LAND CONSERVATION AND ZONING COMMITTEE
AGENDA

Date & Time of Meeting:  Tuesday, October 3, 2017 at 12:30 p.m.
Meeting Location: Large Conference Room, 210 River Drive, Wausau 54403

Land Conservation and Zoning Committee Members: James Seefeldt - Chair; Jacob Langenhahn - Vice-chair; Jean Maszk, Sandi Cihlar, Rick Seefeldt, Chris Voll, Kelly King - FSA 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.

Conservation, Planning and Zoning Department’s Mission Statement: To protect our community’s land and environment because the economic strength and vitality of our community is dependent on the quality of our resources. Through leadership, accountability, community engagement and collaborative partnerships we promote thoughtful and deliberate use of resources and innovative solutions to ensure Marathon County has healthy people, a healthy economy and a healthy environment today and tomorrow.

1. Call meeting to order
2. Request for silencing of cell phones and other electronic devices
3. 15 minute public comment

4. Approval of September 5, 2017 LCZ Committee minutes

5. Public Hearings, possible action, possible recommendation to County Board for consideration
   A. Marvin & Rosanna Martin – F-P Farmland Preservation to L-I Light Industrial – Town of Hull
   B. Town of Reid – L-D-R Low Density Residential to R-E Rural Estate – Town of Reid

6. Review and possible action, possible recommendation to County Board for consideration
   A. Town of Rib Mountain - Text Amendments pursuant to §60.62(3) Wis. Stats
   B. Town of Texas - Text Amendments pursuant to §60.62(3) Wis. Stats
   C. Town of Cassel - Text Amendments pursuant to §60.62(3) Wis. Stats

7. Policy discussion and possible action
8. Educational presentations / outcome monitoring reports, and possible action
   A. Single Family Residence Vacation Rental and Tourist Rooming Housing (Daigle)
   B. Wildlife Damage Abatement and Claims
      1. 2018 Marathon County Budget (Tharman)
   C. Natural Resources Conservation Service (NRCS) and Farm Service Agency (FSA)
   D. Department of Natural Resources (DNR)
   E. Department Updates
      1. Fenwood Update (Daigle)
      2. 2018 Meeting Date Calendar

9. Announcements and Requests

10. Next meeting date, time & location; Agenda items/future topics:
    Future agenda items:
    Next regular meeting: Tuesday, November 7, 2017, 12:30 p.m., 210 River Drive

11. Adjournment
Marathon County Land Conservation And Zoning Committee Minutes
Tuesday, September 5, 2017
210 River Drive, Wausau WI

Attendance: Member Present Not present
Chair
James Seefeldt ..................... X
Jacob Langenhahn........... X (excused)
Vice-Chair
Sandi Cihlar.................. X
Kelly King .................. X
Jean Maszk ................. X
Rick Seefeldt ................. X
Chris Voll........................ X

Also present: Rebecca Frisch, Paul Daigle, Dean Johnson, Cindy Kraeger, Diane Hanson, Tim Vreeland, Steve Kunst, Arnie Schlei, Sue Gross, and Chris Low.

1. Call to order – Called to order by Chair Seefeldt at 12:30 p.m. at 210 River Drive, Wausau, WI
2. Request for silencing of all cellphones and other electronic devices.
3. 15 minute public comment
   Chris Low: Representing several neighbors on Lake Du Bay, Low expressed concern with vacation rental by owner (VRBO) in a residential zoning district and described the experiences observed at 1500 Plum Lane. The previous zoning code allowed for a special use permit for this type of activity and this language was not included in the new zoning code. She also stated that Portage County does have code language related to VRBO. She requested that this issue be placed on the committee’s agenda to develop clear and unambiguous code language related to VRBO.
   Sue Gross: As the owner of the only lodging business on Lake Du Bay and is required to comply with health and safety standards, Gross feels that the VRBO sites should be under the same scrutiny as having a business.
   Arnold Schlei: With the recent news reports related to VRBO on Lake Du Bay, town residents contacted him to express concern and he encouraged the county resolve this issue with a zoning ordinance change.

4. Approval of August 1, 2017 minutes
   Motion / second by Maszk / R. Seefeldt to approve of the August 1, 2017 minutes as distributed. Motion carried by voice vote, no dissent.

5. Public Hearings, possible action, possible recommendation to County Board for consideration
   A. Thomas Sommer – G-A General Agriculture/ L-D-R Low Density Residential to R-R Rural Residential – Town of Rib Falls
   Discussion: Johnson was sworn in, noting the decision sheet had been included in the meeting packet. The request to rezone is to create a uniform zoning district over the entire property and to build a new home and accessory structure on the property. The Town of Rib Falls has reviewed the application and recommends approval without any concerns. The Town of Rib Falls has adopted the new zoning code.
   Vreeland was sworn in and explained the request to rezone. Testimony portion of the hearing was closed at 12:58 p.m.
   Action: Motion / second by Maszk / Kelly to recommend approval to County Board, of the Thomas Sommer rezone request. Committee determined the rezone is consistent with the Marathon County and Town comprehensive plans, and is not in the Farmland Preservation Plan. Adequate facilities are present and providing public facilities will not burden local government. The rezone should not result in any adverse effect on natural areas. Motion carried by voice vote, no dissent

6. Review and possible action, possible recommendation to County Board for consideration
   A. Town of Rib Mountain – Zone change pursuant to §60.62(3) Wis. Stats.
   Discussion: Town of Rib Mountain is independently zoned and submitted a request to rezone 36.42 acre parcel from R-E1 - Rural Estate to R-A1 Rural Agriculture District, for property address 7408 Bittersweet Road. The zoning change was approved at the town board meeting on August 16, 2016. Although the town is independently zoned, County Board approval is still needed.
   Action: Motion / second by King/ Cihlar to recommend approval to County Board, of the Town of Rib Mountain zone change. Motion carried by voice vote, no dissent
   Follow through: Forward to the County Board for action at their next regularly scheduled meeting.
   B. Town of Mosinee – Eau Claire River LLC Zone change pursuant to §60.62(3) Wis. Stats.
   Discussion: Town of Mosinee is independently zoned and submitted a request to rezone 157.75 acres for possible residential development from C-1 Commercial to R-1 Rural Agriculture District. The zone change was approved at joint meeting of town board and planning commission on August 28, 2017. Although the town is independently zoned, County Board approval is still needed.
Action: **Motion** / second by King / Maszk to recommend approval to County Board, of the Town of Mosinee zone change. Motion **carried** by voice vote, no dissent.

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

7. **Policy discussion and possible action** - None

8. **Educational presentations / outcome monitoring reports, and possible action**
   A. **Wildlife Damage of Abatement and Claims** - Informational Report was included in packet
   B. **Natural Resources Conservation Service (NRCS) and Farm Service Agency (FSA)**
      Discussion: Daigle discussed the Environmental Quality Incentive Program (EQIP) that provides financial and technical assistance to agricultural producers to plan and implement conservation practices that improve soil, water, plant, air on agriculture land. He stated that CPZ staff have been advertising this program to landowners.
      Follow through: None
   C. **Department of Natural Resources (DNR)** – No report
   D. **Department Updates**
      1. **North Central Land and Water Conservation Association Summer Meeting Update**
         Discussion: Seefeldt and Daigle provided a report on the Associations summer business meeting and tour.
         Action: None, for informational purposes only.
         Follow through: None
      2. **“On Common Ground” Meeting Update**
         Discussion: Daigle discussed the event that showcased best practices to achieve and maintain soil health and prevent nutrient loss from soils. Cihlar commented the attendees represented a mix of people from town officials, to citizens and farmers.
         Action: None, for informational purposes only.
         Follow through: None
      3. **New Grant requests for Targeted Resource Management and Notice of Discharge grants**
         Discussion: Daigle informed the committee of DNR request for CPZ to apply for grant funding for a landowner. Due to previous TRM and NOD grant commitments, especially the Fenwood Project, CPZ does not have staff time to commit to apply for additional grants at this time. Discussion followed on the grant process and specific practices that could be funded.
         Action: None, for informational purposes only.
         Follow through: None

9. **Announcements and Requests** - None

10. **Next meeting date, time & location; Agenda items/future topics:**
    - Lincoln County Grazing Project status update
    - Educational presentation related to VRBO including information related to different types of rentals, how other counties regulate these types of businesses, specifications on rental limits (occupancy, vehicles, etc.), limitations on shoreland properties related to FERC licensing (Wisconsin Valley Improvement/Consolidated Papers authorities), other regulations (health department, etc.)
    - Tuesday, October 3, 2017, 12:30 p.m., 210 River Drive, Wausau.

11. **Adjourn** – **Motion** / second by Maszk/ King to **adjourn** at 1:42 p.m. Motion **carried** by voice vote, no dissent.

Rebecca Frisch, CPZ Director
for James Seefeldt, Chair

cc: (via email/web site) LCZ members; County Administrator; Deputy County Administrator; Conservation, Planning, & Zoning; Corporation Counsel; County Clerk; County Board Members, DATCP, DNR, FSA, NRCS, USDA/APHIS  RF/cek
RESOLUTION ON ZONING ORDINANCE AMENDMENT

TO THE MARATHON COUNTY ZONING COMMITTEE

I, Tiffany Bruner-Collins, Clerk of the Town of Hull, Marathon County, State of Wisconsin, do hereby certify that the following is a true and correct copy of a resolution adopted by the Town Board of the Town of Hull at a meeting held on the 11th day of September, 2017.

RESOLUTION

WHEREAS, Section 59.69(3)(c)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 County Zoning 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 County Zoning 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 Board of the Town of Hull considered on the 11th day of September, 2017, petition by Marvin & Rosanna Mastin to amend the Marathon County Zoning Ordinance to rezone lands from F-F Farmland Preservation to L-1 Light Industrial, on property (Legal description to be rezoned) Commencing at the southwest corner of the Southwest Quarter of the southeast quarter of section 17, T. 28N – R. 53E, thence north 550 feet, thence east 1000 feet, thence south 550 feet, thence west 1000 feet back to the point of beginning, EXCEPTING highway right of way.

The Town of Hull 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?
   [Option choices: No, Yes, Explain:]

2) Has the applicant demonstrated how the provision of the public facilities will not be an unreasonable burden to local government?
   [Option choices: No, Yes, Explain:]

3) Has the applicant determined that the land is suitable for the development proposed? Explain.
   [Option choices: 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.
   [Option choices: No, Yes, Explain:]

5) Is there any potential for conflict with existing land uses in the area?
   [Option choices: 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 Land Conservation and Zoning (LCZ) Committee?
☐ No ☐ Yes Explain:________________________________________________________

The Town of ___________ 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)(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.

[Signature]

Clerk

[Signature]

Town Board

To The Town Board: If you recommend disapproval of this zone change request, please make every effort to send a representative to the public hearing. If you recommend either approval or disapproval, your input at the hearing is appreciated.

Please make every effort to return the completed resolution to: Marathon County Conservation, Planning & Zoning Department 210 River Drive, Wausau WI 54403 5449 715-261-6000 Fax: 715-261-6016

Next Meeting Date: October 3, 2017

[Signature]

August 21, 2017

Pg 2 of 2
Marvin & Rosanna Martin  
Petition to Rezone Land  
Conservation, Planning and Zoning Committee  
Decision Form

Findings of Fact

Request:
The petition of Marvin & Rosanna Martin to amend the Marathon County Zoning Ordinance to rezone lands from F-P Farmland Preservation to L-I Light Industrial, on property described as commencing at the SW corner of the SW ¼ of the SE ¼, thence north 550 feet, thence east 1000 feet, thence south 550 feet, thence west 1000 feet back to the point of beginning, EXCEPTING highway right of way; located in Section 17, Township 28 North, Range 2 East in the Town of Hull; PIN # 044-2802-174-0997, site address; H4428 Maple Road, Colby WI 54421.

This rezone is to allow for a new metal fabrication facility with indoor and outdoor storage and a small retail area.

Existing uses:

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

Proposed Uses

**L-I Light Industrial.** Industrial Research and Office district. The purposes of the L-I district are:

1. To provide an environment exclusively for and conducive to the development and protection of modern administrative facilities and research institutions that are office-like in physical appearance and service requirements.
2. To provide for and accommodate industrial uses in the fields of repair, storage, manufacturing, processing, wholesaling, and distribution, free from the encroachment of residential, retail, and institutional uses unless otherwise specified in this ordinance. The uses allowed are those which, because of their normally unobjectionable characteristics, can be in relatively close proximity to residential and commercial districts.

Surrounding Conditions

All of the surrounding properties are Farmland Preservation Zoning. Do have one property just to the north that is L-I Light Industrial at this time.
The future land use map shows this parcel to be designated as Cropland (White)

This site and majority of the Town was placed into the Farmland Preservation plan in 2013. Placing the property in the Farmland Preservation Plan designated that this was an area of strong agricultural practice.

On September 11, 2017 the Town of Hull met and signed a resolution recommending approval, but did not answer the questions provided for the Town Board. Conservation, Planning and Zoning staff have contacted the Town requesting additional information.
Property Airphoto

Property Location Map

Wetlands/Floodplain
Marathon County 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 rezoning, the county must answer ‘agree’ to each of these standards. If the county recommends approval, but answered ‘disagree’ to any of these questions, they should indicate plan/ordinance changes, and/or additional information required to satisfy the criteria.

1. The rezoning is consistent with the [Marathon County and Town Comprehensive Plan](#). *(Note how the proposal relates to the future land use map and the vision, goals, objectives, and policies of the plan).*
   
   □ agree  □ disagree  □ insufficient information

2. The rezoning is substantially consistent with the Marathon County [Farmland Preservation Plan](#).
   
   □ agree  □ disagree  □ insufficient information

3. The location of the proposed development minimizes the amount of agricultural land converted.
   
   □ agree  □ disagree  □ insufficient information

4. Adequate public facilities to serve the rezone are present or will be provided. *(Note impacts on highways, streets, water, sewage, drainage, schools, emergency services, etc.).*
   
   □ agree  □ disagree  □ insufficient information

5. Providing public facilities will not be an unreasonable burden to local government.
   
   □ agree  □ disagree  □ insufficient information

6. The applicant has demonstrated a need for the proposed development?
   
   □ agree  □ disagree  □ insufficient information
7. 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

8. The rezone will not substantially impair or limit current or future agricultural use of other protected farmland.

☐ agree  ☐ disagree  ☐ insufficient information

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

☐ agree  ☐ disagree  ☐ insufficient information

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

☐ agree  ☐ disagree  ☐ insufficient information

**Land Conservation and Zoning Committee Decision**

On the basis of the above findings of fact, conclusions of law, and the record in this matter, the Marathon County Land Conservation and Zoning Committee finds that the rezoning of The petition of Marvin & Rosanna Martin to amend the Marathon County Zoning Ordinance to rezone lands from F-P Farmland Preservation to L-I Light Industrial, on property described as commencing at the SW corner of the SW ¼ of the SE ¼, thence north 550 feet, thence east 1000 feet, thence south 550 feet, thence west 1000 feet back to the point of beginning, EXCEPTING highway right of way; located in Section 17, Township 28 North, Range 2 East in the Town of Hull; PIN # 044-2802-174-0997 is:

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

Specify reasons for denial, or additional information requested:

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

Describe recommended amendments:

☐

Signature: ____________________________  Date: ____________________________

Chairman: ____________________________  Date: ____________________________
Findings of Fact

Request:
The petition of the Town of Reid to amend the Marathon County Zoning Ordinance to rezone lands owned by the Town of Reid from L-D-R Low Density Residential to R-E Rural Estate, on property described as part of Government Lot 2 PCL A, CSM Vol 29 Pg 90 (#7627) (Doc # 1007318) & PCL A CSM Vol 41 PG 38 (#10015) (Doc # 1122695) EX CSM Vol 9 Pg 249 (#2465) (Doc#763270); located in Section 13, Township 27 North, Range 09 East, in the Town of Reid; PIN# 064-2709-135-0930, site address: 1603 County Road Y, Hatley, WI 54440.

This rezone is to allow the Town of Reid to construct a 40 ft by 50 ft accessory building. The accessory building is to be used as a dual purpose building. Part Town Garage and the other part to house an Ambulance for Hatley Fire District.

Existing uses:

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

Proposed Uses

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

Surrounding Conditions

The most of the properties surrounding this area are zoned L-D-R Low Density Residential (Yellow).
The future land use map shows this parcel to be designated as Public/Quasi-public (Blue), and Recreational (Pink). The Town of Reid Town Hall and garage is located on this parcel at this time with a baseball diamond to the south.

This site and a fair amount of other land adjoining were not placed into the Farmland Preservation plan in 2013. Placing the property in the Farmland Preservation Plan designated that this was an area of strong agricultural practice.

Jack Dallman, chairman of the Town of Reid has applied for both the zoning and the Rezone of the property on September 11, 2017 on the Town of Reid’s behalf.
### Conclusions of Law

Marathon County 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 rezoning, the county must answer ‘agree’ to each of these standards. If the county recommends approval, but answered ‘disagree’ to any of these questions, they should indicate plan/ordinance changes, and/or additional information required to satisfy the criteria.

1. The rezoning is consistent with the Marathon County and Town Comprehensive Plan. *(Note how the proposal relates to the future land use map and the vision, goals, objectives, and policies of the plan).*
   - [ ] agree
   - [ ] disagree
   - [ ] insufficient information

2. The rezoning is substantially consistent with the Marathon County Farmland Preservation Plan.
   - [ ] agree
   - [ ] disagree
   - [ ] insufficient information

3. The location of the proposed development minimizes the amount of agricultural land converted.
   - [ ] agree
   - [ ] disagree
   - [ ] insufficient information

4. Adequate public facilities to serve the rezone are present or will be provided. *(Note impacts on highways, streets, water, sewage, drainage, schools, emergency services, etc.)*
   - [ ] agree
   - [ ] disagree
   - [ ] insufficient information

5. Providing public facilities will not be an unreasonable burden to local government.
   - [ ] agree
   - [ ] disagree
   - [ ] insufficient information

6. The applicant has demonstrated a need for the proposed development?
   - [ ] agree
   - [ ] disagree
   - [ ] insufficient information
7. 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

8. The rezone will not substantially impair or limit current or future agricultural use of other protected farmland.

☐ agree  ☐ disagree  ☐ insufficient information

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

☐ agree  ☐ disagree  ☐ insufficient information

10. 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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**Land Conservation and Zoning Committee Decision**

On the basis of the above findings of fact, conclusions of law, and the record in this matter, the Marathon County Land Conservation and Zoning Committee finds that the rezoning of the petition of the Town of Reid to amend the Marathon County Zoning Ordinance to rezone lands owned by the Town of Reid from L-D-R Low Density Residential to R-E Rural Estate, PIN# 064-2709-135-0930, site address: 1603 County Road Y, Hatley, WI 54440 is:

☐ Approved - Motion /Second

☐ Tabled, for the following reasons

☐ Tabled for further consideration

Specify reasons for denial, or additional information requested:

☐ An amendment to the county comprehensive plan is needed to approve this petition.

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

Describe recommended amendments:

Signature:

Chairman: _______________________________ Date: ___________________
STATE OF WISCONSIN  )
MARATHON COUNTY  )
TOWN OF RIB MOUNTAIN  )

REPORT BY
LAND CONSERVATION AND ZONING COMMITTEE
TO COUNTY BOARD ON REQUEST TO APPROVE
THE ZONING AMENDMENTS OF THE TOWN OF RIB MOUNTAIN

TO THE COUNTY BOARD OF MARATHON COUNTY:

The Marathon County Land Conservation and Zoning Committee, having considered the request to review amendments of the Town Zoning Ordinance filed by the Clerk of the Town of Rib Mountain, and having heard comments in public session thereon, and being duly informed of the facts pertinent to the changes proposed, having reviewed the staff's recommendations, and duly advised of the wishes of the Town, hereby recommends that the County Board, pursuant to §60.62(3), approves the zoning ordinance and/or zoning map of the Town of Rib Mountain as attached.

Dated this 3rd day of October, 2017

Marathon County Land Conservation and Zoning Committee

___________________________________________________
James Seefeldt - Chairman
RESOLUTION

WHEREAS, §60.62(3) Wis. Stats. provides that any Zoning Ordinance and/or map adopted by a Town Board and any amendment thereof shall be subject to the approval of the County Board in counties having a county zoning ordinance, and

WHEREAS, the Town Board of the Town of Rib Mountain has amended their zoning as shown on the attached report, and

WHEREAS, the County Zoning Committee has duly considered the amendment in public session on Rib Mountain and has recommended approval of the amendment.

NOW, THEREFORE BE IT RESOLVED, that the Marathon County Board of Supervisors hereby approves the amendment to the Town of Rib Mountain Zoning Ordinance and/or Zoning map as attached and made part of this record, all of which to be filed with the Marathon County Clerk.

LAND CONSERVATION AND ZONING COMMITTEE

__________________________________________

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TOWN OF RIB MOUNTAIN NOTICE OF HEARING ON A
ZONING MAP AMENDMENT REQUEST

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Plan Commission of the Town of Rib Mountain, Marathon County, Wisconsin, at the Rib Mountain Municipal Center, 3700 North Mountain Road, on Wednesday, the 23rd day of August, 2017, at 6:30 P.M. to hear and consider the request of:

Keith Krejci, owner, requests rezoning of the property legally described as part of the SW ¼ of the SW ¼ - Lot 3 & 4, CS Volume 83, Page 43 (#17386), Document #1713140, Section 17, Township 28 North, Range 7 East, Town of Rib Mountain, Marathon County, Wisconsin from Estate Residential-1 to Unified Development District to allow for a nonmetallic mine (granite) and eventual pond. Parcel #34.172807.011.004.00.000. Per RMMC Section 17.233 – Unified Development District Procedures.

DATED this 11th day of August, 2017

Steve Kunze, Director of Community Development
REPORT TO TOWN BOARD
FROM: Steve Kunst, Community Development Director
DATE: August 31, 2017
SUBJECT: General Development Plan (GDP) and Precise Implementation Plan (PIP) for Nonmetallic Mine

APPLICANT: Keith Krejci, owner
LEGAL DESCRIPTION: Part of the SW ¼ of the SW ¼, Lot 3 & 4, CSM Volume 83, Page 43 (#17386), Document #1713140, Section 17, T28N, R7E.

REQUEST: Rezoning from Estate Residential-1 (ER-1) to Unified Development District (UDD) to allow for an ‘Extraction’ use (nonmetallic mine).

NARRATIVE: Keith Krejci requests GDP and PIP approval for the property at the northeast corner of South Mountain and Red Bud Roads. The applicant requests a rezoning from ER-1 to UDD to allow for an ‘Extraction Use’ to sell granite mined from the property. The extracted area would then be reclaimed into a pond.

The applicant calls for a total disturbed area of 4.7 acres with an eventual 2.5-acres pond. An estimated 50,000 cubic yards of granite are anticipated to be removed over a five-year timeline beginning later this fall.

PLAN COMMISSION RECOMMENDATION:

The Rib Mountain Plan Commission held a public hearing on the request at their August 23rd meeting. After receiving no public comment, the Plan Commission recommended approval of the General Development Plan and Precise Implementation Plan, as modified by the items below, on a 7-0 vote.

- Hours of Operation to be limited to 7:00am to 7:30pm, Monday thru Friday, 7:00am to 12:00pm on Saturdays, and no operations on Sunday.
- Project duration limited to five (5) years with Plan Commission review after five (5) years to assess progress and possible extension of timeline. Dates are to be based on the date of Town Board approval.

ACTIONS TO BE TAKEN:

1. Approve the General Development Plan and Precise Implementation Plan for the nonmetallic mine and single-family residence, as presented.

2. Approve the General Development Plan and Precise Implementation Plan for the nonmetallic mine and single-family residence, with conditions/modifications.

3. Deny the General Development Plan and Precise Implementation Plan for the nonmetallic mine and single-family residence.
REPORT TO PLAN COMMISSION
FROM: Steve Kunst, Community Development Director
DATE: August 17, 2017
SUBJECT: General Development Plan (GDP) and Precise Implementation Plan (PIP) for Nonmetallic Mine

APPLICANT: Keith Krejci, owner

PROPERTY ADDRESS: No Address
LEGAL DESCRIPTION: Part of the SW ¼ of the SW ¼, Lot 3 & 4, CSM Volume 83, Page 43 (#17386), Document #1713140, Section 17, T28N, R7E.

REQUEST: Rezoning of property from Estate Residential-1 (ER-1) to Unified Development District to allow for an ‘Extraction’ use (nonmetallic mine).

CURRENT ZONING: Estate Residential - 1 (ER -1)
PROPOSED ZONING: Unified Development District (UDD)

FUTURE LAND USE DESIGNATION: Cropland and Forest Land
ADJACENT ZONING: RR (North, East), ER-1 (West), RA-1 (South)

NARRATIVE:
Keith Krejci requests GDP and PIP approval for the property at the northeast corner of South Mountain and Red Bud Roads. The applicant requests a rezoning from ER-1 to UDD to allow for an ‘Extraction Use’ to sell granite mined from the property. The extracted area would then be reclaimed into a pond.

The applicant calls for a total disturbed area of 4.7 acres with an eventual 2.5-acres pond. An estimated 50,000 cubic yards of granite are anticipated to be removed over a five-year timeline beginning later this fall (2017). Proposed work hours are 7:00 AM – 7:00 PM, Monday through Friday and occasional Saturday hours of 7:00 AM to 12:00 PM.

EXTRACTION USE STANDARDS:
Description: Extraction uses include any land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities.

1. Conditional Use Regulations {RA-1-35ac, RA-2-35ac}: (Am. #09-05)
   a. Shall receive approval from Marathon County prior to action by the Town of Rib Mountain, and shall comply with all County, State and Federal regulations.
   This provision of the Town’s Zoning Ordinance needs to be revisited as Marathon County does not approve nonmetallic mine reclamation plans without prior Town zoning approval. The public hearing for this item was coordinated jointly with the County as they are also required to hold a hearing on the reclamation plan.
   b. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property.
Per RMMC Section 17-VIII, a 1.00 bufferyard typically requires a six (6) foot solid fence, a 40-foot setback from the property line and 636 landscape points. The proposal calls for berms on the north and northeast portions of the pond and to retain all trees along the property’s border with South Mountain Road. Outside of revegetation of disturbed areas, no additional landscaping is proposed.

c. All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.

The proposal does not call for any buildings associated with the extraction use. The only structure proposed for the property at this time is a single-family residence. If the property is successfully rezoned, any future buildings would necessitate a public hearing and a formal amendment to the PIP. The pit/pond edge is within the typical 300-foot setback area on both the west and south property lines.

d. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and revegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110% of the costs determined to be associated with said restoration (as determined by a third party selected by the Town), shall be filed with the Town by the Petitioner (subject to approval by the Zoning Administrator), and shall be held by the Town for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for waste disposal facilities owned by public agencies.)

A complete restoration plan is attached. Per statute, restoration plan approval authority lies with Marathon County. Again, the Town and County are holding a joint public hearing on this item with the County’s hearing specifically focusing on the restoration plan. The applicant is required to file a bond with Marathon County as part of the project. As noted at the pre-application conference, the applicant estimates a five-year project timeline.

2. Parking Regulations: One space per each employee on the largest work shift.

The proposal anticipates one or a couple of backhoes, and end loader, potentially a bulldozer, and trucks as part of the development. The property is 27.8 acres and should not have an issue with employee parking.
FINDINGS OF FACT

RMMC states the PIP shall be reviewed per the requirements of a conditional use ‘Findings of Fact.’ Below, please find the six questions representing the Plan Commission’s finding of fact along with initial staff interpretation.

1. How is the proposed conditional use (the use in general) in harmony with the purposes, goals, objectives, policies and standards of the Town of Rib Mountain Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Town?

The Town’s Comprehensive Plan does not identify issues, goals, or objectives related to quarry activities. The only mention of this form of land use is an inventory of existing facilities.

2. How is the proposed conditional use (in its specific location) in harmony with the purposes, goals, objectives, policies and standards of the Town of Rib Mountain Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Town?

The Future Land Use Map identifies this area for forest and cropland. All existing nonmetallic mines within the Town are located in close proximity to the subject property. Further, the subject property abuts only one residential property (west) capable of viewing the activity area.

3. Is it likely that the proposed conditional use, in its proposed location and as depicted on the required site plan (see (3)(d), above), will have an adverse impact on the use of adjacent property, the neighborhood, the physical environment, pedestrian or vehicular traffic, parking, public improvements, public property or rights-of-way or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the regulations or recommendations of this Chapter, the Comprehensive Master Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Town or other governmental agency having jurisdiction to guide growth and development?

Typical land use conflicts associated with quarry/nonmetallic mine operations include dust, noise, and truck traffic. Generally speaking, the proposal calls for a small-scale mine (4.7 acres of disturbance), potentially limiting these concerns in comparison to larger operations.

4. Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?
As mentioned previously, the proposed use is in the same general area as other nonmetallic mines within the Town. The proposal also calls for a five-year timeline with final restoration resulting in a 2.5-acre pond. The reclaimed state of the property is consistent with the forest and cropland future land use designations.

5. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?

The subject property is accessed via County Road N (S Mtn. Rd.), which is built to withstand the vehicle weights associated with the proposed use. The residence will be served by a private well and onsite wastewater treatment system.

6. Do the potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use (as identified in Subsections 1. through 5., above), after taking into consideration any proposal by the Applicant and any requirements recommended by the Applicant to ameliorate such impacts?

The primary public benefit of the proposal is the reclaimed pond and single-family residence. The nonmetallic mine is significantly smaller than any existing mines within the Town and the low density of residential development is consistent with the surrounding properties.

POTENTIAL ITEMS OF CONSIDERATION:

- Hours of operation
  - Ensure the proposed 7:00 AM – 7:00 PM is adequate. This is consistent with the Town’s noise ordinance.
- Bufferyard
  - Any concerns with adjacent property to the west
  - Any additional landscaping/buffer necessary?

POSSIBLE ACTION:

1. Recommend approval of the GDP/PIP, as submitted
2. Recommend approval of the GDP/PIP, with conditions or modifications
3. Recommend denial of the GDP/PIP
Map of Proposed Krejci Pond

BEING PART OF LOTS 3 AND 4, VOLUME 63 CERTIFIED SURVEY MAPS, PAGE 43 LOCATED IN THE SOUTHWEST 1/4
OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 28 NORTH, RANGE 7 EAST, TOWN OF RIB MOUNTAIN, MARATHON COUNTY, WISCONSIN

Wetland line as delineated by Star Environmental and mapped by REI Engineering

Proposed House

Diversionary Berm

Silv Forc

West edge of existing gravel driveway to be used as your road

Land by others

South Mountain Road

AREA OF TREES TO REMAIN UNDISTURBED
Map of Proposed Krejci Pond

Order of Operation:
1. Place Silt Fence along wetland boundary.
2. Strip topsoil from portion of area to be worked first. Approximately NE 1/2 of site.
3. Use stripped material to build permanent berm along southeast edge of pond, leaving a gap in pond where future overflow will be built. This gap will allow any introduced surface water to drain from pond area while pond is constructed.
4. Build diversionary berms on north edge of pond.
5. Seed, fertilize and emas southeasterly berm and temporary seed diversionary berms.
6. Excavate first pass along pond surface to elevation 1242 (expected groundwater elevation). As this pass is made, build safety slopes of 5:1. Expected final water elevation is 1252.
7. Once first pass is completed excavate hole and place pump to draw water down while pond is constructed. Expected bottom elevation 1234.
8. Dewatering water will be pumped onto upland area. This water will drain through stone weirs and grass prior to reaching the wetlands.
9. Complete excavation of pond, seed remaining slopes and remove BMP’s.
Map of Proposed Krejci House Layout

BEING PART OF LOT 3, VOLUME 83 CERTIFIED SURVEY MAPS, PAGE 43 LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 28 NORTH, RANGE 7 EAST, TOWN OF RB MOUNTAIN, MARATHON COUNTY, WISCONSIN

NORTH

GRAPHIC SCALE

1 inch = 80 ft.
Map of Proposed Krejci Pond

Being part of lot 3, volume 83 certified survey map, page 43 located in the southwest 1/4 of the southwest 1/4 of section 17, township 28 north, range 7 east, town of Rib Mountain, Marathon County, Wisconsin
Chairperson Harlan Hebbe, called the meeting of the Plan Commission to order at 6:30 pm. Other Plan Commission members present included Ryan Burnett, Tom Steele, Laura McGucken, Jim Hampton, Jay Wittman, and Ann Lucas. Also present were Community Development Director, Steve Kunst, and Building Inspector / Assistant Zoning Administrator, Paul Kufahl.

MINUTES:

Motion by Tom Steele, second by Ann Lucas to approve the minutes of the August 9, 2017 Plan Commission meeting as presented. Motion carried 7-0.

PUBLIC HEARINGS:

a. Charles Janssen, applicant, requests conditional use approval for a nonmetallic mine (sand) at the property addressed 7408 Bittersweet Road. Parcel #34.212807.016.000.00.00. Per RMMC Section 17.056(7)(d) – Extraction Use. Docket #2017-27.

Community Development Director, Steve Kunst, introduced the request by establishing the site location and indicating the proposed 130,000 cubic yard sand extraction process would disturb approximately 5.45 acres with an eventual 3.6-acre pond after reclamation.

Lane Loveland, Land Use Specialist for Marathon County, gave a presentation to the Plan Commission describing the project boundaries, reclamation plan review process, financial assurance procedures, and site inspection requirements. Loveland highlighted boundary staking is very important so the activity area is well defined and the financial assurance which they require is enough to cover the reclamation.

Kunst then reviewed the extraction use standards as found within the Town’s Zoning Ordinance, noting this meeting is a joint public hearing with Marathon County, so they are able to approve the reclamation plan upon the Town’s zoning approval. Kunst also noted the only area of concern from an activity area setback and bufferyard is the northwest corner of the property adjacent to an existing single-family residence.

Plan Commissioners discussed the potential impact to the neighboring property due to the proposed setback and vegetative buffer, agreeing the berm installation along with the existing trees would constitute an adequate visual buffer; however, some members were still concerned about the reduced activity area setback.

Tom Meier, applicant representative, presented a detailed plan of the anticipated operation and final reclamation. Because of the site topography, Meier indicated they plan to start at the
southern end of the activity area and reclaim it as they move north. The project will begin with a topsoil berm along the southern boundary and northwest corner of the activity area which will be seeded in a cover crop. As the project moves north, they will continue to add to the perimeter berm so the site is self-contained creating no additional stormwater runoff concerns to the nearby wetlands. Meier indicated the final reclamation of the site would result in a wildlife and fish pond of varying depths designed to maximize diversity. Meier cited the DOT / Jarvis Ponds on Swallow Lane as examples of the finished product.

Commissioner Wittman questioned if the Plan Commission can condition the duration of the activity and verified the estimated quantity of material to be extracted as 130,000 cubic yards, noting this volume would result in an estimated 6,500 truckloads or about 1,100-1,200 a year for the duration of the project. Kunst added the Commission can condition the duration.

Chairman Hebbe opened the hearing for public comment at 7:19pm.

Greg Bardonner, 3205 Goldenrod Rd, noted he was concerned about the roads being able to withstand the increased heavy truck traffic, the hours of operation causing nuisance noise for the surrounding area, and potential effects to private well water.

Kunst noted the Town’s Nuisance Noise ordinance currently defines 7:00am to 8:30pm as the acceptable activity times, but hours of operation are something that can be a condition of approval. Meier noted weekend operation would be likely depending on the type of project requiring their sand.

Meier also indicated access to the site and the majority of transportation routes will be on a County highway which is designed to support heavy vehicle traffic. Meier then noted, if site traffic causes damage to the roadway, the permit holder is responsible for repair. Loveland confirmed County Highways are designed for this type of traffic. Meier explained because they do not plan to pump any water from the site it should not create a problem with neighboring well water.

After feedback on the above items, Bardonner questioned the seasonality of the activity, thickness of topsoil, and enforcement mechanism related to the duration of the project.

Meier stated there would be very minimal use in the winter months, that there is about one foot of topsoil, and he proposed setting a six (6) year limit with a chance to bring the item back to Plan Commission for review, if necessary.

Kurt and Pam Ostmann, 3107 Goldenrod Rd, were generally in favor of the project, citing the long-term aesthetic benefits to be created. They did indicate concern about the duration of the project, the potential for dirt on roadways, and dust created onsite. After Meier’s response, they noted they were in favor of the proposed review process as noted earlier.
Meier stated they will have a breaker rock drive access from Bittersweet Road to minimize soil tracking onto Bittersweet Road/County Road KK and if the site does begin to create dust issues, they will water the travel routes on site.

Plan Commission members asked if there would be dewatering on site, where current groundwater levels are, if there were signed vendors for the material, and how conditional uses work with property succession.

Meier indicated they only plan to stockpile material and would not have a dewatering process and that there are no signed vendors/operators at this point. Additionally, he stated the current groundwater level on the south end of the activity area is about six (6) feet and the north end is at 15 feet. Kunst noted a Conditional Use runs with the land and does not change with ownership.

Commissioners had additional discussion regarding the 300’ activity area setback deciding it needed to be met until a variance has been granted or the ordinance is changed.

Chairman Hebbe closed the Public Hearing at 8:04 pm.

Motion by Jay Wittman, seconded by Tom Steele, to recommend approval of the conditional use request for an Extraction Use at the property addressed 7408 Bittersweet Road, subject to the following conditions.

- Hours of Operation to be limited to 7:00am to 7:30pm, Monday thru Friday, 7:00am to 12:00pm on Saturdays, and no operations on Sunday.
- Comply with the 300’ lot line setback to all activity areas until a variance is granted or the ordinance has been changed.
- Project duration limited to six (6) years with Plan Commission review after 5 years to assess progress and possible modification of timeline. Dates are to be based on the date of Town Board approval.

Motion Carried 7-0

b. Keith Krejci, owner, requests General Development Plan and Precise Implementation Plan approval as part a rezoning of the property legally described as part of the SW ¼ of the SW ¼ - Lot 3 & 4, CS Volume 83, Page 43 (#17386), Document #1713140, Section 17, from Estate Residential-1 to Unified Development District to allow for a nonmetallic mine (granite). Parcel #34.172807.011.004.00.000. Per RMMC Section 17.233 — Unified Development District Procedures. Docket #2017-28.

Community Development Director Kunst introduced the request by establishing the site location and indicating the proposed 50,000 cubic yard gravel extraction would disturb approximately 4.7 acres with an eventual 2.4-acre pond after reclamation. Kunst noted the applicant has
indicated a five-year timeline with hours of operation from 7:00am to 7:00pm, Monday through Friday, and occasional Saturday hours of 7:00am to 12:00pm. Kunst reviewed the Extraction Use Standards noting the traditional buffer yard requirements to the property adjacent to the west and the 300’ setback to the activity area are not be met with this proposal.

Jim Hampton asked how a rezone to a Unified Development District would affect the property. Kunst indicated it adds some additional control and oversight by the Town, but allows the applicant some flexibility to typical zoning standards. Kunst noted, if approved, the permitted uses for the property would be only those as approved with general development and precise implementation plans (single-family dwelling and pond/extraction use, as conditioned).

Lane Loveland, Land Use Specialist for Marathon County, gave a presentation describing the project boundaries, reclamation plan and reiterated the financial assurance procedures and site inspection requirements. Dan Higginbotham, applicant representative, gave some site-specific information noting the site slopes north to south and the wetland areas to the east have been delineated. He also noted test holes indicated gravel to at least 25’ in depth with no accurate measurement to groundwater depths because of seasonal fluctuations.

Ann Lucas discussed the number of existing mines and if there can be too many. Loveland noted economics will likely dictate how many mines are proposed. Kunst indicated less than one percent of the Town’s existing land use is non-metallic mining.

Chairman Hebbe and Ryan Burnett asked the applicants if they plan to reclaim as they go and if they have a buyer for the material. Higginbotham noted the mine will be used by PGA, Inc and they are hoping to have completed in one to two years, but are giving themselves a five-year maximum, at which time they will reclaim what they have and move on.

Chairman Hebbe opened the public hearing for comment at 8:40 pm, and closed it with no public comment at 8:42pm.

Laura McGucken asked for clarification on the location of the activity area to review the setbacks. Higginbotham provided Commission members with a plan noting those setbacks. The absence of a buffer with the neighboring residential property created some discussion, with members deciding that a berm and vegetation would not help because of the homes elevation and there was limited exposure to other residents because of the low housing density.

Motion by Tom Steele, second by Ann Lucas, to recommend approval of the General Development Plan and Precise Implementation Plan approval as part a rezoning of the property legally described as part of the SW ¼ of the SW ¼ - Lot 3 & 4, CS Volume 83, Page 43 (#17386), Document #1713140, Section 17, from Estate Residential-1 to Unified Development District to allow for a nonmetallic mine, subject to the following modifications:

- Hours of Operation to be limited to 7:00am to 7:30pm, Monday thru Friday, 7:00am to 12:00pm on Saturdays, and no operations on Sunday.
- Project duration limited to 5 years with Plan Commission review after 5 years to assess progress and possible extension of timeline. Dates are to be based on the date of Town Board approval.

Motion Carried 7-0

OLD BUSINESS:

a. Discussion and possible action on an amended Landscape Plan for People’s State Bank at the property addressed 2904 Rib Mountain Drive. Parcel #34.102807.002.013.00.00. Docket #2017-19.

Community Development Director Kunst People’s State Bank and their landscaping company resubmitted a landscaping plan for approval because of an error in counting existing landscape points. Kunst identified the areas on the plan in which the quantity of plantings is proposed to be decreased and also noted the overall landscape point total would be approximately 90 points less than previously approved.

Additionally, Kunst indicated if Plan Commission felt comfortable with the new plan, it could be approved at staff level, but if there was concern with the decreased plantings the Commission has the authority to deny or modify the proposed plan. In general, Commission members felt comfortable with the new plan indicating it was an improvement to an existing site condition and staff approval was sufficient.

CORRESPONDENCE / QUESTIONS / TOWN BOARD UPDATE:

- Kunst indicated the Judge will be making a ruling on the Town’s lawsuit regarding the Rural Addressing project by the end of the month.

- The next Plan Commission meeting will likely be a working Comprehensive Plan meeting to review three new chapters and receive the revisions to the previous chapters reviewed.

- Kunst noted the Town owned properties at the intersection of South Mountain Rd. and Rib Mountain Dr. are in the process of being sold and will likely result in two new single-family residences.

- Commissioners living near the new Royal Ridge Subdivision development indicated road cleanup is currently insufficient and asked if there is a way to mandate additional cleanup efforts or if the Town will use their equipment. Kunst that the Public Works Department will likely use their street cleaning equipment and bill the developer. Also, Commissioners asked for better
communication from the Sanitary District when they plan to flush the public water lines because it creates off-colored water in surrounding homes water supplies.

PUBLIC COMMENT: None

ADJOURN:

Motion by Ann Lucas, second by Tom Steele to adjourn the Plan Commission Meeting. Motion carried 7-0. Meeting adjourned at 9:04 pm.

Respectfully Submitted,

Paul Kufahl, Building Inspector / Assistant Zoning Administrator
Chairman Allen Opall called the September 5, 2017 regular meeting of the Rib Mountain Town Board to order at 6:02 p.m. at the Rib Mountain Municipal Center, 3700 North Mountain Road, Wausau, WI. Supervisors present included Pete Kachel, Gerry Klein, Fred Schaefer and Jim Legner.

Also present were Administrator Gaylene Rhoden, Community Development Director, Steve Kunst, Deputy Clerk Michelle Peter, Street/Park Superintendent Scott Turner, Code Enforcement Officer, Paul Hursh, SAFER Fire Chief, Matt Savage and Town Attorney, Kevin Terry

On September 1, 2017, copies of the meeting notice were made available to the media, Town Board, Town Attorney, and posted at the Rib Mountain Municipal Center and Town website.

Comments from the Public Related to Town Board Agenda Items – None

Approve Minutes of the 08/15/17 Regular Town Board Meetings – Motion by Schaefer/Legner to approve the minutes of the 08/01/17 Regular Town Board. Questioned and carried 5:0.

Plan Commission: Minutes from the August 23, 2017 were available for review.

Charles Janssen requests Conditional Use Approval for a nonmetallic mine (sand) at 7408 Bittersweet Rd; Pcl# 34.212807.16.00; per RMMC Section 17.056(7)(d); Dkt# 2017-27 – Mr. Janssen is seeking an Extraction Use to mine and sell sand from the property site. After extraction, the area would be reclaimed to a wildlife pond. The number of loads will vary per day depending upon market requirements. The site would not remove material during the winter months because of the shallow groundwater levels. Motion by Schaefer/Kachel to approve the Conditional Use request for an Extraction Use at the property addressed 7408 Bittersweet Rd subject to; hours of operation 7:00 am – 7:00 pm Monday- Friday, Saturday 7:00am – 12:00pm and no operations on Sunday; comply with the 300 feet lot line setback; project duration limited to six years with Plan Commission review after five years to assess progress and possible timeline modification and the driveway entrance will be heavy graveled for protection and wetted down to control dust. Questioned and carried 5:0.

Keith Krejci requests General Development Plan and Precise Implementation Plan Approval as part a rezoning of the property legally described as part of the SW ¼ of the SW ¼ - Lot 3 & 4 CSM Vol 83 Pg 43; from Estate Residential-1 to Unified Development District to allow for a nonmetallic mine (granite); Pcl# 34.172807.11.01; per RMMC Section 17.233; Dkt# 2017-28 – Mr. Krejci is requesting a rezoning from ER-1 to UDD to allow for an Extraction Use to sell granite mined from the property. Upon completion, the area mined will be reclaimed into a pond. Total area disturbed encompasses about 4.7 acres with the final pond being about 2.5 acres.
Motion by Schaefer/Kachel to approve the General Development Plan and Precise Implementation Plan for a nonmetallic mine and single-family residence subject to the following conditions: hours of operation 7:00am-7:00pm Monday thru Friday, Saturday 7:00am-12:00pm, no operations on Sunday, project duration limited to five years; driveway entrance to be wetted down to control dust and the sweeping of Highway N of excess material. Questioned and carried 5:0.

Approval of Waterway Marker Application for Grand Prix of Wisconsin North American Powerboat Championship – Community Development Director Kunst stated there was no planned road closures but noted there would be added traffic through neighborhoods during event days. Motion by Klein/Legner to approve the Waterway Marker application and permit as presented. Questioned and carried 5:0.

Resolution 2017-06 Resolution Vacation and Discontinuing a Part of a Public Way in the Town of Rib Mountain – Sunflower Lane – Community Development Director Kunst stated TRS Development, owners of the property east of Lilac Ave and west of Morning Ln request to vacate a portion of Sunflower Ln. The resolution is the start of the vacation process with a 40-day minimum public notice period. Adjacent property owners will receive notices when it goes to public hearing. Motion by Klein/Schaefer to approve the introduction of Resolution 2017-16, Vacating and Discontinuing Sunflower Ln as presented. Questioned and carried 5:0.

Approval of Marathon County Responsible Units of Recycling Cooperative Waste Reduction, Reuse and Recycling Education Program Agreement – Street Superintendent Turner stated this is an annual cooperative agreement with Marathon County Solid Waste Department. They help assist the Town in educating residents and businesses on recycling. Motion by Schaefer/Legner to approve the Marathon County Responsible Units of Recycling Cooperative Waste Reduction, Reuse and Recycling Education Program Agreement. Questioned and carried 5:0.

Approval of New Hire – Crossing Guards – Town Administrator Rhoden and Code Enforcement Officer Hursh interviewed Robert Patnode who would fill a morning and afternoon vacancy. Motion by Schaefer/Legner approve the hiring of Robert Patnode at a rate of $11.56/hour subject to a DOJ and CCAP background check. Questioned and carried 5:0.

Approval of Asphalt Replacement on Cloverland Lane at Rib Mountain Dr. – Street/Park Superintendent Scott Turner informed the members at the June 20, 2017 board meeting, $10,000 was approved for 250 feet of overlay on Cloverland Ln, between Woodduck Ln and Rib Mountain Dr. After meeting with Supervisors Klein and Schaefer, it was determined this option was no longer viable. They are recommending pulverizing and repaving 350 feet, 34 feet wide which will also accommodate bike/ped facilities at a cost of $35,000. Funding would be utilized from the 2016 Borrowing Note. Motion by Schaefer/Kachel to approve the asphalt pavement replacement on Cloverland Ln in the estimated amount of $35,000, to be funded from the 2016 Borrowing Note. Questioned and carried 5:0.
Approval of Picnic License – Central WI Off Road Cycling Coalition has requested a picnic license for the Ragner Northwoods event to be held September 23-24, 2017. Motion by Schaefer/Legner to approve the picnic license for the Ragner Northwoods Trail Run at 9 Mile County Forest on September 23-24, 2017. Questioned and carried 5:0.

Approval of Operator License – Attorney Kevin Terry expressed concern about applicant Jameson Diedrich and suggested he meet with the Town Chairman. Motion by Legner/Klein to approve Seth Carlson, Hayden Witucki, Jennifer Streeter, Steve Madson and Jameson Diedrich subject to a meeting with the Town Chairman. Questioned and carried 5:0.

Reports/Minutes

Town Board – Supervisor Klein stated the Town closed on the Dog Park land purchase last week. Supervisor Legner expressed the need to trim back the plant growth by the Doepke Park sign.

Other Agencies – SAFER Fire Chief Savage said the EMS runs were higher this pass month, fire calls were average, but noted there were more mutual aid runs. SAFER Board will meet next week to discuss the final audit results; discussion continues with the City of Wausau regarding equipment needs; SAFER open house will be held this weekend and the department will be providing their services for the Grand Prix boat races at Bluegill Bay Park. Chairman Opall stated the County Board will continue with wheel tax for another year.

Town Attorney – Attorney Terry stated the courts rendered a denial decision on county wide addressing. The board will be meeting later tonight in closed session to discuss the Town’s options. Attended a court hearing with Administrator Rhoden today on Mr. Senner’s request for garbage reimbursement. The court denied his request.

Town Administrator – Administrator Rhoden provided a written report. She stated she will be working with staff and Pat Kluz on budget discussions. She is looking to schedule a Finance and Personnel meeting and is seeking participants for this weekend’s Dog Walk.

Community Development Director – A written report was included in the packet. Kunst informed the Board the Plan Commission will be reviewing chapters for updating the Town’s Comprehensive Plan. There is the potential of a conditional use hearing and CSM request for the next meeting.

Street-Parks Superintendent – A written report was provided. Mr. Turner updated the Board on Rib Mountain Drive 2.0 which should be completed by mid-October. An Eagle Scout is working the Veteran’s Memorial at the Town Hall.

Finance Director/Clerk – None

Code Enforcement Officer – None
Park Commission – Meeting scheduled for next week.

Finance Personnel – Supervisor Klein, need to schedule a meeting.

Public Safety Committee – None

Public Works Committee – None

Bicycle/Ped Committee – None

General Comments – John Beatty, 5901 Lakeshore Dr, questioned why the SAFER District would provide free services for the Grand Prix boat races. It was explained they would be on site if a situation arose, but the injured party would be billed accordingly.

Adjourn - Motion by Kachel / Legner to adjourn at 7:06 p.m. Questioned and carried 5:0.

Submitted by
Michelle Peter
Deputy Clerk

Note: These minutes are not to be considered official until acted upon at an upcoming regular meeting, therefore, they are subject to revision.
WHEREAS, the Town Board of Supervisors of the Town of Rib Mountain has heretofore been petitioned to amend the Town Zoning Ordinance and accompanying Zoning Map, and;

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

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

WHEREAS, if a comprehensive plan has been adopted by the Town, the proposed amendments are or are not compatible with the adopted comprehensive plan, or [ ] Town has not adopted a comprehensive plan;

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

Dated this 5th day of September, 2017

Signed by the Board of the Town of Rib Mountain:

[Signatures]

CERTIFICATION

I, Michelle Cates, Clerk of the Town of Rib Mountain, Marathon County, State of Wisconsin do hereby certify that the attached is a true and correct copy of a Zoning Resolution adopted by a majority vote of the Town Board of the Town of Rib Mountain on September 5, 2017.

[Signature] Town Clerk (signature)  [Date] Sept. 6, 2017

Send this completed form along with your amendments, and a map, to:

Zoning and Regulatory Services
Marathon County Conservation, Planning & Zoning (CPZ) Department
210 River Drive
Wausau WI 54403 5449
TO THE COUNTY BOARD OF MARATHON COUNTY:

The Marathon County Land Conservation and Zoning Committee, having considered the request to review amendments of the Town Zoning Ordinance filed by the Clerk of the Town of Texas, and having heard comments in public session thereon, and being duly informed of the facts pertinent to the changes proposed, having reviewed the staff’s recommendations, and duly advised of the wishes of the Town, hereby recommends that the County Board, pursuant to §60.62(3), approves the zoning ordinance and/or zoning map of the Town of Texas as attached.

Dated this 3rd day of October, 2017

Marathon County Land Conservation and Zoning Committee

James Seefeldt - Chairman
RESOLUTION

WHEREAS, §60.62(3) Wis. Stats. provides that any Zoning Ordinance and/or map adopted by a Town Board and any amendment thereof shall be subject to the approval of the County Board in counties having a county zoning ordinance, and

WHEREAS, the Town Board of the Town of Texas has amended their zoning as shown on the attached report, and

WHEREAS, the County Zoning Committee has duly considered the amendment in public session on Texas and has recommended approval of the amendment.

NOW, THEREFORE BE IT RESOLVED, that the Marathon County Board of Supervisors hereby approves the amendment to the Town of Texas Zoning Ordinance and/or Zoning map as attached and made part of this record, all of which to be filed with the Marathon County Clerk.

LAND CONSERVATION AND ZONING COMMITTEE

__________________________________________
__________________________________________
__________________________________________
__________________________________________
__________________________________________
__________________________________________
__________________________________________
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
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**TOTALS** | | | | | | | | | | | | | | | 1.799 | 96.700 | 476.200 | 572.900 | 1.799 |
STATE OF WISCONSIN  
BROWN COUNTY  

TEXAS, TOWN OF  
T11111 N 73RD ST  
WAUSAU  
WI 544039495  

I, being duly sworn, doth depose and say I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

Account Number: GWM-TEX075  
Order Number: 0002350008  
No. of Affidavits: 1  
Total Ad Cost: $27.04  
Published Dates: 08/21/17, 08/28/17

(Signed)  
Legal Clerk  
(Date) 8-29-17

TARA MONDLOCH  
Notary Public  
State of Wisconsin

Signed and sworn before me

My commission expires Aug 6, 2021

TOWN OF TEXAS  
NOTICE OF A PUBLIC HEARING FOR ZONING MAP CORRECTION  
Notice is hereby given that the Town of Texas Planning Commission will hear public comments on a recommendation of the Planning Commission to correct a mapping error that occurred during the review of the Town of Texas Zoning Ordinance map in 2006. That map did not have the Granite Heights Subdivision shown as commercial that had been on the previous map. This map currently shows the subdivision as Agriculture that allows different lot blocks and other rules.  
Meeting date: SEPTEMBER 11, 2017  
Time: 6:30 pm  
Place: Town of Texas Municipal Center  
Lorraine Bayardot, Clerk  
Town of Texas  
Run: Aug 21, 2017  
WNA3XLP  

TEXAS, TOWN OF  
Re: Zoning Map Correction
Town of Texas Town Board Meeting  
September 11, 2017  
Town of Texas Town Municipal Center

Notices were posted at the Municipal Center, and on the website.

Meeting called to order by Delmar Winter at 7:26 PM after the Public Hearing and Planning Commission meeting. Roll call was answered by Delmar, Wally and Andy.

Andy Walters moved to approve the minutes with name correction of Wally Borchardt not Walters in the motion to adjourn. Second by Wally Borchardt and the motion carried.

Treasurer report was given by Treasurer Matsche. Delmar Winter moved to accept and file for audit. Second by Wally Borchardt and carried.

CHAIR REPORT—Delmar reported that the rope for the flag has been replaced, culvert placed on N 81st St, ditch cleaning on 73rd, and 33rd Streets were done. Beat up replaced culverts from River Hills have no value and would be disposed of, but Gohdes would like them. Delmar noted that the Village of Maine adopted and ordinance to open all roads to ATV’s and UTV’s. Berlin also opened to all. The Snowjet club asked about all of the Town of Texas roads instead of the current one at a time. We would need a new hearing and ordinance change.

SUPERVISOR REPORTS—Wally reported that there is an issue with a culvert at Copenhaver’s on Pine Bluff Rd. No culvert has been on that property and if Copenhaver feels that he needs one, it would be his responsibility and not the towns. The Town will not pay for a culvert. Andy reported that the blacktopping of River Hills Rd has been postponed due to American Asphalt being behind due to poor weather in August. Hopefully by end of September or early October, the project will be completed. If not done by then, it may need to be postponed until spring.

CLERK REPORT—Nothing special.

OLD BUSINESS—Driveway culverts were discussed in the road maintenance portion of the agenda. Discussion if we need a better method of culvert application. If new construction applicants need to meet the Planning Commission as in the past, a number of issues could be discussed including the culvert application. Paul Anderson noted that a culvert was put in for the Revie property for ease during logging and is non-compliant and needs to be removed.

Road equipment was discussed. Braces on the loader bucket are rusting through from the inside and need to be replaced. Kevin and Delmar will check on pricing.

Andy’s report on the OSC meetings need no action. A meeting was held with County Board Supervisors Bootz and Gibbs hoping that the County Board will adopt a resolution in support of the Cooperative Boundary Agreement. Also Andy noted that the Village of Maine is in discussions with SAFER about ambulance service since the City of Wausau has terminated their current contract. The City will provide service under a new contract if necessary.

The Clerk presented a new Recycling Ordinance to replace the old one. A motion was made to sign the extension of contract with IROW by Andy Walters, second by Walter Borchardt and carried. A motion was
made by Delmar Winter to sign the Memorandum of Understanding with the Marathon County Solid Waste Department to continue our disposal at their site by IROW.

A loan from the Board of Commissioner of Public Lands was tabled for a month.

The recommendation of the Planning Commission to the Board to amend the Zoning Map for the area of the Granite Heights Subdivision was reviewed. The rezone of the map would change the area from A1 Agriculture to R1 Residential like it was prior to the September 2007 revision. It is believed that the area was unintentionally missed on the revision map. Residents that attended the Zoning change hearing were in support of the change. Motion by Delmar Winter to approve submitting the request to the Marathon County Board for approval. Second by Walter Borchardt and carried.

The parcel combination for Ron Bootz was signed by the Chair and clerk will send to assessor.

Delmar Winter discussed culvert replacements needed for 2018. Three culverts would need replacement 2 on N 97th St and one on Pine Bluff Road. Andy moved to submit applications to Marathon County for the 50/50 match of Bridge and Culvert Aid. Second by Wally and carried. Delmar and Kevin will get pricing information for the Clerk to submit to the County.

Note that the Courts upheld the County readdressing for the Town of Rib Mountain. Various discussions about address changing and the complications for the Town Residents and fire departments were voiced.

FIRE DEPARTMENT- Two fires in the Village of Maine was discussed. Many departments were called during the simultaneous fires. Who should respond and how many were needed were discussion items.

PLANNING COMMISSION-Map correction was recommended to the Town Board after the Public Hearing.

NEW BUSINESS- The Clerk received the termination letter from the City of Wausau for the Emergency Response contract. The Clerk also received a new contract that needs to be approved by December 31st unless the Town has a different option. The Town will discuss with SAFER and the Village of Maine if they will provide a different option.

The Clerk requested information and direction for the 2018 budget. The Board said to consider the $100,000 levy limit increase which would be the same as last year. The Board doesn’t want to make it an unending increase, but go through the exceeding the levy limit process each year. The Board doesn’t want to continue if we receive other funding to cover the Brokaw expenses.

Vouchers were signed and reviewed.

Motion to adjourn by Delmar Winter, second by Wally Borchardt and carried.

Lorraine I Beyersdorff-Town of Texas Clerk
STATE OF WISCONSIN 
COUNTY OF MARATHON 
TOWN OF TEXAS 

WHEREAS, the Town Board of Supervisors of the Town of TEXAS has heretofore been petitioned to repeal and re-adopt the following (Check all that apply)... 

☐ Town Zoning Ordinance
☑ Zoning Map, and;

WHEREAS, the Town on due notice conducted a public hearing on the proposed Ordinance and/or map, and;

WHEREAS, the proposed Ordinance and map have been given due consideration by the Town Board in open session, and;

WHEREAS, a comprehensive plan has been adopted by the Town, and the proposed Ordinance and/or map are compatible with the adopted comprehensive plan;

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

Dated this 14th of September, 2017

Signed by the Board of the Town of TEXAS:

[Signatures]

CERTIFICATION

Lorraine I. Beyersdorff, Clerk of the Town of TEXAS, Marathon County, State of Wisconsin do hereby certify that the attached is a true and correct copy of a Zoning Resolution adopted by a majority vote of the Town Board of the Town of TEXAS on September 14th, 2017.

Lorraine I. Beyersdorff
Town Clerk (signature)

Send this completed form along with your amendments, and a map, to:
Zoning and Regulatory Services
Marathon County Conservation, Planning & Zoning (CPZ) Department
210 River Drive
Wausau WI 54403 5449
STATE OF WISCONSIN  )
MARATHON COUNTY    )
TOWN OF CASSEL      )

REPORT BY
LAND CONSERVATION AND ZONING COMMITTEE
TO COUNTY BOARD ON REQUEST TO APPROVE
THE ZONING AMENDMENTS OF THE TOWN OF CASSEL

TO THE COUNTY BOARD OF MARATHON COUNTY:

The Marathon County Land Conservation and Zoning Committee, having considered the request to review amendments of the Town Zoning Ordinance filed by the Clerk of the Town of Cassel, and having heard comments in public session thereon, and being duly informed of the facts pertinent to the changes proposed, having reviewed the staff's recommendations, and duly advised of the wishes of the Town, hereby recommends that the County Board, pursuant to §60.62(3), approves the zoning ordinance and/or zoning map of the Town of Cassel as attached.

Dated this 3rd day of October, 2017

Marathon County Land Conservation and Zoning Committee

___________________________________________________
James Seefeldt - Chairman

M:\LCZ\IndepzonBB4.doc
RESOLUTION

WHEREAS, §60.62(3) Wis. Stats. provides that any Zoning Ordinance and/or map adopted by a Town Board and any amendment thereof shall be subject to the approval of the County Board in counties having a county zoning ordinance, and

WHEREAS, the Town Board of the Town of Cassel has amended their zoning as shown on the attached report, and

WHEREAS, the County Zoning Committee has duly considered the amendment in public session on Cassel and has recommended approval of the amendment.

NOW, THEREFORE BE IT RESOLVED, that the Marathon County Board of Supervisors hereby approves the amendment to the Town of Cassel Zoning Ordinance and/or Zoning map as attached and made part of this record, all of which to be filed with the Marathon County Clerk.
PETITION FOR HEARING NOTICE OF APPEAL

NAME OF APPELLANT: MFI L.L.C.  PHONE: 715-443-2424

ADDRESS: 2910 Feed Lane Marathon WI 54448

OWNER (IF DIFFERENT)  ADDRESS:

LEGAL DESCRIPTION OF PROPERTY: SE 1/4 of NE, SEC 13, T28 N, R 5 E., TOWN OF CASSEL

LOT BLOCK: SUBDIVISION: ZONING DISTRICT:

THE APPLICANT HEREBY REQUESTS THE BOARD OF APPEALS TO HEAR AND DECIDE UPON THE FOLLOWING:

1. [ ] A Variance of section(s) of the Cassel Zoning Ordinance
   (a) Strict application of the regulations would cause undue hardship because Septic System, Fuel Tanks, & Grain Bunker are not on commercial property
   (b) The hardship created is unique and not shared by all properties alike in the neighborhood because
   (c) The Variance would not change the Character of the Neighborhood because

Add 20 Acres to North & West of Property Zoned Commercial now.

Present Use of Property: Field/Parking

Date property was acquired: 2000  Area affected (sq. ft. or acres): 20/4 Acres

Names and addresses of landowners within 300 feet of the property boundaries on which the project is to be located:

An appeal of the decision made by the

DID: [ ] Grant, [ ] Deny an Application To:
   (a) Use  (b) Land Only
   (c) ERECT (d) Structure or Building
   (e) ALTER (f) 
   (g) ADD TO 

WHEREBY THE

THE ISSUANCE OF PERMIT No.: FOR THE ABOVE NAMED USE IS APPEALED BECAUSE:

1. [ ] Are Additional information, plans, etc., attached?

DATE FILED: SIGNATURE: (Appellant(s) or Agent)

Aralines granted by the Board of Adjustment shall expire within six (6) months unless subsequently issued or amended pursuant to such grant.

COPY OF DECISION TO DEPARTMENT OF NATURAL RESOURCES MAIN OFFICE AND REGIONAL OFFICE.
TOWN OF CASSEL

Dear Property Owner:

You are receiving this notice because you are a property owner adjacent to the site being considered for re-zoning.

If you are unable to attend the hearing scheduled Monday, August 20, 2012 at 7:00 pm at the Cassel Town Hall, and wish to submit your opinion(s) for or against the proposal, you may send or deliver your written comments prior to 5:00 pm on Monday, August 20th to the Town of Cassel, Town Clerk, 3987 Pine Road, Marathon, WI 54448. Phone: 715-352-2682.

Toni Lang, DZA
Town of Cassel
MARATHON COUNTY CERTIFIED SURVEY MAP NO. 16517

Lots 1 and 2 of Certified Survey Map No. 16318 and a part of Lot 1 of Certified Survey Map No. 11529, being a part of the Southeast 1/4 of the Northeast 1/4 of Section 13, T.28N., R.5E., Town of Cassel, Marathon County, Wisconsin.

NORTHSTAR SURVEYING LLC
1615 SPRUCE AVE.—TOMAHAWK, WI 54487 (715) 891-1319
©2013 NORTHSTAR SURVEYING LLC

Lot 1

N.E. Corner Sec. 13—28-5 (Par. S.P.F.)
Lot 1
CSM 16318
368.85'
Lot 1

Lot 2

712,224 sq.ft.
16.35 acres

Legend

- Found 7"/8" O.D. Rebar
- Found 1" O.D. Iron Pipe (unless otherwise noted)
- Found 3/4" Iron Rebar
- 3/4" O.D. x 24" Iron Rebar
- Set Weighing 1.50 lbs/lin. ft.
- Found Alum. Cap Monument

(54.92') Record Data
Feed Lane — a 66' wide non-exclusive private ingress—egress easement road for the benefit of Lot 1 hereof & Lot 3 of CSM 16318.

16.5' wide Verizon Esmnt.

Notes:
1. The lots shown hereon are the result of conveyance between adjoining owners and are exempt from ordinance per Wis. Statutes 236.45(2)(am)(3).
2. Lot 1 does not have any right of direct vehicular access for ingress and egress to State Highway 107.

Easement Note:
The lots shown hereon are subject to a private road easement and maintenance agreement for Feed Lane, a document recorded separately, affecting the area labeled as "A" hereon.

GRAPHIC SCALE

Lot 1: 012.4, 2005.131, 098.7
Lot 2: 012.4, 2005.131, 098.9 > Parish, Parallel
NOTICE OF ZONING DECISION

Date September 08, 2012

Requested by Marathon Teeps LLC

Before the Town of Cassel Zoning Board of Appeals

2) Town of Cassel Township Plan Comm

The Request for Special Use Permit or Variance:

1) was Approved as presented

2) was Approved with the following conditions:

as above

3) was Denied because:

________________________________________

Town of Cassel Zoning Board of Appeals

______________________________
Clarissa Adams

______________________________
Peter Bunge

______________________________
Charles J. Tangen

Date Sept 08 2012
September 2012

MFI LLC agrees with the Town of Cassel's Zoning Board's Decision to rezone 15 acres instead of 20 acres as requested.

MFI LLC will supply a copy of the certified survey map to the Town of Cassel when complete and recorded with Marathon County.

Todd Heise

MFI LLC
TOURIST ROOMING HOUSES

Land Conservation and Zoning Committee meeting
October 3, 2017
Regulated ATCP Chapter 72 Hotels, Motels, and Tourist Rooming Houses (TRH)

Hotels and motels are classified as having 5 or more rooms for sleeping accommodations; TRH has 4 or fewer.

“Tourist rooming house" means all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments.”
Tourist Rooming Houses

- Initial permit - owner to seek approval through local or county zoning
- Health Department provides consultation, pre-inspection, annual inspection and water sample if needed
- Annual permit required, fee is $221.00
Tourist Rooming Houses

- Currently 7 TRHs licensed in Marathon County
- Estimate 30 additional properties on Airbnb, Vacation Rental, other websites (TRHs, BnBs)
- Health Department
  - Reviewing websites and compiling a list of potential properties affected
  - Inform owner of need for licensing, the process, and ceasing to operate if they choose not to license
  - Inform local and County zoning offices
  - Follow up
  - Ongoing monitoring of websites
Vacation Rentals By Owners

Marathon County Land Conservation and Zoning Committee
October 3, 2017
Today there are many Websites

Airbnb
Book unique homes and experience a city like a local.

[Search form with options for Where, When, and Guests]
Wherever you’re headed, ByOwner can help you stay there in the style you desire.

Whether you’re looking for a room for a few days, a lavish rental, or hotel-style living for an extended time, ByOwner can connect you with the vacation rentals by owner you are looking for ... at any price point, and hundreds of locations around the
VACATION RENTAL GUESTS

Have you booked a reservation recently through one of the ‘big-name’ vacation rental sites? If so, have you looked closely at the billing details? You are now getting charged an 8% to 14% ‘service fee’ every time you rent through one of these sites! And for what service? This fee goes straight to the website, not to the property owner.

Would you maybe like to call the owner before making a booking? Perhaps with some questions or even just to verify that the owner is legitimate? Good luck trying to find the owner’s phone number - it has been removed from the listings!

You will find many of these exact same properties on VacationsFRBO and you will never pay any sort of ‘service fee’, plus you can email or call the owner directly. If you don’t find your desired destination on VacationsFRBO, but you do on a site that charges you a hefty ‘service fee’, ask the owner why he/she is not listing on VacationsFRBO in order to save you the fee!

Start your search by scrolling down on this page.

VACATION RENTAL PROPERTY OWNERS

Would you prefer to pay just $9.95 per year for your listing, rather than hundreds of dollars?

Are you upset with recent changes in the ‘big names’ vacation rental business?
- Where are you now unable to communicate directly with a guest before making a booking?
- Where you must sign up for auto-payment, or your property plagues in the listing order?
- Where you now pay the guest’s charge card fees?
- Where your guest now has to pay an outrageous ‘service fee’ for every transaction?
## VRBO Vacation Rentals

### Top destinations in North America

<table>
<thead>
<tr>
<th>Popular</th>
<th>Cities</th>
<th>Touristic Areas</th>
<th>Neighborhoods</th>
<th>Points of Interest</th>
<th>Premises</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canada</td>
<td>United States</td>
<td>Baffin, Unorganized</td>
<td>Baffin Region</td>
<td>Alaska</td>
<td></td>
</tr>
<tr>
<td>21,354 vacation rentals</td>
<td>434,806 vacation rentals</td>
<td>56 vacation rentals</td>
<td>87 vacation rentals</td>
<td>1,466 vacation rentals</td>
<td></td>
</tr>
<tr>
<td>Northwest Territories</td>
<td>Nord-du-Quebec</td>
<td>Quebec</td>
<td>Fort Smith, Unorganized</td>
<td>Fort Smith Region</td>
<td></td>
</tr>
<tr>
<td>8 vacation rentals</td>
<td>5 vacation rentals</td>
<td>2,908 vacation rentals</td>
<td>8 vacation rentals</td>
<td>8 vacation rentals</td>
<td></td>
</tr>
<tr>
<td>Northern British Columbia</td>
<td>Yukon</td>
<td>Yukon, Unorganized</td>
<td>British Columbia</td>
<td>Great Lakes</td>
<td></td>
</tr>
<tr>
<td>33 vacation rentals</td>
<td>26 vacation rentals</td>
<td>26 vacation rentals</td>
<td>3,915 vacation rentals</td>
<td>23,057 vacation rentals</td>
<td></td>
</tr>
</tbody>
</table>
Top 20 Wausau Area Rentals
Download an App to your Phone

Airbnb
Airbnb, inc. Travel & Local
Everyone

Add to Wishlist Install

Unforgettable trips start with Airbnb. Find adventures in faraway places or your hometown, and access unique homes, experiences, and places around the world. Book everything your trip needs, or just a place to stay. EXPLORE, BOOK, TRAVEL.
One Website Site example

- Typed in Marathon County, WI
- 44 places came up
- Wausau, Schofield, Weston, Mosinee areas
- 1 bed room to entire home (6 Bedroom)
State Response
SPECIAL EXCEPTIONS. The following are special uses permitted when the location of the use shall have been approved and a special exception permit granted after a public hearing by the Board of Adjustment.

(a) Institutions of a charitable or philanthropic nature, day care or child care facilities, hospitals, clinics and sanatoria, except contagious hospitals and mental institutions.

(b) Municipal buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.

(c) Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business.

(d) Bed and Breakfast Establishment and Tourist Rooming House subject to Chapter 254.61, Wis. Stats.
(C) SPECIAL EXCEPTION USES. The following uses are permitted upon proper application as provided in this Ordinance particularly items (a) and (b) of Subparagraph 7.1.6.2(A)(2) only after such use shall have been approved in writing by the Board of Adjustment, after public hearing. Such approval shall be consistent with the general purpose and intent of this Ordinance and shall be based upon such evidence as may be presented at such public hearing, tending to show the desirability of specific uses from the standpoint of the public interest because of such factors as (without limitation because of enumeration) smoke, dust, noxious or toxic gases and odors, noise, glare, vibration, operation of heavy machinery, heavy vehicular traffic, increased traffic on streets and other safety and health factors; such uses shall be required to conform with the plan approved by the Board of Adjustment and shall meet the specific conditions attached below and such other conditions as the Board of Adjustment deems necessary in furthering the purpose of this Ordinance.

(5) Tourist rooming houses.

Portage County Zoning Ordinance Chapter - 7.1.2.1 C(5)

http://www.co.portage.wi.us/home/showdocument?id=6955
• 66.0615 (1) (dk) “Short-term rental” means a residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.
66.1014 Limits on residential dwelling rental prohibited.

(1) In this section:

(a) “Political subdivision” means any city, village, town, or county.

(b) “Residential dwelling” means any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

(2) (a) Subject par. (d), a political subdivision may not enact or enforce an ordinance that prohibits the rental of a residential dwelling for 7 consecutive days or longer.

(b) If a political subdivision has in effect on the effective date of this paragraph .... [LRB inserts date], an ordinance that is inconsistent with par. (a) or (d), the ordinance does not apply and may not be enforced.

(c) Nothing in this subsection limits the authority of a political subdivision to enact an ordinance regulating the rental of a residential dwelling in a manner that is not inconsistent with the provisions of pars. (a) and (d).
• (d) 1. If a residential dwelling is rented for periods of more than 6 but fewer than 29 consecutive days, a political subdivision may limit the total number of days within any consecutive 365-day period that the dwelling may be rented to no fewer than 180 days. The political subdivision may not specify the period of time during which the residential dwelling may be rented, but the political subdivision may require that the maximum number of allowable rental days within a 365-day period must run consecutively.

• A person who rents the person’s residential dwelling shall notify the clerk of the political subdivision in writing when the first rental within a 365-day period begins.

• 2. Any person who maintains, manages, or operates a short-term rental, as defined in s. 66.0615 (1) (dk), for more than 10 nights each year, shall do all of the following:
  • a. Obtain from the department of agriculture, trade and consumer protection a license as a tourist rooming house, as defined in s. 97.01 (15k).
  • b. Obtain from a political subdivision a license for conducting such activities, if a political subdivision enacts an ordinance requiring such a person to obtain a license.
Discussion with Verso Corp (Consolidated Papers)

- CPZ Staff had a discussion with Tom Witt, Resource Manager. He did confirm that they informed the owner of 1500 Plum Lane that he needed to remove the pier or stop the use of renting the property within 30 days.
- Verso Corp’s stance is that the adjoining landowners should not profit from the access granted across Verso Corp property.
LCZ Direction to Staff

• Next Steps?
  o More information on certain items
  o Leave the ordinance as is
  o Modify ordinance to change regulating language for rentals
  o Create a stand alone licensing for rentals.
Questions?

Contact information:
715-261-6000
cpz@co.marathon.wi.us

Thank you!
### Marathon County (Cooperator)

<table>
<thead>
<tr>
<th>Cost Element</th>
<th>Price Charged to Cooperator, paid to APHIS WS</th>
<th>Additional WDNR Funding Requested By Cooperator (County is reimbursed directly from WDNR)</th>
<th>Cost Shared by WS</th>
<th>Full Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries (includes venison donation administration)</td>
<td>$47,531.08</td>
<td>$0.00</td>
<td>$10,575.37</td>
<td>$58,106.45</td>
</tr>
<tr>
<td>Abatement Materials (includes temp fence, repellant, bear abatement, other abatement)</td>
<td>$20,501.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$20,501.00</td>
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<tr>
<td>Mileage</td>
<td>$1,122.53</td>
<td></td>
<td>$1,122.53</td>
<td>$1,122.53</td>
</tr>
<tr>
<td><strong>Subtotal Direct Costs</strong></td>
<td><strong>$69,154.61</strong></td>
<td><strong>$0.00</strong></td>
<td><strong>$10,575.37</strong></td>
<td><strong>$79,729.98</strong></td>
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<tr>
<td>Pooled job costs (ex, vehicle usage, etc)</td>
<td>$7,607.01</td>
<td>$0.00</td>
<td>na</td>
<td>$7,607.01</td>
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<tr>
<td>Deer Donation Processing</td>
<td>na</td>
<td>$4,400.00</td>
<td>na</td>
<td>$4,400.00</td>
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<tr>
<td>County Administration</td>
<td>na</td>
<td>$1,000.00</td>
<td>na</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Indirect Costs (Administrative Overhead)</td>
<td>$11,168.47</td>
<td>$0.00</td>
<td>na</td>
<td>$11,168.47</td>
</tr>
<tr>
<td>Permanent Fence</td>
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<td>$0.00</td>
<td>na</td>
<td>$0.00</td>
</tr>
<tr>
<td><strong>Agreement Total</strong></td>
<td><strong>$87,930.08</strong></td>
<td><strong>$5,400.00</strong></td>
<td><strong>$10,575.37</strong></td>
<td><strong>$103,905.46</strong></td>
</tr>
</tbody>
</table>

The distribution of the budget (with the exception of the mandatory percentage line items) from this Financial Plan may vary as necessary to accomplish the purpose of this agreement, but may not exceed: **$93,330.08**

We expect to assist 85 growers with damage that may result in wildlife damage requests equaling or exceeding $120,000 worth of claims.

**Signatures of Intention:**

- **COUNTY:** ___________________________ Date: ___________________________
- **WDNR:** ___________________________ Date: ___________________________
- **USDA-APHIS-WS:** ___________________________ Date: ___________________________
### 2017 Marathon County Budget

Approved amount to be provided by:

<table>
<thead>
<tr>
<th>Item</th>
<th>County Request</th>
<th>County Admin</th>
<th>USDA-WS Funding Approved</th>
<th>WDNR Funding Approved</th>
<th>Total Funding Approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries (includes County Admin)</td>
<td>$48,131.08</td>
<td>$1,000.00</td>
<td>$10,575.37</td>
<td>$48,131.08</td>
<td>$58,706.45</td>
</tr>
<tr>
<td>Mileage &amp; Travel</td>
<td>$8,729.54</td>
<td>$0.00</td>
<td>$8,729.54</td>
<td>$8,729.54</td>
<td>$8,729.54</td>
</tr>
<tr>
<td>Office Overhead</td>
<td>$11,168.47</td>
<td>$0.00</td>
<td>$11,168.47</td>
<td>$11,168.47</td>
<td>$11,168.47</td>
</tr>
<tr>
<td>Permanent Fencing</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Temporary Fencing</td>
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<td>$0.00</td>
<td>$17,425.85</td>
<td>$17,425.85</td>
<td>$17,425.85</td>
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<tr>
<td>Bear Abatement Repellant</td>
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<td></td>
<td>$1,025.05</td>
<td>$1,025.05</td>
<td>$1,025.05</td>
</tr>
<tr>
<td>Other Abatement</td>
<td>$2,050.10</td>
<td></td>
<td>$2,050.10</td>
<td>$2,050.10</td>
<td>$2,050.10</td>
</tr>
<tr>
<td>Venison Admin</td>
<td>$400.00</td>
<td></td>
<td>$400.00</td>
<td>$400.00</td>
<td>$400.00</td>
</tr>
<tr>
<td>Venison Processing</td>
<td>$4,400.00</td>
<td></td>
<td>$4,400.00</td>
<td>$4,400.00</td>
<td>$4,400.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$93,330.08</strong></td>
<td><strong>$10,575.37</strong></td>
<td><strong>$93,330.08</strong></td>
<td><strong>$103,905.46</strong></td>
<td></td>
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We expect to assist 85 growers with damage that may result in wildlife damage requests equaling or exceeding $120,000 worth of claims.

**Signatures of Intention:**

**COUNTY:** ____________________________  Date: ____________________________

**WDNR:** ____________________________  Date: ____________________________

**USDA-APHIS-WS:** ____________________________  Date: ____________________________
The Fenwood Creek Watershed Management Plan

Lauren Nichols
Shoreland Protection Technician

Ken Pozorksi
Conservation Analyst
Introduction to the Fenwood Creek Watershed

- The Fenwood Creek watershed drains 39 square miles of land into the Big Eau Pleine (BEP) reservoir.

- Low dissolved oxygen levels, high algae concentrations, and fish kills have occurred since its construction in 1937.

- EPA has designated the Big Eau Pleine River watershed as a 303D impaired water body due to the impacts from excessive phosphorus from soil sedimentation and nutrient runoff.
Introduction to the Fenwood Creek Watershed

Gully erosion

Streambank erosion

Barnyard/manure storage runoff
Introduction to the Fenwood Creek Watershed

65% of the Fenwood Creek Watershed is utilized as agriculture cropland.

Challenge: Grow the industry while minimizing environmental impacts caused by excessive soil sedimentation and nutrient loading.
A Call to Action: Defining a Community Partnership

A significant fish kill within the Big Eau Pleine Reservoir in 2009 prompted Marathon County to form a task force to address the water quality issues and develop a strategic plan.

The task force included the WI DNR, WI Dept. of Agriculture, Trade, and Consumer Protection (DATCP), dairy farmers, Clark County, Taylor County, Big Eau Pleine Citizens Organization (BEPCO), and Wisconsin Valley Improvement Company (WVIC).
A Call to Action: Defining a Community Partnership

The task force’s key finding was that the fish kill of 2009 was a symptom of a serious water quality problem caused by excessive soil sediments from cropping and manure management activities.

This led to the development of a strategic plan to address these issues within the watershed.

The purpose of the plan: Improve the health of the river system and stop fish kills while balancing the needs of community and economic interests.
Flyover Video

• Fenwood Narrated Tour
The Fenwood Creek Watershed Management Plan
Goals for the Fenwood

Technical assistance + outreach and education to landowners and farmers

- Reduction of total phosphorus loads from 4.8 to 2.6 lbs./acre
- Reduction of average soil loss rate from 3.1 to 1.7 tons/acre/year

Phosphorus Concentration in Fenwood Creek

2010-2013 May-Oct Median TP (µ/L)

Average Annual Soil Erosion Rates

Marathon County
Fenwood Creek
How will we reach our goals?

1. Local Regulatory Policy Initiatives
2. Conservation Planning Strategies
3. Structural Management Practices
5. Building community capacity

Available funding:
- Greenheck Grant, B.A. & Esther Greenheck Foundation
- Targeted Resource Management Grant, WI DNR
- Lake Protection Grant, WI DNR
Local Regulatory Policy Initiatives

Local regulatory-based policy initiatives

a. Animal Waste Storage facilities and Nutrient Management Ordinance (AWO)
b. Livestock Facility Siting License Ordinance (LSO)
c. Private Sewage Systems Ordinance
Conservation Planning Strategies

1. Identify and target the most serious farm field and farmstead contributors of erosion and runoff.

2. Assess current performance of conservation practices installed in prior years.

Ephemeral erosion

Flooded barnyard
How will we reach our goals?

1. Local Regulatory Policy Initiatives
2. Conservation Planning Strategies
3. Structural Management Practices
5. Building community capacity

Available funding:
- Greenheck Grant, B.A. & Esther Greenheck Foundation
- Targeted Resource Management Grant, WI DNR
- Lake Protection Grant, WI DNR
Structural “Hard” Practices

Structural best management practices located in the farmstead, cropland, and edge of field.

- Watering system
- Concrete lined manure storage facility
- Cattle lane
- Barnyard settling basin
## Structural “Hard” Practices

<table>
<thead>
<tr>
<th>Structural Best Management Practice</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Stream crossing</td>
<td>Sediment basin</td>
</tr>
<tr>
<td>Trails and lanes</td>
<td>WASCOB (edge of field)</td>
</tr>
<tr>
<td>Waste storage facility  engineering</td>
<td>Outlets</td>
</tr>
<tr>
<td>Waste transfer</td>
<td>Subsurface drains</td>
</tr>
<tr>
<td>Waste storage closure</td>
<td>Heavy use protection</td>
</tr>
<tr>
<td>Milk house/feed storage VTA’s</td>
<td>Waste water treatment</td>
</tr>
<tr>
<td>Barnyard</td>
<td>Wetland</td>
</tr>
<tr>
<td>Roof runoff system</td>
<td>Grazing</td>
</tr>
<tr>
<td>Division</td>
<td>Fencing</td>
</tr>
<tr>
<td>Waterway</td>
<td>Riparian buffer</td>
</tr>
</tbody>
</table>
Structural “Hard” Practices

- Manure storage abandonment
- Roof gutters for diversion
- Earthen manure storage facility
- Rock rip-rap treatment for shoreline erosion
- Grazing and fencing
Non-Structural “Soft” Practices

These practices focus on educational and technical assistance to address the runoff and erosion contributions of phosphorus across the watershed.

- Reduced tillage
- Cover crops
- Managed grazing
- Nutrient Management Plans
Non-Structural “Soft” Practices

In field soil erosion practices
- Examples: diversions, rotational grazing, reduced till, no-till, cover crop, contour or strip cropping
- 1,809 acres (10 cost share contracts) have signed up for reduced tillage and/or no-till tillage.
Non-Structural “Soft” Practices

- Animal waste and nutrient management practices
  - Examples: discharge and runoff controls, nutrient management planning, technology adaptation, etc.

Manure spreader

Nutrient management planning can result in healthier soil and water
Marathon County actively leads efforts to build community capacity of both public and private partners to improve the water quality of the Fenwood Creek Watershed.

Accomplishments:

- Big Eau Pleine Socio-Economic Assessment, UWSP CLUE 2015
- 2016 Farmer/BEPCO social
- Farm field days and pasture walks
- Water’s Edge event
- Water Action Volunteers training
- Water-themed community art show
- Newsletters and informational packets
Building Community Capacity

• Future activities
  o Design a water quality trading model
  o Explore and identify new partnerships
  o Create a Western Marathon County citizen-led council
Questions?

Contact information:
715-261-6000
cpz@co.marathon.wi.us

Thank you!