MARATHON COUNTY
ENVIRONMENTAL RESOURCES COMMITTEE
AGENDA

Date & Time of Meeting: Thursday, August 30, 2018 at 3:00 p.m.
Meeting Location: 212 River Drive, Room 5 Wausau 54403

Committee Members: Jacob Langenhahn - Chair; Randy Fifrick - Vice-chair; Rick Seefeldt, Robert Wegner, Allen Drabek, Ashley Lange, Sara Guild, Allen Opall, Kelly King - FSA Member, Marilyn Bhend – WI Towns & Villages Association (non-voting member)

Marathon County Mission Statement: Marathon County Government serves people by leading, coordinating, and providing county, regional, and statewide initiatives. It directly or in cooperation with other public and private partners provides services and creates opportunities that make Marathon County and the surrounding area a preferred place to live, work, visit, and do business. (Last updated 12-20-05).

Environmental Resources Committee Mission Statement: Provide leadership for the implementation of the County Strategic Plan, monitoring outcomes, reviewing and recommending to the County Board policies related to environmental resource initiatives of Marathon County. (Revised: 04/17/12)

1. Call meeting to order
2. Public Comment (15 minute limit)
3. Approval of August 2, 2018 & August 9, 2018 Committee minutes.
4. Operational Functions required by Statute, Ordinance, or Resolution:
   A. Public Hearings, Review, Possible Actions, and Possible Recommendations to the County Board for its Consideration (County Zoning changes)
      1. Tim Vreeland on behalf of Jay Hoppenworth – G-A General Agriculture to L-D-R Low Density Residential – Town of Wien
      2. Arnold Schlei on behalf of Town of Easton – R-R Rural Residential to N-C Neighborhood Commercial – Town of Easton
   B. Text and Map Amendments to Marathon County General Code of Ordinances Chapter 22 – Shoreland, Shoreland-Wetland and Floodplain:
      http://www.co.marathon.wi.us/Portals/0/Departments/CPZ/Documents/ShorelandFloodplainTextAdmendments_v1.pdf
      http://www.co.marathon.wi.us/Departments/ConservationPlanningZoning/ZoningandRegulatoryServices/LakeWausauWisconsinRiverFloodplainRemappingS.aspx
   C. Review and Possible Action
      1. Wildlife Damage Abatement and Claims Program – Landowner final appeal of U.S. Department of Agriculture Wildlife Damage Specialist decision to require permanent fencing – Koehle/Tharman/Daigle
      2. Wildlife Damage Abatement and Claims Program – Tim Stroik Fence contract amendment-Tharman
      3. Recommended CPZ fee increases to support program operations – based upon previous policy discussion - Daigle
5. Educational Presentations/Outcome Monitoring Reports
   A. Committee feedback on Educational Retreat
   B. Department Updates: Conservation, Planning, and Zoning, Parks, Recreation, and Forestry, and Solid Waste Department
   C. Update on Uniform Addressing implementation
6. Policy Issues Discussion and Committee Determination to the County Board for its Consideration
   A. Should CPZ staff provide recommendations on requests to rezone property in county zoned towns?
7. Next meeting date, time & location and Agenda items:
   A. Citation policy for Conservation, Planning and Zoning Committee ordinances – Schedule of Deposits
   B. Committee members are asked to bring ideas for future discussion
   C. Announcements/Requests/Correspondence
8. Adjournment

Any person planning to attend this meeting who needs some type of special accommodation in order to participate should call the County Clerk’s Office at 715-261-1500 or e-mail info@marathon.co.marathon.wi.us one business day before the meeting.

FAXED TO:  Publishers at Daily Herald (715-848-9361), City Pages (715-848-5887), Midwest Radio Group (715-848-3158), Marshfield News (877-943-0443), TTP Printing (715 223-3505), CenterState Marketplace (715-446-2370)

Signed: Presiding Officer

Notice posted at courthouse:

Date: August 23, 2018
Time: 11:25 a.m.
By: cek

Date: __________________________
Time: __________________________ a.m. / p.m.
By: County Clerk
Marathon County
Environmental Resources Committee Minutes
Thursday, August 2, 2018
212 River Drive, Wausau WI

Attendance:
Chair
Jacob Langenhahn ................ X
Vice-Chair
Randy Fifrick ......................... …………………… X (excused)
Rick Seefeldt ......................... …………………… X (excused)
Robert Wegner ................… X (arrived at 4:09 pm)
Allen Drabek ................…… X
Ashley Lange ................…… X (arrived at 3:40 pm)
Sara Guild .......................... X
Allen Opall .......................... X
Marilyn Bhend ........................ X
Kelly King ............................. X

Also present: Rebecca Frisch, Diane Hanson, Dominique Swangstu, Chris Fieri, Lane Loveland, Cindy Kraeger – Conservation, Planning, and Zoning (CPZ), Sheila McCarthy, Caroline Opitz, Steve Kunst and Nathan Wincentsen.

1. Call to order – Called to order by Chair Langenhahn at 3:06 p.m. at 212 River Drive, Wausau, WI. The Committee and all staff present introduced themselves.

2. Public Comment – None.

3. Approval of July 5, 2018 Environmental Resources Committee minutes.
   Motion / second by Drabek/King to approve the July 5, 2018 and Environmental Resources Committee minutes as distributed.
   Motion carried by voice vote, no dissent.

4. Operational Functions required by Statute, Ordinance, or Resolution:
   A. Public Hearings, Review, Possible Actions, and Possible Recommendations to the County Board for its Consideration (County Zoning Changes)
      1. Kenneth & Karen Seehafer – F-P Farmland Preservation to L-D-R Low Density Residential and R-R Rural Residential – Town of McMillan
      Discussion: Frisch was sworn in, noting that this request to rezone was postponed from the July 5, 2018 meeting due to the Certified Survey Map (CSM) being changed. The rezone is to build a new residence on proposed Lot #1 (to R-R) and separate the existing house on proposed Lot #2 (to L-D-R). The staff report was reviewed by Frisch. Committee discussion occurred related to the access onto State Road 97 and easement. Fieri clarified that there is a note on the CSM that clarifies the access issue.
      Carolyn Opitz, Chair, Town of Mc Millan was sworn in. The Town of McMillan has reviewed the application and recommends approval without any concerns. Opitz stated that she had spoken to Mrs. Seehafer this morning regarding this rezone and that they wanted to add additional animals to the lot with farm buildings and were wondering if they added another acre and a half to the lot if they could have more animals. Frisch clarified that to include more acreage, a new petition would need to be submitted with new input from the town and a new public hearing.
      Testimony portion of the hearing was closed at 3:23 p.m. the decision sheet had been included in the meeting packet.
      Committee discussion occurred related to the potential modification of the additional acreage and the question on the decision sheet related to the consistency with farmland preservation and the criteria used to determine what is in the best interest of the County. Frisch explained the boundaries of the proposed lots in relation to existing cropland/farmland. Langenhahn then reviewed the decision sheet with the Committee.
      Action: Motion / second by King/Opall to recommend approval to County Board, of the Kenneth & Karen Seehafer rezone request. Committee determined the rezone is consistent with the Marathon County and Town comprehensive plans, and is located 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.

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

      2. Daniel Schallock – G-A General Agriculture to R-R Rural Residential – Town of Frankfort
      Discussion: Frisch and Swangstu were sworn in and reviewed the staff report and that the request for rezone is for possible future building sites. The Town of Frankfort has reviewed the application and recommends approval without any concerns. Testimony portion of the hearing was closed at 3:35 p.m. Langenhahn reviewed the decision sheet with the Committee.
      Action: Motion / second by Drabek/King to recommend approval to County Board, of the Daniel Schallock rezone request. Committee determined the rezone is consistent with the Marathon County and Town comprehensive plans, and is not located 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
2

Carried by voice vote, no dissent

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

3. Alan and Debra Deiler – F-P Farmland Preservation to G-A General Agriculture – Town of McMillan

Discussion: Swangstu reviewed the staff report and that the rezone is to split the parcel into two separate parcels (one with the existing home and then another lot for them to build a home). Committee discussion occurred related to Farmland Preservation Zoning standards. Frisch explained the changes from historic exclusive agriculture zoning to farmland preservation zoning. Opitz stated that the Town of McMillan is in support of this rezone request. Testimony portion of the hearing was closed at 3:46 p.m. Langenhahn reviewed the decision sheet with the Committee.

Action: Motion / second by Opall/King to recommend approval to County Board, of Alan and Debra Deiler rezone request. Committee determined the rezone is consistent with the Marathon County and Town comprehensive plans, and is not located 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

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

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

1. Town of Wausau text amendments

Discussion: Frisch presented that the Town of Wausau is independently zoned and submitted text amendment changes to amend Chapter 2, Administration Article IV Records, Section 2.126; Chapter 15, Property Maintenance Section 15.05; Chapter 17 Zoning Ordinance Section 17.44 at 1/40 Agricultural transition district; Section 17.45 A-1/80 Agricultural District; Section 17.46 CM Commercial/Light Manufacturing District of the Code of the Town of Wausau. The text amendments were approved at a joint meeting of the town board and planning commission on June 25, 2018. Although the town is independently zoned, County Board approval is still needed.

Action: Motion / second by King/Drabek to recommend approval to County Board, of the Town of Wausau text amendments change. Motion carried by voice vote, no dissent.

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

2. Town of Rib Mountain – 6200 South Mountain Rd

Discussion: Frisch presented that the Town of Rib Mountain is independently zoned and submitted a request to rezone the property zoned Rural Residential to Estate Residential. The zoning amendments were approved at joint meeting of the town board and planning commission on April 11, 2018. Although the town is independently zoned, County Board approval is still needed.

Action: Motion / second by Opall/King to recommend approval to County Board, of the Town of Rib Mountain text amendments change. Motion carried by voice vote, no dissent.

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

C. Review and Possible Action (Land Divisions)

1. Stone Horizon Preliminary County Plat: Request for modification from Land Division Code, Section 18.22(5)(b), for a dead end road greater than 850’ long, ending in a temporary cul-de-sac

Discussion: Fieri reviewed the preliminary plat and the road length issue that does not meet the Land Division Code, therefore a request for modification is needed. Steve Kunst, Town of Rib Mountain stated that the Towns adopted future road map has plans to connect this road to Thornapple Road, that this road exceeds the Towns standards as well. Fire Department has approved this proposed road and the cul-de-sac is temporary so no building will occur that would impact future expansion of the road. This proposal is consistent with the Town’s plans. Discussion occurred related to timeframes for the temporary cul-de-sac and future road expansion as well as precedence of approving modifications. Frisch explained the difference between a request for modification versus a variance and the authority of the committee in relation to land division review.

Action: Motion by Guild/Lange to approve the Request for modification from the Land Division Code Section 18.22(5)(b), for a dead end road greater than 850’ long, ending in a temporary cul-de-sac. Motion carried by voice vote, no dissent.

Follow through: None

2. Stone Horizon Preliminary County Plat – Town of Rib Mountain

Discussion: Fieri reviewed the preliminary plat and stated that because more than 4 lots were being configured on the Stone Horizon property, a county plat is required. A preliminary review has been completed by the County Surveyor and minor changes were submitted to Riverside Land Surveying related to access to County Highway N. Staff is currently waiting for the wetland delineation and concurrence letter from the Army Corp of Engineers.

Action: Motion by King/Drabek to approve the Stone Horizon Preliminary Plat as presented pending submittal of the
wetland delineation and Army Corp of Engineers concurrence letter. Motion carried by voice vote, no dissent. Follow through: Upon submittal of Final Plat, staff will review for Committee action.

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

A. Review of revisions to General Code of Ordinances for Marathon County Chapter 22 – Shoreland, Shoreland – Wetlands, and Floodplain Code

**Discussion:** Frisch reviewed the history of the code revisions to this ordinance. The public hearing notice is being posted for the August 30th ERC meeting. These ordinance revisions need to be forwarded to County Board in September to meet the state and federal standards for adoption. Specifically the revisions will adopt the maps specific to the Lake Wausau floodplain revisions as well as shoreland, shoreland wetland zoning modifications based on changes to state law. This ordinance is in effect for the unincorporated areas specifically in all areas designated as shoreland, shoreland- wetland and floodplain. The process is dictated by state and federal agencies and needs to be adopted by September 28th to ensure that residents are eligible for flood insurance. Failure to meet this timeline will lead to Marathon County being decertified by FEMA for participation in the flood insurance program.

**Action:** None at this time.

**Follow through:** Public hearing notice will be posted and public hearing will be held during the August 30th ERC meeting.

B. CPZ fees to support program operations

**Discussion:** Daigle reviewed memo that was included in packet related to fees and public/private benefit of each major program area within CPZ and information related to historic fee adjustments and neighboring and comparable counties fee structure. CPZ intends to review the Land Division fees and suggest adjustments and nonmetallic mining fees will be adjusted to support the program costs, which is prescribed by the state. Daigle anticipates that a preliminary fee schedule will be available next month. Discussion occurred related to conservation program fees; public/private benefit of programs and the percent of program costs that fees should cover; the need to increase fees to cover the expansion of the zoning technician position to grow zoning per the Strategic Plan; as well as small incremental increases of fees versus a big jump. Chair Langenhahn suggested that staff review the public/private percentages of the current fees needed to meet the new position costs and then make incremental 10% adjustments to see where the fees land if they are increase 10% and 20% above the needs for the position. Frisch encouraged the Committee to look at the larger picture related to fee revenues and the public/private program benefits versus individual program fees.

**Action:** None.

**Follow through:** Staff will continue to review information from surrounding and comparable counties and make adjustments based on Committee discussion and bring suggestions back to the Committee for review.

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

**Discussion:** Parks and Solid Waste Departments did not have any updates. Daigle provided a brief update on zoning staff changes, land conservation committee training, concerns with current ideas on the transfer of Concentrated Animal Feeding Operation from the DNR to DATCP. Further reports to the committee will follow. Daigle also informed committee that the request for the expanded position request that was approved by ERC at the July meeting has been amended to move from a Zoning Specialist to a Zoning Technician position.

**Action:** None.

**Follow through:** For informational purposes only.

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

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

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

B. Announcements/Request/Correspondence – Langenhahn stated that he received a letter from the Town of Knowlton related to short term vacation rentals. Langenhahn stated that working with staff, he responded to the Town. The letter Langenhahn sent to Knowlton is on file at CPZ if any Committee members want to review it.

8. **Adjourn – Motion / second by King/Opall to adjourn at 5:05 p.m.** Motion carried by voice vote, no dissent.

Rebecca Frisch, CPZ Director
For Jacob Langenhahn, Chair

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

RF/cek
Marathon County
Environmental Resources Committee Minutes
Thursday, August 9, 2018
210 River Drive, Wausau WI

Attendance:

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<th>Chair</th>
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<td>Jacob Langenhahn</td>
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<td>Randy Fifrick</td>
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<td>Rick Seefeldt</td>
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<td>Marilyn Bhend</td>
<td>X</td>
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<td>Kelly King</td>
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Also present: Jamie Polley, Tom Lovlien, Meleesa Johnson, Rebecca Frisch, Paul Daigle, Jeff Pritchard, Chris Fieri, Lane Loveland – Conservation, Planning, and Zoning (CPZ)

1. **Call to order** – Called to order by Chair Langenhahn at 3:05 p.m. at 210 River Drive, Wausau, WI. The Committee and all staff present introduced themselves.

2. **Educational Presentations/Outcome Monitoring Reports:**
   A. Power point presentations were given by Park, Recreation, and Forestry, Solid Waste, and Conservation, Planning, and Zoning departments on major program functions and outcomes. Committee members engaged staff to provide clarification and additional information about programs and departments.
   B. Roles and responsibilities
      • Conservation, Planning, and Zoning (CPZ) zoning staff provided the committee members with information on the zoning amendment process from the time the applicant contacts CPZ, through the public hearing process, and specifically the committee’s responsibility for deliberation and decision making. The committee participated in a mock application exercise.
      • Conservation, Planning, and Zoning (CPZ) surveying staff provided the committee members with information on the land division approval process for subdivision/plats. The committee reviewed a sample subdivision plat and discussed their responsibility for review and approval.
   C. Strategic Plan: Implementation related to Environmental Resources Committee
      • Conservation, Planning, and Zoning (CPZ) planning staff provided the committee members with an overview of the plan and the key priority objectives involving all 3 departments in addition to the interrelationships with other county departments.

3. **Adjourn** – Motion / second by Fifrick/Drabek to adjourn at 5:30 p.m. Motion carried by voice vote, no dissent.

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

Request:
The petition of Tim Vreeland on behalf of Jay Hoppenworth to amend the Marathon County Zoning Ordinance from G-A General Agriculture to L-D-R Low Density Residential on property described as part of the NE ¼ of the SE ¼ of Section 20, Township 28 North, Range 4 East, Town of Wien, Proposed as Lot #1 (approximately 1.001 acres) Part of PIN# 084-2804-204-0999 with a property address of: W4166 Fairview Drive, Edgar WI 54426.

Approval is sought in order to remove the existing home along with 1 acre around the structure from the current farm zoned General Agriculture. The parcel division does not qualify for farmland consolidation due to the parcels final size being less than two acres.

Existing zoning district:

G-A, General Agricultural District: The purpose of the G-A district is designed to foster the preservation and use of agricultural land related uses and to provide for limited residential uses in a rural environment but not the division of land as classified in §18.07(2) and (3) into 5 or more tracts, parcels or lots within a 5 year period. This district provides for limited residential development with modest densities that require relatively large land areas that are compatible with the surrounding rural land use activities. The district is intended to provide towns with multiple options to guide growth and development in concert with the comprehensive planning efforts.

Proposed zoning district:

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 then 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.

Surrounding Conditions

Zoning: The surrounding properties in this area are predominately zoned G-A (General Agriculture) with nearby parcels zoned as L-D-R (Low Density Residential) Dark Yellow, as well as a few U-R (Urban Residential) Light Yellow. There are also a few R-E (Rural Estate) Orange parcels in the general vicinity.
**COMPREHENSIVE PLAN FUTURE LAND USE:** The future land use map shows the area mapped as “Single Family Residents” (Yellow) directly adjacent to “Crop Land” (White). The area in question is also located to the north of “Other Agriculture” (Dark Green). Maps and future land uses provided by the Town of Wien’s (2005) Comprehensive Plan.

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

**TOWN RECOMMENDATION:**

On August 13th 2018, the Town of Wien signed a resolution recommending approval. The town had stated in their resolution "Driveway needed for Ag Land for Agricultural use", commenting on the need for a driveway to the agricultural land.
Aerial Photo: Property

Aerial Photo: Property Relative to Adjacent Parcels

Wetlands and Floodplain
CERTIFIED SURVEY MAP
MARATHON COUNTY NO.

VOLUME PAGE

PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 28 NORTH, RANGE 4 EAST, TOWN OF WIEHN, MARATHON COUNTY, WISCONSIN.

VREELAND ASSOCIATES, INC.
8163 BARN STREET WESTON, WI 54476
PH: (715) 241-5944 OR TOLL FREE (888) 603-3376
FAX: (715) 241-6856

OWNER: JAY HOPPENWORTH
FILE #: H-402-18 HOPPENWORTH
DRAFTED AND DRAWN BY TIMOTHY C. VREELAND

SURVEYORS CERTIFICATE

I, TIMOTHY C. VREELAND, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE DIRECTION OF JAY HOPPENWORTH, I SURVEYED, MAPPED AND DIVIDED THAT PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 28 NORTH, RANGE 4 EAST, TOWN OF WIEHN, MARATHON COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 20; THENCE S 014°01'W ALONG THE EAST LINE OF THE SOUTHEAST 1/4, 703.63 FEET; THENCE S 87°35'30"W 33.02 FEET TO THE WEST LINE OF FAIRVIEW DRIVE AND TO THE POINT OF BEGINNING;
THENCE S 014°01'W ALONG THE WEST LINE OF FAIRVIEW DRIVE 243.50 FEET; THENCE N 87°35'30"W 179.17 FEET; THENCE N 014°01'W 243.50 FEET;
THENCE S 87°35'30"W 179.17 FEET TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD AND USE.

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


TIMOTHY C. VREELAND PLS. 2291
DATED THIS 30TH DAY OF MAY, 2018
SURVEY PERFORMED MAY 17TH, 2018

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

DATE

MARATHON CO. CONSERVATION, PLANNING & ZONING DEPT.
CPZ TRACKING NO.

SCALE 1" = 100'

LEGEND

= GOVERNMENT CORNER LOCATION FOR COUNTY SURVEY RECORDS
= 1.333" OUTSIDE DIAMETER x 25" IRON PIPE 1.63 POUNDS PER FOOT SET
WELL LOCATION NOT FOUND ON DATE OF SURVEY
Marathon County Environmental Resources Committee (ERC) must consider all of the following standards in their decision. Please review and explain how the request does or does not meet each of these standards.

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

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

   □ agree □ disagree □ insufficient information

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

   □ agree □ disagree □ insufficient information

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

   □ agree □ disagree □ insufficient information

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

   □ agree □ disagree □ insufficient information

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

   □ agree □ disagree □ insufficient information

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

   □ agree □ disagree □ insufficient information
Environmental Resources Committee Decision

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

☐ Approved.
☐ 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:

Chairman: __________________________________________ Date: _______________
Arnold Schlei (Town of Easton)  
Petition to Rezone Land  
Staff Report/Decision Form  
Environmental Resources Committee

Findings of Fact

Request:
The petition of Arnold Schlei on behalf of the Town of Easton to amend the Marathon County Zoning Ordinance to rezone lands from R-R Rural Residential to N-C Neighborhood Commercial, on property described as part of the SE¼ SE¼, Lot 1 (3.5 Acres) CSM #7880 of Section 17, Township 29 North, Range 09 East in the Town of Easton; PIN # 018-2909-174-0990; with the address of 169612 County Road Z, Ringle WI 54471.

Approval is sought in order to build a structure for a municipal use (storage building for town equipment and supplies) without the restrictions of a residential district. The current use consisting of municipal/public services and structures including the town garage, salt storage, as well as the current Town Hall will not change. The parcel was inadvertently zoned to R-R (Rural Residential) due to its specific size when the Town of Easton adopted County Zoning.

Existing zoning district:

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

Proposed zoning district:

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

Surrounding Conditions

ZONING: The surrounding properties in this area are predominately zoned G-A (General Agriculture) with nearby parcels zoned as R-R (Rural Residential) Tan. There are also a few R-E (Rural Estate) Orange parcels in the vicinity, as well as one C (Commercial) Light Red lot directly to the north of this particular parcel.
**COMPREHENSIVE PLAN FUTURE LAND USE:** The future land use map shows the area mapped as both Public/Quasi-Public but also Crop Land as seen below in the Future Land Use map, provided by the Town of Easton’s (2005) Comprehensive Plan.

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

**TOWN RECOMMENDATION:**
On August 13th 2018, the Town of Easton signed a resolution recommending approval.
Note: The pond seen above on the Certified Survey Map was man made and is used for fire suppression by the fire department.
## Conclusions of Law

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

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

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

   □ agree  □ disagree  □ insufficient information

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

   □ agree  □ disagree  □ insufficient information

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

   □ agree  □ disagree  □ insufficient information

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

   □ agree  □ disagree  □ insufficient information

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

   □ agree  □ disagree  □ insufficient information

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

   □ agree  □ disagree  □ insufficient information
Environmental Resources Committee Decision

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

☐ Approved.
☐ 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:

Chairman: _________________________________ Date: _________________
ORDINANCE AMENDING GENERAL CODE OF ORDINANCES FOR MARATHON COUNTY
CHAPTER 22 SHORELAND, SHORELAND – WETLANDS AND FLOODPLAIN CODE

WHEREAS, the Marathon County Board of Supervisors has been petitioned to amend the General Code of
Ordinances for Marathon County Chapter 22 Shoreland, Shoreland-Wetlands, and Floodplain Code, and

WHEREAS, the petition was referred to the Marathon County Environmental Resources Committee for public
hearing; and

WHEREAS, the Committee, on due notice, conducted a public hearing on the proposed amendment, and filed
their recommendation with the Board, and

WHEREAS, the proposed amendment has been given due consideration by the Board in open session,

NOW, THEREFORE, the County Board of Supervisors of the County of Marathon does ordain as follows:
The General Code of Ordinances for Marathon County Chapter 22 Shoreland, Shoreland-Wetlands, and
Floodplain Code is amended in the following respects:
For Shoreland/Wetland/Floodplain text amendments and Floodplain Map Amendments to the General Code of
Ordinances for Marathon County Chapter 22 Shoreland, Shoreland-Wetlands, and Floodplain Code.

Dated this 30th day of August, 2018
ENVIRONMENTAL RESOURCES COMMITTEE

________________________________________________ Chair
________________________________________________
________________________________________________
________________________________________________
________________________________________________
________________________________________________
________________________________________________

Dated this _____ day of____________, 2018

______________________________________________
Kurt Gibbs – Marathon County Board Chair
Mr. John Hoffman  
E 9497 Hoffman Rd.  
New London, WI 54961  

5/7/2018

Dear Mr. Hoffman,

This letter is in regard to abatement recommendations for your participation in the Wisconsin Wildlife Damage Abatement and Claims Program (WDACP). For the 2018 field season, USDA-Wildlife Services abatement recommendation for the prevention of deer damage to your agriculture crops located in Sections 18 and 19, of Franzen Township in Marathon County.

As we discussed when we met with you at your home on February 3, 2017, the permanent woven wire fence is the most cost-effective abatement option for addressing the severity of deer damage you annually experience at this location. Wisconsin State Statute 29.889 (5)(bm)., requires counties to implement the most cost effective abatement measures in relation to wildlife damage claim payments. The history of claim payments and projected future damages compared to the cost of the fence construction makes the construction of a permanent woven wire fence the most cost-effective abatement for the WDACP and your damage situation. Marathon County has given preliminary approval of the fence proposal.

As we discussed and outlined in WI Administrative Code NR 12.35(5). the WDACP will cover 75% of fence materials and installation and you would be responsible for the remaining 25%. By May 23, 2018, I will need to know if you want to proceed with the fence project so we can ensure the fence is installed in a timely manner. If I do not hear from you by May 23, 2018, I will assume you do not want to implement the permanent fence.

If you choose not to implement the fence the only option for enrollment in the WDACP would be to enroll under the “Act 82” provision, Wisconsin State Statute 29.889(7m)(ar)., where agricultural deer shooting permits are the only form of abatement available. While Act 82 may provide some abatement relief, you would not be eligible for any other type of abatement or compensation for deer damages. However, you do not have to allow public hunting access on the property under an Act 82 enrollment.

If you would like to appeal the recommendation of a permanent fence, please let me know by May 23, 2018 so I can schedule a meeting for you to meet with WDNR, Marathon County, and USDA-WS representatives to state your appeal.

Thank You,

Jim Tharman  
Wildlife Services Specialist  
(715)369-5221
Cc: Robert Willging, USDA APHIS WS District Supervisor
    Brad Koele, WDNR Wildlife Damage Specialist
    Paul Daigle, Marathon County Land and Water Program Director
August 17, 2018

Mr. John Hoffman
E9497 Hoffman Rd.
New London WI 54961

Subject: Marathon County - Wildlife Damage Program Enrollment and Deer Damage Compensation Eligibility

Dear Mr. Hoffman:

As you requested during our telephone conversation on August 6, 2018, this letter is being written to summarize our discussions and clarify your WDACP enrollment options in Marathon County. I understand you are appealing the permanent fence recommendation to Marathon County and that hearing is scheduled for August 30, 2018.

Until you agree to implement the recommended abatement of a permanent fence or Marathon County changes their recommendation and is no longer recommending the installation of a permanent fence, the only option available to you for program enrollment is the Act 82 option. By State Statute, deer damage compensation is not available under this option. I am aware that USDA-Wildlife Services has already provided you the paperwork to enroll under the Act 82 option along with the paperwork for the issuance of a deer shooting permit. My recommendation is to complete and return this paperwork to USDA-Wildlife Services as soon as possible and prior to your appeal hearing with Marathon County so a deer shooting permit can be issued to you for the protection of your crops.

If after the appeal Marathon County changes their recommendation and is no longer recommending the installation of a permanent fence, you will have the opportunity to amend your enrollment and change from the Act 82 option to either the “open” or “managed” enrollment options, your choice. Under the open or managed enrollment options you would then be eligible for deer damage compensation in 2018 pending you meet the required deer harvest objectives of your shooting permit and the public hunting access requirement. You would also need to contact USDA-Wildlife Services at least 10-days prior to harvesting the crops so a crop appraisal can be conducted.

If after the appeal Marathon County does not change their recommendation of installing a permanent fence you will need to either commit to the installation of the permanent fence or continue under the Act 82 program option. Again, deer damage compensation is not available under the Act 82 option. However, if you commit to the installation of the permanent fence your 2018 enrollment will be amended and changed from the Act 82 option to the “open” or “managed” enrollment option, your choice. Under the open or managed enrollment options you would then be eligible for deer damage compensation in 2018 pending you meet the required deer harvest objectives of your shooting permit and the public hunting access requirement. You would also need to contact USDA-Wildlife Services at least 10-days prior to harvesting the crops so an appraisal can be conducted. Please be clear that compensation eligibility is a condition of committing to the installation of the permanent fence and is only available for 2018. If you do not commit to the permanent fence in 2018 you are not eligible for deer damage compensation on this property in the future even if you commit to the fence at a later date.
If you are still unclear about your enrollment options or compensation eligibility, or have any additional questions please let me know.

Respectfully,

Brad Koele
Wildlife Damage Specialist

Cc: Jim Tharman, USDA-Wildlife Services Specialist
    Bob Willging, USDA-Wildlife Services District Supervisor
    Paul Daigle, Marathon County Land and Water Program Director
Marathon County
John and Patricia Hoffman
Permanent Deer Fence Proposal-
Background Information

Marathon County
Environmental Resources Committee Meeting
August 30, 2018
Overview of today's discussion

• Why are we here?
• WI State Statute
• Hoffman Property - Details
• Financial Review of historical deer damage vs cost of a permanent fence
• Other considerations for a permanent fence
• Permanent Fence Requirements for landowners
• Overview of communications with the producer
Why are we here today?
County Obligations

• WI State Statute 29.889(3)(a)
  (a) County participation required. Eligibility for the wildlife damage abatement program or the wildlife damage claim program requires participation of the county in the administration of these programs as specified under sub. (4) (a) and (6) (a). The department may not administer a wildlife damage abatement program or wildlife damage claim program on behalf of or instead of a county.

• WI State Statute 5(bm)
  (bm) Cost-effectiveness of abatement. A participating county may recommend only those wildlife damage abatement measures that are cost-effective in relation to the wildlife damage claim payments that would be paid if the wildlife damage abatement measures are not implemented.
Property Details

• 225 Acres
• 172 tillable acres
• Crop ownership split between John Sr. and Patricia Hoffman
• 14,000 linear feet of field edge
Deer Damage History

vs.

Cost of Permanent Fencing

• Property was first enrolled in 2006
• $276,410.84 in appraised crop damage
• $198,403.17 in compensation paid
• $77,000.00 estimated cost of fencing
Other considerations

• Producers time and effort implementing deer shooting permit efforts and meeting with hunters
• Yield losses in excess of compensation limits
• Administrative time conducting appraisals and issuing deer shooting permits
Permanent Fence Projects

• 8’ high woven wire fence
• 75/25 Cost share, program covers 75% and landowner covers 25%
• Landowner must maintain fence for 15-years
  • Keep gates shut
  • Keep vegetation off fence
  • Inspections done annually
Timeline/Communications with Producer

February 3, 2017  WDNR and Wildlife Services met with the Hoffman’s to discuss a permanent fence

May 17, 2017  2016 damage claims paid by WDNR ($20,000)

April 6, 2018  John called to find out about shooting permits and claim payment status. I told him we wanted to know what their decision was on the fence.

May 1, 2018  Marathon County approved the fence proposal

May 3, 2018  2017 damage claim paid by WDNR ($20,000)

May 7, 2018  Letter sent to Hoffman’s asking for a decision on the permanent fence
Committee’s Options

1. Implement state statute and the cost effective abatement of a permanent fence
2. Not recommend the cost effective abatement of the permanent fence which would be in contrary to state statute and the County’s Plan of Administration
State of Wisconsin  
Department of Natural Resources  

AMENDMENT TO WILDLIFE DAMAGE  
ABATEMENT AND CLAIMS PROGRAM  
Sect. 29.889, Wis. Stats.  

County: Marathon  

Amendment Number: 1  

This amendment to program year 2018 is hereby made and agreed upon by the State of Wisconsin, acting through the Deputy Secretary, Department of Natural Resources and by Marathon County, pursuant to the Wildlife Damage Abatement and Claims program. The State of Wisconsin and Marathon County, in mutual consideration of the promises made herein seek to amend Marathon County's 2018 Plan of Administration as follows:  

Marathon County requires a $14,167.50 increase to its 2018 Abatement budget for the Tim Stroik permanent fence project. The result is a total budget increase of $10,995.00, increasing the total WDNR funded portion of the 2018 budget of $93,330.08 to $107,497.58.  

In all other respects the agreement of which this is an amendment, and the plans and specifications relevant thereto, shall remain in full force and effect. In witness whereof the parties hereto have executed this amendment as of the last date entered below.  

1) Marathon County  

By_________________________________  
(Title)_________________________________  
(Date)_______________________  

2) State of Wisconsin  
Department of Natural Resources  
For the Secretary  

By_________________________________  
(Title) Director--Bureau of Wildlife Management  
(Date) ______________________
### To support new Position costs fees need to generate $36,500 in new revenues.

2018 Budget included $15,000 for Land Division fees. 2018 Budget included $70,000 for Zoning fees.

<table>
<thead>
<tr>
<th>Fees needed to generate existing revenue plus additional revenue to cover 100% of new position</th>
<th>Comparable Counties Averages</th>
<th>Surrounding Counties Average</th>
<th>Marathon County Existing fees</th>
<th>Department Staff Fee Recommendations</th>
<th>Fee Increases To Meet 100% of New Position</th>
<th>3 Year Average Number of Permits Issued</th>
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<th>Total Fees Generated To Meet 100% of New Position</th>
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<tbody>
<tr>
<td>Single Family Home</td>
<td>$ 215</td>
<td>$ 143</td>
<td>$ 175</td>
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$91,450

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$94,150

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$98,775
### Lund Division Fee Analysis - 2018

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<th>Minor Certified Survey Map (CSM) Reviews-First lot</th>
<th>Comparable Counties Average</th>
<th>Surrounded Counties Average</th>
<th>Marathon</th>
<th>CP2 Staff Recommended Fee</th>
<th>Total Fee Projection</th>
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<tr>
<td>Minor (CSM) Review-each additional lot</td>
<td>$195.00</td>
<td>$57.50</td>
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<td>Major (city/state) Pre-Plat-5-10 lots</td>
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<td>$182.14</td>
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<td>10 and more lots</td>
<td>$5 per lot</td>
<td>$10 per lot</td>
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<tr>
<td>Major Pre-plat third or each additional review fees</td>
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<td>Plat Final</td>
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<td>Fee for Additional Lots (1+)</td>
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<td>CSM third and each additional minor review fees</td>
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<td>Totals</td>
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* These fees were last adjusted in 2016

### POWTS Fee Analysis - 2018

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<th>Permit Type</th>
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<th>Brown</th>
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<td>Date of fee schedule</td>
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<td>01/01/2018</td>
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<td>Conventional</td>
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<td>Mound/At-grade</td>
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<td>$440.00</td>
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<td>Inground pressure</td>
<td>$475.00</td>
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<td>$600</td>
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<td>Replacement Tank</td>
<td>$330.00</td>
<td>$270.00</td>
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<tr>
<td>Annual Maintenance Fee for all licensed systems assessed annually on property taxes (generates $176,000)</td>
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<td>$16</td>
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<tr>
<td>After the Fact Fee</td>
<td>Double</td>
<td>Double</td>
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POWTS Fees were increase 01/01/2016 to cover 90% of direct program costs