



# MARATHON COUNTY ENVIRONMENTAL RESOURCES COMMITTEE AGENDA

Date & Time of Meeting: **Thursday, September 5, 2019 at 3:00 p.m.**

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

**Committee Members:** Jacob Langenhahn - Chair ; Randy Fifrick -Vice-chair; Rick Seefeldt, Allen Drabek, Ashley Lange, Jim Bove, Sara Guild, Allen Opall, Kelly King - 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.*

## **1. Call meeting to order**

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

## **3. Approval of August 1, 2019 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. Tim Vreeland on behalf of Jeff Fraaza – G-A General Agriculture to R-R Rural Residential – Town of Plover

2. Jason & Stacy Brusky – R-R Rural Residential to G-A General Agriculture – Town of Holton

3. Justin & Brittini Krzanowski – G-A General Agriculture to R-R Rural Residential – Town of Wien

4. Marathon County General Code of Ordinances Chapter 13 Livestock Facilities Licensing Ordinance: Proposed text amendments to clarify regulatory authority for livestock operations greater than 500 animal units, definitions, and address text changes relative to the committee of oversight

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

A. Strategic Plan discussion (Craig McEwen)

B. Review of proposed policy revisions relating to the Land Division Code Ordinance, Chapter 18 (Dave Decker)

C. Proposed resolution urging Congress to support a market-based, bipartisan climate solution (H.R.763) (Ashley Lange)

D. Proposed resolution for more local control of Livestock Facility Licensing (Ashley Lange)

E. Land and Water Resource Management Plan Development 2020: Update and proposed timeline for plan development and approval (Paul Daigle)

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

1. Consider completing the on-line County Forest Plan Revision Survey by September 25<sup>th</sup>

CPZ

1. Memo on grants

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

A. Should Marathon County develop more restrictive standards for the application of manure during high risk times for farms licensed by the County?

1. Marathon County General Code of Ordinances Chapter 13 Livestock Facilities Licensing Ordinance: Proposed language regarding the application of manure during high risk times for farms licensed by the county

B. Legislative and Budget Report: current and future legislative initiatives, DATCP public hearings

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

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

PRF - Survey Results

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), CenterState Marketplace (715-446-2370)

Date: 08/29/2019  
Time: 9:00 a.m.  
By: cek

SIGNED

Rebecca J. Frisch  
Presiding Officer or Designee

NOTICE POSTED AT COURTHOUSE:

Date: \_\_\_\_\_  
Time: \_\_\_\_\_ a.m. / p.m.  
By: County Clerk



**Marathon County  
Environmental Resources Committee Minutes  
Thursday, August 1, 2019  
212 River Drive, Wausau WI**

<b>Attendance:</b>	<b><u>Member</u></b>	<b><u>Present</u></b>	<b><u>Not present</u></b>
<i>Chair</i>	Jacob Langenhahn.....		X ( <i>excused</i> )
<i>Vice-Chair</i>	Randy Fifrick.....	X	
	Rick Seefeldt .....		X ( <i>excused</i> )
	Jim Bove .....	X	
	Allen Drabek .....	X	
	Ashley Lange.....	X	
	Sara Guild.....	X	
	Allen Opall .....		X ( <i>excused</i> )
	Marilyn Bhend .....	X	
	Kelly King .....		X ( <i>excused</i> )

Also present: Rebecca Frisch, Paul Daigle, Dominique Swangstu, Dave Decker, Cindy Kraeger – Conservation, Planning, and Zoning (CPZ); Tom Lovlien, Jamie Polley – Park Recreation and Forestry (PRF); Kurt Gibbs – County Board Chair; Chad Billeb – Marathon County Sheriff Department; Peter Weinschenk; Brian Bushnell.

1. **Call to order** – Called to order by Vice Chair Fifrick at 3:36 p.m. at 212 River Drive Room 5, Wausau, WI.
2. **Public Comment** – None.
3. **Approval of July 2, 2019 Environmental Resources Committee (ERC) minutes.**

**Motion /** second by Guild / Drabek to approve of the July 2, 2019 Environmental Resources Committee minutes as distributed. Motion **carried** by voice vote, no dissent.

4. **Operational Functions required by Statute, Ordinance, or Resolution:**

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

1. Town of Emmet zone changes

**Discussion:** Town of Emmet is independently zoned and submitted a request to rezone Lots 1 of CSM Vol 34 Pg. 76 8698 10.80 acres and Lot 1 of CSM Vol 25 Pg. 33 6633 2.63 acres. The zoning change was approved at the town board meeting on July 9, 2019.

Although the town is independently zoned, County Board approval is still needed.

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

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

C. Review and Possible Action

1. Stone Horizon Final County Plat – Town of Rib Mountain

**Discussion:** Decker discussed the history on the Stone Horizon preliminary plat. ERC approved the request for a modification from the Land Division Code, Section 18.22(5)(b), for a dead end road greater than 850 feet at the August 2, 2018 meeting; and approved the Stone Horizon Preliminary Plat requiring a Wetland Delineation Report and a concurrence letter from the Army Corps of Engineers. The final plat was approved at the December 6, 2018 meeting. The final plat excluded a portion of the area originally shown in the preliminary plat, but otherwise substantially conformed to the preliminary plat. Prior to the approved final plat of Stone Horizon being recorded, adjustments have been made to the Storm Water Management Plan to allow for a higher volume of runoff. The northern boundary of Outlot 1 was adjusted to accommodate a large storm water management area. A revised final plat has been submitted to reflect the adjusted boundary. The revised plat still conforms substantially to the original preliminary plat.

**Action: Motion /** second by Guild / Drabek to recommend approval of the Stone Horizon Final County Plat Map located in the Town of Rib Mountain. Motion **carried** by voice vote, no dissent.

**Follow through:** Surveyor will obtain appropriate signatures on plat prior to Register of Deeds recording the plat.

D. Review and Consider Approving the Marathon County Forest Comprehensive Land Use Plan Timeline and Public Participation Process 2021-2035

**Discussion:** Lovlien reviewed the Marathon County Forest Plan information and timeline that was included in the meeting packet. Draft chapters will be reviewed with the Committee in the upcoming meetings.

Action: **Motion** / second by Drabek / Guild to approve the Marathon County Forest Comprehensive Land Use Plan Timeline and Public Participation Process 2021-2035. Motion carried by voice vote, no dissent.

Follow through: PRF will begin working on the plan revisions.

E. Review and Possible Recommendation to the Human Resources, Finance and Property Committee for its Consideration

1. Position restructuring – Chief Park Ranger to Recreational Officer

Discussion: Polley discussed Jon Daniels, Chief Park Ranger will be retiring on August 2, 2019 after 37 years of service with the County. Since 2005 Daniels has been enforcing county ordinances plus law enforcement duties related to ATV/snowmobile programs. The state provides funding for the ATV/snowmobile programs and the County has to manage it. This position is deputized by the Sheriff. Administration approved a collaboration between the Park, Recreation and Forestry Department and the Sheriff's Department to provide a Recreation Deputy that would be housed in the PRF offices. The Recreation Deputy would be assigned solely to patrolling and monitoring the parks and forest units. The Sheriff's Department is requesting a second Recreation Deputy that is 80% grant funded. This deputy would complete the task required by the grants such as boat and snowmobile patrol. The two positions will work together which will ensure consistent patrol on evenings, weekends, and holidays.

Action: **Motion** / second by Lange / Bove to accept and forward the Position restructuring – Chief Park Ranger to Recreational Officer to the Human Resources and Finance & Property Committee as required.

Follow through: The request will be forwarded according to established procedures.

2. Approve the donation of labor and funds to construct six pickleball courts in Marathon Park by Wausau Area Pickleball Inc.

Discussion: Polley discussed the Wausau Area Pickleball club is prepared to donate the construction and materials for an additional six courts. The Wausau Area Pickleball club will turn the facility over to the county. The six new courts will be located in Marathon Park with a total of nine totally dedicated to pickleball. Maintenance on the courts should be minimal. The project should be completed by October 2019.

Action: **Motion** / second by Lange / Guild to accept and forward the Pickleball Courts development to the Human Resources and Finance & Property Committee as required.

Follow through: The request will be forwarded according to established procedures.

5. **Educational Presentations/Outcome Monitoring Reports**

A. Land and Water Resource Management Plan 2010-2020 goals, objectives and accomplishments.

Discussion: Daigle shared an educational power point on the current Marathon County Land and Water Resource Management Plan, reviewed goals and accomplishments. He stated that the current plan will add context to discussions related to implementation strategies and building partnerships with farmers and protecting the natural resources in Marathon County.

Action: **None**, for informational purposes only.

Follow through: CPZ will provide more information in the upcoming months of the new Land and Water Resource Management Plan.

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

1. County Forest Land Acquisition – Kerswill, CERES and Romatowski

Discussion: Lovlien reported on the Kerswill property; approvals were received through the state and a resolution will be coming in September for the purchase. The CERES property second appraisal is being completed. Romatowski land purchase of 40 acres to be added to the County forest in Kronenwetter.

Action: **None**, for informational purposes only.

CPZ

1. Memo from Director / Timeline for Action on Nonmetallic Mining Reclamation Ordinance and Land Division Ordinance Revisions

Discussion: Frisch discussed the upcoming schedule/ timeline for revisions to the Nonmetallic Mining Reclamation Ordinance and the Land Division Ordinance.

Action: **None**.

2. Report on grants for various conservation priorities

Discussion: Daigle discussed several grants that have been secured for conservation practices which was included in the meeting packet. Fifrlick thanked CPZ for applying for these grants and working towards the goals outlined in the Strategic Plan.

Action: **None.**

3. Golden Sands Resource Conservation and Development Council Inc. report

Discussion: Daigle reviewed highlights of memo along with current representation on the Council by Supervisor Gary Beastron and staff member Diane Hanson.

Action: **None.**

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

A. Legislative and Budget Report: current and future legislative initiatives

Discussion: Daigle distributed the legislative report. CPZ will monitor the federal budget and update the Committee of any impacts.

Action: **None**, for informational purposes only.

Follow through: CPZ will continue to monitor legislative actions.

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

Thursday, September 5, 2019 3:00 p.m. 212 River Drive, Room 5 Wausau WI

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

- Land and Water Resource Management Plan – current resources assessment conditions
- Lange: proposed bipartisan climate resolution and more local control of livestock facility siting resolution; agreement these resolutions would be placed in the educational section of agenda
- Fifrlick: requested the public hearing be reopened for the Marathon County General Code of Ordinances Chapter 13 Livestock Facilities Licensing Ordinance – to consider proposed language already introduced and also requested staff to develop language regarding the application of manure during high risk times for farms licensed under the ordinance by the county.

B. Announcements/Requests/Correspondence

- Marathon County Board of Supervisors may have a meeting on Thursday, August 8, 2019

8. **Adjourn – Motion** / second by Bove / Drabek to **adjourn** at 5:03 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

## NOTICE OF PUBLIC HEARING

A public hearing will be held by the Environmental Resources Committee of the Marathon County Board of Supervisors on Thursday, September 5, 2019 at 3:00 p.m., 212 River Drive, Room 5, Wausau WI 54403, at which time the Committee will consider the following:

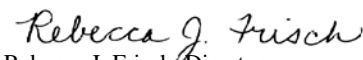
1. The petition of Tim Vreeland on behalf of Jeff Fraaza to amend the Marathon County Zoning Ordinance from G-A General Agriculture to R-R Rural Residential described as part of the SW ¼ of the SW ¼ of Section 20, (approximately 1.61 acres) Township 29 North, Range 10 East, Town of Plover. Part of parent parcel PIN # 062-2910-203-0997.
2. The petition of Jason & Stacy Brusky to amend the Marathon County Zoning Ordinance from R-R Rural Residential to G-A General Agriculture described as part of the NE ¼ of the NE ¼ of Section 12, Township 29 North, Range 2 East, Town of Holton, proposed area to be rezoned (approximately 3.01 acres) of the Preliminary Certified Survey Map submitted by Krueger Surveying LLC. Part of parent parcel PIN # 042-2902-121-0990.
3. The petition of Justin & Brittini Krzanowski to amend the Marathon County Zoning Ordinance from G-A General Agriculture to R-R Rural Residential, described as part of the SW ¼ of the SW ¼ of Section 35, Township 28 North, Range 4 East, Town of Wien, proposed area to be rezoned (approximately 2.027 acres) of the Preliminary Certified Survey Map submitted by Krueger Surveying LLC. Part of parent parcel PIN # 084-2804-353-0996.
4. The petition of Rebecca Frisch, Conservation, Planning, and Zoning (CPZ) Director, for text amendment changes to the General Code of Ordinance for Marathon County Chapter 13 Livestock Facilities Licensing Ordinance. The text amendment is to clarify regulatory authority for livestock operations greater than 500 animal units, definitions, and address text changes relative to the committee of oversight. The amendments may be viewed online at <https://bit.ly/2sESOhp> at the Marathon County Conservation Planning and Zoning Office, 210 River Drive, Wausau WI 54403. Copies may be obtained by contacting the CPZ Department at 210 River Drive, Wausau WI 54403, or by calling (715) 261-6000.

Written testimony may be forwarded prior to the hearing to: Jacob Langenhahn – Environmental Resource Committee Chair, Conservation, Planning and Zoning Department, 210 River Drive, Wausau, WI 54403-5449. All interested persons will be given an opportunity to be heard. Any person planning to attend this meeting who needs some type of special accommodation in order to participate should call the County Clerk's Office at 715-261-1500 or e-mail [infomarathon@co.marathon.wi.us](mailto:infomarathon@co.marathon.wi.us) one business day before the meeting.

Jacob Langenhahn



Jacob Langenhahn, Chairman  
Environmental Resources Committee



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

**Publish: August 21 and August 28, 2019**

E-mailed to: Wausau Daily Herald ([WDH-Legals@wdhmedia.com](mailto:WDH-Legals@wdhmedia.com)) on August 15, 2019 at 10:00 a.m.

PETITION FOR ZONE CHANGE  
BEFORE THE MARATHON COUNTY BOARD OF SUPERVISORS

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

Tim Vreeland 6103 Dawn St. Weston

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

Jeff Frenza

232005 Co. Road Y Birnamwood

from the classification

G-A, General Ag

to

~~G-A, General~~

R-R Rural Residential

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

See attached CSM

Parcel Identification Number (PIN):

062-2910-203-0997

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

Adding 1.5 Ac to an existing parcel zoned RR

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

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

The lands being rezoned are being added to an existing residential lot which is served by public facilities.

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

No unreasonable burden.

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

No development.

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

No unreasonable adverse affects expected.

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

No conflict. Adding to lands zoned RR

(OVER)

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JUL 02 2019

- F. Demonstrate the need of the proposed development at this location. would like a larger lot.
- G. What is the availability of alternative locations? Be specific. None
- H. If cropland is being consumed by this Zone Change, what is the productivity of the agricultural lands involved? No cropland consumed.
- I. If cropland is being consumed by this zone change, explain how the proposed development will be located to minimize the amount of agricultural land converted. No cropland.

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

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

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

7. Petitioner's Signature [Signature] Phone 715-241-0947 Date 7-2-2019

8. Owner's Signature [Signature] Phone 715-857-6148 Date 7-2-19  
(If different)

Date Fee Received: \_\_\_\_\_

**Fee \$600.00 PAYABLE TO MARATHON COUNTY**

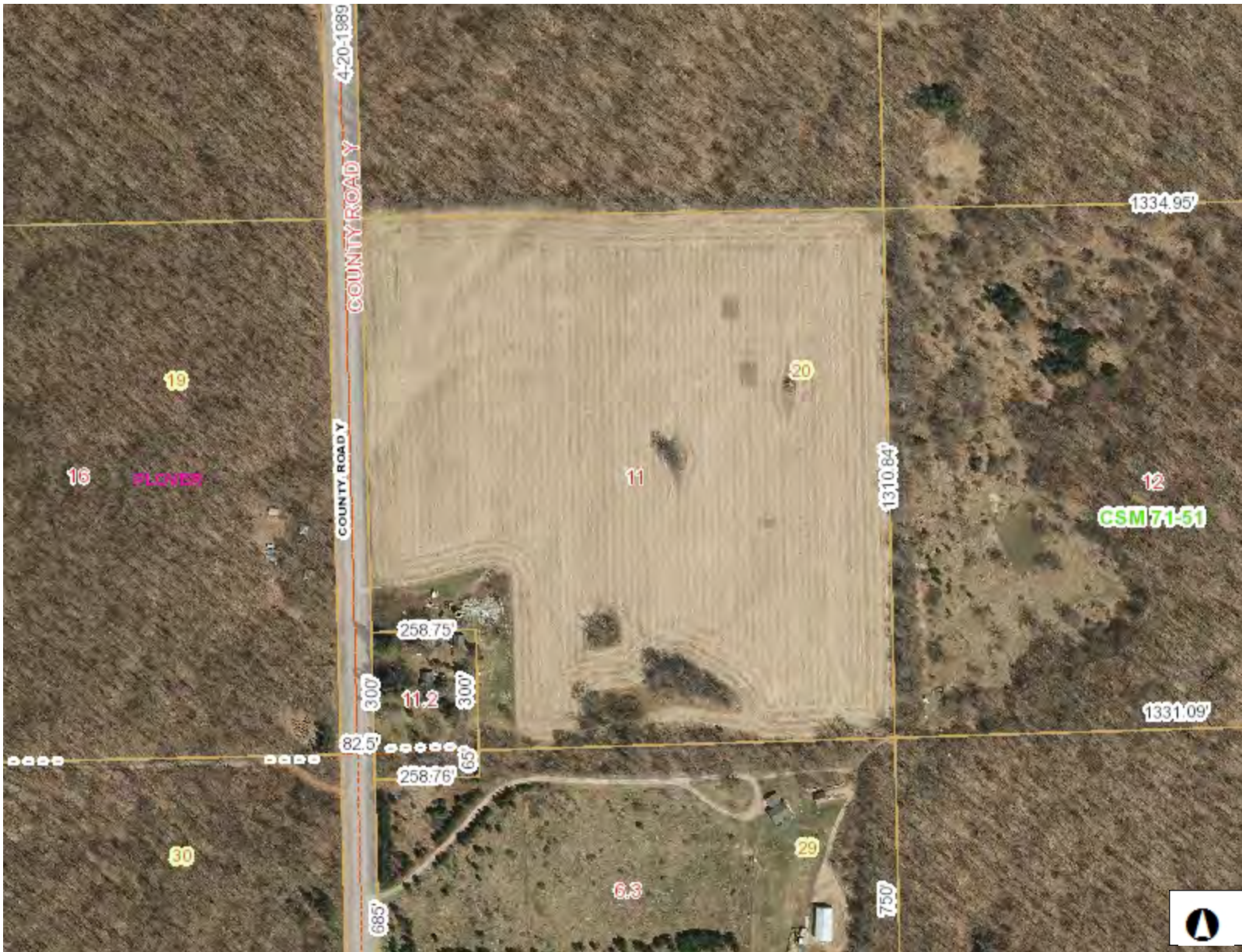
**Attendance at the Public Hearing before the Marathon County Environmental Resources (ERC) Committee is not mandatory if you have appeared before the Town Planning Commission and/or the Town Board to present your proposal. If there was opposition to your proposal at the town level, attendance at the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







# 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

184.72 0 184.72 Feet



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

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### Notes



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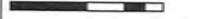
# Land Information Mapping System



TAYLOR	LINCOLN		
HALSEY	BERLIN	HEWITT	
BERN	MAINE	TEXAS	
HOLDEN	STETTIN	EASTON	
HULL	WIENCASSEE	RINGLE	
BRIGHTON	EMMET	REID	
	DAY	MOSINEE	BEVENT
SPENCER	BERGEN	FRANZEN	
WOOD	PORTAGE		

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  - Green: Band\_2
  - Blue: Band\_3

62.73 0 62.73 Feet



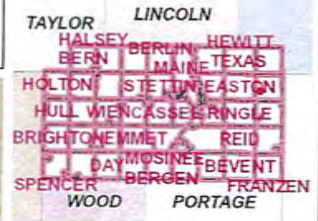
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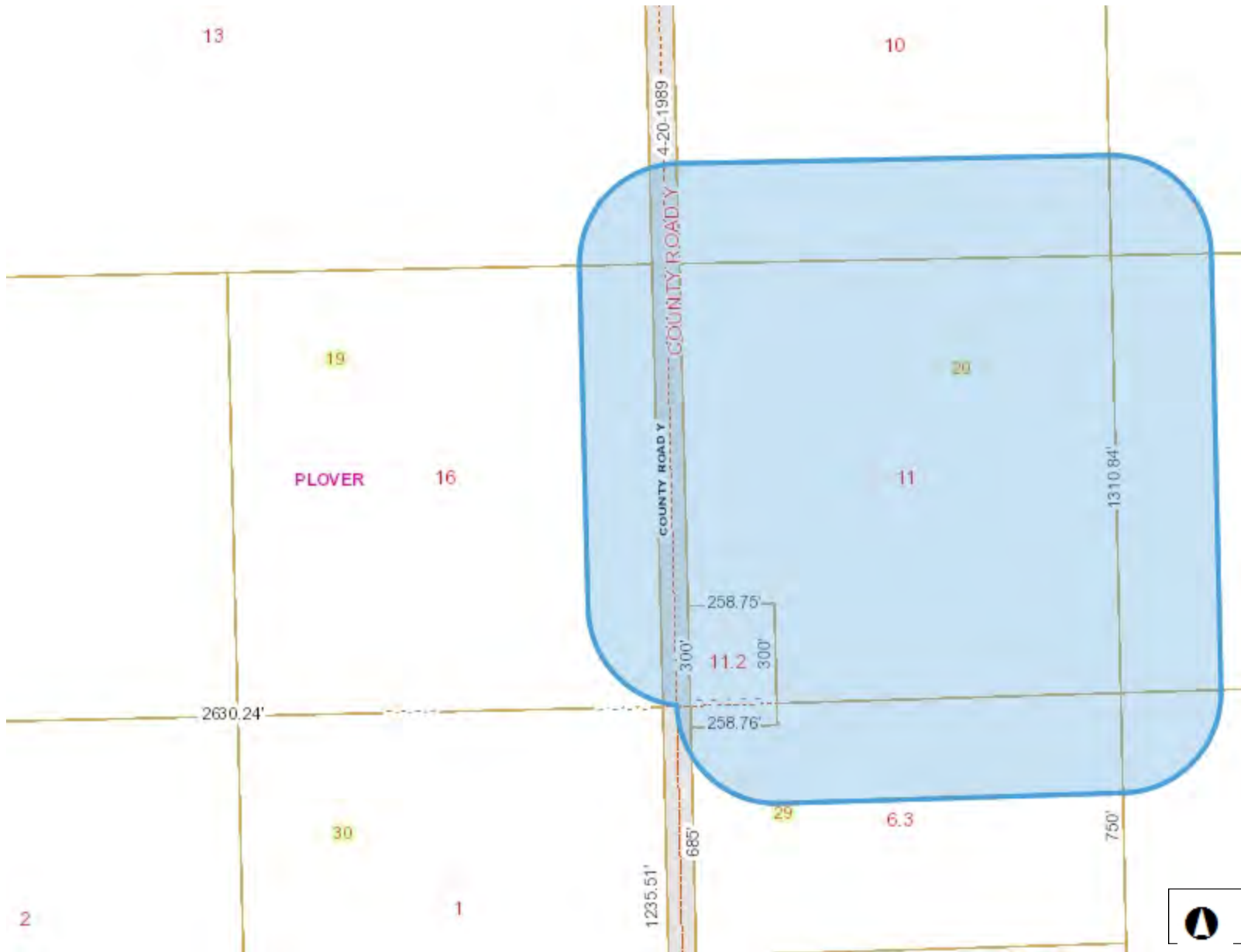
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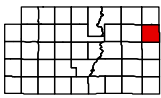


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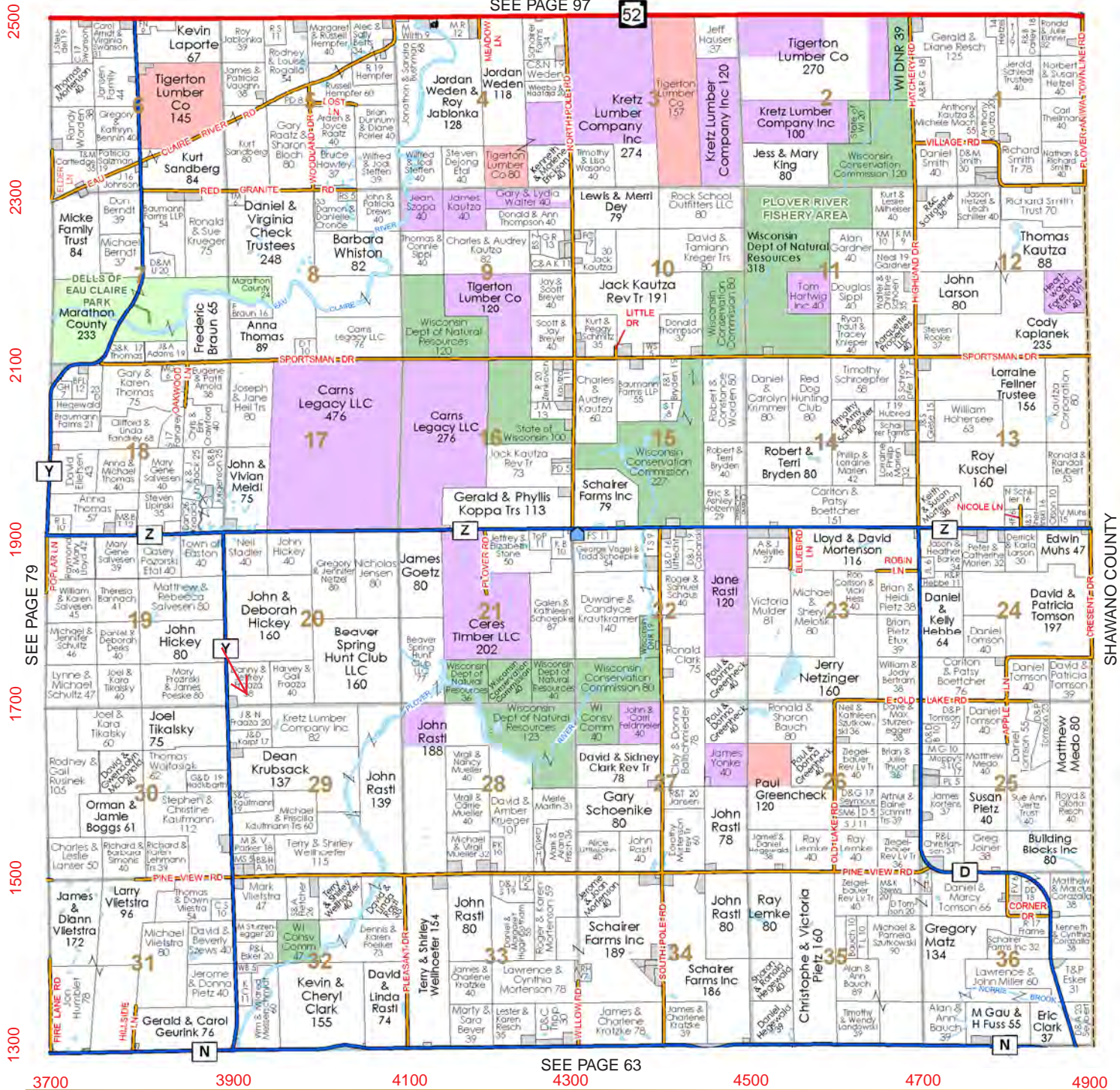


# Plover

# Township 29N - Range 10E

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SEE PAGE 97



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January 26, 1949. To the 4-H Clubs of the United States. "World peace is the main goal and most cherished hope of this Nation. Peace is something as intangible as the minds and souls of men and women. When you mold and develop your minds and souls for good citizenship and useful living, as you are doing in 4-H Club work you are makers of the peace. As one who helped organize one of the first 4-H Clubs in my State, I congratulate you on your theme for this year, "Better Living for a Better World." May that theme become increasingly significant during your 4-H Club Week, March 5-13, and throughout the year. The things you grow and the jobs you do in Learning by Doing all add up to more skilled farmers, better homemakers, more useful citizens and more able leaders. These, in brief, are what make for better living and a better world." Signed: Harry S. Truman



SHAWANO COUNTY

STATE OF WISCONSIN )  
MARATHON COUNTY )  
TOWN OF PLOVER )

**RESOLUTION ON ZONING ORDINANCE AMENDMENT**

TO THE MARATHON COUNTY ENVIRONMENTAL RESOURCES COMMITTEE

I, Doreen Erbrecht, Clerk of the Town of Plover, Marathon County, State of Wisconsin, do hereby certify that the following is a true and correct copy of a resolution adopted by the Town of Plover Town Board at a meeting held on the 27<sup>th</sup> day of August, 2019.

RESOLUTION

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

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

NOW, THEREFORE BE IT RESOLVED that the Town of Plover Town Board considered on the 27<sup>th</sup> day of August, 2019, petition by Tim Vreeland on behalf of Jeff Fraaza to amend the Marathon County Zoning Ordinance from G-A General Agriculture to R-R Rural Residential described SW ¼ of the SW ¼ of Section 20, (approximately 1.61 acres) Township 29 North, Range 10 East, Town of Plover parent of parent parcel PIN # 062-2910-203-0997.

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

- 1) Has the applicant provided what public facilities and/or services currently serve the proposed development, what additional services may be required, and how the additional services will be provided?  
 No     Yes Explain: \_\_\_\_\_
- 2) Has the applicant demonstrated how the provision of the public facilities will not be an unreasonable burden to local government?  
 No     Yes Explain: \_\_\_\_\_
- 3) Has the applicant determined that the land is suitable for the development proposed? Explain.  
 No     Yes Explain: \_\_\_\_\_
- 4) Has the applicant demonstrated what will have to be done so the development will not cause unreasonable air and water pollution, soil erosion, or adverse effects on rare or irreplaceable natural areas? Explain.  
 No     Yes Explain: \_\_\_\_\_
- 5) Is there any potential for conflict with existing land uses in the area?  
 No     Yes Explain: \_\_\_\_\_

(OVER)

6) Has the applicant demonstrated the need for the proposed development at this location? Explain.

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

7) Has the applicant demonstrated the availability of alternative locations? Be specific

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

8) Is cropland is being consumed by this zone change? What is the productivity of the agricultural lands involved?

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

9) Has the applicant explained how the proposed development will be located to minimize the amount of agricultural land converted?

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

10) Is proposed rezone request consistent with the town's adopted Comprehensive Plan? Explain.

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

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

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

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

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

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

Clerk *Doreen Ebrecht*  
Town Board *Tony Kautza - text ok*  
*Peter Maden - email ok*  
*Scott McRae - email ok*

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 August 16, 2019 to:

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





**Jeff Fraaza  
Petition to Rezone Land  
Staff Report  
Environmental Resources Committee**

**Findings of Fact**

**REQUEST:**

The petition of Tim Vreeland on behalf of Jeff Fraaza to amend the Marathon County Zoning Ordinance from G-A General Agriculture to R-R Rural Residential described as part of the SW ¼ of the SW ¼ of Section 20, (approximately 1.61 acres) Township 29 North, Range 10 East, Town of Plover. Part of parent parcel PIN # 062-2910-203-0997.

*Area to be rezoned will be attached by Certified Survey Map to the adjacent lot creating a parcel 3.698 acres in total size. The rezone and subsequent land division will create a parcel compliant to the R-R zoning district.*

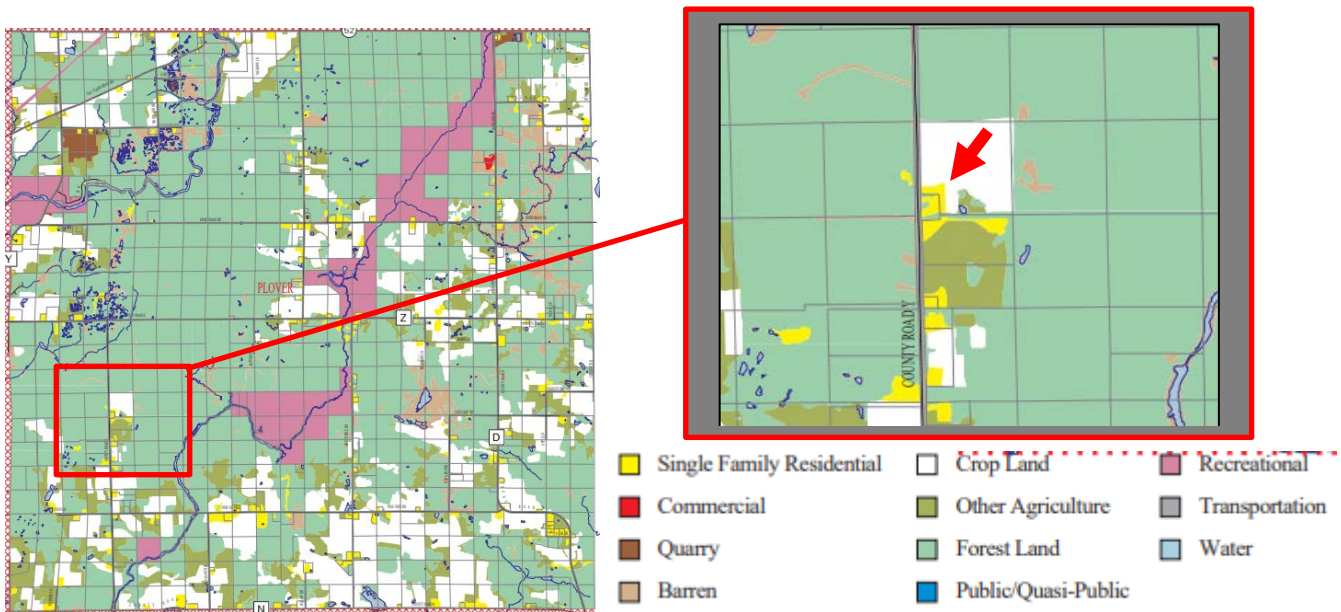
**EXISTING ZONING DISTRICT:**

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

**PROPOSED ZONING DISTRICT:**

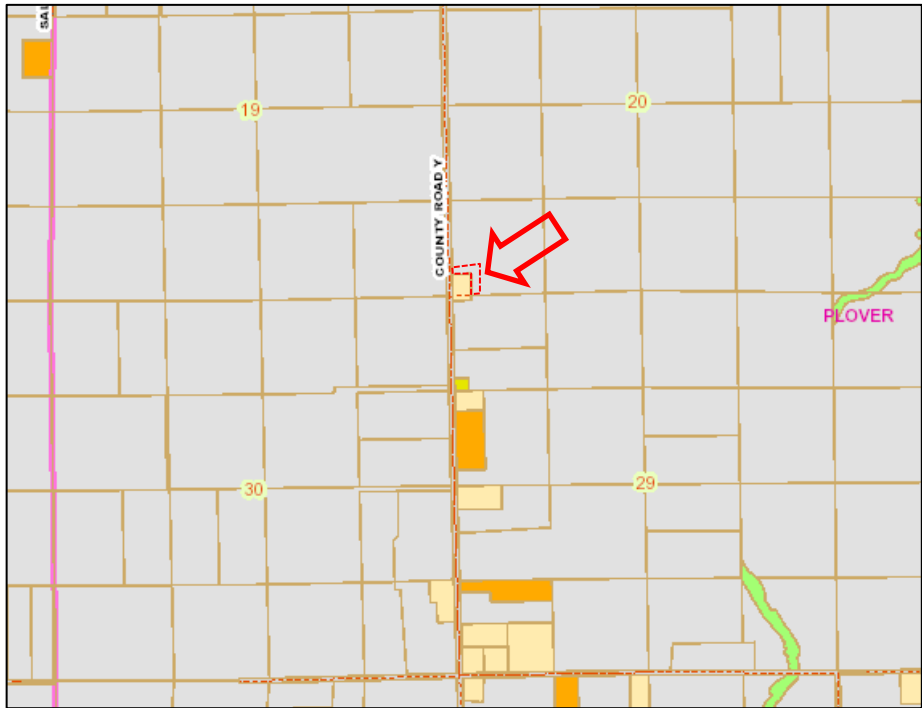
**R-R: Rural Residential District.** The purpose of the R-R district is to accommodate single-family residential use along existing streets, to preserve the rural character while promoting open space single-family residential development (involving the extension of new streets), and to separate agricultural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

**TOWN COMPREHENSIVE PLAN FUTURE LAND USE:** The proposed area to be rezoned is identified primarily shown as Single Family Residential in the Town of Plover Comprehensive Plan Future Land Use Map (2005). The adjacent lands are comprised primarily of Crop Land (White) and Forest land (Light Green).



**FARMLAND PRESERVATION PLAN:** This parcel was not designated as a farmland preservation area in the Farmland Preservation Plan in 2013. Designating this land as a farmland preservation area would have indicated the land consists of prime agricultural land and supports the agriculture economy.

**EXISTING ZONING DISTRICT MAP:** Adjacent parcels are predominantly zoned General Agriculture (Grey) with a few Rural Estate (Orange) and Rural Residential (Tan) parcels in the area.



- 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)

**SIGNIFICANT PARCEL LIMITATIONS OR NATURAL FEATURES:** There are no DNR mapped wetlands or FEMA mapped floodplain within the area to be rezoned. There is a pond in close proximity to the proposed area to be rezoned yet, there has been no official determination if this pond is/was deemed navigable and/or manmade.



- DNR Wetland Areas
- Floodplain**
- A
- AO
- AE
- AE FLOODWAY
- AE ADMINISTRATIVE FLOODWAY
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- Shoreland Overlay Zoning

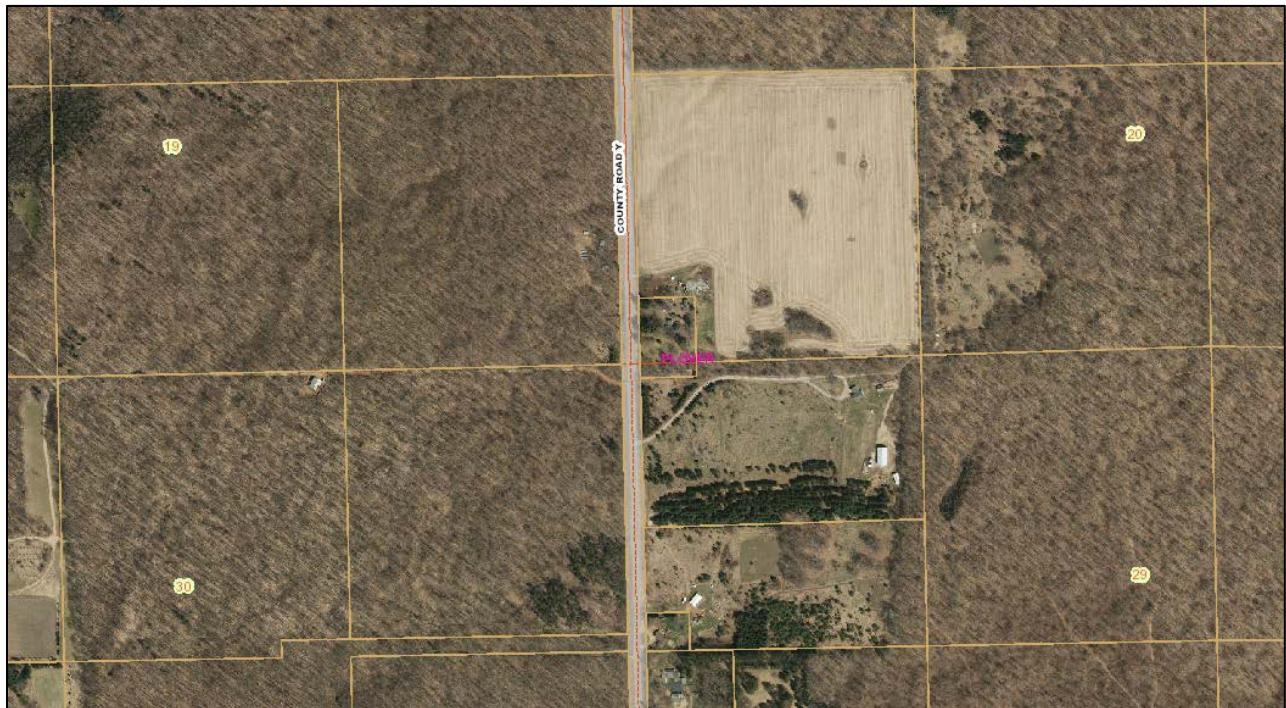
*Red boundary shows the approximate location of proposed parcel to be rezoned and created by CSM, for specifics and exact distances and dimensions see the attached Certified Survey Map.*

**AERIAL PHOTO: #1**

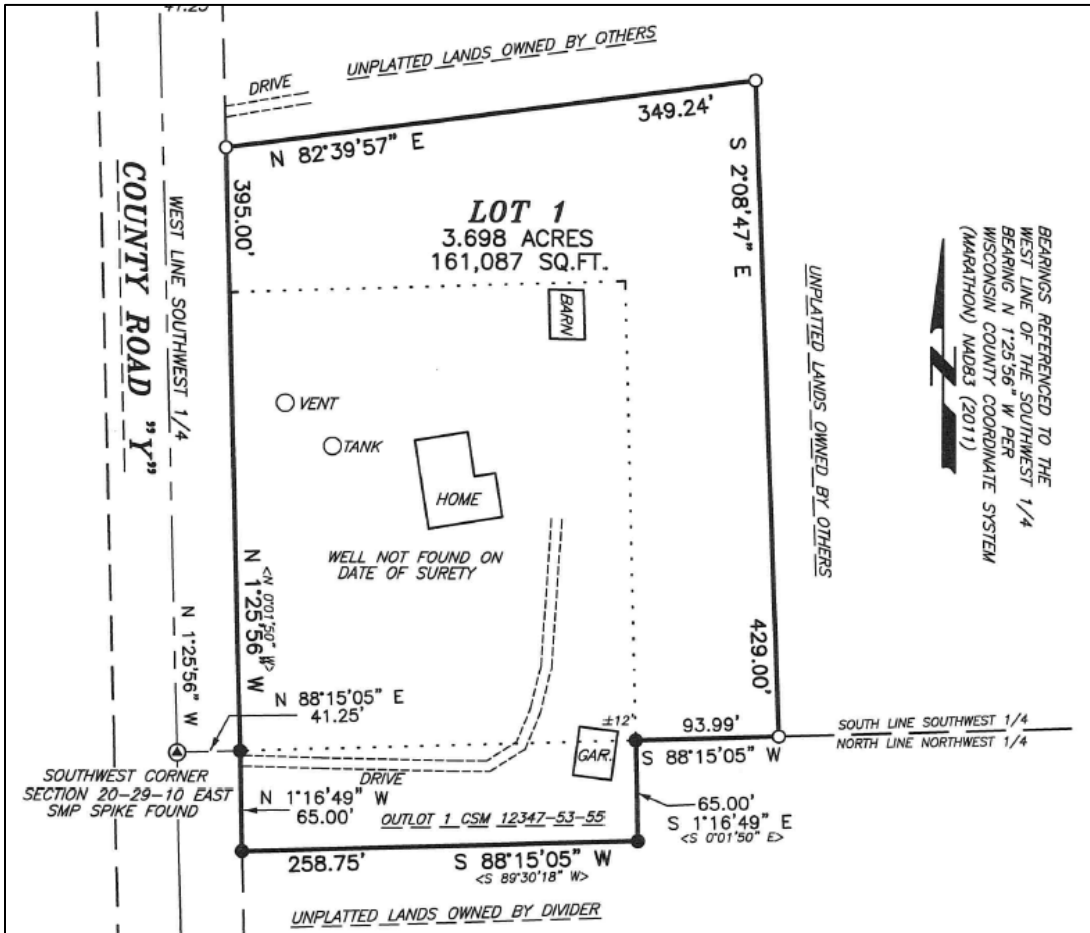
Red outline below depicts the approximate boundary of the proposed parcel when and if the rezone is approved and the Land Division is approved and the CSM is recorded.



**AERIAL PHOTO: #2**



**Preliminary Certified Survey Map:**



**Legal Description**

**SURVEYORS CERTIFICATE**

I, TIMOTHY G. VREELAND, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE DIRECTION OF JEFF FRAAZA AND CHRISTINE LUECK, I SURVEYED, MAPPED AND DIVIDED ALL OF OUTLOT 1 OF CERTIFIED SURVEY MAP NUMBER 12347, RECORDED IN VOLUME 53 OF SURVEYS ON PAGE 55, LOCATED IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29 AND THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 29 NORTH, RANGE 10 EAST, TOWN OF PLOVER, MARATHON COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 20; THENCE N 88°15'05" E ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 41.25 FEET TO THE EAST LINE OF COUNTY ROAD "Y" AND TO THE POINT OF BEGINNING; THENCE N 1°25'56" W ALONG THE EAST LINE OF COUNTY ROAD "Y" 395.00 FEET; THENCE N 82°39'57" E 329.24 FEET; THENCE S 2°08'47" E 429.00 FEET TO THE SOUTH LINE OF THE SOUTHWEST 1/4; THENCE S 88°15'05" W ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 93.99 FEET; THENCE S 1°16'49" E ALONG THE EAST LINE OF SAID OUTLOT 1 65.00 FEET; THENCE S 88°15'05" W ALONG THE SOUTH LINE OF SAID OUTLOT 1 258.75 FEET TO THE EAST LINE OF COUNTY ROAD "Y"; THENCE N 1°16'49" W ALONG THE EAST LINE OF COUNTY ROAD "Y" 65.00 FEET TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD AND USE.

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

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

**TOWN RECOMMENDATION:**

On August 27<sup>th</sup>, 2019 **The Plover** Town Board Recommended Approval to Marathon County's Environmental Resources Committee.

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

No     Yes Explain: \_\_\_\_\_

---

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

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

---

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

Clerk *Doreen Eberbrecht*  
 Town Board *Tony Kautza - text ok*  
*Peter Madien - email ok*  
*Scott McRae - email ok*

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

The Town of Plover should updated their comprehensive plan to reflect the proposed rezone to Rural Residential (R-R) from General Agriculture (G-A), yet the future land use map has this area already designated for residential development. The proposed rezone will not conflict with adjacent land uses or zoning districts. The rezone would be consistent with the town's comprehensive plan and future land use map. The applicant will be selling the areas to be rezoned to the adjacent lot which will create a compliant parcel in the Rural Residential district which has a 2 acre minimum. There is no apparent conflict with the Marathon County Comprehensive Plan as it relates to the proposed rezone, nor are there any apparent conflicts with local regulation(s) or restrictions.

All the rezone criteria and "Standards for Rezoning" [application section #4 (A through I)] have been addressed and the Town of Plover has no concerns or issues with the proposed rezone or the effect it may have on the local community.

CPZ Staff Key Criteria:	No	Yes
1. Rezone is consistent with the purpose and intent of Marathon County Comprehensive Plan		<b>X</b>
2. Rezone is compliant with Marathon County Chapter 17 Zoning Code of Ordinances		<b>X</b>
3. Rezone is compatible with adjacent parcels uses and zoning districts		<b>X</b>
4. There has been no Town or Local opposition received by CPZ regarding proposed rezone set forth to the Environmental Resources Committee.		<b>X</b>

**Recommendation:**

Based on the information provided and the Town of Plovers input, CPZ staff finds the Environmental Resources Committee should recommend **Approval** to Marathon County Board of Supervisors.

*Intentionally Blank*



**Case: #1**  
**Environmental Resources Committee**  
**Decision Form**

**Conclusions of Law**

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

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

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

agree       disagree       insufficient information

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

agree       disagree       insufficient information

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3. The applicant has demonstrated that...

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

agree       disagree       insufficient information

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---

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

agree       disagree       insufficient information

---

---

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

agree       disagree       insufficient information

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

agree       disagree       insufficient information

---

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**Environmental Resources Committee Decision**

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

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

Specify reasons for denial, or additional information requested:

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

Describe recommended amendments:

---

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---

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Signature:

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





**PETITION FOR ZONE CHANGE**  
BEFORE THE MARATHON COUNTY BOARD OF SUPERVISORS

**RECEIVED**

JUL 10 2019

1. As authorized by §17.91 of the Marathon County Zoning Code (I) (we) (Name & Address): Jason & Stacy Brusky 109253 Draper Rd  
Dorchester, WI 54425

MARATHON CO. CONSERVATION,  
PLANNING & ZONING DEPT.

hereby petition to rezone property owned by (Name & Address): Jason & Stacy Brusky

from the classification R-R Rural Residential 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): \_\_\_\_\_

Parcel Identification Number (PIN): 042-2902-121-0990

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

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

A. In detail, explain what public facilities and services serve the proposed development at present, or how they will be provided. None personal use only

B. Explain how the provision for these facilities will not be an unreasonable burden to local government. None it's a pole shed

C. What have you done to determine that the land is suitable for the development proposed?  
It was farmland 10 years ago. Bought 3 acres from Dartens 10 years later. Of Pw bought the rest of farm land and found out 3 acres is residential

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

E. Explain any potential for conflict with existing land uses in the area. none Building is with grid lines

(OVER)

- F. Demonstrate the need of the proposed development at this location. Because it was farm land and the partial 3 acres should be farm land cause it's not partail.
- G. What is the availability of alternative locations? Be specific. None you would be wasteing farm land Buildings close together to save farm land
- H. If cropland is being consumed by this Zone Change, what is the productivity of the agricultural lands involved? The land was pasture. on so called ~~residential~~ land.
- I. If cropland is being consumed by this zone change, explain how the proposed development will be located to minimize the amount of agricultural land converted. None. That's why the building has to be close to the house to save farm land. If you put building in a different spot you would be wasteing farm land.

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

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

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

7. Petitioner's Signature Jan B. D. Phone 715-956-2734 Date 7-7-19

8. Owner's Signature Stacy Brushky Phone (715) 965-2753 Date 7-7-19  
*(If different)*

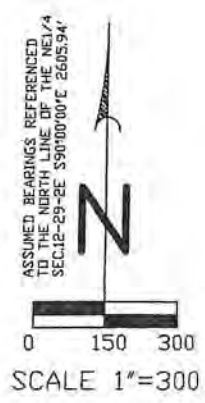
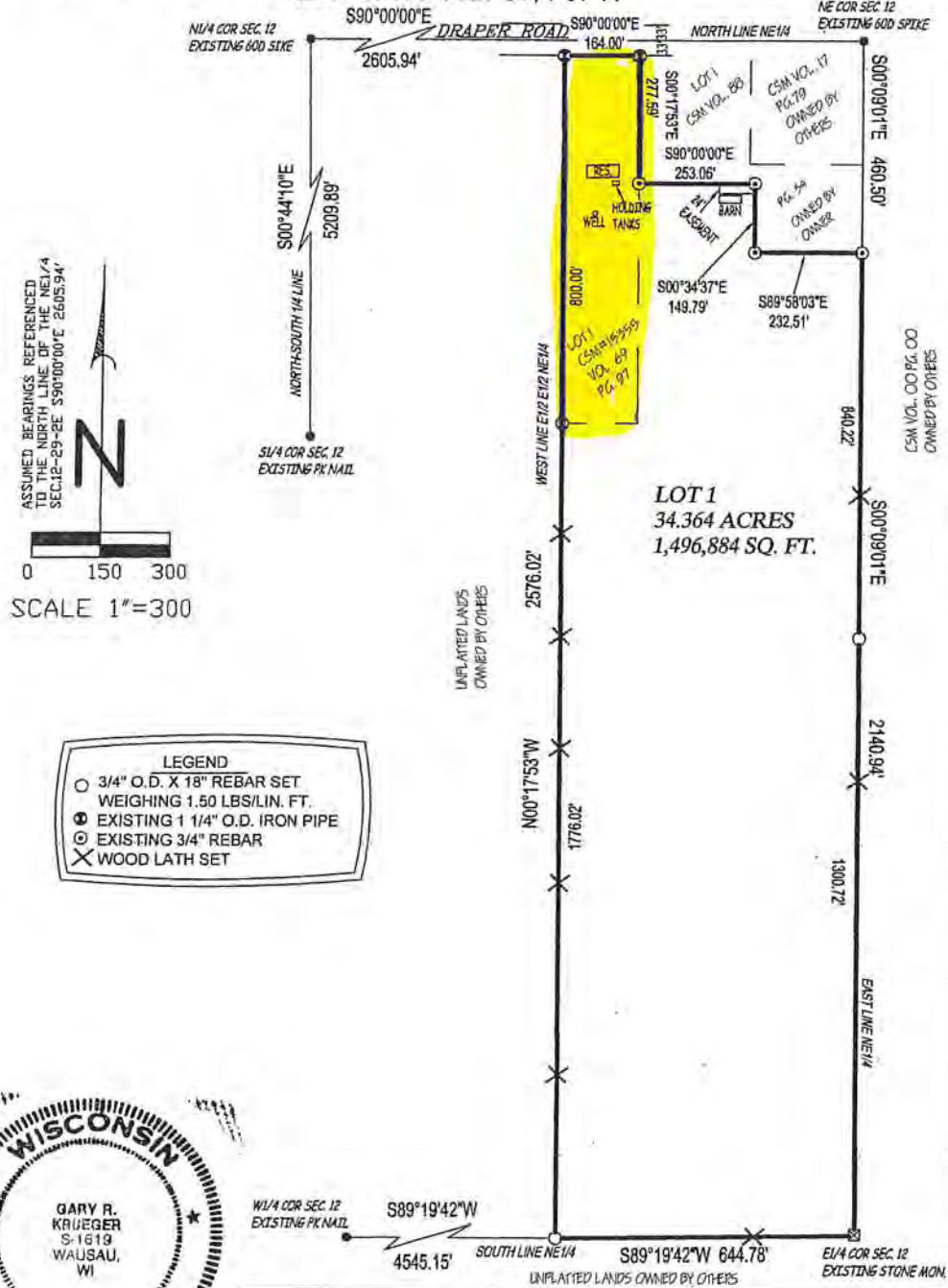
Date Fee Received: Received 07/11/19

**Fee \$600.00** PAYABLE TO MARATHON COUNTY

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

**RECEIVED**  
JUL 12 2019  
MARATHON CO. CONSERVATION,  
PLANNING & ZONING DEPT.

PART OF THE E1/2 OF THE E1/2 OF THE NE1/4 OF SECTION 12, TOWNSHIP 29 NORTH, RANGE 2 EAST, TOWN OF HOLTON, MARATHON COUNTY, WISCONSIN INCLUDING LOT 1 CSM# 15355 VOL. 69, PG. 97



LEGEND	
○	3/4" O.D. X 18" REBAR SET WEIGHING 1.50 LBS/LIN. FT.
●	EXISTING 1 1/4" O.D. IRON PIPE
⊙	EXISTING 3/4" REBAR
X	WOOD LATH SET



GARY R. KRUEGER PLS. NO. 1619  
 SURVEY COMPLETED 5/29/2018

PREPARED FOR:  
 OWNERS  
 JANICE & ALOYS BRUSKY  
 2513 DRAPER ROAD  
 DORCHESTER, WI 54425  
 JASON BRUSKY  
 2521 DRAPER ROAD  
 DORCHESTER, WI 54425

PROJECT #BRUSKYJASON

KRUEGER SURVEYING LLC  
 220 SHERMAN ST.  
 WAUSAU, WI 54401  
 PHONE: 715-845-6666 CELL: 715-218-5150  
 EMAIL: KREEGS1619@AOL.COM

THIS DRAWING AND ALL INFORMATION CONTAINED THEREON IS THE PROPERTY OF KRUEGER SURVEYING LLC AND SHALL NOT BE COPIED OR USED EXCEPT FOR THE PURPOSE FOR WHICH IT IS EXPRESSLY FURNISHED.

DATE: 5/9/2018  
 DRAWN BY: DRD  
 SHEET 2 OF 2



# 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

355.49 0 355.49 Feet



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

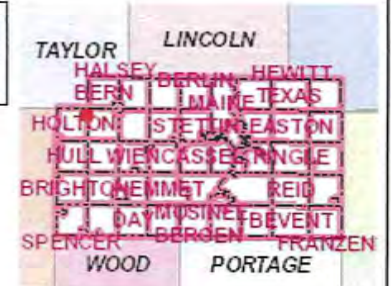
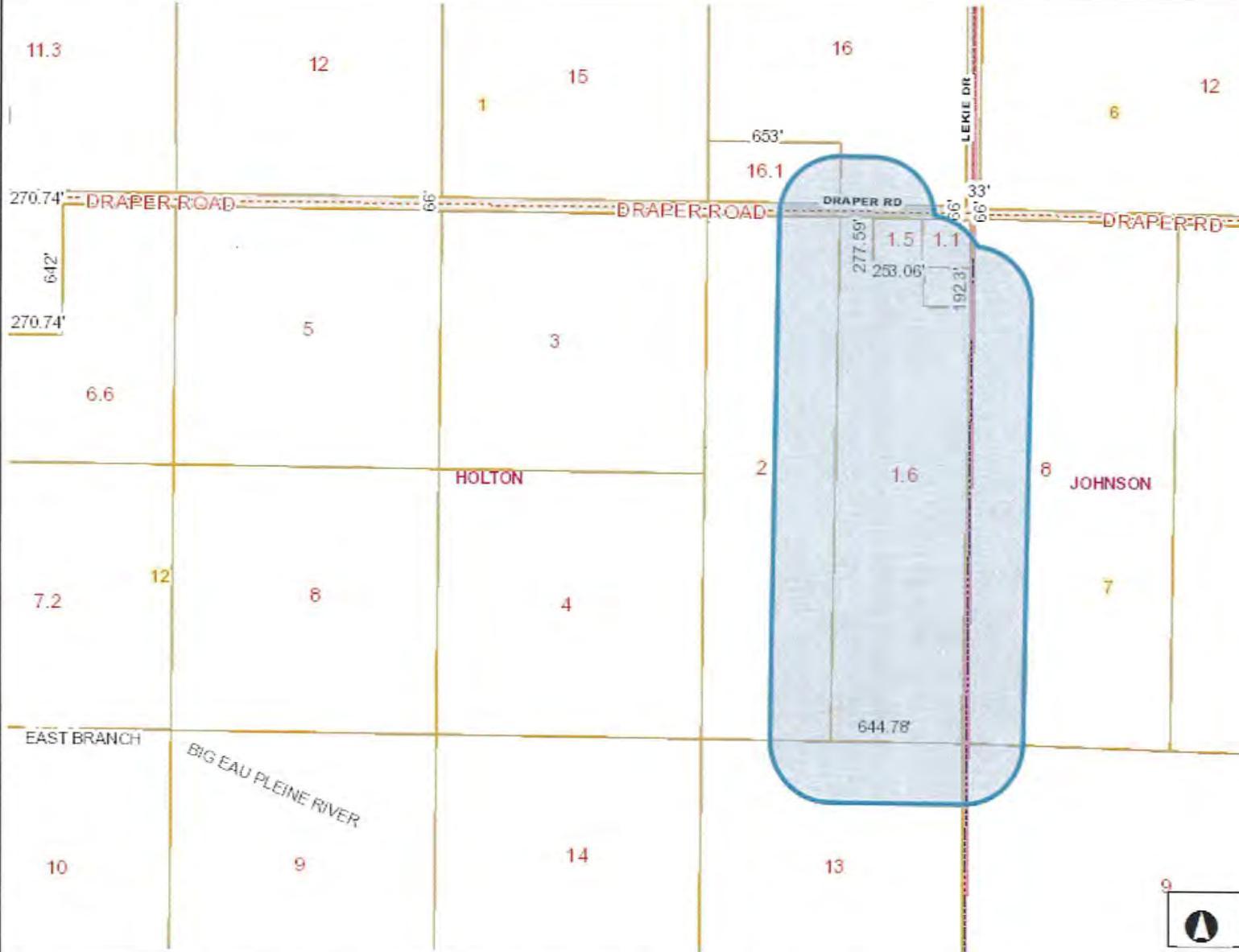
DISCLAIMER: The information and depictions herein are for informational purposes and Marathon County-City of Wausau specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement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

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

### Notes



# Land Information Mapping System



### Legend

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

365.08 0 365.08 Feet

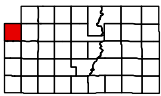


NAD\_1983\_HARN\_WISCRS\_Marathon\_County\_Feet

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Notes

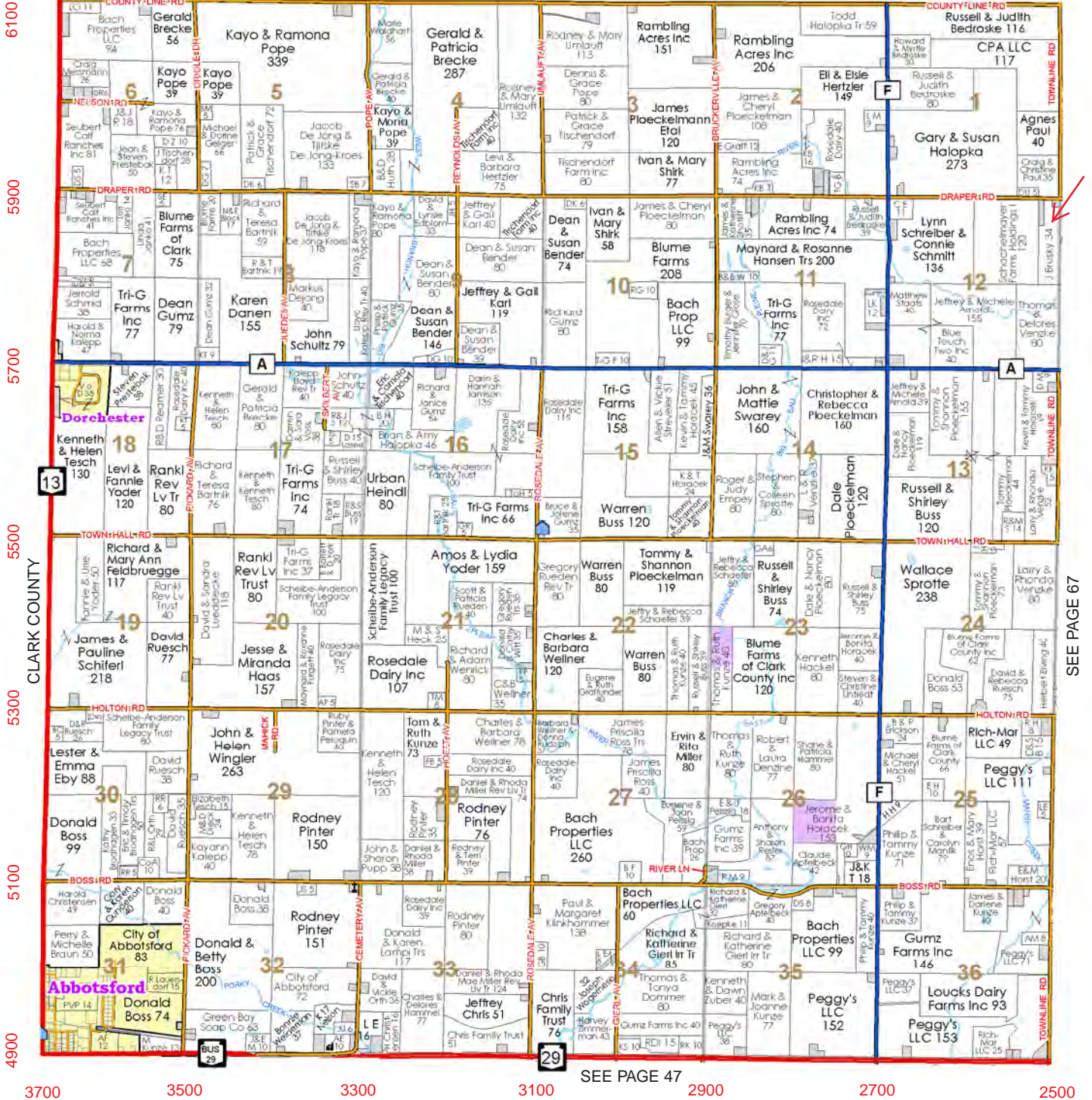


# Holton

# Township 29N - Range 2E

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TAYLOR COUNTY



SEE PAGE 67

SEE PAGE 47



Getting Back to Our Roots With a Focus on Crafts, Skills and Agriculture



STATE OF WISCONSIN )  
MARATHON COUNTY )  
TOWN OF HOLTON )

**RESOLUTION ON ZONING ORDINANCE AMENDMENT**

TO THE MARATHON COUNTY ENVIRONMENTAL RESOURCES COMMITTEE

I, Jennifer Schreiber, Clerk of the Town of Holton, 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 Holton Town Board at a meeting held on the 14<sup>th</sup> day of AUGUST, 2019.

RESOLUTION

WHEREAS, Section 59.69(5)(e)3m., 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 Holton Town Board considered on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, petition by Jason & Stacy Brusky to amend the Marathon County Zoning Ordinance from R-R Rural Residential to G-A General Agriculture described as part of the NE ¼ of the NE ¼ of Section 12, Township 29 North, Range 2 East, Town of Holton, proposed area to be rezoned (approximately 3.01 acres) of the Preliminary Certified Survey Map submitted by Krueger Surveying LLC. Part of parent parcel 042-2902-121-0990.

The Town of Holton 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: NO ISSUES WILL EVOLVE
- 2) Has the applicant demonstrated how the provision of the public facilities will not be an unreasonable burden to local government?  
 No  Yes Explain: NO BURDEN WILL BE INVOLVED
- 3) Has the applicant determined that the land is suitable for the development proposed? Explain.  
 No  Yes Explain: SURROUNDING LAND IS ALREADY ZONED AG.
- 4) Has the applicant demonstrated what will have to be done so the development will not cause unreasonable air and water pollution, soil erosion, or adverse effects on rare or irreplaceable natural areas? Explain.  
 No  Yes Explain: \_\_\_\_\_
- 5) Is there any potential for conflict with existing land uses in the area?  
 No  Yes Explain: \_\_\_\_\_

(OVER)

- 6) Has the applicant demonstrated the need for the proposed development at this location? Explain.  
 No  Yes Explain: Reasonable explanation on why the need for zoning change
- 7) Has the applicant demonstrated the availability of alternative locations? Be specific  
 No  Yes Explain: There is no alternative location this is their land already
- 8) Is cropland is being consumed by this zone change? What is the productivity of the agricultural lands involved?  
 No  Yes Explain: It will not change any of the land usage
- 9) Has the applicant explained how the proposed development will be located to minimize the amount of agricultural land converted?  
 No  Yes Explain: only small portion to be re-zoned
- 10) Is proposed rezone request consistent with the town's adopted Comprehensive Plan? Explain.  
 No  Yes Explain: \_\_\_\_\_
- 11) Is there anything else the Town wishes to present or comment on regarding this application to the Marathon County Environmental Resources (ERC) Committee?  
 No  Yes Explain: WE ARE UNANIMOUSLY IN FAVOR OF THIS ZONING CHANGE.

The Town of Holton 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 Jeanette Schueber  
 Town Board TOWN OF HOLTON  
Fence Rd  
ABBOTSFORD, WI 54405

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 August 16, 2019 to:

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





**Jason and Stacy Brusky  
Petition to Rezone Land  
Staff Report  
Environmental Resources Committee**

**Findings of Fact**

**REQUEST:**

The petition of Jason & Stacy Brusky to amend the Marathon County Zoning Ordinance from R-R Rural Residential to G-A General Agriculture described as part of the NE ¼ of the NE ¼ of Section 12, Township 29 North, Range 2 East, Town of Holton, proposed area to be rezoned (approximately 3.01 acres) of the Preliminary Certified Survey Map submitted by Krueger Surveying LLC. Part of parent parcel PIN # 042-2902-121-0990.

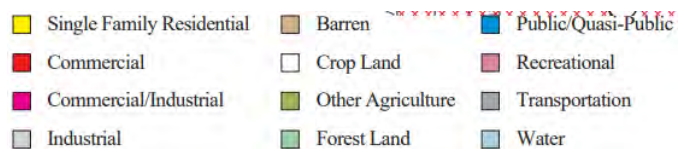
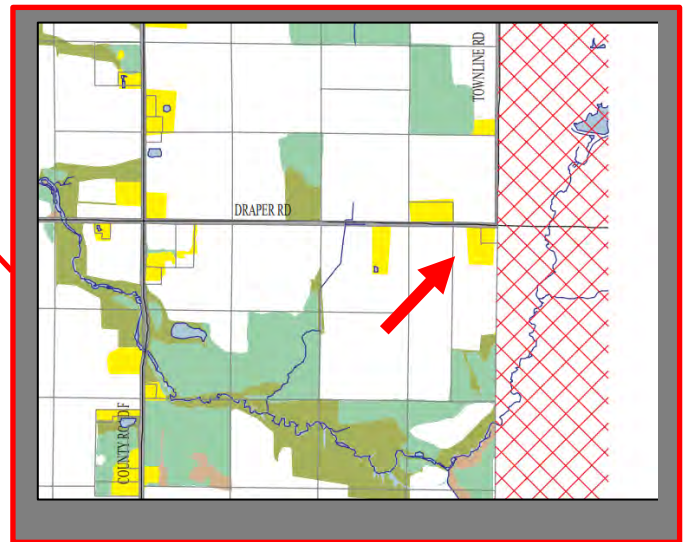
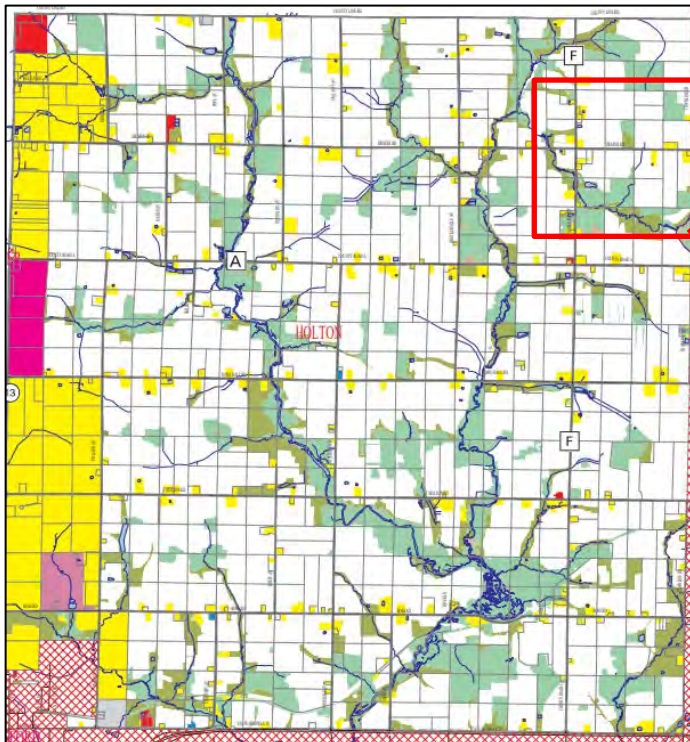
**EXISTING ZONING DISTRICT:**

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

**PROPOSED ZONING DISTRICT:**

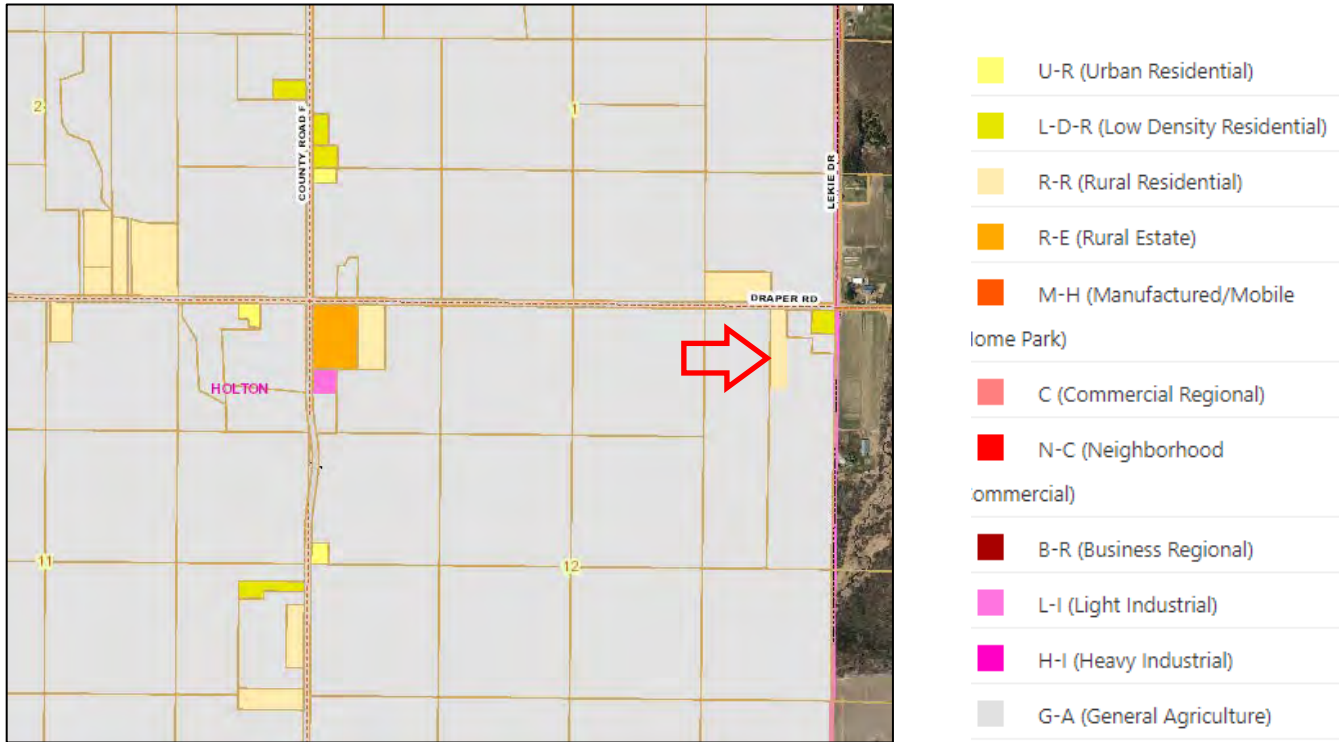
**G-A: General Agricultural.** The purpose of the G-A district is designed to foster the preservation and use of agricultural land related uses and to provide for limited residential uses in a rural environment but not the division of land as classified in 18.07(2) and (3) into five or more tracts, parcels 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.

**TOWN COMPREHENSIVE PLAN FUTURE LAND USE:** The proposed area to be rezoned is identified primarily shown as Crop Land (white) in the Town of Holton Comprehensive Plan Future Land Use Map (2006). The adjacent lands are comprised primarily of Single Family Residential (yellow), Crop Land (white), and Forest Land (light green).



**FARMLAND PRESERVATION PLAN:** This parcel was not designated as a farmland preservation area in the Farmland Preservation Plan in 2013. Designating this land as a farmland preservation area would have indicated the land consists of prime agricultural land and supports the agriculture economy.

**EXISTING ZONING DISTRICT MAP:** Adjacent parcels are predominantly zoned General Agriculture (Grey) with a few Rural Residential (Tan) and Low Density Residential (yellow) parcels in the area. The parcel in question is approximately 34.364 acres in size, yet the area to be rezone is approximately 3.01 acres identified in the Tan on the map below as well as the previous Lot #1 of CSM 67-97.



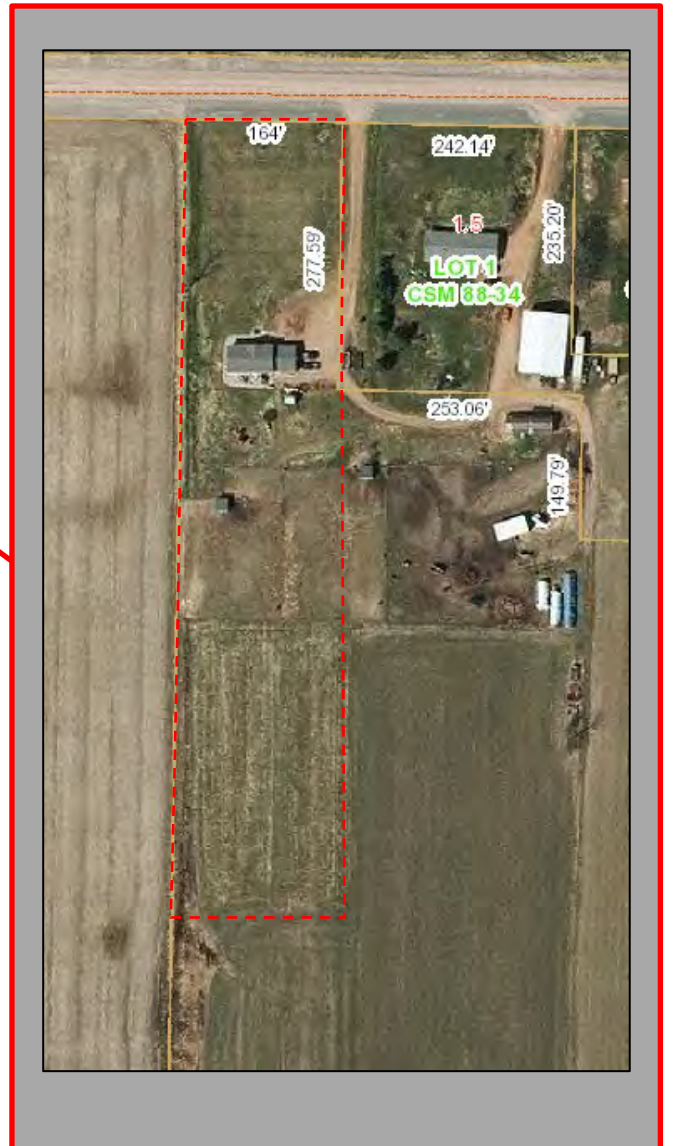
**SIGNIFICANT PARCEL LIMITATIONS OR NATURAL FEATURES:** There are no DNR mapped wetlands or FEMA mapped floodplain areas within the area to be rezoned nor the total parcel as a whole.



AERIAL PHOTO: #1

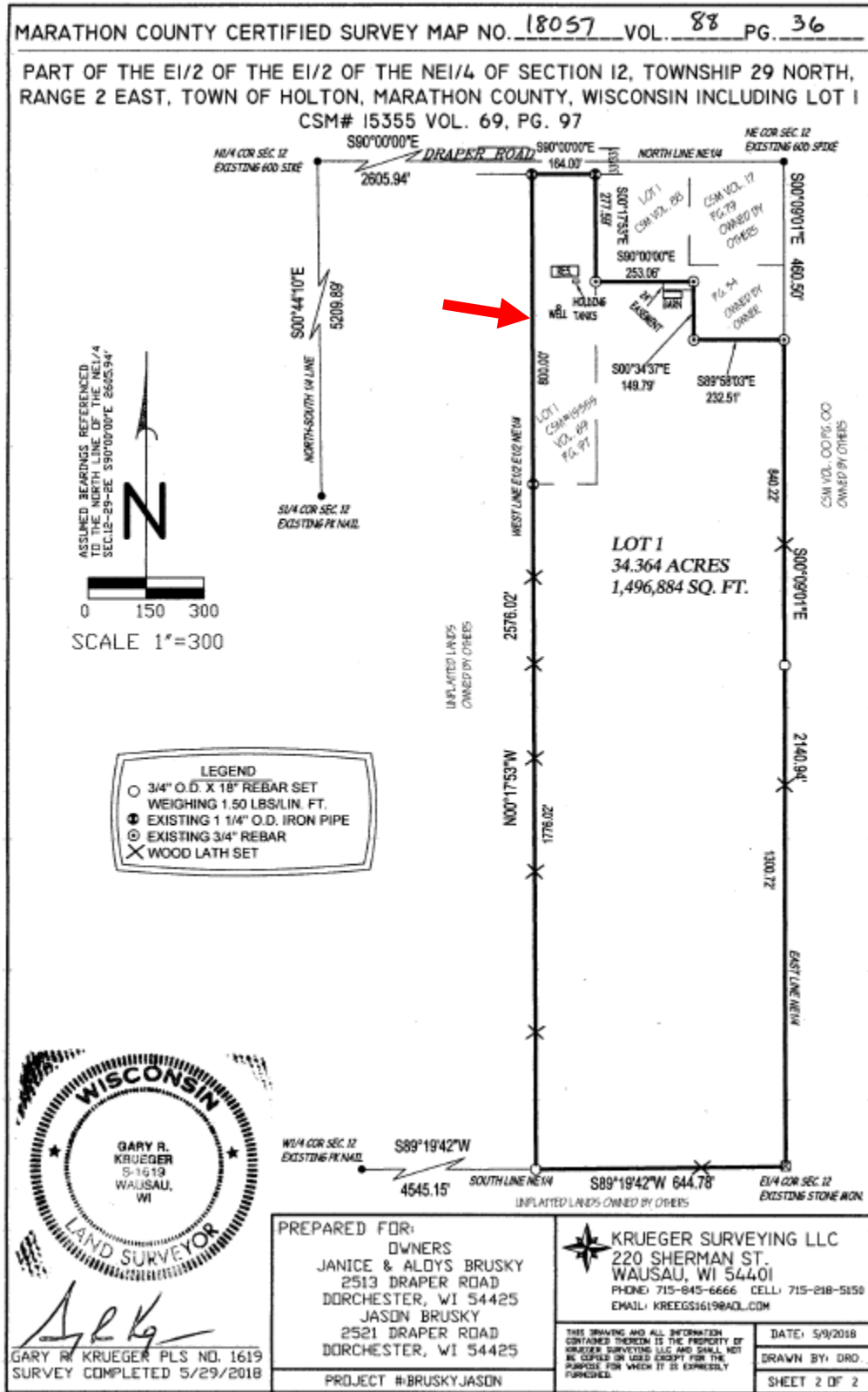


AERIAL PHOTO: #2

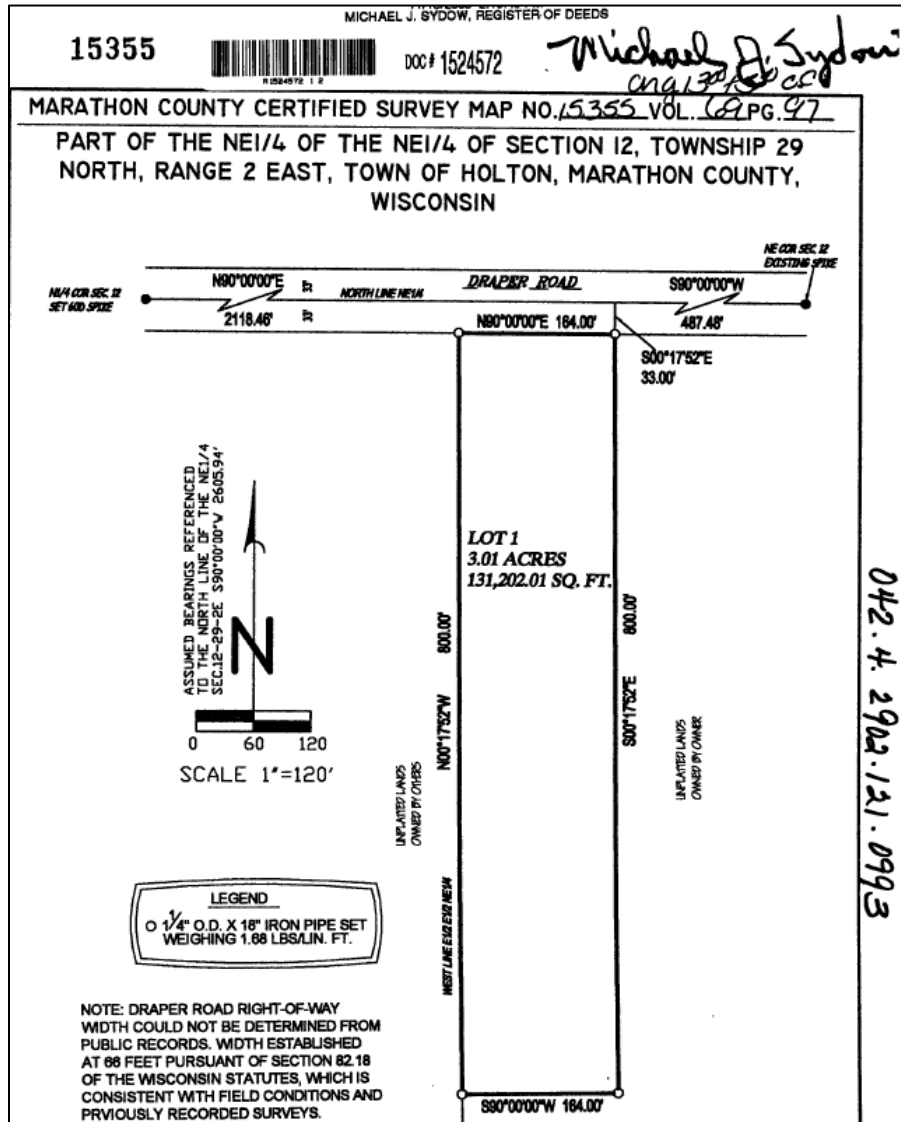


**Existing Certified Survey Map(s):**

The CSM below depicts the current parcel as seen as Lot #1 of CSM 88-36. The red arrow identifies the area to be rezoned, the previous CSM and legal description identifying the exact area to be rezoned is on the following page.



The images below depict the portion of the existing lot to be rezoned (CSM and description of the area to be rezoned previously known as Lot #1 of CSM 69-97)



SURVEYOR CERTIFICATE

I, GARY R. KRUEGER, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED, DIVIDED AND MAPPED AT THE DIRECTION OF AL BRUSKY, A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 29 NORTH, RANGE 2 EAST, TOWN OF HOLTON, MARATHON COUNTY, WISCONSIN AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 12; THENCE S90°00'00"W, ALONG THE NORTH LINE OF THE NORTHEAST 1/4, 487.48 FEET; THENCE S00°17'52"E, 33.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S00°17'52"E, 800.00 FEET; THENCE S90°00'00"W, 164.00 FEET; THENCE N00°17'52"W, ALONG THE WEST LINE OF THE EAST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4, 800.00 FEET; THENCE N90°00'00"E, ALONG THE SOUTH RIGHT-OF-WAY LINE OF DRAPER ROAD, 164.00 FEET TO THE POINT OF BEGINNING.

THAT THE ABOVE DESCRIBED PARCEL IS SUBJECT TO ALL ROADWAYS AND EASEMENTS OF RECORD.  
 THAT SUCH PLAT IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED.  
 THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATUTES, CHAPTER A-E7 OF THE WISCONSIN ADMINISTRATIVE CODE AND LAND DIVISION REGULATIONS OF THE COUNTY OF MARATHON AND THE TOWN OF HOLTON IN SURVEYING, DIVIDING AND MAPPING THE SAME.  
 THAT THIS SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

**TOWN RECOMMENDATION:**

On June 11<sup>th</sup>, 2019 The **Town of Holton** Town Board Recommended Approval to Marathon County's Environmental Resources Committee.

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

No  Yes Explain: WE ARE UNANIMOUSLY IN FAVOR OF THIS ZONING CHANGE.

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

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

---

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

Clerk Jennifer Schueber  
 Town Board J TOWN OF HOLTON  
Fence Rd  
Abbotsford, WI 54405

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

The Town of Holton's comprehensive plan and future land use map currently reflects the proposed rezone from Rural Residential (R-R) to General Agriculture (G-A). The proposed rezone will not conflict with adjacent land uses or zoning districts, as the use of the parcel will not change. An approved rezone for this area will also clean up the existing split zoning on the parcel. The applicant is looking to possibly construct a large accessory structure in the area being proposed to be rezoned, which warranted the rezone petition.

All the rezone criteria and "Standards for Rezoning" [application section #4 (A through I)] have been addressed and the Town of Rib Falls has no concerns or issues with the proposed rezone or the effect it may have on the local community.

CPZ Staff Key Criteria:	No	Yes
1. Rezone is consistent with the purpose and intent of Marathon County Comprehensive Plan		<b>X</b>
2. Rezone is compliant with Marathon County Chapter 17 Zoning Code of Ordinances		<b>X</b>
3. Rezone is compatible with adjacent parcels uses and zoning districts		<b>X</b>
4. There has been no Town or Local opposition received by CPZ regarding proposed rezone set forth to the Environmental Resources Committee.		<b>X</b>

**Recommendation:**

Based on the information provided and the feedback from the Town of Holton, CPZ staff finds the Environmental Resources Committee should recommend **Approval** to Marathon County Board of Supervisors.



**Case: #2**  
**Environmental Resources Committee**  
**Decision Form**

**Conclusions of Law**

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

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

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

agree       disagree       insufficient information

---

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

agree       disagree       insufficient information

---

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3. The applicant has demonstrated that...

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

agree       disagree       insufficient information

---

---

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

agree       disagree       insufficient information

---

---

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

agree       disagree       insufficient information

---

---

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

agree       disagree       insufficient information

---

---

**Environmental Resources Committee Decision**

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

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

Specify reasons for denial, or additional information requested:

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

Describe recommended amendments:

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---

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Signature:

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





**PETITION FOR ZONE CHANGE**  
BEFORE THE MARATHON COUNTY BOARD OF SUPERVISORS

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

Justin & Brittni Krzanowski  
213026 Legion St. Apt. 201, Stratford, WI 54484

hereby petition to rezone property owned by (Name & Address): Dale & Darlene Krzanowski  
124750 County Road P, Edgar, WI 54426

from the classification G-A, General Agriculture to R-R, Rural Residential

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

SW SW 35-28-4, Town of Wien, 2 acres in SE corner of forty (see attached mapping)

Parcel Identification Number (PIN): 084-2804-353-0996

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

New home construction

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

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

Soil has been tested for mound system

Water well to be drilled

Electric to be run

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

All private facilities

Little local government involvement

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

Verified driveway meets county highway regulations

Had soil tested for mound system

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.

Installation of proper sanitary system by licensed plumber

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

No conflicting land uses

(OVER)

F. Demonstrate the need of the proposed development at this location. \_\_\_\_\_  
Use of existing driveway in corner of property \_\_\_\_\_

G. What is the availability of alternative locations? Be specific. \_\_\_\_\_  
Other areas may require excavation for drainage, clear-cutting wooded areas or installing long driveways \_\_\_\_\_

H. If cropland is being consumed by this Zone Change, what is the productivity of the agricultural lands involved?  
Home heating & cash crop \_\_\_\_\_

I. If cropland is being consumed by this zone change, explain how the proposed development will be located to minimize the amount of agricultural land converted. \_\_\_\_\_  
Using existing driveway \_\_\_\_\_  
Using SE corner of property \_\_\_\_\_

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

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

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

7. Petitioner's Signature \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_\_

8. Owner's Signature D. J. Jankowski Phone 715-432-5066 Date 6-19-19  
*(If different)*

Date Fee Received: 7-12-19

Fee \$600.00 PAYABLE TO MARATHON COUNTY

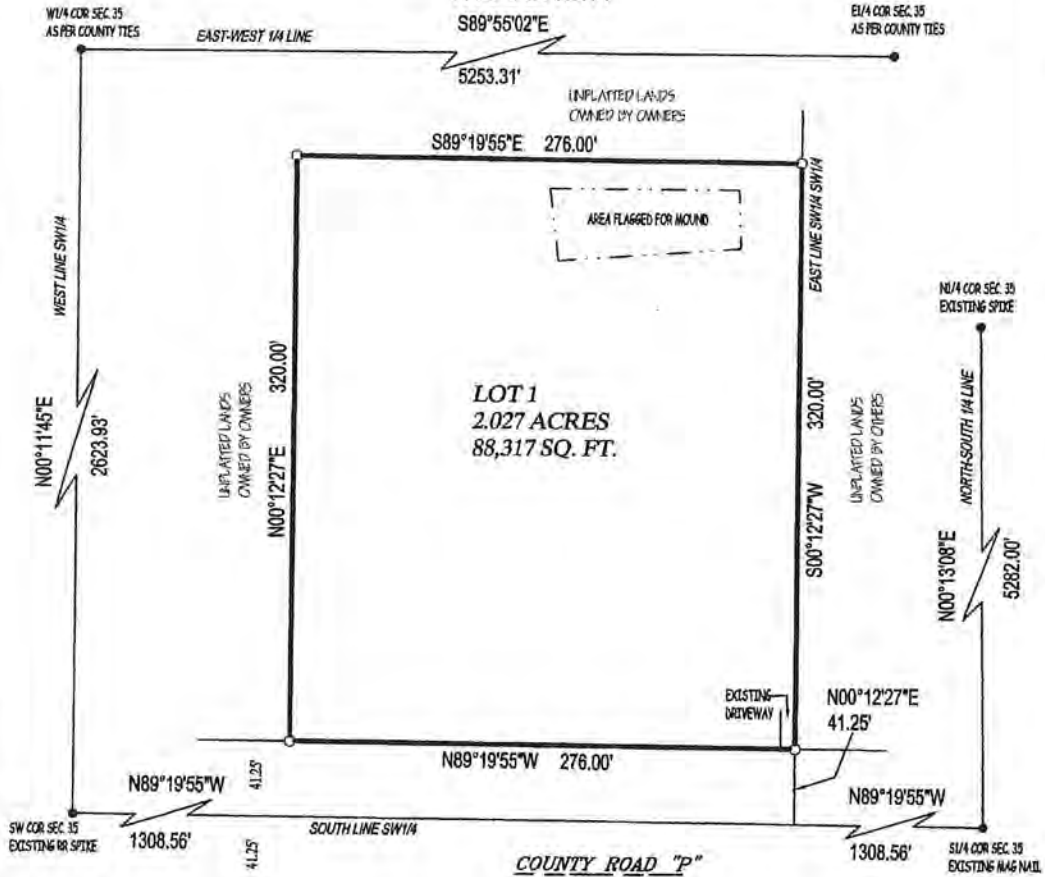
**Attendance at the Public Hearing** before the Marathon County Environmental Resources (ERC) Committee is not mandatory if you have appeared before the Town Planning Commission and/or the Town Board to present your proposal. If there was opposition to your proposal at the town level, attendance at the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

RECEIVED  
JUL 12 2019  
MARATHON CO. CONSERVATION,  
PLANNING & ZONING DEPT

RECEIVED  
JUL 12 2019  
MARATHON CO. CONSERVATION,  
PLANNING & ZONING DEPT

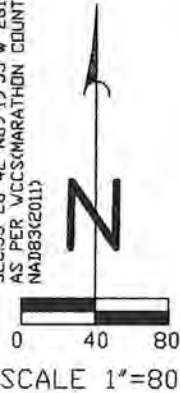
MARATHON COUNTY CERTIFIED SURVEY MAP NO. \_\_\_\_\_ VOL. \_\_\_\_\_ PG. \_\_\_\_\_

PART OF THE SW1/4 OF THE SW1/4 OF SECTION 35, TOWNSHIP 28 NORTH, RANGE 4 EAST, TOWN OF WIEN, MARATHON COUNTY, WISCONSIN



**LEGEND**  
 ○ 3/4" O.D. X 18" IREBAR WEIGHING 1.50 LBS/LIN. FT.

BEARINGS REFERENCED TO THE SOUTH LINE OF THE SW1/4 SEC. 35-28-4E N89°19'55"W, 2617.12' AS PER VCCS (MARATHON COUNTY) NAD83(2011)



PREPARED FOR:  
 OWNERS:  
 DALE J. & DARLENE K.  
 KRZANOWSKI  
 124750 COUNTY ROAD "P"  
 EDGAR, WI 54426

PROJECT #IKRZANOWSKIJUSTIN

 KRUEGER SURVEYING LLC  
 220 SHERMAN ST.  
 WAUSAU, WI 54401  
 PHONE: 715-845-6666 CELL: 715-218-5150  
 EMAIL: KREEGS1619@AOL.COM

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DATE: 6/6/2019  
 DRAWN BY: DRO  
 SHEET 2 OF 2

GARY R. KRUEGER PLS NO. 1619  
 SURVEY COMPLETED 6/7/2019

MARATHON COUNTY CERTIFIED SURVEY MAP  
NO. \_\_\_\_\_ VOL. \_\_\_\_\_ PG. \_\_\_\_\_

PART OF THE SW1/4 OF THE SW1/4  
OF SECTION 35, TOWNSHIP 28  
NORTH, RANGE 4 EAST, TOWN OF  
WIEN, MARATHON COUNTY,  
WISCONSIN

SURVEYOR CERTIFICATE

I, GARY R. KRUEGER, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY:  
THAT I HAVE SURVEYED, DIVIDED AND MAPPED AT THE DIRECTION OF JUSTIN KRZANOWSKI, SON OF  
OWNERS, A PARCEL OF LAND LOCATED IN PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF  
SECTION 35, TOWNSHIP 28 NORTH, RANGE 4 EAST, TOWN OF WIEN, MARATHON COUNTY, WISCONSIN  
AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 35; THENCE N89°19'55"W, ALONG THE SOUTH  
LINE OF THE SOUTHWEST 1/4, 1308.56 FEET; THENCE N00°12'27"E, ALONG THE EAST LINE OF THE  
SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, 41.25 FEET TO THE POINT OF BEGINNING. THENCE  
N89°19'55"W, PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST 1/4, 276.00 FEET; THENCE  
N00°12'27"E, PARALLEL TO THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, 320.00  
FEET; THENCE S89°19'55"E, PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST 1/4, 276.00 FEET;  
THENCE S00°12'27"W, ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, 320.00  
FEET TO THE POINT OF BEGINNING.

THAT THE ABOVE DESCRIBED PARCEL IS SUBJECT TO ALL RIGHT-OF-WAYS, RESERVATIONS,  
RESTRICTIONS AND EASEMENTS OF RECORD.

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

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN  
STATUTES, CHAPTER A-E7 OF THE WISCONSIN ADMINISTRATIVE CODE AND LAND DIVISION  
REGULATIONS OF THE COUNTY OF MARATHON AND THE TOWN OF WIEN IN SURVEYING, DIVIDING AND  
MAPPING THE SAME.

THAT THIS SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

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

BY \_\_\_\_\_

DATE \_\_\_\_\_

MARATHON CO. CONSERVATION,  
PLANNING AND ZONING DEPT.

PREPARED FOR:

OWNERS:  
DALE J. & DARLENE K.  
KRZANOWSKI  
124750 COUNTY ROAD "P"  
EDGAR, WI 54426



KRUEGER SURVEYING LLC  
220 SHERMAN ST.  
WAUSAU, WI 54401  
PHONE: 715-845-6666 CELL: 715-218-5150  
EMAIL: KREEGS1619@AOL.COM

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DATE: 6/6/2019

DRAWN BY: DRO

SHEET 1 OF 2

GARY R. KRUEGER PLS NO. 1619  
SURVEY COMPLETED 6/7/2019

PROJECT #KRZANOWSKIJUSTINDES



# 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

135.76 0 135.76 Feet



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

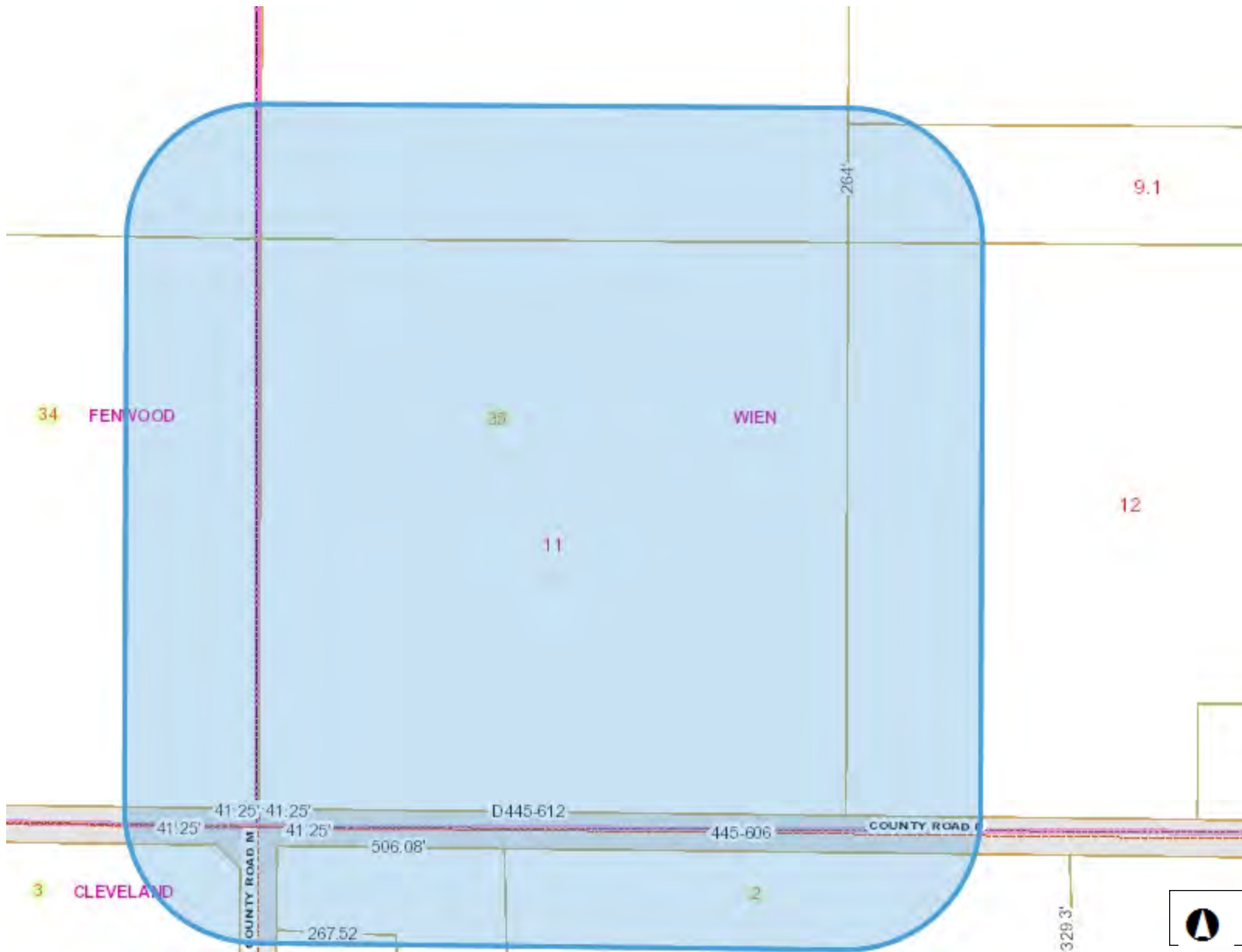
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

### Notes



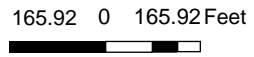
# Land Information Mapping System



### Legend

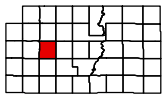
- Parcel Annotations
- Parcels
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- Municipalities

### Notes

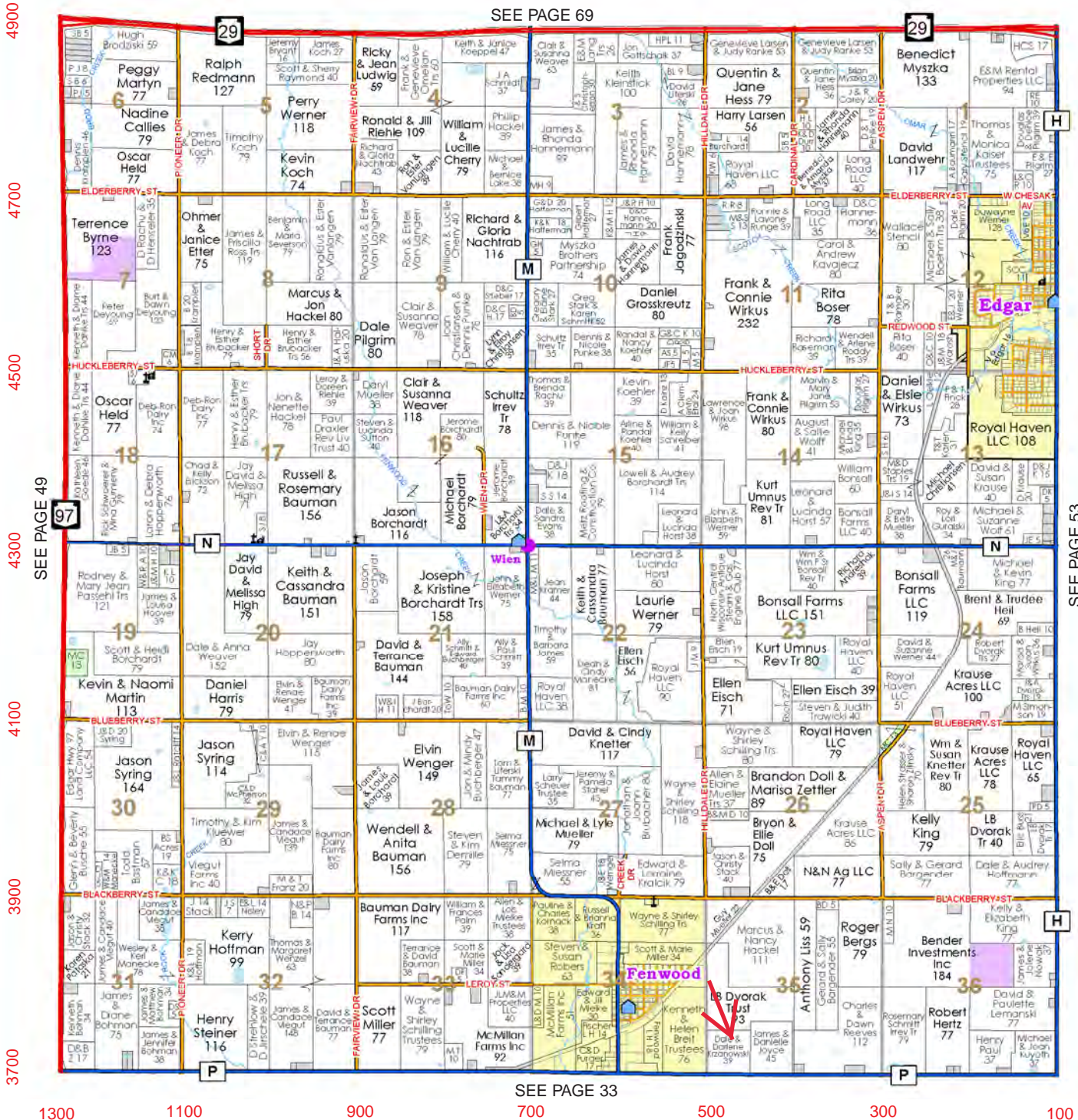


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NAD\_1983\_HARN\_WISCRS\_Marathon\_County\_Feet



SEE PAGE 69



SEE PAGE 33

1300 1100 900 700 500 300 100

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AUG 14 2019

MARATHON CO. CONSERVATION,  
PLANNING & ZONING DEPT.

STATE OF WISCONSIN )  
MARATHON COUNTY )  
TOWN OF WIEN )

RESOLUTION ON ZONING ORDINANCE AMENDMENT

TO THE MARATHON COUNTY ENVIRONMENTAL RESOURCES COMMITTEE

I, Diane Drinsinger, Clerk of the Town of Wien, 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 Wien Town Board at a meeting held on the 12 day of August, 2019.

RESOLUTION

WHEREAS, Section 59.69(5)(e)3m., 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 Wien Town Board considered on the 12th day of August, 2019, petition by Justin & Brittini Krzanowski to amend the Marathon County Zoning Ordinance from G-A General Agriculture to R-R Rural Residential, described as part of the SW 1/4 of the SW 1/4 of Section 35, Township 28 North, Range 4 East, Town of Wien, proposed area to be rezoned (approximately 2.027 acres) of the Preliminary Certified Survey Map submitted by Krueger Surveying LLC. Part of parent parcel PIN # 084-2804-353-0996.

The Town of Wien 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: None 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: No Burden

---

- 3) Has the applicant determined that the land is suitable for the development proposed? Explain.  
 No  Yes Explain: Suitable Building site

---

- 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: No effects expected

---

- 5) Is there any potential for conflict with existing land uses in the area?  
 No  Yes Explain: None

---

(OVER)



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

The Town of Wien 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 Rianne Pringinger  
 Town Board Wesley Moneel Chair  
Shane Schmitt Supervisor  
Dan Bowman Supervisor

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 August 15, 2019 to:

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



**Justin and Brittni Krzanowski  
Petition to Rezone Land  
Staff Report  
Environmental Resources Committee**

**Findings of Fact**

**REQUEST:**

The petition of Justin & Brittni Krzanowski to amend the Marathon County Zoning Ordinance from G-A General Agriculture to R-R Rural Residential, described as part of the SW ¼ of the SW ¼ of Section 35, Township 28 North, Range 4 East, Town of Wien, proposed area to be rezoned (approximately 2.027 acres) of the Preliminary Certified Survey Map submitted by Krueger Surveying LLC. Part of parent parcel PIN # 084-2804-353-0996.

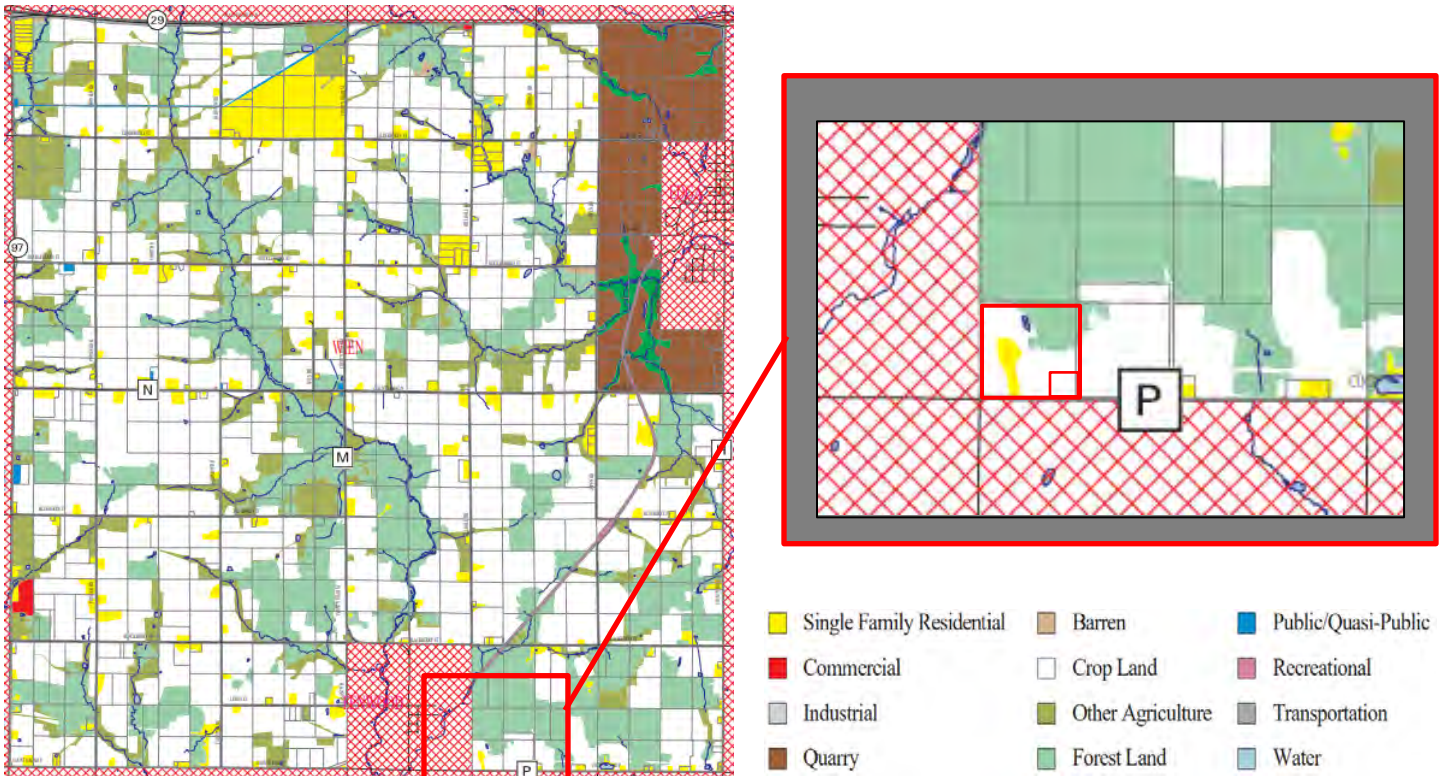
**EXISTING ZONING DISTRICT**

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

**PROPOSED ZONING DISTRICT:**

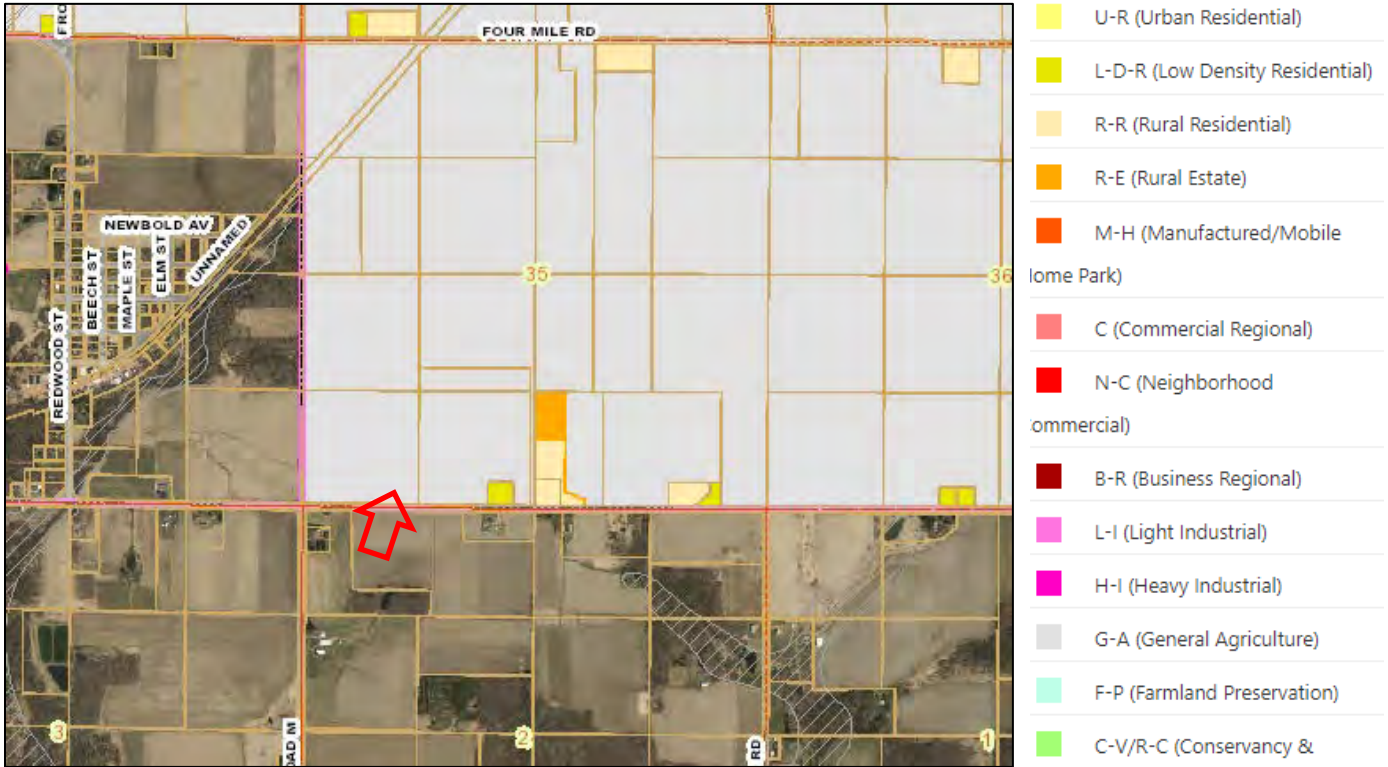
**R-R: Rural Residential District.** The purpose of the R-R district is to accommodate single-family residential use along existing streets, to preserve the rural character while promoting open space single-family residential development (involving the extension of new streets), and to separate agricultural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

**TOWN COMPREHENSIVE PLAN FUTURE LANDUSE:** The proposed area to be rezoned is identified primarily as crop land in the Town of Wien's Comprehensive Pan Future Land Use Map. The map identifies some single family residential uses (yellow) on the parent parcel where there is an existing home. Adjacent to the parcel in question is shown to be primarily crop land (white) and forest land (light green) with a few single family residential uses (yellow) in the close proximity.

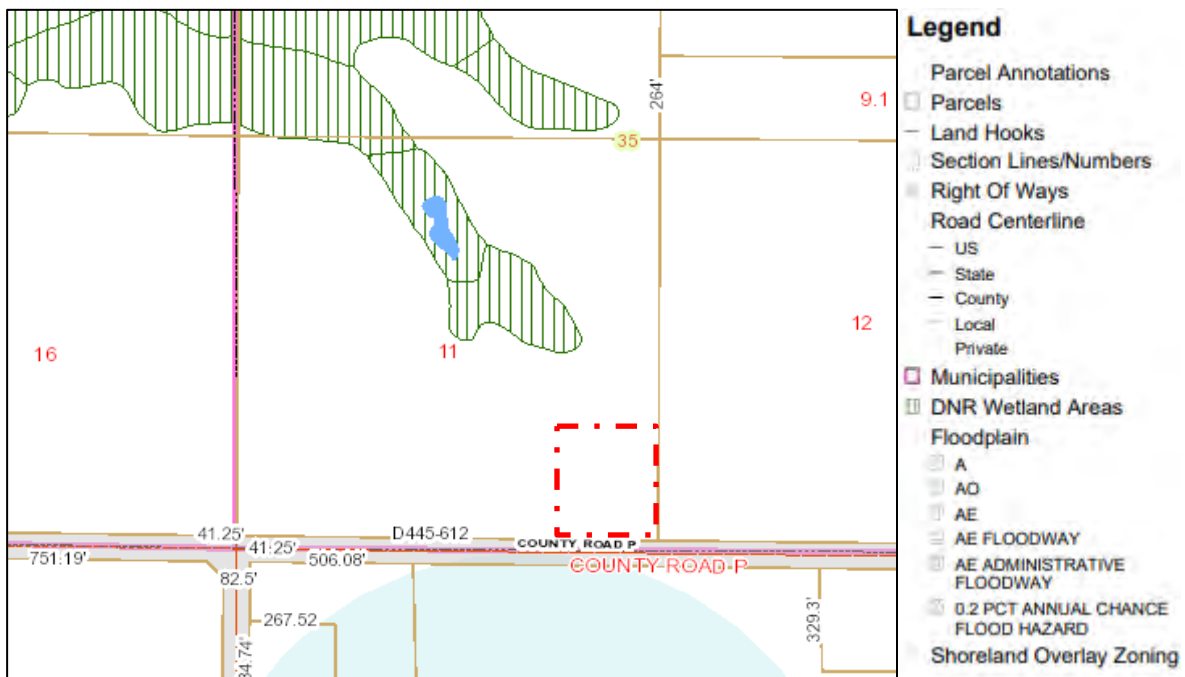


**FARMLAND PRESERVATION PLAN:** This parcel was not designated as a farmland preservation area in the Farmland Preservation Plan in 2013. Designating this land as a farmland preservation area indicates the land consists of prime agricultural land and supports the agriculture economy.

**EXISTING ZONING DISTRICT MAP:** Adjacent parcels are predominantly zoned General Agriculture (Grey) with a few smaller residential parcels in the area. The parent parcel abuts the Village of Fenwood as well as the Town of Cleveland (non-zoned town).

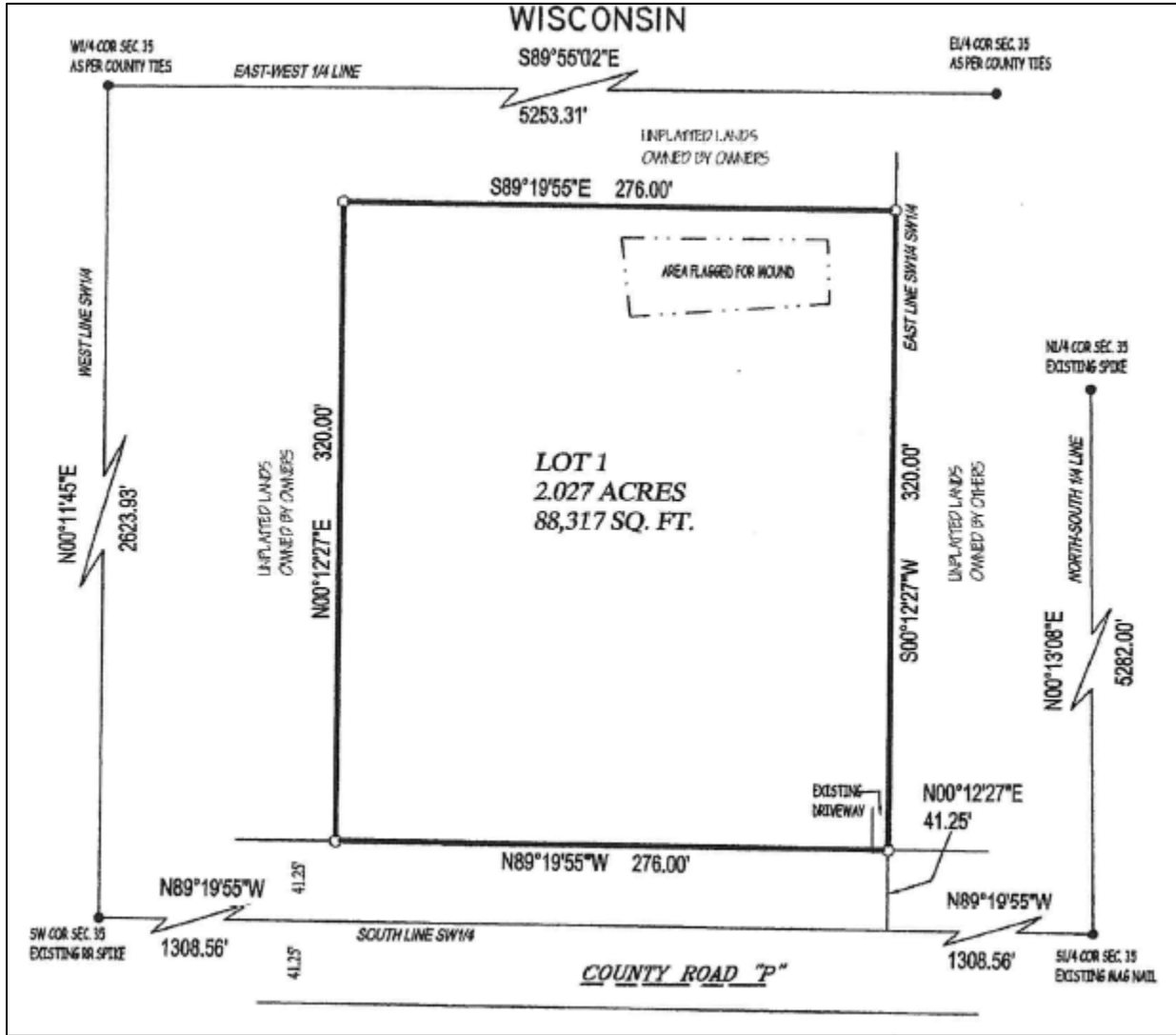


**SIGNIFICANT PAREL LIMITATIONS OR NATURAL FEATURES:** The parent parcel has some DNR mapped wetlands located on the property as well as a pond (navigability undetermined). Yet, there are no DNR mapped wetlands, floodplain or shoreland overlay areas on the area proposed to be rezoned and subdivided. *Red dashed line is not exact and should be seen as an approximate for the purposes of reviewing if there are any significant parcel limitations or natural features.*





**Preliminary Certified Survey Map (CSM ) and Legal Description:**



**SURVEYOR CERTIFICATE**

I, GARY R. KRUEGER, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY:  
 THAT I HAVE SURVEYED, DIVIDED AND MAPPED AT THE DIRECTION OF JUSTIN KRZANOWSKI, SON OF OWNERS, A PARCEL OF LAND LOCATED IN PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 35, TOWNSHIP 28 NORTH, RANGE 4 EAST, TOWN OF WIEN, MARATHON COUNTY, WISCONSIN AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 35; THENCE N89°19'55"W, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4, 1308.56 FEET; THENCE N00°12'27"E, ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, 41.25 FEET TO THE POINT OF BEGINNING. THENCE N89°19'55"W, PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST 1/4, 276.00 FEET; THENCE N00°12'27"E, PARALLEL TO THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, 320.00 FEET; THENCE S89°19'55"E, PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST 1/4, 276.00 FEET; THENCE S00°12'27"W, ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, 320.00 FEET TO THE POINT OF BEGINNING.

THAT THE ABOVE DESCRIBED PARCEL IS SUBJECT TO ALL RIGHT-OF-WAYS, RESERVATIONS, RESTRICTIONS AND EASEMENTS OF RECORD.

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

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATUTES, CHAPTER A-E7 OF THE WISCONSIN ADMINISTRATIVE CODE AND LAND DIVISION REGULATIONS OF THE COUNTY OF MARATHON AND THE TOWN OF WIEN IN SURVEYING, DIVIDING AND MAPPING THE SAME.

THAT THIS SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

**TOWN RECOMMENDATION:**

On August 12<sup>th</sup>, 2019 the **Town of Wien** Town Board Recommended Approval to Marathon County's Environmental Resources Committee.

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

No     Yes Explain: \_\_\_\_\_

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

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

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

Clerk Rigene Pringsinger  
Town Board Wesley W. Tanel Chair  
Sheryl Schult Supervisor  
Dave Berman Supervisor

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

The Town of Wien should updated their comprehensive plan and future land use maps to reflect the proposed rezone to Rural Residential (R-R) from General Agriculture (G-A). The agricultural lands converted has been minimized as the remaining farmland will continue to be farmed. The proposed rezone will not conflict with adjacent land uses or zoning districts. The remnant parent parcel will be greater than 10 acres which meets the zoning district minimums for lot area. There is no apparent conflicts with the Marathon County Comprehensive Plan as it relates to the proposed rezone, nor are there any apparent conflicts with local regulation(s).

All the rezone criteria and "Standards for Rezoning" [application section #4 (A through I)] have been addressed and the Town of Wien has no concerns or issues with the proposed rezone or the effect it may have on the local community.

CPZ Staff Key Criteria:	No	Yes
1. Rezone is consistent with the purpose and intent of Marathon County Comprehensive Plan		<b>X</b>
2. Rezone is compliant with Marathon County Chapter 17 Zoning Code of Ordinances		<b>X</b>
3. Rezone is compatibility with adjacent parcels uses and zoning districts		<b>X</b>
4. There has been no Town or Local opposition received by CPZ regarding proposed rezone set forth to the Environmental Resources Committee.		<b>X</b>

**Recommendation:**

Based on the information provided and the feedback from the Town of Wien, CPZ staff finds the Environmental Resources Committee should recommend **Approval** to Marathon County Board of Supervisors.

***Intentionally Blank***



**Case: #3**  
**Environmental Resources Committee**  
**Decision Form**

**Conclusions of Law**

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

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

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

Agree       disagree       insufficient information

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

Agree       disagree       insufficient information

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3. The applicant has demonstrated that...

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

Agree       disagree       insufficient information

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

Agree       disagree       insufficient information

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

Agree       disagree       insufficient information

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

Agree       disagree       insufficient information

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**Environmental Resources Committee Decision**

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

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

Specify reasons for denial, or additional information requested:

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

Describe recommended amendments:

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Signature:

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



## MEMORANDUM

**DATE:** September 5, 2019

**TO:** Environmental Resources Committee (ERC)

**FROM:** Paul Daigle-Land and Water Program Director

**SUBJECT:** Public hearing- Livestock Facilities Licensing Ordinance-Text Amendments

A public hearing was held on December 6, 2018 to consider changes to the Livestock Facilities Licensing ordinance. Public testimony was provided and the hearing was recessed to provide an opportunity for additional information and discussion. Educational information and opportunities for policy discussion has been provided to ERC over the last several months. Although the committee has not completed their policy discussions in regards to staff recommendations for changes, ordinance revisions are being requested at this time to assure proper administration and to correct deficiencies. The committee has the ability to move forward with some of these revisions while continuing to have policy discussions on the policy items recommended by staff such as high risk manure applications.

Included in the packet is a red-line draft code, with current code language in black and proposed code revisions in red. *NOTE: This draft code does **not** include language addressing high risk manure applications.*

The following is a summary of the revisions:

**Definitions:** There are a number of definitions that needed updating and clarification in the code.

**Administration:** When the ordinance was originally passed by the county board, all operations over 500 animal units were required to obtain a license. At that time the WI Department of Natural Resources (DNR) was and still is responsible for permitting livestock operations over 1000 animal units (1 animal unit is the equivalent of 1000 pounds of livestock), Concentrated Animal Feeding Operations (CAFO's). There was a period of time where there was a duplication of regulations as Marathon County also issued licenses for livestock operations over 1000 animal units. To eliminate this duplication of regulations, in 2012, Marathon County revised the ordinance to require certain livestock operators in the unincorporated areas owning **more than 500** animal units but **less than 1000** animal units to have a license. In 2012, the transition from a County permitted facility to a DNR permitted facility through the State was rather seamless and timely. Since that time though, livestock operations exceeding 1000 animal units, while relieved of

their need to have a license through the county, sometimes have not received a DNR permit in a timely manner, in some cases exceeding 3 years. Because of this delay, some operations do not have a county license nor do they have a DNR CAFO permit. To close the gap, staff has worked with DNR, DATCP and Corporation Counsel to develop language to ensure no lapse of license or code requirements occur during the transition period from County jurisdiction to DNR jurisdiction. The change requires all facilities over the 1000 animal unit threshold to continue to maintain the Livestock Siting license through the County until a DNR permit is obtained.

Enforcement: Language was enhanced to provide clear guidance on compliance monitoring and any enforcement action, if needed. An appeal process for enforcement decisions was also added. The only appeal provision in the previous ordinance was to the State Livestock Licensing Board, if the original license application was denied.

If the committee agrees with the above proposed language revisions and the other minor language revisions, it can forward their recommendation to the county board for consideration.

The proposed revisions are consistent with the Marathon County Comprehensive Plan, Strategic Plan (Objective 5.2 and 6.3), as well as the Land and Water Resource Management Plan.

CONCLUSION: These text amendments are being recommended to further clarify, streamline and enhance the purpose of the original ordinance passed in 2006.

#### **BACKGROUND INFORMATION:**

##### **Relationship to Strategic Plan:**

Objective 5.2 – Promote sound land use decisions that conserve and preserve natural resources in decisions with economic development and growth. Strategy A and Outcome Measure #1

Objective 6.3 – Protect and enhance the quality of potable groundwater and potable surface water supplies. Strategy B

The State of Wisconsin enacted ATCP 51 which allows counties to put safeguards and protections in place to regulate new or expanding livestock operations greater than 500 animal units. In 2006, the Marathon County Board of Supervisors enacted the first ordinance in Marathon County to regulate the siting and management of livestock facilities. The intent and purpose of the regulation is:

*The purpose of this ordinance is to comply with requirements of Section 93.90 of Wis. Statutes and Ch. ATCP 51, Wis. Adm. Code (ATCP51), and to establish standards and authority to protect the public health and safety of the people of Marathon County (County). This ordinance sets forth the procedures for obtaining a license for the siting of new and expanded livestock facilities in Marathon County. It is also intended to provide for the administration and enforcement of the ordinance and provide penalties for its violations.*

Marathon County government has a business interest in regulating livestock facilities within its borders to ensure the health, safety and prosperity of the people living, working, and visiting the county. It is Marathon County's intention to coordinate the requirements of the livestock facilities regulations with applicable state and federal requirements.

# **General Code of Ordinances for Marathon County Chapter 13 – Livestock Facilities Licensing Ordinance**

**November 2012  
September 2019**



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# Title 1: TITLE, PURPOSE AND SCOPE

## Chapter 13.101

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The County of Marathon does hereby ordain as follows:

### Section 13.101.01 TITLE

This section shall be known, referred to and cited as the “Livestock Facilities Licensing Ordinance.”

### Section 13.101.02 PURPOSE

The purpose of this ordinance is to comply with requirements of Section 93.90 of Wis. Statutes and ch. ATCP 51, Wis. Adm. Code (ATCP51), and to establish standards and authority to protect the public health and safety of the people of Marathon County (County). This ordinance sets forth the procedures for obtaining a license for the siting of new and expanded livestock facilities in Marathon County. It is also intended to provide for the administration and enforcement of the ordinance and provide penalties for its violations.

### Section 13.101.03 STATUTORY AUTHORITY

This ordinance is adopted pursuant to the powers granted under the Wisconsin Constitution, and Wisconsin Statutes including but not limited to Section 92.15 and 93.90, WI Administrative Code ATCP51, or any successor Statutes or Administrative Code.

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# Title 2: LICENSING

## Chapter 13.201

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### Section 13.201.01 LICENSE REQUIRED

- A. A license issued by the Department is required for new or expanded livestock facilities that has or will have 500 or more animal units. A livestock facility shall remain licensed under this ordinance until such time as the facility is designated as a Concentrated Animal Feeding Operation (CAFO) by the Wisconsin Department of Natural Resources (DNR), issued a Wisconsin Pollutant Discharge Elimination System (WPDES) permit by the DNR, and provides documentation to the county of its WPDES permit. A license issued by the Marathon County Conservation, Planning, and Zoning (CPZ) Department is required for new or expanded livestock facilities that will have 500 to 999 animal units
- B. By applying and/or receiving a license, an applicant consents to allow the Director or their designee to enter upon and inspect the property as needed.
- C. Licenses for existing Livestock Facilities
  - 1. A license is required for the expansion of a pre-existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:
    - a. The applicable size threshold for a license.
    - b. The maximum number previously approved or, if no maximum number was previously approved, a number that is 20% higher than the number kept on May 1, 2006 or on the effective date of the license requirement, whichever date is later.

2. A license is not required for a livestock facility that existed before May 1, 2006 or before the effective date of the license requirement in this ordinance, except as provided in sub. (1).
3. A license is not required for a livestock facility that was previously issued a conditional use permit, license or other local approval, except as provided in sub. (1). A prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility.

**Section 13.201.02 LICENSE ADMINISTRATION**

- A. The Director (Director) of the **Conservation, Planning and Zoning (CPZ) Department** for Marathon County hereby holds the position of Livestock Facility Siting Administrator, who shall have the primary responsibility of administering this ordinance and related matters thereto, and may designate/delegate these duties to other **CPZ** Department staff.
- B. Powers and Duties of the Director or their designee: In the administration and enforcement of this ordinance, the Director or designee shall have the following powers and duties:
  1. Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications.
  2. Require owners and/or operators of livestock facilities that may be subject to the provisions of this ordinance to submit an animal unit worksheet to verify animal numbers.
  3. Receive and review applications and records related to application and license. Investigate permit applications and collect fees. Make on-site inspections to determine application completeness and compliance with the provisions of this ordinance in order to document findings.
  4. Issue licenses and take any and all actions in conformance with the provisions of this ordinance to ensure compliance.
  5. Upon reasonable cause to believe a violation has occurred, order the cessation of construction, suspend and/or revoke the license.
  6. Make administrative decisions and determinations as are specifically assigned to the Director, or their designee, by the terms of this ordinance
  7. Report violations of this ordinance or other land use regulations to the Environmental Resources Committee and/or Corporation Counsel, as necessary
- C. Maintenance of Records: Records shall be maintained in the county office:
  1. Records of applications received, committee, board, and/or department action on such applications, permits issued, inspections made, enforcement actions undertaken, and other similar activities.
  2. An original or master of the ordinance shall be maintained current with amendments.

**Section 13.201.03 LICENSE STANDARDS**

- The standards for issuing a license are as follows:
- A. The state livestock facility siting standards adopted under ATCP51, Wis. Adm. Code, inclusive of all appendices and worksheets and any future amendments to this ordinance, except as may be noted in this section of the ordinance, are incorporated by reference in this ordinance, without reproducing them in full.
  - B. The following setbacks shall apply to livestock structures:
    1. Property lines
 

Except as provided for waste storage structures, livestock structures must be located a minimum of

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100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the property line.

2. Public road right-of-way

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from public road rights-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right of way if the livestock facility will have 1,000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

3. Waste Storage Structure

a. A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way.

b. Except, a single new waste storage structure may be constructed closer to the property line or public road if a new structure is:

1) Located on the same tax parcel as a waste storage structure in existence before May 1, 2006.

2) No larger than the existing structure.

3) No further than 50 feet from the existing structure.

4) No closer to the road or property line than the existing structure.

5) This setback requirement *does not apply* to existing waste storage structures except that an existing structure within 350 feet of a property line or road may not expand *toward* that property line or road.

4. Waste storage structures shall comply with the General Code of Ordinances for Marathon County Chapter 11, Animal Waste and Manure Management Code.

5. At all times during the exercise of the license, the applicant shall have ownership of acreage, or shall provide to the Department copies of contracts or agreements for the spreading of manure on acreage, sufficient to comply with the most current Natural Resource Conservation Service (NRCS) Nutrient Management Standard 590 (Standard 590 is updated regularly by NRCS). All contracts or agreements will be provided at the time of application and must remain current, by April 1st of each succeeding cropping year when nutrient management plan updates are due. Agreements will indicate:

a. Landowner name, address, and contact information

b. Duration for which the agreement is valid

c. Acreage of each field

d. Field tracking that identifies each field in relation to the nutrient management plan.

6. No license will 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, if the violation has bearing upon the license application.

**Section 13.201.04 LICENSE APPLICATION**

A livestock operator must complete the application form and worksheets prescribed by ATCP51, including any authorized Conservation, Planning and Zoning Department modifications. The application form and worksheets demonstrate compliance with standards in ATCP51 and this ordinance.



The operator must file four (4) duplicate copies of the application form, including worksheets, maps and documents (other than engineering design specifications) included in the application.

**Section 13.201.05 ~~LICENSE APPLICATION~~ FEES**

A non-refundable application fee in accordance with the current department fee schedule approved by the committee payable to Marathon County shall accompany an application for the purpose of offsetting the county costs to review and process the application. In addition, fees may be set by the committee to cover annual costs to monitor the licensee for compliance and modifications to the license.

**Section 13.201.06 APPLICATION PROCEDURE**

- A. Pursuant to ATCP 51.30(5), within 45 days after ~~Conservation, Planning, and Zoning~~ the Department receives an application, it shall notify the applicant whether or not the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within 14 days after the applicant provides all of the required information, the department shall notify the applicant that the application is complete. This notice of completion does not constitute an approval of the proposed livestock facility license.
- B. Pursuant to ATCP 51.30(6), within 14 days after ~~Conservation, Planning, and Zoning~~ the Department notifies an applicant that the application is complete; ~~Conservation, Planning, and Zoning~~ the Department shall notify adjacent landowners of the application. The Department shall use the approved notice form in ATCP51, and mail by first class mail a written notice to each owner of lands adjacent to lands owned, or rented by the applicant or lands that are otherwise controlled by the applicant for the purpose of satisfying the conditions of the license.
- C. Upon determination of completeness the Director or their designee shall provide an opportunity for a public informational hearing as follows: Any person identified in 13.201.06(B) may request a public informational hearing in writing and must state in the written request why such request is being made based upon conditions covered by the proposed license. Requests based upon unrelated issues will not be considered for an informational hearing. The request must be made within 30 days of the date of the public notice specified in 13.201.06(B). The hearing shall be held no sooner than 30 days nor later than 60 days after being requested. The hearing shall be conducted as an informational hearing for the purpose of explaining and receiving comment from affected persons on the nature, feasibility, and effects of the proposed license. The person requesting the public informational hearing and the person applying for the license shall be notified of the time and place of the public informational hearing. All persons identified in 13.201.06(B) and the Town Clerk shall also be notified of the informational hearing.
- D. Pursuant to ATCP 51.32, ~~Conservation, Planning, and Zoning~~ the Department shall grant or deny an application within 90 days after the ~~Conservation, Planning, and Zoning~~ Department gives notice that the application is complete under paragraph (2) above. The ~~Conservation, Planning, and Zoning~~ Department may extend this time limit for good cause, including any of the following:
  - 1. The ~~Conservation, Planning, and Zoning~~ Department needs additional information to act on the application.
  - 2. The applicant materially modifies the application or agrees to an extension.

The ~~Conservation, Planning, and Zoning~~ Department shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline date by which the ~~Conservation, Planning, and Zoning~~ Department will act on the application.

**Section 13.201.07 CRITERIA FOR ISSUANCE OF A LICENSE**

- A. A license shall be issued if the application for the proposed livestock facility:
  - 1. Complies with this ordinance, and

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2. Is complete, and
  3. Contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards specified in this ordinance, specifically [13.201.03](#).
- B. A license shall be denied if any of the following apply:
1. The application, on its face, fails to meet the standard for approval in the previous paragraph.
  2. The [Conservation, Planning, and Zoning Department](#) finds, based on other clear and convincing information in the [record, which](#) the proposed livestock facility does not comply with applicable standards in this ordinance.
  3. Other grounds authorized by § 93.90 Stats, that warrant disapproving the proposed livestock facility.

**Section 13.201.08 RECORD OF DECISION**

- A. The [Department](#) must issue its decision in writing. The decision must be based on written findings of fact supported by evidence in the record. Findings may be based in part on the presumptions created by ATCP51.
- B. [Upon reaching a decision, Conservation, Planning, and Zoning the Department](#) must give the applicant a duplicate copy of the application, marked “approved” or “denied” The duplicate copy must include worksheets, maps, and other documents (other than engineering specifications included in the application).
- C. The Director [or their designee](#), as required by ATCP 51.36 within 30 days of the county decision on the application, shall do all of the following:
1. Give the Department of Agriculture, Trade, and Consumer Protection (ATCP) written notice of the county decision.
  2. File with the ATCP a copy of the final application granted or denied, if the county has granted or denied an application under this ordinance. (The copy shall include all of the worksheets, maps and other attachments included in the application, except that it is not required to include the engineering design specifications.)
  3. If the county has withdrawn a local approval under this ordinance, file with the ATCP a copy of the county final notice or order withdrawing the local approval.

**Section 13.201.09 TRANSFERABILITY OF LICENSE**

A license and the privileges granted by this license run with the land approved under the license and remain in effect, despite a change in ownership of the livestock facility, as long as the operator does not violate the terms of the license.

Upon change of ownership of the livestock facility, the new owner of the facility shall file information with the [Conservation, Planning, and Zoning Department](#) providing pertinent information, including but not limited to such information as the name, address, [contact information, date of transfer of ownership, updates related to any changes in the operation including but not limited to the employee training plan, nutrient management plan, and the emergency incident response plan](#), of the new owner.

[A new licensee may record with the register of deeds, at the licensee’s expense, a duplicate copy of the approved application.](#)

**Section 13.201.10 EXPIRATION OF LICENSE**

- A. A license remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under license, and regardless of whether the livestock operator exercises the full authority granted by the license. However, the Conservation, Planning, and Zoning Department shall treat a license as lapsed and withdraw the license if the license holder fails to do all of the following within 2 years after issuance of license:
1. Begin populating the new or expanded livestock facility.
  2. Begin constructing all of the new or expanded livestock housing or waste storage structures proposed in the application for local approval.

**Section 13.201.11 LICENSE TERMS AND MODIFICATIONS**

A license and the privileges granted by a license issued under this ordinance are conditioned upon the livestock ~~operator's licensee's~~ compliance with the standards in this ordinance, and with commitments made in the application for a license. The operator may make reasonable changes upon prior written notice and approval by the Department Director or their designee, which are compliant with the standards in this ordinance, and the Director or their designee, shall not unreasonably withhold approval. A violation of the license or a failure to comply with the commitments made in the application may result in suspension and/or termination of the license as provided in 13.201.10 or 13.201.13 of this ordinance. Any modification which exceeds the current number of animals licensed for the facility shall require a new application for license.

**Section 13.201.12 COMPLIANCE MONITORING**

- A. The Conservation, Planning, and Zoning Department shall monitor compliance with the ordinance as follows:
1. Upon notice of the livestock facility owner, view the licensed premises at a reasonable time and date to ensure that all commitments of the application and Findings of Fact, as approved are in compliance. being-complied-with.
  2. If the livestock facility owner refuses the Director or their designee the right to view the licensed premises, the Director may pursue enforcement action under Section 13.201.13. request the assistance of the Corporation Counsel to obtain an inspection warrant from the circuit court to inspect the licensed premises for the purpose of protection of the public health and safety under Sec. 66.0119 of the Wis. Statutes.
  3. If a licensed ~~premises~~ livestock facility is found non-compliant with the commitments made in the approved application and Findings of Fact, the Director shall issue a written notice to the livestock facility owner stating the conditions of non-compliance and directing that compliance with the commitments of the approved application and Findings of Fact occur license be-complied within a reasonable amount of time stated in the written notice.
  4. If non-compliance of the license conditions are not met by the deadline described in the written notice, given-by the Director continue past the stated reasonable time to comply, the Director may take further enforcement action may be taken as set forth below.
  5. If the livestock facility owner disputes that the conditions of the license have not been complied with, the livestock facility owner may request a hearing in writing within five days of receipt of the notice of non-compliance. The Committee shall schedule a hearing within five days to determine if the conditions of the license have been complied with or whether non-compliance of other commitments of the approved application and local approval exists.

(NOTE: Moves appeals from the committee to the Board of Adjustment. This is consistent with procedure set forth the zoning code.)

**Section 13.201.13 ENFORCEMENT/PENALTIES**

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- A. Any person who violates any of the provisions of this ordinance, or who fails, neglects, or refuses to comply with the provisions of this ordinance, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be subject to the following penalties.
1. Citation of not less than \$5 nor more than \$500 for each offense , plus the applicable surcharges, assessments and costs for each violation.
  2. Pursue a long form summons and complaint through a court of law.
  3. 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.
  4. Each day a violation exists or continues shall be considered a separate offense under this ordinance.
  5. In addition, the Director may seek injunctive relief from a court of record to enjoin further violations.
  6. In addition, the Conservation, Planning, and Zoning Department may suspend or revoke the approval of a license under this ordinance after notice to the livestock facility owner.
- B. ~~The committee~~ The Director or their designee shall exercise sound judgment in deciding whether to suspend or revoke a license. ~~Conservation, Planning and Zoning shall consider extenuation circumstances, such as adverse weather conditions, that may affect an operators ability to comply.~~
- C. In addition to any other penalty imposed by this ordinance, the cost of abatement of any public nuisance on the licensed premises by the County may be collected under this ordinance or Sec. 823.06 of Wis. Statutes 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 Sec. 66.027 of Wis. Statutes unless paid earlier.
- ~~D. 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, nor for any parcel(s) of land which have an outstanding violation, until the violation has been corrected. A request for waiver of these provisions may be made to the Corporation Counsel to review and the Committee to grant or deny a permit or approval on the merits of the application.~~

**Section 13.201.14 APPEALS**

- A. Purpose: The purpose of this section is to provide guidelines for appealable matters.
- B. In addition to other appeal rights provided by law, Sec 93.90(5), Stats, provides that any “aggrieved person” may request review by the Livestock Facility Siting Review Board of any decision by Conservation, Planning and Zoning the Department in connection with a permit license application. An “aggrieved person” may challenge the decision on the grounds that the county incorrectly applied the standards under this ordinance or violated sec. 93.30, Stats.
1. An “aggrieved person” under this section as defined in Sec. 93.90(5) of Wis. Statutes means a person who applied to Conservation, Planning, and Zoning for approval of a livestock siting or expansion license, a person who lives within 2 miles of the livestock facility that is proposed to be sited or expanded, or a person who owns land within 2 miles of a livestock facility that is proposed to be sited or expanded.
  2. An “aggrieved person” may request review of any decision of the Director or any decision or action by the Committee.
  3. Any appeal brought under this section must be requested within 30 days of the Conservation, Planning, and Zoning Department approval or disapproval or within 30 days after the decision on appeal before the Committee
  4. Any appeal to the State Livestock Facility Siting Review Board shall comply with Sec. 93.90 of Wis. Statutes and administrative rules of said board
- C. Decisions by the Director or their designee to issue an enforcement demand (eg. stop work order.

[abatement order, suspension, revocation or non-compliance notice](#)) are appealable to the Board of Adjustment as an administrative appeal as set forth in Chapter 17, Marathon County Zoning Code, Section 17.804.

### Section 13.201.15 SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to that end, the provisions of this ordinance are severable.

## Title 3: DEFINITIONS

### Chapter 13.301

#### Section 13.301 DEFINITIONS

**ADJACENT** - Located on land parcels that touch each other, or on land parcels that are separated only by a river, stream, or transportation or utility right-of-way.

**AFFECTED NEIGHBOR** - For purposes of the odor score calculation under s. ATCP 51.14, a residence or high-use building located within 2,500 feet of any livestock structure at a proposed livestock facility. "Affected neighbor" does not include a residence or high-use building owned by any of the following:

- a. The livestock facility operator.
- b. A person who affirmatively agrees to have the residence or high-use building excluded from the odor score calculation under s. ATCP 51.14.

Note: The odor score calculation under s. ATCP 51.14 is based, in part, on the proximity and density of "affected neighbors."

**ANIMAL LOT** - A feedlot, barnyard or other outdoor 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 chapter, if runoff from the animal lots drain to the same treatment area under s. ATCP 51.20(2) or if runoff from the animal lot treatment areas converges or reaches the same surface water within 200 feet of any of those treatment areas.

**ANIMAL UNIT** - The meaning that was given in s NR 243.03(3), ~~as of April 27, 2004.~~

**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).

**CERTIFIED AGRICULTURAL ENGINEERING PRACTITIONER** - An agricultural engineering practitioner who is certified under s. ATCP 50.46 with a rating under s. ATCP 50.46(5) that authorizes the practitioner to certify every matter that the practitioner certifies under this chapter.

**CLUSTER** - Any group of one or more livestock structures within a livestock facility.

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COMMITTEE – ~~Land Conservation and Zoning Committee~~ A committee established by the Marathon County Board of Supervisors which, by authority from Chap. 92 Wisconsin Statutes, determine policy and give direction for soil and water conservation activities. The ~~Land Conservation~~ Environmental Resources Committee also provides direction for the Department. The ~~Land Conservation~~ Environmental Resources Committee shall be the decision making board for purposes of this ordinance.

COMPLETE APPLICATION FOR LOCAL APPROVAL - An application that contains everything required under s. ATCP 51.30(1) to (4).

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) - An animal feeding operation to which any of the following apply:

- 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.
- The operation has 300 to 999 animals units and has a category I unacceptable practice under s. NR 243.24(1)(a).
- 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.

DEPARTMENT - Means the Marathon County Conservation, Planning, and Zoning Department.

EXPANDED LIVESTOCK FACILITY. The entire livestock facility that is created by the expansion, after May 1, 2006 of an existing livestock facility. Includes all livestock structures in the expanded facility, regardless of whether those structures are new, existing, or altered.

EXPANSION. An increase in the largest number of animal units kept at a livestock facility on at least 90 days in any 12-month period. The acquisition of an existing livestock facility, by operator of an adjacent livestock facility, does not constitute an “expansion” unless that operator increases the largest number of animal units kept at the combined livestock facilities on at least 90 days in any 12-month period.

Note: See s. ATCP 51.04

FINDINGS OF FACT - The summary of Marathon County Conservation Planning and Zoning Department review and decision to either approve or deny a Livestock Facility License application on the merits based on the department’s evaluation and determination of relevant evidence.

HIGH-USE BUILDING - Any of the following buildings:

- a. A residential building that has at least 6 distinct dwelling units.
- b. A restaurant, hotel, motel or tourist rooming house that holds a permit under s. 254.64 Stats.
- c. A school classroom building.
- d. A hospital or licensed care facility.
- e. A non-farm business or workplace that is normally occupied, during at least 40 hours of each week of the year, by customers or employed workers.

LIVESTOCK - Domestic animals traditionally used in this State in the production of food, fiber or other animal products. “Livestock” includes cattle, swine, poultry, sheep, and goats. “Livestock” does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.

LIVESTOCK FACILITY - A feedlot, dairy farm or other operation where livestock are, or will be, fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. A “livestock facility” includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single “livestock facility” for the purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate

“livestock facility”.

Note: See definition of “related livestock facilities” and “separate species facility”.

**LIVESTOCK STRUCTURE** - A building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. “Livestock structure” includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. “Livestock structure” does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock. Revised 11/2012

**LOCAL APPROVAL** - An approval, required by local ordinance, or a new or expanded livestock facility. “Local approval” includes a license, permit, special exception, conditional use permit or other form of local authorization. “Local approval” does not include any of the following.

- (a) An approval required by a political subdivision within the scope of its authority under s.59.692, 59.693, 60.627, 61.351, 61.354, 62.231, 62.234 or 87.30 Stats.

Note: See s.93.90(3)(a)3., Stats. The statutes listed in par. (a) pertain to shoreland zoning, floodplain zoning, construction site erosion control and stormwater management.

**LOCAL ORDINANCE or LOCAL CODE** - An ordinance enacted by a political subdivision.

**MANURE** - Excreta from livestock kept at a livestock facility. “Manure” includes livestock bedding, water, soil, hair, feathers, and other debris that becomes intermingled with livestock excreta in normal manure handling operations.

**MINOR ALTERATION** of a livestock structure. A repair or improvement in the construction of an existing livestock structure that does not result in a substantially altered livestock structure.

**NUTRIENT MANAGEMENT PLAN** - A document that is annually updated outlining the requirements for managing the amount (rate), source, placement (method of application), and timing of applications of all source of plant nutrients to cropland and pastures as identified in ATCP 50.04(3).

**NEW LIVESTOCK FACILITY** - A livestock facility that will be used as a livestock facility for the first time, or for the first time in at least 5 years. “New livestock facility” does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding 5 years.

**OPERATOR** - A person who applies for or holds a local approval for a livestock facility.

**PASTURE** - Land on which livestock graze or otherwise seek feed in a manner that maintains the vegetative cover over all of the grazing or feeding area. Pastures 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.

**PERSON** - An individual, corporation, partnership, cooperative, limited liability company, trust or other legal entity.

**POPULATE** - To add animal units for which local approval is required.

**PROPERTY LINE** - A line that separates parcels of land owned by different persons.

**RELATED LIVESTOCK FACILITIES** - Livestock facilities that are owned or managed by the same person, and related to each other in at least one of the following ways:

- e. They are located on the same tax parcel or adjacent tax parcel of land.

Note: A mere acquisition of a neighboring livestock facility does not constitute an “expansion” unless more animal units are added to the combined facilities. See definition of “Expansion”.

- b. They use one or more of the same livestock structures to collect or store manure.

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- c. At least a portion of their manure is applied to the same landspreading acreage.

**SEPARATE SPECIES FACILITY** - A livestock facility that meets all of the following criteria:

- a. It has only one of the following types of livestock, and that type of livestock is not kept on any other livestock facility to which the separate species facility is related under the definition of “Related Livestock Facilities”.

1. Cattle
2. Swine
3. Poultry
4. Sheep
5. Goats

Note: For purposes of par. (a), cattle and poultry are different “types” of livestock, but dairy and beef cattle are livestock of the same “type” (“cattle”). Milking cows, heifers, calves and steers (all “cattle”) are livestock of the same “type”. Turkeys, ducks, geese and chickens are livestock of the same “type” (“poultry”).

- (b) It has no more than 500 animals.

- (c) Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related.

- (d) It meets one of the following criteria:

1. Its livestock housing and manure storage structures, if any, are located at least 750 feet from the nearest livestock housing or manure storage structure used by a livestock facility to which it is related.
2. It and the other livestock facilities to which it is related have a combined total of fewer than 1,000 animal units.

**SITE THAT IS SUSCEPTIBLE TO GROUNDWATER CONTAMINATION** - Any of the following:

- a. An area within 250 feet of a private well.
- b. An area within 1,000 feet of a municipal well.
- c. An area within 300 feet upslope or 100 feet downslope of a karst feature.
- d. A channel with a cross-sectional area equal to or greater than 3 square feet that flows to a karst feature.
- e. An area where the soil depth to groundwater or bedrock is less than 2 feet.
- f. An area where none of the following separates the ground surface from groundwater and bedrock:
  1. A soil layer at least 2 feet deep that has at least 40% fine soil particles.
  2. A soil layer at least 3 feet deep that has at least 20% fine soil particles.
  3. A soil layer at least 5 feet deep that has at least 10% fine soil particles.

Note: See s. NR 151.015(18).

**SUBSTANTIALLY ALTERED** - A livestock structure that undergoes a material change in construction or use, including any of the following material changes:

- a. An increase in the capacity of a waste storage facility.
- b. The addition of a liner to a waste storage facility.
- c. An increase of more than 20% in the area or capacity of a livestock structure used to house, feed or confine livestock, or to store livestock feed.



d. An increase of more than 20% in the number of animal units that will be kept in a livestock structure on at least 90 days in any 12-month period.

**UNCONFINED MANURE PILE** - A quantity of manure at least 175 cubic feet in volume that covers the ground surface to a depth of at least 2 inches, but does not include any of the following:

- a. Manure that is confined within a manure storage facility, livestock housing structure or barnyard runoff control facility.
- b. Manure that is covered or contained in a manner that prevents storm water access and direct runoff to surface water or leaching of pollutants to groundwater.

**WASTE** - Manure, milking center waste and other organic waste generated by a livestock facility.

**WASTE STORAGE FACILITY** - One or more waste storage structures. "Waste storage facility" includes stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. "Waste storage facility" does not include equipment used to apply waste to land.

**WASTE STORAGE STRUCTURE** - A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. "Waste storage structure" does not include equipment used to apply waste to land. For purposes of ss. ATCP 51.12(2) and 51.14, "waste storage structure" does not include any of the following.

- a. A structure used to collect and store waste under a livestock housing facility.
- b. A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.

**WINTER GRAZING AREA** - Cropland or pasture where livestock feed on dormant vegetation or crop residue, with or without supplementary feed, during the period October 1 to April 30. "Winter grazing area" does not include any of the following:

- a. An area, other than a pasture, where livestock are kept during the period from May 1 to September 30.
- b. An area which at any time has an average of more than 4 livestock animal units per acre.
- c. An area from which livestock have unrestricted access to navigable waters of the state, such that the livestock access prevents adequate vegetative cover on banks adjoining the water.
- d. An area in which manure deposited by livestock causes nutrient levels to exceed standards in s. ATCP 51.16.

**WPDES PERMIT** - A Wisconsin Pollutant Discharge Elimination System permit issued by DNR under ch. NR 243.

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**Memorandum**  
**Land Division Ordinance Revisions**  
**And Possible Policy Questions**  
**Environmental Resources Committee**  
**September 5, 2019**

**Proposed Land Division Ordinance Revisions (not inclusive list)**

- **Concept Plat Meetings for Major Subdivisions (Operational)**
  - **Existing Ordinance:** Concept plat meeting was recommended but not required.
  - **Proposed Ordinance:** Concept plat meeting will be required with all parties involved being invited.
    - Possible attendees: Developer, Surveyor/Engineer, Town Officials, County Highway Department/WISDOT, Sanitary District, School District.
    - Meeting scheduled to discuss scope of project, effects of project on parties involved, and what will be required.
    - Informs all as to timelines, meeting dates, and expectations.
    - Allows for a front loaded, high quality, approvable preliminary plat.
    - Opens lines of communication to work with towns and help set up maintenance agreements, bonding, etc. for roads being dedicated or to address other issues.
  
- **Earlier Submittals of Preliminary Plats for Review (Operational)**
  - **Existing Ordinance:** CPZ receives a complete application and copy of plat 5 working days prior to scheduled committee meeting. (This is not enough time for staff review, review and comments from other agencies, resubmittals, and second reviews).
  - **Proposed Ordinance:** Require that CPZ receives complete application and copy of plat 25 working days prior to committee meeting. This gives time to distribute to objecting authorities, perform a thorough review of plat and supporting engineering documentation, contact/meet with surveyor to address any deficiencies, and provide committee a clean, approvable product. (Note: Final Plat is entitled to approval if it is substantially conforming to the preliminary plat).
  
- **Certified Survey Map (CSM) Review Process for Sale or Exchange Between Adjoining Landowners (Operational)**
  - **Existing Ordinance:** CSM's for sale and exchange were reviewed by zoning staff only (Complying with State Statutes).
  - **Proposed Ordinance:** CSM's for sale and exchange will be reviewed by zoning staff, but will also be reviewed by County Surveyor for compliance with CH. 236 Wis. Stats.
    - Per the Wisconsin Department of Administration, the County Surveyor cannot review CSM's for compliance with county (local) land division ordinance, but can review for CH. 236 State Statutes standards pertaining to land divisions and can charge for the review.
    - It has been a reoccurring pattern that CSM's not going through survey review are being sent back to CPZ by the Real Property Lister due to errors and difficulties of listing the new parcels in the assessment roll. Also, many are not compliant with State Statutes. CPZ staff works with surveyors to correct the survey to comply with CH. 236 Wis. Stats.
    - New process will help lessen the amount of correction affidavits and CSM's having to be re-recorded in the Register of Deeds office and assure surveys follow state statute thus protecting the land owner and the integrity of the assessment/taxation system.
  
- **Better Defined Access Requirements for Ingress/Egress to Proposed Lots in CSM's**
  - **Existing Ordinance:** Shared driveways, private roads, easements and access strips are not clearly defined and are used interchangeably. Access areas required to be a 33' width of ownership or a 66' width of easement.
  - **Proposed Ordinance:** Shared driveways, private roads, easements and access strips are more clearly defined and handled individually with separate regulations on how they will be used and when they will be allowed.
    - Requires all access areas to be a minimum width of 66'. **(Policy change)**
    - Limits the number of lots to be served by a shared driveway or easement to 2. **(Policy change)**
    - Requires lots on CSM's with 3 or 4 lots to be served by either a private road with equally shared ownership or a public road. Maintenance agreements and WisDOT FDM construction standards would also be required. **(Policy change)**

- **Minimum Lot Size**

- **Existing Ordinance:** There is currently no minimum lot size required. In towns with county zoning or town zoning, minimum lot sizes are specified in individual zoning districts and dependent on sewer and water availability.
- **Proposed Ordinance:** Proposing to require a minimum lot size of one acre for developments served by POWTS in towns with no zoning. **(Policy change)**
  - Ensures enough buildable area to construct buildings, install septic systems and wells, and provide adequate area for driveways and yard areas.
  - Encourages pre-planned buildable lots.
  - Minimizes confusion for the public when subdividing land.

URGING CONGRESS TO SUPPORT A MARKET-BASED,  
BIPARTISAN CLIMATE SOLUTION (H.R. 763)

WHEREAS, increases in average global temperatures, the number and intensity of extreme weather events, rising sea levels, and the melting of glacial and Arctic ice indicate that the global climate is changing; and

WHEREAS, climate change is a legitimate and anthropogenic concern and there is overwhelming scientific consensus that this is true; and

WHEREAS, climate change is caused by a number of factors and one of the most significant and controllable of these is the releasing of carbon dioxide gas into the atmosphere during the combustion of fossil fuels such as coal, oil, and natural gas; and

WHEREAS, the solution to climate change is a transition away from a fossil fuel-based U.S. economy to a renewable energy-based U.S. economy; and

WHEREAS, the U.S. Environmental Protection Agency (EPA) [confirms](#) that Wisconsin's climate is changing (specifically that in the past century, most of the State has warmed approximately 2° Fahrenheit); and

WHEREAS, the EPA [warns](#) that climate change could mean the following for Wisconsin:

- Higher risk for heavy precipitation and flooding;
- Shortened seasons for winter recreation, thus harming local economies that depend on this industry;
- Reduced output for the multibillion-dollar dairy industry, as higher temperatures cause cows to eat less and produce less milk;
- More severe droughts or floods that could hurt crop yields and harm air quality;
- Greater threats to human health through higher temperatures that can cause heatstroke and dehydration and affect people's cardiovascular and nervous systems; and

WHEREAS, the [Wisconsin Initiative on Climate Change Impacts](#) (WICCI), a partnership of the Wisconsin Department of Natural Resources and the University of Wisconsin Nelson Institute for Environmental Studies, [predicts](#) that changing temperatures and precipitation could:

- Increase the intensity and frequency of precipitation events;
- Affect Wisconsin's growing seasons, crop yields, and weed and pest infestations;
- Pose an indirect threat to human health through changes in air and water quality and by expanding the ranges of Lyme disease and other pathogens; and

WHEREAS, climate change is a concern to Marathon County and all of Wisconsin and a climate change solution needs to be big and lasting, which necessitates bipartisan legislation; and

WHEREAS, in order to reduce carbon emissions effectively and efficiently, leading economists (including 4 past chairs of the Federal Reserve, 27 Nobel Laureates, and 15 past chairs of the Council of Economic Advisors) worked together and developed a [Bipartisan Climate Solution](#) that involves:

- The implementation of a fee on fossil fuels like coal, oil, and gas, which starts low and grows over time, driving down carbon pollution as companies, industries, and consumers move toward cleaner, cheaper options;
- Redistribution of revenues beyond what is needed to administer the program back to U.S. residents in the form of a carbon dividend;
- The assessment of a border carbon adjustment on all imported goods to help protect U.S. manufacturers and jobs; and

WHEREAS, the Energy Innovation and Carbon Dividend Act, introduced as [H.R. 763](#), incorporates all the key concepts developed by the above-referenced group of leading economists and has bipartisan support; and

WHEREAS, a viable climate change solution will require federal government action and rely upon U.S. technology and ingenuity, H.R. 763 will:

- Reduce emissions in the United States of America by 40% in the first 12 years,
- Be revenue neutral,
- Protect U.S. jobs during the transition to a renewable energy economy.

NOW, THEREFORE, the Marathon County Board of Supervisors, assembled on September XX, 2019, does hereby urge the United States Congress to pass H.R. 763 without delay; and

BE IT FURTHER RESOLVED, the Marathon County Clerk is directed to send copies of this resolution to...

RESOLUTION NO. 134-2018-2020

TO: THE HONORABLE CHAIRMAN AND MEMBERS OF THE PORTAGE COUNTY BOARD OF SUPERVISORS

RE: RESOLUTION SUPPORTING LOCAL CONTROL FOR LIVESTOCK SITING

**WHEREAS**, the number of Concentrated Livestock Feeding Operations (CAFOs) in Wisconsin is increasing (between 2005 and 2016, the number of CAFOs nearly doubled - from 146 to 295); and

**WHEREAS**, State law preempts local governments from regulating CAFOs more stringently than required by the Livestock Facility Siting Law (ATCP 51), and

**WHEREAS**, opportunity for stronger local siting standards based on “reasonable and scientifically defensible findings of fact” that “clearly show that the standards are needed to protect the public health or safety.” remains very limited; and

**WHEREAS**, the Department of Natural Resources (DNR) issues water pollution discharge permits to CAFOs, and more stringent local regulation of issues related to water quality may also prove difficult; and

**WHEREAS**, the unique geographic features throughout Wisconsin make it necessary to assess the environmental impacts of CAFO's on a county-by-county basis; and

**WHEREAS**, the Department of Revenue adjusted downward a Kewaunee County landowner's property taxes because of the property's proximity to a large CAFO and in 2016 the Department of Revenue did the same for a property in Green County; and

**WHEREAS**, in addition to affecting landowners, this also impacts local governments, which are seeing a deterioration of their property tax base because existing state siting standards are insufficient to protect neighboring properties; and

**WHEREAS**, per state statute 93.90(2)(a) Department of Agriculture, Trade, and Consumer Protection (DATCP) shall appoint a Technical Committee to review ATCP 51 and make recommendations at least every four years; and

**WHEREAS**, DATCP convened the first Technical Committees in 2010, 2014, and 2018 but has made no changes to ATCP 51 despite the committee's work or summary reports; and

**WHEREAS**, state statute 93.90 fails to provide guidance for implementation of the Technical Committee's recommendations;

**THEREFORE, BE IT RESOLVED** that Portage County Board of Supervisors recognizes the authority of ATCP 51 to set statewide, minimum standards and procedures for CAFOs but supports lifting the preemption of local control in ATCP 51 and allowing local governments to

pass more stringent standards and procedures that are based on reasonable and scientifically defensible findings of fact that clearly show that the standards are needed to protect ground and surface water and air quality and public health or safety without seeking DATCP or DNR approval; and

**BE IT FURTHER RESOLVED**, that Portage County Board of Supervisors urges the legislature to amend the statute to require that the findings of the Technical Committee must be presented in writing to the Dept of Agriculture, Trade and Consumer Protection (DATCP), and that the Wisconsin DATCP Board must present a scope statement to the Wisconsin Secretary of Agriculture within 90 days, and if DATCP fails to take action on the scope statement within six months, the scope statement must be sent to the Joint Committee for Review of Administrative Rules and scheduled for a public hearing; and

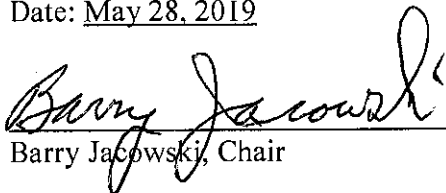
**BE IT FURTHER RESOLVED** that the Portage County Clerk is hereby directed to send a copy of this resolution to the Governor of the State of Wisconsin, the Wisconsin Counties Association, the Wisconsin Towns Association, the Wisconsin League of Municipalities, all members of the state legislature, and to each Wisconsin County.


Dated this 18th day of June, 2019


Respectfully submitted,

PLANNING AND ZONING COMMITTEE

Date: May 28, 2019

  
Barry Jacobowski, Chair

  
Larry Raikowski, Vice Chair

  
Charles Gussel

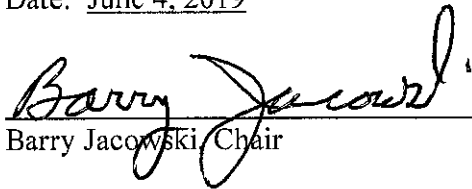
  
Julie Morrow

Excused  
Mike Splinter

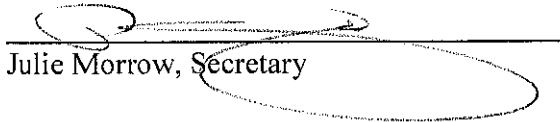


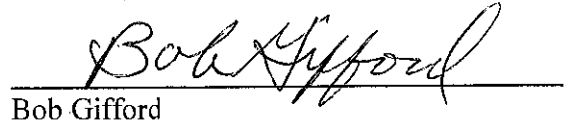
LAND AND WATER CONSERVATION COMMITTEE

Date: June 4, 2019

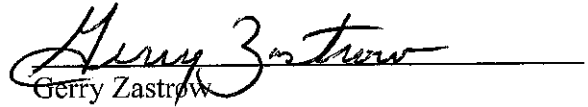
  
Barry Jacowski, Chair

NAY  
Dale O'Brien, Vice Chair

  
Julie Morrow, Secretary

  
Bob Gifford

Excused  
John Ruzicka

  
Gerry Zastraw

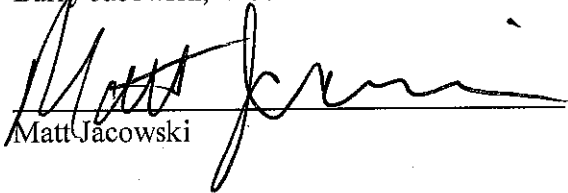
AGRICULTURE AND EXTENSION EDUCATION COMMITTEE

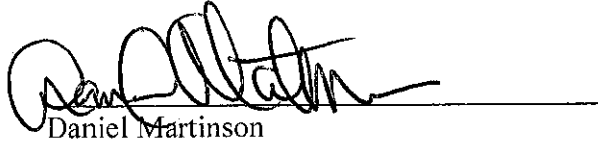
Date: June 6, 2019

NAY  
Dale O'Brien, Chair

Excused  
Barry Jacowski, Vice Chair

NAY  
Charles Gussel

  
Matt Jacowski

  
Daniel Martinson

**Marathon County  
Environmental Resource Committee (ERC)  
2020-2029 LAND AND WATER RESOURCE MANAGEMENT  
PLAN**

**Action and Timeline Plan**

The quality of life for Marathon County residents is dependent upon sound management of the natural resources. The Land and Water Resource Management (LWRM) Plan is a ten year plan that brings land use, land use activities, and natural resources together in a plan to protect and improve our natural resources.

Conservation, Planning and Zoning (CPZ) staff have initiated preliminary draft work on the LWRMP and the LWRMP is scheduled to be completed and presented to DATCP by December, 2020.

**PUBLIC PARTICIPATION**

**Citizen Advisory Committee**

On June 6, 2019, The Marathon County Administrator approved and created a local Citizens Advisory Committee (CAC), The ERC concurred with the appointments.

The Technical Advisory Committee (TAC) representatives will include Natural Resources Conservation Services (NRCS) Department of Natural Resources (DNR), UW-Extension, local agronomists, Wisconsin Valley Improvement Company and possibly others.

**PLAN DEVELOPMENT PROCESS**

This is an ongoing effort from August, 2019 to April/May of 2020, and will include data collection, resource assessment, plan development, CAC/TAC meetings, staff input and review, map development, and goals and objectives to conserve, preserve and protect the natural resources.

**REVIEW AND APPROVAL PROCESS**

**ERC and Public Hearing**

The ERC will have an opportunity to review and approve the LWRMP during in early 2020 followed by public hearings sometime in early spring/summer on the proposed LWRMP. Portions of the plan will be delivered throughout the planning process as they are finished to provide committee input and feedback.

**County Board Approval** is projected to be scheduled in October, 2020.

**DATCP Consideration and Approval** will occur in November with DATCP final approval in December, 2020 by the Wisconsin Land and Water Conservation Board.



## MEMORANDUM

DATE: August 28, 2019  
TO: Environmental Resources Committee  
FROM: Becky Frisch  
SUBJECT: CPZ Update: Land Conservation Program Funding

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) – Soil and Water Resource Management (SWRM) program recently released the 2020 Preliminary Allocation Plan for conservation program grant funding. Marathon County conservation programs continue to rank high in grant funding allocations.

- Marathon County Total Funding allocation for 2020 (staffing funds and cost share funds) totals \$314,865. Marathon County ranks #2 in the state in highest total grant funding.
- Marathon County funding allocation for Bond cost sharing (funds to be used for structural type conservation practices) totals \$75,850. Marathon County ranks #1 in the state for bond funding.
- Marathon County funding allocation for SEG Cost sharing (funds to be used for “soft” practices such as nutrient management, no till, cover crops, etc.) totals \$95,000. Marathon County scored #1 in the state for SEG cost share fund ranking.
- Nutrient Management Farmer Education Training Grant – The multi county nutrient management farmer education program that Marathon County initiated 12 years ago received \$53,350 of grant funds for 2020. This allocation is the highest in the state. Marathon County coordinates with Lincoln, Clark, Taylor, and Wood Counties as well as Northcentral Technical College to provide training to farmers on developing and implementing nutrient management plans.

These funding allocations support the work of the staff involved with conservation program implementation and demonstrates the commitment by the staff and landowners to implement effective conservation practices to protect the soil and water resources of Marathon County.

**Conservation, Planning & Zoning Department**

DRAFT Language  
Application of manure during high risk times  
Marathon County General Code of Ordinances  
Chapter 13 Livestock Facilities Licensing Ordinance  
September, 2019  
(Red font is draft language)

**Note:** This language would be very similar to that required by DNR permitted livestock operations (CAFO's). Marathon County would also still need to hold a public hearing on this language and receive approval from the DNR and/or DATCP to place these safeguards and restrictions in this ordinance. DNR staff has recommended this DNR and/or DATCP approval be sought after committee approval but before full county board approval.

**Proposed additional language for Chapter 13:**

**13.201.03 LICENSE STANDARDS:**

7. Frozen and snow covered ground manure spreading restrictions

Snow covered and frozen ground manure restrictions. Requirements listed below are in addition to NRCS 590 requirements.

a. Liquid manure applications on snow covered and frozen ground restrictions:

- 1) Surface applications are prohibited except for emergency situations on snow (>1 inch) covered and/or frozen ground. Approval for emergency situations must be approved by Marathon County CPZ.
- 2) Snow covered ground restrictions:  
Effective injection or immediate incorporation of liquid manure is allowed if snow cover and soil conditions allow:
  - a) Immediate incorporation or injection is allowed when there are 1 to 4 inches of snow.
  - b) Injection only is allowed when there is greater than 4 inches of snow.
- 3) Highest risk runoff period (Feb 1 – March 31)
  - a) Liquid manure may not be surface applied, unless an emergency situation is approved by Marathon County CPZ. (243 criteria uses bases emergency on four issues).
  - b) If an emergency situation is approved by Marathon County CPZ, then requirements in Table 5 must be followed.

b. Solid manure applications on snow covered and frozen ground restrictions:

- 1) Surface applications are required to follow requirements in Table 4 when the ground is snow (>1inch) covered and/or frozen ground.
- 2) Snow covered ground restrictions.
  - a) If 1 to 4 inches of snow is present in the field where manure is applied:
    1. Surface applied manure must follow requirements in Table 4.
    2. Manure immediately incorporated is not required to meet Table 4 requirements.
  - b) If more than 4 inches of snow is present in the field where manure is applied:
    1. Surface applied manure must follow requirements in Table 4.
    2. Incorporation of solid manure is prohibited.
- 3) Highest Risk runoff period (Feb 1 – March 31)
  - a) Solid manure be may not be surface applied if any of the conditions below exist:
    1. Snow is present to a depth of 1 inch or greater
    2. Frozen ground

**Table 4  
Restrictions for Surface Applying Solid Manure on Snow Covered and Frozen Ground**

<b>Criteria</b>	<b>Restrictions for fields with 0-6% slopes</b>	<b>Restrictions for fields with &gt;6 to 9% slopes</b>	<b>Restrictions for fields with slopes &gt; than 9%</b>
<b>Required fall tillage practice prior to application</b>	Chisel or moldboard plow, no-till, perennial forage or CPZ approved	Chisel or moldboard plow, no-till, perennial forage or CPZ approved	Not allowed
<b>Application rate (cumulative per acre)</b>	Not to exceed 60 lbs. P2O5 per winter season, the following growing season's crop P2O5 budget taking into account nutrients already applied, or phosphorus application restrictions specified in a department approved nutrient management plan, whichever is less	Not to exceed 60 lbs. P2O5 per winter season, the following growing season's crop P2O5 budget taking into account nutrients already applied, or phosphorus application restrictions specified in a department approved nutrient management plan, whichever is less	Not allowed
<b>Setbacks from surface waters</b>	No applications allowed with Surface Water Quality Management Area (SWQMA)	No applications allowed within 2x SWQMA	Not allowed
<b>Setbacks from downslope area of channelized flow, vegetated buffers, and wetlands</b>	200 feet	400 feet	Not allowed
<b>Setbacks from direct conduits to groundwater</b>	300 feet	600 feet	Not allowed

**Table 5  
Emergency Surface Applications of Liquid Manure on Snow Covered and Frozen Ground**

<b>Criteria</b>	<b>Restrictions for fields with 0-6% slopes</b>	<b>Restrictions for fields with &gt;6</b>
<b>Required fall tillage practice prior to application</b>	Chisel or moldboard plow, no-till, perennial forage, or CPZ approved	Not allowed
<b>Application rate (cumulative per acre)</b>	Not to exceed 3,500 gallons per acre per winter season, not to exceed 30 lbs. P2O5 per acre per winter season, the following growing season's crop P2O5 budget taking into account nutrients already applied, or phosphorus application restrictions specified in a department approved nutrient management plan, whichever is less	Not allowed
<b>Setbacks from surface waters</b>	No applications allowed with SWQMA	Not allowed
<b>Setbacks from downslope area of channelized flow, vegetated buffers, and wetlands</b>	200 feet	Not allowed
<b>Setbacks from direct conduits to groundwater</b>	300 feet	Not allowed

**In addition the following shall be added to Definitions:**

**180 days of storage:** shall include freeboard and margin of safety identified in design process.

**Emergency situations:** necessitated by exceedances or expected exceedances of the margin of safety level that were unavoidable due to unusual weather conditions, equipment failure or other unforeseen circumstances beyond the control of the permittee.

**Liquid manure:** means manure with solids content of less than 12%. (Note: frozen liquid manure is still considered liquid manure)

**Solid manure:** means manure with solids content of 12% or more.

**Surface Water Quality Management Area (SWQMA):**

- 1) The area within 1000 feet from the ordinary high-water mark of navigable waters that consists of a lake, pond, or flowage, except that is a glacial pothole lake, “surface water quality management area” means the area within 1000 feet from the high-water mark of the lake.
- 2) The area within 300 feet from the ordinary high-water mark of navigable waters that consists of a river or stream is defined as:
  - a. Perennial streams (continuous flow) identified on NRCS soil survey and/or USGS 1:24,000 scale topographic map as solid lines,
  - b. Otherwise determine through an on-site evaluation and documented in an approved conservation plan or nutrient management plan. Areas within SWQMA that do not drain to the water are excluded from this definition.

**Frozen Ground:** means soil that is frozen anywhere between the first ½” and 8” of soil as measured from the ground surface. Note: Under the definition of frozen ground, soil that is frozen to a depth of ½” or less as measured from the ground surface is not considered frozen ground.

DRAFT