Date & Time of Meeting: Tuesday, September 6, 2016 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 August 2, 2016 LCZ Committee minutes
5. Public Hearings, possible action, possible recommendation to County Board for consideration
   A. Petition of Tim Vreeland on behalf of Double-D.Kraus Land LLC (Dean and Debra Kraus) – G-A General Agriculture to R-R Rural Residential – Town of Day.
6. Review and possible action, possible recommendation to County Board for consideration
   A. Request to create a parcel which does not comply with the 5:1 length to width ratio as required by §18.23(3) – Section 31, Town of Wausau – Vreeland.
7. Policy discussion, and possible action.
   A. Private Onsite Wastewater Treatment System (POWTS) maintenance program.
   B. Land Division Ordinance Revisions: Administrative guidelines.
8. Educational presentations / outcome monitoring reports, and possible action
   A. Land Conservation Committee and Wisconsin Land and Water Conservation Association roles and responsibilities.
   B. Wildlife Damage Abatement and Claims.
   C. Natural Resources Conservation Service (NRCS) and Farm Service Agency (FSA).
   D. Department of Natural Resources (DNR).
   E. Department Update.
9. Next meeting date, time & location; Agenda items/future topics:
   Future agenda items.
   Next regular meeting: Tuesday October 4, 2016, 12:30 p.m., 210 River Drive.
10. Announcements and Requests
11. Adjournment

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

FAXED TO: News Dept. at Daily Herald (848-9361), City Pages (848-5887), Midwest Radio Group (848-3158), Marshfield News (715 387-4175), TPP Printing (715 223-3505)

Date: August 31, 2016
Time: 9:20 a.m.
By: L. Moritzen

SIGNED

Presiding Officer or Designee

NOTICE POSTED AT COURTHOUSE: Date:
Time: ____________________________ a.m. / p.m.
By: ____________________________
### Findings of Fact

**Request**
The petition of Tim Vreeland on behalf of Double-D.Kraus Land LLC (Dean & Debra Kraus) for a rezone from F-P Farmland Preservation Zoning to R-R Rural Residential. The property to be rezoned is described as located in the NW¼ NW¼, Section 22, T26N, R4E, Town of Day, +/- 3.002 acres/130,748 square feet, as shown on the proposed Certified Survey Map.

**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**
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.

**Surrounding Conditions**
All the properties surrounding are F-P Farmland Preservation.
The future land use map shows the area mapped as residential. The future land use map would match the proposed rezone.

This site was placed into the Farmland Preservation plan in 2013, designating that this was an area where strong agricultural practice is being done and the Town is looking to recognize this in their planning.

The Town of Day met on July 15, 2016, reviewed the application, and recommends approval without any concerns listed on resolution. No other departments or agencies have submitted comments.

**Proposed Certified Survey**
### Findings of Fact

#### Request
The petition of Tim Vreeland on behalf of A.J. Hilgeman for a rezone from G-A General Agriculture to R-R Rural Residential. The property to be rezoned is described as part of the SW¼ SW¼, Section 9, T26N R7E, Town of Knowlton. +/- 3.010 acres or 131,128 square feet, as shown on the proposed Certified Survey Map.

#### Existing uses:

**G-A General Agricultural.** The purpose of the G-A district is designed to foster the preservation and use of agricultural land related uses and to provide for limited residential uses in a rural environment but not the division of land as classified in §18.07(2) and (3) into 5 or more tracts, parcels or lots within a 5 year period. This district provides for limited residential development at 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 Uses**

**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.

#### Surrounding Conditions
The majority of the properties surrounding this area are zoned G-A, General Agricultural, but the smaller properties that exist in the area are zoned a residential zoning.

![Map of the area](image)
The future land use map shows the area as residential. The future land use map would match the proposed rezone.

This site was NOT placed into the Farmland Preservation plan in 2013. Designating that this was an area not wanting to designate strong agricultural practice being done, and the Town looking to recognize this in their planning.

The Town of Knowlton met on August 8, 2016, reviewed the application, and recommends approval without any concerns listed on resolution. No other departments or agencies have submitted comments.

**Proposed Certified Survey**
Roderick J. Haehlke Sr. Petition to Rezone Land
Conservation, Planning and Zoning Committee
Decision Form

Findings of Fact

Request:
The petition of Roderick J. Haehlke Sr. / RJH Income Trust for a rezone from G-A General Agriculture to R-E Rural Estate. The property to be rezoned is described as part of the NE¼ SW¼ and NW¼ SE¼, Section 4, T29N, R5E, Town of Rib Falls, as shown on the proposed Certified Survey Map.

Existing uses:
G-A General Agricultural. The purpose of the G-A district is designed to foster the preservation and use of agricultural land related uses and to provide for limited residential uses in a rural environment but not the division of land as classified in §18.07(2) and (3) into 5 or more tracts, parcels or lots within a 5 year period. This district provides for limited residential development at 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 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 majority of the properties surrounding this area are zoned G-A, General Agricultural, but the smaller properties that exist in the area are zoned a residential zoning.
The land use map shows the area mapped as residential. The future land use map would match the proposed rezone.

This site was placed into the Farmland Preservation plan in 2013. Designating that this was an area of strong agricultural practice and the Town looking to recognize this in their planning. The area being taken out is just the area around the buildings, and not affecting cropland.

The Town of Rib falls met on August 22, 2016 and reviewed the application and has recommended approval without any concerns listed on resolution. No other departments or agencies have submitted comments.

Proposed Certified Survey
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. 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

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

5. 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

6. The Town has approved the proposed rezone of the property.
   - agree
   - disagree
   - insufficient information

7. All concerns from other agencies on the proposed rezone have been addressed? *(DNR, Highway, DOT)* What are the concerns?
   - agree
   - disagree
   - insufficient information
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 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: September 6, 2016
REQUEST TO THE COUNTY
LAND CONSERVATION AND ZONING COMMITTEE
Under the terms of the Land Division Regulations

Code Section being requested for review or determination: '18. 23 (3)

Purpose of this request: To create a parcel which
does not comply with the 5:1 length to width ratio even though
it has frontage on 2 roads

Reasons justifying this request: (Explain in detail the circumstances which preclude compliance with the code. The
Committee can only consider circumstances which are beyond the control of the developer):

Trying to create 2 parcels of equal acreage.

Actually we are increasing the existing width of parcel from
200' to 230'

Attach a survey or sketch at a reasonable scale and other documentation supporting this request.

Legal Description (& Parcel # if available) of Property: Part of S½ NW¼
Section 31, Township 29 North, Range 8 East,
Town of Wausau.

PIN # 080-2908-312-0988

James Wunsch Jr
Owner / Developer Name (Type or print)

970 W Broadway
Address
Jackson, WY 83001
Address

Tim Vreeland
Surveyor (Type or print)

6103 Dawn St.
Address
Winston, WI
Address

715-241-0947
Telephone Number

IT IS STRONGLY RECOMMENDED THAT THE DEVELOPER OR SURVEYOR APPEAR BEFORE
THE LAND CONSERVATION AND ZONING COMMITTEE WHEN THE REQUEST IS BEING HEARD.
Private On-site Wastewater Treatment System (POWTS) MAINTENANCE PROGRAM

The purpose of this document is to outline and describe the current status of Marathon County’s POWTS Maintenance Program and future requirements for the program. POWTS is an acronym for Private On-site Wastewater Treatment Systems, commonly referred to as “septic systems”. POWTS refers to all types of private sewage systems, including conventional, at-grade, mound, holding tank and other types of systems. Information is being provided to facilitate discussion and to increase understanding of the requirements in order to develop administrative guidelines for an expanded maintenance program as mandated by Wisconsin Statutes and Administrative Code by no later than October 1st, 2019.

Background Information

Wisconsin Statutes 59.70(5) and 145.01(5) requires counties to enact ordinances governing private on-site wastewater treatment systems which conform to the state plumbing code. In 1969, Marathon County adopted the Private Sewage Systems Ordinance to promote and protect public health and safety by assuring the proper siting, design, installation, inspection and management of private sewage systems and non-plumbing sanitation systems, and to assure the timely repair or replacement of failing private sewage systems.

On July 1, 1980, Marathon County adopted the Wisconsin Fund Grant Program and implemented a POWTS Maintenance Program (at that time a condition of grant eligibility was that participating counties administer a maintenance program). This maintenance program applied only to those POWTS installed after July 1, 1980. Since July 1, 2000 several revisions have been made to Wisconsin Statutes and Administrative Rules which affect county POWTS maintenance programs. Among these are the following:

- requirement for all counties to administer a maintenance program (is no longer tied to participation in the WI Fund grant program);
- expansion of maintenance requirements to include all POWTS, regardless of age;
- specifications for administration; and
- deadlines for implementation.

In order to comply with these mandates, Marathon County will need to implement an expanded maintenance program as outlined below.

POWTS Maintenance

The purpose of the maintenance program is to assure that all POWTS are inspected, maintained, and serviced (pumped, clean filters, etc.) so that the POWTS will operate as designed and thereby protect the public health along with surface and ground waters. POWTS are biological systems and proper maintenance ensures adequate treatment of wastewater and longevity of the system.

POWTS maintenance standards are as follows:

- must be completed every three years (maintenance of a holding tank or pretreatment system is more frequent);
- typically involves:
  - A visual inspection of the system (for surface discharge/ponding of sewage and of tank condition),
  - Pumping of tanks (when sludge/scum >1/3 tank volume),
Submittal of a maintenance report to the CPZ Department which includes information whether sewage, wastewater, or effluents discharge to, or pond on, the ground surface (paper reports or online reporting accepted);

- must be completed by a licensed individual (pumper, plumber, POWTS maintainer...);
- is the responsibility of the property owner.

The county POWTS maintenance program must meet the following requirements:

- Accept and record maintenance information for each POWTS;
- Notify property owners that are delinquent in reporting;
- Include enforcement action to ensure compliance.

**Current POWTS Maintenance Program**

Marathon County currently administers a POWTS Maintenance Program which applies only to POWTS installed on or after July 1, 1980. This program includes a total of **13,836 POWTS**.

**Expansion of the POWTS Maintenance Program**

Wisconsin Statutes and Administrative Rules require that counties do the following:

- complete an inventory of all POWTS in the county before October 1, 2017 (The CPZ Department completed the initial POWTS inventory in 2015), and
- adopt and implement the maintenance program for all inventoried POWTS before October 1, 2019.

In order to comply with the October 1, 2019 deadline, a plan must be developed for expansion of the current maintenance program to include an estimated **7,374 additional POWTS**.

**Specific Aspects/Challenges with Implementation of Expanded Maintenance Program**

- Potential to identify a large number of failing POWTS requiring replacement. Considerations include: homeowner expense, replacement timetables, increased permit/inspection activity, need for enforcement, reluctance of pumpers to report failing or defective POWTS (“turning in” their customers); need for effective and accurate initial inspection of current systems;
- Potential for lack of cooperation by property owners and the need for education followed by stepped enforcement;
- Education of the public officials relating to the importance of maintaining POWTS because of human health concerns and the need for replacing failing POWTS;
- Informing POWTS professionals, the public, and elected officials of the implementation plan/process/timelines;
- Lack of grant funding for economically disadvantaged citizens needing to replace failing POWTS;
- Need for development of a plan for administration (education and notification of property owners, timetables, informational materials, database changes);
- Procedure for handling inaccurate maintenance reports;
- CPZ workload for onsite waste & support staff (public inquiries, tracking/database management, enforcement, failing POWTS, monitoring compliance of state program requirements, etc. ...);
- Mandatory implementation deadline;
- Public support for effort;
- Funding sources for implementation.

**Summary**

To meet the state mandated deadlines, the CPZ Department must develop and implement a plan which would add over 7,000 POWTS to its current maintenance program by October 1, 2019. This effort will result in the identification of numerous failing POWTS which will need replacement. Administrative guidance is needed to address how to phase in implementation and how to prioritize enforcement actions. For planning and budgetary purposes, this administrative guidance should be finalized by Spring, 2017.
TO: Land Conservation and Zoning Committee
FROM: Jeff Pritchard, Planning Analyst
Chris Fieri, County Surveyor
DATE: August 31, 2016
SUBJECT: LAND DIVISION and SURVEY REGULATIONS UPDATE: Private Road Considerations

During the August LCZC meeting, staff initiated discussions with LCZ seeking administrative guidance relative to private roads in the unincorporated areas of Marathon County. At this time, staff would like to provide additional information to LCZC for discussion and consideration. These items include private road considerations to be incorporated into Chapter 18 and miscellaneous survey concerns and include the following:

Private Road Statistics in Unincorporated areas of Marathon County (see attachment).
- 36 Private Roads
- 16 Towns have private roads

Current Street Definition per Chapter 18 Land Division and Surveying Regulations.
Street. A public or private right-of-way which affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, land, throughway, or however otherwise designated, but excepting driveways to buildings.

Proposed definition:
Private Road. Means any street or road not dedicated to the public which serves as a vehicular access to 3 or more parcels or lots or which crosses a property line. All private roads shall meet the requirements of local roads, and shall be approved as a private road by the town and/or the Committee.

Proposed Standards:
Private Roads. Private local roads (easements) are only permitted in minor subdivisions and condominium developments after review and approval by both the town or county engineer and the Committee and provided that the local town allows such private roads. Private roads must meet the town approved construction and inspection standards and shall meet the following:
A. A minimum of a 66’ wide private road shall provide access from a dedicated improved and accepted public road to more than 2 lots.
B. A restriction shall be placed on the face of the survey that there shall be no further division of lots.
C. A private road shall not exceed 1,320’ in length.
D. All private roads shall be named and properly signed. Private road names are subject to approval by the town board and the Committee to ensure unique naming. These names as approved shall appear on the document to be recorded.

E. Private roads serving county and state subdivisions shall not be permitted.

F. All private dead-end roads shall have sufficient side and overhead clearances to allow ingress and egress and an adequate turnaround for emergency, police, fire, utility and school bus usage.

G. Private Roads that are existing at the time of the effective date of this ordinance that are proposed to provide access to newly created parcels, shall meet the requirements as specified in this Section 18.007.01 and 18.007.02.

H. Private Roads from an existing public road to the newly created lot(s) shall be clearly labeled and dimensioned and monumented right-of-way lines shall be shown on the Certified Survey Map.

**Private Road Requirements.**

In all cases where private roads are permitted per these subdivision regulations an owner’s or condominium association shall be formed to control and maintain the roads. Staff shall verify that submitted owner’s association documents have been properly filed with the appropriate government bodies and shall be recorded on the Certified Survey Map/condominium plat. The approval of a private road does not provide for or imply responsibility for construction, repair, replacement, or maintenance, (including but not limited to: snow or ice removal, dust control, drainage, mowing, tree trimming, etc.) of any private road by any government body. All responsibility and liability remains with the owner’s or condominium association and owners of the lots served by the private road. Deed restrictions for private roads are required to include the following language:

*The undersigned grantee(s) hereby acknowledge(s) that (he, she) understand that the premises described herein is located on a private non-dedicated road. The owner’s association is responsible or liable for the care, repair, replacement, snow or ice removal, dust control, drainage, mowing, tree trimming, or maintenance of said Private Road. The owner’s association for such development shall indemnify, defend and hold harmless all governmental bodies for any and all such claims of any kind or nature that may arise or be related to the private road.*

**Public Roads.**

1. All roads in state and county subdivisions shall be public roads and shall be subject to the following:

   A. Right-of-way shall be a minimum of 66 feet.

   B. A road shall be built to town specifications and properly dedicated for public use when said road is to provide access to more than 2 lots.

   C. The specifications for roads shall be approved by the town or county. If the town has established road construction standards, the subdivider shall build the road in accordance to town specifications.

   D. Road construction including type, and depth of base coarse, and paving material shall be subject to town approval.

   E. The town board may require the subdivider to construct curb and gutters in accordance to the plans and standard specifications approved by town the board.
Please find attached aerial photos for your review. These aerial photos are for illustrative purposes only; however, can be used for discussion purposes by LCZC when considering the general discussion items.

Section 18.007.05 Private Roads (General Discussion items)
1. Do we permit private roads? If so, where and under what criteria i.e. limit number of lots on private roads?
2. Allow private roads in condo plats or conservation design areas?
3. Ownership Status – shared by users, owners-association, or single landowner.
4. Maintenance – require recorded maintenance agreement
5. Emergency Services – access, road design capacity to support equipment
6. County-wide private road design standards
7. Future development considerations – extensions, future development, utilities
8. Distinction between shared drive vs. private road
9. Survey related concerns
   a. Valley Vista Drive
   b. Valley View Road
   c. Kuehlman Lane
   d. Hajec Lane

Our intent is to initiate discussion with LCZ to help us understand how these topics are to be addressed in the Land Division and Survey Regulations and how they relate to Marathon County’s vision and mission to be the safest, healthiest, and most prosperous county in the state from a collaborative governance perspective.
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.