilities, offices, and light manufacturing which are protected from potential nuisances associated with certain development permitted within the Heavy Industrial (HI) District. In addition, land uses shall comply with the minimum performance standards presented in Subchapter 17-IX.

**PROPOSED ZONING:**      **UC Urban Commercial**

**DEFINITION:**  
**17.035(3)(E)**

Description and Purpose. This district is intended to permit both large and small scale commercial development at intensities which provide significant incentives for infill development and the continued economic viability of existing development. To accomplish this effect, maximum permitted Floor Area Ratios (FARs) are significantly higher and minimum required Green Space Ratios (GSRs) are lower than those required in the Suburban Commercial (SC) District. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is intended to provide an alternative, primarily infill development, designation for commercial activity to the Suburban Commercial (SC) District. Performance

standards for the Urban Commercial (UC) District are designed to ensure the long-term economic health of strip commercial development areas, existing as of the effective date of this Ordinance, by limiting the attraction of the Suburban Commercial (SC) District to those and uses which can afford the relatively higher development costs and rents associated with development in that district.

**FUTURE LAND USE** Suburban Flex

**FLU DESCRIPTION:** Vibrant, pedestrian-orientated mixed residential and commercial development which allows for people to live, work, shop and obtain daily services within a walking distance. Carefully blended to include a mix of uses on one site or adjacent sites which integrate with one another. These areas shall be served public sewer and water facilities as this designation is within the 2040 sewer service boundary.

- TYPICAL IMPLEMENTATION OF STANDARD ZONING DISTRICT:**
- MR-4 Mixed Residential
  - UR-8 Urban Residential
  - NC Neighborhood Commercial
  - SO Suburban Office
  - SC Suburban Commercial
  - UC Urban Commercial

**DENSITY:** Minimum lot sizes per the associated zoning district.

- DEVELOPMENT POLICIES:**
1. All development shall incorporate and integrate with adjacent existing residential uses, if none, a residential component of the project would be strongly recommended when located within or adjacent to an existing neighborhood.
  2. Promote shared off-street parking
  3. Promote the creation of 3rd places
  4. Promote the interconnection of the road and trail networks within and among neighborhoods.
  5. Promote infill and redevelopment projects at outdated sites.
  6. New development should be multi-storied and mixed-used when practical.
  7. Setbacks should be reduced where appropriate.
  8. At the time of development, sidewalks should be constructed in the right-of-way, with the intent to connect to Rib Mountain Drive and Robin Lane or to any adjacent sidewalks.
  9. Big Box or regional retail should be confined to areas closest to Rib Mountain Drive and not within established neighborhoods, specifically on the areas mapped east of Rib Mountain Drive.

## REVIEW OF DENSITY STANDARDS AND BULK REGULATIONS

LOT STANDARDS	REQUIREMENTS	PROPOSED	STATUS
Minimum Lot Area:	16,000 Sq. Ft.	52,272 Sq. Ft.	Meets Requirements.
Minimum Lot Width:	150 Ft.	272.45 Ft.	Meets Requirements.
Min. Landscape Surface Rat.	0.1	0.42	Meets Requirements.
Max. Floor Area Ratio:	0.3	0.3 - 0.31	Meets Requirements.

## DETERMINATION / FINDING OF FACT

1. Is the proposed rezoning consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?

*Yes, the UC zoning district is explicitly described as being a typical zoning district for the Suburban Flex future land use designation.*

2. Does the rezoning further the purpose and intent of this Chapter?

*Chapter 17 is written to implement the Comprehensive Plan to the extent possible under zoning and this proposed map amendment is within the scope of that intent.*

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3. Does rezoning address any of the following that are not properly addressed on the current Official Zoning Map?
  1. A mistake was made in mapping on the Official Zoning Map. That is, an area is or has developed in a manner and purpose different from that for which it is mapped. If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the Village may intend to stop an undesirable land use pattern from being perpetuated.
  2. Factors have changed, such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes, making the subject property more appropriate for a different zoning district.
  3. **Growth patterns or rates have changed, thereby creating the need for a rezoning.**

*A new potential owner is interested in expanding the indoor sales and service use on the property.*

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

*Yes, the proposed rezone furthers the intent of the Comprehensive Plan will more than likely lead to potential redevelopment in the future.*

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## BACKGROUND INFORMATION

The property has had an indoor sales and service use since prior to the adoption of the current zoning code in 1994, but for only half the building. The previous tenant was a fitness/cross fit gym. The buyer, wants to sell residential playground equipment (backyard jungle gyms).

## CURRENT PROPERTY CONDITIONS

The other side of the building is utilized by AC Party Rentals. The building is either at max FAR or slightly over, so no additions could be constructed.

## STAFF COMMENTS

Staff does not foresee any issues with rezoning this property to allow for the proposed use, as it is consistent with the Town's vision for this area of the Town.

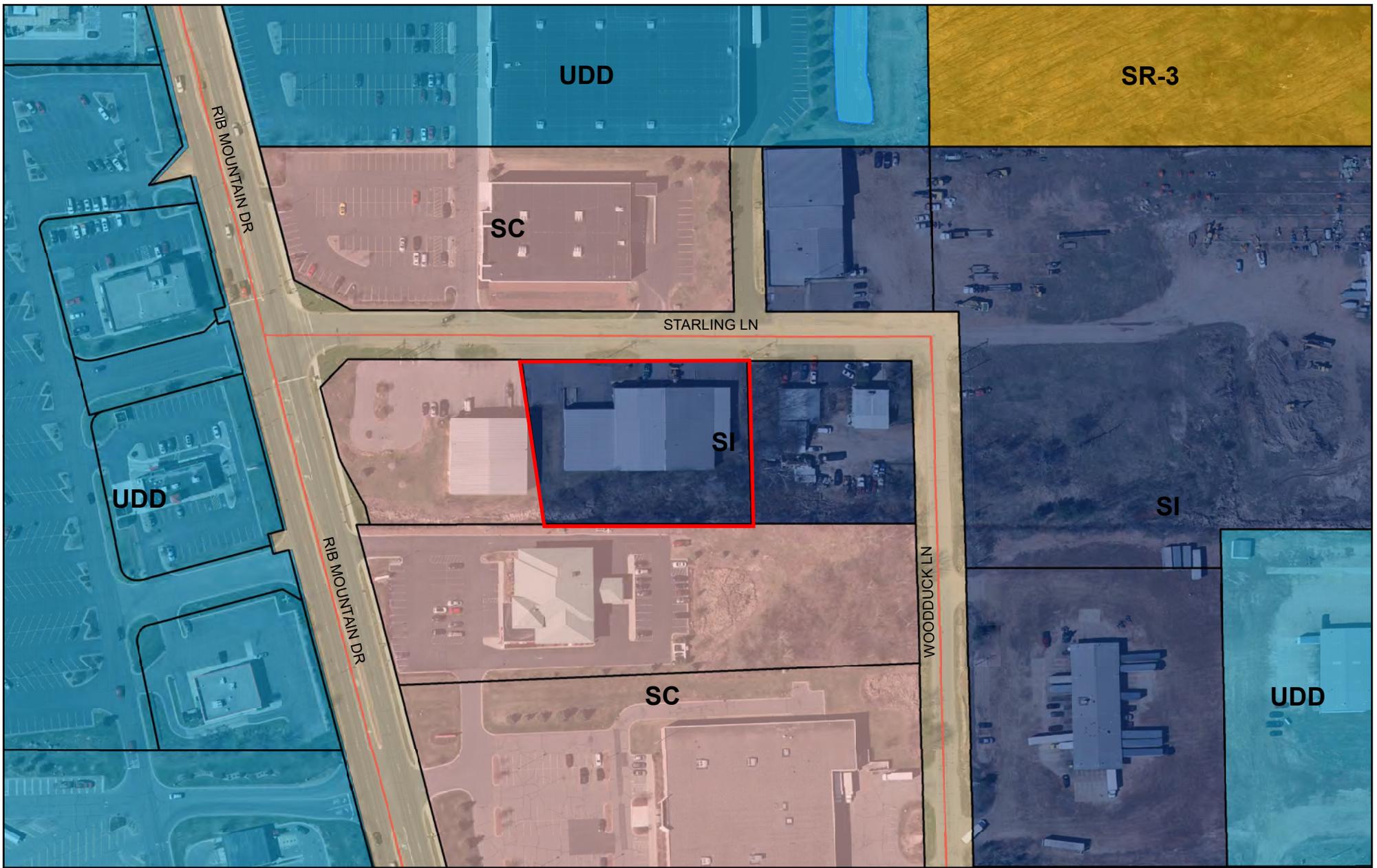
## POSSIBLE ACTIONS TO BE TAKEN

**RECOMMEND APPROVAL:** Plan Commission recommends approval of the rezone request, forwarding the recommendation on to the Town Board for the December 15, 2020 meeting.

**DEFER ACTION:** Defer action on the request based on insufficient material/evidence provided by the applicant or uncertainty among the commissioners based on evidence presented at the public hearing. A recommendation shall be made within 60 days of submittal of the application (January 13, 2021). If the Plan Commission chooses not to make a recommendation or fails to make a recommendation to the Town Board within 60 days of the submittal of the application, then the Town Board shall hold the public hearing without a Plan Commission recommendation.

**RECOMMEND DENIAL:** Plan Commission recommends denial of the rezone request, forwarding the recommendation on to the Town Board for the December 15, 2020 meeting.

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Rib Mountain:  
*"Where Nature, Family, and  
 Sport Come Together"*

Prepared by:  
**MI-TECH**  
 www.mi-tech.us

Map Printed: 12/1/2020

▭ Parcels Outline  
**Zoning Districts  
 (Sept 2017)**

**Zoning  
 Districts**

▭ Unzoned

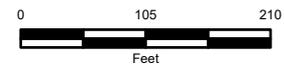
- CR-5ac Countryside Residential
- EO Estate Office
- ER-1 Estate Residential
- MR-4 Mixed Residential

- NC Neighborhood Commercial
- OR Outdoor Recreation
- RA-1 Rural Agricultural
- RA-2 Rural Agricultural

- ROW
- RR Rural Residential
- SC Suburban Commercial
- SI Suburban Industrial
- SO Suburban Office

- SR-2 Suburban Residential
- SR-3 Suburban Residential
- UC Urban Commercial
- UDD Unified Development

- UR-8 Urban Residential Labels
- Water Feature
- Water Feature



**DISCLAIMER:** The information and depictions contained herein are for informational purposes only; Mi-Tech specifically disclaims accuracy in this reproduction and advises that if specific and precise accuracy is required that certified maps, surveys, plats, or other official means be obtained. There is no Statement of Accuracy for any parcel data; the parcel layer is considered an Index Parcel Layer not a Cadastral Parcel Layer. For planning purposes only.

Town of Rib Mountain

Planning and Zoning Commission

**Application for Public Hearing**

PETITIONER / APPLICANT:

NAME: William Fischer

ADDRESS: 309 S 10<sup>th</sup> Ave CITY: Wausau ZIP: 54401

OFFICE PHONE: 715-573-5659 CELL PHONE: 715-573-5659

PROPERTY OWNER:

NAME: Roger Passow

ADDRESS: 1424 Grogg Rd CITY: Ashwaubenish ZIP: 54568

OFFICE PHONE: 715-356-9040 CELL PHONE: 715-356-9040

SIGNATURE OF OWNER / APPLICANT: Roger Passow

REQUEST: rezone property to urban commercial

APPLICABLE ZONING CODE SECTION: \_\_\_\_\_

LOCATION:

PARCEL ADDRESS: 152315  
152307  
152303 Starling Lane, Wausau, WI 54401

PARCEL NUMBER: \_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_\_\_

**AGREEMENT FOR PAYMENT OF CONSULTING SERVICES  
RELATING TO ZONING APPLICATION**

WHEREAS, the Town of Rib Mountain has hired a consultant to assist in the review of any application for zoning permits or approvals under the Town Zoning Ordinances; and

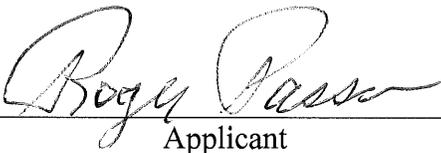
WHEREAS, the Town Ordinances provide that the Applicant shall pay the costs for the services provided to the Town of Rib Mountain by the consultant in the review and analysis of the application being requested and payment for the services performed by the consultant are considered a normal part of the fee for the permit requested by the Applicant from the Town of Rib Mountain.

THEREFORE, in consideration of the request for permit to be reviewed and considered by the Plan Commission and/or Town Board of the Town of Rib Mountain, the undersigned, as Applicant, hereby agrees as follows:

- A. To pay the costs for the consulting services rendered to the Town of Rib Mountain for review and recommendations regarding the action under the Town Zoning Ordinance being requested by the Applicant.
- B. A bill for such services will be sent to the Applicant at the time of completion of the consulting services and shall be due and payable to the Town within 15 days of receipt.
- C. Failure of the Applicant to make payment for the services provided to the Town due to the Application shall result in the Town commencing legal action for collection of monies due and owing to the Town for services, being a part of the Application process followed by the Town for review and approval of the zoning action requested.

TOWN OF RIB MOUNTAIN

I have read the foregoing and understand that I shall be responsible for a payment to the Town of Rib Mountain for consulting services directly resulting from the review and analysis of the Zoning Application submitted to the Town of Rib Mountain.

  
Applicant

11/18/20  
Date

Use in commercial

(1)

# Town of Rib Mountain

## Planning and Zoning Commission

### Application for Public Hearing

#### General Instructions

#### APPLICANT:

Before filing your application for a hearing it is suggested that you meet with the Zoning Administrator to thoroughly discuss your proposal. You may then request to be placed on the Planning Commission Agenda for an informal discussion of your hearing intentions and the feasibility of your proposed action. Such a discussion will result in a better informed Commission and may save you the required hearing fee if it appears that the proposed action is unlikely to result in a favorable recommendation.

If you decide to pursue your request for a hearing on your proposed action please submit the completed application and the required fees. You will be expected to attend the Commission meeting and present your request.

This application is used for all public hearings, which may include: rezoning, code changes, conditional use approvals, etc. In addition, there may be other forms required to complete your application, such as site plan review – please ask.

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#### BELOW FOR TOWN USE ONLY

( ) FEE: \$ <u>250.00</u> + publication costs	PAID BY: <u>William Fisher</u>
( ) RECEIPT # <u>63097</u>	RECEIVED BY: <u>JW</u>
( ) DOCKET # <u>2020-24</u>	ASSIGNED BY: <u>JW</u>
( ) HEARING DATE: <u>12/9/2020</u>	SCHEDULED BY: <u>JW</u>
( ) NOTICE OF HEARING: <u>JW</u>	DATE POSTED / MAILED: <u>JW 12/2</u>

ORDINANCE 0-\_\_\_\_\_-21

**TO AMEND CHAPTER 16 AND 19 OF THE GENERAL CODE OF ORDINANCES FOR  
MARATHON COUNTY: COUNTY FORESTS AND PARKS**

**WHEREAS**, the Marathon County Board has enacted Chapters 16 and 19 of the General Code of Ordinances of Marathon County (Gen. Code), governing County Forests as well as City and County Parks, within its jurisdiction, and they have not been updated since 2019; and

**WHEREAS**, the City/County Parks Recreation and Forestry Department has undertaken the task of revising Chapters 16 and 19 to conform to the state law and current practice in Marathon County; and

**WHEREAS**, on January 5, 2021, the Marathon County Parks Commission voted to approve revisions, set forth in the Attachment hereto, and to forward said revisions to the Marathon County Environmental Resources Committee their review; and

**WHEREAS**, on January 5, 2021, the Forestry/Recreation Committee voted to approve revisions, set forth in the Attachment hereto, and to forward said revisions to the Marathon County Environmental Resources Committee their review; and

**WHEREAS**, on February 2, 2021, the Environmental Resources Committee voted to approve revisions, set forth in the Attachment hereto, and to forward said revisions to the County Board for its review; and

**NOW, THEREFORE**, the County Board of Supervisors of the County of Marathon does hereby ordain and resolve to: Amend Chapters 16 and 19 of the Gen. Code to read, as described in the Attachment hereto.

**BE IT FURTHER ORDAINED AND RESOLVED** that said ordinance shall take effect upon passage and publication as required by law.

**Respectfully submitted this 25th day of February, 2021.**

**MARATHON COUNTY PARKS COMMISSION**

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\_\_\_\_\_  
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\_\_\_\_\_  
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**MARATHON COUNTY FORESTRY/RECREATION COMMITTEE**

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**ENVIRONMENTAL RESOURCES COMMITTEE**

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***Fiscal Impact:*** No anticipated budgetary impact for 2021.

**Proposed amendments to the Marathon County Code of Ordinances:  
Chapter 16, County Forests.**

~~Strikeout text is deleted.~~

Shaded text is added.

16.06(3) Tree stands, trail cameras and ground blinds.

(b) *Trail Cameras.* No person shall place or use any camera or other device commonly referred to as a trail camera on lands owned or under the control of the County that causes permanent or temporary damage to natural vegetation or other County property. The placement and use of trail cameras are permitted for hunting and wildlife scouting purposes, and are prohibited in designated areas of the County forest where such activity would interfere with other recreational activities and shall include parking areas and buildings. Trail cameras may be left in the woods provided they ~~have~~ bear the name, address, and phone number in the English language of the owner permanently affixed in a manner that is clearly visible and kept legible at all times without moving the camera. Trail cameras without such identifying information shall be subject to immediate removal by County officials. Trail cameras may be chained or locked to natural vegetation and must be removed from County forest lands as stipulated for tree stands in paragraph (a).

16.08 General Offenses.

(9) *Vehicular Traffic.*

(h) No person shall operate a motor vehicle for recreational use within Burma County Forest from October 1 through November 20 30.

(j) No other motorized vehicles other than an ATV or UTV shall be operated on a designated ATV/UTV trail on park property or County trail with the exception of authorized personnel in the performance of their duties.

(18) *Hiking, walking or running on ski trails.* No person shall hike, walk or run on cross-country ski trails during that period of the year when such trails are open for cross-country skiing in Nine Mile County Forest, except while hunting in accordance with applicable State statutes and applicable provisions of the Wisconsin Administrative Code setting forth regulations of the Department of Natural Resources.

16.09 Legal Action

(6) *Authority to issue a citation.* Citations for violations of this chapter may be issued by any law enforcement officer or by the Director and those administrative, supervisory or managerial Department personnel delegated by the Director and listed below:

Assistant Director - Operations;

Assistant Director - Community Services;

Forest Administrator;

County Forester;

~~Operations Superintendent — Customer Service;~~

~~Operations Superintendent — Maintenance and Development;~~

Facility Managers;

~~Chief Ranger/Motorized Recreation Administrator~~ **Coordinator**.

**Proposed amendments to the Marathon County Code of Ordinances:  
Chapter 19, Parks and Recreation.**

~~Strikeout text is deleted.~~

Shaded text is added.

**Sec. 19.01. - General administration and terms.**

(4) *Closing hours.* No person shall enter or be in any County park between 11:00 p.m. and 6:00 a.m., except registered campers in or en route to designated campgrounds; persons transporting watercraft to and from designated boat landings are permitted at any hour. ~~and persons in attendance of an event involving rental of a shelter shall be allowed to remain within the park until midnight.~~

(6) *Additional rules, permits, exceptions.*

(b) *Permits.* Any person to whom a permit has been issued by the Director shall be bound by the provisions of all ordinances of Marathon County as fully as though the same were inserted in each permit. Any permit issued by the department must be displayed as directed by the Commission

**Sec. 19.03 Personal conduct and nuisances.**

(4) *Jumping and diving.* No person shall jump, dive, or otherwise launch themselves from any bridge, ~~or~~ approach, rope or other device similar to a rope swing thereto into any body of water within any County park.

**Sec. 19.03 Personal conduct and nuisances**

(3) *Unreasonable noise.* No person shall make or cause to be made any unreasonably loud sounds or noises under circumstances which tend to annoy or disrupt others. No person shall operate any sound truck, loudspeaker, generator, chainsaw, or other device that produces excessive, loud or unusual noises within any County park except upon written permit issued by the Commission or its authorized agent upon such terms and conditions as will ensure that the public peace and order will not be unreasonably disturbed.

**Sec. 19.04 Destruction, entry, cleaning and refuse**

(2) *Cleaning and refuse.*

(a) *Washing.* The washing of cars, persons, pets, cooking utensils or clothing is prohibited in any lakes, streams or on any picnic grounds, playgrounds, beaches, recreation areas, boat landings, parking lots or roadways or within 50 feet of any pump, fountain or drinking water outlet in any County park. The washing of persons, cooking utensils and clothing shall be permitted at designated campgrounds or at other authorized and posted locations.

**Sec. 19.05. - Vehicles.**

(1) *Vehicular traffic.*

(a) No person shall operate any vehicle at a speed in excess of 15 mph or contrary to official traffic signs in any County park or County trail unless governed by Sec. 7.125 of Marathon County Code of Ordinances.

(e) No person shall operate an ATV or UTV as defined in § 340.01 (2g), Wis. Stats., in any County Park, except on paved roads.

(f) No other motorized vehicles other than an ATV or UTV shall be operated on a designated ATV/UTV trail on park property or County trail with the exception of authorized personnel in the performance of their duties.

(g) No person may operate a motorized vehicle on County property when rules pertaining to the operation of motorized vehicles are posted by the Commission or its authorized agent.

(2) Parking.

(a) No person shall park, stop or leave standing, whether attended or unattended, any vehicle, obstruction or watercraft:

1. In any manner as to block, obstruct or limit the use of any road, trail, sidewalk, parking lot, boat landing, waterway or winter sport facility.

2. Outside of any area provided for such purposes when it is practical to use such areas.

Sec. 19.07 - Animals

(2) *Animals running at large.* No person shall allow a dog or other animal to run at large in any County park. The animal shall be considered as running at large unless it is on a leash no more than 16 feet in length, is in or upon a vehicle, is in or on the property of its owner or another who does not object to the presence of such animal, or is part of a 4-H project, is on a display for judging purposes, is in an itinerant or transient carnival, circus or other like show, is in a dog or cat show or trial, or is part of the program of a public or private educational institution as authorized by the Commission or in designated areas as set by the Commission.

(7) No person shall feed a wild animal within the parks.

**Sec. 19.08- Athletics**

(4) *Hiking, walking or running on ski trails.* No person shall hike, walk or run on cross-country ski trails during that period of the year when such trails are open for cross-country skiing unless in the case of an emergency or injury.

Sec. 19.09 Beaches

- (1) *Food and beverage.* No person shall carry or consume any food or beverages on any bathing beach or in the water adjacent to any bathing beach in any County park except in designated areas.
- (2) *Boundary buoys.* No person shall disturb or molest a bathing beach boundary buoy or marker in any swimming beach in any County park or moor or cause to be within that area of water enclosed by boundary buoys any boat, raft or craft used to transport persons.
- (3) *Beach athletics.* Except in locations designated for such purpose, no person shall engage in any athletic game or sport or in any activity upon a bathing beach or in the water when injury or inconvenience to others might result therefrom.
- (4) *Bathing dress.* No swimmer or bather shall enter the water or onto any bathing beach unless clothed in a suitable bathing dress or suit.
- (5) *Changing clothing.* No person shall change clothes, except in beach houses or other enclosed places.
- (6) *Fishing.* No person may fish in any marked swimming beach area.
- (7) *Glass Containers.* Container made of glass or other shatterable material are prohibited.

**Sec. 19.10 Camping**

- (2) (p) Campground quiet hours. No person shall make or cause to be made any unreasonable sounds or noises in or adjacent to any designated campground as provided in subsection 19.03(3) of this chapter between the hours of 10:00 p.m. and 6:00 a.m. Beaches and shelters are closed after park hours except in cases of emergency.

Sec 19.13 Legal Action.

- (3) (a) *Authority to issue.* Citations for violations of this chapter may be issued by any law enforcement officer or by the Director and those administrative, supervisory or managerial Wausau and Marathon County Parks, Recreation, and Forestry Department personnel delegated by the Director and listed below:
  - Assistant Director of Operations;
  - Assistant Director of Community Services;
  - ~~Operations Superintendent – Customer Service;~~
  - ~~Operations Superintendent – Maintenance and Development;~~
  - Facility Managers;
  - Chief Ranger/Motorized Recreation Coordinator Administrator.