

**COUNTY OF DUNN  
MENOMONIE, WISCONSIN  
NOTICE OF PUBLIC MEETING**

In accordance with the provisions of Section 19.84, Wisconsin Statutes, notice is hereby given that a public meeting of the **Dunn County Planning, Resource and Development Committee** and the **Land Conservation Committee** will be held on **Tuesday, September 8, 2020 at 8:30 a.m.** **The meeting will be held by Teleconference.** Members of the public wishing to listen to the open meeting should access the Dunn County YouTube channel at:

<https://www.youtube.com/channel/UCG9PRaNVmqZc95t1a3953aw/videos>

Members of the public who require assistance in accessing the meeting, please call (715) 231-6505. A video recording of the meeting will be available on the Dunn County YouTube channel, at the link above, for subsequent viewing.

Because this meeting is being held by teleconference, there will not be an option for public comment. Items of business to be discussed or acted upon at this meeting are listed below:

**AGENDA**

- 1. Call to Order**
- 2. Call of the Roll**
- 3. Approval of Minutes:** August 25, 2020
- 4. Public Hearing - None**
- 5. Staff Reports**
  - A. Land Information presentation of online tool to summarize water sampling data
  - B. Register of Deeds monthly report
  - C. Environmental Services Department monthly division reports
  - D. Planning & Zoning workload
  - E. Review of draft Land Division Ordinance
  - F. Review of draft Manure Management Ordinance
- 6. Items Placed at the request of the Chair - None**
- 7. Consideration of Actions to be taken by the Planning, Resource and Development Committee -**  
Request to repurchase property taken through in rem foreclosure
- 8. Consideration of Reports, Resolutions and Ordinances to the County Board from the Planning, Resource and Development Committee -** Recommendation on revised FY 2021 Budget for Solid Waste & Recycling Division
- 9. Announcements**
- 10. Future meeting date and any agenda items:** September 22, 2020
- 11. Adjournment**

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Tom Quinn, Chairman

Tom Carlson, Recording Secretary

**COUNTY OF DUNN  
MENOMONIE, WISCONSIN  
MINUTES**

**DRAFT**

**Minutes of the Meeting of the  
Dunn County Planning, Resources and Development Committee  
Held on August 25, 2020, by Teleconference**

1. **Call to Order.** There being a quorum of the Dunn County Planning, Resources and Development Committee, Chairman Quinn called the meeting to order at 8:30 a.m.
2. **Call of the Roll.** Present were Tom Quinn (Chair), Gary Bjork (Vice-Chair), James Anderson, and Mike Kneer. Others present: Dave Bartlett (County Board Chair), Paul Miller (County Manager), and Keith Strey (County Chief Financial Officer – CFO).
3. **Approval of Minutes.** Supervisor Kneer made a motion to approve the minutes from the August 11, 2020 meeting as distributed. Supervisor Bjork seconded the motion. The motion was approved by voice vote. Chair Quinn let the committee know that the additional legislative agenda items discussed at the August 11<sup>th</sup> meeting had been added to the proposed 2021 Legislative Agenda by Administration.
4. **Public Hearing.** None.

Without objection, Chair Quinn moved ahead to Agenda Item 7.A., ENS 2020 Budget Adjustment – Land and Water Conservation Division. Dan Prestebak, County Conservationist, and Keith Strey, CFO, presented the budget adjustment request to the committee. David Bartlett made a motion to approve the ENS 2020 Budget Adjustment for the Land and Water Conservation Division. Supervisor Bjork seconded the motion. The motion was approved by voice vote.

5. **Staff Reports.**
  - a. **Kyle Baemmert, summer intern presentation.** Kyle Baemmert gave the committee a presentation of the work he did during his summer internship.
  - b. **Review of Draft Land Division Ordinance.** Tom Carlson, County Surveyor, gave the committee an update on changes made since the last meeting.
  - c. **Review of Draft Manure Management Ordinance.** Dan Prestebak reviewed the draft Manure Management Ordinance with the committee. Nicholas P. Lange, Dunn County Corporation Counsel, also spoke to the committee about the draft ordinance.

- d. **Update on Groundwater Ad Hoc Committee recommendations.** Dan Prestebak, reviewed the Groundwater Ad Hoc Committee recommendations with the committee.

6. **Items Placed at the Request of the Chair.**

- a. **Discussion by the committee on how to allow for meaningful public input during the Comprehensive Plan update.** The committee discussed various ways to allow for the public to give input during the Comprehensive Plan update. The committee agreed to continue this discussion at a future meeting.

Without objection, Chair Quinn moved ahead to Agenda Item 8. Comprehensive Land Use Plan, Public Participation Procedures Resolution. Robert Colson, County Planner/Zoning Administrator, discussed a proposed resolution about public participation procedure. The committee discussed having the language about public participation being included in the Comprehensive Plan update and decided not to adopt a new resolution at this time.

- b. **Discussion of zoning workload related to sanitation issues.** Robert Colson discussed with the committee the workload of the Planning and Zoning Division and the solutions they are working on to be able to provide sanitation permits more effectively.

7. **Consideration for Actions to be taken by the Planning Resources and Development Committee.**

- a. **ENS 2020 Budget Adjustment – Land and Water Conservation Division.** This item was acted upon earlier in the meeting.
- b. **Designation of Beaver Creek Reserve as our Aquatic Invasive Species agent.** Dan Prestebak and Heather Wood, Water Quality Specialist, discussed designating Beaver Creek Reserve as the Aquatic Invasive Species agent for the County. Supervisor Anderson made a motion to designate Beaver Creek Reserve as the Aquatic Invasive Species agent for the County. Supervisor Kneer seconded the motion. The motion was approved by voice vote.

8. **Consideration for Reports, Resolutions and Ordinances to the County Board from the Planning Resources and Development Committee.**

- a. **Comprehensive Land Use Plan, Public Participation Procedures Resolution.** This item was discussed earlier in the meeting.

9. **Announcements.** The next committee meeting is Tuesday, September 8, 2020, at 8:30 a.m., by teleconference.

10. **Adjournment.** There being no further business, Chairman Quinn declared the meeting adjourned at 11:25 a.m.

Respectfully Submitted,  
Diane Duerst,  
Recording Secretary



## DUNN COUNTY REGISTER OF DEEDS

*Heather M. Kuhn*

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3001 US Highway 12 East • Suite 112 • Menomonie, WI • 54751

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(715) 232-1228

August 31, 2020

TO: Planning, Resources & Development Committee

RE: Register of Deeds – Staff Report

In August, I participated in the Property Records Industry Association (PRIA) virtual conference. PRIA is a nationwide association of county recorders, title companies, and lenders along with many other real estate business partners. The conference sessions included topics such as: The ABCs of Remote Notarization; MERS 101; Are your records online?; Dust off your Business Continuity Plan; and What's in the County Bulk Data?

I also participated in a virtual user group meeting with other fellow Register of Deeds and our land records software vendor, Fidlar Technologies. The user group discussed new products, remote access and subscription prices. The Wisconsin Register of Deeds Association (WRDA) also held a zoom board meeting in August.

Due to the workload, three out of four staff members work in the office. Real estate documents must be recorded on the day they are submitted for recording and the amount of documents varies day-to-day. Vital record requests are processed on the same day they are received as well. Vital records requests can be submitted online, through the mail or by coming to the office.

There were 742 documents recorded in August 2020 and over \$22 million in real estate sales. We issued 457 certified copies of birth, death, marriage and divorce certificates.

Thank you,

Heather M. Kuhn  
Dunn Register of Deeds

# COUNTY OF DUNN

# Environmental Services Department

## Survey Division

Thomas P. Carlson, County Surveyor  
3001 US Highway 12 E., Suite 240A  
Menomonie, WI 54751  
Ph: 715-231-6526

Email: [tcarlson@co.dunn.wi.us](mailto:tcarlson@co.dunn.wi.us)



**TO:** Planning, Resource and Development Committee

**FROM:** Tom Carlson

**SUBJECT:** August 2020 Staff Report

**DATE:** September 1, 2020

During the month of August, 7 Certified Survey Maps and 12 maps of survey were submitted to the county for review and filing. Collaboration with Corporation Counsel continues on the draft land division ordinance, which will be presented to the PR&D committee again in September. Public Land Survey System (PLSS) remonumentation continues in the Towns of Peru, Eau Galle and Lucas. During the month of August, visits were made to 37 PLSS corners, 9 sixteenth corners (forty corners), and 4 centers of section. Harvesting of the corn crop will begin soon which will allow us to more efficiently access off-road corner locations.

In the past month approximately 100 different property corners along the road right-of-way line of County Highway J in the Town of Sherman were searched for, measured, and marked prior to road construction. In the Town of Wilson, several property corners were checked along County Highway V after the completion of construction. One of the affected corners was found to be paved over and was reset.

On August 24<sup>th</sup> a pre-application consultation meeting was held between county staff, a developer and several of the developer's contractors to discuss a proposed multi-lot subdivision in the Town of Elk Mound. The developer will be consulting with Department of Natural Resources regarding any permitting requirements before moving forward with their proposal.

Since March of this year, the Surveyor's Office has incurred unanticipated expenses due to the COVID-19 pandemic. These expenses include purchasing hand sanitizer, a monthly Zoom subscription and additional mileage expense related to the use of a second vehicle for daily operations in order to maintain 6 feet of social distancing between staff members. These expenses totaling approximately \$1,460.00 have been documented on a spreadsheet provided by the I.T. Division and will be submitted to the state for reimbursement.

Sincerely,

A handwritten signature in black ink that reads "Thomas P. Carlson".

Thomas P. Carlson, PLS  
Dunn County Surveyor



Dunn County Environmental Services Department

## **Dunn County Land and Water Conservation Division**

**3001 US Hwy 12 East Suite 240A, Menomonie, WI 54751**

**Phone (715) 232-1496**

**FAX (715) 232-1520**

### August 2020 Land and Water Conservation Report to the Land Conservation Committee

August is the month for late summer seeding and planning for fall cover crops. This has been reflected in an increase in the use of the No-Till Drill. First by CVTC establishing a cover crop at the Red Cedar Demonstration Farm following a very successful harvest of oats and is ending with several landowners using the drill for establishing hay and improving pasture.

The CVTC has moved their outdoor classroom trailer to the Red Cedar Demo Farm and students and faculty are using it to conduct and hold classes and meet COVID 19 guidelines. Even though the crop is still a long ways from the ben preliminary soybean and corn yield checks that are being done by the students look very promising.

Land and Water Conservation staff are working with landowners and contractors to schedule and implement practices before winter freeze up with several projects in the works. We are also working with farmers on barnyards, manure storage and feed leachate collection. Work on revisions to the Manure Management Ordinance continue with Corporation Council.

September 2nd is the date Preliminary Surface Water Grant requests are due at the Department of Natural Resources. In addition to our Aquatic Invasive Species application for Beaver Creek Reserve and our request to extend the Lake Protection Grant for our Soil Health Initiative in the Red Cedar Watershed, we are assisting the Elk Creek Lake District with an application. Dunn County Highway also notified us that landowners on Lake Eau Galle are interested in applying for a grant to dredge the upper end of the lake.

Planning continues for a field days in the Farmer Led Watersheds. The Red Cedar Conservation Farmers will be show casing Planting Green and Nitrogen Use Efficiency on September 15th at Mike Nelson's farm. The Hay River Farmer Led watershed is planning a field day at Jeff Lake's farm on September 23rd,

Increasing the area of the Town of Grant Ag. Enterprise Area was conditionally approved by DATCP in early August. A revision to the Comprehensive Plan is one of the conditions along with approval by two Chippewa County Towns.

If you have questions at any time, please do not hesitate to reach out by phone or e-mail.

Respectfully Submitted,

Dan Prestebak,  
County Conservationist,

# COUNTY OF DUNN



## Environmental Services Department Planning & Zoning Division

Bob Colson, Administrator  
3001 US Hwy 12 E, Suite 240  
Menomonie, WI 54751  
Phone: 715-231-6522  
Email: [rcolson@co.dunn.wi.us](mailto:rcolson@co.dunn.wi.us)

Date: August 31, 2020  
To: PR&D Committee  
Re: Planning & Zoning June Report

Planning & Zoning is conducting business as usual (as much as we can) during COVID-19. Support staff are able to do their work from home, except that not all zoning/sanitation related information is available electronically. We have a paper file system with 10,000 to 15,000 property records (sanitation permit, sanitation "As-Builts" and zoning permits). Staff are in these files many times throughout the day and on a regular basis, the development community (Plumbers and contractors) contact the office looking for information in these files.

COVID-19 affects all of our daily routines, me more so than staff because I am in the office Monday-Friday and have access to all of the resources. A large portion of my day is now spent on daily tasks that staff used to do such as;

- Over the Counter Business
  - With access to the building by appointment only and staff working from home, what was foot traffic is now "Drive By". I meet each customer outside the building to review/collect their applications. I average four trips daily to the front door which takes 10-20 minutes round trip, with the distraction factor it adds up to about 30 minutes of down time per trip.
- Property information
  - When staff need specific property information they email me their search requests, I pull the file, scan the information, reformat the scanned documents, refile the paper documents and email the scanned documents to staff. On average, I get around three requests per day and each request adds at least 30 minutes to my down time.
- Sanitation Permits. Janet and Michelle have POWTS and soils credentials, they review all Sanitation permits approved by the State to make sure they comply with our local sanitation ordinance before they issue the sanitation permit. Currently we have a 2-3 week backlog.
- Zoning Permits, Michelle and I take care of all General Zoning permits, and we contract with Cedar Corporation for Expedited permits. About 10-12 percent of the Zoning permits are expedited.
  - To help Janet and Michelle get ahead of Sanitation permits I have taken all Zoning permits from Michelle. We have a 3-4 week backlog and I try to make two-three inspections per day. To process, inspect, issue the permit and complete the follow up correspondences takes about 1-2 hours per permit. To date we have issued 212 permits

and we are just coming into the busy time of the season. All of last year we issued 222 permits.

- Having staff working from home has increased the number phone calls and emails by at least 10%...on average I take 3 calls per hour and reply to at least 10 emails per day.

Janet (Sanitation Specialist) continues to work from home Monday, Wednesday and Friday. She is in the office on Tuesday and Thursday to catch up on Sanitation submittals, zoning applications and deposits fees collected from the previous week.

Michelle (Enforcement Officer) works from home Mon.-Fri. however, she is in the office preparing her paperwork on those days when she has an inspection.

In addition to sanitation and zoning duties in my free time I work on;

#### Comp Plan

- Continue working with the consultant on the amendment, currently underway;
  - Demographics
  - Maps

#### Other

- CR&T (Broadband)
- Facilities & Veteran Services
  - Site plan and preliminary drawings for a veteran's memorial



## **DUNN COUNTY**

### **SOLID WASTE & RECYCLING DIVISION**

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Morgan Gerk, Director  
3001 US Highway 12 East, Suite 240  
Menomonie, WI 54751  
715-232-4017

## **STAFF REPORT**

**August 31, 2020**

### **Changes to Solid Waste & Recycling Programs and Services**

The division has been conducting meetings with all current member municipalities to determine the future of the County's solid waste and recycling programs. After determining the needed funds for the 2021 programs and services, the assessed per capita was estimated to increase from the current \$23.00/year to \$60.05/year. The division set a deadline of August 19, 2020 for all municipalities to weigh in on their decisions to continue to participate in the County RU (Responsible Unit) for recycling in 2021, or withdraw entirely from the County RU. Several large and small municipalities indicated that they wish to withdraw from the County RU to pursue their own RU, or collaborate with other RU's that are currently being considered by other municipalities. A revised 2021 per capita was then calculated with the populations from municipalities that reported they wish to stay in the County RU, which amounted to \$131.66/year. The consensus was that this number exceeded the remaining municipality's 2021 budgets, and the decision to dissolve the County RU was all but assured.

Dissolution of the County RU results in the requirement for all former member municipalities to apply with the WDNR to become their own RU, and meet all of the necessary application requirements no later than October 1, 2020. The County would no longer operate any of the collection sites or the Dunn County Transfer Station after the RU expires on January 1, 2021, terminating all residential and commercial solid waste and recycling operations.

After the August 19, 2020 notification deadline and subsequent per capita calculations, the County began to research the possibility of continuing to operate a non-mandated recycling and year-round hazardous waste collection program that could manage items that are not accepted in municipal curbside collections, or cannot legally be sent to landfills (chemicals, tires, electronics, batteries, lamps, ballasts, scrap metals, rigid plastics, sharps, etc.). Hazardous wastes could be collected by appointment throughout the year by modifying the Transfer Station to meet compliance standards with state statutes. This would eliminate the need to assess the high costs of an annual Clean Sweep Event to member municipalities. Additional materials such as residential demolition and bulky items such as furniture could also be accepted for disposal in this proposed program, filling a unique role by ensuring that these non-mandated materials are properly collected and recycled/disposed of responsibly in Dunn County. An additional consideration for Administrative RU services was requested, and would allow municipalities to manage their own recycling services while having the County provide the

administrative oversight and regulatory reporting required of an RU. Solid Waste & Recycling Division staff have calculated the costs for a non-mandated recycling/solid waste program, and for Administrative RU services, and has shared this information at a recent Municipal Meeting with our current partners on August 27, 2020. At that meeting, a new notification deadline of September 2<sup>nd</sup> was proposed by the County for any municipalities wishing to participate in these non-mandated and/or Administrative RU programs. To cover the anticipated budgets for these services, the division established a per capita of \$29.91 for residential access to non-mandated recycling and solid waste services at the Dunn County Transfer Station, and a per capita of \$6.02 for Administrative RU services for any municipalities wishing to opt in for these services. Municipalities have the option to opt in for one or both services if their budgets allow, or to disregard these services altogether. On Thursday morning, September 3<sup>rd</sup>, the decisions from the municipalities will be tallied and a determination will be made as to whether or not enough participation was garnered to support these programs. If only a handful of municipalities opt in, there will not be sufficient per capita to support continued operations of any kind, and the division will begin progress towards total program termination and closure in 2021.

In the event that these optional services fail to launch due to insufficient participation, staff are working contiguously on a projected 2021 budget for the total closure of all solid waste and recycling facilities. This budget will include potential sales of equipment and infrastructure, reduced staffing needs, and any regulatory requirements that must be met prior to closing the Dunn County Transfer Station, and relinquishing the collection sites back to their municipal owners.

The PR&D Committee will be asked to consider an appropriate, revised 2021 SWR budget, based on one or more of the scenarios above, at the committee meeting on September 8, 2020.

# COUNTY OF DUNN



## **Environmental Services Department Planning & Zoning Division**

Bob Colson, Administrator  
3001 US Hwy 12 E, Suite 240  
Menomonie, WI 54751  
Phone: 715-231-6522  
Email: [rcolson@co.dunn.wi.us](mailto:rcolson@co.dunn.wi.us)

Date: August 31, 2020  
To: PR&D Committee  
Re: Planning & Zoning June Report

Staff to lead a discussion and present options related to Planning/Zoning Workload.

# COUNTY OF DUNN



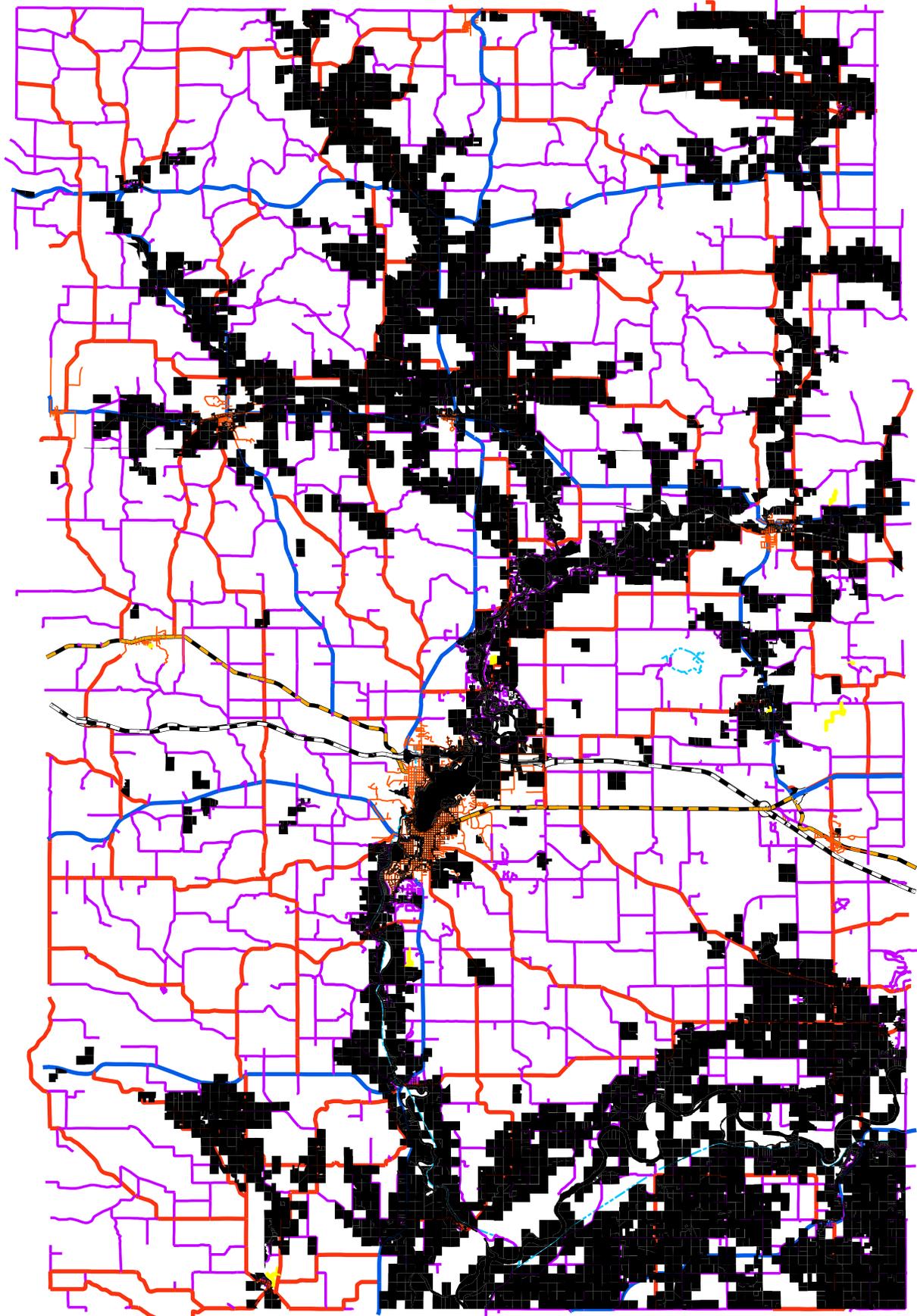
## Environmental Services Department

### **Survey Division**

Thomas P. Carlson, County Surveyor  
3001 US Highway 12 E., Suite 240A  
Menomonie, WI 54751  
Ph: 715-231-6526

Email: [tcarlson@co.dunn.wi.us](mailto:tcarlson@co.dunn.wi.us)

The following four pages are supplemental information related to groundwater recharge and susceptibility to groundwater contamination. These two items will be covered in further detail by staff during the draft land division ordinance discussion.



**8,524 parcels have excellent recharge contained within their boundary  
Estimate of \$89,122,600.00 of land value (does not include improvements)**

"This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes."

0 1.5 3 6 9 12 15 Miles

# Location of Recharge Areas to the Sandstone Aquifer in Dunn County, Wisconsin

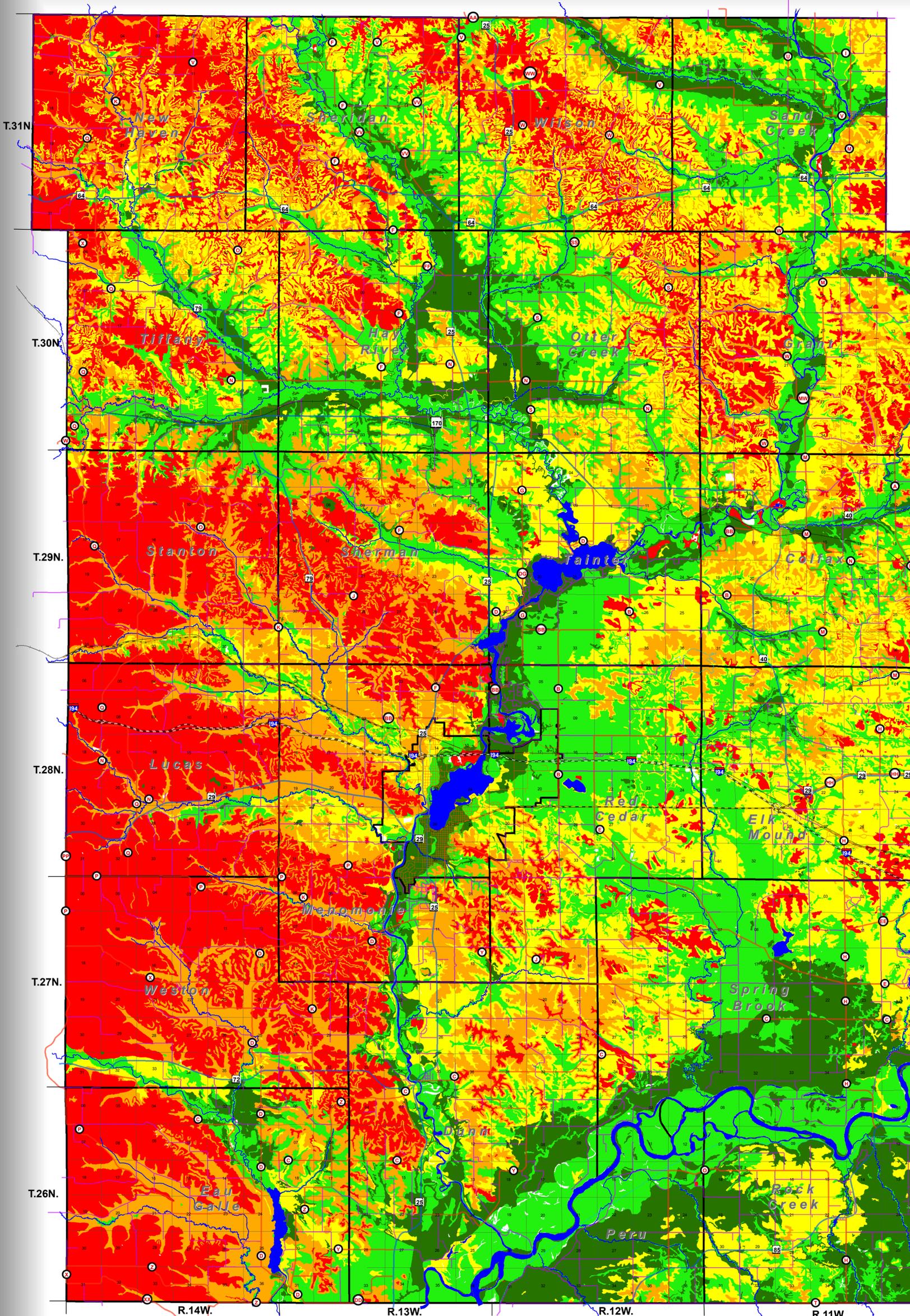
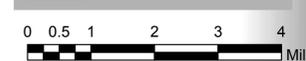
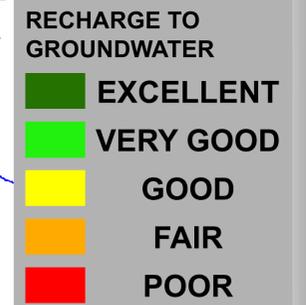


Table 1. Soils by recharge capability to the sandstone aquifer.

<b>Excellent</b>
Aldo Sand
Chelsea Fine Sand
Farrington Loamy Sand
Finchford Loamy Sand
Komro Loamy Sand
Meehan Loamy Sand
Menasha Sand
Plainfield Sand
<b>Very Good</b>
Bison Sandy Loam
Burkhardt Sandy Loam
Chetek Sandy Loam
Dakota Silt Loam
Drammen Loamy Sand
Dunnbot Fine Sandy Loam
Forkhorn Sandy Loam
Hoopston Sandy Loam
Markey Muck
Seelyville Muck
Menomin Silt Loam
Meridian Silt Loam
Mert Silt Loam
Mopet Fine Sandy Loam
Newson Mucky Loamy Sand
Kesterle Sandy Loam
Owasha Sand
Palm & Houghton Mucks
Pits
Rassett Sandy Loam
Rusktown Sandy Loam
Scotah Loamy Fine Sand
Shiffer Loam
Tarr Sand
Tint Sand
<b>Good</b>
Boone Sand
Boone-Elevalis Complex
Boone-Tarr Sands
Boplain
Elevalis Sandy Loam
Elk mound Loam
Fordum Silt Loam
Garne Loamy Sand
Hayriver-Twinmound Complex
Kevlar Sandy Loam
Laws Loam
Northbend-Etrick Silt Loam
Plainbo Sand
Poskin Silt Loam
Prissel Silt Loam
Rib Silt Loam
Twinmound Fine Sand
<b>Fair</b>
Arenville Silt Loam
Beaver Creek Cobby Fine Sandy Loam
Bearpen Silt Loam
Bogus Creek Silt Loam
Doritty Silt Loam
Ela Silt Loam
Etrick Silt Loam
Hayriver and Elevalis Fine Sandy Loam
Orion Silt Loam
Plum Creek Silt Loam
Quarder Silt Loam
Uortheads
Urne Fine Sandy Loam
Vancreek Silt Loam
<b>Poor</b>
Almena Silt Loam
Amery Sandy Loam
Arland Fine Sandy Loam
Chaseburg Silt Loam
Churchtown Silt Loam
Dobie and Hixton Silt Loam
Dorerton-Ebaville Complex
Fivepoints Silt Loam
Gap Hill-Rockbluff Complex
Hersey Silt Loam
Hiles Silt Loam
Hixton Silt Loam
Humbird Fine Sandy Loam
Kert Silt Loam
Merilan Fine Sandy Loam
Newglarus Silt Loam
Norden Silt Loam
Pepin Silt Loam
Renova Silt Loam
Seaton Silt Loam
Santiago Silt Loam
Sioux Creek Silt Loam
Spencer Silt Loam
Vase Silt Loam
Veendum Silt Loam
Vlasaty Silt Loam
Wickware Silt Loam

Table 2. Permeability rate of soil recharge groups in inches per hour.

<b>Excellent</b>	10 - 20
<b>Very Good</b>	5 - 10
<b>Good</b>	2 - 5
<b>Fair</b>	0.8 - 2
<b>Poor</b>	0.2 - 0.8



## Location of Recharge Areas to the Sandstone Aquifer in Dunn County, Wisconsin - By Neil C. Koch 2005

### Introduction:

The major aquifer that underlies all of Dunn County is the sandstone of Cambrian age. The sandstone aquifer receives recharge from snowmelt and rainfall in Dunn County. The snowmelt and rainfall sinks into the ground and moves down to the water table which is the top of the water surface of the aquifer. Discharge from the aquifer is to nearby creeks, rivers and lakes. The sandstone is as much as 800 feet thick in some places in Dunn County. The sandstone in many areas is overlain by glacial drift consisting of clay, silt, sand, gravel and boulders. Dolomite of Ordovician age overlies the sandstone in 5,000 acres in western Dunn County. In some areas up to six feet of wind blown silt and clay, called loess, covers the glacial drift or sandstone. The sandstone is within 5 feet of the land surface in 43.5 percent of the County. (Sutherland, 1987). The outwash deposits of sand and gravel are part of the sandstone aquifer where they are in contact with the underlying sandstone. As development increases, two potential problems could impact the sandstone aquifer. Reduced recharge to the aquifer may occur as more land is covered with roads and buildings causing precipitation to move quicker to streams and lakes resulting in less water available to recharge the aquifer. The danger of polluting the aquifer will increase. A water table aquifer is under great risk of becoming contaminated by surface spills, so it is necessary to manage what types of development occur, especially in areas where there is excellent to good recharge to the aquifer. To aid in planning for future development in Dunn County, the location of recharge areas to the sandstone aquifer is necessary to maintain good recharge to the aquifer and to protect the aquifer from being contaminated from surface pollutants.

### Purpose and Scope:

The purpose of this map is to show where the recharge areas to the sandstone aquifer occur in Dunn County, and to rank the soils from excellent to poor as to their ability to allow precipitation to recharge the aquifer. The soil survey of Dunn County, approved in 2004, was used for the base mapping. A recharge ranking is given to 91 different types of soil types. Table 1 shows the soils that are classified under each recharge ranking. A permeability rate is given for each recharge group (table 2)

### Physical Characteristics Used to Establish Soil Recharge Rankings:

The sandier the soil, the greater the recharge ranking. The more clay within the soil column or substrate the poorer the recharge ranking. Soils ranked as excellent recharge potential to the sandstone aquifer consist of outwash deposits of sand and gravel. Soils ranked as very good consist of silty, sandy alluvium overlying silt loam sand or outwash. Soils ranked as good consist of sandy alluvium overlying shallow bedrock. Soils ranked as fair consist of loamy, silty, alluvium. Soils ranked as poor consist of loess and glacial till, which contains silt, clay, and pebble clay. The permeability of the soils and substrate range from 0.2 to 20 inches per hour. In Dunn County 11 percent of the area has an excellent recharge ranking, 24 percent has a very good recharge ranking, 24 percent has a good recharge ranking, 18 percent has a fair recharge ranking, and 23 percent has a poor recharge ranking.

### Recharge concerns:

As demand for groundwater withdrawal increase with population and industrial growth, recharge to the aquifer should not become less than the withdrawal from the aquifer. The conversion of farm fields into urban developments results in buildings, driveways, streets, roads and parking lots, which reduces the recharge from precipitation to the aquifer. By carefully managing development in the excellent to good recharge areas, urban development will have less of an impact on reducing recharge to the aquifer.

### Pollution Concerns:

Soils ranked as excellent recharge potential have the greatest risk of contaminants reaching the aquifer. Housing developments where several wells and septic fields exist would run the risk of septic waters entering the aquifer. The permeability of these soils could be 20 inches per hour. Even in the very good recharge soils, there could be septic contamination to the well where the alluvium is very sandy overlying outwash. The direction of flow in the aquifer is important to determine so wells can be placed up gradient from septic fields. Agricultural pollutants can contaminate the aquifer quickly in excellent and very good recharge areas.

### Acknowledgements:

A special thanks to Rick Mechelke, Environmental Planner Dunn County Land Conservation Division, who computer generated the recharge map of the soils in Dunn County and helped with modifying the ranking of the soils; and to Larry L. Natzke, Resource Soil Scientist, U.S. Department of Agriculture, who helped with modifying the ranking of the soils. Thanks also to Larry L. Natzke for reviewing the map and providing suggestions. This map is the result of an activity by the Dunn County Groundwater Guardian Community, which is part of a program of The Groundwater Foundation, a private non-profit educational organization that informs and motivates people to care for and about groundwater.

### Reference:

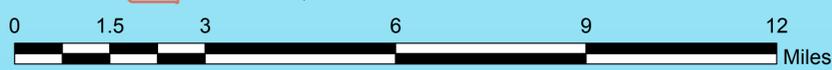
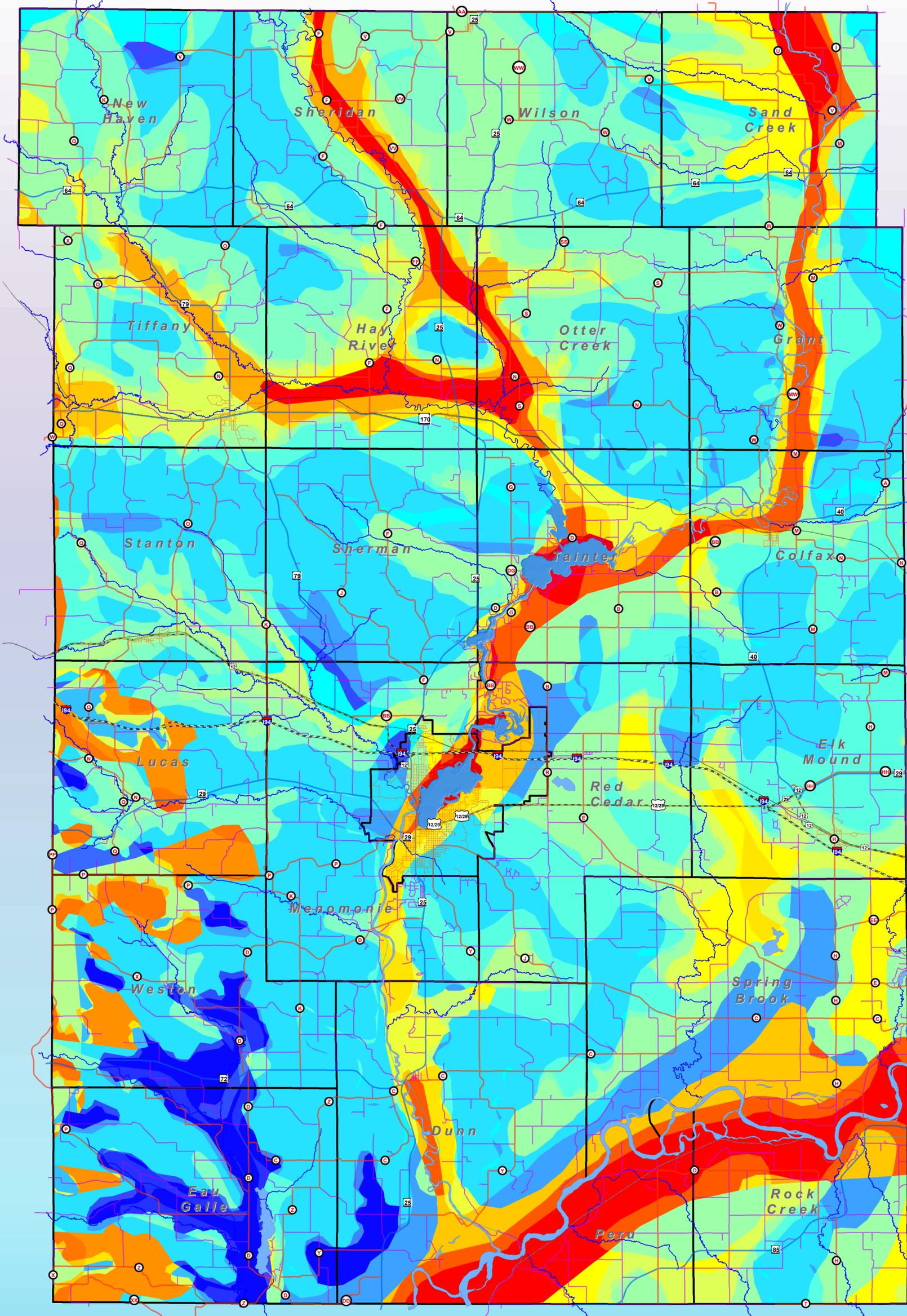
Sutherland, A.W. and Madison, F.W., 1987 Soils of Dunn County and their ability to attenuate contaminants.  
Wisconsin Geological and Natural History Survey Map 87-4, map with text.  
Wing, Gordon N., 1975 Soil Survey of Dunn County: U.S. Department of Agriculture, Soil Conservation Service, 117p.

Published by and available from  
Dunn County GIS Division  
800 Wilson Ave.  
Menomonie, WI 54751

Cartographer's note:  
The original, digital, version of this map was lost sometime after the map was published.  
This map is a re-creation of the original hard copy map using the same datasets, text and graphics.  
Stephen J. Kochaver PLS, GISP  
Date: 02/17/2015



# Susceptibility to Groundwater Contamination



## Dunn County, Wisconsin

GWCS\_VALUE



Most Susceptible

Data compiled using the Wi. Department of Natural Resources Groundwater Contamination Susceptibility Model Data Sets. (Last update 3/12/2001)

"This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes."

Cartography by Stephen J. Kochaver 2/16/2015

Least Susceptible

### Usage Notes

Groundwater contamination susceptibility is defined for the GCSM as the ease with which water (and any contaminant carried in the water) travels from the land surface to the top of the groundwater layer. Five physical resource characteristics were identified as important in determining groundwater contamination susceptibility. Resource characteristic maps used in the GCSM were compiled and automated from generalized maps at a scale of 1:250,000 or 1:500,000. These data layers and their corresponding coverage names in the DNR GIS Database Library are:

- Bedrock Depth or Depth-to-Bedrock ("brdpw92d")
- Bedrock Type ("brtpw95c")
- Soil Characteristics ("scpw92d")
- Surficial Deposits ("sdppw95c")
- Water Table Depth or Depth-to-Water Table ("wtdpw92d")

The DNR GIS Database Library also includes a Soil Associations layer ("saspw92") which is an intermediate data set used to prepare the Soil Characteristics layer. A value was assigned for each attribute identified on a resource characteristic map. A weighting scheme was also developed to indicate the strength of each resource characteristic in estimating groundwater contamination susceptibility. The 5 resource characteristic layers were then overlaid in a GIS, with each polygon in the composite coverage receiving a numerical score composed of the value assigned to each attribute times the multiplier assigned to each resource characteristic. Because of the importance of depth to bedrock in determining the strength of other GCSM factors, the multiplier assigned to each resource characteristic resided in the brdpw92d layer. For more information about the GCSM and its component layers, refer to the DNR publication, Wisconsin's Groundwater Management Plan: Report No. 5: Groundwater Contamination Susceptibility in Wisconsin, available from the DNR Bureau of Drinking Water & Groundwater

### A Note on Fitness for Use

The GCSM is derived from generalized statewide information at small scales, and cannot be used for any site-specific purposes. For example, siting waste disposal facilities or locating an industry requires site-specific, geologic and hydrogeologic information, and cannot be made based on the composite groundwater contamination susceptibility map. The GCSM does not consider the individual characteristics of individual contaminants or the subsurface release of contaminants. That is, it only considers the ability of water to move from the land surface to the water table. The model is intended for use by state agencies and others when deciding where they should more closely study impacts on groundwater. Local officials can also use the GCSM in determining whether their region needs to be studied in more detail for potential groundwater problems

derived from these data.

This data set is not designed for use as a primary regulatory tool in permitting or citing decisions, but may be used as a reference source. This is public information and may be interpreted by organizations, agencies, units of government, or others based on needs; however, they are responsible for the appropriate application. Federal, State, or local regulatory bodies are not to reassign to the Natural Resources Conservation Service any authority for the decisions that they make. The Natural Resources Conservation Service will not perform any evaluations of these maps for purposes related solely to State or local regulatory programs.

Photographic or digital enlargement of these maps to scales greater than at which they were originally mapped can cause misinterpretation of the data. If enlarged, maps do not show the small areas of contrasting soils that could have been shown at a larger scale. The depicted soil boundaries, interpretations, and analysis derived from them do not eliminate the need for onsite sampling, testing, and detailed study of specific sites for intensive uses. Thus, these data and their interpretations are intended for planning purposes only. Digital data files are periodically updated. Files are dated, and users are responsible for obtaining the latest version of the data.

Point\_of\_Contact:

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## **CHAPTER 16**

### **LAND DIVISION, CONDOMINIUM, AND SURVEYING REGULATIONS**

#### Subchapter I – General Provisions

- 16.01 Title
- 16.02 Authority
- 16.03 Purpose
- 16.04 Definitions
- 16.05 Geographic Jurisdiction
- 16.06 Land Divisions Governed By This Chapter
- 16.07 Parcel Combinations and Reconfigurations
- 16.08 Classification of Land Divisions
- 16.09 Suitability Standards
- 16.10 Division by Plat of High Value Agricultural Land
- 16.11 Limitations on Large Lot, Unsewered Developments in Areas With Potential For Sanitary Sewer Service
- 16.12 Compliance and Requirement
- 16.13 Abrogation and Greater Restrictions
- 16.14 Construction
- 16.15 Severability
- 16.16 Nonliability

#### Subchapter II – Certified Survey Maps

- 16.20 Pre-Application Consultation
- 16.21 Certified Survey Maps
- 16.22 Retracement Certified Survey Maps

#### Subchapter III - Plats

- 16.30 Pre-Application Consultation
- 16.31 Application and Review – County and State Plats
- 16.32 Preliminary Plats
- 16.33 Final Plats
- 16.34 Recording of Final Plat
- 16.35 Replats, Vacations or Alterations in Recorded Plats
- 16.36 Improvements

#### Subchapter IV – Surveying Regulations and Design Standards

- 16.40 Surveying Requirements and General Provisions
- 16.41 Design Standards - General
- 16.42 Surface Drainage and Erosion Control
- 16.43 Streets and Roads
- 16.44 Access
- 16.45 Blocks
- 16.46 Lots
- 16.47 Lands Near Water's Edge
- 16.48 Parks, Playgrounds, Schools and Open Space
- 16.49 Utility Placement
- 16.50 Dedications

Subchapter V – Condominium Developments

16.70 Condominium Developments

Subchapter VI – Administration

16.80 Planning, Resource, and Development Committee

16.81 Administration and Enforcement

16.82 Fees

16.83 Variances

16.84 Appeals

16.85 Enforcement

1986 Amendment

**SUBCHAPTER I – GENERAL PROVISIONS**

1 **16.01 TITLE.** This chapter shall be known as the “Dunn County Land Division, Condominium,  
2 and Surveying Regulations Ordinance” and is referred to as the “Ordinance” in this chapter.

3 **16.02 AUTHORITY.** This chapter is adopted under the authority granted by Wis. Stat. §§ 59.69,  
4 59.692, 236.45, 281.31, and Chapter 703, Wis. Stats.

5 **16.03 PURPOSE.** The regulations in this chapter are adopted for the following purposes:

6 (1) To promote the wise use, conservation, protection, and property development of Dunn  
7 County’s soil, water, wetland, woodland, and wildlife resources, and to achieve a balanced rela-  
8 tionship between land use and development and supporting and sustaining Dunn County’s natu-  
9 ral resource base;

10 (2) To establish reasonable design standards and land division procedures to facilitate the orderly  
11 and well-planned layout, division, use, and development of land in Dunn County, and to prevent  
12 overcrowding of land and undue congestion of population;

13 (3) To secure safety and resiliency from disastrous storms, fire, flood, pollution, disease and  
14 other hazards and to help minimize expenditures for emergency response and disaster relief and  
15 other mitigation actions;

16 (4) To ensure adequate and efficient transportation, water, sewerage, stormwater drainage,  
17 schools, parks, playgrounds, recreation, and other facilities;

18 (5) To ensure that the design of the transportation system will not have a negative long-term ef-  
19 fect on neighborhood quality, traffic, and pedestrian movement and safety;

20 (6) To prevent and control erosion, sedimentation, and other pollution of air and water, ensure  
21 the adequacy of drainage facilities, and safeguard subsurface water;

22 (7) To prevent destruction or impairment of environmentally sensitive areas.

23 (8) To conserve high value agricultural land.

24 (9) To protect and provide for the public health, safety, and general welfare of Dunn County and  
25 its municipalities.

26 (10) To guide the future growth and development of Dunn County in accordance with the com-  
27 prehensive plan.

28 (11) To ensure a system for review of proposed condominium instruments that is identical to the  
29 review procedures for land divisions. Such review of condominiums is deemed appropriate be-  
30 cause they function in the same manner and have the same neighborhood and environmental im-  
31 pacts as land divisions.

32  
33 **16.04 DEFINITIONS.** For purposes of this chapter, certain words and terms shall have the fol-  
34 lowing meanings:

35 Alley: A public or private right-of-way primarily designed to serve as secondary access to the  
36 side or rear of those properties whose principal frontage is on a street.

37 Applicant: The owner of land proposed to be subdivided or the owner's representative who shall  
38 have express written authority to act on behalf of the owner.

39 Block: A platted tract of land bounded by streets or by a combination of streets and public parks,  
40 or other recognized lines of demarcation.

41 Building: Any structure built for the support, shelter, or enclosure of persons, animals, chattels,  
42 or movable property of any kind, and which is permanently affixed to the land.

43 Certified Survey Map: A map of a division of land into four (4) lots or less prepared in accord-  
44 ance with Ch. 236, Wis. Stats., and the terms of this chapter may be referred to as a CSM.

45 Committee: The Dunn County Planning, Resource and Development Committee authorized by  
46 Wis. Stat. §59.69.

47 ~~Conservation Subdivision: A subdivision of land into small development lots and a common area~~  
48 ~~generally larger than the sum of the development lots intended to cluster development and pre-~~  
49 ~~serve some natural feature(s).~~

50 Contiguous: Parcels of land sharing a common boundary. Parcels that meet at only a single point  
51 are not considered contiguous.

52 Contiguous Buildable Area: The area of a lot for building use and sufficient area suitable for the  
53 entire on-site wastewater treatment system and its replacement, exclusive of environmentally  
54 sensitive areas, zoning and shoreland setbacks, navigable waterways, road rights-of-way, and ac-  
55 cess easements.

56 Contiguous Tract: All of a contiguous area of land in which title is held under identical owner-  
57 ship. Contiguous parcels under identical ownership are considered to be one (1) parcel for the  
58 purpose of this definition, even though separate parcels may have separate tax identification  
59 numbers or were acquired at different times or from different persons. Contiguous parcels shall  
60 be treated as a single parcel or tract for the purposes of this ordinance unless they are bisected by  
61 an existing public highway, railroad, or meandered body of water. An un-meandered or intermit-  
62 tent stream, creek or drainage ditch does not bisect a contiguous tract. Lots or outlots within rec-  
63 orded Plats, Assessor's Plats or Certified Survey Maps held under identical ownership shall be  
64 part of and included within a contiguous tract.

65 County: Dunn County, including any agency, department or committee thereof.

66 County Plat: Any land division meeting the specifications of section 16.08(2) of this chapter.

67 County Surveyor: The County employee responsible for performing the duties prescribed in Wis.  
68 Stat. § 59.45.

69 Cul-de-sac: A local road with only one vehicular outlet and having an appropriate terminal for  
70 the safe and convenient reversal of traffic movement.

71 Days: Shall refer to calendar days.

72 Department: The Dunn County Environmental Services Department.

73 Division: See “Land Division.”

74 Double Frontage Lots: A lot other than a corner lot which has frontage on two (2) substantially  
75 parallel streets.

76 Dryland Access: A vehicular access route which is above the regional flood elevation and which  
77 connects land located in the floodplain to land outside the floodplain, such as a road with its sur-  
78 face above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

79 Easement: The portion of land set aside or over which, a liberty, privilege, or advantage in land  
80 without profit, existing distinct from the ownership of land, is reserved for the public, utility, or  
81 some particular person, corporation or part of the public for limited right of use.

82 Environmentally sensitive area: Areas identified as being environmentally sensitive include all of  
83 the following:

84 (a) All wetlands, including a 75-foot buffer.

85 (b) All areas mapped as floodplain by the Federal Emergency Management Agency (FEMA), the  
86 Wisconsin Department of Natural Resources, or any other public or private entity.

87 (c) All areas within seventy-five (75) feet of the ordinary high water mark of navigable streams  
88 and lakes, as identified by Wisconsin Department of Natural Resources Water Management  
89 Specialists.

90 (d) All areas having slopes of 20% and greater.

91 (e) Burial sites and Indian mounds.

92 (f) Drainage ways that contain running water during spring runoff or during storm events includ-  
93 ing a 25 foot buffer from the edge of the drainage way.

94 Extraterritorial plat approval jurisdiction: The unincorporated area within three (3) miles of the  
95 corporate limits of a first, second or third class city or one and one half (1½) miles of a fourth  
96 class city or village.

97 Final Plat: A subdivision prepared in compliance with the provisions of Chapter 236, Wis. Stats.,  
98 and the terms of this chapter.

99 Floodplain: Land which has been or may be covered by flood water during the regional flood. It  
100 includes the floodway and the flood fringe, and may include other designated floodplain areas  
101 for regulatory purposes. Floodplains are regulated by Chapter 15, Dunn County Code of Ordi-  
102 nances.

103 Frontage: The length of the front property line of the lot or tract of land abutting a public or pri-  
104 vate street, road, highway, public right-of-way, or navigable water body.

105 High Value Agricultural Land: Those areas identified as being farmland preservation plan certi-  
106 fied according to the Dunn County Comprehensive Plan.

107 Improvement: The act of changing or enhancement that alters the present condition.

108 Land Division: The act of creating one (1) or more new separately described parcels.

109 Lot: A parcel of land, legally created in a land division, having an assigned number by which it  
110 may be identified and intended for use as a building site or the placement of structures separate  
111 from other parcels in the same land division.

112 Meander line: The traverse of the margin of a permanent natural body of water.

113 Meandered body of water: A permanent natural body of water where a meander line was sur-  
114 veyed by the original Government Land Office and government lots were platted along its  
115 boundary.

116 Minor Subdivision: Certified Survey Map.

117 Municipality: All units with local self-government.

118 Navigable Water: Waters deemed navigable under the navigable-in-fact principle of Chapter 30,  
119 Wis. Stats.

120 Nonconforming Structure: As defined in 13.7.0 of the Dunn County Code of Ordinances.

121 Ordinary High Water Mark (OHWM): The point on the bank or shore up to which the presence  
122 and action of surface water is so continuous as to leave a distinctive mark, such as by erosion,  
123 destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other  
124 easily recognized characteristics. Where the bank or shore at any particular place is of such char-  
125 acter that it is difficult or impossible to ascertain where the point of ordinary high-water mark is,  
126 recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or  
127 flowage to determine whether a given stage of water is above or below the ordinary high-water  
128 mark.

129 Outlot: A non-buildable parcel of land, other than a lot or block, intended for transfer of owner-  
130 ship or private right-of-way, which does not meet the requirements of a lot at the time of platting,  
131 is intended for open space or other use and held in common ownership, or is transferred to a pub-  
132 lic agency or utility. An outlot may be a private road or alley, a non-buildable parcel having poor  
133 soils or topographic conditions, or a remnant parcel. An outlot may not be used as a building site  
134 unless it is in compliance with restrictions imposed under this ordinance with respect to building  
135 sites. Outlots shall not be used to circumvent the intent of this ordinance.

136 Owner: Any person, group of persons, firm, corporation or any other legal entity having legal ti-  
137 tle to the land sought to be divided under this chapter.

138 Parcel: A piece of land held in one ownership.

139 Person: Person in this chapter shall include any natural person, corporate entity, or statutory en-  
140 tity.

141 POWTS: Private Onsite Wastewater Treatment System

142 Preliminary Plat: A map showing the features of a proposed subdivision submitted to the Com-  
143 mittee for purposes of preliminary consideration.

144 Plat: The preliminary or final map of a County or State Plat or Assessor's Plat.

145 Regional Flood: A flood determined to be representative of large floods known to have occurred  
146 in Wisconsin. A regional flood is a flood with a one (1) percent chance of being equaled or ex-  
147 ceeded in any given year, and if depicted on the Flood Insurance Rate Map (FIRM), the Regional  
148 Flood Elevation (RFE) is equivalent to the Base Flood Elevation (BFE).

149 Remnant: The remainder of a formerly contiguous parcel or tract of real estate under single own-  
150 ership, which would be unaffected by the proposed land division.

151 Replat: The process of changing, or the map or plat which changes, the boundaries of a recorded  
152 subdivision plat, certified survey map or a part thereof.

153 Restrictive Covenant: Written stipulations regarding development which the owner(s) must abide  
154 by and be governed by the owner(s) of interest unless otherwise so stipulated, that may not be  
155 less restrictive than any local ordinance.

156 Retracement Certified Survey Map: A certified survey map that retraces, identifies and locates  
157 the boundaries of an existing parcel(s) of land where no new additional parcels are created.

158 Right-Of-Way: A strip of land occupied or intended to be occupied by a road, railroad, utility  
159 line, or for other special purposes, and normally requiring public dedication where public  
160 maintenance is involved.

161 ~~A strip of land occupied or intended to be occupied for a special use., dedicated to the public by~~  
162 ~~the owner of the land division on which such right-of-way is established.~~

163 Road: A way for vehicular traffic that provides vehicular access to lots, not including access  
164 driveways within lots.

165 Sewage Disposal System, Private a/k/a Private On-Site Waste Treatment System: An on-site sep-  
166 tic, aerobic, experimental, holding, or other system approved for use by the Department of Com-  
167 merce.

168 State Plat: A map of a division of land prepared in accordance with Ch. 236, Wis. Stats. and the  
169 terms of this chapter where:

- 170 (a) The act of division creates five (5) or more lots of one and one-half (1½) acres each or less in  
171 area; or  
172 (b) Five (5) or more lots of one and one-half (1½) acres each or less in area are created by suc-  
173 cessive divisions within a period of five (5) years.

174 Stream: A channel appearing as dashed or solid blue lines on the USGS 7.5 minute quadrangle  
175 map or that meets the following definition: A watercourse having a readily discernable source  
176 and terminus, banks and beds, through which water flows at least periodically. It does not lose its  
177 character as a watercourse even though it may break up and disappear temporarily and reappear  
178 downstream.

179 Street: A public or private right-of-way which affords a primary means of vehicular access to  
180 abutting properties, whether designated as a street, avenue, highway, road, boulevard, land,  
181 throughway, or however otherwise designated, but excepting driveways to buildings.

182 Subdivider: Any person, corporation or authorized agent who undertakes the subdivision of land  
183 as defined in this section.

184 Subdivision: A land division which is affected under this chapter by a certified survey map or  
185 plat.

186 Surveyor: A person who surveys land and is duly licensed in the State of Wisconsin.

187 Tract: A contiguous area of land under the same ownership.  
188 Utility Easement: An easement to place, replace, maintain, or move utility facilities, such as tele-  
189 phone, water, sewer, gas, and cable television.  
190 Variance: A departure from the terms of this chapter as applied to a specific building, structure,  
191 or parcel of land, which the Committee may permit, pursuant to this chapter.  
192 Wetlands: Those areas identified on the DNR Surface Water Data Viewer as either mapped wet-  
193 lands, or wetland indicators and soils.

194 **16.05 GEOGRAPHIC JURISDICTION.** The provisions of this chapter shall apply to all land  
195 and water within the geographical boundaries of Dunn County, Wisconsin, except within any in-  
196 corporated city or village. Where a duly adopted town ordinance regulating the division of land  
197 is more restrictive than this chapter, the town shall be responsible for enforcement of all more  
198 restrictive ordinance requirements.

199 **16.06 LAND DIVISIONS GOVERNED BY THIS CHAPTER.**

- 200 (1) The provisions of this chapter shall apply to:
- 201 (a) All divisions and conveyances of land, including land contracts, and combination or recon-  
202 figuration of lots or outlots, where the act of division, conveyance, combination, or reconfig-  
203 uration creates or describes one or more new lots smaller than 20 acres. No instrument of  
204 conveyance governed by this chapter shall be recorded until the required certified survey  
205 map or plat is recorded.
- 206 (b) Any remnant portion of a contiguous tract of less than 20 acres resulting from a land divi-  
207 sion.
- 208 (c) All certified survey maps, non-restrictive to size, including retracement certified survey maps  
209 and certified survey maps created for mortgage purposes.  
210 ~~(d) All certified survey maps created for mortgage purposes on parcels less than 20 acres.~~
- 211 (2) The following are exempt from the requirements of this chapter:
- 212 (a) The creation of less than 5 parcels by transfers of interests in land by will or pursuant to court  
213 order.
- 214 (b) Leases for a term not to exceed ten (10) years, mortgages, or easements creating less than  
215 five parcels.
- 216 (c) The sale or exchange of parcels of land between owners of adjoining property if additional  
217 lots are not thereby created and the lots resulting are not reduced below the minimum sizes  
218 required by this chapter or other applicable laws or ordinances, subject to the following re-  
219 quirements:
- 220 1. A draft of the recordable document creating a land division for an exemption based on  
221 Wis. Stat. § 236.45(2)(am)3. shall be submitted to the county, along with an application  
222 and the appropriate review fee, for review prior to recording. The grantor and grantee  
223 identified in the recordable document shall be identical to ownership of the adjoining par-  
224 cels. The document shall clearly describe or indicate the parcel to which the exchanged  
225 area is to be attached, and contain the following statement: “No new lot is being created.  
226 This exchanged area shall be attached to and become part of parcel number \_\_\_\_\_.”  
227 Any future conveyance of the exchanged area may be subject to county land division reg-  
228 ulations if separately conveyed.”
- 229 2. There are no delinquent taxes or outstanding special assessments due on either of the ad-  
230 joining parcels.

- 231 3. The exchanged area and the parcel to which it is to be attached must be within the same  
232 zoning district.
- 233 (d) Assessor's Plats made under Wis. Stat. § 70.27, provided, however, that such plats shall meet  
234 all requirements specified in Wis. Stat. §§ 70.27 and 236.03(2).
- 235 (e) Creation or transfer of parcels of twenty (20) acres or greater in size, or that can be described  
236 as an equal rectangular half (1/2) of an entire government protracted quarter-quarter section  
237 or government lot as defined by the original public land survey system that does not front on  
238 a meandered body of water, none of which may be bisected by a public highway.
- 239 (f) Cemetery plats made under Wis. Stat. §157.07.
- 240 (g) Divisions of land relating to the acquisition or exchange of land by public agencies, for pub-  
241 lic use and occupancy, including but not limited to, land divisions made for road construction  
242 purposes.

243

244 **16.07 PARCEL COMBINATIONS AND RECONFIGURATIONS.**

245 (1) The combination or reconfiguration of two or more adjoining lots or outlots of a certified sur-  
246 vey map or plat shall require the preparation of a new certified survey map in compliance with  
247 all provisions of this chapter, except as provided in section 16.07(3), and shall be subject to re-  
248 view by the Department.

249 (2) Existing parcels may be reconfigured in accordance with Wis. Stat. § 236.34. A certified sur-  
250 vey map may be used to reconfigure no more than four (4) lots or outlots within a recorded sub-  
251 division, assessor's plat, or CSM, provided that the reconfiguration:

252 (a) Does not result in a subdivision as defined by Wis. Stat. § 236.03(12); and

253 (b) Creates parcels that comply with applicable county and other local ordinances, minimum lay-  
254 out requirements in Chapter 236, Wis. Stats., and, if served with private sewerage facilities,  
255 Wis. Admin. Code SPS 383 & 385; and

256 (c) Does not change areas previously dedicated to the public; and

257 (d) Does not change a restriction or easement placed on the platted land.

258 (3) Combinations or reconfigurations that include existing non-conforming lots or outlots shall  
259 not be permitted if any additional non-conformity is created thereby, or that results in any lot or  
260 outlot being reduced to an area of less than 20,000 square feet.

261 **16.08 CLASSIFICATION OF LAND DIVISIONS.** Land divisions are classified under this  
262 chapter as either:

263 (1) Minor Subdivision. Creation of a lot smaller than 20 acres from a contiguous tract shall re-  
264 quire a certified survey map. A maximum of four (4) lots smaller than twenty (20) acres from  
265 each quarter-quarter or government lot within a contiguous tract may be created within a five (5)  
266 year period. Any lot created that is located in multiple quarter-quarters or government lots shall  
267 be counted against the quarter-quarter or government lot in which the greater area of the created  
268 lot lies. Certified survey maps shall be prepared and submitted for review, approval, dedication,  
269 and recording as required by this chapter and Ch. 236, Wis. Stats., as applicable. Additional lots  
270 must be created by county plat or state plat.

271 (2) County Plat.

272 (a) The creation of five (5) or more lots from a quarter-quarter or government lot contained  
273 within a contiguous tract, of which no more than four (4) lots are one and one-half (1½) acres  
274 or less in area, either by a division or by successive divisions within a five (5) year period,  
275 shall be by a county plat. County plats, while resembling state plats, are not subject to state  
276 administration review, but are subject to the surveying requirements of Chapter 236, Wis.

277 Stats., and shall be prepared and submitted for review, approval, dedication, and recording as  
278 required by this chapter.

279 (b) Creation of 5 or more lots of less than 1½ acres by a division or successive divisions within a  
280 period of 5 years within the contiguous tract meets the definition of state subdivision and is  
281 subject to state administrative review and the requirements for state plats under this chapter.

282 (3) State Plat. Land divisions meeting the definition of state subdivisions are subject to manda-  
283 tory State review under Ch. 236, Wisconsin Statutes, as well as County review under this chap-  
284 ter.

#### 285 **16.09 SUITABILITY STANDARDS.**

286 (1) Pursuant to Wis. Stat. § 236.45, the county is authorized and may prohibit the division of  
287 lands where such prohibition will serve to carry out the purposes set forth in this chapter. The  
288 county may also regulate the manner of land division in areas where divisions are permitted.

289 (2) The suitability standards of this section are in addition to standards set forth in other land reg-  
290 ulatory ordinances applicable to the county.

291 (3) These suitability standards shall be applied to all proposed land divisions under the authority  
292 stated herein.

293 (4) No land shall be divided which is held unsuitable for its proposed use for the reasons of  
294 flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavora-  
295 ble topography, inadequate or contaminated water supply or sewage disposal capabilities, or any  
296 other feature or circumstance likely to result in the imposition of unreasonable costs to remedy  
297 severe and avoidable problems or to be harmful to the health, safety, or general welfare of the  
298 future residents of the land division or of the community.

299 (5) Lands deemed unsuitable may, with the approval of the Committee, be divided and  
300 designated as an outlot. It must be noted on the face of the certified survey map or plat that the  
301 outlot is unsuitable for habitable structures, sanitary facilities or other development uses.

#### 302 **16.10 DIVISION BY PLAT OF HIGH VALUE AGRICULTURAL LAND.**

303 (1) It is declared to be the policy of Dunn County to make a conscious effort to preserve the agri-  
304 cultural use of land which, because of soil characteristics, aggregate acreage, proximity to other  
305 farms or other pertinent characteristics, have high value for continued farm uses to meet the food  
306 and fiber needs of the County, the Region, the State and Nation. In the interest of furthering the  
307 orderly use of land, preserving the character of these portions of the County and encouraging the  
308 use of land most appropriate to the essential nature of the land itself, land divisions by plat shall  
309 be discouraged from intruding on areas of high agricultural value.

310 (2) The Committee, in determining the agricultural value, may seek the advice of the county land  
311 and water conservationist, U.S. Dept. of Agriculture Natural Resources Conservation Service,  
312 assessors, affected town or municipality and any other county or state agency which would be of  
313 assistance in making such a determination.

314 **16.11 LIMITATIONS ON LARGE LOT, UNSEWERED DEVELOPMENTS IN AREAS**  
315 **WHICH HAVE POTENTIAL FOR SANITARY SEWER SERVICE.** It is declared to be the  
316 policy of Dunn County to encourage sanitary sewer service for subdivided developments. In the

317 interest of promoting the orderly use and development of lands and facilitating adequate provi-  
318 sions for sewage services, the following standards shall apply to all land divisions:

319 (1) Developments that can be connected to sanitary sewage collection and treatment facilities at  
320 the time of development shall have all laterals and services to the property line installed in the  
321 course of development and shall be connected to the available treatment system prior to occu-  
322 pancy.

323 (2) Developments in areas wherein sanitary sewage treatment service can reasonably be expected  
324 to be available within 5 years of the date of recording of the plat shall have a sewage collection  
325 system including services to the property lines installed prior to completion and occupancy. Such  
326 collection systems within the boundaries of the tract shall be capped pending availability of a  
327 connection to the expected treatment system. The Committee shall make diligent inquiry into all  
328 municipal, state, and federal policies which bear upon the likelihood that service will, in fact, be  
329 provided on schedule. If payments from the subdivider and/or owner are a precondition to provi-  
330 sion of a sewage service, the requirement that appropriate funds be placed in escrow may be im-  
331 posed.

### 332 **16.12 COMPLIANCE AND REQUIREMENTS.**

333 (1) Land divisions subject to this chapter shall comply with the following applicable rules and  
334 regulations:

335 (a) Chapters 59, 70, 87, 92, 15, 236, and 281, Wisconsin Statutes.

336 (b) For state approved subdivision plats, the rules of the Wisconsin Department of Administra-  
337 tion (DOA) regarding that agency's administration of Chapter 236, Wisconsin Statutes.

338 (c) State law regulating sanitation and sewerage.

339 (d) Rules of the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency.

340 (e) Rules of the Wisconsin Department of Transportation and the Dunn County Highway De-  
341 partment relating to safety of access and preservation of the public interest and investment in  
342 the highway system if the land owned or controlled by the subdivider abuts a County or State  
343 trunk highway or connecting highway or street.

344 (f) Statutory requirements regulating development within floodplain, wetland and shoreland ar-  
345 eas, and Standard Best Management Practices, including Chapter 30, Wis. Stats., and Wis.  
346 Admin. Code Chapters NR 102, 103, 115, 116, 118, and 151.

347 (g) Applicable county and local regulations, including zoning, erosion and stormwater manage-  
348 ment, and sanitary ordinances.

349 (h) Comprehensive plans or plan components adopted by the county or local municipalities.

350 (i) All other applicable ordinances and state and federal regulations.

351 (2) No land division shall be approved if any part of the contiguous tract has delinquent taxes or  
352 outstanding special assessments.

353 (3) An offer or contract to convey a lot in a proposed land division shall state on its face that it is  
354 contingent on final approval and shall be void if the land division is not approved and recorded.

### 355 **16.13 ABROGATION AND GREATER RESTRICTIONS.**

356 (1) It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any exist-  
357 ing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits  
358 previously adopted or issued pursuant to law. However, wherever this chapter imposes greater  
359 restrictions, or conflicts with any other ordinance, statute or administrative rule, the more restric-  
360 tive provision shall govern.

361 (2) Notwithstanding subsection (1), to the extent that this chapter contains time limits, deadlines,  
362 notice requirements or other provisions that provide protections for an applicant contained in  
363 Chapter 236, Wis. Stats., the provisions contained in Chapter 236 shall apply.

364 **16.14 CONSTRUCTION.** In the interpretation and application of the provisions of this chapter,  
365 requirements shall be held to be the minimum requirements and shall be liberally construed in  
366 favor of Dunn County, and shall not be deemed a limitation or repeal of any other power granted  
367 by the Wisconsin statutes. References to Wisconsin statutes and administrative code sections  
368 shall include all subsequent amendments and successor sections.

369 **16.15 SEVERABILITY.** If any section, clause, provision, or portion of this chapter is adjudged  
370 unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter  
371 shall not be affected thereby.

372 **16.16 NONLIABILITY.**

373 (1) In carrying out any of the provisions of this chapter or in exercising any power or authority  
374 granted to them thereby, there shall be no personal liability upon the Department, its agents and  
375 employees. In such matters, it is understood that the Department, its agents or employees act as  
376 agents and representatives of the County.

377 (2) The County does not guarantee, warrant, or represent that only those areas designated as  
378 floodplains will be subject to periodic inundation and that those soils listed as being unsuited for  
379 specific uses are the only unsuited soils within the County and thereby asserts that there is no lia-  
380 bility on the part of the County, its agencies, or employees for sanitation and water supply prob-  
381 lems or structural damages that may occur as a result of reliance upon, and conformance with  
382 this chapter.  
383

## SUBCHAPTER II – CERTIFIED SURVEY MAPS

384 **16.20 PRE-APPLICATION CONSULTATION.**

385 (1) Prior to submitting an application for County approval of a Certified Survey Map, it is  
386 recommended that the applicant or agent schedule a pre-application consultation to meet with the  
387 Department to discuss the location and nature of the proposed project.

388 (2) Based upon information provided in the pre-application consultation, the Department shall  
389 explain to the applicant:

390 (a) Whether the proposal will require County and/or State reviews.

391 (b) Which standards of this chapter and Ch. 236, Wis. Stats. will apply to the land division.

392 (c) The procedure to follow to submit a land division for review.

393 **16.21 CERTIFIED SURVEY MAPS.**

394 (1) All certified survey maps shall be prepared by a professional land surveyor licensed in the  
395 State of Wisconsin.

396 (2) The subdivider or their designated agent, shall submit a minor subdivision application form  
397 provided by the Department, one (1) copy of the certified survey map, the required review fee  
398 and, if applicable, a maintenance and repair agreement as required by section 16.43(3)(g) and a

399 soil boring map required by section 16.46(8)(c); to the Department. Upon receipt of all items re-  
400 quired in the submission, the Department shall transmit one (1) copy of the application and the  
401 certified survey map to each of the following authorities:  
402 (a) Clerk of the town in which the land division is located.  
403 (b) Clerk of an adjoining city or village if the land division lies within their extraterritorial plat  
404 approval jurisdiction.  
405 (c) Where applicable, the Dunn County Highway Department or the Wisconsin Department of  
406 Transportation.

407 (3) Certified survey maps required by this Chapter shall be reviewed and approved prior to  
408 recording. The Department shall review and approve, conditionally approve, or reject certified  
409 survey maps within ninety (90) days. The ninety (90) day time period shall commence with the  
410 submittal of a complete application, the review fee, and certified survey map. The Department's  
411 decision shall be stated in writing and based upon the standards of this section, Wisconsin  
412 statutes and administrative code, and all applicable portions of this chapter.

413 (4) The Certified Survey Map shall show correctly on the face of the map the following infor-  
414 mation in addition to that required by Wis. Stat. § 236.34 and Wis. Admin. Code Chapter A-E 7:  
415 (a) Date of preparation.  
416 (b) Name and address of the owner of the parcel to be divided or their agent, and surveyor.  
417 (c) Location and identity of all existing structures. If there are no existing structures on a pro-  
418 posed lot, this must be stated.  
419 (d) Location of existing driveways, wells, POWTS tank cover and vents and the approximate  
420 outline of the base of any mound system or above grade drain field.  
421 (e) Location of any existing wetlands and areas of slope of 20% or greater.  
422 (f) Area of each lot and outlot shown in square feet and acres including and excluding any road  
423 rights-of-way. Acreage shall be calculated and shown to a minimum of 1/100th of an acre.  
424 (g) Discrepancies between surveyed and occupied lines.  
425 (h) Public areas to be dedicated, identified as "dedicated to the public".  
426 (i) Regional floodplain boundaries and the contour line which is two (2) feet above the regional  
427 floodplain boundary line as defined in Wisconsin Administrative Code Chapter NR 116. All  
428 parcels shall contain a minimum of ten thousand (10,000) square feet of contiguous land ly-  
429 ing above the contour line which is two (2) feet above the regional floodplain boundary line.  
430 (j) The following note shall be placed on the map whenever a land division is located within one  
431 thousand (1000) feet of a navigable lake, pond or flowage and/or within three hundred (300)  
432 feet of a navigable river or stream: "Due to the proximity of (insert name of water body) this  
433 parcel may be subject to shoreland zoning setbacks and buffers. Contact the Dunn County  
434 Zoning Office for specific details and permitting requirements." The corresponding one thou-  
435 sand (1000) foot or three hundred (300) foot offset line shall also be shown and labeled on  
436 the map.  
437 (k) Apparent easements or private rights-of-way which adjoin or cross the property.  
438 (l) Proposed and existing road(s) showing road name and right angle width.  
439 (m) A clear and concise legal description that exactly matches the bearings and distances shown  
440 on the map. The error of closure for the legal description may not exceed 1 in 3,000.  
441 (n) A statement by the surveyor certifying that the provisions of this chapter and any other local  
442 ordinances have been fully complied with.  
443 (o) The meander line, Ordinary High Water Mark and water's edge labeled where applicable.  
444 (p) An approval/signature block for county zoning and surveying offices in the following form:

Approved by the Dunn County Planning/Zoning Office

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

---

Dunn County Planning/Zoning Official

Approved by the Dunn County Surveyor's Office

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

---

Dunn County Surveyor

- 445  
446 (r) A 3" x 3" blank square in the upper right hand corner provided on sheet one for recording in-  
447 formation by the Register of Deeds.  
448 (s) Datum reference for any elevations.  
449 (t) If any easement is created or granted on a certified survey map, a mortgagee certificate must  
450 be included on the certified survey map if the parcel being divided currently has an open  
451 mortgage.
- 452 (5) Any certified survey map containing lands of two or more different owners shall contain a  
453 duly notarized owner's certificate executed by all owners.
- 454 (6) The Department may send any Certified Survey Map to State agencies for advisory review  
455 and comments upon a determination that such a referral could yield information that might be  
456 useful in the review process.
- 457 (7) Where the Department finds that the County requires additional information relative to a par-  
458 ticular problem presented by the proposed development in relation to County standards, the De-  
459 partment shall have the authority to request such information in writing from the subdivider.  
460 Such additional information may include, but not be limited to the following:
- 461 (a) Existing and proposed zoning on the property adjacent to the proposed land division.  
462 (b) Identification of surface drainage patterns, showing direction of flow, grading plan with pro-  
463 posed contours shown at two (2) foot intervals and indicating the manner and extent to which  
464 the drainage patterns will be altered by the subdivision and its development.  
465 (c) Contours within the proposed lots and outlots extended to the centerline of adjacent public  
466 streets at vertical intervals of not more than two (2) feet or as designated by the Department.  
467 (d) Location of existing driveways, wells, water courses, ponds and lakes, and the approximate  
468 location of any wetlands.  
469 (e) Location and dimensions of all sites to be reserved or dedicated for public use, such as parks,  
470 playgrounds, and drainage ways.  
471 (f) Any proposed lake or stream access, improvement, or relocation.  
472 (g) Identification or the proposed use of all lands within the proposed land division.  
473 (h) Identification of sources of water supply and sewage services.  
474 (i) Location and names of any adjacent subdivision, parks, cemeteries; identification of the own-  
475 ers of record of abutting, unplatted lands; sketch plan for future use; and development of all  
476 adjoining lands owned by the subdivider.  
477 (j) All lands reserved for future public acquisition.  
478 (k) An erosion control plan.

479 (1) Report on soil borings and percolation tests, as required by Wisconsin Administrative Code  
480 for all lots not served by public sewer. Locations of borings shall also be shown on the face  
481 of the map.

482 (7) Certified survey maps shall be recorded pursuant to the requirements of Wis. Stat. §  
483 236.34(2). Prior to recording, the subdivider or their representative shall obtain the signatures on  
484 the accompanying certificates as required by Wis. Stat. § 236.34.

485 (8) The Department shall refer a certified survey map to the Highway Committee for review and  
486 action if road dedications to the county are present.

487 (9) All applications for certified survey maps for which the review process has been suspended  
488 without an approval or disapproval shall expire twelve (12) months from the date of submission.  
489

#### 490 **16.22 RETRACEMENT CERTIFIED SURVEY MAPS.**

491 (1) Where it is desired to show the boundaries of an existing parcel of land and establish a con-  
492 venient legal description for record of title or conveyance, and no additional parcels are created,  
493 the subdivider shall do so by use of a retracement certified survey map which complies with the  
494 requirements of Wis. Stat. § 236.34 and all applicable sections of this chapter. A retracement cer-  
495 tified survey map shall not be used to correct a land division violation.

496 (2) Retracement certified survey maps are subject to all requirements specified in subsections  
497 16.21(1), (2), (3), (4), (7) (8), and (9) of this chapter.

498 (3) The following statement shall be shown on the face of a retracement certified survey map:

499 "This Certified Survey Map is not a division of property but solely a retracement  
500 and depiction of the land boundaries recorded in (Volume \_\_\_\_\_ Page \_\_\_\_\_ or  
501 Document Number \_\_\_\_\_), of Dunn County Records."

### **SUBCHAPTER III – PLATS**

#### 502 **16.30 PRE-APPLICATION CONSULTATION.**

503 (1) Prior to submitting an application for County approval of a County or State Plat, it is  
504 recommended that the applicant or agent schedule to meet with Department prior to the  
505 preparation of the preliminary plat to prevent the expenditure of time and money on a project that  
506 will be denied or extensively modified because of zoning regulations, site limitations such as  
507 floodplains, wetlands, soil suitability or drainage, or proposed division of high value agricultural  
508 land. At this meeting, the applicant will inform the Department of the location and nature of the  
509 proposed project. Based upon this information, the Department shall explain to the applicant:

- 510 (a) Whether the proposal will require County and/or State reviews.
- 511 (b) Which standards of this chapter and Ch. 236, Wis. Stats. will apply to the land division.
- 512 (c) The procedure to follow to submit a land division for review.
- 513 (d) It is also recommended the subdivider meet with the appropriate Town Board.

514 (2) In order to facilitate the pre-application consultation, the subdivider is asked to submit a  
515 concept map drawn to a reasonable scale which clearly represents the proposed land division and  
516 contains the following information:

- 517 (a) Site location showing adjacent roads and adjoining development types.
- 518 (b) Proposed land division boundaries and any publicly owned land in the vicinity.

- 519 (c) Approximate topographic and physical features such as steep slopes, bodies of water, wet-
- 520 land areas, rock outcrops, existing vegetative cover and areas subject to periodic floods. The
- 521 use of a topographic map as a base is recommended.
- 522 (d) Proposed roads and general lot layout.
- 523 (e) Location of any existing and proposed easements.
- 524 (f) Approximate location of existing or proposed structures, including types of construction.
- 525 (g) Proposed surface water drainage and areas to be filled or graded.
- 526 (h) Description of any contiguous property owned or controlled by the subdivider.

527

528 **16.31 APPLICATION AND REVIEW – COUNTY AND STATE PLATS.**

529 (1) Where it is desired to create a County or State Subdivision, the subdivider shall do so by use

530 of a County or State Plat that conforms to the requirements of Chapter 236, Wis. Stats., and all

531 applicable sections of this chapter. The plat shall be prepared by a professional land surveyor

532 licensed in the State of Wisconsin. The subdivider or their designated agent, shall submit a

533 county or state subdivision application form provided by the Department, ten (10) copies of the

534 preliminary plat, the required review fee, and, if applicable, a maintenance and repair agreement

535 as required by section 16.43(3)(g) of this chapter, to the Department. Upon receipt of all items

536 required in the submission, the Department shall transmit one (1) copy of the application and

537 preliminary plat to each of the following authorities:

- 538 (a) One (1) copy each to the Dunn County Surveying, Zoning and Land Conservation Offices.
- 539 (b) Dunn County Highway Commissioner.
- 540 (c) Dunn County Land Information Office.
- 541 (d) Clerk of the town in which the land division is located.
- 542 (e) Clerk of an adjoining City or Village if the land division lies within their extraterritorial plat
- 543 approval jurisdiction.
- 544 (f) Wisconsin Department of Natural Resources.
- 545 (g) Wisconsin Department of Transportation, if applicable.

546 (2) The subdivider or their designated agent shall provide a copy of the preliminary plat to each

547 affected public or private utility.

548 (3) The Committee, within ninety (90) days of the date of filing of a preliminary plat with the

549 Department shall approve, conditionally approve or reject such plat, unless the time is extended

550 by mutual agreement with the subdivider. The ninety (90) day period shall commence with the

551 submission of a complete application, the review fee, and required copies of the preliminary plat.

552 One (1) copy of the preliminary plat shall thereupon be returned to the subdivider with the date

553 and the action recorded thereon; and if approved conditionally or rejected, a letter setting forth

554 the conditions of approval or the reasons for rejection shall accompany the plat. One (1) copy

555 each of the plat and letter shall be placed in the Department's permanent file. Failure of the

556 Committee to act within ninety (90) days of the date of filing or within the time as extended by

557 agreement with the subdivider shall constitute an approval.

558 (4) The Committee shall not approve any preliminary plat that is the subject of an unsatisfied

559 objection from an objecting agency.

560 (5) The Department shall not place the preliminary plat on the Committee agenda for review

561 unless there has been a complete submittal, including Town Board input, at least fifteen (15)

562 days prior to the required Committee meeting date.

563 (6) Upon approval of the preliminary plat, the subdivider shall submit ten (10) copies of the final

564 plat on 22" x 30" paper to the Department for review and approval. The final plat shall be based

565 upon a survey by a professional land surveyor licensed in the State of Wisconsin. Upon receipt  
566 of a final County or State Plat, the Department shall transmit one (1) copy of the plat to each of  
567 the authorities listed in section 16.31(1)(a-g).

568 (7) The Committee, within sixty (60) days of the date of filing of a final plat with the  
569 Department, shall approve, approve conditionally or reject such plat, unless the time is extended  
570 by mutual agreement with the subdivider. If approved, the certifications on the plat shall be  
571 completed. If approved conditionally, the certifications shall not be completed until the  
572 conditions are met. If rejected, a letter setting forth the reasons for rejection shall accompany the  
573 plat. Failure of the Committee to act within sixty (60) days of the date of filing or within the time  
574 as extended by agreement with the subdivider shall constitute an approval. The sixty (60) day  
575 period shall commence with the completed submission of the final plat to the Department.

576 (8) The Committee shall not approve any final plat which is the subject of an unsatisfied  
577 objection from any objecting agency.

578 (9) The Department shall not place the final plat on the Committee agenda for review unless  
579 there has been a complete submittal at least ten (10) business days prior to the required  
580 Committee meeting date.

581 (10) Relationship between Preliminary and Final Plat:

582 (a) Approval of a preliminary plat shall be deemed an expression of approval or conditional ap-  
583 proval of the layout submitted and a guide to the preparation of the final plat which will be  
584 subject to further consideration by the Committee at the time of its submission.

585 (b) If the final plat conforms substantially to the preliminary plat as approved, including any  
586 conditions of the preliminary approval, and meets the requirements of applicable ordinances,  
587 it is entitled to approval.

588 (c) If the final plat is not submitted within thirty-six (36) months of the last required approval of  
589 the preliminary plat, the Committee may refuse to approve the final plat.

590 (11) Partial platting. A final plat may constitute only that portion of the approved preliminary  
591 plat which the subdivider proposes to record at that time. Any additional final plat(s) of the  
592 remaining portion of the approved preliminary plat must be approved within 36 months after the  
593 last required preliminary plat approval, unless extended by the Committee.

594 (12) Restrictive covenants. All restrictive covenants which apply or which the subdivider intends  
595 to apply to the land within the subdivision shall be provided in a separate document and  
596 accompany the preliminary plat at the time of submittal. The Committee may add further  
597 restrictive covenants as provided in Wis. Stat. § 236.293.

598 (13) A final plat rejected by the Committee must be re-submitted for review pursuant to section  
599 16.31, including all fees and required copies. Re-submittal of a rejected plat shall commence a  
600 new time frame for review purposes.

601 (14) The Department may send any County Plat to State agencies for advisory review and  
602 comments upon a determination that such a referral could yield information that might be useful  
603 in the review process.

604  
605 **16.32 PRELIMINARY PLATS.** In addition to the requirements of Chapter 236, Wis. Stats., all  
606 preliminary county or state plats submitted for review shall state correctly on their face the fol-  
607 lowing information:

608 (1) A subtitle of "County Plat" shall be required for all preliminary county plats.

- 609 (2) The proposed plat name. The plat name shall not duplicate the name of any plat previously  
610 recorded in Dunn County.
- 611 (3) Name and address of the legal owner or agent of the property, developer and surveyor.
- 612 (4) Location sketch, graphic scale and north arrow.
- 613 (5) A map drawn at a convenient scale of not more than 100 feet to the inch showing the  
614 boundaries of the property being considered for division.
- 615 (6) A legal description of the proposed land division tied by lengths and bearings to a  
616 monumented boundary line of a quarter section in which the subdivision lies. A description of  
617 the monuments at the ends of the line and the bearing and distance between those monuments  
618 shall be shown.
- 619 (7) Bearings and distances along the exterior boundaries of the plat and the total acreage and  
620 square footage encompassed thereby.
- 621 (8) Approximate dimensions and square footage of all lots together with proposed lot and block  
622 numbers.
- 623 (9) Proposed and existing roads showing name and right angle width.
- 624 (10) Approximate radii and arc length of all curves.
- 625 (11) Contours within the plat and extended to the centerline of adjacent public streets at intervals  
626 of not more than two (2) feet or as designated by the Department.
- 627 (12) Wetland and shoreland boundaries. Source of the data shall be identified.
- 628 (13) Locations of existing structures, water bodies and courses, drainage ditches, fences and  
629 other pertinent features.
- 630 (14) Location, size and invert elevation of any existing sanitary or storm sewers, culvert and  
631 drain pipes, manholes, catch basins, hydrants, electrical and communication facilities, whether  
632 overhead or underground and the location and size of any existing water or gas mains within the  
633 exterior boundaries of the plat or immediately adjacent thereto.
- 634 (15) Locations and names of adjoining parks, cemeteries, subdivisions, ponds, streams, lakes,  
635 rivers and flowages.
- 636 (16) Any land reserved for public purposes, including parks, playgrounds, and open spaces.  
637 Areas to be dedicated to the public shall be identified as “dedicated to the public.”
- 638 (17) The area contiguous to the proposed plat owned or controlled by the subdivider shall be  
639 indicated on the preliminary plat even though only a portion of the plat is proposed for  
640 subdivision development.
- 641 (18) Regional floodplain boundaries and the vertical contour line which is two (2) feet above the  
642 regional floodplain boundary line as defined in Wisconsin Administrative Code NR 116. All  
643 parcels shall contain a minimum of ten thousand (10,000) square feet of contiguous land lying  
644 above the contour line which is two (2) feet above the regional floodplain boundary line.
- 645 (19) Location and dimensions of any proposed lake, river or stream access.
- 646 (20) The volume and page or document number of the subject property shall be identified on the  
647 map or in the surveyor’s certificate.

648 (21) A surveyor's certificate stating the plat is a correct representation of the indicated features  
649 and that the surveyor has fully complied with the provisions of this chapter.

650 (22) Seal and signature of the surveyor on each sheet of the plat.

651 (23) Where the Department or the Committee finds a need for additional information relative to a  
652 particular problem presented by the proposed subdivision, it shall have the authority to request in  
653 writing that additional information be included on the preliminary plat or accompanying  
654 documents. Such additional information may include, but shall not be limited, to the items listed  
655 in section 16.21(7).

656  
657 **16.33 FINAL PLATS.** In addition to the requirements of Chapter 236, Wis. Stats., all final  
658 county or state plats submitted shall show correctly on their face the following information:

659 (1) A subtitle of "County Plat" shall be required for all final county plats.

660 (2) A clear and concise legal description that exactly matches the bearings and distances shown  
661 on the map. The error of closure for the legal description may not exceed 1 in 3,000.

662 (3) Area of each lot and outlot shown in square feet and acres including and excluding any road  
663 rights-of-way. Acreage shall be calculated and shown to a minimum of 1/100th of an acre.

664 (4) Lands reserved for future public acquisition or for the common use of the property owners  
665 within the subdivision. Such lands shall be described and established as outlots. Outlot  
666 restrictions shall appear on the face of the plat.

667 (5) Special restrictions required by the reviewing authorities.

668 (6) All certificates required by Wis. Stat. § 236.21, and in addition, certification of full  
669 compliance by with the surveyor with Chapter 236, Wis. Stats., the provisions of this chapter and  
670 any other applicable local ordinances.

671 (7) A pre-designed block for the Register of Deeds recording information shall be placed on  
672 sheet one of the plat. The Department shall provide this block to the subdivider at the time of  
673 preparation of the final plat.

674 (8) A pre-designed approval certificate for the chair of the Committee shall be placed on the plat.  
675 The Department shall provide this block to the subdivider at the time of preparation of the final  
676 plat.

677 (9) Where the Department or the Committee finds a need for additional information relative to a  
678 particular problem presented by the proposed subdivision, it shall have the authority to request in  
679 writing that additional information be included on the final plat or accompanying documents.

680

681 **16.34 RECORDING OF FINAL PLAT.**

682 (1) No plat shall be recorded until the certificates required by Wis. Stat. §§ 236.21 and 236.25  
683 are completed and signed. The certification by the Committee shall be the last certification  
684 obtained.

685 (2) The final plat shall be submitted to the Register of Deeds for recording within twelve (12)  
686 months after date of Committee approval. Failure to submit the plat within the time limit shall  
687 render the plat void.

688

689 **16.35 REPLATS; VACATION OR ALTERATIONS OF RECORDED PLATS.**

690 (1) The replatting of all or part of an existing plat that contains no dedication to the public may  
691 be accomplished by following the procedures established in sections 16.20–16.21 or 16.30–16.34  
692 of this chapter.

693 (2) If the replatting alters areas dedicated to the public, the existing plat shall first be vacated in  
694 accordance with Wis. Stat. §§ 236.36-236.445 prior to replatting.

695  
696 **16.36 IMPROVEMENTS.** No construction or installation of improvements shall commence in  
697 a proposed subdivision until the final plat has been approved by all reviewing authorities, unless  
698 specifically approved by the by the Committee when the preliminary plat is approved.

699  
700

#### 701 **SUBCHAPTER IV – SURVEYING REGULATIONS AND DESIGN STANDARDS**

702

##### 703 **16.40 SURVEYING REQUIREMENTS AND GENERAL PROVISIONS.**

704 (1) Surveyors shall install all survey monuments in accordance with the requirements of Wis.  
705 Stat. § 236.15 at the expense of the subdivider. The Committee may waive the placing of  
706 monuments for a reasonable time on the condition that the subdivider executes a security bond to  
707 ensure placement of required monuments within the time required.

708 (2) If a U.S. public land survey monument record form is required per Wis. Admin. Code  
709 Chapter A-E 7.08(1), said form shall accompany all surveys submitted for review.

710 (3) If a survey includes any portion of a lot or outlot of an existing CSM or Plat, the previous  
711 CSM (by lot or outlot and CSM number) or Plat (by lot or outlot and block number) shall be  
712 labeled on the face of the map in its proper location underscored by either a dotted or dashed line  
713 and shall be noted within the caption of the map.

714 (4) The Government Lot or Quarter-Quarter, Section, Township and Range, Municipal Town,  
715 Village or City, County, and State in which a land division is located shall be noted within the  
716 caption of all certified survey maps and plats.

717 (5) Division of lands under this chapter shall comply with all applicable provisions of the Dunn  
718 County Comprehensive Zoning Ordinance.

719 (6) The lines of any lots or outlots shown on a land division that follow a quarter-quarter line or  
720 government lot line shall be clearly labeled.

721

722 **16.41 DESIGN STANDARDS – GENERAL.** This subchapter shall apply to all divisions of  
723 land regulated by this chapter. Land division design shall be planned in proper relation to exist-  
724 ing and proposed land divisions, streets, topography, surface water, vegetation cover, and other  
725 natural features.

726

##### 727 **16.42 SURFACE DRAINAGE AND EROSION CONTROL.**

728 (1) The purpose of this section is to protect property and structures from damage caused by  
729 increased surface water runoff volumes and/or velocities due to platting and development of land  
730 and to prevent the degradation of existing wetlands, waterways, and surface and ground water  
731 quality.

732 (2) Land divisions shall be designed so as to minimize soil erosion, provide reasonable  
733 management of surface water drainage, permit the unimpeded flow of natural watercourses, and  
734 provide positive drainage away from on-site sewage disposal facilities. The Committee may

735 require engineering studies of erosion potentials and may impose preventative design  
736 requirements. The Committee may require documentation of surface water drainage patterns and  
737 may impose design requirements to assure that flows are transported and disposed of without  
738 causing undue erosion and siltation of surface waters, undue runoff onto adjoining lands or  
739 streets or other rights-of-way or excessive infiltration into locations of on-site sewage disposal  
740 systems. A subdivider may request assistance and consultation from the Dunn County Land and  
741 Water Conservation Division in meeting the above requirements.

742 (3) Where a subdivision is traversed by a water course, drainage way, channel, or stream, there  
743 shall be provided a storm water easement or drainage right-of-way conforming substantially to  
744 the natural lines of such water course, and of such width or construction or both as will be  
745 adequate for drainage purposes. Wherever possible, it is desirable that the drainage be  
746 maintained by an open channel with natural or landscaped banks. In most instances, property  
747 subject to a drainage easement shall be privately owned as part of one or more lots within a land  
748 division.

749 (4) When a proposed drainage system will carry water across private land outside the  
750 subdivision, appropriate drainage rights must be secured and indicated on the plat.

751 (5) Stormwater Management and Erosion Control Plan. For subdivision plats and certified  
752 survey maps, if deemed necessary by Department staff, the subdivider shall submit a stormwater  
753 management and erosion control plan. The plan must be approved by Department staff prior to  
754 final approval and recording of the land division and include the following information:

- 755 (a) General site plan of the development, including site boundaries, lot and road locations, exit-  
756 ing buildings and vegetative cover.
- 757 (b) A narrative describing the proposed development, include implementation schedule for the  
758 planned management practices.
- 759 (c) Soil types, infiltration characteristics, and corresponding hydrological group(s).
- 760 (d) Watershed boundaries and the direction of surface water flow indicated by arrows.
- 761 (e) The location of existing and proposed bridges, culverts, catch basins, waterways, drainage  
762 ditches and swales, storm sewers, detention and retention basins, etc., and indicate the size,  
763 dimensions, elevations and grades of each.
- 764 (f) Existing ground contours at two foot (2') intervals and proposed contours, if applicable.
- 765 (g) Necessary drainage easements for all drainageways and stormwater management facilities.
- 766 (h) Erosion control practices.
- 767 (i) Technical data, including calculations of pre-constriction and post- construction peak flow  
768 rates, assumed runoff curve numbers, and time of concentration used in calculations.
- 769 (j) A maintenance plan developed for the life of each stormwater management practice includ-  
770 ing required maintenance activities, maintenance schedule and responsible entity.
- 771 (k) Cost estimates for the construction, operation, and maintenance for each stormwater manage-  
772 ment practice.
- 773 (l) Other information deemed necessary by Department staff to administer this section.
- 774 (m) All site investigations, plans, designs, computations, and drawings shall be certified by a Pro-  
775 fessional Engineer, licensed to practice in the State of Wisconsin, to the effect that they have  
776 been prepared in accordance with accepted engineering practices.

777 (6) Minimum Standards for Stormwater Management. All stormwater management facilities  
778 shall be designed, installed, and maintained to effectively accomplish the following:

- 779 (a) Maintain or lower peak runoff discharge rates as compared to pre-settlement (woods-grass)  
 780 conditions for the twenty-four (24) hour storm event, using the Runoff Curve Numbers desig-  
 781 nated on Table 16.42 below for the appropriate site soil hydrological group.

Table 16.42 Maximum Pre-Settlement (woods-grass combination) Runoff Curve Numbers				
Hydrological Soil Type	A	B	C	D
Runoff Curve Number	32	58	72	79

782 Source: "Urban Hydrology for Small Watersheds," USDA Technical Release 55; June 1986.

- 783 (b) Sediment Control. By design reduce the average total suspended solids load by eighty per-  
 784 cent (80%) as compared to no controls for the site.
- 785 (c) Infiltration. Infiltration of stormwater to reduce volume of runoff is encouraged where tech-  
 786 nically feasible. If stormwater infiltration can be demonstrated, the reduced volume may be  
 787 taken into account when designing practices to meet the peak flow control, and pollution  
 788 control requirements of this section.

789 (7) Stormwater management ponds shall be located on outlots which shall be owned in equal  
 790 undivided shares by all lot owners. Lot owners shall be liable for an equal undivided share of the  
 791 cost to repair, maintain or restore said ponds. Dunn County shall not be liable for any fees or  
 792 special charges in the event the county becomes the owner of any lot or outlot by reason of tax  
 793 foreclosure.

794 (8) It is the responsibility of the landowner to maintain in satisfactory condition all drainage  
 795 systems within drainage easements, including drainage swales and retention ponds. No structure,  
 796 planting or other material shall be placed or permitted to remain within a drainage easement that  
 797 may damage or interfere with drainage. Any grading or filling that would alter the capacity or  
 798 flow of any drainage system is prohibited. Dunn County has the right to inspect drainage systems  
 799 to identify areas that need to be repaired or restored. The Department shall give property owners  
 800 written notice of the nature of existing defects and the corrective action necessary. Should the  
 801 owner fail to commence corrective action to the satisfaction of the Department within 30 days  
 802 from the date of the notice, the County may complete or cause the corrective action to be  
 803 completed, the cost of which shall become a lien on the real property of the owner until paid.

804  
 805 **16.43 STREETS AND ROADS.**

806 (1) General Considerations for Public and Private Roads. Subdividers shall provide land for  
 807 roads. Roads, including cul de sacs, shall be designed and improved as required by town  
 808 ordinance. Where no town ordinance pertaining to design and improvement of roads exists, roads  
 809 shall designed and improved as provided in this section and located with due regard for existing  
 810 and planned roads, future subdivisions, topographic conditions, natural terrain and features, and  
 811 public convenience and safety. These provisions shall apply to all public streets and roads within  
 812 the jurisdiction of this chapter:

- 813 (a) For newly created land divisions, right-of-way width shall be at least 66 feet.
- 814 (b) Any municipality of jurisdiction may impose more restrictive road construction or design  
 815 standards than those imposed herein. In those situations the municipality of jurisdiction shall  
 816 be responsible for enforcing those more restrictive requirements.
- 817 (c) All roads must be numbered pursuant to chapter 23 of the Code of Ordinances. Numbers shall  
 818 be assigned by the Land Information Office. Before any plat or certified survey map can be  
 819 approved for recording, road numbers shall be placed on the document to be recorded.

- 820 (d) Proposed streets within county and state plats shall extend to the boundary lines of the tract  
821 being subdivided unless prevented by topography or other physical conditions or unless the  
822 Committee finds that such extension is not necessary or desirable for the coordination of the  
823 layout of the land division or for the advantageous development of the adjacent tracts.
- 824 (e) Existing public or private roads or easements that are proposed to provide access to newly  
825 created lots shall meet the requirements of this section. If a road does not meet such require-  
826 ments, the subdivider shall meet with the town and committee to determine the suitability of  
827 the existing road and determine what conditions, if any, need to be met to provide for ade-  
828 quate access. Existing roads shall be clearly labeled, and the recording information showing  
829 ownership or easement interests shall be shown on the map.
- 830 (f) The committee may waive the requirements set forth in this section for land divisions with  
831 unique topography or other physical features, few lots and little potential to connect with ex-  
832 isting or future adjacent land divisions, and the waiver will secure substantially the purposes  
833 described in section 16.03 and will not be detrimental to the public safety, health or welfare  
834 or injurious to other property.
- 835 (2) Public Roads. These provisions shall apply to all public roads intended to provide access to  
836 newly created parcels.
- 837 (a) All roads in plats shall be public roads, unless the governing municipality chooses not to ac-  
838 cept the roads.
- 839 (b) An owner's certificate of dedication and a Town or County certificate of approval shall be  
840 shown on certified survey maps or plats when public roads are created and dedicated.
- 841 (3) Private Roads. Except as provided in section 16.43(2), private roads are only allowed on  
842 certified survey maps and shall meet the following requirements:
- 843 (a) No more than 4 lots may be accessed by private road. Right-of-way width shall be a mini-  
844 mum of 66 feet. A variance from this requirement may be granted based on undue hardship.
- 845 (b) A private road shall not exceed the greater of 1,320 feet in length or the length of a quarter-  
846 quarter section or government lot. Length shall be measured along the centerline to the right-  
847 of-way of the nearest connecting through-street.
- 848 (c) All private dead end roads shall have sufficient side and overhead clearances to allow access  
849 and an adequate turnaround for public service vehicles, including, but not limited to, fire and  
850 police vehicles, ambulances, public utility vehicles and school buses.
- 851 (d) Private roads from an existing public road to the newly created lot(s) shall be shown, dimen-  
852 sioned, and clearly labeled "Private Road" on the map.
- 853 (e) Easements for private roads shall be nonexclusive, i.e., access shall be granted at all times for  
854 public service vehicles, including, but not limited to, fire and police vehicles, ambulances,  
855 public utility vehicles, and school buses. Private road easements shown on certified survey  
856 maps which are not being dedicated shall provide the following note on the face of the map:  
857 "Any conveyance of the lots shown on this map must be accompanied by a  
858 description for the access easement."
- 859 (f) For all newly created private roads, the owner of each newly created lot accessed thereby  
860 shall hold a fractional interest in such private road either by lot ownership extending to the  
861 centerline of the road or by designating the roadway as an outlot which is to be owned in  
862 equal ~~undivided shares percentages~~ by all lot owners.
- 863 (g) When 2 or more lots are accessed by a private road, an agreement for the repair and mainte-  
864 nance of such road must be submitted for approval to the Department at the time of applica-  
865 tion. Maintenance agreements shall be recorded with the certified survey map or plat.

- 866 (h) No person shall sell any parcel of land if it abuts on a road that has not been accepted as a  
867 public road unless the seller informs the purchaser in writing of the fact that the road is not a  
868 public road and is not required to be maintained by the Town or the County.
- 869 (i) Any land division that contains a private road shall have the following statement placed on  
870 its face:
- 871 “Access to this property is provided by nonexclusive easement. \_\_\_ (insert  
872 road/street name)\_\_\_ as shown on this map is not a public road and the Town of  
873 \_\_\_\_\_ and Dunn County have no responsibility for snow plowing or other  
874 maintenance, or for the construction of a driving surface, upon said easement.”
- 875 (4) Arrangement.
- 876 (a) All streets shall be properly integrated with the existing and proposed system of streets and  
877 dedicated rights-of-way and future subdivisions.
- 878 (b) All streets shall be properly designed to accommodate special traffic generators, such as in-  
879 dustries, business districts, schools, churches, and shopping centers.
- 880 (c) Minor streets shall be laid out to conform as much as possible to the topography, to discour-  
881 age use by through traffic, to permit efficient drainage and sewer systems, and to require the  
882 minimum amount of streets necessary to provide convenient and safe access to property.
- 883 (d) The use of curvilinear streets, cul-de-sacs or U-shaped streets shall be encouraged where  
884 such use may result in a more desirable layout.
- 885 (5) Half streets. Where an existing dedicated or platted half street is adjacent to the tract being  
886 subdivided, the other half street shall be dedicated by the subdivider.
- 887 (6) Street intersections.
- 888 (a) Streets shall be laid out so as to intersect as nearly as possible at right angles but deflections  
889 of up to twenty (20) degrees from right angles will be acceptable. No more than two (2)  
890 streets shall converge at an intersection unless specifically approved by the Committee.
- 891 (b) Proposed new intersections along one side of an existing street shall coincide with any exist-  
892 ing intersections on the opposite side of such street. Street jogs with centerline offsets of less  
893 than one hundred twenty-five (125) feet shall not be permitted. Where streets intersect major  
894 streets their alignment shall be continuous.
- 895 (c) The Town Board or Committee may require the subdivider to dedicate or reserve land at in-  
896 tersections to the extent deemed necessary to provide adequate sight distances.
- 897 (6) Alleys. Alleys may be required by the Committee where deemed necessary. Alleys in  
898 residential districts and dead-end alleys shall be prohibited.
- 899 (7) Alignment. When a continuous street centerline deflects at any point by more than ten (10)  
900 degrees, a circular curve shall be introduced having a minimum centerline radius of one hundred  
901 (100) feet. A tangent at least one hundred (100) feet in length shall be provided between reverse  
902 curves.
- 903 (8) Permanent cul-de-sacs. Permanent cul-de-sacs shall have a minimum turnaround right-of-  
904 way radius of 75 feet and a minimum finished driving surface radius of 50 feet. Cul-de-sacs shall  
905 have a maximum length of 1,320 feet, or the length of a quarter-quarter section or government  
906 lot. Length shall be measured from the radius point of the cul-de-sac along the centerline to the  
907 right-of-way of the nearest connecting through-street. These standards shall not be applicable to  
908 temporary cul-de-sacs.

909 (9) Temporary cul-de-sacs. Temporary cul-de-sacs may be required by the Committee to insure  
910 continuity of the road pattern between adjoining subdivisions. The Committee shall determine  
911 maximum length, turnaround dimensions and design.

912 (10) Floodplain areas. Any part of a street located within a floodplain area shall meet all  
913 requirements of Chapter 15, Dunn County Code of Ordinances. All streets located within or  
914 passing through floodplain areas shall be constructed in a manner that will not impede the flow  
915 of floodwaters.

916 (11) Utility easements. The Committee may require easements for electric power and  
917 communication facilities, storm and sanitary sewers, gas, water and other utility lines. Easements  
918 shall be of sufficient width for the proposed use and shall be placed wherever feasible along lot  
919 lines. All easements shall be noted on the final plat followed by a reference to the use for which  
920 they are intended.

921

#### 922 **16.44 ACCESS.**

923 (1) All lots shall front on a public or private road or easement.

924 (2) Access easements through the lands of others shall be recorded prior to approval of any land  
925 division. Documents granting access shall be shown by volume and page or document number  
926 on the face of the CSM or plat.

927 (3) Major land divisions abutting state highways are subject to Wis. Admin. Code Chapter Trans  
928 233.

929 (4) Any created parcels and/or developments abutting or requiring access from a county highway  
930 shall require consultation with the Dunn County Highway Department.

931 (5) Any county plat and major subdivision abutting a navigable river, lake or stream shall  
932 comply with the requirements of Wis. Stat. § 236.16(3)(a).

#### 933 **16.45 BLOCKS.**

934 (1) General. If a land division includes blocks, the width, length and shape of blocks shall be  
935 suited to the planned use of the land, zoning requirements, need for convenient access control  
936 and safety of street traffic and topography. Blocks shall be designed as required by town  
937 ordinance. Where no town ordinance pertaining to block design exists, blocks shall be designed  
938 as follows:

939 (a) Residential blocks. Block lengths in residential areas should not, where practical, exceed one  
940 thousand three hundred twenty (1,320) feet nor be shorter than six hundred (600) feet. Blocks  
941 shall have sufficient width to provide for two (2) tiers of lots of appropriate depths except  
942 where greater depth is required to separate residential development from through traffic, pub-  
943 lic parks, cemeteries, railroads, shorelines, waterways, or extreme topography.

944 (b) Nonresidential blocks. Blocks designed for business, commercial, or industrial uses shall be  
945 of such length and width as may be determined suitable by the Committee for the prospective  
946 use.

947 (2) Pedestrian ways. In blocks over nine hundred (900) feet long, the Committee may require  
948 paved pedestrian ways through blocks as deemed necessary for access to streams, lakeshores,  
949 public parks, schools or other public and quasi-public areas.

950 **16.46 LOTS.**

951 (1) Unless specifically waived by the Committee or other provisions of this chapter, a separate  
952 lot shall be provided for each structure intended for residential use.

953 (2) No lots or outlots created by a certified survey map or plat shall be bisected by a public or  
954 private road.

955 (3) Lot dimensions.

956 (a) Towns in which neither county nor town zoning is in effect: minimum lot size of 43,560  
957 square feet and minimum of 85 feet in width at the building line. The depth of any lot shall  
958 not be greater than four times the lot width.

959 (b) Towns with Town zoning: minimum lot size and width designated in the town zoning ordi-  
960 nance.

961 (c) Towns under County zoning: minimum lot size and width designated in the Dunn County  
962 Comprehensive Zoning Ordinance.

963 (d) Shoreland areas: minimum lot size and width designated in the Dunn County Shoreland Zon-  
964 ing Ordinance.

965 (e) The area located within the right-of-way of any public or private street shall not be included  
966 in the minimum lot area of any lot or parcel created under the terms of this chapter.

967 (4) Corner lots shall be platted with a width at least fifteen (15) feet wider than the minimum  
968 required by the Dunn County Comprehensive Zoning Ordinance.

969 (5) All lots must have dryland access to a public or private road.

970 (6) Each lot must contain a net contiguous buildable area of 30,000 square feet or more. Each net  
971 contiguous buildable area must be capable of accommodating the building site without disturbing  
972 areas with slopes of 20% and greater that existed prior to concept review.

973 (7) Side lot lines shall be radial to curved streets or cul-de-sacs where possible, and generally  
974 perpendicular to street lines.

975 (8) Land proposed to be subdivided that is not served by a public sewer and provisions for such  
976 service have not been made require the following:

977 (a) All lots, except for outlots, being less than 1½ acres in size, shall have a minimum of three  
978 soil borings which delineate the private sewage system area and a preliminary soil evaluation  
979 report completed and submitted to the Zoning Office for review and approval. ~~Soil boring lo-~~  
980 ~~cations shall be shown on the preliminary certified survey map or preliminary plat.~~

981 (b) All lots, except for outlots, being 1½ to 15 acres in size, require a minimum of one soil bor-  
982 ing and a preliminary soil evaluation report completed and submitted to the Zoning Office for  
983 review and approval. Soil boring locations shall be located on the preliminary certified sur-  
984 vey map or preliminary plat.

985 (c) Soil boring locations in reference to proposed lot lines shall be shown on all preliminary  
986 plats. For certified survey maps, such locations shall be shown on a separate map to the same  
987 scale as the proposed certified survey map.

988 (d) All lots greater than 15 acres in size do not require soil borings or a soil test at the time of di-  
989 vision/platting.

990 (e) Rounding shall not be permitted for determining the area of a lot for purposes of this subsec-  
991 tion.

992 (f) Such tests may be waived by the Zoning Office if:

993 1. The lots being created are already served by an acceptable on-site POWTS, off-site com-  
994 mon sewage disposal system, or municipal sewerage system. To verify that the system is

- 995 acceptable, an inspection completed by a licensed pumper or plumber must have been  
996 performed within thirty-six (36) months prior to approval of the certified survey map by  
997 the Department and the report detailing the inspection must have been submitted to the  
998 Zoning Office. If the existing system is determined to be failing, steps must be taken  
999 with the Zoning Office to ensure a code compliant system is installed; or
- 1000 2. The lots being created are intended for uses other than residential and for which an ac-  
1001 ceptable sewerage disposal facilities plan has been filed with the Zoning Office; or
- 1002 3. The lots are being created for land conveyance purposes only.
- 1003 (g) All lots that do not require a minimum of three soil borings to delineate the POWTS area or  
1004 for any lots created under paragraph (e) above, the subdivider shall prominently place the fol-  
1005 lowing restrictive statement on the face of the certified survey map or plat: "A soil and site  
1006 evaluation may not have been conducted on each lot or parcel. No plumbed structure shall be  
1007 erected on any lot(s) or parcel(s) unless the requirements of SPS 383 and 385, Wisconsin Ad-  
1008 ministrative Code, and the Dunn County Ordinances have been met."
- 1009 (h) Holding tank use is prohibited for new construction of residential dwellings on any lot(s).
- 1010 (i) The Zoning Office shall have the authority to require three soil borings to delineate the  
1011 POWTS area and a preliminary soil evaluation report to be completed and submitted for re-  
1012 view and approval by the Zoning Office for any lot(s) or parcel(s) regulated under this ordi-  
1013 nance that exhibits severe limitations for the placement of a POWTS due to soil type or ex-  
1014 cessive slope conditions.
- 1015 (j) All soil borings required under this Chapter shall be conducted by a Certified Soil Tester li-  
1016 censed in Wisconsin.
- 1017 (9) All lots shall have a minimum of thirty-three (33) feet of frontage directly on a public or  
1018 private road or easement.
- 1019 (10) Where a contiguous tract is subject to the right-of-way of a public road, any newly created  
1020 lot fronting on the public road shall also include that portion of the contiguous tract lying  
1021 immediately adjacent to the lot which is subject to the road right-of-way.
- 1022 (11) No lot shall be created if the proposed division will result in a nonconforming structure,  
1023 unless an owner's certificate is placed on the certified survey map or plat requiring that the  
1024 nonconforming structure be razed or moved in such a way to correct the nonconformity prior to  
1025 the conveyance of the surveyed lot.
- 1026 (12) No lot shall be created with more than one (1) existing habitable structure.
- 1027 (13) Any outlots created shall be accompanied with a statement of purpose or use of the outlot.  
1028 Outlots shall not be used to circumvent the intent of this ordinance.

1029 **16.47 LANDS NEAR WATER'S EDGE.**

- 1030 (1) Lands lying between the meander line, established in accordance with Wis. Stat. §  
1031 236.20(2)(g) and the water's edge, and any otherwise unplattable lands, such as floodways,  
1032 which lie between a proposed land division and the water's edge shall be included as part of lots,  
1033 outlots or public dedications in any map or plat abutting a lake or stream. This requirement  
1034 applies not only to lands proposed to be divided, but also to all lands under option to the  
1035 subdivider or in which the subdivider holds an interest and which abut a lake, river or stream as  
1036 provided in Wis. Stat. § 236.16(4).

1037 (2) Lands located below the Ordinary High Water Mark of any navigable water shall not be  
1038 included in determining minimum lot size ~~the total area~~ of any lot ~~or parcel~~ created under the  
1039 terms of this chapter.

1040 (3) Lots fronting on a navigable body of water shall meet the frontage requirements in section  
1041 14.05, Code of Ordinances.

1042 (4) Newly created lots divided by streams must have a contiguous buildable area on at least one  
1043 side of the stream including access to the building location.

1044 **16.48 PARKS, PLAYGROUNDS, SCHOOLS AND OPEN SPACE.**

1045 In the design of the subdivision, due consideration shall be given to the preservation of suitable  
1046 sites of adequate area for future schools, parks, playgrounds, drainage ways and other public  
1047 purposes. Such areas as are shown on an adopted master plat or official map shall be made a part  
1048 of the subdivision design. Consideration shall also be given in the design of the subdivision to  
1049 the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds,  
1050 watercourses, watersheds and ravines.

1051 **16.49 UTILITY PLACEMENT.** Utilities may not place any poles, pedestals, lines (overhead or  
1052 underground), within three (3) feet of any monumented Public Land Survey System corner or  
1053 property corner. The submittal of any County or State Plat required by this Chapter, shall require  
1054 the preceding sentence to be shown on the face of the plat.

1055 **16.50 DEDICATIONS.** Dedications shall be effected as provided in Wis. Stat. § 236.29.  
1056 Dedications to the county, other than road dedications, shall require approval of the county board  
1057 of supervisors.

**SUBCHAPTER V– CONDOMINIUM DEVELOPMENTS**

1061 **16.70 CONDOMINIUM DEVELOPMENTS.**

1062 (1) This section is created under the authority of Wis. Stat. § 703.115.

1063 (2) Land divided for the establishment of a condominium plat shall meet the requirements of the  
1064 Dunn County Zoning Ordinance or Town Zoning Ordinance in independently zoned towns.

1065 (3) A condominium plat shall be submitted to the Department for review and approval pursuant  
1066 to Wis. Stat. § 703.115. The Department shall have ten (10) business days after submission for  
1067 its review. If the review is not completed within ten (10) business days the instrument is ap-  
1068 proved for recording.

1069 (4) Condominium instruments may not be used to create or alter lots, parcels, outlots, public  
1070 streets, or other areas to be dedicated to the public.

1071 (5) The Register of Deeds shall reject condominium instruments that have not been reviewed as  
1072 provided in this section.

**SUBCHAPTER VI – ADMINISTRATION**

1073 **16.80 PLANNING, RESOURCE, AND DEVELOPMENT COMMITTEE.** The Planning,  
1074 Resource and Development Committee shall be empowered to ensure proper administration and  
1075 compliance with the provisions of this chapter, conduct such hearings and meetings as necessary,  
1076 approve, conditionally approve or deny applications under the terms as set forth herein, and set  
1077 fees and adjust them from time to time as is deemed necessary.  
1078

1079 **16.81 ADMINISTRATION AND ENFORCEMENT.** The Survey Division of the Environ-  
1080 mental Services Department shall be responsible for the administration and enforcement of this  
1081 chapter. The subdivider shall submit the necessary copies of proposed land division instruments  
1082 (applications) and applicable fees to the Department. Copies will then be circulated to the appro-  
1083 priate agencies, divisions, or departments for review and recommendations concerning matters  
1084 within their jurisdiction.  
1085

1086 **16.82 FEES.** Application and review fees shall be established by the Committee and set forth in  
1087 an Appendix to this chapter.  
1088

1089 **16.83 VARIANCES.**

1090 (1) Where strict application of the provisions of this chapter would impose ~~exceptional or~~ undue  
1091 hardship because of unique topographic or other conditions of the land involved or other  
1092 conditions predating adoption of this chapter, or to achieve consistency with a City or Village  
1093 extraterritorial ordinance, the Committee may approve variances to any requirement of this  
1094 chapter to the extent deemed just and proper, provided such variance shall not impair the intent  
1095 and purpose of this chapter or be contrary to the Wisconsin Statutes or Wisconsin Administrative  
1096 Code.

1097 (2) The Committee shall not grant variances unless it shall make findings based on evidence  
1098 presented to it with each request for variance that:

1099 (a) The granting of the variance will not be detrimental to the public safety, health or welfare or  
1100 injurious to other properties.

1101 (b) The conditions upon which the request is based are unique to the property for which the vari-  
1102 ance is sought and are not applicable generally to other property.

1103 (c) Because of the particular physical surrounding, shape, or topographical conditions of the spe-  
1104 cific property involved, a particular ~~exceptional or~~ undue hardship to the owner would result,  
1105 as distinguished from a mere inconvenience. Undue hardship shall relate solely to the physi-  
1106 cal characteristics of the property. Financial hardship, loss of profit, self-imposed hardships  
1107 such as that resulting from unfamiliarity with regulations, deed restrictions, proceeding with-  
1108 out required permits, or illegal sales are not sufficient reasons for the granting of a variance.

1109 (3) No variances may be granted under this section that would modify or waive requirements of  
1110 any other county ordinance.

1111 (4) A majority vote of the entire membership of the Committee shall be required to grant a  
1112 variance of any standard within this chapter and the reasons therefore shall be entered in the  
1113 Committee minutes.

1114 (5) All applications for variance shall be in writing and include a review fee to defray the cost of  
1115 processing and review. The application shall state fully the grounds and all facts relied upon.

1116 (6) For all approved variances, a notation shall be placed on the Plat or Certified Survey Map  
1117 stating the nature of the variance granted and the date of approval by the Committee.  
1118

1119 **16.84 APPEALS.**

1120 (1) An applicant for land division approval may appeal a decision of the Department to the  
1121 Committee. An appeal must be in writing, shall state with specificity the basis for the appeal, and  
1122 must be received within 30 days of the date of the decision of the Department. Upon receipt of  
1123 an appeal, the Department shall transmit the appeal to the Committee.

1124 (a) The Committee shall, within 40 days of receipt by the Department of a written appeal, review  
1125 the appeal against the applicable standards of this ordinance, and affirm, modify, or reverse  
1126 the decision of the Department.

1127 (b) The applicant and the Department shall be permitted to make presentations to the Committee  
1128 under such terms, conditions and procedures as established by the Committee.

1129 (c) The decision of the Committee and the reasons therefore shall be entered in the Committee  
1130 minutes. An extract of the minutes or notice of the decision shall be mailed to the applicant.

1131 (2) An applicant aggrieved by a decision by the Committee objecting to a plat or failing to  
1132 approve a plat may appeal to the Circuit Court for Dunn County as provided in Wis. Stat. §  
1133 236.13(5) within thirty (30) days of notification of the decision. Where failure to approve is  
1134 based on an unsatisfied objection, the agency making the objection shall be made a party to the  
1135 action.

1136 **16.85 ENFORCEMENT.**

1137 (1) General.

1138 (a) No person shall build upon, divide, convey, record or monument any land in violation of this  
1139 chapter or the Wisconsin Statutes.

1140 (b) The Dunn County Zoning Office shall withhold all permits where the applicant, owner, or  
1141 licensed contractor is in violation of this chapter, and for any parcel of land which has an  
1142 outstanding violation of this chapter, until the violation has been corrected.

1143 (c) No approval pursuant to this chapter shall be issued where the applicant is in violation of this  
1144 or any ordinance administered by the Department.

1145 (d) No certified survey map or plat shall be recorded unless all applicable requirements of this  
1146 chapter have been met.

1147 (e) Assessor's plats may be ordered by the County at the expense of the divider or the owners of  
1148 record when a land division is created by successive divisions, not in compliance with this  
1149 chapter.

1150 (2) Standards.

1151 (a) Any person, firm or corporation who fails to comply with the provisions of this chapter or  
1152 who willfully enters into a conspiracy with one or more other persons for the purpose of cir-  
1153 cumventing this chapter, shall, upon adjudication of violation, be subject to penalties and for-  
1154 feitures established by the county or as provided in Wis. Stat. §§ 236.30, 236.31, 236.32,  
1155 236.335, and 236.35. These sections provide penalties for:

1156 1. Improperly recording or causing to be recorded a final plat that does not comply with  
1157 submittal requirements of Chapter 236, Wis. Stats., or this chapter.

1158 2. Offering for sale lots in a final plat that has not been recorded unless the offer or contract  
1159 for sale includes language making the sale contingent upon approval of the final plat, and the  
1160 sale void if the plat is not approved.

1161 3. Monuments disturbed or not placed.

1162 4. Subdividing lots that fail to conform to Chapter 236, Wis. Stats., or any applicable Wis-  
1163 consin administrative regulation or this chapter.

1164 5. Selling land that abuts on a road that has not been accepted as a public road unless the  
1165 seller informs the purchaser in writing that the road is not a public road and maintenance is  
1166 not required to be performed by the County or Town.  
1167 (b) Any failure to take enforcement action on past violations shall not operate as a waiver of the  
1168 authority take enforcement action on present violations.

1169 (3) The Department may institute any appropriate action or proceeding against violators of this  
1170 ordinance as provided by law or this ordinance, including issuing citations or commencing a  
1171 lawsuit seeking forfeitures or injunctive relief, or both.

1172 (4) Forfeitures. Any person, firm or corporation adjudicated for violating this ordinance shall pay  
1173 a forfeiture of not less than Two Hundred Dollars (\$200) nor more than Two Thousand Dollars  
1174 (\$2,000) and the costs of prosecution for each violation, and in default of payment of such  
1175 forfeiture costs shall be imprisoned in the county jail until payment thereof, but not exceeding  
1176 ninety (90) days. Each day a violation exists or continues shall constitute a separate offense. In  
1177 addition to the penalties noted, compliance may be obtained by creating the necessary documents  
1178 under the direction of the County Surveyor and placing the cost thereof on the tax roll as a  
1179 special assessment.

1180

1181 **16.86 AMENDMENT.** The Dunn County Board of Supervisors may from time to time amend  
1182 the regulations imposed by this chapter. Public hearings on all proposed amendments shall be  
1183 conducted by the Committee following publication of a class 2 notice, as required by Wis. Stat. §  
1184 236.45(4).

## **CHAPTER 10**

### **ENVIRONMENTAL PROTECTION AND MANAGEMENT**

#### Subchapter I – Agricultural Performance Standards and Manure Storage and Management

- 10.01 Authority
- 10.02 Jurisdiction
- 10.03 Findings
- 10.04 Purpose and Intent
- 10.05 Interpretation
- 10.06 Severability
- 10.07 Definitions
- 10.08 Activities and Facilities Subject to Regulation
- 10.09 Performance Standards and Prohibitions
- 10.10 Interpretation of Standards
- 10.11 Cost Share Requirement
- 10.12 Application for and Issuance of Permits
- 10.13 Permit Fee
- 10.14 Permit Revocation
- 10.15 Administration
- 10.16 Enforcement Authority
- 10.17 Appeals from Administrative Decisions

#### Subchapter II – Stormwater Control

#### Subchapter III – Erosion Control

#### Subchapter IV – Wellhead Regulation

#### Subchapter V – Wetland Conservation

## SUBCHAPTER I

### AGRICULTURAL PERFORMANCE STANDARDS AND MANURE STORAGE AND MANAGEMENT

1 **10.01 AUTHORITY.** This ordinance is adopted under authority granted by Wis. Stat. §§ 59.02,  
2 59.03, 59.70, 92.11, 92.15 and 92.16, Wis. Admin. Code §§ ATCP 50.56 and NR 151.05.

3 **10.02 JURISDICTION.** This ordinance shall apply to all land located within unincorporated areas  
4 of Dunn County.

5 **10.03 FINDINGS.** The Dunn County Board of Supervisors makes the following findings:

6 (1) Dunn County's water resources are vital to the high quality of life enjoyed by all who live here.  
7 The purity of Dunn County's ground water is essential to the health and welfare of all County  
8 residents and visitors and to the health of the County's livestock and agricultural industry. Our  
9 lakes, rivers and streams are important to the County's economy, to the health of aquatic life and  
10 other animals and plants and to maintaining the recreational opportunities available to all those  
11 who spend their free time enjoying Dunn County's natural water resources.

12 (2) Polluted surface runoff and leachate from improperly designed, constructed, or maintained  
13 manure storage facilities, feed storage facilities, unconfined manure piles, animal lots, milking  
14 centers, and excessive tillage and land applications of manure and fertilizers have resulted in the  
15 delivery of sediment, manure, other waste materials, and nutrients to surface waters and  
16 groundwater within Dunn County.

17 (3) Proper management and storage of animal and other agricultural waste, and proper agricultural  
18 practices contributes to the protection of ground and surface waters; public health; plant, animal,  
19 and aquatic life health; and the property tax base of Dunn County.

20 (4) The USDA-NRCS Technical Standards adopted in section 10.09 provide effective, practical,  
21 and environmentally safe methods of implementing state performance standards and storing,  
22 handling, and applying manure.

23 **10.04 PURPOSE AND INTENT.** The purpose of this subchapter is to regulate the location,  
24 design, construction, installation, alteration, operation, maintenance, closure, and use of manure  
25 storage facilities, to ensure the proper storage, handling, and application of manure from all  
26 permitted manure storage facilities, to ensure proper closure of all idle manure storage facilities,  
27 to control the location of unconfined manure piles, and to reduce the delivery of manure, other  
28 waste materials, fertilizers, and sediment to surface waters and groundwater, and to prevent the  
29 spread of disease and protect the health, safety and general welfare of the citizens of Dunn County  
30 through the use of conservation practices and performance standards and prohibitions for  
31 agriculture. This subchapter is also intended to provide for the administration and enforcement,  
32 and to provide penalties for violation, of the provisions herein.

33 **10.05 INTERPRETATION.** In their interpretation and application, the provisions of this  
34 ordinance shall be held to be minimum requirements and shall be liberally construed in favor of  
35 Dunn County and shall not be deemed a limitation or repeal of any other power granted by  
36 Wisconsin Statutes.

37 **10.06 SEVERABILITY.** If any section, provision, or portion of this ordinance is ruled invalid by  
38 a court, the remainder of the ordinance shall not for that reason be rendered invalid. If application  
39 of any portion of this subchapter to a particular property, building, use, or structure is ruled invalid  
40 by a court, such ruling shall not affect the validity of application to any other property, building,  
41 use or structure. If any requirement or limitation contained in a permit given under this subchapter  
42 is ruled invalid by a court, it shall be presumed that the permit would not have been granted without  
43 such requirement or limitation, and therefore, the permit shall also be invalid.

44 **10.07 DEFINITIONS.**

45 (1) For purposes of this subchapter, certain words and terms shall have the following meanings:

46 Adequate sod: Maintenance of sufficient vegetation types and densities that provide 70%  
47 coverage such that the physical integrity of the streambank or lakeshore is preserved. Self-  
48 sustaining vegetative cover includes grasses, forbs, sedges, and duff layers of fallen leaves and  
49 woody debris.

50 Applicant: Any person who applies for a permit under this Ordinance.

51 BARNY: The BARNY runoff prediction model which is the NRCS “Evaluation System to Rate  
52 Feedlot Pollution Potential” ARM-NC-17 (April 1982 version with modifications as of August  
53 2005).

54 Best Management Practices: The structural or nonstructural measures, practices, techniques, or  
55 devices employed to avoid or minimize soil, sediment, or pollutants carried in runoff to waters of  
56 the state.

57 Committee: See Land Conservation Committee.

58 Direct Conduits to Groundwater: Wells, sinkholes, swallets, fractured bedrock at the surface,  
59 mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, cenotes, or  
60 depressional groundwater recharge areas over shallow fractured bedrock.

61 Direct Runoff: means any of the following:

62 (a) Runoff of stored manure, including manure leachate, that discharges a significant amount of  
63 pollutants to surface waters of the state or to a direct conduit to ground water.

64 (b) Runoff from a feedlot that can be predicted to discharge a significant amount of pollutants to  
65 surface waters of the state or a direct conduit to groundwater.

66 (c) Discharge of a significant amount of leachate from stored manure to waters of the state.

67 (d) Construction of a manure storage facility in permeable soils or over fractured bedrock  
68 without a liner designed in accordance with Wis. Admin. Code § NR 154.04(3).

69 Division: The Land and Water Conservation Division of the Dunn County Environmental  
70 Services Department.

71 Feedlot: A barnyard, exercise area, or other outdoor area where livestock are concentrated for  
72 feeding or other purposes and self-sustaining vegetative cover is not maintained. “Feedlot” does  
73 not include a winter grazing area or a bare soil area such as a cattle lane or a supplemental feeding  
74 area located within a pasture, provided that the bare soil area is not a significant source of pollution  
75 to waters of the state as determined by the BARNY runoff prediction model or an equivalent  
76 predictive model for manure runoff.

77 Final Certification: The written statement signed by the Division based on the Post Construction  
78 Documentation Report stating that a new or altered storage facility is designed and constructed  
79 according to NRCS Technical Standards.

80 Foot Print of the Liner: The area measured in square feet located beneath the liner of the manure  
81 storage facility, including the waste transfer system.

82 Idle Manure Storage Facility: means a waste and manure storage facility:

- 83 (a) Where the livestock operation on the property ceases to exist; or
- 84 (b) That is no longer being used for its intended purpose and no longer having any additional
- 85 animal waste and manure placed into it; or
- 86 (c) That has not had any animal waste and manure added or removed for a period of 24 months;
- 87 or
- 88 (d) That will, by all the evidence available, not again be used to store animal waste and manure
- 89 by an active livestock operation.

90 Land Application: The physical transfer of manure from any animal confinement area or manure  
91 storage facility to fields for purposes of fertilization or disposal.

92 Land Conservation Committee (LCC): is a committee made up of members of the Dunn County  
93 Board of Supervisors and others who, by authority from Chap. 92, Wis. Stats., determine policy  
94 and give direction for soil and water conservation activities and provides direction for the Land  
95 and Water Conservation Division.

96 Land and Water Conservation Division: is a Division of Dunn County Government which is  
97 responsible for soil and water conservation activities in Dunn County and is hereinafter referred  
98 to as the Division.

99 Landowner: Any of the following:

- 100 (a) A person who owns a parcel of land.
- 101 (b) A person who rents, controls, or uses a parcel of land for agricultural purposes.

102 Livestock: All domestic animals, including deer, elk, or any fenced-in animals.

103 Livestock Operation: A feedlot or other facility or a pasture where animals are fed, confined,  
104 maintained, or stabled.

105 Livestock Producer: An owner or operator of a livestock operation.

106 Malfunctioning Manure Storage Facility: A storage facility which is no longer functioning as  
107 intended, as defined by the Technical Guide, and poses a real or potential threat to the  
108 environment or a storage facility in which the liner has been damaged or eroded such that a  
109 potential water quality or safety concern exists. A malfunctioning manure storage facility  
110 includes, but is not limited to, the following:

- 111 (a) A storage facility in which there are visible deformities of the structure and shape of the  
112 inside wall(s).
- 113 (b) A storage facility in which the waste and manure is leaking.
- 114 (c) A storage facility in which the outside face of the sidewall(s) have been damaged or eroded,  
115 which may weaken the structure.

116 Mismanaged Manure Storage Facility: A storage facility which is not functioning properly due to  
117 neglect or carelessness of the owner or operator and poses a real or potential threat to any person,

118 the groundwater, any lake, stream or river, or any other component of the environment. A  
119 mismanaged storage facility includes, but is not limited to the following:

120 (a) A storage facility that is being managed inconsistent with the NRCS Technical Guide.

121 (b) A storage facility that is overflowing.

122 Manure: Livestock excreta. “Manure” includes the following when intermingled with excreta in  
123 normal farming operations: debris including bedding, water, soil, hair, and feathers; processing  
124 derivatives including separated sand, separated manure solids, precipitated manure sludges,  
125 supernatants, digested liquids, composted biosolids, and process water; and runoff collected from  
126 barnyards, animal lots, and feed storage areas.

127 Manure Storage: Physically transferring manure from the livestock production area, feedlot, or  
128 place of origin to another location, manure storage facility, or unconfined manure pile. Manure  
129 storage does not include transferring manure for land application.

130 Manure Storage Facility: An impoundment made by constructing an embankment, excavating a  
131 pit or dugout, or fabricating or using an existing structure, specifically for the purpose of storing  
132 or holding manure and related wastes, including, but not limited to any storage facility  
133 previously designed and installed meeting the NRCS Technical Standards current at the time of  
134 installation, any commercial-prefabricated storage facility, concrete slabs, earthen dugouts,  
135 dikes or any other waste impoundments. A manure storage facility includes all stationary  
136 equipment and piping used to load or unload a manure storage facility if the equipment is  
137 specifically designed for that purpose and is an integral part of the facility and specifically  
138 includes components to transfer waste from milking centers, runoff from barnyards, and leachate  
139 and contaminated runoff from feed storage, but does not include equipment used to apply  
140 manure to the land. For the purpose of this subchapter, a feedlot or enclosure used for holding  
141 livestock is not considered a manure storage facility, except where there is a storage facility  
142 constructed below the livestock enclosure.

143 Natural Resources Conservation Service (NRCS): An agency of the United States Department of  
144 Agriculture which, for purposes of this Ordinance, develops and maintains a Technical Guide  
145 with conservation practice standards and specifications, engineering manuals and handbooks,  
146 and other technical documentation related to manure storage facilities, nutrient management  
147 plans, and other technical matters covered by this subchapter.

148 Navigable Waters: Any body of water that is navigable under the laws of the state as defined in  
149 Wis. Stat. § 30.01(4m).

150 Nutrient Management Plan: A written plan and map developed in accordance with the current  
151 NRCS 590 Nutrient Management Standard. The plan balances the needs of a crop with the  
152 nutrients available from legumes, manure, and fertilizer. The nutrient management plan is  
153 required to ensure that suitable acreage is available for land application of animal waste for crop  
154 uptake. The nutrient management plan shall be updated annually and the Nutrient Management  
155 Plan Checklist shall be submitted to the Division by April 1 of each year.

156 Nutrients: Plant nutrients derived from commercial fertilizers, manure, organic wastes, soil  
157 reserves, legumes, or other sources.

158 Ordinary High Water Mark: The point on the bank or shore up to which the presence and action  
159 of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or  
160 prevention of terrestrial vegetation, or other easily recognized characteristics. Where the bank or

161 shore at any particular place is of such character that it is difficult or impossible to ascertain  
162 where the point of ordinary high-water mark is, recourse may be had to the opposite bank of a  
163 stream or to other places on the shore of a lake or flowage to determine whether a given stage of  
164 water is above or below the ordinary high-water mark.

165 Overflow: has the meaning given in Wis. Admin. Code § NR 151.015(15e).

166 Pasture: The land on which livestock graze or otherwise seek feed in a manner that maintains the  
167 vegetative cover over the grazing area. Pasture may include limited areas of bare soil such as  
168 cattle lanes and supplemental feeding areas provided the bare soil areas are not significant  
169 sources of pollution to waters of the state.

170 Permit: The signed, written statement issued by the Division under this Ordinance authorizing  
171 the applicant to construct, install, reconstruct, extend, enlarge, substantially alter, close, or re-use  
172 a manure storage facility, and to use or dispose of waste from the facility.

173 Permit Application: A form supplied by the Division outlining the required items and  
174 information that must be included in a plan package that will allow the Division to determine if  
175 the standards are being met before a permit is issued.

176 Permitted Manure Storage Facility: A facility for which a permit has been obtained under this  
177 subchapter or under previous county ordinance after April 18, 2000.

178 Permittee: means any person to whom a permit is issued under this subdivision.

179 Person: Any individual, owner, operator, corporation, limited liability company, partnership,  
180 joint venture, agency, unincorporated association, and municipality, county or state agency  
181 within Wisconsin, the federal government, or any combination thereof.

182 Phosphorous Index or PI: The State's agricultural land management planning tool for assessing  
183 the potential of a cropped or grazed field to contribute phosphorus to surface waters.

184 Pollutant: Any dredged, spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil,  
185 sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat,  
186 wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and  
187 agricultural waste discharged into water as defined in Wis. Stat. § 283.01(13).

188 Pollution: Includes contaminating or rendering unclean or impure the waters of the state, or  
189 making the same injurious to public health, harmful for commercial or recreational use, or  
190 deleterious to fish, bird, animal or plant life.

191 Post Construction Documentation Report: A report signed by the Project Engineer stating that a  
192 new or altered manure storage facility is constructed according the current NRCS Technical  
193 Standards. Included in this report will be a construction inspection plan, including as-built  
194 drawings, test results, construction notes, etc.

195 Process Wastewater: Wastewater from the production area directly or indirectly used in the  
196 operation of animal feeding operation that results from any or all of the following:

- 197 (a) Spillage or overflow from animal or poultry watering systems.  
198 (b) Washing, cleaning, or flushing pens, barns, manure pits, or other animal feeding operation  
199 facilities.  
200 (c) Direct contact swimming, washing, or spray cooling of animals or dust control.

201 (d) Water that comes into contact with any raw materials or animal byproducts including  
202 manure, feed, milk, eggs, or bedding.

203 Recoverable Benchmark: A readily identifiable, relatively permanent benchmark that is intended  
204 to maintain its elevation without change over a long period of time and will not be influenced by  
205 disturbing activities.

206 Runoff: Storm water or precipitation including rain, snow, ice melt or similar water that moves  
207 on the land surface via sheet or channelized flow.

208 Safety Devices: Constructed measures which are designed to protect humans and livestock from  
209 the hazards associated with a storage facility.

210 Self-sustaining vegetative cover: See “Adequate Sod.”

211 Site that is susceptible to groundwater contamination: Has the meaning under Wis. Stat. §  
212 281.16(1)(g) and Wis. Admin. Code § NR 151.015(18).

213 Stop Work Order: An order to cease any activity in the operation of, or construction of, an  
214 activity subject to regulation.

215 Stored Manure: Manure that is kept in a manure storage facility or an unconfined manure pile.

216 Substantially Altered or Significantly Altered: has the meaning in s. NR 151.015(20), Wis.  
217 Admin. Code.

218 Surface Waters: All natural and artificial named and unnamed lakes and all naturally flowing  
219 streams within the boundaries of the state, but not including cooling lakes, farm ponds and  
220 facilities constructed for the treatment of wastewaters.

221 Technical Standards: The written standards and specifications contained in the United States  
222 Department of Agriculture (USDA) - Natural Resources Conservation Service (NRCS) Field  
223 Office Technical Guide (Technical Guide), Engineering Field Handbook (EFH) and Agriculture  
224 Waste Management Field Handbook (AWMFH), including subsequent amendments or additions.

225 Tolerable Soil Loss or “T”: The maximum average annual rate of soil erosion, in tons per year,  
226 allowable for particular soils and site conditions that will maintain soil productivity.

227 Top of Channel: An edge or point on the landscape landward from the ordinary high-water mark  
228 of a surface water of the state, where the slope of the land begins to be less than 12% continually  
229 for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet  
230 landward from the ordinary high-water mark, the top of the channel is the ordinary high-water  
231 mark.

232 Unconfined Manure Pile: A quantity of manure at least 175 cubic feet in volume that covers the  
233 ground surface to a depth of at least 2 inches and is not confined within a manure storage facility,  
234 livestock housing facility or barnyard runoff control facility, or covered or contained in a manner  
235 that prevents storm water access, direct runoff to surface water or leaching of pollutants to  
236 groundwater.

237 Waste Transfer System: Components such as pumps, pipes, conduits, valves, and other  
238 mechanisms installed to convey manure, leachate and contaminated runoff, and milking center  
239 wastes from livestock structures to a storage structure, loading area, or treatment area. Waste  
240 transfer system may include permanently installed conveyance systems necessary to transfer

241 material from the source to a storage facility, treatment facility or system, loading area, or  
242 cropland, and does not include vehicles, temporary surface pipes or hoses.

243 Waste Utilization: The land application of manure at an environmentally acceptable rate and in  
244 such a manner as to make use of the constituent nutrients for maintenance or improvement of the  
245 soil and plant resources.

246 Water Pollution: Contaminating or rendering unclean or impure the ground or surface waters of  
247 the state, or making the same injurious to public health, harmful for commercial or recreational  
248 use, or deleterious to fish, bird, animal, or plant life.

249 Water Quality Management Area: Land that includes any of the following; an area within 1000  
250 feet of the ordinary high water mark of a navigable lake, pond, or flowage; an area within 300  
251 feet of the ordinary high water mark of a navigable river or stream; an area that is susceptible to  
252 groundwater contamination, or has the potential to be a direct conduit for contamination to reach  
253 groundwater.

254 Waters of the State: Those portions of Lake Michigan and Lake Superior within the boundaries  
255 of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs,  
256 marshes, water courses, drainage systems and other surface water or groundwater, natural or  
257 artificial, public or private within the state or under its jurisdiction, except those waters which are  
258 entirely confined and retained completely upon the property of a person.

259 Winter Grazing Area: A cropland or pasture where livestock feed on dormant vegetation or crop  
260 residue, with or without supplementary feed, during the period of October 1 to April 30.

261 (2) The definitions contained in Chs. ATCP 50 and NR 151, Wis. Admin. Code, are incorporated  
262 by reference and made a part of this subchapter to the extent not fully referenced herein.

263

## 264 **10.08 ACTIVITIES AND FACILITIES SUBJECT TO REGULATION.**

265 (1) Animal Waste Storage Facilities and Transfer Systems. Construction, installation, substantial  
266 alteration or replacement, change of use of, or closure of any animal waste storage facility or  
267 waste transfer system.

268 (2) Unconfined Manure Piles. The temporary stacking of manure on the ground surface does not  
269 require a permit. The location of unconfined manure piles in water quality management areas is  
270 prohibited. Piles shall be field spread and incorporated during the next field season following  
271 placement and under no circumstances shall an unconfined manure pile, including composted  
272 manure, remain longer than 12 months. Stacks of any size in violation of this subsection shall be  
273 removed upon order of the Division, which may include cleanup or other remediation as  
274 determined by the Division.

275 (3) Feedlots.

276 (4) Idle Manure Storage Structures.

277 (5) Malfunctioning or Mismanaged Manure Storage Facilities.

278 (6) Nutrient Management and Application. With the exception of the closure of manure storage  
279 facilities, those facilities constructed after April 18, 2000, shall be required to comply with  
280 nutrient management requirements regardless of cost sharing.

281 (7) Reuse of an idle facility for which the Committee has approved retention under section  
282 10.09(9)(c)2.

283 (8) Performance Standards and Prohibitions. Any person who stores manure, owns or operates  
284 cropland or livestock facilities in Dunn County is subject to the performance standards and  
285 prohibitions in section 10.09, regardless of whether they have received a permit under this  
286 ordinance.

287

## 288 **10.09 PERFORMANCE STANDARDS AND PROHIBITIONS**

289 **(1)** The NRCS Technical Guide Standards are hereby adopted and made part of this ordinance.

290 **(2)** Sheet, Rill, and Wind Erosion. All land where crops and feed are grown, including pastures,  
291 shall be managed to achieve a soil erosion rate equal or less than the “tolerable” (T) rate  
292 established for that soil by the USDA-NRCS.

293 **(3)** Tillage Setback. No crop producer may conduct a tillage operation that negatively impacts  
294 stream bank integrity or deposits soil directly in surface waters. No tillage operations may be  
295 conducted within 5 feet of the top of the channel of surface waters. Tillage setbacks greater than  
296 5 feet but no more than 20 feet may be required to meet this standard. Crop producers shall  
297 maintain the area within the tillage setback in adequate sod or self-sustaining vegetative cover  
298 that provides a minimum of 70% coverage. This subsection does not apply to grass waterways  
299 installed as conservation practices.

300 **(4)** Phosphorus Index. All cropland, pastures, and winter grazing areas must meet the Wisconsin  
301 Phosphorus Index (PI) established in Wis. Admin. Code § NR151.04 including where the PI  
302 applies, the methods for calculating the PI, and acceptable PI runoff levels. A nutrient  
303 management plan meeting the standard in Wis. Admin. Code § ATCP 50.04 (3) may be used to  
304 demonstrate compliance with Wis. Admin. Code § NR 151.04.

305 **(5)** Nutrient Management.

306 (a) All crop and livestock producers that apply manure or other nutrients directly, or through  
307 contract, to agricultural fields shall comply with this section.

308 (b) This performance standard does not apply to industrial waste and byproducts regulated under  
309 Ch. NR 214, Wis. Admin. Code, municipal sludge regulated under Ch. NR 204, Wis. Admin.  
310 Code, or septage regulated under Ch. 113, Wis. Admin. Code.

311 (c) Nutrient management plans are required on pastures unless exempt as established in Wis.  
312 Admin. Code § ATCP 50.04(3)(b).

313 (d) Manure, commercial fertilizer, and other nutrients shall be applied in conformance with a  
314 nutrient management plan as established in Wis. Admin. Code § ATCP 50.04(3).

315 (e) The nutrient management plan shall be designed to limit or reduce the discharge of nutrients  
316 to waters of the state for the purpose of complying with state water quality standards and  
317 groundwater standards.

318 (f) Nutrient management plans for croplands in watersheds that contain impaired surface waters  
319 or in watersheds that contain outstanding or exceptional resource waters shall meet the  
320 following criteria:

321 1. Unless otherwise provided in this subsection, the plan shall be designed to manage soil  
322 nutrient concentrations so as to maintain or reduce delivery of nutrients contributing to  
323 the impairment of impaired surface waters and to outstanding or exceptions resource  
324 waters.

- 325 2. The plan may allow for an increase in soil nutrient concentrations at a site if necessary to  
326 meet crop demands.
- 327 3. For lands in watersheds containing exceptional or outstanding resource waters, the plan  
328 may allow an increase in soil nutrient concentrations if the plan documents that any  
329 potential nutrient delivery to the exceptional or outstanding resource waters. For lands in  
330 watersheds containing impaired waters, the plan may allow an increase in soil nutrient  
331 concentrations if a low risk of delivery of nutrients from the land to the impaired water  
332 can be demonstrated.
- 333 (g) In this subchapter, impaired surface waters are waters identified as impaired pursuant to 33  
334 U.S.C. § 1313(d)(1)(A) and 40 C.F.R. § 130.7. Outstanding and Exceptional Resource  
335 Waters are defined in Wis. Admin. Code Ch. NR 102.
- 336 (h) Each year prior to April 1st an updated nutrient management plan and checklist shall be  
337 provided to the Division covering all cropland receiving manure from all manure storage  
338 facilities constructed after April 18, 2000.
- 339 **(6) Clean Water Diversion.** All livestock producers within a water quality management area shall  
340 comply with this section. Runoff shall be diverted away from contacting feedlot, manure storage  
341 areas and barnyard areas within water quality management areas except that a diversion to  
342 protect a private well under Wis. Admin. Code § NR 151.015(18)(a) is required only when the  
343 feedlot, manure storage area, or barnyard area is located upslope from the private well.
- 344 **(7) Manure Management Prohibitions.** All livestock producers shall comply with this section as  
345 follows:
- 346 (a) A livestock operation shall have no overflow of manure storage structures.
- 347 (b) A livestock operation shall have no unconfined manure piles within a water quality  
348 management area.
- 349 (c) A livestock operation shall have no direct runoff from a feedlot or stored manure to waters of  
350 the state. Stored manure not contained within a manure storage facility shall meet the  
351 standards for stacking or piling manure.
- 352 (d) A livestock operation may not allow unlimited access by livestock to waters of the state in a  
353 location where high concentrations of animals prevent the maintenance of adequate sod or  
354 self-sustaining vegetative cover. This prohibition does not apply to properly designed,  
355 installed, and maintained livestock or farm equipment crossings.
- 356 **(8) Process Wastewater Handling.** All livestock producers shall comply with this section.
- 357 (a) There may be no significant discharge of process wastewater to water of the state.
- 358 (b) The Land and Water Conservation Division shall consider all of the following factors when  
359 determining whether a discharge of process wastewater is a significant discharge to waters of  
360 the state:
- 361 1. Volume and frequency of the discharge.
- 362 2. Location of the source relative to receiving waters.
- 363 3. Means of process wastewater conveyance to waters of the state.
- 364 4. Slope, vegetation, rainfall, and other factors affecting the likelihood of process  
365 wastewater discharge to waters of the state.
- 366 5. Available evidence of discharge to a surface water of the state or to a direct conduit to  
367 groundwater.
- 368 6. Whether the process wastewater is discharged to a site that is defined as a site that is  
369 susceptible to groundwater contamination.

370 7. Other factors relevant to the impact of the discharge on water quality standards of the  
371 receiving water or to groundwater standards.

372 **(9) Manure Storage Facilities.**

373 (a) All livestock producers building new manure storage facilities, substantially altering manure  
374 storage facilities, or choosing to abandon their manure storage facilities shall comply with  
375 this section.

376 (b) New construction and alterations.

377 1. New or substantially altered manure storage facilities shall be designed, constructed, and  
378 maintained to minimize the risk of structural failure of the facility and to minimize  
379 leakage of the facility in order to comply with groundwater standards. The levels of  
380 materials in the storage facility may not exceed the margin of safety level. Storage  
381 facilities that are constructed or significantly altered on or after January 1, 2011, shall be  
382 designed and operated to contain the additional volume of runoff and direct precipitation  
383 entering the facility as a result of a 25-year, 24-hour storm.

384 2. A new manure storage facility means a facility constructed after October 1, 2002.

385 3. A substantially altered manure storage facility is a manure storage facility that is  
386 substantially altered after October 1, 2002.

387 (c) Closure.

388 1. Closure of a manure storage facility shall occur when an operation where the facility is  
389 located ceases operations or manure has not been added or removed from that facility for  
390 a period of 24 months. Manure facilities shall be closed in a manner that will prevent  
391 future contamination of groundwater and surface waters.

392 2. The owner or operator may retain the facility for up to an additional 24 month period by  
393 demonstrating to the Committee that all of the following conditions are met:

394 a. The facility has been designed, constructed and maintained in accordance with  
395 section 10.09(9)(b).

396 b. Retention of the facility is warranted based on anticipated future use.

397 (d) Existing Facilities. Manure storage facilities in existence as of October 1, 2002, that pose an  
398 imminent threat to public health or fish and aquatic life, or are causing a violation of  
399 groundwater standards, shall be upgraded, replaced, or abandoned in accordance with this  
400 section. Levels of materials in manure storage facilities may not exceed the margin of safety  
401 level.

402 (e) Malfunctioning or Mismanaged Manure Storage Facilities. Any person who owns a facility  
403 found to be malfunctioning shall be required to repair the facility to a condition meeting the  
404 standards of the NRCS Technical Guide within 1 (one) year of the date the facility is found  
405 to be malfunctioning. A facility found to be mismanaged shall be brought into compliance  
406 within a time frame as determined by the Division depending on the severity of the problem.  
407 The time frame may not exceed 6 (six) months and may include clean-up as determined by  
408 the Division.

409 (10) Human Household Wastewater and Human Waste. Human household wastewater and  
410 human waste shall not be discharged into manure storage facilities.

411 (11) Industrial waste and byproducts shall not be discharged into an existing manure storage  
412 facility, except in accordance with Ch. NR 214, Wis. Admin. Code.

413

414 **10.10 INTERPRETATION OF STANDARDS**

415 (1) Standards for Evaluating Sheet, Rill, and Wind Erosion. The standards for evaluating sheet,  
416 rill, and wind erosion shall be the Revised Universal Soil Loss Equation II (RUSLE2) equation  
417 or the Wind Erosion Prediction System (WEPS) models published by NRCS. Copies of RUSLE2  
418 and the WEPS models are on file with the Land and Water Conservation Division.

419 (2) Standards for Design and Construction of Manure Storage Facilities. The standards for design  
420 and construction of manure storage facilities shall be the current standards in the NRCS  
421 Technical Guide, including but not limited to 313 Waste Storage Facility; 367 Roofs and Covers;  
422 520 Pond Sealing or Lining, Compacted Soil Treatment; 521 Pond Sealing or Lining,  
423 Geomembrane or Geosynthetic Clay Liner; 522 Pond Sealing or Lining, Concrete; 558 Roof  
424 Runoff Structure; 634 Waste Transfer; and, 629 Waste Treatment and any amendments to these  
425 standards.

426 (3) Standards for Nutrient Management. The standards for management of manure and nutrients  
427 applied to cropland and pastures shall be the current standards in the NRCS Technical Guide,  
428 including 590 Nutrient Management and any amendments.

429 (4) Standards for Closure of Manure Storage Facility. The standards for closure of an unused  
430 manure storage facility shall be the current standards in the NRCS Technical Guide, including  
431 360 Closure of Waste Impoundments and any amendments.

432 (5) Standards for Stacking or Piling Manure. The standards for stacking or piling manure shall be  
433 the current standards in the NRCS Technical Guide, including 318 Short Term Storage of  
434 Animal Waste and By-Products and 313 Waste Storage Facility and any amendments.

435 (6) Standards for Determination of Significant Discharge and Direct Runoff. The standards for  
436 determination of direct runoff shall be the "BARNY runoff prediction model" which is the  
437 NRCS "Evaluations System to Rate Feedlot Pollution Potential," ARM-NC-17 (April, 1982,  
438 version with modifications as of August, 2005, or an equivalent predictive model for manure  
439 runoff as approved by the Land and Water Conservation Division. An electronic spreadsheet  
440 version of the BARNY model is available at  
441 <https://datcp.wi.gov/Documents/BARNYSpreadsheet.xls>.

442 (7) Standards for the Determination of Adequate Sod or Self-Sustaining Vegetative Cover.  
443 Standards for determination of adequate sod or self-sustaining vegetative cover shall be the  
444 standards outlined in the NRCS Technical Guide 528 Prescribed Grazing, and any amendments,  
445 or vegetative measurement by grid sample shall show at least 70 percent living plant material  
446 cover.

447 (8) Subsequent Modification of Standards. The standards of the NRCS Technical Guide are  
448 adopted and by reference made a part of this section as if fully set forth herein. Any future  
449 amendment, revision or modification of the standards incorporated herein are made a part of this  
450 section upon adoption by the Dunn County Land Conservation Committee. Copies of the current  
451 standards are available at the Land and Water Conservation Division Office.

452 **10.11 COST SHARE REQUIREMENT.** An owner or operator of an agricultural facility or  
453 practice that is in existence before October 1, 2002, may not be required to comply with the  
454 performance standards, prohibitions, conservation practices or technical standards under this  
455 subchapter unless cost-sharing is available from any source, to the owner or operator. A  
456 determination that cost-sharing is available to meet the performance standards, prohibitions,  
457 conservation practices or technical standards under this subsection will be determined in

458 accordance with Wis. Admin. Code §§ NR 151.09(4)(d) or NR 151.095(5)(d) when funding is  
459 provided under Wis. Stat. § 281.65, and will be determined in accordance with Wis. Admin.  
460 Code Ch. ATCP 50 when funds are from any other source. Cost sharing under this section is  
461 only required for the minimum practice necessary to meet the performance standards and  
462 prohibitions.

#### 463 **10.12 APPLICATION FOR AND ISSUANCE OF PERMITS.**

464 (1) Permit Required. Except as otherwise provided in this subchapter, no person may undertake  
465 any activity subject to this subchapter without first obtaining an Animal Waste Storage Permit  
466 from the Division. Applications for a permit under this subchapter shall be on a form approved  
467 by the Committee.

468 (2) Compliance. A person is in compliance with this subchapter if the procedures specified  
469 herein have been followed and an Animal Waste Storage Permit from the Division has been  
470 issued prior to commencing activities subject to regulation.

471 (3) Exception to Permit Requirement. Emergency repairs such as repairing broken pipes or  
472 equipment, leaking dikes, or the removal of obstructions may be performed without a permit. If  
473 such repairs alter the original design and construction of the facility, the person who initiates  
474 such repairs shall make a report to the Division within 10 days of the emergency for a  
475 determination on whether a permit will be required for any additional alteration or repair.

476 (4) Plan Requirements. Each application for a permit under this ordinance shall include a plan  
477 package signed and stamped by the project engineer completed in accordance with the Permit  
478 Application.

479 (a) Manure Storage Construction Plan Requirements. A complete permit application for a new or  
480 modified storage facility shall meet or exceed the minimum established limits and specific  
481 criteria within NRCS Technical Standard 313 Waste Storage Facility, and additional  
482 Technical Standards, including, but not limited to; 367 Roofs and Covers; 520 Pond Sealing  
483 or Lining, Compacted Soil Treatment; 521 Pond Sealing or Lining, Geomembrane or  
484 Geosynthetic Clay Liner; 522 Pond Sealing or Lining, Concrete; 558 Roof Runoff Structure;  
485 634 Waste Transfer; and 629 Waste Treatment where they apply. The plan shall include all  
486 the following:

- 487 1. The number, type, and size of animals for which storage is provided and the duration for  
488 which storage is to be provided.
- 489 2. The type and amount of bedding to be used in the operation and all aspects of handling  
490 and recovery of this bedding material.
- 491 3. The type and quantity of flush water, milk house waste, or other additives which will be  
492 added to the manure storage facility.
- 493 4. A general location map drawing of the site which shall include the location of structures  
494 in relation to buildings, homes, property lines, roads, wells, karst features, public or  
495 private drainage ditches and creeks, flowages, rivers, streams, lakes, floodplains, or  
496 wetlands within one thousand (1,000) feet of the proposed facility or system. The map  
497 will include the scale of the drawing, a north arrow, and the date the general location map  
498 was prepared.
- 499 5. The soil test pit locations, elevations, and soil descriptions to a depth as required for the  
500 planned structure according to the NRCS Technical Standard 313 Waste Storage Facility.

- 501 Soil test pits must be verified by land conservation division staff at the time of  
502 investigation.
- 503 6. The elevation of groundwater, bedrock or seasonally saturated conditions if encountered  
504 in the soil profile and the date of any such determinations.
- 505 7. Engineering design drawings of the manure storage facility or waste transfer system  
506 which shall include:
- 507 a. Specific design components that shall comply with NRCS Technical Standard 313  
508 Waste Storage Facility, and additional applicable NRCS Technical Standards such as  
509 634 Waste Transfer.
- 510 b. A recoverable benchmark(s) including elevation(s) expressed in feet and tenths.
- 511 c. The scale of the drawings and the north arrow. The engineering design drawing shall  
512 be drawn to a scale no smaller than one (1) inch equals one hundred (100) feet.
- 513 d. The date the engineering design drawings were prepared.
- 514 8. The structural details, including but not limited to dimensions, cross-sections, concrete  
515 thickness, concrete joint design and placement, design loads, design computations,  
516 reinforcement schedules, thickness and placement of groundwater protection liners, and  
517 all material specifications.
- 518 9. Provisions for adequate drainage and control of runoff to prevent pollution of surface  
519 water and groundwater.
- 520 10. Estimated start of construction and construction schedule.
- 521 11. A safety plan that identifies hazards to animals and people in the production area, and  
522 design features to minimize those hazards.
- 523 12. An operation and maintenance plan for installed practices.
- 524 13. An emergency response plan identifying the names and phone numbers of individuals or  
525 others to be notified in the event of any leaks, spills or other system failures that could  
526 discharge manure.
- 527 14. A certification by a professional engineer registered in the State of Wisconsin, or an  
528 engineering practitioner certified by the Wisconsin Department of Agriculture, Trade and  
529 Consumer Protection (DATCP) or the NRCS that the plans meet technical and ordinance  
530 standards.
- 531 15. A nutrient management plan that complies with Wis. Admin. Code § ATCP 50.04. The  
532 nutrient management plan must be prepared by a nutrient management planner qualified  
533 under Wis. Admin. Code § ATCP 50.04(3)(c) and submitted prior to issuance of the  
534 permit. If the nutrient management plan indicates manure will be applied to land not  
535 owned by the applicant, the nutrient management plan must include a copy of a lease,  
536 manure spreading agreement, or written proof of land availability. The nutrient  
537 management plan must be based on current soil analyses that comply with Wis. Admin.  
538 Code § ATCP 50.04. If current soil analyses are not available due to frozen soils or other  
539 conditions beyond the control of the applicant, the land conservation division may accept,  
540 at its discretion, an incomplete nutrient management plan at permit submission. A  
541 complete nutrient management plan that complies with Wis. Admin. Code § ATCP  
542 50.04(3)(d) must be submitted and a Certificate of Use must be issued prior to use of the  
543 manure storage facility.
- 544 16. Any other additional information required by the land conservation division to protect  
545 water quality and determine compliance with this section.

546 (b) Manure Storage Facility Closure Application Requirements. A complete permit application  
547 for waste storage facility closure shall meet all standards as outlined in NRCS Technical  
548 Standard 360 Waste Facility Closure and shall specify:

- 549 1. Provisions to remove and properly dispose of all accumulated wastes in the manure  
550 storage facility.
- 551 2. Provisions to remove any concrete or synthetic liner, or properly use pieces of the concrete  
552 or synthetic liner as clean fill at the site.
- 553 3. Provisions to remove and properly dispose of any soil saturated with waste from the  
554 manure storage facility.
- 555 4. Provisions to remove any soils to the depth of significant manure saturation. When  
556 contaminated soils are found, they must be removed to the extent necessary with a  
557 minimum depth of 6 inches.
- 558 5. Provision to remove or permanently plug the waste transfer system serving the manure  
559 storage facility.
- 560 6. Covering all disturbed area with topsoil, seeding the areas with a grass mixture, and  
561 mulching the seeded area. This section does not apply if an alternative use of the site is  
562 authorized under a closure plan approved by the county as part of the permit.
- 563 7. Any other additional information required by the land conservation division to protect  
564 water quality and determine compliance with this section.

565 (5) Review of Application. The Division shall receive and review all permit applications to  
566 determine if the proposed facility and nutrient management plan meet the required standards as  
567 set forth in section 10.09.

568 (a) If additional information is required, the Division shall notify the applicant.

569 (b) The Division shall receive and review all permit applications and within 45 of receiving a  
570 permit application and fee the Division shall notify the applicant whether the application is  
571 complete. If the application is not complete, the notice shall describe the additional  
572 information needed. Within 14 days after the applicant provides all of the required  
573 information, staff shall notify the applicant that the application is complete.

574 (c) Approval of such plans may be conditional based on site specific requirements determined by  
575 the Division.

576 (6) Permit Conditions. All permits issued under this subchapter shall be issued subject to the  
577 following conditions and requirements:

578 (a) All new or altered animal waste storage facilities will be located, designed, and constructed  
579 in accordance with the standards specified in section 10.09.

580 (b) All idle waste storage facilities will be closed in accordance with the standards specified in  
581 section 10.09.

582 (c) Any modification to an approved facility plan must be approved in writing by the Division.

583 (d) All activities authorized by permit must be completed within 2 years from the date of  
584 issuance after which time such permit shall be void. Permits may be extended upon written  
585 request of the applicant, subject to the corresponding fee, with approval from the Division.

586 (e) The permittee shall give 3 working days' notice to the Division before starting any  
587 construction or closure activity authorized by the permit.

588 (f) Within 60 (sixty) days upon completion, the project engineer must issue a Post Construction  
589 Documentation Report to the Division.

590 (g) After receiving and reviewing a complete Post Construction Documentation Report, the  
591 Division will issue a Final Certification.

592 (h) No permitted manure storage facilities may receive manure until the Division provides final  
593 approval. No manure may be emptied from a manure storage facility until the Division  
594 approves the nutrient management plan submitted by the applicant.  
595

596 **10.13 PERMIT FEE.** The permit fee for constructing, enlarging or substantially altering a  
597 manure storage facility shall will be will be \$350.00. No fee will be assessed for permits to close  
598 idle manure storage facilities or if the applicant is subject to a Dunn County Livestock Siting  
599 Permit. An additional fee will be charged for all after-the-fact permit applications to partially  
600 recover the cost of obtaining compliance.  
601

602 **10.14 PERMIT REVOCATION.** The Division may revoke any permit issued under this  
603 subchapter if the person issued the permit has misrepresented any information in the permit  
604 application or animal waste facility plan, or if the person violates any of the conditions of the  
605 permit.  
606

607 **10.15 ADMINISTRATION.**

608 (1) Administrative Authority. The Division shall administer this ordinance based upon technical  
609 review and assistance from the NRCS and Wisconsin Department of Agriculture, Trade, and  
610 Consumer Protection (DATCP), engineering staff.

611 (2) Administrative Duties. In the administration and enforcement of this ordinance, the Division  
612 shall have the following powers and duties:

613 (a) Review permit applications, issue permits, and inspect properties for compliance with this  
614 subchapter and related Wisconsin Statutes and Wisconsin Administrative Code provisions.

615 (b) Advise applicants concerning the provisions of this subchapter and provide technical  
616 assistance and oversight to applicants in preparation permit applications.

617 (c) Keep records of all permit applications, animal waste storage facility plans, nutrient  
618 management plans, permits issued, inspections made, and other official actions.

619 (d) Inspect animal waste storage facility construction to ensure a facility is being constructed  
620 according to plan specifications.

621 (e) Investigate violations and complaints, and enforce this subchapter.

622 (f) For purposes of inspection, obtain and execute special inspection warrants under Wis. Stat. §  
623 66.0119.

624 (g) Upon determination of noncompliance with a permit, this subchapter, or applicable  
625 Wisconsin law, revoke or suspend any permit and issue cease and desist orders requiring the  
626 cessation of any construction, alteration, use or operation of an animal waste storage facility  
627 until compliance is obtained.

628 (h) Perform other duties as specified in this ordinance.

629 (3) Entry and Inspection Authority. The Division shall be authorized to enter upon any lands  
630 affected by this subdivision to inspect a site to determine compliance with this subdivision,  
631 pursuant to the authority granted under Wis. Stat. § 92.07(14).

632 (a) Before engaging in any inspection, staff shall seek permission from the owner, operator, or  
633 authorized agent thereof, to inspect.

634 (b) Submitting an application for a construction or operation permit shall constitute the  
635 owner/operator's consent for Division staff to enter and inspect the premises for purposes of

636 the application process. In this situation, no applicant may refuse entry to an existing or  
637 proposed animal waste facility or operation, subject to (c) below.

638 (c) Staff shall present to the owner, operator, or authorized agent, appropriate credentials  
639 identifying them as a representative of Dunn County.

640 (4) Except as provided in section 10.09(9)(c)2., no variance from the provisions of this  
641 subchapter shall be granted.

642

643 **10.16 ENFORCEMENT.** The Division is authorized to enforce this subdivision by any of the  
644 following:

645 (1) Issue a notice of violation and request that specified corrective action be taken within a  
646 specified time.

647 (2) Post a stop work order on land that has had a permit revoked or is currently undergoing  
648 activity that is violating this subdivision. Notice shall be given to a violator of this subdivision by  
649 both posting one or more copies of a legal notice on the site stating the violation and by mailing  
650 the landowner a copy of the order. The order shall specify that the activity shall cease  
651 immediately. Any permit revocation or order stopping work shall remain in effect until retracted  
652 by the Committee, the Division, or by a court of competent jurisdiction.

653 (3) Issue a citation to a violator of any provision of this ordinance or a stop work order, or upon  
654 failure to timely correct a violation listed within a written notice of violation.

655 (4) Request the Corporation Counsel Office to commence legal proceedings seeking appropriate  
656 relief, including, but not limited to, forfeitures, injunctive relief, or repair, remediation, or  
657 removal of facilities.

658 (5) Violations. A violation includes any failure to comply with any standard of this subdivision  
659 or with any condition or qualification attached to any permit or any failure to comply with notice  
660 of a permit revocation or stop work order. Each day that a violation exists or continues  
661 constitutes a separate offense.

662 (6) Penalties. Any person who violates, neglects, or refuses to comply with, or resists the  
663 enforcement of, any of the provisions of this ordinance shall be subject to a forfeiture of not less  
664 than \$10 per violation nor more than \$500 per violation and or be subject to injunctive relief.

665

666

667

668 **10.17 APPEALS FROM ADMINISTRATIVE DECISIONS.**

669 (1) Appeal Authority. The Dunn County Land Conservation Committee shall hear and decide  
670 appeals where it is alleged that there is error in any order, requirement, decision, or  
671 determination by the Division in administering this subchapter.

672 (2) Who May Appeal. Appeals may be taken by any person having a substantial interest which is  
673 adversely affected by the order, requirement, decision, or determination for which review is  
674 sought.

675 (3) Procedure. An appeal shall be made by written request mailed or delivered to the Dunn  
676 County Land Conservation Committee, c/o Dunn County Land & Water Conservation Division.

677 The request shall identify the appellant, specify the decision sought to be reviewed, and state the  
678 factual and legal grounds upon which it is contended that the decision should be modified or  
679 reversed. A filing fee for the appeal shall be submitted with the request. The fee must be paid and  
680 appeal request filed within 20 calendar days from the issuance of the decision or appeal is barred.  
681 The burden of proof is with the appellant. The Committee shall review the determination under  
682 appeal within 45 days of the fee being paid and the appeal request being filed. Any party to an  
683 appeal may seek judicial relief from the decision pursuant to and in accordance with Wis. Stat. §  
684 68.13.



# OFFICE OF CORPORATION COUNSEL

*Attorneys for the Municipal Corporation of Dunn County*

**Nicholas P. Lange**  
Corporation Counsel

**Barbara Anne Fagan**  
Assistant Corporation Counsel

## **In Rem Repurchase Request**

TO: Planning, Resources and Development Committee  
FROM: Barbara Anne Fagan, Assistant Corporation Counsel  
DATE: August 27, 2020  
RE: Tax Foreclosed Property - Re-Purchase Request

### **REQUESTOR INFORMATION**

Anne Argo	Adam Argo
1314 Ingalls Road	11 Perry Road
Menomonie, WI 54751	Greenville, SC 29609
(715) 505-2141	(715) 556-0841

- Former Owner(s)  
 Heir of Former Owner(s)

### **FORMER OWNER(S) & PROPERTY**

Anne Argo  
Adam Argo  
1314 Ingalls Road  
Menomonie, WI 54751

**Computer No.:** 251-1247-03-000

**PIN:** 17251-2-281334-430-0061

**Legal Description:** Lot 12, Block 18, Seventh Addition to Grove Hill Addition, City of Menomonie, Dunn County, Wisconsin. SUBJECT to Easements, Restrictions and Rights of Way of Record.

**Street Address:** 1314 Ingalls Road, Menomonie, WI 54751

**Attachments:** (1) GIS Map showing aerial photo of property  
(2) GIS Map showing location of property within Dunn County

## **FORECLOSURE & REQUEST TO REPURCHASE**

On December 9, 2019, Dunn County filed an *In Rem* Foreclosure action for those persons owning property in Dunn County with delinquent taxes for the years 2012 and earlier. Notice was mailed to all owners, mortgagees, land contract sellers, purchasers and the State of Wisconsin by certified mail, return receipt requested. The envelopes sent to Anne and Adam Argo were returned to our office as “unclaimed.”

Notice to Anne and Adam Argo was re-sent via US Mail on February 4, 2020.

Default judgment was awarded to Dunn County on July 14, 2020, for those properties not redeemed. A copy of the Judgment was recorded in the Office of the Register of Deeds on July 30, 2020. On August 12, 2020, Adam Argo requested to repurchase his property. On August 18, 2020, Ann Argo requested to repurchase her property.

## **APPLICABLE COUNTY ORDINANCE**

Section 7.7.5, Dunn County Code of Ordinances, Preference to Former Owners in Tax Sales

- (1) The Committee may, at its option, convey tax dedeed lands to a former owner who had lost title to real property through delinquent tax collection enforcement procedures, or his or her heirs, pursuant to the authority provided in Section 75.35(3), Stat. The Committee is further authorized, but not required, to give such former owners first option to purchase said land. This section shall in no manner create any right of first refusal in any former owner
- (2) Any sale made to a former owner pursuant to this section shall be exempt from the operation of Section 75.69, Stats., but no such sale shall be approved by and authorized by the Committee, unless, as a minimum, the former owners pay to the County all real estate taxes, including special assessments, special charges and special taxes, then due and owing together with the interest and penalty thereon, plus a service fee on such transaction not to exceed 10 percent of the assessed value of the tax dedeed land. In any event, the service fee shall not be less than \$500.00.
- (3) Consideration under this section shall be given only to those former owners who request the same, prior to the time the sale and appraised value of the lands involved have been advertised by publication, in accordance with Section 75.69, Stats. If the former owners do not make payment to the County within thirty (30) days of the time such sale is authorized by the Committee, the Committee may, at its option, proceed to sell the land involved in accordance with Section 75.69, Stats., to the highest or most advantageous bidder thereon.
- (4) Failure to give notice to the proper party as former owner shall not create a right in any person or persons to redeem tax dedeed lands.
- (5) This section shall not apply to tax dedeed lands which have been improved for or dedicated to a public use by Dunn County, subsequent to acquisition. No sale to the former owner or any other person shall be made of such land without the express authorization of the Committee.

**DETERMINATION OF PURCHASE PRICE**

Per Dunn County Ordinance, the Requester(s) must pay, at a minimum, all real estate taxes, interest, and penalty currently due, along with an administrative fee of at least \$500 or 10% of the property's assessed value. This property has an assessed value of \$140,200.

**PAST DUE TAXES**

All delinquent taxes through the 2018 tax year plus interest and penalty through transfer of ownership, including estimated interest and penalty that would have accrued after transfer of ownership through October 2020 = **\$21,395.29**

**ADMINISTRATIVE FEE:**

\$500 min. – \$14,020 max.

**RANGE FOR SALE PRICE**

\$21,895.29 – \$35,415.29

# DUNN COUNTY Wisconsin

PIN: 1725122813344300061  
OLD #: 251124703000

Owner :  
DUNN COUNTY  
Parcel Address & Zip :  
1314 INGALLS RD SW 54751

Municipality :  
CITY OF MENOMONIE  
Township, Range, Section :  
T28N-R13W-S34

Acres :  
0

School District :  
3444  
Zoning :  
R1



This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

Spring 2017 Photo