



# MARATHON COUNTY ENVIRONMENTAL RESOURCES COMMITTEE **AMENDED** AGENDA

Date & Time of Meeting: **Tuesday, June 2, 2020 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 beginning ten (10) minutes prior to the start time indicated above using the following number:**

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

**Access Code: 292 753 474**

**Attendee ID / Numeric Meeting Password: 1234**

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

1. **Call meeting to order**
2. **The Public Comment portion of the agenda has been temporarily suspended, pursuant to Marathon County Resolution # R-29-20, dated April 21, 2020, because the technology necessary to afford the public the opportunity to address the County Board, or its subgroups, during public Comment is difficult to guarantee, if a large number of individuals have elected to call in**
3. **Approval of May 5, 2020 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. Eric Greening on behalf of David & Melissa Jellings F-P Farmland Preservation to G-A General Agriculture – Town of Marathon
    2. Re-open the public testimony on text amendment changes to the General Code of Ordinances for Marathon County Chapter 11.02 Animal Waste Management Ordinance
  - B. Review and Possible Recommendations to County Board for its Consideration (Town Zoning changes pursuant to §60.62(3) Wis. Stats.) None.
  - C. Review and Possible Recommendations to County Board for its Consideration – None.
  - D. Review and Possible Action
    1. Siewert Park Preliminary Plat -Town of Stettin
    2. Cory Hastings Certified Survey Map Town of Bevent – Darren Krzanowski, Surveyor, Central Staking Inc.
5. **Educational Presentations/Outcome Monitoring Reports and Committee Discussion**
  - A. Accomplishments of the Environmental Resources Committee: Strategic Plan
  - B. Educational Presentations

**MARATHON COUNTY  
ENVIRONMENTAL RESOURCES COMMITTEE  
*AMENDED* AGENDA**

- 1. Land Division & Surveying Regulations
- 2. Rezone (Zoning Map Amendment) Process
- C. Department Updates: Parks, Recreation and Forestry (PRF); Solid Waste; Conservation, Planning and Zoning (CPZ)
- 6. Policy Issues Discussion and Committee Determination to the County Board for its Consideration**
  - A. Land and Water Resource Management Plan
    - 1. Review of land goals and discussion of Goal #2
  - ~~B. Position Change Request 2021~~
    - ~~1. PRF Motorized Recreation Coordinator 0.6 FTE to 1.0 FTE~~
- 7. Next meeting date June 30, 2020 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 or e-mail [infomarathon@mail.co.marathon.wi.us](mailto:infomarathon@mail.co.marathon.wi.us) one business day before the meeting.*

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: May 27, 2020  
Time: 10:55 a.m.  
By: cek  
Date/Time/By: \_\_\_\_\_

SIGNED Rebecca J. Fusch  
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, June 2, 2020 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 Eric Greening on behalf of David and Melissa Jellings to amend the Marathon County Zoning Ordinance to rezone lands from F-P Farmland Preservation to G-A General Agriculture, described as part of the N ½ of the N ½ of the NE ¼ of Section 27, Township 28N, Range 06E, Town of Marathon. Existing parcel is 37.50 acres PIN # 054.2806.271.0999 with an address of: 142495 Alpine Rd, Marathon, WI 54448.

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 or e-mail [infomarathon@co.marathon.wi.us](mailto:infomarathon@co.marathon.wi.us) one business day before the meeting.

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

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

**Access Code: 292 753 474**

**Attendee ID / Numeric Meeting Password: 1234**

Jacob Langenhahn



Jacob Langenhahn, Chairman  
Environmental Resources Committee



Rebecca J. Frisch, Director  
Conservation, Planning, and Zoning Department

**Publish: May 18 and May 25, 2020**

E-mailed to: Wausau Daily Herald ([WDH-Legals@wdhmedia.com](mailto:WDH-Legals@wdhmedia.com)) on May 13, 2020 at 8:15 a.m.



**Marathon County  
Environmental Resources Committee Minutes  
Tuesday, May 5, 2020  
210 River Drive, Wausau WI**

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

} via Webex or phone

Also present via Webex or phone: Paul Daigle, Rebecca Frisch, Dominique Swangstu, Dave Decker, Lane Loveland, Jeff Pritchard, Cindy Kraeger– Conservation, Planning, and Zoning (CPZ); Tom Lovlien – Park, Recreation, and Forestry (PRF), Meleesa Johnson – Solid Waste and Craig McEwen.

1. **Call to order** – Called to order by Chair Langenhahn at 3:00 p.m. via WEBEX.
2. **The Public Comment portion of the agenda has been temporarily suspended, pursuant to Marathon County Resolution # R-29-20, dated April 21, 2020, because the technology necessary to afford the public the opportunity to address the County Board, or its subgroups, during public Comment is difficult to guarantee, if a large number of individuals have elected to call in.**
3. **Introduction of Committee members, discussion of future meeting dates, time and location and mission statement, bylaws and procedures pursuant to Chapter 2.01 (16) (a) 11.**

Discussion: Committee members introduced themselves and gave a short narrative of the districts they represent. CPZ, Solid Waste and Forestry staff introduced themselves. Frisch stated Jamie Polley is the Director of PRF and was unable to attend the meeting due to prior commitments.
4. **Approval of April 2, 2020 Committee minutes**

**Motion** / second by Drabek / Fifrick to approve of the April 2, 2020 Environmental Resources Committee minutes as distributed. Motion **carried** by voice vote, no dissent.
5. **Operational Functions required by Statute, Ordinance, or Resolution:**
  - A. Public Hearings, Review, Possible Actions, and Possible Recommendations to the County Board for its Consideration (County Zoning changes) – None.
  - B. Review and Possible Recommendation to County Board for its Consideration – None.
  - C. Review and Possible Action
    1. Revisions to Land Division Fee Schedule

Discussion: Decker discussed the Revisions to the Land Division Fee schedule is to allow for the collection of payments via credit card through the Point and Pay system. This would simplify the fees for online payments.

Action: **Motion** / second by Seefeldt / Fifrick to approve the revisions to the Land Division Fee Schedule. Motion **carried** by voice vote, no dissent.

Follow through: CPZ will implement updated Land Division Fee schedule.
  - D. Consider date for reopening Animal Waste and Nutrient Management Ordinance public hearing

Discussion: Langenhahn discussed County Board referred the Animal Waste and Nutrient Management Ordinance back to the Committee to allow for more public comment. Daigle sent out a letter to over 550 farmers which included an online link to a narrated presentation. Daigle stated the letter asked for written comment prior to the June ERC meeting which would be included in the public record. Daigle had discussion with a member from the Farm Bureau Agency whom previously expressed concerns and requested they have discussion and provide written opinion to CPZ before the public hearing. Discussion occurred about informing County Board Supervisors of

the public hearing in order to clarify any questions and having the hearing audio available.

Action: **Motion** / second by Fifrick/ Seefeldt to reopen the Animal Waste and Nutrient Management Ordinance public hearing at the ERC meeting scheduled on June 2, 2020. Motion **carried** by voice vote, no dissent.

Follow through: CPZ will reopen the public hearing for the Animal Waste and Nutrient Management Ordinance at the June 2, 2020 ERC meeting.

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

### A. Committee Roles and Responsibilities: Chapter 2

Discussion: Loveland provided a brief introduction to the Committee's statutory requirements. Chapter 2 of the General Code of Ordinance defines the roles and responsibilities of committees, as well as the relationships between committees and the County Board. Daigle discussed one of the tasks of the Committee is to discuss, develop, and improve policies and review administrative guidelines. Daigle provided insight on the roles of the Committee; Chair works with the staff and reviews the agenda prior to it being sent out; listens to the County Board Supervisors and understands their concerns and to guide the committee when to take action. Administration helps support the committee through the CPZ staff and helps guide staff on policy questions for the committee. Staff support: Cindy Kraeger – Recording Secretary; Lane Loveland – works with other departments to incorporate agenda items and is the liaison with the Chair. Core values are important –all are encouraged to be respectful, thoughtful, and listen to understand. Also consider core values of shared purpose and good stewards of resources.

Action: **None.**

### B. Program Education: Options for Committee Member education

Discussion: Daigle discussed several options to educate the supervisors. Options included:

- reviewing educational items individually
- holding a special committee educational meeting
- set up training time to discuss various topics
- Coach one on one for 3 new members

Langenhahn discussed that educational presentations could be presented the previous month before the policy is being presented, but would also like the meetings streamlined. Additional ideas included:

- Introductory Packet
- WEBEX Introductory meeting with recording
- Staff could record each section individually post on the web
- Highlights of the ERC achievements
- Short informational video sessions which would be beneficial to public, Committee Members, County Board Supervisors
- Identify top three topics for information video sessions

Action: **Motion** / by Fifrick to have staff put together simple high level summary videos made available on the County website.

**Motion failed due to lack of a second.**

Discussion: Discussion occurred regarding the programs that ERC deals with the most and making those informational presentations first. Fifrick stated this should not be an overcomplicated process and move through the process quicker.

Consensus of the committee to have CPZ staff work with the Chair on the informational presentations available to the members and public.

### C. Land and Water Resource Management Plan

1. Review of past meeting discussions
2. Review of land goals and discussions of Goal #1

Discussion: Daigle discussed the first goal of the Land and Water Plan with the Committee. The objective would be to present one goal per month with action at the August meeting. The goals will be included in the Land and Water Resource Management Plan. Daigle reflected on Goal 1

objectives, strategies and outcomes that were included in the meeting packet. There was no feedback or comments from the Committee. Goal 2 will be presented at the June ERC meeting.

Action: **None.**

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

Discussion: Daigle stated CPZ is keeping the Committee updated on information that is being sent out to the citizens.

Action: **None.**

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

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

**Tuesday, June 2, 2020 3:00 p.m. 212 River Drive Room 5 Wausau WI**

A. Committee members are asked to bring ideas for future discussion

- Bring ideas to staff to move meetings along faster
- The idea was suggested to have staff develop findings of fact/conclusions of law to speed up the rezone decision process for the committee.

B. Set meeting times

- Consensus of the Committee to retain the 3:00 p.m. meeting time.

C. Announcements/Requests/Correspondence

9. **Adjourn – Motion** / second by Seefeldt / Fifrick to **adjourn** at 4:53 p.m. Motion **carried** by voice vote, no dissent.

Rebecca Frisch, CPZ Director

For Jacob Langenhahn, Chair

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

RF/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) Eric Greening  
2893 River Road, Junction City, WI 54443  
 hereby petition to rezone property owned by: (Name and mailing address) David + Melissa Tellings  
142495 Alpine Road, Marathon WI 54449  
 from the classification **FP Farmland Preservation** to G-A General Agriculture

2. The legal description of that part of the property to be rezoned is (include only the description of the land proposed to be rezoned. You may need to have a surveyor draft this description): SEC 27-28-06 N  
1/2 N 1/2 NE EX R12-547 (RD) EX N 33'

Parcel Identification Number / PIN (can be found on taxbill): 054-2806-271-0999

3. The proposed change is to facilitate the use of the land for (be specific-list all proposed uses):  
Re-survey to divide property into 17.5 acres w/ current home + 20 acres without home to be sold.

4. Total acres in parcel (outside of right-of-way): 37.5 acres  
 5. Total acres zoned Farmland Preservation: FP 37.5 acres A-4(-M) \_\_\_\_\_ acres  
 6. Total acres in farm: 0 acres

7. How many acres/square feet are you requesting be changed? 37.5 (acres) square feet  
 8. Are there improvements (structures) on this parcel in question?  Yes  No

What is the current use of the structure(s)? Single Family Dwelling

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? 3.3 (miles) feet  
 C. How far is the land from an existing area of similar use? \_\_\_\_\_ 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: 1 ..... Average lot size: 37.5

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.  
There are no public facilities that serve this property.

B. Explain how the provision of these facilities will not be an unreasonable burden to local government.  
There are no public facilities that serve this property.

C. What have you done to determine that the land is suitable for the proposed development?  
Researched Town of Marathon Future Land Use Plan that indicates property is NOT considered farmland. It is considered open lands + woodlands. Contacted DNR to determine if pond is considered navigable + it is NOT.

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.  
Nothing other than normal precautions taken during construction of single family dwellings.

- OVER -

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

Zero, this property is not farmed & is not set up to be farmed due to the topography & layout.

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

We are purchasing the property to move to Marathon County to live with our family. A contingency of our purchase is the ability to survey off & sell a portion of the property if we choose.

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

We have been looking for over 3 years for our next home & this property/home is one of a kind. There are no comparisons.

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

Zero farming done on property. Also does not contain any prime soils per the town soils map.

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

See attachment. Future survey of property would divide into a 17.5 acre lot with house & a 20 acre lot with pond.

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

Farmland Preservation does NOT allow more than one single family dwelling. We would look to sell one portion to have the capability to erect another single family dwelling.

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

This land is NOT considered agriculture in the Town of Marathon Future Land Use map. It is considered open lands & woodlands due to the topography.

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.

Marathon Future Land Use plan was consulted & this property is NOT currently farmed or classified as agriculture land by the Town.

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

Intended use of proposed re-zone would be residential single family dwelling on 17.5 acres & residential single family dwelling on 20 acres. It would have ZERO impact on agriculture or farmland.

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.

RECEIVED  
FEB 11 2020  
MARATHON CO. CONSERVATION,  
PLANNING & ZONING DEPT.

12. Petitioner's Signature E. M.

Phone 715-574-9518 Date 2/5/20

13. Owner's Signature Melinda Gellings

Phone 715-297-1330 Date 2/5/20

Fee \$ 02/11/20 - (Checks payable to Marathon County)

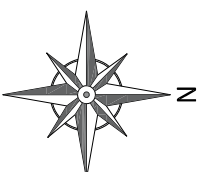
Date Fee Received: 2-11-2020

600.00

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.

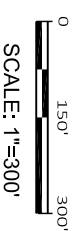


**MARATHON COUNTY CERTIFIED SURVEY MAP NO. \_\_\_\_\_**  
 BEING PART OF LOT X OF CERTIFIED SURVEY MAP NO. XXXX, RECORDED IN VOLUME  
 XX, PAGE XX AS DOCUMENT NO. XXXXXX, BEING PART OF THE XX 1/4 OF THE XX 1/4  
 AND PART OF THE XX 1/4 OF THE XX 1/4 OF SECTION XX, TOWNSHIP XX NORTH,  
 RANGE XX EAST, TOWN OF XXXXXX, XXXXXXXX COUNTY, WISCONSIN.

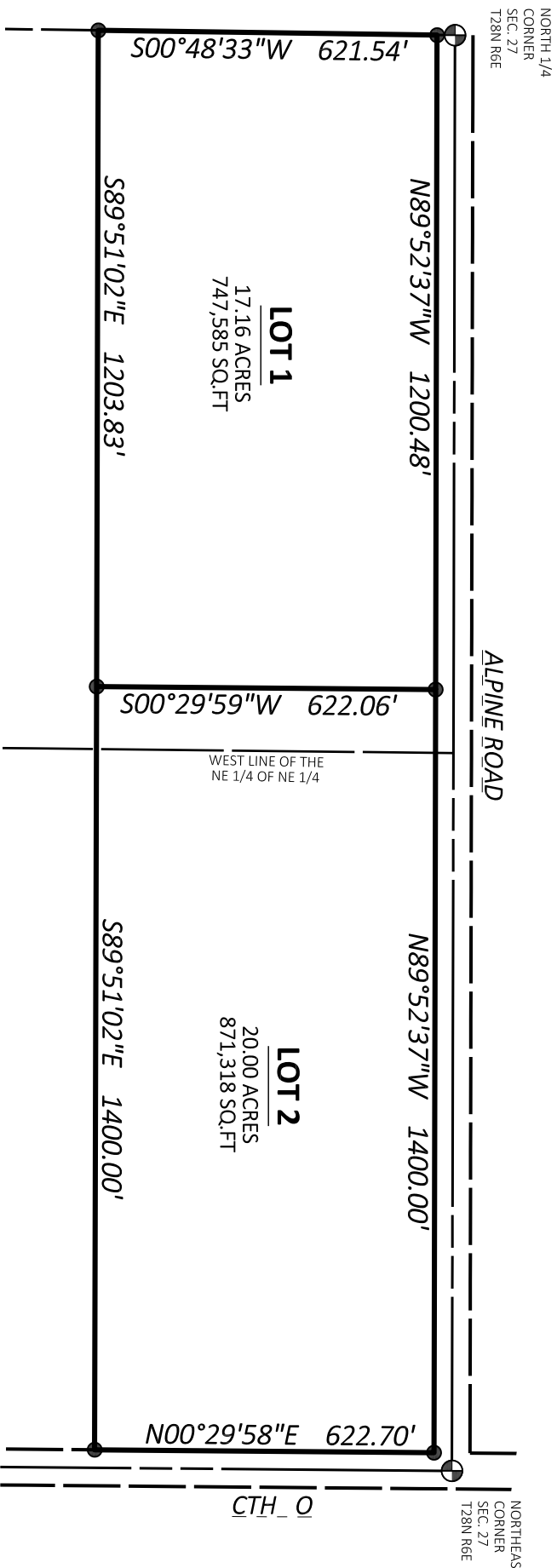


BEARINGS BASED ON THE XXXX LINE  
 OF THE XXXXXXXX QUARTER OF  
 SECTION XX, ASSUMED TO BEAR  
 SXX°XXX'XX"W

- LEGEND**
- TO BE SET .075" X 24" IRON BAR, 1.50lbs/ft
  - ⊕ SECTION/QUARTER CORNER
  - RIGHT-OF-WAY



RESERVED FOR RECORDING DATA



**THIS MAP IS ONLY FOR EXHIBIT PURPOSES AND FOR REFERENCE ONLY  
 IT IS NOT INTENDED TO BE A LEGAL SURVEY**

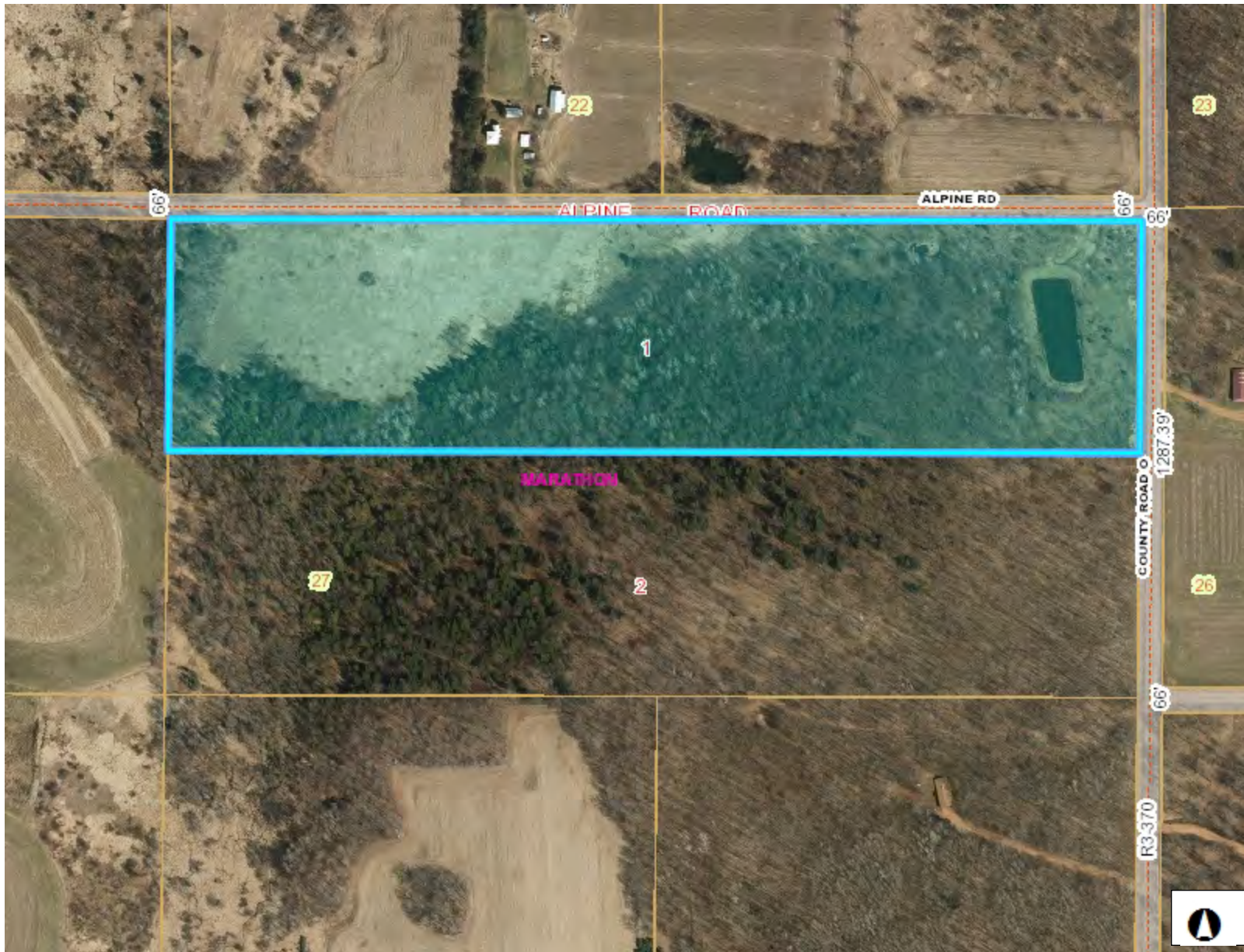
**INFORMATION ONLY**

PREPARED BY: RUTZEN SURVEY SERVICES 4340 PINE ROAD JUNCTION CITY, WI 54443 PROJECT: XXXXX CSN FIELD SURVEY: XXXXXX DRAWN BY: TGR DATE: XX/XX/XX	OWNER: XXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXX XXXXXXX, WI 544XX	
PREPARED FOR: XXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXX, WI 544XX	SHEET 1 OF 2	

WWW.RUTZENSURVEY.COM 715-891-0735



# 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

200.00 0 200.00 Feet



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

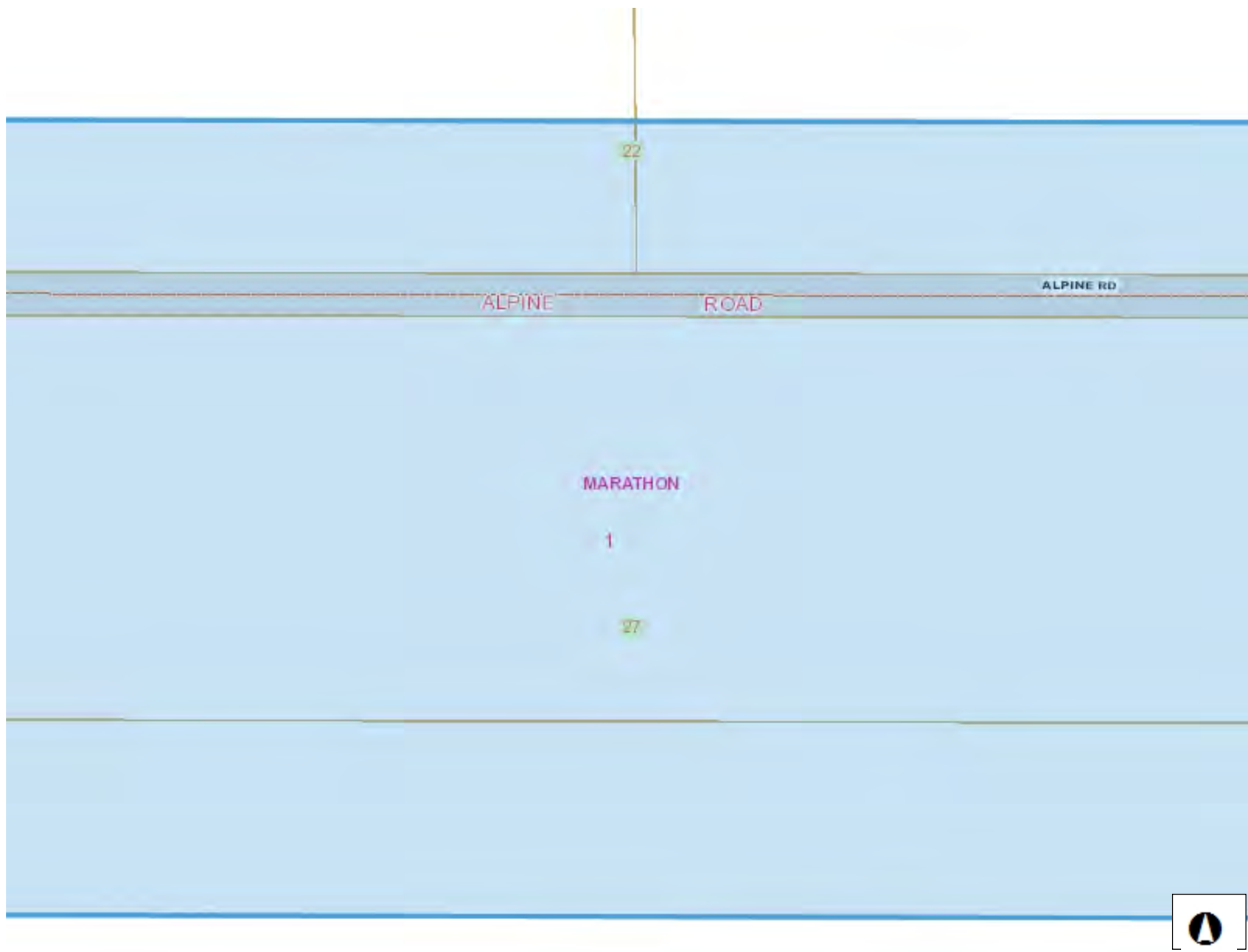
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### Notes

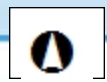


# Land Information Mapping System



### Legend

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



114.62 0 114.62 Feet

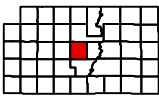


NAD\_1983\_HARN\_WISCRS\_Marathon\_County\_Feet

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### Notes

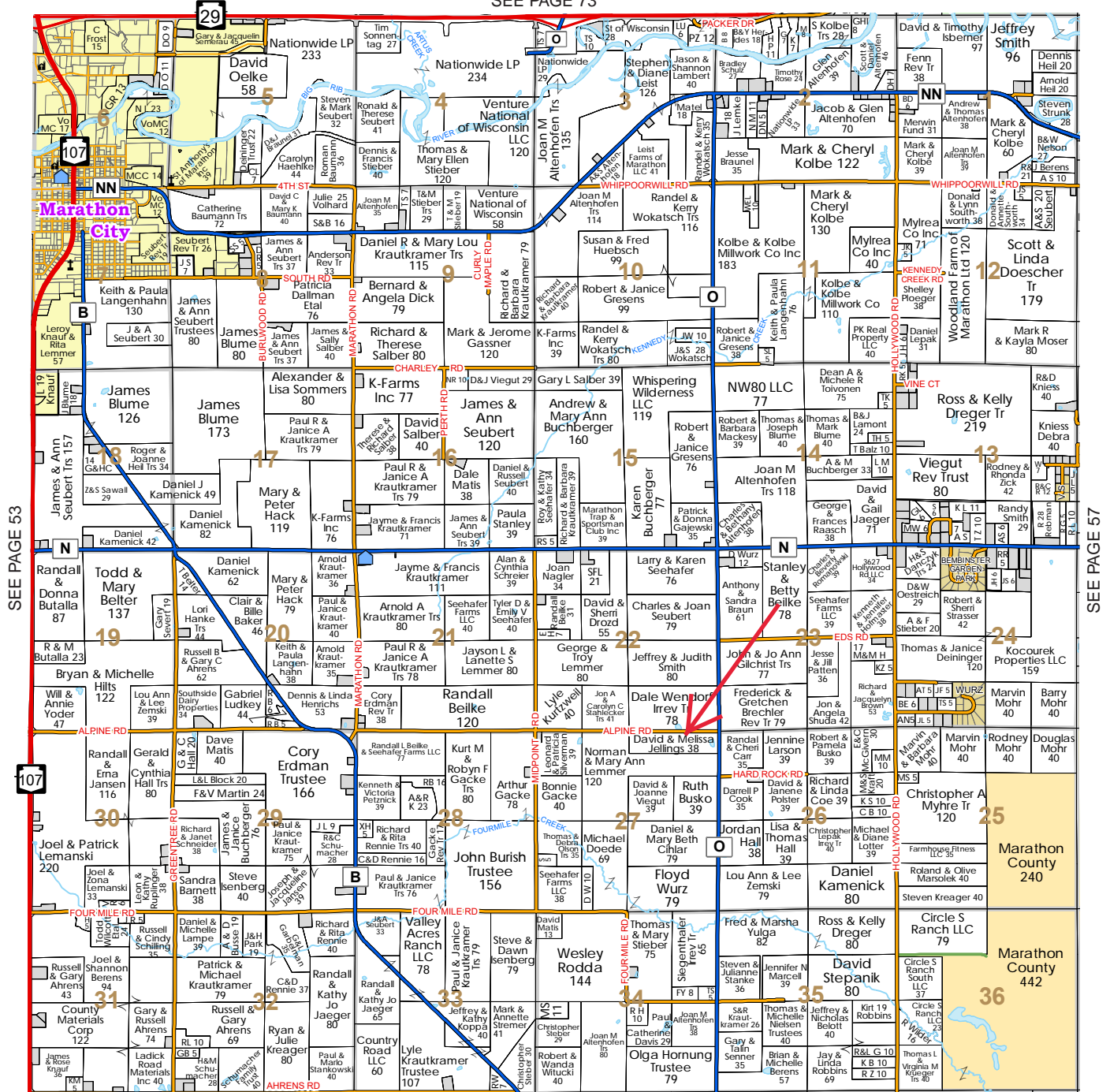


# Marathon

# 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 10th day of March, 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 10th day of March, 2020, petition of Eric Greening on behalf of David and Melissa Jellings to amend the Marathon County Zoning Ordinance from F-P Farmland Preservation to G-A General Agriculture, described as part of the N 1/2 of the N 1/2 of the NE 1/4 EX R12-547 (RD) EX N 33' of Section 27, Township 28N, Range 06E, Town of Marathon. Existing parcel is 37.50 acres PIN #054.2806.271.0999 with an address of: 142495 Alpine Rd, Marathon, WI 54448.

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: Road and electric are there now  
additional service should not be needed
- 2) Has the applicant demonstrated how the provision of the public facilities will not be an unreasonable burden to local government?  
 No  Yes Explain: as a residence the existing public  
facilities would be adequate
- 3) Has the applicant determined that the land is suitable for the development proposed? Explain.  
 No  Yes Explain: It was not identified if there was  
a suitable building site on the new parcel
- 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: Probable wetlands and very steep  
elevation of the property marginal and sensitive areas
- 5) Is there any potential for conflict with existing land uses in the area?  
 No  Yes Explain: Potential conflict with the traffic, noise  
or smells of agriculture

(OVER)

RECEIVED

MAR 18 2020

MARATHON CO. CONSERVATION,  
PLANNING & ZONING DEPT



**David & Melissa Jellings  
Petition to Rezone Land  
Staff Report, June 2, 2020  
Environmental Resources Committee**

**Findings of Fact**

**REQUEST:**

The petition of Eric Greening on behalf of David and Melissa Jellings to amend the Marathon County Zoning Ordinance to rezone lands from F-P Farmland Preservation to G-A General Agriculture, described as part of the N ½ of the N ½ of the NE ¼ EX R12-547 (RD) EX N 33' of Section 27, Township 28N, Range 06E, Town of Marathon. Existing parcel is 37.50 acres PIN #054.2806.271.0999 with an address of: 142495 Alpine Rd, Marathon, WI 54448.

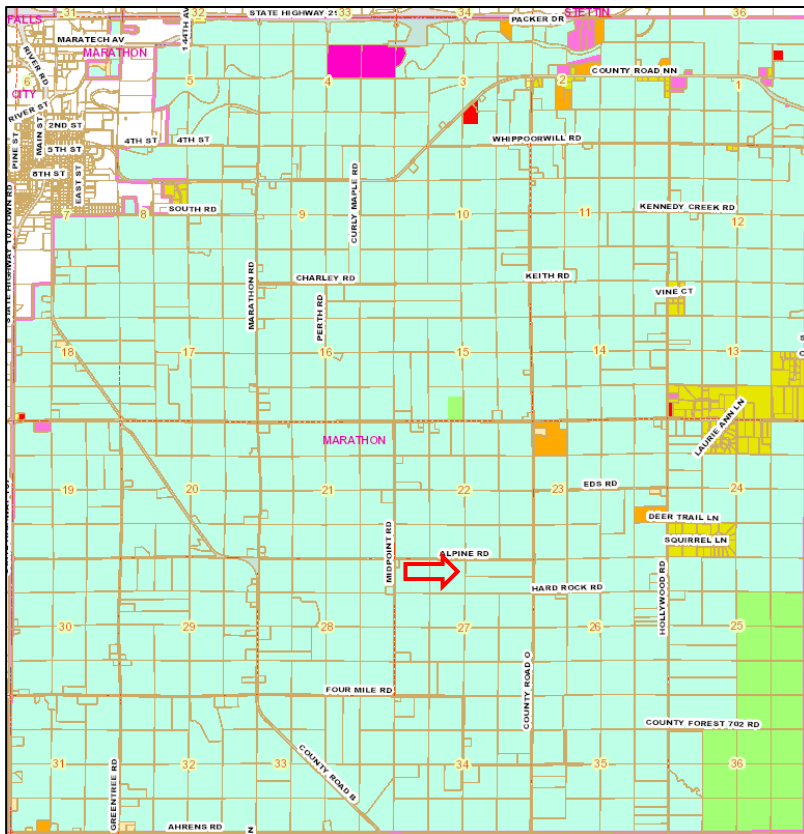
**EXISTING ZONING DISTRICT:**

**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:**

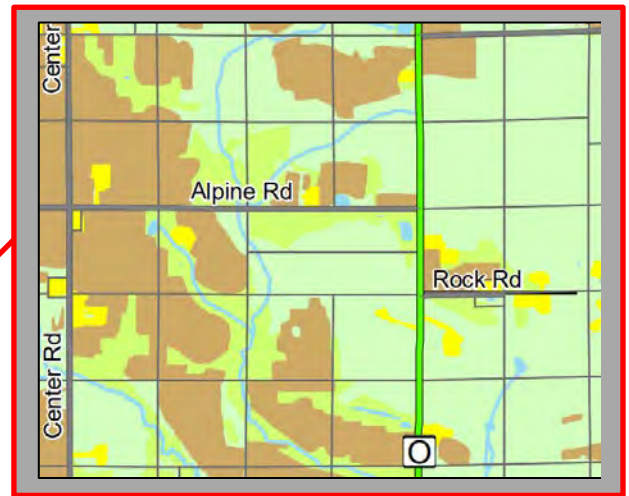
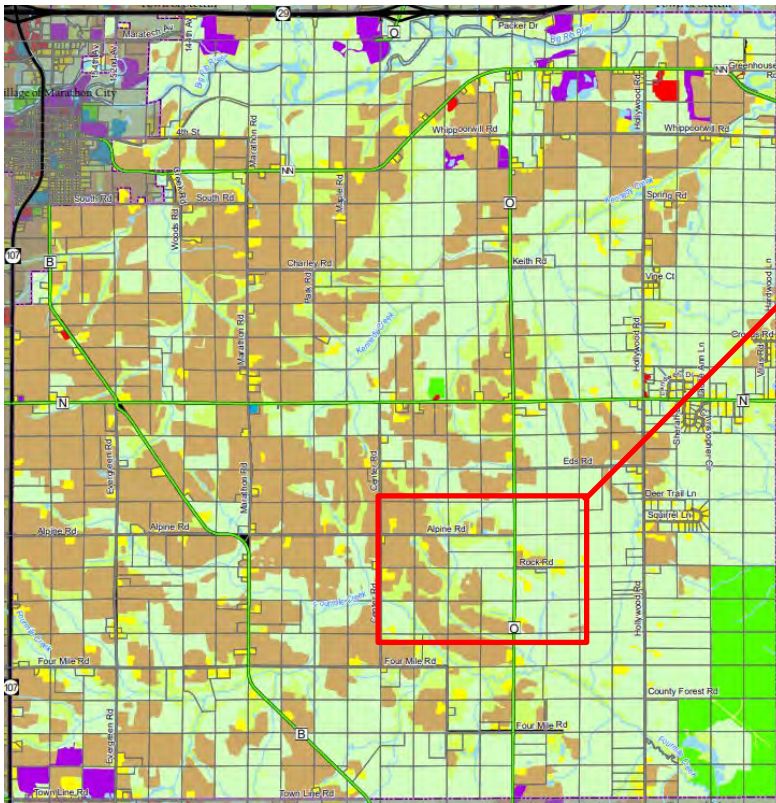
**G-A: General Agricultural.** The purpose of the G-A district is designed to foster the preservation and use of agricultural land related uses and to provide for limited residential uses in a rural environment but not the division of land as classified in 18.07(2) and (3) into five or more tracts, parcels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

**EXISTING ZONING DISTRICT MAP:** Adjacent parcels are all zoned Farmland Preservation (Teal).

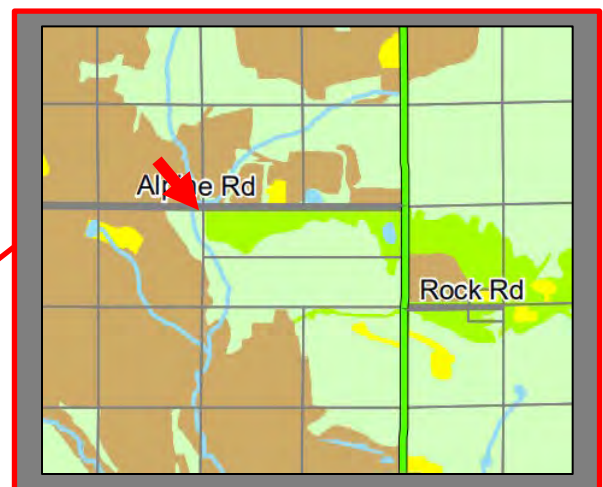
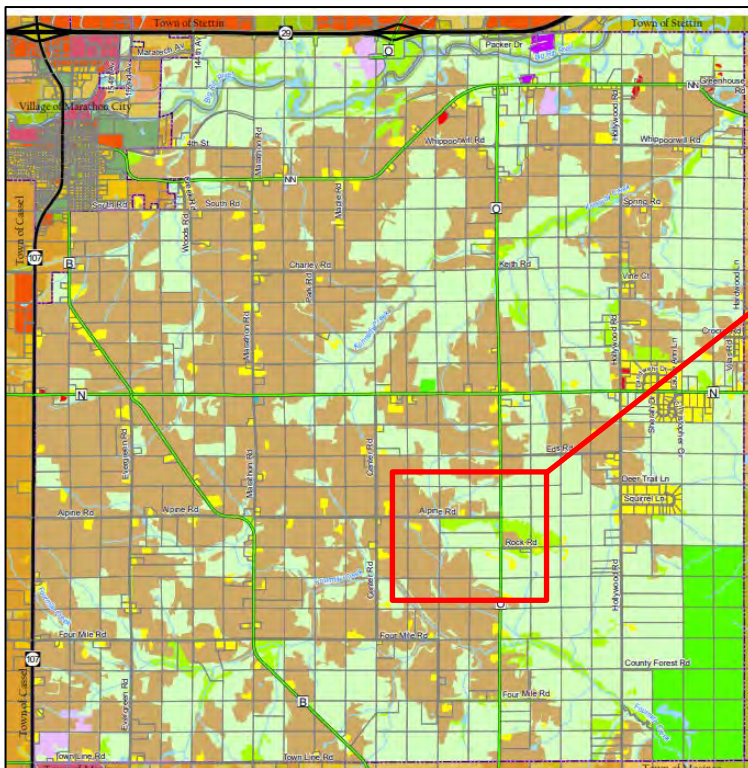


- U-R (Urban Residential)
- L-D-R (Low Density Residential)
- R-R (Rural Residential)
- R-E (Rural Estate)
- M-H (Manufactured/Mobile Home Park)
- C (Commercial Regional)
- N-C (Neighborhood Commercial)
- B-R (Business Regional)
- L-I (Light Industrial)
- H-I (Heavy Industrial)
- G-A (General Agriculture)
- F-P (Farmland Preservation)
- C-V/R-C (Conservancy & Recreation)

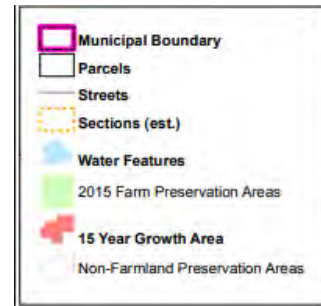
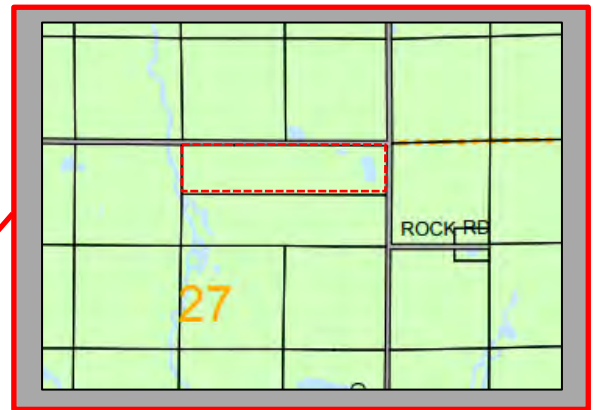
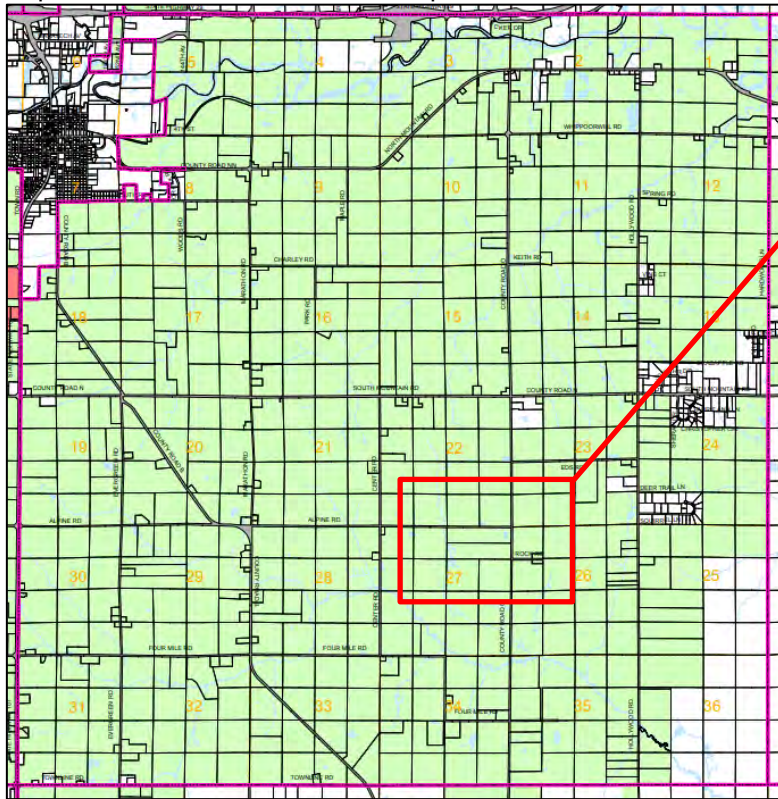
**Existing Generalized Land Use Map– Town of Marathon (2017 Comprehensive Plan)** The area proposed to be rezoned is shown as Open and Woodland Existing Land Uses in the Town's Comprehensive Plan. A permit for a residence on the parcel was issued in 2016 prior to the adoption of the plan and map. The residence was built in 2017-2018 (see aerials below).



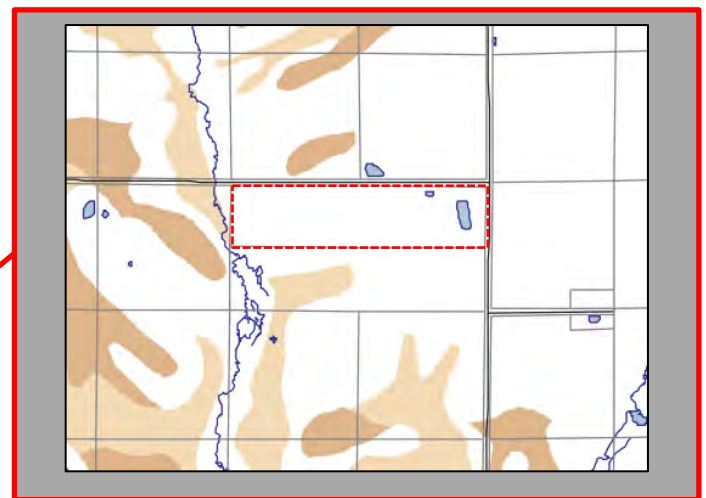
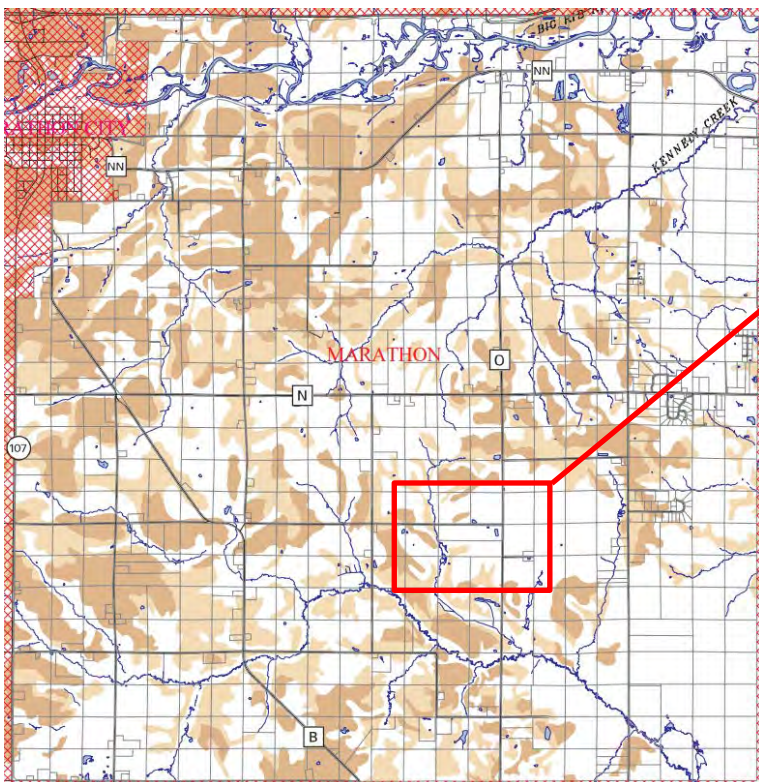
**TOWN COMPREHENSIVE PLAN FUTURE LAND USE MAP (2017):** The proposed area to be rezoned is identified as Open Land (lime green) and Woodland (light green) land uses in the Town of Marathon's Comprehensive Plan Future Land Use Map. The adjacent future land uses are Woodlands, Agriculture (brown), and Single Family Residential (yellow).



**FARMLAND PRESERVATION PLAN:** The area in question was designated as a farmland preservation area in the Farmland Preservation Plan in 2015. When the farmland preservation plan maps were developed, the Town of Marathon decided to designate the majority of the town as farmland preservation including agricultural land, wooded land, smaller vacant parcels, and farmland residential parcels.



**Prime Farm Soils (Town of Marathon’s Comprehensive Plan 2005):**



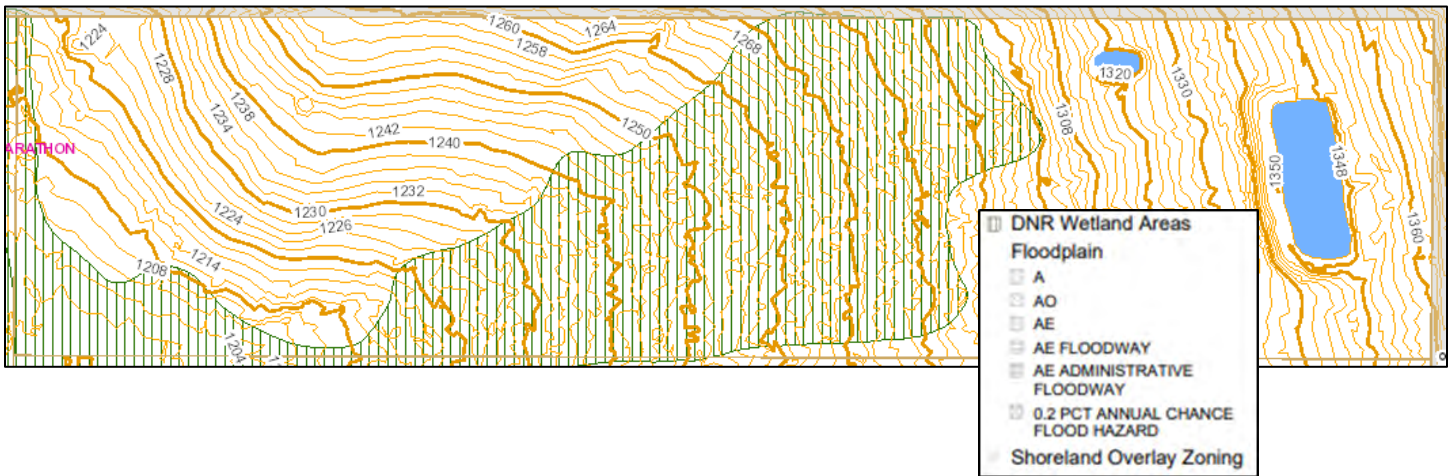
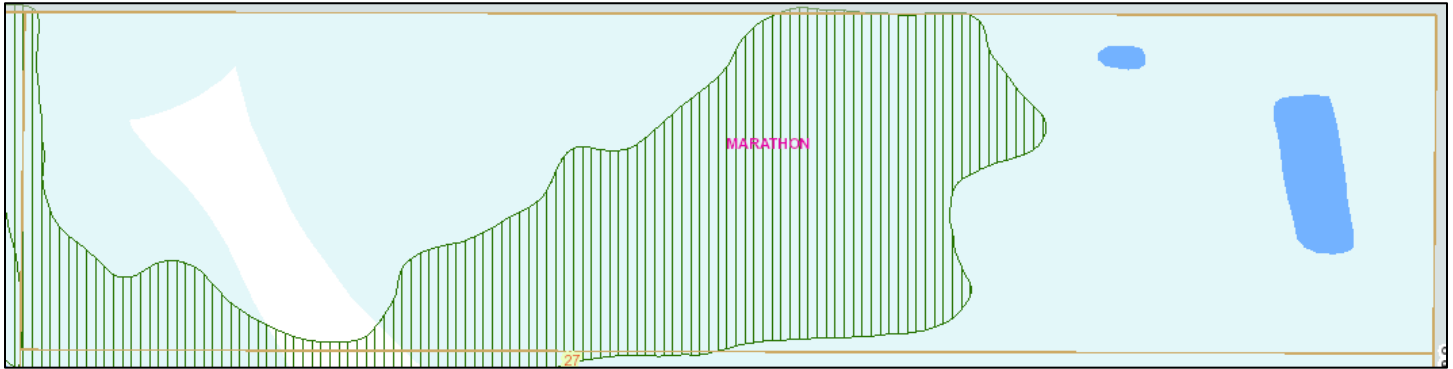
Group 1: The soils in this group are the very best in Marathon County. The USDA classification for these soils are prime farmland Class 2 due to climate and growing season length. They are well suited for growing all crops.

Group 2: The soils in this group are very good agricultural soils. They also are designated as prime farmland Class 2. These soils differ by having restricted drainage. In wet years they are more difficult to work and crops needing well drained condition (alfalfa, ginseng) do very poorly.

*Note: There are no prime farm soils from Group 1 or Group 2 for the area proposed to be rezoned.*



**SIGNIFICANT PARCEL LIMITATIONS OR NATURAL FEATURES:** The area proposed to be rezoned has no mapped floodplain yet has a large portion of the parcel covered by DNR mapped wetlands. There appears to be two ponds on the parcel, the larger pond (to the east) has been deemed non-navigable by the DNR and CPZ department. The majority of the parcel appears to be within the shoreland overlay, due to the existing pond(s) on the parcel as well as other water features within close proximity. There are also significant slopes covering the whole parcel as shown on the contour map below.



**AERIAL PHOTOS:**  
**2015**

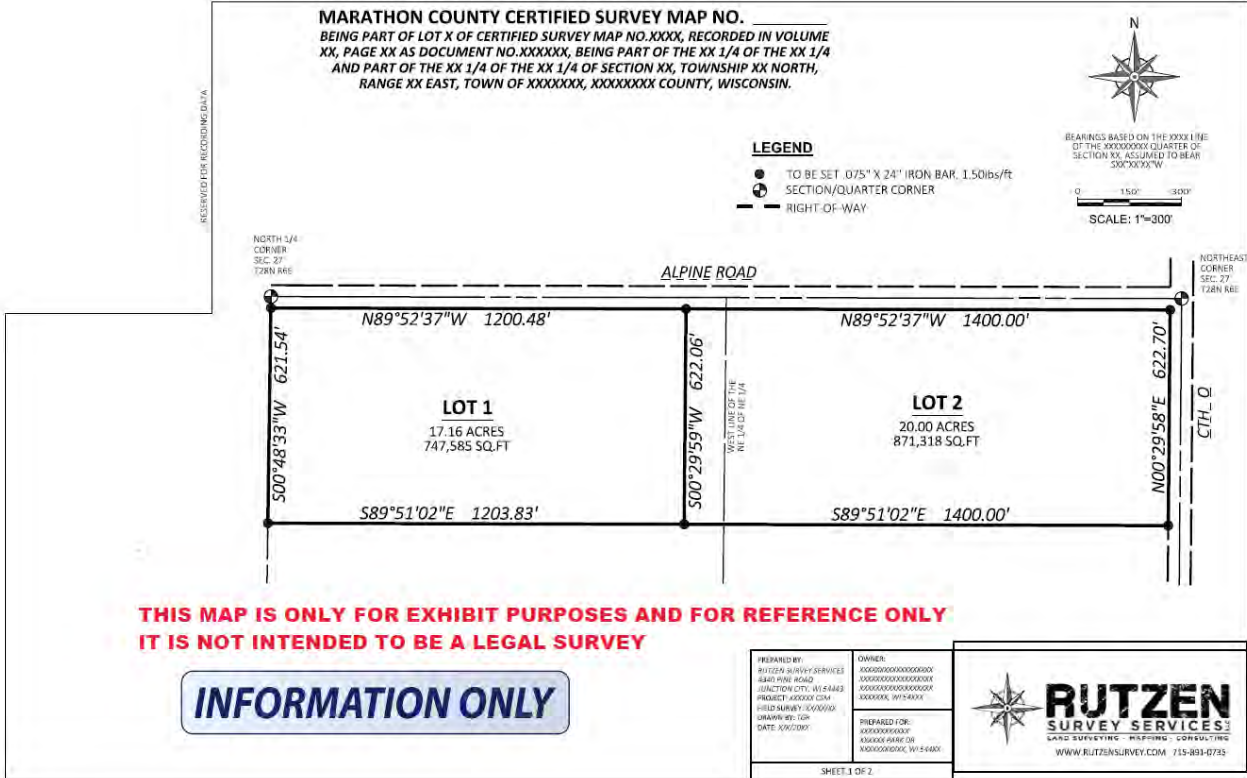


**2017-2018**





Exhibit Map of possible future Land Division:



## 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 town plan indicates open land and woodland for future land use on this parcel, the future land use map does not reflect the single family residence, built during the time frame the plan was being adopted. The house was constructed on the open land. The remaining land is wooded and wetland and does not contain prime farm soils nor is it actively farmed. Due to these factors, the proposed rezone appears to be substantially consistent with the purpose and intent of the Towns Comprehensive Plan and Farmland Preservation Plan. The parcel is proposed to be rezoned to the General Agricultural Zoning District with a 10 acre minimum lot size which limits future developments and supports the rural character of the area, an objective of the town 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 farmland or prime farm soils on the parcel in question, therefore there will not be any conversion of agricultural lands. Due to the parcel's location on the corner of Aspen Road and County Road O, any land uses to the east or north would be buffered by a road from the parcel in question. There is a 39 acre parcel to the south which is not actively being farmed as the entire parcel is wooded and/or are DNR mapped wetlands. There appears to be a wooded wetland area buffering the parcel in question from the adjacent active agricultural uses. Therefore, this rezone from the Farmland Preservation Zoning District to General Agricultural will not substantially impair or limit current or future agricultural uses of other protected farmland.

3. The applicant has demonstrated that...

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

**a.** The need is related to a proposed land division by the applicant that may take place in the future that is contingent on this rezone.

**b.** There is no anticipated effect to roads or water resources given there is a current home on the parcel located on a town road. The eastside of the parcel abuts County Road O. Any further development would need to adhere to all applicable local road use and land use standards (POWTS and private well would be required as there is no public water or sewer).

**c.** There would be no public facilities installed for this parcel (see 3(b)), therefore the rezone would not be a burden on the local government.

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 land division would not result in any unreasonable air and water pollution. Soil erosion would be regulated by the county with shoreland zoning permits whereas, any disturbance greater than one acre would need a DNR Stormwater Management Permit. Any proposed alteration or developments in or within close proximity to the DNR mapped wetlands would require DNR approval and/or may require an official wetland delineation to be conducted.

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

The town has recommended disapproval of this rezone petition. Some of their concerns and comments may have been addressed in this staff report. It is possible this parcel and others within the town and in other towns were placed into the Farmland Preservation zoning district even if they didn't meet the overall purpose and intent of the program as they did not contain active farm land, prime farm soils, or were/are currently being used for non-agricultural uses. Wooded land is considered agricultural in the farmland preservation program. The use of farmland preservation zoning has been used to prohibit residential development in a town.

Although a town may designate the future land use of a parcel as woodland and woodlands can be zoned agricultural, farmland preservation, and/or other zoning classifications, the zoning ordinance does not regulate the harvesting of trees. (See the existing and future land use maps which were updated in 2017 in relation to the current zoning map for the Town of Marathon.)

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.

### **TOWN RECOMMENDATION:**

On March 10, 2020 the **Town of Marathon** Town Board Recommended **Denial** to Marathon County's Environmental Resources Committee.

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

No  Yes Explain: The Town of Marathon has a long history of protecting the rural character of our township through planning and would ask the County to follow our recommendation

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 D Blume  
Town Board [Signature]  
[Signature]  
[Signature]

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

The area in question is not comprised of prime farm soils and is not designated for farm uses in the Town of Marathon's comprehensive plan. There does appear to be buffers (roads and woodland) between any adjacent active farmland which provides a barrier between the adjacent farms activities and uses. If approved, the 37.5 acre parcel proposed to be rezoned may be divided consistent with the supplied exhibit map as a part of this rezone petition or as allowed by the Chapter 17 zoning ordinance (10 acre minimum lot size) and Chapter 18 Land Division Ordinance. The rezone meets all the zoning district standards as it relates to size, frontage, access, and dimension. The rezone petition minimizes the agricultural lands converted as no agricultural land (active or otherwise) will be converted as a result of the rezone. The rezone will change the zoning classification of the existing parcel from one agricultural zoning district (F-P) to another (G-A). The existing residential use on the parcel will not change and either zoning classification is appropriate for woodlands. If approved, the Town of Marathon should update their comprehensive plan to reflect the proposed rezone to the General Agricultural (G-A) Zoning District from the Farmland Preservation (F-P) Zoning District. The future and existing land use maps should also reflect the existing residential use on the parcel in question. An amendment is also needed to the Marathon County Farmland Preservation Plan.

#### **Recommendation:**

Based on the information provided above, findings of fact, conclusions of law, and the record in this matter it appears the rezone request meets all of the rezone criteria and standards for a rezoning out of Farmland Preservation Zoning District. Therefore, CPZ staff recommend that the Environmental Resources Committee recommend **Approval** to the Marathon County Board of Supervisors.

- 6) Has the applicant demonstrated the need for the proposed development at this location? Explain.  
 No  Yes Explain: There are other properties that are available
- 7) Has the applicant demonstrated the availability of alternative locations? Be specific  
 No  Yes Explain: He has been looking for a home for 3 years in the area
- 8) Is cropland is being consumed by this zone change? What is the productivity of the agricultural lands involved?  
 No  Yes Explain: The soil type is very unsuited for cropping and has limited productivity for ag.
- 9) Has the applicant explained how the proposed development will be located to minimize the amount of agricultural land converted?  
 No  Yes Explain: The property has limited ag. use and the amount of wetlands would prohibit altering most of it
- 10) Is proposed rezone request consistent with the town's adopted Comprehensive Plan? Explain.  
 No  Yes Explain: We discourage development of marginal or sensitive areas (Town Comprehensive Plan page 22)
- 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 Marathon has a long history of protecting the rural character of our township through planning and would ask the County to follow our recommendation
- 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 Blume  
 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 March 25, 2020 to:

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

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**GENERAL CODE OF ORDINANCES  
FOR MARATHON COUNTY  
CHAPTER 11.02  
ANIMAL WASTE ~~STORAGE AND~~  
~~NUTRIENT~~ MANAGEMENT  
~~CODE~~ORDINANCE**

---

Adopted ~~November 2008~~  
Effective ~~January 2009~~

~~Amended April 2014~~



## TABLE OF CONTENTS

(1) INTRODUCTION .....	1	
(a) <u>Statutory</u> Authority.....	1	
(b) Title .....	1	
(c) Findings and Declaration of Policy .....	1	
(d) Purpose.....	1	
(e) Applicability.....	1	
(f) Interpretation .....	1	
(g) Compliance .....	<u>2</u>	
(h) <del>Severability and Non-liability</del> <u>Abrogation, Greater Restrictions, and Severability</u> <u>2</u>		
(2) DEFINITIONS.....	<del>3-62</del> <u>3</u>	
(3) ACTIVITIES SUBJECT TO REGULATION .....	<del>7-84</del>	
(a) <del>Permit</del> <u>General</u> Requirements .....	<del>74</del> <u>74</u>	
(b) <del>Failing and Leaking</del> <u>Animal Waste Storage Facilities</u> .....	<del>74</del> <u>74</u>	
(c) <del>Idle Waste Storage Facilities</del> <u>Land Application of Animal Waste</u> .....	<del>7-84</del> <u>7-84</u>	
(d) <del>Safety Devices</del> <u>Livestock Facilities</u> .....	<del>84</del> <u>84</u>	
(e) Nutrient Management Plans .....	<del>84</del> <u>84</u>	
(f) Compliance with Permit Requirements.....	<del>84</del> <u>84</u>	
(g) <u>Requirements of Cost Share</u> .....	<del>4</del> <u>4</u>	
(4) STANDARDS. The Technical Guide of the United States Department of Agriculture (U.S.D.A.)		<u>95</u>
(5) APPLICATION FOR AND ISSUANCE OF PERMITS.....	<del>9-105</del>	
(a) Permit Required.....	<del>95</del> <u>95</u>	
(b) Exception to Permit Requirement .....	<del>59</del> <u>59</u>	
(c) Fees .....	<del>95</del> <u>95</u>	
(d) Waste Storage Facility <u>and Waste Transfer System</u> .....	<del>95</del> <u>95</u>	
(e) Review of Application.....	<del>95</del> <u>95</u>	
(f) Permit Conditions.....	<del>106</del> <u>106</u>	
(g) Permit Revocation.....	<del>106</del> <u>106</u>	
(6) ADMINISTRATION .....	<del>117</del>	
(a) Delegation of Authority.....	<del>117</del> <u>117</u>	
(b) <u>Powers and</u> Administrative Duties .....	<del>117</del> <u>117</u>	
(c) <del>Recording on the Deed</del> .....	<del>7</del>	
(d) <del>Inspection and Monitoring Authority</del> .....	<del>11</del> <u>11</u>	<del>7</del>
(g) <u>Recording on the Deed</u> .....	<del>11</del> <u>11</u>	
(e) <del>Enforcement Authority</del> <del>7</del> (f) <u>Maintenance of Records</u> .....	<del>11</del> <u>11</u>	
(7) <del>VIOLATIONS</del> <u>ENFORCEMENT AND PENALTIES</u> .....	<del>11-128</del>	
(a) <u>Enforcement and Penalties</u> <del>Penalty</del> .....	<del>11-128</del> <u>11-128</u>	
(b) <del>Enforcement of Injunction</del> <del>8</del>		
(8) APPEALS <u>AND VARIANCES</u> .....	<del>12-13</del>	
(a) <u>Appeals</u> .....	<del>12</del> <u>12</u>	
(b) <u>Variances</u> .....	<del>12-13</del> <u>12-13</u>	

DRAFT



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

**ANIMAL WASTE STORAGE AND NUTRIENT MANAGEMENT.**  
**(Cr. #256)**

**(1) INTRODUCTION.**

(a) Statutory Authority. This ~~ordinance~~~~section~~ is adopted under authority granted by sections §59.02, §59.03, §59.69, §59.70, §92.06, §92.07, §92.09, §92.11, §92.15 and §92.16, Wisconsin Statutes (Wis. Stats), and ss. ATCP 50.56 and NR 151.05 Wisconsin Administrative Code (Wis. Admin Code).

(b) Title. This ~~ordinance~~~~section~~ shall be known, referred to and cited as the, "County Animal Waste ~~Storage and Nutrient~~ Management Ordinance."

(c) Findings and Declaration of Policy.

1. The County Board finds that storage of animal waste in waste storage facilities and the utilization of livestock sourced nutrients not meeting state agricultural performance standards and prohibitions may cause pollution of the surface and ground waters of the County; and may result in actual or potential harm to the health of County residents and transients; terrestrial and aquatic plant and animal life; surface and groundwater quality; and to the property tax base of the County.
2. The County Board finds that the technical standards developed by the United States Department of Agriculture (U.S.D.A.) Natural Resources Conservation Service and adopted by the Environmental Resources Land Conservation and Zoning Committee provide effective, practical and environmentally safe methods of storing animal waste and utilizing nutrients.

(d) Purpose. The purpose of this ordinance is to regulate the location, design, construction, installation, alteration, operation, maintenance, closure, use, and application of animal waste from all waste storage facilities covered by this ordinance so as to protect the health and safety of residents and transients; prevent the degradation of surface and groundwater thereby preventing the spread of disease and promoting the prosperity and general welfare of the citizens of Marathon County; ~~and -It is also intended to~~ protect the groundwater and surface water resources of Marathon County. It is also intended to provide for the administration and enforcement of the ordinance and provide penalties for its violations.

(e) Applicability. This ~~ordinance~~~~section~~, to be effective upon adoption by the County Board, shall apply to all areas of Marathon County including municipalities that have agreed to allow the Department to enforce this ordinance in their jurisdiction ~~(see last page for needed action).~~

(f) Interpretation. In their interpretation and application, the provisions of this ~~ordinance~~~~section~~ shall be held to be minimum requirements and shall be liberally construed in favor of the County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(g) Compliance.

1. Waste storage facilities shall be constructed, maintained, operated, and closed in compliance with all applicable Federal, State, and local laws, codes and ordinances. It is the owner's/operator's responsibility to obtain any required permits and/or approvals from other governmental units.
2. No approval pursuant to this ordinance shall be issued where the applicant is in violation of this or any code administered by the department, nor for any parcel(s) of land which have an outstanding violation until the violation has been corrected. A request for waiver of this provision may be made to the Department Director or designee.

(h) -Abrogation, Greater Restrictions, and Severability

1. Abrogation and Greater Restrictions. This ordinance is not intended to repeal, annul, abrogate, impair, or interfere with any existing covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

2. Severability and Non-liability. Should any section, clause, provision or portion of this ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in effect.

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## (2) DEFINITIONS:

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

~~(a) — Animal Waste.~~ Can be any of the following: ~~Includes agricultural manure (including bedding materials), manure processing derivatives, leachate, milk house wastewater and nutrient dense runoff from livestock operations.~~

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

~~(b) — Applicant.~~ Any person who applies for a permit under this ordinance section.

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

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

~~(e) Committee.~~ ~~Land Conservation and Zoning Committee (LC&ZC).~~ A committee made up of members of the Marathon County Board of Supervisors and others who, by authority from [Wis. Stats. Chapter 92](#); [Wisconsin Statutes](#), determine policy and give direction for soil and water conservation activities. The [Environmental Resources Committee \(ERC\)](#) also provides direction for the Department. The [Environmental Resources Committee](#) shall be the decision making board for purposes of ~~implementation~~ of this ordinance.

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

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

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

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

~~(d)~~ Direct Runoff. Includes any of the following:

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

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

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

~~(i)~~ Idle Storage Facility. A waste storage facility which is:

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

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

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

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

~~(j)~~  
Natural Resources Conservation Service (NRCS). ~~An agency of the United States Department of Agriculture (USDA) which, for purposes of this Section, provides the Marathon County Land Conservation and Zoning Committee and the Department with technical assistance and information on the design criteria, size, shape, engineering strength and other necessary technical data for the proper and safe installation of a storage facility.~~ An agency of the United States Department of Agriculture which, for purposes of this ordinance, develops and maintains a technical guide with conservation practice standards and specifications, engineering manuals and handbooks, and other technical documentation related to waste storage facilities, nutrient management plans, and other technical matters covered in this ordinance

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

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

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

~~(r)~~ Permittee. Any person to whom a permit is issued under this ordinance.

~~(s)~~ Person. Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, County or State agency within Wisconsin, the federal government or any combination thereof.

Safety Devices, Storage Facility Means devices, which are designed to protect humans and livestock from the hazards associated with a waste storage facility. ~~Safety devices shall be designed and installed as required by Technical Standard 313.~~

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

~~(t)~~ Substantially altered. A change initiated by an owner or operator that results in a relocation of a waste storage facility or structure, or significant changes to all size, depth or configuration of a waste storage facility or structure including:

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

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

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

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

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

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

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

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

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

-Unconfined Animal Waste Pile. A quantity of animal waste that is at least 175 ft<sup>3</sup> in volume and which covers the ground surface to a depth of at least 2 inches and is not confined within an animal waste storage facility, livestock housing facility, and barnyard runoff control facility or covered or contained in a manner that prevents storm water access and direct runoff to surface water or leaching of pollutants to groundwater.

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

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

### (3) ACTIVITIES SUBJECT TO REGULATION

(a) ~~Permit~~ General Requirements. Any person who locates, installs, moves, reconstructs, extends, enlarges, converts, substantially alters, closes or changes use of a waste storage facility or parts thereof; or who employs another to do the same, on land subject to this section, shall be subject to the ~~permit requirements provisions~~ of this ~~ordinance~~ section.

(b) Waste Storage Facilities:

1) Failing and Leaking. ~~Waste storage facilities that pose an imminent threat to public health, fish, and aquatic life, surface or ground water shall be upgraded, replaced, or closed in accordance with this ordinance. Failing and leaking waste storage facilities are a menace to the health and general welfare of the citizens of Marathon County, and shall be subject to forfeiture and injunction provisions of this section. A storage facility found to be failing or leaking shall be brought up to, and maintained in, a sanitary condition within the time frame identified by the department. These waste storage facilities shall be repaired to a condition meeting the Technical Standards of the Department within two (2) years of the date that the storage facility is determined to be failing or leaking.~~

2) Idle Waste Storage Facilities. As specified in Technical Standard 360, removal of animal waste, contaminated soils, and closure of any permitted or unpermitted, idle ~~animal~~ waste storage facility to a safe and sanitary condition, as determined by the Department is required within two (2) years of the time the waste storage facility becomes idle. The owner or operator may retain the waste storage facility if they are able to verify all of the following conditions are met:

~~1a)~~ 1a) The waste storage facility has been designed, constructed and maintained in compliance ~~with current applicable~~ with the NRCS Standard in effect at the time it was constructed and has functional safety devices in place. If it was not built to a NRCS standard it must meet the current NRCS standards, ~~s and has functional safety components in place;~~

2b) - Retention of the waste storage facility is warranted based on anticipated future use.

- 3c) -Landowner agrees to develop and follow an operation and maintenance agreement for the waste storage facility.
- d) . If the waste storage facility is utilized again for its intended purpose, the Department must be notified and any animal waste stored in it must be applied according to the 590 standard.

~~3) Direct Runoff of Animal Waste. A livestock facility shall not:~~

- a) Have an overflow of animal waste from waste storage facilities.
- b) Have direct runoff from stored animal waste leaving the property and/or be a threat to surface and/or ground water resources. . ~~(d)Direct runoff of animal waste is a menace to the health and general welfare of the citizens of Marathon County, and shall be subject to the forfeiture and injunction provisions of this section. Direct runoff that poses a threat to public health of safety, or surface and/or groundwater resources because of over application of manure to cropland or pasture, or any alteration or mismanagement of an animal waste storage facility shall be cleaned up in a reasonable time frame as determined by the department.~~
- c) Allow animal waste levels to exceed the maximum operating level (M.O.L.) of the waste storage facility.

4) Safety Devices. All waste storage facilities shall be equipped with safety devices, including fences and warning signs intended to protect humans and livestock from the hazards associated with such facilities. Safety devices shall be designed and installed as required by Technical Standard 313. ~~(e) Safety Devices. Certain safety devices, as defined in section 11.02(2)(n) are required on all storage facilities in Marathon County~~

5)- Road and Property Line Setbacks.

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

(c) Land application of animal waste. Regardless of whether an operator has a nutrient management plan:

1) Animal waste shall not:

- a) Runoff the application site during or after an application; and/or discharge through subsurface drains off the field site.
- b) Be applied to land where vegetation is not removed mechanically or by grazing, except to provide nutrients for establishment and maintenance of a conservation practice, and application will not result in runoff of animal waste.
- 2) No over application of animal waste shall occur. In the event of a complaint/investigation, spreading logs and maps shall be provided to the department upon request to determine the rate and location of animal waste applied. -Logs and maps shall include but not limited to: spreader/toolbar calibration, number of loads, animal waste volume or weight for the spreader, date, type of animal waste, nutrient analysis, and application method.
- 3) Owners, operators, contractors, custom applicators or any entity handling animal waste are responsible for animal waste applications that result in, runoff, or spills that are caused by their acts, omissions, and/or decisions.

(d) A livestock facility shall not:

- 1) Have direct runoff of animal waste from an animal lot into waters of the state or a direct conduit to ground water. :
- a) Fifteen pounds of phosphorus, if no part of the animal lot is located within 1000 feet of a navigable lake or 300 feet of a navigable stream.
  - b) Five pounds of phosphorus, if any part of the animal lot is located within 1000 feet of a navigable lake or 300 feet of a navigable stream.
- Note: Phosphorus amounts and distances from navigable waters are consistent with Livestock Facilities Siting Ordinance. Concentration of phosphorus are determined using the BARNY model.
- 2) Allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod or self-sustaining vegetative cover (this prohibition does not apply to properly designed, installed, and maintained livestock or farm equipment crossings).
- (e) ~~(g) Nutrient Management Plans. As specified in Technical Standard 590, the amount, form, timing, and placement of nutrient sources shall be done in accordance with an approved n~~
- 1) ~~Nutrient management plans that must be filed annually to with the department- by April 1<sup>st</sup>-the date identified by the Director.~~
  - 2) ~~Nutrient mManagement Plan-590590 standard requirements shall apply to any or all of the following:~~
    - a) ~~All landowners with an animal waste storage facilityies permitted\_-by this ordinance~~regardless of date of construction. and~~~~
    - b) ~~All landowners, regardless if they have applied animal waste, whos-who have received a bona fide offer of cost share funding for nutrient management planning consistent with ~~required by~~ ATCP\_50.08.~~
- (f) ~~Compliance with Permit Requirements. A person is in compliance with this ordinance~~section~~ if he or she follows the procedures and requirements of this ordinance~~section~~, receives a permit from the Director or their designee prior to beginning activities requiring a permit and they comply with the requirements of the permit.~~
- ~~No permit or approval pursuant to this chapter shall be issued where the applicant is in violation of this or any code administered by the Department or for any parcel(s) of land which has an outstanding violation until the violation has been corrected. A request for waiver of these provisions may be made, to grant or deny a permit or approval on the merits of the application, to the Corporation Counsel and the Committee.~~
- Where issuance of an after-the-fact permit or approval would have the effect of correcting a violation it may be granted if all conditions required for issuance can be complied with.
- (g) ~~Requirements of cost sharing.~~
- 1) Cost sharing for cropland and livestock facilities or operations will be consistent with ATCP 50.08.
- Note: For determination of cost share eligibility, cropland (NR151.09 (4)(b) and livestock facilities (NR 151.095(5)(b) will be used to determine “new” or “existing” status.

#### (4) STANDARDS.

The Wisconsin Field Office Technical Guide of the United States Department of Agriculture (U.S.D.A.) Natural Resources Conservation Service (NRCS) has been adopted by the Committee and the Department. These Technical Guides shall apply until amended or renumbered and then shall apply as amended or renumbered. The following components of the Technical Guide will be used when a waste storage facility is to be constructed, installed, abandoned, moved, reconstructed, extended, enlarged, converted, substantially



altered, closed or emptied for nutrient application: 313-~~Manure~~ Waste Storage Facility; 520-Pond Sealing or Lining, Compacted Soil Treatment; 522-Pond Sealing or Lining, Concrete; 521-Pond Sealing or Lining, Geomembrane or Geosynthetic Clay Liner; 634-Waste Transfer System; 360-Waste Facility Closure~~Closure of Waste Impoundment~~; and 590-Nutrient Management.

## (5) APPLICATION FOR AND ISSUANCE OF PERMITS

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

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

(c) Fees. A non-refundable application fee and Waste-Manure Storage Construction Permit fee under this ordinance shall be calculated utilizing the fee schedule adopted by the ~~ERC Land Conservation and Zoning Committee~~. The fee schedule may be amended as the ~~ERC LC&Z Committee~~ deems necessary. A double fee ~~may~~will be charged for all after-the-fact applications and/or permits.

(d) Waste Storage Facility and ~~Waste-Manure~~ Transfer System- Plans and Specifications. Each application for a permit under this ~~ordinance~~section shall include plans and specifications prepared and approved by an agricultural or civil engineer registered with the State of Wisconsin or a DATCP or NRCS engineering practitioner, in accordance with the criteria of the appropriate standard, ~~and shall describe the requirements for applying the practice to achieve its intended use.~~

~~The~~ plans, specifications, and documentation for construction shall include:

1. Management ~~a~~Assessment.
2. Site assessment.
3. Safety design.
4. Operation and ~~m~~Maintenance plan.
5. Nutrient ~~m~~Management plan.
6. Construction plan, schedules, and staging.
7. Construction ~~i~~Inspection plan.
8. Final construction plan (as-built) showing any plan changes and certifying that the facility meets all applicable NRCS Standards.

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

1. Determine if the proposed waste storage facility and its ~~waste-manure~~ transfer system meets required standards set forth in sub. (4) of this ~~ordinance~~section. Within ~~15~~ twenty (20) business -days after receiving the completed application and fee, the department shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the department shall so notify the permit applicant in writing. The department has twenty (20) business ~~15~~ days from the receipt of the additional information in which to approve or disapprove the application. If the department fails to approve or disapprove the permit application in writing within twenty (20) business ~~15~~ days of the receipt of the permit application or if no written request for additional information is made by the department within twenty (20) business days ~~additional information requested in writing by the department~~, the application shall be deemed approved and the applicant may proceed as if a permit had been issued.

~~(d)~~ 2. CAFO plans, specifications, and documentation for construction will not be reviewed and/or approved by the Department until they are reviewed and/or approved by the Wisconsin Department of Natural Resources.

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

1) Waste storage facility and its waste transfer system design, construction, alteration or closure shall be according to Department approved standards and plans.

2) Permittees must obtain all required permits and authorizations before commencing construction activities.

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

3) ~~2.~~ The permittee shall give five (5) business working days' notice to the Department before starting any construction activity authorized by the permit.

~~3.~~ ~~4.~~ Approval in writing shall be obtained from the Department prior to any modifications to the approved waste storage facility plan.

~~4.~~ ~~5.~~ The agricultural or civil engineer registered with the State of Wisconsin or a DATCP or NRCS engineering practitioner shall certify in writing to the department ~~within 30 days of project completion,~~ that any activities permitted under this ordinance were installed as planned, meet the guidelines of the appropriate NRCS Standards, and provide an "as-built" set of plans to the ~~D~~department. As-built documentation will be submitted to the department within 3 months of project completion.

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

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

**(6) ADMINISTRATION**

- (a) ~~\_\_\_\_\_~~ Delegation of Authority. The County hereby designates the Director, or designee ~~that person's representative for the~~ administration and enforcement of this ordinance ~~section.~~
- (b) Powers and Administrative Duties. In the administration and enforcement of this ordinance ~~section~~, the Director or designee ~~that person's representative~~ shall have the following powers and duties ~~shall~~:
- 1) ~~.Keep an accurate record of all permit applications, waste storage facility plans, closures, permits issued, inspections made and other official actions. Advise applicants regarding the provisions of this ordinance and assist them in preparing permit applications.~~
  - 2) Receive, R ~~review, and investigate~~ permit applications and fees, and make inspections to determine compliance with provisions of this ordinance.
  - 2) ~~3) i~~ Issue permits in accordance with the terms and conditions of this ordinance. ~~sub. (5) of this section.~~
  - 3) ~~4) 3~~ Inspect the site of any permitted activity to ensure those activities are being conducted ~~done~~ according to plan specifications.
  - 5) 4 Investigate complaints relating to compliance with this ordinance ~~e section.~~
  - 4) ~~6) Take actions as necessary to enforce the terms and conditions of this ordinance~~
  - 7) ~~5. Track landowner compliance with state agricultural performance standards as specified by this~~
  6. Perform other duties as specified in this ordinance.

(c) Inspection and monitoring authority. Inspection and monitoring authority is set forth in by Wis. Stats., Section 92.07(14) ~~Wisconsin Statutes, § 92.07(14)~~ The Director, or designee is authorized to enter upon any lands affected by this ordinance ~~section~~ to inspect the land prior to or after permit issuance to determine compliance with this ordinance. Application and/or permit issuance shall constitute permission to enter upon all land that is or will be subject to permit requirements. ~~If permission cannot be received from the applicant or permittee, entry by the Director or that person's representative, shall be according to §66.0119, Wisconsin Statutes. Refusal to grant permission to enter lands affected by this ordinance for purposes of inspection shall be grounds for permit denial or revocation.~~

**(e) Enforcement Authority.**

1. ~~The Director, or that person's representative is authorized to post an order stopping work upon land which has had a permit revoked or is currently undergoing activity in violation of this section. Notice shall be given by both: Posting, upon the land where the violation occurs, one or more copies of a poster stating the violation, and; By mailing a copy of the order by certified mail to the person whose activity is in violation of this section. The order shall specify that the activity shall cease or be brought into compliance within 15 days.~~
2. ~~Any permit revocation or order stopping work shall remain in effect unless retracted by the Administrative Review Board, Marathon County General Code of Ordinances Chapter 24.02, the Director or by court of general jurisdiction; or until the activity is brought into compliance with this section. The Director is authorized to refer any violation of this section or of an order stopping work issued pursuant to this section to the Corporation Counsel for commencement of further legal proceedings.~~

~~e) Abatement Order Authority. The Department may issue an order to abate any violation of this ordinance with proper authorization. In the event an offense is not abated as ordered, the county may take such action as is necessary to abate the offense and the cost of such abatement will become a lien upon the person's property and may be collected in the same manner as other taxes.~~

(d) Maintenance of Records. The Director or designee shall maintain in the county records:

- 1) Keep an accurate record of all permit applications, waste storage facility plans, closures, permits issued, inspections made, enforcement actions taken, and all other official actions.
- 2) Track landowner compliance with state agricultural performance standards and prohibitions as specified by this ordinance.

(e) Recording on the Deed. In the case of idle waste storage facilities, if a landowner would like to do the minimum required to close the facility to a safe and sanitary condition, a landowner can sign an Affidavit of Closure that would be recorded on the deed to that parcel. The affidavit will identify that this was a waste manure storage facility at one time, that it has been returned to a safe and sanitary condition pursuant to NRCS 360, and if it is to be utilized as a waste manure storage facility in the future, it is the responsibility of the landowner to obtain a permit and provide documentation that it meets current NRCS Standards prior to utilization.

#### (7) **VIOLATIONS ENFORCEMENT AND PENALTIES**

~~a) Penalty. Any person who violates, neglects or refuses to comply with, or resists the enforcement of any of the provisions of this section, shall be subject to a forfeiture as provided in §25.04 of this General Code. A violation includes failure to comply with any standard of this section, or with any condition or qualification attached to the permit.~~

~~(a) Enforcement and Penalties.~~

~~1) Construction, alteration, or closure. With respect to waste storage facilities that are currently under construction, undergoing alteration, or actively decommissioning: which are determined to be in violation of this ordinance:~~

~~a) The Director and or designee shall cause a stop work order to be posted as follows:~~

~~1) Posting, upon the land where the violation occurs.~~

~~2) By mailing a copy of the order to the address of all parties identified in the permit.~~

~~3) By mailing a copy of the order to the address of other persons whose activity is in violation of the ordinance~~

~~b) The order shall specify the activity which constitutes a violation and shall set forth a reasonable time frame for the property to be brought into compliance. Continued work which does not bring the property into compliance shall constitute a violation of this ordinance.~~

~~2) Operation and management. With respect to waste storage facilities which are under active use or idle.~~

~~a) Order for Abatement: The Director and or designee may issue an order to abate any violation of this ordinance.~~

~~b) Permit Suspension or Revocation: The Director or designee may determine that the severity of a violation or repeated violations warrant suspension or revocation of the permit. Continued operation after the permit is suspended or revoked shall constitute a violation of this ordinance.~~

~~3) Citation: Citation of not less than \$5 nor more than \$500 for each offense, plus the applicable surcharges, assessments and costs for each violation.~~

~~4) Pursue a long form summons and complaint through a court of law:~~

~~a) Each day a violation exists or continues shall be considered a separate offense under this ordinance.~~

~~b) Upon conviction by a court of law, pay a forfeiture of not less than \$500 nor more than \$5,000, plus the applicable surcharges, assessments and costs for each violation.~~

~~5) In addition, the Director may seek injunctive relief from a court of record to enjoin further violations.~~

6) Nothing in this ordinance shall prevent the Director or designee from pursuing any other remedies available at law for conduct that is violation of this ordinance including, but not limited to public nuisance procedures under Wis. Stats., Chapter 823 which provides among other things that the costs of abatement of a public nuisance by the County may be collected against the owner of the real estate upon which the public nuisance exists. Such costs of abatement may be recovered against the real estate as a special charge under Wis. Stats., 66.027 unless paid earlier.

~~Enforcement of Injunction. As a substitute for, or an addition to, forfeiture actions, the County may seek enforcement of any part of this section by court actions seeking injunctions or restraining orders.~~

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

~~Appeals from any administrative order issued pursuant to this Chapter shall be governed by Chapter 24 of the General Codes of Ordinances. Appeals from any County ordinance prosecution commenced pursuant to this Chapter, shall be governed by applicable state statutes concerning appeals.~~

### (a) Appeals.

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

(b) Variances. The Board of Adjustment may upon appeal authorize a variance from the requirements of this ordinance when, upon showing by the applicant, unnecessary hardship would result from literal enforcement of this ordinance.

A variance shall:

1. Be consistent with the spirit and purpose of this ordinance.
2. Be based on unique circumstances and not to the general conditions of the area.
3. Not be granted for a self-created hardship.
4. Not permit an activity or practice that may fail structurally or otherwise and cause significant water pollution or other off-site impacts.
5. Not be granted if the variance will result in an outcome that is contrary to the public interest and be damaging to the rights of other persons.
- ~~6. Not be granted solely on the basis of economic gain or loss.~~
7. Not be granted solely on the fact that certain conditions existed prior to the effective date of the ordinance

(c) No variance from the standards in Technical Guide may be approved unless the county receives a variance or waiver from the technical standards through the NRCS or other qualified engineering authority. If public funds are involved, this may be a program requirement.

(d) No variance from the performance standards and prohibitions in 11.02 (3)(a) above- may be granted unless the county complies with the variance requirements specified in NR 151.097, and receives approval from the Department of Natural Resources. Requests for a variance shall be made in writing and shall provide information documenting the following:

1. Compliance with the performance standard or technical standard is not feasible due to site conditions.
2. The landowner or operator will implement best management practices or other corrective measures that ensure a level of pollution control that will achieve a level of water quality protection comparable to that afforded by the performance standards in NR 151.
3. The landowner or operator or their agents or assigns did not create the conditions for which the variance is

|

|

requested.

DRAFT

May 27, 2020

Dear ERC Committee members,

On behalf of the Marathon County Farm Bureau and other concerned farmers, we would like to present the following points for consideration in the adoption of the proposed ordinances regarding the new animal waste policies. We request the copies of these concerns be provided to all committee members before the public hearing so they can follow along as they are read into the official minutes.

- 1) If these proposals are for Marathon County, but yet pollution for the Eau Pleine watershed and other waterways entering into Marathon county comes into the county from bordering counties, they are not bound by these ordinances but yet still cause pollution in our county. How will that be addressed as to who is to blame and who would be responsible to solve the problem?
- 2) As we are going through the proposed ordinances, we noticed that there are numerous deletions and additions to what the state statutes are. Why does the county administration feel the need to make changes to what the state already has in place, and why does the county feel it necessary to even adopt the state statutes when other counties are not?
- 3) We have concerns regarding animal waste storage piles that are not within a storage facility, livestock facility, and barnyard storage facility, and are in an open area and not covered. As an example, grazing, organic operations, horse farms, beef farms (both large and small), and goat farms frequently pile their animal waste during the winter to hopefully spread it in the spring or summer. These piles are not within the three established guidelines, so how will they be regulated or even possibly banned? Will these operations be forced to build a confinement structure? What about those that daily spread? Will they also be forced to build a containment system to eliminate daily hauling? How are winter and supplementing areas that hold cattle for the purpose of feeding said animals, that also could be a source of pollution, going to be addressed? As it is being put forth presently, these areas are being favored or ignored altogether. Our concern is that places that do not have land to spread their waste, leave the manure in piles with no intentions of ever spreading it because there is NO place to go with it.
- 4) What about farms that allow their cows access to streams for grazing and or crossing streams to other pastures? That too presents pollution problems. How is that going to be addressed as that also is a direct source of pollution.
- 5) Are all manure piles that are in close proximity to streams or intermittent waterways going to be regulated regardless of if they are a legitimate farm business or just some hobby operation?

- 6) How are private non-ag landowners, ginseng and crop farmers going to be held accountable for the phosphorus that they contribute to the pollution problems in the Fenwood and Eau Pleine watershed as well as groundwater pollution?
- 7) In the event of a complaint (page 7, C2 animal waste application) there are numerous details that the farmer must provide to the county to prove they are in compliance. Only if a legitimate violation is found should the farmer be forced to provide all those specific details. We find this a gross overreach of county power especially when it comes to smaller farms that do not have 590 plans and would not have all of the data that would be required if such a complaint is registered. Also, we feel that the complainant should be identified to the county and the farmer before anything is investigated.
- 8) The inspection and monitoring authority in this ordinance is very troubling. As it is being put forth, the county Director or their designee has the authority to enter a property without the owner's permission regardless of the validity of the complaint. The landowner **MUST** be notified and consulted and be asked for permission before any incursion onto their property is done!

In addition, the original memorandum asking for public comment dated April 22, 2020 did not have the information as to how the public could participate in the action committee meeting. The relevant information wasn't added until May 22<sup>nd</sup>; too late to notify the farmers. The date of the action meeting (June 2, 2020) wasn't even known at the time the letter was sent. We feel that there was not ample time for farmers to be notified as to how to participate in this meeting. We therefore request that this be classified as an educational meeting and any action on these proposed ordinances be postponed until there can be in-person public input to the committee members. Also, our Wisconsin Farm Bureau representative made the comment that he is not aware of any other county in the state that has adopted these state statutes as ordinances or customize them the way Marathon County is proposing. In addition, the original memorandum regarding the new ordinances did not reach a significant number of farms that should have been informed of and will be affected by these proposed changes.

We request that this decision to adopt this general code of ordinances for Marathon County chapter 11.02 be tabled until such time as our concerns are addressed and clarified to the ERC committee and communicated back to us. Thank you for your consideration on this matter. Marathon County Farm Bureau and other concerned farmers.

Sincerely,

Marathon County Farm Bureau



NOTE: The red text in this document have been inserted by Conservation, Planning, and Zoning staff as a response to the Farm Bureau questions for the Environmental Resources Committee Animal Waste Ordinance public hearing on June 2, 2020.

May 27, 2020

Dear ERC Committee members,

On behalf of the Marathon County Farm Bureau and other concerned farmers, we would like to present the following points for consideration in the adoption of the proposed ordinances regarding the new animal waste policies. We request the copies of these concerns be provided to all committee members before the public hearing so they can follow along as they are read into the official minutes.

- 1) If these proposals are for Marathon County, but yet pollution for the Eau Pleine watershed and other waterways entering into Marathon County comes into the county from bordering counties, they are not bound by these ordinances but yet still cause pollution in our county. How will that be addressed as to who is to blame and who would be responsible to solve the problem?

Multi-county watershed planning is not part of this ordinance recommendation before ERC and is not part of this public hearing today. This is a county ordinance and only applies to citizens that operate within the county. If there is an effort to target a specific watershed that lies in multiple counties, the watershed plan is developed in conjunction with those counties. For example in the past the Big Eau Pleine Priority watershed plan was developed and implemented in partnership with Taylor and Clark Counties. The Yellow River Watershed was completed the same way with Wood and Clark Counties. How an ordinance like this would come in play would be specific to the watershed. In addition, partnerships with adjoining counties are addressed in the Land and Water Resource Management (LWRM) plan, adopted by the county board.

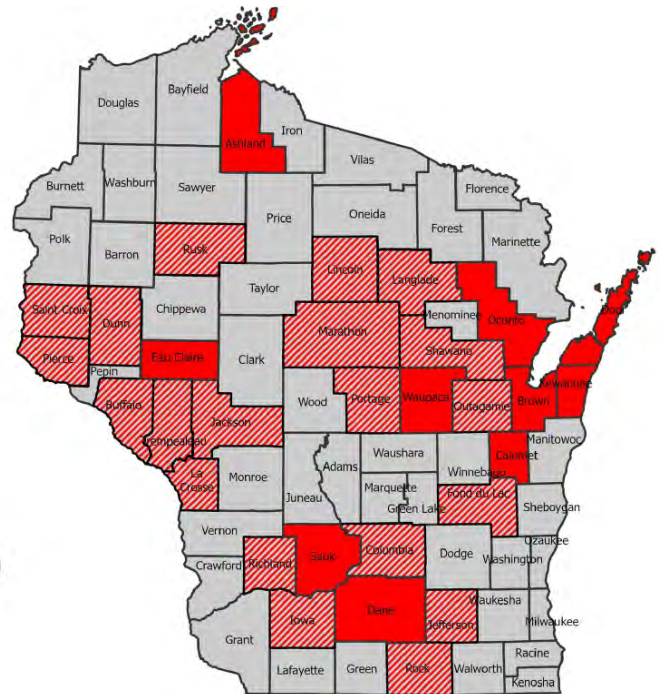
- 2) As we are going through the proposed ordinances, we noticed that there are numerous deletions and additions to what the state statutes are. Why does the county administration feel the need to make changes to what the state already has in place, and why does the county feel it necessary to even adopt the state statutes when other counties are not?

Marathon County has a long history of inclusion of some of the State Agriculture Performance Standards and Prohibitions (APSP) included in this ordinance to protect the surface and ground water of the county. This strategy is identified in the goals and objectives strategy of the county board adopted LWRM plan and specifically addresses the APSP. The current ordinance reflects Statutes in regards to construction and operation of waste storage facilities. The proposed changes adds additional safeguards to protect the surface and ground water of the county. These proposed changes mirror State

Statute. Both DNR and DATCP have been provided the draft ordinance and have approved changes. Marathon County is not alone in incorporating these into local ordinances as local control has been deemed the most effective tool and is consistent with the county LWRM plan. Some of the revisions were for clarification of the ordinance to make it more transparent and easier to interpret and understand for the public, farmers, and from a legal perspective.

In addition to the Counties listed in the map, as of 6/1/2020, an search of each counties website identified the following counties whom also have ordinances which list some or all of the State Agricultural Performance Standards and Prohibitions: Adjacent counties include: Taylor, Clark, and Wood. Other Counties include: Polk, Barron, Chippewa, Marinette, Adams, Waushara, Winnebago, Manitowoc, Sheboygan, Ozaukee, Washington, Dodge, Vernon, Crawford, Grant, Lafayette, Green and Walworth.

County Ordinances  
to Enforce  
State Agricultural  
Nonpoint Performance  
Standards: 2020\*



\* Based on email survey on 2/28/2020 by Waukesha County

3)

We have concerns regarding animal waste storage piles that are not within a storage facility, livestock facility, and barnyard storage facility, and are in an open area and not covered. As an example, grazing, organic operations, horse farms, beef farms (both large and small), and goat farms frequently pile their animal waste during the winter to hopefully spread it in the spring or summer. These piles are not within the three established guidelines, so how will they be regulated or even possibly banned? Will these operations be forced to build a confinement structure? What about those that daily spread? Will they also be forced to build a containment system to eliminate daily hauling? How are winter and supplementing areas that hold cattle for the purpose of

feeding said animals that also could be a source of pollution, going to be addressed? As it is being put forth presently, these areas are being favored or ignored altogether. Our concern is that places that do not have land to spread their waste, leave the manure in piles with no intentions of ever spreading it because there is NO place to go with it. CPZ staff work with all farms regardless of size to properly manage manure and in the case where there are violations, all farmers that are subject to this ordinance are treated uniformly and consistently.

In regards to unconfined animal waste piles, the proposed changes mirror State Statute in regards to what is considered proper and improper manure piles. CPZ staff currently work with farmers to locate suitable manure stacking locations, outside of prohibited Surface Water Quality Management Areas (SWQMA) where runoff to surface waters and infiltration to groundwater is unlikely. No farmer will be required to build a storage facility as a result of the proposed changes. Stacking sites will not be banned, but instead farmers can generate their own maps or maps can be provided by their agronomist or CPZ staff with suitable and unsuitable stacking locations. See example.

Unconfined Animal Waste Pile/Stacking Site



- 4) What about farms that allow their cows access to streams for grazing and or crossing streams to other pastures? That too presents pollution problems. How is that going to be addressed as that also is a direct source of pollution.

The ordinance reflects the State Statute in regards to unlimited livestock access to streambanks that requires maintenance of sod vegetation along waters of the State, regardless of the type of farming. Animals are allowed to graze and cross streams per the requirements if the farmers maintain the streambanks in sod.

- 5) Are all manure piles that are in close proximity to streams or intermittent waterways going to be regulated regardless of if they are a legitimate farm business or just some hobby operation? Yes, CPZ regulates consistently based upon clearly identify ordinance requirements to safeguard water quality. Size of the farm is irrelevant, the County is concerned of the severity of the pollution.
- 6) How are private non-ag landowners, ginseng and crop farmers going to be held accountable for the phosphorus that they contribute to the pollution problems in the Fenwood and Eau Pleine watershed as well as groundwater pollution? The implementation of best management practices has been and will continue to be through voluntary efforts for all farmers. All citizens whether they have livestock, grow crops or both can now be required to have a nutrient management plan under the proposed changes. Accountability for phosphorus is addressed in nutrient management plans.
- 7) In the event of a complaint (page 7, C2 animal waste application) there are numerous details that the farmer must provide to the county to prove they are in compliance. Only if a legitimate violation is found should the farmer be forced to provide all those specific details. We find this a gross overreach of county power especially when it comes to smaller farms that do not have 590 plans and would not have all of the data that would be required if such a complaint is registered. Also, we feel that the complainant should be identified to the county and the farmer before anything is investigated. CPZ staff and corporation counsel recommend the deletion of the word complaint in this section. In regards to identifying the complainant CPZ staff follow State law when open records requests are received from citizens.
- 8) The inspection and monitoring authority in this ordinance is very troubling. As it is being put forth, the county Director or their designee has the authority to enter a property without the owner's permission regardless of the validity of the complaint. The landowner MUST be notified and consulted and be asked for permission before any incursion onto their property is done! This authority is in the existing ordinance and has also been in State Statute 92.07 (14) for many years. It is cited here for clarification as this Statute allows CPZ to enter upon lands for the purpose of this ordinance. As a matter of course, staff will always make every effort to seek permission from the landowner. In some cases, such as an emergency, and the landowner may be unavailable to give permission, staff have been given direction to enter affected lands. When it is not an emergency, but there is reason to believe a violation exists, and permission has not been received, it has been past practice to confer with Corporation Counsel for guidance. In the case of a violation and an ongoing conflict, the Corporation Counsel could also seek an inspection warrant to conduct an investigation per State Statute 66.01.19

In addition, the original memorandum asking for public comment dated April 22, 2020 did not have the information as to how the public could participate in the action committee meeting. The relevant information wasn't added until May 22<sup>nd</sup>; too late to notify the farmers. The date of the action meeting (June 2, 2020) wasn't even known at the time the letter was sent. We feel that there was not ample time for farmers to be notified as to how to participate in this meeting. We therefore request that this be classified as an educational meeting and any action on these proposed ordinances be postponed until there can be in-person public input to the committee members. Also, our Wisconsin Farm Bureau representative made the comment that he is not aware of any other county in the state that has adopted these state statutes as ordinances or customize them the way Marathon County is proposing. In addition, the original memorandum regarding the new ordinances did not reach a significant number of farms that should have been informed of and will be affected by these proposed changes. **Relevant information was provided to Farm Bureau since early in the year and at the earliest possible times to inform them of agenda topics, information meetings, ERC meeting notices and public hearing notices. Since consideration of re-opening the ordinance the original memo sent to farmers (and also all ERC members) on April 22<sup>nd</sup>, 2020 did not have the reopening of the public hearing as that date had not been established. The memo did recommend that citizens provide comments by June 1<sup>st</sup>, 2020 to CPZ so that their comments could be read into the public hearing when it was re-opened for comment. On May 7<sup>th</sup>, 2020 Marathon County Farm Bureau leadership was called and sent an email notifying them of the date of the re-opening of the public hearing. At the request of Farm Bureau received on May 21<sup>st</sup>, CPZ staff amended the April 22<sup>nd</sup> memo on May 22<sup>nd</sup> to add the public hearing date to the memo and emailed out the amended memo back to Marathon County Farm Bureau.**

**In addition, the proposed changes reflect the minimum State Performance Standards and Prohibitions and do not exceed what is in State law. The proposed changes have been reviewed by State DNR and DATCP staff and they have concurred that what is proposed reflects State law. The proposed changes do not include all of the State Standards and Prohibitions. Many Counties have included some or all of these State standards and prohibitions in their ordinances. (See map above)**

We request that this decision to adopt this general code of ordinances for Marathon County chapter 11.02 be tabled until such time as our concerns are addressed and clarified to the ERC committee and communicated back to us. Thank you for your consideration on this matter. Marathon County Farm Bureau and other concerned farmers.

Sincerely,

Marathon County Farm Bureau



**“Siewert Park”**  
**Town of Stettin**  
**Preliminary County Plat**  
**Staff Report**  
**Environmental Resources Committee**  
**June 2, 2020**

**PLAT REQUIREMENTS**

- **Survey**
  - Plat complies with Chapter 236.34 of the Wisconsin Statutes, Chapter A-E7 of the Wisconsin Administrative Code and Chapter 18 of the Marathon County Code of Ordinances regarding subdivisions and mapping.
- **Zoning**
  - Plat is located in Stettin and is town zoned with RS 1-40 zoning. This district permits a density of one dwelling per acre.
- **Environmental Conditions**
  - The requirements for storm water was reviewed and the proposed land division was determined to be exempt from needing a Wisconsin Pollutant Discharge Elimination System (WPDES) permit and from post construction storm water management requirements. This was determined via correspondence between REI and Melissa Yarrington, Wisconsin Department of Natural Resources (WDNR) on 4/28/20-4/29/20.
  - Wetlands are shown and will not be impacted by the development. Wetlands were delineated by Gary Starzinski of Star Environmental in June of 2019.
- **Sanitary Sewer/POWTS**
  - Lots 3 and 5 pose the most concern in regards to private onsite wastewater treatment systems (POWTS). These two lots are going to have full soil evaluations to determine the best type of POWTS and location.
  - Lot 1 has sanitary sewer lines available and may be annexed to the City of Wausau at a later date.
- **Access**
  - All proposed lots will have access to North 43<sup>rd</sup> Street.

**PREVIOUS APPROVALS**

- None

**NOTES**

CPZ staff had a meeting with REI Engineering on May 19<sup>th</sup> and discussed the sanitary sewer concerns with lots 3 and 5. REI Engineering agreed to have soil evaluations done on these two lots. The soil evaluations can be utilized after the sale of these two lots for siting the POWTS and to assist with building site layout.

**RECOMMENDATION**

Based on the information provided, CPZ staff recommend that the Environmental Resources Committee approve the proposed preliminary County plat of “Siewert Park” with the condition that soil evaluations are completed on lots 3 and 5.

May 7, 2020



**Marathon County**  
Attn: David Decker  
County Surveyor  
210 River Drive  
Wausau, WI 54403



**Subject:**

Submission of Siewert Park Preliminary Plat

**Dear Dave,**

We are submitting the enclosed Preliminary Plat of **Siewert Park** on behalf of Virginia Siewert for review and approval at the June staff and Environmental Resources Committee meeting. The enclosure includes the following materials for the Towns use in the review and approval process:

- Preliminary Plat of Siewert Park – (Email)
- Preliminary Plat review fees check payable to Marathon County in the amount of \$400 via mail.

This project site is accessed from North 43<sup>rd</sup> Avenue and Hilltop Avenue located in Southwest 1/4 of the Northwest 1/4, Section 28, Township 29 North, Range 7 East, in the Town of Stettin. The Preliminary Plat consists of 6 lots each containing more than 40,400 square feet meeting the Town of Stettin Zoning requirements under RS-1/40. Each proposed lot has access and frontage on an existing public road. The existing site has a gentle slope from north to south with a wetland complex in the center. The wetlands were delineated by Star Environmental in 2019. The soils in the area are consistent with the adjacent developed properties lying northerly, easterly and westerly of this property base on the Marathon County soils mapping.

The requirements for stormwater was reviewed and the proposed land division was determined to be exempt from needing a Wisconsin Pollutant Discharge Elimination System (WPDES) permit and from post construction stormwater management requirements. This was determined via correspondence between REI and Melissa Yarrington with the Wisconsin Department of Natural Resources (WDNR) on 4/28/20-4/29/20. In summary, the proposed land division is not requiring a land disturbance. Each of the 6 lots are anticipated to be sold to individual property owners, with each lot being developed independently. No roadway infrastructure is required to be constructed to support this land division as the town roads have been previously constructed. It is anticipated that each property owner and their contractor will be subject to local zoning ordinances and will be required to obtain a building permit upon development.



**RESPONSIVE. EFFICIENT. INNOVATIVE.**

4080 N. 20th Avenue Wausau, WI 54401  
715-675-9784 REIengineering.com

Marathon County  
Attn: David Decker  
May 7, 2020

We respectfully request that you place this Preliminary Plat on the June agendas for review and approval. If you should need any additional information or have any questions on this proposed subdivision, please contact myself or Tom Radenz and we will be available to assist. Our team looks forward to working with the Town of Stettin and the area residents towards the successful expansion of this neighborhood.

Sincerely,  
REI Engineering, Inc.



Josh Prentice, PLS  
Land Surveying Department Manager

Cc: Virginia Siewert and Jim Siewert (son), 572 North 43<sup>rd</sup> Avenue, Wausau, WI 54401  
Bill Hebert, City of Wausau Zoning Administrator, City of Wausau City Hall, 407 Grant Street,  
Wausau, WI 54403  
Steve Burger, Town of Stettin Zoning Administrator, 141678 Stettin Drive, Wausau, WI 54401



# PRELIMINARY PLAT OF SIEWERT PARK

A SUBDIVISION PLAT BEING ALL OF LOT 1 AND LOT 2 OF CERTIFIED SURVEY MAP NUMBER 14517, RECORDED IN VOLUME 64, ON PAGE 154, AS DOCUMENT NUMBER 1457606, FILED IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICE, BEING PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 29 NORTH, RANGE 7 EAST, IN THE TOWN OF STETTIN, MARATHON COUNTY, WISCONSIN.

### SURVEYOR'S CERTIFICATE

I, JOSHUA W. PRENTICE, WISCONSIN PROFESSIONAL LAND SURVEYOR S-2852, DO HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT I HAVE SURVEYED, MAPPED AND DIVIDED A PARCEL OF LAND BEING ALL OF LOT 1 AND LOT 2 OF CERTIFIED SURVEY MAP NUMBER 14517, RECORDED IN VOLUME 64, ON PAGE 154, AS DOCUMENT NUMBER 1457606, FILED IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICE, BEING PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 29 NORTH, RANGE 7 EAST, IN THE TOWN OF STETTIN, MARATHON COUNTY, WISCONSIN.

THAT THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 406,247 SQUARE FEET, 9.326 ACRES, MORE OR LESS.

THAT I HAVE MADE THIS SURVEY, DIVISION AND MAP THEREOF AT THE DIRECTION OF VIRGINIA M. SIEWERT, 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 CHAPTER 236 OF THE WISCONSIN STATUTES, WISCONSIN ADMINISTRATIVE CODE A-67 AND THE SUBDIVISION REGULATIONS OF THE CITY OF WAUSAU AND THE WISCONSIN DEPARTMENT OF ADMINISTRATION.

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

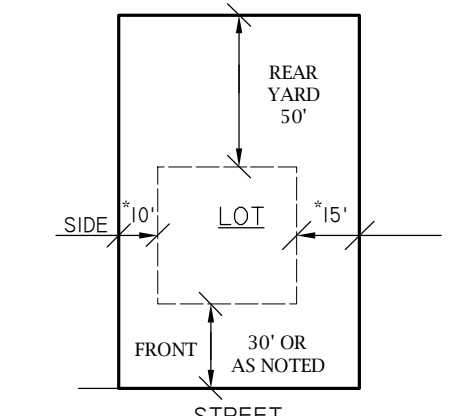
DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

REI ENGINEERING, INC.  
JOSHUA W. PRENTICE  
WPLS S-2852

**OWNER:**  
VIRGINIA SIEWERT  
572 N. 43rd Ave.  
WAUSAU, WI 54401  
952-830-1400

**ENGINEER:**  
REI ENGINEERING  
JIM BORYSENKO P.E.  
4080 N. 20TH AVENUE  
WAUSAU, WI 54401  
715-675-9784

**SURVEYOR:**  
REI ENGINEERING  
JOSHUA W. PRENTICE WPLS S-2852  
4080 N. 20TH AVENUE  
WAUSAU, WI 54401  
715-675-9784



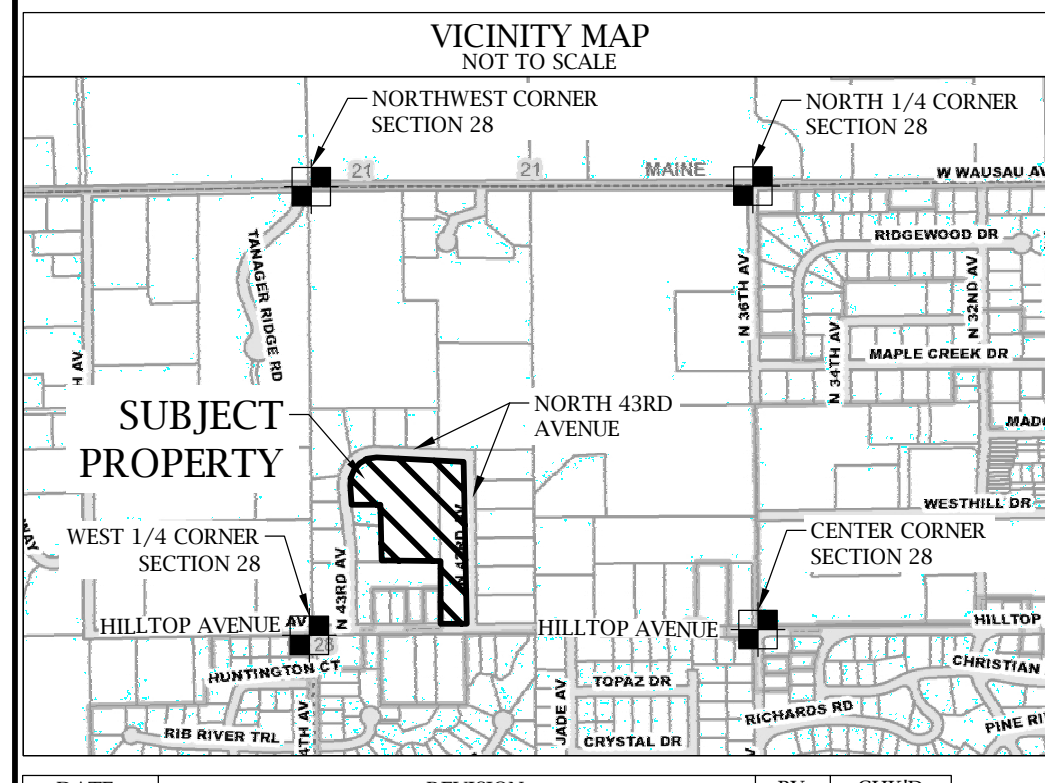
**MINIMUM SETBACK REQUIREMENTS**  
LANDS WITHIN THE TOWN OF STETTIN  
RS-1/40 ZONING  
FRONT YARD 30' OR BY PLAT  
REAR YARD 50'  
SIDE 10'  
BY SIDE 10'

FROM SECTION 4.4.4(4) OF THE TOWN OF STETTIN ZONING CODE  
\*AGGREGATE WIDTH OF SIDE YARDS SHALL NOT BE LESS THAN 25 FT. AND NO SINGLE SIDEYARD SHALL BE LESS THAN 10 FT. SIDE YARDS SHOWN ON THE MAP ARE 15 FT.

### GENERAL NOTES:

1. WETLANDS DELINEATED BY GARY STARZINSKI OF STAR ENVIRONMENTAL - JUNE OF 2019.
2. ELEVATIONS ARE REFERENCED TO THE NAVD 88 DATUM AND ARE BASED ON MEASUREMENTS TO NGS BENCHMARK PID #DK5261. TWO ONSITE BENCHMARKS ARE SHOWN ON THE MAP.
3. NO BUILDINGS EXIST AT THE TIME OF SURVEY.
4. BUILDING SETBACKS ARE AS FOLLOWS:  
FRONT SETBACK = 30 FEET FROM RIGHT-OF-WAY  
FRONT SETBACK = 65 FEET FROM CENTERLINE OF ROAD  
SIDE YARD SETBACK = 10 FEET  
REAR YARD SETBACK = 50 FEET  
HEIGHT = 35 FEET
5. CONTOURS SHOWN ARE DETERMINED FROM THE MARATHON COUNTY 2-FOOT CONTOUR DATA.
6. PUBLIC UTILITIES - THE SOURCE INFORMATION FROM PLANS AND MARKINGS PROVIDED BY OTHERS WAS COMBINED WITH OBSERVED SURFACE EVIDENCE OF UTILITIES TO DEVELOP THE APPROXIMATED LOCATION OF THE UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF ALL UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY OR RELIABLY DEPICTED. IN ADDITION, IN SOME JURISDICTIONS, 911 UTILITY LOCATE REQUESTS FROM SURVEYORS MAY BE IGNORED OR PARTIALLY RESPONDED TO. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION AND/OR A PRIVATE UTILITY LOCATE REQUEST MAY BE NECESSARY. DIGGER TICKETS #20201408556 & #20201408580.
7. LOTS SHOW TO BE UNSEWER LOTS.

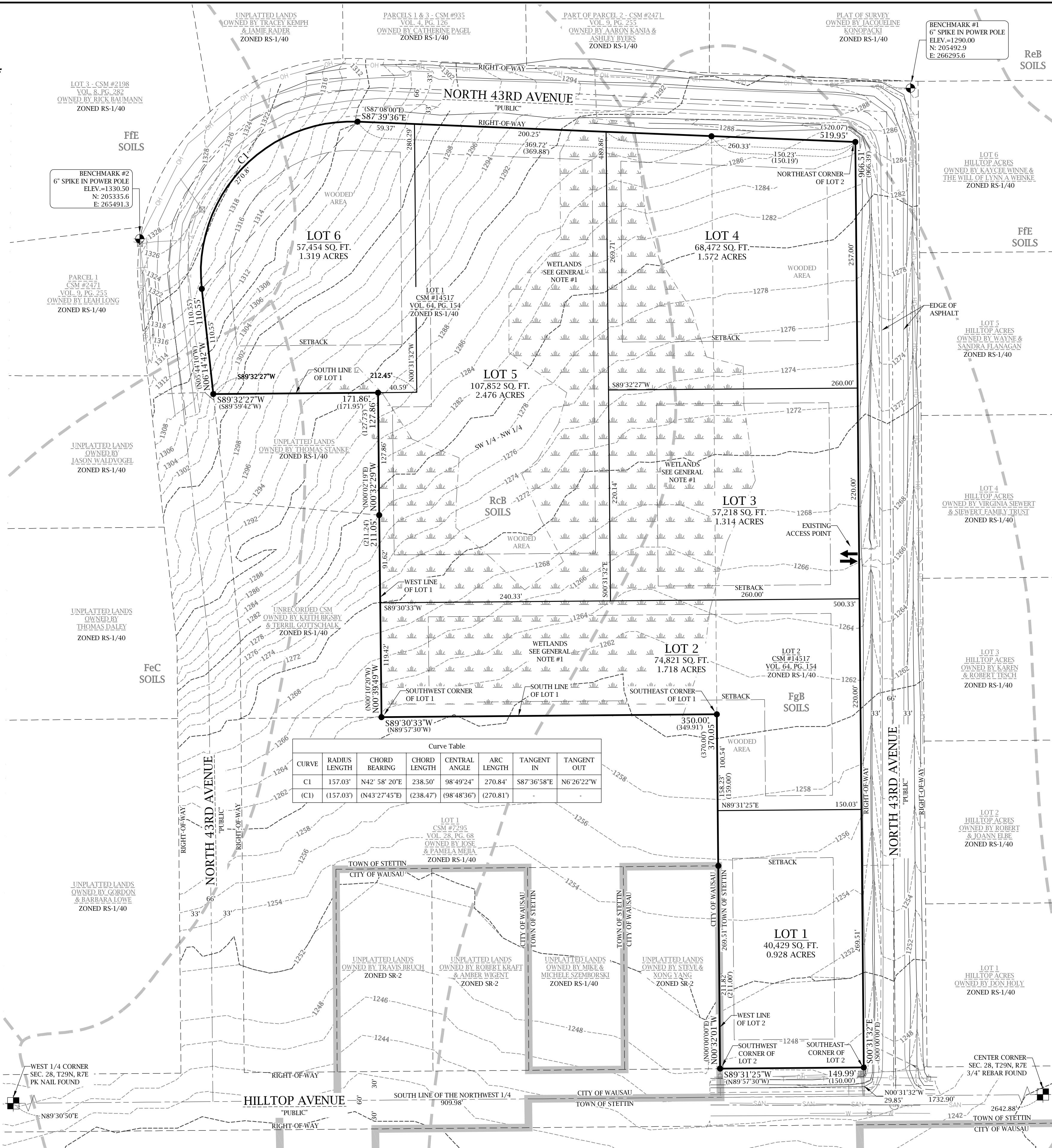
LEGEND	
● (126.00)	FOUND 1 1/4" O.D. IRON PIPE
— (126.00)	RECORDED BEARING/LENGTH
— (126.00)	MEASURED BEARING/LENGTH
— (126.00)	EXISTING UNDERGROUND TELEPHONE
— (126.00)	EXISTING WATER MAIN
— (126.00)	EXISTING SANITARY SEWER
— (126.00)	EXISTING CABLE TV
— (126.00)	EXISTING MINOR CONTOUR
— (126.00)	EXISTING MAJOR CONTOUR
— (126.00)	EXISTING PROPERTY LINE
— (126.00)	EXISTING TREE LINE
— (126.00)	BUILDING SETBACK LINE
— (126.00)	SOIL BOUNDARY LINE
— (126.00)	EXISTING WETLANDS



DATE	REVISION	BY	CHKD

REI Engineering, Inc. 600 N. 100th Avenue, Wausau, WI 54401, Phone: 715.675.9784 Fax: 715.675.4080 Email: wpl@reiengineering.com

SHEET 1 OF 1  
REI PROJECT #8750  
BEARINGS AND COORDINATES ARE BASED ON THE MARATHON COUNTY COORDINATE SYSTEM NAD83 (2011) DATUM, AND ARE REFERENCED TO THE SOUTH LINE OF THE NORTHWEST 1/4, SECTION 28, TOWNSHIP 29 NORTH, RANGE 7 EAST, MEASURED TO BEAR NORTH 89°30'50" EAST.



Curve Table						
CURVE	RADIUS	CHORD BEARING	CHORD LENGTH	CENTRAL ANGLE	ARC LENGTH	TANGENT IN / TANGENT OUT
C1	157.03'	N42° 58' 20"E	238.50'	98° 49' 24"	270.84'	S87° 36' 58"E / N6° 26' 22"W
(C1)	(157.03')	(N43° 27' 45"E)	(238.47')	(98° 48' 36")	(270.81')	- / -



**Certified Survey Map (CSM)**  
**Town of Bevent**  
**Staff Report**  
**Environmental Resources Committee**  
**June 2, 2020**

**CSM REQUIREMENTS**

- **Survey**
  - CSM complies with Chapter 236.34 of the Wisconsin Statutes, Chapter A-E7 of the Wisconsin Administrative Code and Chapter 18 of the Marathon County Code of Ordinances regarding subdivisions and mapping.
- **Zoning**
  - Plat is located in Bevent and is town zoned.
- **Environmental Conditions**
  - Minimal wetlands and floodplain areas. No impact to CSM.
- **Sanitary Sewer**
  - Lot 1 has a sanitary system in place. Lot 2 has a privy.
- **Access**
  - All proposed lots will have access to County Road J.

**PREVIOUS APPROVALS**

- **None**

**NOTES**

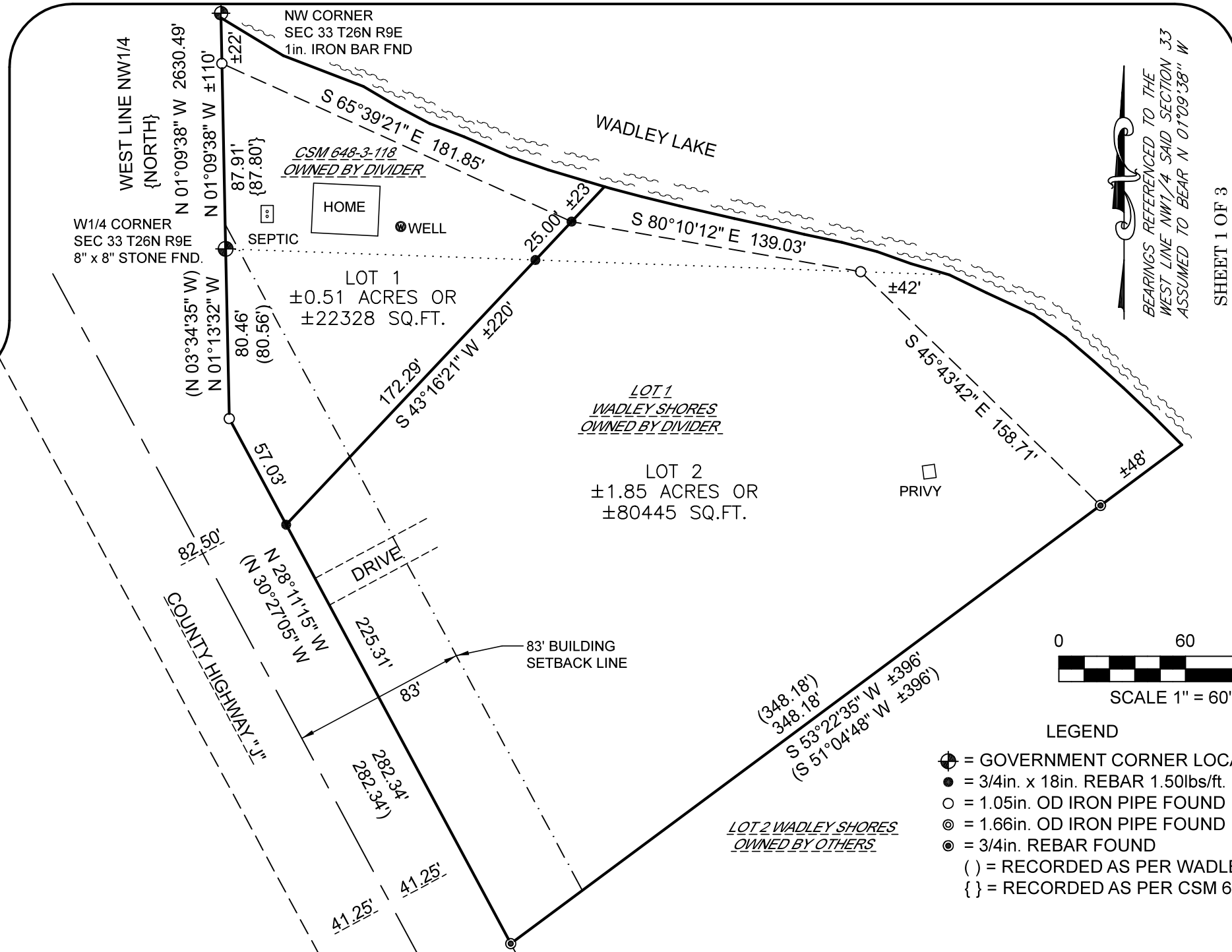
This proposed Certified Survey Map crossed the exterior boundary of "Wadley Shores", a recorded subdivision. State statute 236.34(1)(dm) (dm) states that any CSM that crosses the exterior boundary of a recorded subdivision must be approved by the Environmental Resources Committee.

**RECOMMENDATION**

Based on the information provided, CPZ staff recommend that the Environmental Resources Committee approve this proposed Certified Survey Map.

**MARATHON COUNTY CERTIFIED SURVEY MAP  
PREPARED FOR: CORY HASTINGS**

BEING PART OF CSM NO. 648-3-118, AND PART OF LOT 1, WADLEY SHORES, LOCATED IN THE SW1/4 OF THE NW1/4, AND THE NW1/4 OF THE SW1/4, SECTION 33, T26N R9E, TOWN OF BEVENT, MARATHON COUNTY, WISCONSIN



BEARINGS REFERENCED TO THE  
WEST LINE NW1/4 SAID SECTION 33  
ASSUMED TO BEAR N 01°09'38" W

SHEET 1 OF 3

**CENTRAL STAKING INC.**

2523 POST ROAD  
STEVENS POINT WI 54481  
OFFICE: 715-345-6904 FAX: 715-345-7728

*MARATHON COUNTY CERTIFIED SURVEY MAP  
PREPARED FOR: CORY HASTINGS*

BEING PART OF CSM NO. 648-3-118, AND PART OF LOT 1,  
WADLEY SHORES, LOCATED IN THE SW1/4 OF THE  
NW1/4, AND THE NW1/4 OF THE SW1/4, SECTION 33,  
T26N R9E, TOWN OF BEVENT, MARATHON COUNTY,  
WISCONSIN

SURVEYOR'S CERTIFICATE

I DARREN KRZANOWSKI, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY: THAT UNDER THE  
DIRECTION OF CORY HASTINGS, I HAVE SURVEYED, DIVIDED AND MAPPED CERTIFIED SURVEY MAP  
NO. 648 VOLUME 3 PAGE 118, AND LOT 1, WADLEY SHORES, COUNTY PLAT, BEING PART OF THE  
SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE  
SOUTHWEST QUARTER SECTION 33 TOWNSHIP 26 NORTH RANGE 9 EAST, TOWN OF BEVENT,  
MARATHON COUNTY, WISCONSIN.

DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 33; THENCE N 01°09'38" W ALONG THE  
WEST LINE OF THE NORTHWEST QUARTER AND THE WEST LINE OF CERTIFIED SURVEY MAP NO. 648  
VOLUME 3 PAGE 118, 87.91 FEET TO A POINT LYING 22 FEET MORE OR LESS FROM THE WATERS EDGE  
OF WADLEY LAKE AND THE BEGINNING OF A MEANDER LINE; THENCE S 65°39'21" E 181.85 FEET TO A  
POINT LYING 23 FEET MORE OR LESS FROM THE WATERS EDGE OF WADLEY LAKE; THENCE S 80°10'12"  
E 139.03 FEET TO A POINT LYING 42 FEET MORE OR LESS FROM THE WATERS EDGE OF WADLEY LAKE;  
THENCE S 45°43'42" E 158.71 FEET TO A POINT LYING 48 FEET MORE OR LESS FROM THE WATERS  
EDGE OF WADLEY LAKE AND THE END OF A MEANDER LINE; THENCE S 53°22'35" W ALONG THE  
SOUTHEASTERLY LINE OF SAID LOT 1, WADLEY SHORES 348.18 FEET TO THE NORTHEASTERLY RIGHT  
OF WAY OF COUNTY HIGHWAY "J"; THENCE N 28°11'15" W ALONG THE NORTHEASTERLY LINE OF  
COUNTY HIGHWAY "J" 282.34 FEET; THENCE N 01°13'32" W ALONG THE WEST LINE OF SAID LOT 1,  
WADLEY SHORES 80.46 FEET TO THE POINT OF BEGINNING. INCLUDING THOSE LANDS LYING  
BETWEEN THE MEANDER LINE AND THE WATERS EDGE OF WADLEY LAKE.

SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD OR USAGE.

THAT SAID MAP IS A TRUE AND CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE  
LANDS SURVEYED AND THE DIVISION THERE OF MADE.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN  
STATUTES AND THE LAND DIVISION REGULATIONS OF THE TOWN OF BEVENT, AND MARATHON  
COUNTY, WISCONSIN. ALL TO THE BEST OF MY KNOWLEDGE AND BELIEF IN SURVEYING AND MAPPING  
THE SAME

\_\_\_\_\_  
DARREN KRZANOWSKI P.L.S. 2663  
DATED THIS 27TH DAY OF APRIL, 2020

*MARATHON COUNTY CERTIFIED SURVEY MAP  
PREPARED FOR: CORY HASTINGS*

BEING PART OF CSM NO. 648-3-118, AND PART OF LOT 1,  
WADLEY SHORES, LOCATED IN THE SW1/4 OF THE  
NW1/4, AND THE NW1/4 OF THE SW1/4, SECTION 33,  
T26N R9E, TOWN OF BEVENT, MARATHON COUNTY,  
WISCONSIN

OWNER'S CERTIFICATE OF DEDICATION

AS OWNERS, WE HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE  
SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED ON THE PLAT. WE ALSO CERTIFY  
THAT THIS PLAT IS REQUIRED BY s.236.10 OR s.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR  
APPROVAL OR OBJECTION: TOWN OF BEVENT, MARATHON COUNTY.

WITNESS THE HAND AND SEAL OF SAID OWNERS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.  
IN PRESENCE OF:

\_\_\_\_\_  
CORY R. HASTINGS

\_\_\_\_\_  
FRED PIONEK

\_\_\_\_\_  
ELIZABETH PIONEK

STATE OF WISCONSIN)  
\_\_\_\_\_ COUNTY)SS

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020. THE ABOVE NAMED  
CORY R. HASTINGS, TO ME KNOWN TO BE THE SAME PERSONS WHO EXECUTED THE FOREGOING  
INSTRUMENT AND ACKNOWLEDGED THE SAME.

NOTARY SEAL \_\_\_\_\_

NOTARY PUBLIC, \_\_\_\_\_, WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_.

CONSENT OF MORTGAGEE

I, \_\_\_\_\_, MORTGAGEE OF THE ABOVE DESCRIBED LAND, DO HEREBY CONSENT TO  
THE SURVEYING, DIVIDING, MAPPING AND DEDICATION OF THE LAND DESCRIBED ON THIS PLAT,  
AND I DO HEREBY CONSENT TO THE ABOVE CERTIFICATE OF FRED PIONEK AND ELIZABETH  
PIONEK, OWNERS.

WITNESS THE HAND AND SEAL OF \_\_\_\_\_, MORTGAGEE, THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_ 2020.

IN THE PRESENCE OF:

\_\_\_\_\_  
MORTGAGEE

STATE OF WISCONSIN)  
\_\_\_\_\_ COUNTY)SS

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020, THE ABOVE NAMED  
\_\_\_\_\_, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING  
INSTRUMENT AND ACKNOWLEDGE THE SAME.

(NOTARY SEAL) \_\_\_\_\_  
NOTARY PUBLIC, \_\_\_\_\_, WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_.

**CENTRAL STAKING INC.**

2523 POST ROAD  
STEVENS POINT WI 54481  
OFFICE: 715-345-6904 FAX: 715-345-7728

**STRATEGIC PLAN OUTCOMES – June 2018 – December 2019**  
**ENVIRONMENTAL RESOURCES COMMITTEE**

**NATURAL RESOURCES GOAL: The natural resources of Marathon County are managed in a balanced way so they are protected and preserved for current and future generations’ health, enjoyment, and benefit.**

**Objective 5.2: Provide sound land use decisions that conserve and preserve natural resources in decisions with economic development and growth.**

<b>Strategy</b>	<b>Actionable Item</b>	<b>Contributors</b>	<b>Status</b>	<b>Action</b>
A. Update existing land use policies to address sprawl and natural resource protection				
	a. Update of Land Division Ordinance	CPZ, Corp. Counsel, private surveyors	Completed	County Board approval December, 2019
	b. Update of Zoning Ordinance	CPZ, Corp. Counsel	Completed	County Board approval March, 2019
	c. Renewal of North Central Wisconsin Stormwater Coalition MOU and MOA agreements	CPZ, Coalition members, NCWRPC	Ongoing	County Board approval February, 2019 and November, 2019, respectively
	d. Update of Nonmetallic Mining Reclamation Ordinance	CPZ, Corp. Counsel, private mine operators	Completed	County Board approval December, 2019
	e. Petition for Zoning map amendments	CPZ, town planning committees and boards	27 petitions considered	County Board approvals Various dates
	f. Applications for Subdivision Plat approval	CPZ, town planning committees and boards	3 applications considered	ERC approval with no county board action required
B. Promote infrastructure development that protects natural resources				
	a. Update Private Sewage System Code - Private Onsite Wastewater Treatment System (POWTS)	CPZ, POWTS contractors	Completed	County Board Approval February, 2019

**STRATEGIC PLAN OUTCOMES – June 2018 – December 2019**  
**ENVIRONMENTAL RESOURCES COMMITTEE**

<b>Strategy</b>	<b>Actionable Item</b>	<b>Contributors</b>	<b>Status</b>	<b>Action</b>
	b. Update Livestock Facilities Licensing Ordinance	CPZ, Corporation Counsel	Completed	County Board Approval September 2019
	c. Update of Livestock Facilities Licensing Ordinance: Consideration of more restrictive standards for manure application during high risk times to reduce phosphorus runoff	CPZ, Corporation Counsel	To be determined	No committee action
	d. Creation of Solid Waste - Environmental Health/Safety Specialist position	Solid Waste	Completed	County Board Approval June 2019
C. Identify and preserve unique regional areas for natural resources protection and environmental remediation.				
	a. Update of Shoreland, Shoreland-Wetland, and Floodplain Code	CPZ	Completed	County Board Approval September, 2019
	b. Update of County Forest Ordinance	PRF	Completed	County Board Approval May 2019
	c. Update of Park and Recreation Ordinance	PRF	Completed	County Board Approval May 2019
	d. Siting agreement with Ahlstrom-Munksjo NASpecialty Solutions for Cell 2 Landfill expansion	Solid Waste, CPZ, Corporation Counsel	Completed	County Board Approval March 2019
F. Acquire land for public park and forest use to retain natural landscapes and resources				
	a. Acceptance of a donation of land from the Parks Foundation – 76.7 acres - County Forest use	PRF	Completed	County Board Approval December 2018
	b. Land acquisition of 3.99 acres (Thomas) through Knowles- Nelson Stewardship Grant Program – County Park use	PRF	Completed	County Board Approval July 2018
	c. Land acquisition of 199.84 acres (Kerswill) through the Knowles-Nelson Stewardship Grant Program – County Forest use	PRF	Completed	County Board Approval August 2019

**STRATEGIC PLAN OUTCOMES – June 2018 – December 2019**  
**ENVIRONMENTAL RESOURCES COMMITTEE**

	d. Update of Outdoor Recreation Plan	PRF	Completed	County Board Approval December, 2019
	e. Update of the County Forest Comprehensive Land Use Plan 2021-2035	PRF	Being developed	ERC approval to proceed
	f. Acquire easement for 45/90 Geographical Marker Park	CPZ, PRF, Hwy., and private donors	Completed	Ribbon cutting September, 2018

**WATER RESOURCES GOAL: The water resources in Marathon County are of the highest quality for the safety of residents and the health of aquatic ecosystems and are protected from damaging behaviors like overuse and pollution.**

**Objective 6.3: Protect and enhance the quantity and quality of potable groundwater and potable surface water supplies**

<b>Strategy</b>	<b>Actionable Item</b>	<b>Contributors</b>	<b>Status</b>	<b>Action</b>
A. Continue to develop and implement watershed management plans and Targeted Management plans to minimize the impacts on water quality				
	a. Application for Urban Nonpoint Source Water Pollution Abatement and Stormwater Management (MS4) Grant	CPZ, Hwy, PRF, FCM, and CWA and consultant	Completed	County Board Approval Grant Awarded December, 2019
	b. Acceptance of Multi-discharger variance funds for use in the Fenwood Creek watershed	CPZ and DNR	Ongoing	ERC approval with no county board action required
	c. Creation of grant funded Conservation Specialist position in Big Eau Pleine watershed	CPZ, NRCS, and EPPIC	Completed	County Board Approval December, 2019



**STRATEGIC PLAN OUTCOMES – June 2018 – December 2019**  
**ENVIRONMENTAL RESOURCES COMMITTEE**

<b>Strategy</b>	<b>Actionable Item</b>	<b>Contributors</b>	<b>Status</b>	<b>Action</b>
E. Create new partnerships with agencies and organizations to further efforts to protect surface water and groundwater				
	a. Concurrence with County Administrator’s selection of Land and Water Resource Management Plan Advisory Committee	CPZ	Completed	ERC approval with no county board action required
	b. Lake protection grant to build community capacity	CPZ	Completed	County Board Approval February 2019
	c. POWTS Revolving Loan Fund	CPZ, Finance Department, MCDEVCO	Completed	County Board Approval February, 2018

## CHAPTER 3. GOALS, OBJECTIVES, STRATEGIES, AND OUTCOMES

### Plan Goals, Objectives, Strategies, Outcomes and Contributors/Partnerships

The overarching goal of the LWRMP is to support the county's following goal statement: **"Marathon County is the healthiest, safest, and most prosperous county in Wisconsin"**. Achieving this overarching goal will require many different small steps taken in concert in a coordinated effort across Marathon County as outlined in this chapter. The LWRMP is designed to align with Marathon County's Comprehensive and Strategic Plans to improve and protect land and water resources within the county.

The LAC reviewed and updated the goals, objectives, and strategies of the 2020-2030 LWRMP. For clarity, the goals, objectives, and strategies are defined to explain the differences among the three elements.

**Goals** are statements about Marathon County's aspirations in the topic area.

**Objectives** are vision statements which provide direction to the subtopics within the areas of each goal.

**Strategies** are key steps which should be taken to meeting the objective and reaching the goal.

**Outcomes** are measures or targets to further define success with respect to goals and objectives.

## HEALTHIEST, SAFEST, MOST PROSPEROUS –

### WHY IS THIS IMPORTANT?

The future health and social well-being of Marathon County will be determined to a large extent by how the natural environment contribute to an individual's lifelong health and well-being. The social, economic, and physical environment in which a person lives shapes his or her individual characteristics and behaviors. And to that end, Marathon County is committed to being a strong supporter of the agriculture community while striving to achieve watershed restoration, and reducing nonpoint source pollution such as phosphorus. The reduction of phosphorus from watershed projects and practices will allow the county to assess progress toward improving water quality standards, and will align planning and decisions necessary to ensure continued progress.

## Plan Goals

### **Goal 1: Land resources are protected and improved county wide.**

#### **Objectives:**

#### **1.1 Reduce soil erosion on all land.**

##### *Strategies:*

1. Do not increase soil erosion rates on agricultural land that is currently below tolerable soil loss rates. ~~Land with erosion rates lower than tolerable losses do not increase erosion rates.~~
2. Increase the use of cropland best management practices that reflect soil health principles.
3. Establish grass waterways where gullies exist on cropland.
4. Monitor~~ing~~ historical and on-going erosion rates using accepted transect and modeling methods and tools.
5. Identify watershed with high soil erosion rates to promote adoption of cropland best management practices.
- ~~5.6.~~ \_\_\_\_\_ Best management practices for residential/commercial/business are implemented during and after construction to reduce erosion.

##### *Outcome Measures:*

1. 90% of land is under tolerable soil loss levels (current is 78%)-“T” performance standard by 2030.
2. An inventory of cropland gullies will be completed by 2023.
3. 50% of gullies will be stabilized by 2030.
4. All land (except cropland and pastureland) disturbances within 300 feet of a waterbody follow required best management practices to reduce erosion by 2030.

#### **1.2 Improve soil health.**

##### *Strategies:*

1. ~~Ensure that~~ Monitor organic matter levels on -agricultural land. in the county are monitored and utilize data to track trends in organic matter levels.
2. Increase organic matter ~~levels~~ on agricultural land.
3. Fully manage manure in a fashion where it benefits the health of the soil and productivity of the crops being grown.
4. Explore new soil testing methods to identify and improve soil health.
5. Increase soil health and productivity through newly adopted practices such as cover crops, small grains, reduced till and no-till farming, perennial forages, managed grazing and soil amendments.
6. Increase the number of farmers/owners utilizing new proven soil health testing methods.

##### *Outcome Measures:*

1. The acres of agricultural land under nutrient management planned acreage increases from 60% (current) to 80% to meet NR 151 State Performance Standard by 2030.
2. The Average organic matter levels on agricultural land in the county increase from 3.3% (current) to 3.5% by 2030

3. The agricultural acres under reduced till and no-till farming methods increase from 21% (current) to 40% by 2030.
- ~~3.4.~~ Develop a tracking mechanism for cover crops by 2025.
- ~~4.5.~~ The agricultural acres under perennial forage (hay and/or pasture) increase from 41% (current) to 46% by 2030.

DRAFT

**1.3 Forest management-** Private and public forest lands in Marathon County are well managed to support wildlife, recreation and timber harvest goals.

*Strategies:*

1. Engage private landowners in land stewardship to participate in state and federal programs, including but not limited to the Managed Forest Law (MFL) program, the Deer Management Assistance Program (DMAP), and the Environmental Quality Incentives Program (EQIP).  
~~Inform landowners of DNR Managed Forest Law Program and other forest management programs.~~
2. Encourage private landowners to work together to align their own forest and wildlife habitat management objectives with landscape scale plans established by the state.
3. Provide education and best management practice options to reduce erosion during harvest.
4. Encourage forested pastures to be properly managed.
5. Encourage the establishment and/or maintenance of windbreaks for erosion control and energy conservation through working in partnership with the Central Wisconsin Windshield Partnership (CWWP)..
6. Private forest lands are established and maintained as a viable land use
7. Public forest lands in Marathon County are well managed to support wildlife, recreation and timber harvest goals as specified in the Marathon County Forest Comprehensive Land Use Plan.

*Outcome Measures:*

1. Establishment of a Demonstration Forest on a private landowner's property through Golden Sands RC&D's projects by 2023. This landowner will serve as a resource to other landowners looking to get involved in new land management programs.
2. Enroll at least 25 private landowners into the group forest stewardship and Deer Management Assistance Program (DMAP) cooperatives by 2023 through Golden Sands RC&D's efforts.
3. There is no net loss of private forested acres.
4. By December 31, 2030, an average of 320 acres of land per year will be acquired for the Marathon County Parks and Forest System.

**Baseline:** 4,273 Park acres and 30,194 Forest acres, 2018

**Source:** Marathon County Parks, Recreation and Forestry Department.

**1.4 Protect and preserve prime agricultural lands.**

*Strategies:*

1. Preserve prime farm soils that are most vulnerable to conversion for non-farm land uses.
2. Expand the Farmland Preservation-Agricultural Enterprise Areas within the County.
3. Expand Farmland Preservation zoning to reduce fragmentation and protect prime ~~agricultural~~ farm soils.

4. Encourage the protection of a viable agricultural industry by continuing to advocate that towns participate in county zoning to protect land under general agricultural and farmland preservation zoning.
5. Improve funding mechanisms to provide technical assistance to farmers and landowners to develop nutrient management plans and meet basic agricultural performance standards and prohibitions.
6. Identify and financially support viable and environmentally superior farming systems.

DRAFT

*Outcome Measures:*

1. Conversion of land with prime farm soils to non-farm land uses is limited to less than 150 acres per year.
2. Farmland Preservation-Agricultural Enterprise Areas within the county are increased by 75,000 acres in the existing AEAs by 2030.
3. Farmland Preservation Zoning is adopted by two additional towns by 2030.
4. The ERC requests the Extension Education and Economic Development Committee to complete a policy discussion by December 1, 2022 on identifying viable and environmentally superior farming systems so that those systems can be supported.

**Goal 2: Surface water quality is protected and improved.**

***Objectives:***

**2.1 Reduce agricultural runoff to surface water (soil sediment, organics, and nutrients).**

*Strategies:*

1. Develop and implement strategies to encourage best management practices to reduce agricultural runoff to protect water quality and soil health by meeting all State Agricultural Performance Standards and Prohibitions.
2. Develop a comprehensive and consistent approach to restore riparian 35 foot wide buffers to enhance buffering of agricultural runoff and improve water quality.
3. Restore wetlands that have been converted to other land uses.
4. Enhance administration, implementation and enforcement of animal waste management and livestock facilities licensing ordinances.
5. Educate farmers on the lack of profitability of farming marginal lands that could be converted to other beneficial uses.
6. Encourage the use of farmed buffers and identify how they fit into farming operations.
7. Explore and educate on emerging technologies to reuse, recycle and reduce water use on farms and in manure.

*Outcome Measures:*

1. 35% of impaired cropland riparian buffers under 35 feet will be re-established by 2030.
2. Complete inventory of converted or degraded wetlands by December 1, 2022.
3. 25% of wetlands converted to agriculture or degraded will be restored to functional wetlands by 2030.
4. Determine compliance rate of livestock facilities regulated under county livestock and animal waste ordinances by 2023.
5. 80% of Agricultural land in the county meets all current State Agricultural Performance Standards and Prohibitions identified in county ordinances by December 31<sup>st</sup>, 2030 .

## **2.2 Work to implement to meet the Wisconsin River Watershed and Upper Fox Wolf River Total Maximum Daily Load (TMDL) identified goals.**

### *Strategies:*

1. Environmental Resource Committee (ERC) and County Board establishes the proper balance between voluntary/regulatory approaches to:
  - i. Establish targeted performance standards to meet water quality standards for phosphorus impaired watersheds.
  - ii. Reduce mechanically applied animal waste applications during snow covered, frozen or saturated conditions.
2. All surface waters, including intermittent streams, and existing wetlands will have a 35 foot buffer.
3. All agricultural land will have Phosphorus Index (PI) levels at 2.5 pounds per acre or less.
4. Develop and support a coalition(s) of stakeholders to develop and implement action plan(s) to reduce phosphorus loading.
5. Complete implementation of the Fenwood Creek Watershed Plan and apply what was learned to future TMDL planning and implementation efforts, along with the Wisconsin River and Upper Fox Wolf River report to develop two more nine element watershed based plans in the county.
6. Seek new funding options and incentives outside of conventional government sources to implement soil health and conservation practices.

### *Outcome Measures:*

1. By 2023, develop and support a coalition(s) of stakeholders to develop and implement action plan(s) to reduce phosphorus loading from agricultural lands; work with community stakeholders to form at least two additional coalitions to enhance the adoption of plan goals. (EPPIC model)
2. Fenwood Creek Watershed Plan goals are met by December 31<sup>st</sup>, 2026. If goals are not met, a re-assessment of strategies must be done.
3. By 2026, select two HUC 12 sized watersheds for development of a nine element watershed based plan in conjunction with the DNR, that reflect stakeholder coalition(s) and the Wisconsin River or Upper Fox Wolf River TMDL report phosphorus reduction goals.
  4. By 2030, reduce meet or make progress towards meeting the surface water phosphorus concentrations levels in Fenwood Creek to TMDL meet Wisconsin total phosphorus criteria
  5. By 2024, survey agricultural landowners and operators, within the TMDL, to assess their knowledge, acceptance and use of practices to improve soil health.



### **2.3 Protect and enhance natural habitat areas along riparian corridors and wetlands.**

#### *Strategies:*

1. Promote conservation easements/programs along riparian corridors.
- 2.
3. Conduct a riparian zone qualitative land cover analysis for watersheds in the county.
4. Develop and recommend a 35 foot buffer zone strategy for wetlands, outside of 303(d) impaired watersheds, by the end of 2024.
5. Support the development of lake and river management plans with key stakeholders.

#### *Outcome Measures:*

1. An inventory on the current status and condition of all riparian buffers will be completed by 2022.
2. By 2030, install 25,000 lineal feet of riparian buffers that are at least 35 feet in width.

### **2.4 Reduce runoff from non-agricultural sources to improve water quality.**

#### *Strategies:*

1. Implement the Private Onsite Wastewater Treatment System (POWTS) maintenance program to eliminate all surface discharge of septage.
2. Support implementation and enforcement of point source pollution regulations.
3. Shoreland owners will maintain existing buffers along waterbodies.
4. Shoreland owners will re-establish 35 foot buffers along waterbodies, where the buffer has been degraded.
5. Encourage the use of soil testing on non-agricultural land before fertilizer is applied near waterbodies.
6. Explore alternative methods for snow and ice removal from hard surfaces to reduce the impacts of salt on surface and groundwater.

#### *Outcomes:*

1. All POWTS with surface discharge are in compliance by 2026.
2. All point and non-ag non-point source discharges are compliant by 2030.
3. 85% of surveyed shoreland owners, where lake and river management plans are developed, about the phosphorus ban and the proper use of fertilizer to follow soil test recommendations for non-agricultural land near waterbodies by 2030.
4. 50% percent of shoreland owners are in compliance with shoreland buffer requirements by December 31<sup>st</sup>, 2030.

### **2.5 Manage lake and stream resources to protect and improve the water quality and habitat.**

#### *Strategies:*

1. Continue to support the efforts of the WDNR, Lake Organizations, and Lake District associations to protect and improve the water quality and habitat of lakes.
2. Mitigate aquatic invasive species.

3. Work with UW-Extension to provide information and education regarding Best Management Practices and other measures local municipalities and property owners can implement to improve water quality.
4. Coordinate water quality testing with Wisconsin Valley Improvement Corporation (WVIC) and other agencies.
5. Support healthy fisheries, wildlife and aquatic communities.
6. Provide technical assistance to protect and enhance waterfront properties to be in compliance with current Shoreland zoning requirements.

*Outcome Measures:*

1. Reduce and/or eliminate aquatic invasive species to identified lake and river plan goals by December 31<sup>st</sup>, 2025
2. Improve the water quality and habitat of lakes by working with identified partners to implement lake and river planning goals by dates identified in each individual plan.
3. The Northcentral Wisconsin Stormwater Coalition will fund twenty five rain gardens and stream buffers in the greater Wausau Metro Area by 2030.

**Goal 3: Groundwater is protected and improved.**

***Objectives:***

**3.1 Protect and enhance the quantity and quality of groundwater resources.**

*Strategies:*

- ~~1. Update the 2001 County Groundwater Protection Plan, which will identify threats to groundwater quality and quantity.~~
- ~~2. Update county Geographic Information System (GIS) layer to properly identify municipal well recharge areas to be used for planning purposes, and work to develop wellhead protection or source water protection plans for public drinking water systems within the county.~~
- ~~3. Continue to conduct tests and analysis of contaminants in public and private wells to develop a reliable data set which reflects the quality of water in the county.~~
- ~~4. Ensure all POWTS are working properly to protect groundwater.~~
- ~~5. Use the information from the updated groundwater plan to guide decisions on changes in land use approved by the county.~~
- ~~6. Amend wellhead or source water protection plans to meet EPA's nine key elements and submit to DNR and EPA for review and approval.~~

*Outcome Measures:*

- ~~1. Update the ground water protection plan will be completed by December 31<sup>st</sup>, 2022.~~
- ~~2. Develop GIS data layer to identify municipal well locations and recharge areas by 2024.~~
- ~~3. All POWTS discharging to groundwater or bedrock will be brought into compliance by 2030.~~
- ~~3. By December 31<sup>st</sup>, 2030, develop 3 wellhead protection plans and 1 source water protection plan for public drinking water systems within the county.~~

Amend these plans, as necessary, to meet EPA's nine key element and submit to DNR and EPA for review.

**Goal 4: Actively educate and engage community stakeholders to develop an understanding of land, surface water, and groundwater quality concerns.**

***Objectives:***

**4.1 Improve public awareness and provide educational opportunities to enhance agricultural practices that protect land and water quality.**

***Strategies:***

- ~~1. Develop and implement strategies to educate farmers and landowners to implement best management practices.~~
- ~~2. Educate farmers and landowners about soil health.~~
- ~~3. Work with community coalitions to provide workshops, educational opportunities, and field tours to enhance agricultural practices while improving land and water quality.~~
- ~~4. Identify the benefits of conservation to farmers and landowners and engage them through educational activities to increase the adoption of conservation practices. This would include profitability, sustainability, natural resource protection, and soil health.~~
- ~~5. Provide coordinated access to information and educational materials through various sources including websites, newsletters, videos, local newspapers, public service announcements and social media.~~

***Outcome Measures:***

- ~~1. Organize and hold 15 on-farm educational demonstration days, per year, to show case how and why best management practices function properly and how they should be maintained. Conduct and hold five nutrient management farmer education courses per year.~~
- ~~2. Bi-annually conduct a survey of farmers to assess which forms they prefer to receive their information, program delivery, constraints and resistance to implementation of conservation practices. and measure if they have used the information.~~

**4.2 Conduct information and education activities as it relates to plan goals.**

***Strategies:***

- ~~1. Coordinate educational opportunities with the North Central Wisconsin Stormwater Coalition to inform key stakeholders.~~
- ~~2. Develop a clear understanding of land and water related concerns and relay the concerns in an easily understood formats.~~
- ~~3. To develop a clear understanding of Wisconsin River and Upper Fox-Wolf River TMDL reports and water quality related concerns and that provide identify the concerns in easily understood formats.~~