

**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** will be held on **Tuesday, August 25, 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 11, 2020
- 4. Public Hearing - None**
- 5. Staff Reports**
 - A. Kyle Baemmert, summer intern presentation
 - B. Review of Draft Land Division Ordinance
 - C. Review of Draft Manure Management Ordinance
 - D. Update on Groundwater Ad Hoc Committee recommendations
- 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
 - B. Discussion of zoning workload related to sanitation issues
- 7. Consideration of Actions to be taken by the Planning, Resource and Development Committee**
 - A. ENS 2020 Budget Adjustment – Land and Water Conservation Division
 - B. Designation of Beaver Creek Reserve as our Aquatic Invasive Species agent
- 8. Consideration of Reports, Resolutions and Ordinances to the County Board from the Planning, Resource and Development Committee - Comprehensive Land Use Plan, Public Participation Procedures Resolution**
- 9. Announcements**
- 10. Future meeting date and any agenda items:** September 8, 2020
- 11. Adjournment**

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 11, 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, Mike Kneer, and Diane Morehouse. Others present: Dave Bartlett (County Board Chair), Paul Miller (County Manager), and Keith Strey (County Chief Financial Officer).
3. **Approval of Minutes.** Supervisor Morehouse made a motion to approve the minutes from the July 28, 2020 meeting as distributed. Supervisor Anderson seconded the motion. Supervisor Kneer requested changing “the” to “a” in the first sentence of Item 5.d. The motion and request were approved by voice vote.
4. **Public Hearing.** None.
5. **Staff Reports.**
 - a. **Register of Deeds Monthly Report.** The committee reviewed the monthly report submitted by Heather Kuhn, Register of Deeds.
 - b. **Environmental Services Department Monthly Division Reports.** The committee reviewed the monthly reports submitted by Dan Prestebak, County Conservationist; Bob Colson, County Planning/Zoning Administrator; Tom Carlson, County Surveyor; and Morgan Gerk, Director of Dunn County Solid Waste & Recycling.
6. **Items Placed at the Request of the Chair.** None.
7. **Consideration for Actions to be taken by the Planning Resources and Development Committee.**
 - a. **Discuss and Recommend to the Executive Committee, Approval of the 2021 ENS Draft Budget.** Tom Carlson, Dan Prestebak, and Bob Colson each reviewed their division’s draft 2021 budget with the committee. Discussion. Supervisor Kneer made a motion to remove the funding for the new ENS Director position from the 2021 ENS draft budget. Supervisor Morehouse seconded the motion. Discussion. The motion was approved by voice vote.

The committee discussed other items in the 2021 ENS draft budget including the purchase of a new truck for the Survey Division and a new truck for the Land & Water Conservation Division. They also discussed the ITRF request from Survey for online access to survey records, and the ITRF request from Planning/Zoning to convert zoning and sanitation files to an electronic format. Supervisor Bjork made a motion to remove both the Survey and the Planning/Zoning ITRF requests from the 2021 ENS draft budget and to apply for CARES Act funding for them. Supervisor Anderson seconded the motion. Discussion. Supervisor Bjork revised the motion to request removing the ITRF items from the 2021 ENS draft budget, that they be made a priority item to receive CARES Act funding in 2020, and if they don't receive the funding, to add them back in to the 2021 ENS draft budget. The revised motion and request were approved by voice vote. Supervisor Bjork suggested reviewing electronic access fees at a future meeting.

Supervisor Morehouse made a motion to approve the 2021 ENS draft budget as presented, with the modifications made by the committee. Supervisor Bjork seconded the motion. The motion was approved by voice vote.

- b. **Discuss and Recommend to the Executive Committee, Approval of the 2021 SWR Draft Budget.** Morgan Gerk reviewed the Solid Waste & Recycling Division's 2021 draft budget with the committee, along with some updated recommendations made by the Solid Waste & Recycling Management Board at their meeting on August 4, 2020. Supervisor Bjork and County Board Chair, Dave Bartlett, both recommended the proposed changes recommended by the board. Discussion. Supervisor Kneer made a motion to approve the amended 2021 SWR draft budget as presented today. Supervisor Morehouse seconded the motion. The motion was approved by voice vote.
- c. **Discuss and Recommend to the Executive Committee, Approval of the 2021 ROD Draft Budget.** Heather Kuhn reviewed the Register of Deed's 2021 draft budget with the committee. Supervisor Morehouse made a motion to approve the 2021 ROD draft budget as presented. Supervisor Anderson seconded the motion. The motion was approved by voice vote.
- d. **2021 Legislative Agenda.** The committee reviewed the proposed 2021 Legislative Agenda. Morgan Gerk let the committee know about two additional items from the Solid Waste & Recycling Management Board that they would like to see added to the 2021 agenda. Dan Prestebak let the committee know about an additional item to add to the agenda regarding supporting the Speaker's Task Force Legislation which was approved in early 2020. Chair Quinn recommended removing Item 2.B. from the agenda. Discussion. Supervisor Kneer made a motion to add the three items as discussed (two items from Solid Waste & Recycling, and a statement of support for the water quality elements) and to delete Item 2.B. from the agenda. Supervisor Bjork 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.** None.
9. **Announcements.** The next committee meeting is Tuesday, August 25, 2020, at 8:30 a.m., by teleconference. Items to be discussed at the next meeting include discussing ways to include meaningful input from the public regarding the comprehensive plan amendment, and an updated 2021 Legislative Agenda. The committee also requested that they receive a full report on the groundwater ad-hoc committee recommendations at a future meeting.
10. **Adjournment.** There being no further business, Chairman Quinn declared the meeting adjourned at 10:51 a.m.

Respectfully Submitted,
Diane Duerst,
Recording Secretary

CHAPTER 16

LAND DIVISION, CONDOMINIUM, AND SURVEYING REGULATIONS

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16.70 Condominium Developments

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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 (GLO) 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 for a special use, dedicated to
159 the public by the owner of the land division on which such right-of-way is established.

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

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

165 State Plat: A map of a division of land prepared in accordance with Ch. 236, Wis. Stats. and the
166 terms of this chapter where:
167 (a) The act of division creates five (5) or more lots of one and one-half (1½) acres each or less in
168 area; or
169 (b) Five (5) or more lots of one and one-half (1½) acres each or less in area are created by suc-
170 cessive divisions within a period of five (5) years.

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

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

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

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

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

184 Tract: A contiguous area of land under the same ownership.

185 Utility Easement: An easement to place, replace, maintain, or move utility facilities, such as tele-
186 phone, water, sewer, gas, and cable television.

187 Variance: A departure from the terms of this chapter as applied to a specific building, structure,
188 or parcel of land, which the Committee may permit, pursuant to this chapter.

189 Wetlands: Those areas identified on the DNR Surface Water Data Viewer as either mapped wet-
190 lands, or wetland indicators and soils.

191 **16.05 GEOGRAPHIC JURISDICTION.** The provisions of this chapter shall apply to all land
192 and water within the geographical boundaries of Dunn County, Wisconsin, except within any in-
193 corporated city or village. Where a duly adopted town ordinance regulating the division of land
194 is more restrictive than this chapter, the town shall be responsible for enforcement of all more
195 restrictive ordinance requirements.

196 **16.06 LAND DIVISIONS GOVERNED BY THIS CHAPTER.**

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

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

240 **16.07 PARCEL COMBINATIONS AND RECONFIGURATIONS.**

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

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

- 248 (a) Does not result in a subdivision as defined by Wis. Stat. § 236.03(12); and
249 (b) Creates parcels that comply with applicable county and other local ordinances, minimum lay-
250 out requirements in Chapter 236, Wis. Stats., and, if served with private sewerage facilities,
251 Wis. Admin. Code SPS 383 & 385; and
252 (c) Does not change areas previously dedicated to the public; and
253 (d) Does not change a restriction or easement placed on the platted land.

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

257 **16.08 CLASSIFICATION OF LAND DIVISIONS.** Land divisions are classified under this
258 chapter as either:

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

267 (2) County Plat.

268 (a) The creation of five (5) or more lots from a quarter-quarter or government lot contained
269 within a contiguous tract, of which no more than four (4) lots are one and one-half (1½) acres
270 or less in area, either by a division or by successive divisions within a five (5) year period,
271 shall be by a county plat. County plats, while resembling state plats, are not subject to state
272 administration review, but are subject to the surveying requirements of Chapter 236, Wis.
273 Stats., and shall be prepared and submitted for review, approval, dedication, and recording as
274 required by this chapter.

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

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

281 **16.09 SUITABILITY STANDARDS.**

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

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

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

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

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

298 **16.10 DIVISION BY PLAT OF HIGH VALUE AGRICULTURAL LAND.**

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

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

310 **16.11 LIMITATIONS ON LARGE LOT, UNSEWERED DEVELOPMENTS IN AREAS**
311 **WHICH HAVE POTENTIAL FOR SANITARY SEWER SERVICE.** It is declared to be the
312 policy of Dunn County to encourage sanitary sewer service for subdivided developments. In the
313 interest of promoting the orderly use and development of lands and facilitating adequate provi-
314 sions for sewage services, the following standards shall apply to all land divisions:

315 (1) Developments that can be connected to sanitary sewage collection and treatment facilities at
316 the time of development shall have all laterals and services to the property line installed in the

317 course of development and shall be connected to the available treatment system prior to occu-
318 pancy.

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

328 **16.12 COMPLIANCE AND REQUIREMENTS.**

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

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

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

334 (c) State law regulating sanitation and sewerage.

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

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

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

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

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

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

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

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

351 **16.13 ABROGATION AND GREATER RESTRICTIONS.**

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

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

360 **16.14 CONSTRUCTION.** In the interpretation and application of the provisions of this chapter,
361 requirements shall be held to be the minimum requirements and shall be liberally construed in
362 favor of Dunn County, and shall not be deemed a limitation or repeal of any other power granted
363 by the Wisconsin Statutes. References to Wisconsin statutes and administrative code sections
364 shall include all subsequent amendments and successor sections.

365 **16.15 SEVERABILITY.** If any section, clause, provision, or portion of this chapter is adjudged
366 unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter
367 shall not be affected thereby.

368 **16.16 NONLIABILITY.**

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

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

379

SUBCHAPTER II – CERTIFIED SURVEY MAPS

380 **16.20 PRE-APPLICATION CONSULTATION.**

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

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

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

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

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

389 **16.21 CERTIFIED SURVEY MAPS.**

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

392 (2) The subdivider or their designated agent, shall submit a minor subdivision application form
393 provided by the Department, one (1) copy of the certified survey map, the required review fee
394 and, if applicable, a maintenance and repair agreement as required by section 16.43(3)(i), to the
395 Department. Upon receipt of all items required in the submission, the Department shall transmit
396 one (1) copy of the application and the certified survey map to each of the following authorities:

397 (a) Clerk of the town in which the land division is located.

398 (b) Clerk of an adjoining city or village if the land division lies within their extraterritorial plat
399 approval jurisdiction.

- 400 (c) Where applicable, the Dunn County Highway Department or the Wisconsin Department of
401 Transportation.
- 402 (3) Certified survey maps required by this Chapter shall be reviewed and approved prior to
403 recording. The Department shall review and approve, conditionally approve, or reject certified
404 survey maps within ninety (90) days. The ninety (90) day time period shall commence with the
405 submittal of a complete application, the review fee, and certified survey map. The Department's
406 decision shall be stated in writing and based upon the standards of this section, Wisconsin
407 Statutes and all applicable portions of this chapter.
- 408 (4) The Certified Survey Map shall show correctly on the face of the map the following infor-
409 mation in addition to that required by Wis. Stat. § 236.34 and Wis. Admin. Code Chapter A-E 7:
410 (a) Date of preparation.
411 (b) Name and address of the owner of the parcel to be divided or their agent, and surveyor.
412 (c) Location and identity of all existing structures. If there are no existing structures on a pro-
413 posed lot, this must be stated.
414 (d) Location of existing driveways, wells, POWTS tank cover and vents and the approximate
415 outline of the base of any mound system or above grade drain field.
416 (e) Location of any existing wetlands and areas of slope of 20% or greater.
417 (f) Area of each lot and outlot shown in square feet and acres including and excluding any road
418 rights-of-way. Acreage shall be calculated and shown to a minimum of 1/100th of an acre.
419 (g) Discrepancies between surveyed and occupied lines.
420 (h) Public areas to be dedicated, identified as "dedicated to the public".
421 (i) Regional floodplain boundaries and the contour line which is two (2) feet above the regional
422 floodplain boundary line as defined in Wisconsin Administrative Code Chapter NR 116. All
423 parcels shall contain a minimum of ten thousand (10,000) square feet of contiguous land ly-
424 ing above the contour line which is two (2) feet above the regional floodplain boundary line.
425 (j) The following note shall be placed on the map whenever a land division is located within one
426 thousand (1000) feet of a navigable lake, pond or flowage and/or within three hundred (300)
427 feet of a navigable river or stream: "Due to the proximity of (insert name of water body) this
428 parcel may be subject to shoreland zoning setbacks and buffers. Contact the Dunn County
429 Zoning Office for specific details and permitting requirements." The corresponding one thou-
430 sand (1000) foot or three hundred (300) foot offset line shall also be shown and labeled on
431 the map.
432 (k) Apparent easements or private rights-of-way which adjoin or cross the property.
433 (l) Proposed and existing road(s) showing road name and right angle width.
434 (m) A clear and concise legal description that exactly matches the bearings and distances shown
435 on the map. The error of closure for the legal description may not exceed 1 in 3,000.
436 (n) A statement by the surveyor certifying that the provisions of this chapter and any other local
437 ordinances have been fully complied with.
438 (o) The meander line, Ordinary High Water Mark and water's edge labeled where applicable.
439 (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

- 440
441 (r) A 3" x 3" blank square in the upper right hand corner provided on sheet one for recording in-
442 formation by the Register of Deeds.
443 (s) Datum reference for any elevations.
444 (t) If any easement is created or granted on a certified survey map, a mortgagee certificate must
445 be included on the certified survey map if the parcel being divided currently has an open
446 mortgage.
- 447 (5) Any certified survey map containing lands of two or more different owners shall contain a
448 duly notarized owner's certificate executed by all owners.
- 449 (6) The Department may send any Certified Survey Map to State agencies for advisory review
450 and comments upon a determination that such a referral could yield information that might be
451 useful in the review process.
- 452 (7) Where the Department finds that the County requires additional information relative to a par-
453 ticular problem presented by the proposed development in relation to County standards, the De-
454 partment shall have the authority to request such information in writing from the subdivider.
455 Such additional information may include, but not be limited to the following:
- 456 (a) Existing and proposed zoning on the property adjacent to the proposed land division.
457 (b) Identification of surface drainage patterns, showing direction of flow, grading plan with pro-
458 posed contours shown at two (2) foot intervals and indicating the manner and extent to which
459 the drainage patterns will be altered by the subdivision and its development.
460 (c) Contours within the proposed lots and outlots extended to the centerline of adjacent public
461 streets at vertical intervals of not more than two (2) feet or as designated by the Department.
462 (d) Location of existing driveways, wells, water courses, ponds and lakes, and the approximate
463 location of any wetlands.
464 (e) Location and dimensions of all sites to be reserved or dedicated for public use, such as parks,
465 playgrounds, and drainage ways.
466 (f) Any proposed lake or stream access, improvement, or relocation.
467 (g) Identification or the proposed use of all lands within the proposed land division.
468 (h) Identification of sources of water supply and sewage services.
469 (i) Location and names of any adjacent subdivision, parks, cemeteries; identification of the own-
470 ers of record of abutting, unplatted lands; sketch plan for future use; and development of all
471 adjoining lands owned by the subdivider.
472 (j) All lands reserved for future public acquisition.
473 (k) An erosion control plan.
474 (l) Report on soil borings and percolation tests, as required by Wisconsin Administrative Code
475 for all lots not served by public sewer. Locations of borings shall also be shown on the face
476 of the map.
- 477 (7) Certified survey maps shall be recorded pursuant to the requirements of Wis. Stat. §
478 236.34(2). Prior to recording, the subdivider or their representative shall obtain the signatures on
479 the accompanying certificates as required by Wis. Stat. § 236.34.

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

482 (9) All applications for certified survey maps for which the review process has been suspended
483 without an approval or disapproval shall expire twelve (12) months from the date of submission.
484

485 **16.22 RETRACEMENT CERTIFIED SURVEY MAPS.**

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

491 (2) Retracement Certified Survey Maps are subject to all requirements specified in subsections
492 16.21(1), (2), (3), (4), (7) (8), and (9) of this chapter.

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

494 "This Certified Survey Map is not a division of property but solely a retracement
495 and depiction of the land boundaries recorded in (Volume _____ Page _____ or
496 Document Number _____), of Dunn County Records."

SUBCHAPTER III – PLATS

497 **16.30 PRE-APPLICATION CONSULTATION.**

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

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

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

- 512 (a) Site location showing adjacent roads and adjoining development types.
- 513 (b) Proposed land division boundaries and any publicly owned land in the vicinity.
- 514 (c) Approximate topographic and physical features such as steep slopes, bodies of water, wet-
515 land areas, rock outcrops, existing vegetative cover and areas subject to periodic floods. The
516 use of a topographic map as a base is recommended.
- 517 (d) Proposed roads and general lot layout.
- 518 (e) Location of any existing and proposed easements.
- 519 (f) Approximate location of existing or proposed structures, including types of construction.
- 520 (g) Proposed surface water drainage and areas to be filled or graded.
- 521 (h) Description of any contiguous property owned or controlled by the subdivider.

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16.31 APPLICATION AND REVIEW – COUNTY AND STATE PLATS.

(1) Where it is desired to create a County or State Subdivision, the subdivider shall do so by use of a County or State Plat that conforms to the requirements of Chapter 236, Wis. Stats., and all applicable sections of this chapter. The plat shall be prepared by a professional land surveyor licensed in the State of Wisconsin. The subdivider or their designated agent, shall submit a county or state subdivision application form provided by the Department, ten (10) copies of the preliminary plat, the required review fee, and, if applicable, a maintenance and repair agreement as required by section 16.43(3)(i) of this chapter, to the Department. Upon receipt of all items required in the submission, the Department shall transmit one (1) copy of the application and preliminary plat to each of the following authorities:

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

(2) The subdivider or their designated agent shall provide a copy of the preliminary plat to each affected public or private utility.

(3) The Committee, within ninety (90) days of the date of filing of a preliminary plat with the Department shall approve, conditionally approve or reject such plat, unless the time is extended by mutual agreement with the subdivider. The ninety (90) day period shall commence with the submission of a complete application, the review fee, and required copies of the preliminary plat. One (1) copy of the preliminary plat shall thereupon be returned to the subdivider with the date and the action recorded thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One (1) copy each of the plat and letter shall be placed in the Department's permanent file. Failure of the Committee to act within ninety (90) days of the date of filing or within the time as extended by agreement with the subdivider shall constitute an approval.

(4) The Committee shall not approve any preliminary plat that is the subject of an unsatisfied objection from an objecting agency.

(5) The Department shall not place the preliminary plat on the Committee agenda for review unless there has been a complete submittal, including Town Board input, at least fifteen (15) days prior to the required Committee meeting date.

(6) Upon approval of the preliminary plat, the subdivider shall submit ten (10) copies of the final plat on 22" x 30" paper to the Department for review and approval. The final plat shall be based upon a survey by a professional land surveyor licensed in the State of Wisconsin. Upon receipt of a final County or State Plat, the Department shall transmit one (1) copy of the plat to each of the authorities listed in section 16.31(1)(a-g).

(7) The Committee, within sixty (60) days of the date of filing of a final plat with the Department, shall approve, approve conditionally or reject such plat, unless the time is extended by mutual agreement with the subdivider. If approved, the certifications on the plat shall be completed. If approved conditionally, the certifications shall not be completed until the

567 conditions are met. If rejected, a letter setting forth the reasons for rejection shall accompany the
568 plat. Failure of the Committee to act within sixty (60) days of the date of filing or within the time
569 as extended by agreement with the subdivider shall constitute an approval. The sixty (60) day
570 period shall commence with the completed submission of the final plat to the Department.

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

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

576 (10) Relationship between Preliminary and Final Plat:

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

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

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

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

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

593 (13) A final plat rejected by the Committee must be re-submitted for review pursuant to section
594 16.31, including all fees and required copies. Re-submittal of a rejected plat shall commence a
595 new time frame for review purposes.

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

599

600 16.32 PRELIMINARY PLATS. In addition to the requirements of Chapter 236, Wis. Stats., all
601 preliminary county or state plats submitted for review shall state correctly on their face the fol-
602 lowing information:

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

604 (2) The proposed plat name. The plat name shall not duplicate the name of any plat previously
605 recorded in Dunn County.

606 (3) Name and address of the legal owner or agent of the property, developer and surveyor.

607 (4) Location sketch, graphic scale and north arrow.

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

648 writing that additional information be included on the preliminary plat or accompanying
649 documents. Such additional information may include, but shall not be limited, to the items listed
650 in section 16.21(7).

651

652 **16.33 FINAL PLATS.** In addition to the requirements of Chapter 236, Wis. Stats., all final
653 county or state plats submitted shall show correctly on their face the following information:

654 (1) A subtitle of “County Plat” shall be required for all final County Plats.

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

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

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

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

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

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

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

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

675

676 **16.34 RECORDING OF FINAL PLAT.**

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

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

683

684 **16.35 REPLATS; VACATION OR ALTERATIONS OF RECORDED PLATS.**

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

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

690

691 **16.36 IMPROVEMENTS.** No construction or installation of improvements shall commence in
692 a proposed subdivision until the final plat has been approved by all reviewing authorities, unless
693 specifically approved by the by the Committee when the preliminary plat is approved.
694

695
696 **SUBCHAPTER IV – SURVEYING REGULATIONS AND DESIGN STANDARDS**
697

698 **16.40 SURVEYING REQUIREMENTS AND GENERAL PROVISIONS.**

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

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

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

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

712 (5) Division of lands under this chapter shall comply with all applicable provisions of the Dunn
713 County Comprehensive Zoning Ordinance.
714

715 **16.41 DESIGN STANDARDS – GENERAL.** This subchapter shall apply to all divisions of
716 land regulated by this chapter. Land division design shall be planned in proper relation to exist-
717 ing and proposed land divisions, streets, topography, surface water, vegetation cover, and other
718 natural features.
719

720 **16.42 SURFACE DRAINAGE AND EROSION CONTROL.**

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

725 (2) Land divisions shall be designed so as to minimize soil erosion, provide reasonable
726 management of surface water drainage, permit the unimpeded flow of natural watercourses, and
727 provide positive drainage away from on-site sewage disposal facilities. The Committee may
728 require engineering studies of erosion potentials and may impose preventative design
729 requirements. The Committee may require documentation of surface water drainage patterns and
730 may impose design requirements to assure that flows are transported and disposed of without
731 causing undue erosion and siltation of surface waters, undue runoff onto adjoining lands or
732 streets or other rights-of-way or excessive infiltration into locations of on-site waste water
733 disposal facilities. A subdivider may request assistance and consultation from the Dunn County
734 Land and Water Conservation Division in meeting the above requirements.

735 (3) Where a subdivision is traversed by a water course, drainage way, channel, or stream, there
 736 shall be provided a storm water easement or drainage right-of-way conforming substantially to
 737 the natural lines of such water course, and of such width or construction or both as will be
 738 adequate for drainage purposes. Wherever possible, it is desirable that the drainage be
 739 maintained by an open channel with natural or landscaped banks. ~~and adequate width for~~
 740 ~~maximum potential volume of flow.~~

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

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

748 (a) General site plan of the development, including site boundaries, lot and road locations, exit-
 749 ing buildings and vegetative cover.

750 (b) A narrative describing the proposed development, include implementation schedule for the
 751 planned management practices.

752 (c) Soil types, infiltration characteristics, and corresponding hydrological group(s).

753 (d) Watershed boundaries and the direction of surface water flow indicated by arrows.

754 (e) The location of existing and proposed bridges, culverts, catch basins, waterways, drainage
 755 ditches and swales, storm sewers, detention and retention basins, etc., and indicate the size,
 756 dimensions, elevations and grades of each.

757 (f) Existing ground contours at two foot (2') intervals and proposed contours, if applicable.

758 (g) Necessary drainage easements for all drainageways and stormwater management facilities.

759 (h) Erosion control practices.

760 (i) Technical data, including calculations of pre-constriction and post- construction peak flow
 761 rates, assumed runoff curve numbers, and time of concentration used in calculations.

762 (j) A maintenance plan developed for the life of each stormwater management practice includ-
 763 ing required maintenance activities, maintenance schedule and responsible entity.

764 (k) Cost estimates for the construction, operation, and maintenance for each stormwater manage-
 765 ment practice.

766 (l) Other information deemed necessary by Planning and Development Department Staff to ad-
 767 minister this Section.

768 (m) All site investigations, plans, designs, computations, and drawings shall be certified by a Pro-
 769 fessional Engineer, licensed to practice in the State of Wisconsin, to the effect that they have
 770 been prepared in accordance with accepted engineering practices.

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

773 (a) Maintain or lower peak runoff discharge rates as compared to pre-settlement (~~meadow-~~
 774 ~~woods-grass~~) conditions for the twenty-four (24) hour storm event, using the Runoff Curve
 775 Numbers designated 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

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

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

783

784 **16.43 STREETS AND ROADS.**

785 (1) General Considerations for Public and Private Roads. Subdividers shall provide land for
786 roads. Roads shall be designed and improved as provided in this section and located with due
787 regard for existing and planned roads, future subdivisions, topographic conditions, natural terrain
788 and features, and public convenience and safety. These provisions shall apply to all public streets
789 and roads within the jurisdiction of this chapter:

790 (a) For newly created land divisions, right-of-way width shall be at least 66 feet except as pro-
791 vided in section 16.43(3).

792 (b) Any municipality of jurisdiction may impose more restrictive road construction or design
793 standards than those imposed herein. In those situations the municipality of jurisdiction shall
794 be responsible for enforcing those more restrictive requirements.

795 (c) All roads must be numbered pursuant to chapter 23 of the Code of Ordinances. Numbers shall
796 be assigned by the Land Information Office. Before any plat or certified survey map can be
797 approved for recording, road numbers shall be placed on the document to be recorded.

798 (d) Proposed streets within county and state plats shall extend to the boundary lines of the tract
799 being subdivided unless prevented by topography or other physical conditions or unless the
800 Committee finds that such extension is not necessary or desirable for the coordination of the
801 layout of the land division or for the advantageous development of the adjacent tracts.

802 (e) Existing public or private roads or easements that are proposed to provide access to newly
803 created lots shall meet the requirements of this section. If a road does not meet such require-
804 ments, the subdivider shall meet with the town and committee to determine the suitability of
805 the existing road and determine what conditions, if any, need to be met to provide for ade-
806 quate access. Existing roads shall be clearly labeled, and the recording information showing
807 ownership or easement interests shall be shown on the map.

808 (f) The committee may waive the requirements set forth in this section for land divisions with
809 unique topography or other physical features, few lots and little potential to connect with ex-
810 isting or future adjacent land divisions, and the waiver will secure substantially the purposes
811 described in section 16.03 and will not be detrimental to the public safety, health or welfare
812 or injurious to other property.

813 (2) Public Roads. These provisions shall apply to all public roads intended to provide access to
814 newly created parcels.

815 (a) All roads in plats shall be public roads, unless the governing municipality chooses not to ac-
816 cept the roads.

817 (b) An owner's certificate of dedication and a Town or County certificate of approval shall be
818 shown on certified survey maps or plats when public roads are created and dedicated.

819 (3) Private Roads. Except as provided in section 16.43(2), private roads are only allowed on
820 certified survey maps and shall meet the following requirements:

821 (a) No more than 4 lots may be accessed by private road. Right-of-way width shall be a mini-
822 imum of 66 feet. A variance from this requirement may be granted based undue hardship. A

823 ~~minimum of a 33-foot wide right-of-way is required for any private road that will provide ac-~~
824 ~~cess from a public road to not more than two (2) lots. Further division of lands resulting in~~
825 ~~more than 2 lots being accessed by a private road with less than a 66-foot wide right-of-way~~
826 ~~will not be approved. A minimum of 66-foot wide right-of-way shall provide access from a~~
827 ~~public road to no more than 4 lots.~~

828 (b) A private road shall not exceed the greater of 1,320² feet in length or the length of a quarter-
829 quarter section or government lot. Length shall be measured along the centerline to the right-
830 of-way of the nearest connecting through-street.

831 (c) All private dead end roads shall have sufficient side and overhead clearances to allow access
832 and an adequate turnaround for public service vehicles, including, but not limited to, fire and
833 police vehicles, ambulances, public utility vehicles and school buses.

834 (d) Private roads from an existing public road to the newly created lot(s) shall be shown, dimen-
835 sioned, and clearly labeled "Private Road" on the map. ~~The following note shall also be~~
836 ~~placed on the map "Any conveyance of the lots shown on this map must be accompanied by~~
837 ~~a description for the access easement."~~

838 (e) Easements for private roads shall be nonexclusive, i.e., access shall be granted at all times for
839 public service vehicles, including, but not limited to, fire and police vehicles, ambulances,
840 public utility vehicles, and school buses. Private road easements shown on certified survey
841 maps which are not being dedicated shall provide the following note on the face of the map:
842 "Any conveyance of the lots shown on this map must be accompanied by a
843 description for the access easement."

844 (f) For all newly created private roads, the owner of each newly created lot accessed thereby
845 shall hold a fractional interest in such private road either by lot ownership extending to the
846 centerline of the road or by designating the roadway as an outlot which is to be owned in
847 equal percentages by all lot owners.

848 (g) When 2 or more lots are accessed by a private road, an agreement for the repair and mainte-
849 nance of such road must be submitted for approval to the Department at the time of applica-
850 tion. Maintenance agreements shall be recorded with the certified survey map or plat.

851 (h) No person shall sell any parcel of land if it abuts on a road that has not been accepted as a
852 public road unless the seller informs the purchaser in writing of the fact that the road is not a
853 public road and is not required to be maintained by the Town or the County.

854 (i) Any land division that contains a private road shall have the following statement placed on
855 its face:

856 "Access to this property is provided by nonexclusive easement. ___ (insert
857 road/street name)___ as shown on this map is not a public road and the Town of
858 _____ and Dunn County have no responsibility for snow plowing or other
859 maintenance, or for the construction of a driving surface, upon said easement."

860 (4) Arrangement.

861 (a) All streets shall be properly integrated with the existing and proposed system of streets and
862 dedicated rights-of-way and future subdivisions.

863 (b) All streets shall be properly designed to accommodate special traffic generators, such as in-
864 dustries, business districts, schools, churches, and shopping centers.

865 (c) Minor streets shall be laid out to conform as much as possible to the topography, to discour-
866 age use by through traffic, to permit efficient drainage and sewer systems, and to require the
867 minimum amount of streets necessary to provide convenient and safe access to property.

868 (d) The use of curvilinear streets, cul-de-sacs or U-shaped streets shall be encouraged where
869 such use may result in a more desirable layout.

- 870 (5) Half streets. The platting of half streets shall not be permitted without Committee approval.
871 However, where an existing dedicated or platted half street is adjacent to the tract being
872 subdivided, the other half street shall be dedicated by the subdivider.
- 873 (6) Street intersections.
- 874 (a) Streets shall be laid out so as to intersect as nearly as possible at right angles but deflections
875 of up to twenty (20) degrees from right angles will be acceptable. No more than two (2)
876 streets shall converge at an intersection unless specifically approved by the Committee.
- 877 (b) Proposed new intersections along one side of an existing street shall coincide with any exist-
878 ing intersections on the opposite side of such street. Street jogs with centerline offsets of less
879 than one hundred twenty-five (125) feet shall not be permitted. Where streets intersect major
880 streets their alignment shall be continuous.
- 881 (c) The Town Board or Committee may require the subdivider to dedicate or reserve land at in-
882 tersections to the extent deemed necessary to provide adequate sight distances.
- 883 (6) Alleys. Alleys may be required by the Committee where deemed necessary. Alleys in
884 residential districts and dead-end alleys shall be prohibited.
- 885 (7) Alignment. When a continuous street centerline deflects at any point by more than ten (10)
886 degrees, a circular curve shall be introduced having a minimum centerline radius of one hundred
887 (100) feet. A tangent at least one hundred (100) feet in length shall be provided between reverse
888 curves.
- 889 (8) Permanent cul-de-sacs. Permanent cul-de-sacs shall have a minimum turnaround right-of-
890 way radius of 75 feet and a minimum finished driving surface radius of 50 feet. Cul-de-sacs shall
891 have a maximum length of 1,320 feet, or the length of a quarter-quarter section or government
892 lot. Length shall be measured from the radius point of the cul-de-sac along the centerline to the
893 right-of-way of the nearest connecting through-street. These standards shall not be applicable to
894 temporary cul-de-sacs.
- 895 (9) Temporary cul-de-sacs. Temporary cul-de-sacs may be required by the Committee to insure
896 continuity of the road pattern between adjoining subdivisions. The Committee shall determine
897 maximum length, turnaround dimensions and design.
- 898 (10) Floodplain areas. Any part of a street located within a floodplain area shall meet all
899 requirements of Chapter 15, Dunn County Code of Ordinances. All streets located within or
900 passing through floodplain areas shall be constructed in a manner that will not impede the flow
901 of floodwaters.
- 902 (11) Utility easements. The Committee may require easements for electric power and
903 communication facilities, storm and sanitary sewers, gas, water and other utility lines. Easements
904 shall be of sufficient width for the proposed use and shall be placed wherever feasible along lot
905 lines. All easements shall be noted on the final plat followed by a reference to the use for which
906 they are intended.
- 907
- 908 **16.44 ACCESS.**
- 909 (1) All lots shall front on a public or private road or easement.
- 910 (2) Access easements through the lands of others shall be recorded prior to approval of any land
911 division. Documents granting access shall be shown by volume and page or document number
912 on the face of the CSM or plat.
- 913 (3) Land divisions abutting state highways are subject to Wis. Admin. Code Chapter Trans 233.

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

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

918 **16.45 BLOCKS.**

919 (1) General. If a land division includes blocks, the width, length and shape of blocks shall be
920 suited to the planned use of the land, zoning requirements, need for convenient access control
921 and safety of street traffic and topography.

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

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

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

933 **16.46 LOTS.**

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

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

938 (3) Lot dimensions.

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

942 (b) Towns with Town zoning: minimum lot size and width designated in the Town Zoning Ordinance.
943

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

946 (d) Shoreland areas: minimum lot size and width designated in the Dunn County Shoreland Zoning
947 Ordinance.

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

950 ~~(f) In determining the area of a lot for purposes of minimum lot size, fractional results shall be~~
951 ~~rounded down to the nearest whole number.~~

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

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

955 (6) Each lot must contain a net contiguous buildable area of 30,000 square feet or more. Each net
956 contiguous buildable area must be capable of accommodating the building site without disturbing

957 areas with slopes of 20% and greater that existed prior to concept review. ~~Conservation Design~~
958 ~~Development lots are exempt from contiguous buildable area standards unless onsite wastewater~~
959 ~~treatment systems are proposed.~~

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

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

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

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

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

974 (d) Such tests may be waived by the Zoning Office if:

- 975 1. The lots being created are already served by an acceptable on-site POWTS, off-site com-
976 mon sewage disposal system, or municipal sewerage system. To verify that the system is
977 acceptable, an inspection completed by a licensed pumper or plumber must have been
978 performed within thirty-six (36) months prior to approval of the certified survey map by
979 the Department and the report detailing the inspection must have been submitted to the
980 Zoning Office. If the existing system is determined to be failing, steps must be taken
981 with the Zoning Office to ensure a code compliant system is installed; or
- 982 2. The lots being created are intended for uses other than residential and for which an ac-
983 ceptable sewerage disposal facilities plan has been filed with the Zoning Office; or
- 984 3. The lots are being created for land conveyance purposes only.

985 (e) All lots that do not require a minimum of three soil borings to delineate the POWTS area or
986 for any lots created under paragraph (d) above, the subdivider shall prominently place the
987 following restrictive statement on the face of the certified survey map or plat: "A soil and site
988 evaluation may not have been conducted on each lot or parcel. No plumbed structure shall be
989 erected on any lot(s) or parcel(s) unless the requirements of SPS 383 and 385, Wisconsin Ad-
990 ministrative Code, and the Dunn County Ordinances have been met."

991 (f) Holding tank use is prohibited for new construction of residential dwellings on any lot(s).

992 (g) The Zoning Office shall have the authority to require three soil borings to delineate the
993 POWTS area and a preliminary soil evaluation report to be completed and submitted for re-
994 view and approval by the Zoning Office for any lot(s) or parcel(s) regulated under this ordi-
995 nance that exhibits severe limitations for the placement of a POWTS due to soil type or ex-
996 cessive slope conditions.

997 (h) All soil borings required under this Chapter shall be conducted by a Certified Soil Tester li-
998 icensed in Wisconsin.

1000 ~~(a) All lots, except for outlots, being 1½ acres in size or less, shall have a minimum of three soil~~
1001 ~~borings which delineate the private sewage system area and soil test evaluation completed~~

- 1002 and submitted to the Zoning Office for review and approval. Soil boring locations shall be
1003 shown on the preliminary certified survey map or preliminary plat.
- 1004 ~~(b) All lots, except for outlots, being 1½ to 15 acres in size, require a minimum of one soil bor-~~
1005 ~~ing and a soil test evaluation completed and submitted to the Zoning Office for review and~~
1006 ~~approval. Soil boring locations shall be located on the preliminary certified survey map or~~
1007 ~~preliminary plat.~~
- 1008 ~~(c) All lots greater than 15 acres in size do not require soil borings or soil test at the time of divi-~~
1009 ~~sion/platting.~~
- 1010 ~~(d) All lots that do not require a minimum of three soil borings to delineate the private sewage~~
1011 ~~system area and all lots that do not have the soil test evaluation completed and filed with the~~
1012 ~~county shall have the following statement placed on the face of the certified survey map or~~
1013 ~~plat: "A complete soil and site evaluation may not have been conducted on each lot or parcel.~~
1014 ~~No structure shall be erected on any lot(s) or parcel(s) unless the requirements of SPS 383,~~
1015 ~~Wisconsin Administrative Code, and the Dunn County County Ordinances have been met.~~
- 1016 ~~(e) Holding tank use is prohibited for new construction on any lot(s).~~
- 1017 ~~(f) The Zoning Office shall have the authority to require three soil borings to delineate the pri-~~
1018 ~~vate sewage system area and a soil test evaluation to be completed and filed with the County~~
1019 ~~for any lot(s) or parcel(s) regulated under this subchapter that exhibits severe limitations for~~
1020 ~~the placement of onsite sanitary sewage systems due to soil type or excessive slope condi-~~
1021 ~~tions.~~
- 1022 (9) All lots shall have a minimum of thirty-three (33) feet of frontage directly on a public or
1023 private road or easement.
- 1024 (10) Where a contiguous tract is subject to the right-of-way of a public road, any newly created
1025 lot fronting on the public road shall also include that portion of the contiguous tract lying
1026 immediately adjacent to the lot which is subject to the road right-of-way.
- 1027 (11) No lot shall be created if the proposed division will result in a nonconforming structure,
1028 unless an owner's certificate is placed on the certified survey map or plat requiring that the
1029 nonconforming structure be razed or moved in such a way to correct the nonconformity prior to
1030 the conveyance of the surveyed lot.
- 1031 (12) No lot shall be created with more than one (1) existing habitable structure.
- 1032 (13) Any outlots created shall be accompanied with a statement of purpose or use of the outlot.
1033 Outlots shall not be used to circumvent the intent of this ordinance.

1034 **16.47 LANDS NEAR WATER'S EDGE.**

- 1035 (1) Lands lying between the meander line, established in accordance with Wis. Stat. §
1036 236.20(2)(g) and the water's edge, and any otherwise unplattable lands, such as floodways,
1037 which lie between a proposed land division and the water's edge shall be included as part of lots,
1038 outlots or public dedications in any map or plat abutting a lake or stream. This requirement
1039 applies not only to lands proposed to be divided, but also to all lands under option to the
1040 subdivider or in which the subdivider holds an interest and which abut a lake, river or stream as
1041 provided in Wis. Stat. § 236.16(4).
- 1042 (2) Lands located below the Ordinary High Water Mark of any navigable water shall not be
1043 included in the total area of any lot or parcel created under the terms of this chapter.
- 1044 (3) Lots fronting on a navigable body of water shall meet the frontage requirements in section
1045 14.05, Code of Ordinances.

1046 (4) Newly created lots divided by streams must have a contiguous buildable area on at least one
1047 side of the stream including access to the building location.

1048
1049 **16.48 PARKS, PLAYGROUNDS, SCHOOLS AND OPEN SPACE.**

1050 In the design of the subdivision, due consideration shall be given to the preservation of suitable
1051 sites of adequate area for future schools, parks, playgrounds, drainage ways and other public
1052 purposes. Such areas as are shown on an adopted master plat or official map shall be made a part
1053 of the subdivision design. Consideration shall also be given in the design of the subdivision to
1054 the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds,
1055 watercourses, watersheds and ravines.

1056
1057 **16.49 UTILITY PLACEMENT.** Utilities may not place any poles, pedestals, lines (overhead or
1058 underground), within three (3) feet of any monumented Public Land Survey System corner or
1059 property corner. The submittal of any County or State Plat required by this Chapter, shall require
1060 the preceding sentence to be shown on the face of the plat.

1061
1062 **16.50 DEDICATIONS.** Dedications shall be effected as provided in Wis. Stat. § 236.29.
1063 Dedications to the county, other than road dedications, shall require approval of the county board
1064 of supervisors.

SUBCHAPTER V– CONDOMINIUM DEVELOPMENTS

1065 **16.70 CONDOMINIUM DEVELOPMENTS.**

1066 (1) This section is created under the authority of Wis. Stat. § 703.115.

1067 (2) Land divided for the establishment of a condominium plat shall meet the requirements of the
1068 Dunn County Zoning Ordinance or Town Zoning Ordinance in independently zoned towns.

1069 (3) A condominium plat shall be submitted to the Department for review and approval pursuant
1070 to Wis. Stat. § 703.115. The Department shall have ten (10) business days after submission for
1071 its review. If the review is not completed within ten (10) business days the instrument is ap-
1072 proved for recording.

1073 (4) Condominium instruments may not be used to create or alter lots, parcels, outlots, public
1074 streets, or other areas to be dedicated to the public.

1075 (5) The Register of Deeds shall reject condominium instruments that have not been reviewed as
1076 provided in this section.

SUBCHAPTER VI – ADMINISTRATION

1077 **16.80 PLANNING, RESOURCE, AND DEVELOPMENT COMMITTEE.** The Planning,
1078 Resource and Development Committee shall be empowered to ensure proper administration and
1079 compliance with the provisions of this chapter, conduct such hearings and meetings as necessary,
1080 approve, conditionally approve or deny applications under the terms as set forth herein, and set
1081 fees and adjust them from time to time as is deemed necessary.

1082

1083 **16.81 ADMINISTRATION AND ENFORCEMENT.** The Survey Division of the Environ-
1084 mental Services Department shall be responsible for the administration and enforcement of this
1085 chapter. The subdivider shall submit the necessary copies of proposed land division instruments
1086 (applications) and applicable fees to the Department. Copies will then be circulated to the appro-
1087 priate agencies, divisions, or departments for review and recommendations concerning matters
1088 within their jurisdiction.

1089
1090 **16.82 FEES.** Application and review fees shall be established by the Committee and set forth in
1091 an Appendix to this chapter.

1092
1093 **16.83 VARIANCES.**

1094 (1) Where strict application of the provisions of this chapter would impose ~~exceptional or~~ undue
1095 hardship because of unique topographic or other conditions of the land involved or other
1096 conditions predating adoption of this chapter, or to achieve consistency with a City or Village
1097 extraterritorial ordinance, the Committee may approve variances to any requirement of this
1098 chapter to the extent deemed just and proper, provided such variance shall not impair the intent
1099 and purpose of this chapter or be contrary to the Wisconsin Statutes or Wisconsin Administrative
1100 Code.

1101 (2) The Committee shall not grant variances unless it shall make findings based on evidence
1102 presented to it with each request for variance that:

1103 (a) The granting of the variance will not be detrimental to the public safety, health or welfare or
1104 injurious to other properties.

1105 (b) The conditions upon which the request is based are unique to the property for which the vari-
1106 ance is sought and are not applicable generally to other property.

1107 (c) Because of the particular physical surrounding, shape, or topographical conditions of the spe-
1108 cific property involved, a particular ~~exceptional or~~ undue hardship to the owner would result,
1109 as distinguished from a mere inconvenience. Undue hardship shall relate solely to the physi-
1110 cal characteristics of the property. Financial hardship, loss of profit, self-imposed hardships
1111 such as that resulting from unfamiliarity with regulations, deed restrictions, proceeding with-
1112 out required permits, or illegal sales are not sufficient reasons for the granting of a variance.

1113 (3) No variances may be granted under this section that would modify or waive requirements of
1114 any other county ordinance.

1115 (4) A majority vote of the entire membership of the Committee shall be required to grant a
1116 variance of any standard within this chapter and the reasons therefore shall be entered in the
1117 Committee minutes.

1118 (5) All applications for variance shall be in writing and include a review fee to defray the cost of
1119 processing and review. The application shall state fully the grounds and all facts relied upon.

1120 (6) For all approved variances, a notation shall be placed on the Plat or Certified Survey Map
1121 stating the nature of the variance granted and the date of approval by the Committee.

1122
1123 **16.84 APPEALS.**

1124 (1) An applicant for land division approval may appeal a decision of the Department to the
1125 Committee. An appeal must be in writing, shall state with specificity the basis for the appeal, and
1126 must be received within 30 days of the date of the decision of the Department. Upon receipt of
1127 an appeal, the Department shall transmit the appeal to the Committee.

- 1128 (a) The Committee shall, within 40 days of receipt by the Department of a written appeal, review
1129 the appeal against the applicable standards of this ordinance, and affirm, modify, or reverse
1130 the decision of the Department.
1131 (b) The applicant and the Department shall be permitted to make presentations to the Committee
1132 under such terms, conditions and procedures as established by the Committee.
1133 (c) The decision of the Committee and the reasons therefore shall be entered in the Committee
1134 minutes. An extract of the minutes or notice of the decision shall be mailed to the applicant.
- 1135 (2) An applicant aggrieved by a decision by the Committee objecting to a plat or failing to
1136 approve a plat may appeal to the Circuit Court for Dunn County as provided in Wis. Stat. §
1137 236.13(5) within thirty (30) days of notification of the decision. Where failure to approve is
1138 based on an unsatisfied objection, the agency making the objection shall be made a party to the
1139 action.

1140 **16.85 ENFORCEMENT.**

1141 (1) General.

- 1142 (a) No person shall build upon, divide, convey, record or monument any land in violation of this
1143 chapter or the Wisconsin Statutes.
1144 (b) The Dunn County Zoning Office shall withhold all permits where the applicant, owner, or
1145 licensed contractor is in violation of this chapter, and for any parcel of land which has an
1146 outstanding violation of this chapter, until the violation has been corrected.
1147 (c) No approval pursuant to this chapter shall be issued where the applicant is in violation of this
1148 or any ordinance administered by the Department.
1149 (d) No certified survey map or plat shall be recorded unless all applicable requirements of this
1150 chapter have been met.
1151 (e) Assessor's plats may be ordered by the County at the expense of the divider or the owners of
1152 record when a land division is created by successive divisions, not in compliance with this
1153 chapter.

1154 (2) Standards.

- 1155 (a) Any person, firm or corporation who fails to comply with the provisions of this chapter or
1156 who willfully enters into a conspiracy with one or more other persons for the purpose of cir-
1157 cumventing this chapter, shall, upon adjudication of violation, be subject to penalties and for-
1158 feitures established by the county or as provided in Wis. Stat. §§ 236.30, 236.31, 236.32,
1159 236.335, and 236.35. These sections provide penalties for:
- 1160 1. Improperly recording or causing to be recorded a final plat that does not comply with
1161 submittal requirements of Chapter 236, Wis. Stats., or this chapter.
 - 1162 2. Offering for sale lots in a final plat that has not been recorded unless the offer or contract
1163 for sale includes language making the sale contingent upon approval of the final plat, and the
1164 sale void if the plat is not approved.
 - 1165 3. Monuments disturbed or not placed.
 - 1166 4. Subdividing lots that fail to conform to Chapter 236, Wis. Stats., or any applicable Wis-
1167 consin administrative regulation or this chapter.
 - 1168 5. Selling land that abuts on a road that has not been accepted as a public road unless the
1169 seller informs the purchaser in writing that the road is not a public road and maintenance is
1170 not required to be performed by the County or Town.
- 1171 (b) Any failure to take enforcement action on past violations shall not operate as a waiver of the
1172 authority take enforcement action on present violations.

1173 (3) The Department may institute any appropriate action or proceeding against violators of this
1174 ordinance as provided by law or this ordinance, including issuing citations or commencing a
1175 lawsuit seeking forfeitures or injunctive relief, or both.

1176 (4) Forfeitures. Any person, firm or corporation adjudicated for violating this ordinance shall pay
1177 a forfeiture of not less than Two Hundred Dollars (\$200) nor more than Two Thousand Dollars
1178 (\$2,000) and the costs of prosecution for each violation, and in default of payment of such
1179 forfeiture costs shall be imprisoned in the county jail until payment thereof, but not exceeding
1180 ninety (90) days. Each day a violation exists or continues shall constitute a separate offense. In
1181 addition to the penalties noted, compliance may be obtained by creating the necessary documents
1182 under the direction of the County Surveyor and placing the cost thereof on the tax roll as a
1183 special assessment.

1184
1185 **16.86 AMENDMENT.** The Dunn County Board of Supervisors may from time to time amend
1186 the regulations imposed by this chapter. Public hearings on all proposed amendments shall be
1187 conducted by the Committee following publication of a class 2 notice, as required by Wis. Stat. §
1188 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
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Subchapter II – Stormwater Control

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Subchapter IV – Wellhead Regulation

Subchapter V – Wetland Conservation

Working Draft

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.** For purposes of this subchapter, certain words and terms shall have the
45 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 Unpermitted Manure Storage Facility: A storage facility constructed, modified, or placed in use
238 without first obtaining a permit, including facilities constructed before April 18, 2000.

239 Waste Transfer System: Components such as pumps, pipes, conduits, valves, and other
240 mechanisms installed to convey manure, leachate and contaminated runoff, and milking center

241 wastes from livestock structures to a storage structure, loading area, or treatment area. Waste
242 transfer system may include permanently installed conveyance systems necessary to transfer
243 material from the source to a storage facility, treatment facility or system, loading area, or
244 cropland, and does not include vehicles, temporary surface pipes or hoses.

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

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

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

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

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

263

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

265 (1) General Requirement. Any person who constructs, enlarges, substantially alters, changes the
266 use of, or closes a manure storage facility or parts thereof; or who employs another to do the
267 same shall be subject to the provisions of this ordinance.

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

274 (3) Nutrient Application. With the exception of the closure of manure storage facilities, those
275 receiving a Manure Storage Construction Permit issued under the authority of this subchapter
276 shall be required to implement an approved nutrient management plan in accordance with Wis.
277 Admin. Code § ATCP 50.04(3)(e) and verify the ability of the applicant to comply with the
278 USDA-NRCS Technical Standard for Nutrient Management (590). Each year prior to April 1st
279 an updated nutrient management plan and checklist shall be provided to the Division covering all
280 cropland receiving manure from all manure storage facilities constructed after April 18, 2000.
281 Manure storage facility closures are required to remove and properly dispose of all accumulated
282 manures and contaminated soil in the manure storage facility in compliance with the USDA-
283 NRCS Technical Standards for Nutrient Management (590).

284 (4) Unconfined Manure Piles. The temporary stacking of manure on the ground surface does not
285 require a permit. The location of temporary stacks in water quality management areas is
286 prohibited. Stacks of any size in violation of this prohibition must be removed. Such removal
287 may include cleanup or other remediation as determined by the Division.

288 (5) Idle Manure Storage Structures.

289 (6) Performance Standards and Prohibitions. Any person who stores manure, owns or operates
290 cropland or livestock facilities in Dunn County is subject to the performance standards and
291 prohibitions in section 10.09, regardless of whether they have received a permit under this
292 ordinance. This Ordinance incorporates by reference the definitions in Chapter ATCP 50 and NR
293 151, Wisconsin Administrative Code, to the extent they are not explicitly referenced herein.

294 (7) Waste Transfer Systems. Installation of any new waste transfer system or the substantial
295 replacement of any existing system shall be subject to all applicable provisions of this
296 subchapter.
297

298 **10.09 PERFORMANCE STANDARDS AND PROHIBITIONS**

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

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

303 **(3)** Tillage Setback. No crop producer may conduct a tillage operation that negatively impacts
304 stream bank integrity or deposits soil directly in surface waters. No tillage operations may be
305 conducted within 5 feet of the top of the channel of surface waters. Tillage setbacks greater than
306 5 feet but no more than 20 feet may be required to meet this standard. Crop producers shall
307 maintain the area within the tillage setback in adequate sod or self-sustaining vegetative cover
308 that provides a minimum of 70% coverage. This subsection does not apply to grass waterways
309 installed as conservation practices.

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

315 **(5)** Nutrient Management.

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

318 (b) This performance standard does not apply to industrial waste and byproducts regulated under
319 Wis. Admin. Code Ch. NR 214, municipal sludge regulated under Wis. Admin. Code Ch. NR
320 204, or septage regulated under Wis. Admin. Code Ch. 113.

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

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

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

- 370 1. Volume and frequency of the discharge.
371 2. Location of the source relative to receiving waters.
372 3. Means of process wastewater conveyance to waters of the state.
373 4. Slope, vegetation, rainfall, and other factors affecting the likelihood of process
374 wastewater discharge to waters of the state.
375 5. Available evidence of discharge to a surface water of the state or to a direct conduit to
376 groundwater.
377 6. Whether the process wastewater is discharged to a site that is defined as a site that is
378 susceptible to groundwater contamination.
379 7. Other factors relevant to the impact of the discharge on water quality standards of the
380 receiving water or to groundwater standards.

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

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

385 (b) New construction and alterations.

- 386 1. New or substantially altered manure storage facilities shall be designed, constructed, and
387 maintained to minimize the risk of structural failure of the facility and to minimize
388 leakage of the facility in order to comply with groundwater standards. The levels of
389 materials in the storage facility may not exceed the margin of safety level. Storage
390 facilities that are constructed or significantly altered on or after January 1, 2011, shall be
391 designed and operated to contain the additional volume of runoff and direct precipitation
392 entering the facility as a result of a 25-year, 24-hour storm.
393 2. A new manure storage facility means a facility constructed after October 1, 2002.
394 3. A substantially altered manure storage facility is a manure storage facility that is
395 substantially altered after October 1, 2002.

396 (c) Closure.

- 397 1. **Closure of a manure storage** facility shall occur when an operation where the facility is
398 located ceases operations or manure has not been added or removed from that facility for
399 a period of 24 months. Manure facilities shall be closed in a manner that will prevent
400 future contamination of groundwater and surface waters.
401 2. The owner or operator may retain the facility for a longer period of time by
402 demonstrating to the Division that all of the following conditions are met:
403 a. The facility is designed, constructed and maintained in accordance with section
404 10.09(9)(b).
405 b. Retention of the facility is warranted based on anticipated future use.

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

411
412 **10.10 INTERPRETATION OF STANDARDS**

413 (1) Standards for Evaluating Sheet, Rill, and Wind Erosion. The standards for evaluating sheet,
414 rill, and wind erosion shall be the Revised Universal Soil Loss Equation II (RUSLE2) equation

415 or the Wind Erosion Prediction System (WEPS) models published by NRCS. Copies of RUSLE2
416 and the WEPS models are on file with the Land and Water Conservation Division.

417 (2) Standards for Design and Construction of Manure Storage Facilities. The standards for design
418 and construction of manure storage facilities shall be the current standards in the NRCS
419 Technical Guide, including but not limited to 303 Waste Storage Facility; 367 Roofs and Covers;
420 520 Pond Sealing or Lining, Compacted Soil Treatment; 521 Pond Sealing or Lining,
421 Geomembrane or Geosynthetic Clay Liner; 522 Pond Sealing or Lining, Concrete; 558 Roof
422 Runoff Structure; 634 Waste Transfer; and, 629 Waste Treatment and any amendments to these
423 standards.

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

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

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

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

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

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

450 **10.11 COST SHARE REQUIREMENT.** An owner or operator of an agricultural facility or
451 practice that is in existence before October 1, 2002, may not be required to comply with the
452 performance standards, prohibitions, conservation practices or technical standards under this
453 subchapter unless cost-sharing is available from any source, to the owner or operator. A
454 determination that cost-sharing is available to meet the performance standards, prohibitions,
455 conservation practices or technical standards under this subsection will be determined in
456 accordance with Wis. Admin. Code §§ NR 151.09(4)(d) or NR 151.095(5)(d) when funding is
457 provided under Wis. Stat. § 281.65, and will be determined in accordance with Wis. Admin.

458 Code Ch. ATCP 50 when funds are from any other source. Cost sharing under this section is
459 only required for the minimum practice necessary to meet the performance standards and
460 prohibitions.

461 **10.12 APPLICATION FOR AND ISSUANCE OF PERMITS.**

462 (1) Permit Required. Except as hereinafter provided, no person may undertake any activity
463 subject to this ordinance without first obtaining an Animal Waste Storage Permit from the
464 Division.

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

468 (3) Exception to Permit Requirement. Emergency repairs of broken pipes or equipment, leaking
469 dikes, or the removal of obstructions may be performed without a permit from the Division. If
470 such repairs alter the original design and construction of the facility, the person who initiates
471 such repairs shall make a report to the Division within 10 (ten) days of the emergency. The
472 determination as to the need for additional work and or the need for a permit will be rendered by
473 the Division within 10 (ten) days of the aforementioned report.

474 (4) Plan Requirements. Plan Requirements for Nutrient Management and Abandonment that
475 parallel those specified in the application will be added here. Dan Prestebak will review.

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

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

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

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

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

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

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

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

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

496 (d) All activities authorized by permit must be completed within 2 (two) years from the date of
497 issuance after which time such permit shall be void.

498 (e) The permittee shall give 3 (three) working days' notice to the Division before starting any
499 construction activity authorized by the permit.

- 500 (f) Within 60 (sixty) days upon completion, the project engineer must issue a Post Construction
501 Documentation Report to the Division signed by the project engineer stating that
502 documenting and certifying that the new or altered waste storage facility is constructed
503 according to the NRCS Technical Standards.
- 504 (g) After receiving and reviewing a complete Post Construction Documentation Report, the
505 Division will issue a Final Certification.
506

507 **10.13 PERMIT FEE.** The permit fee for constructing, enlarging or substantially altering a
508 manure storage facility shall will be will be \$350.00. No fee will be assessed for permits to close
509 idle manure storage facilities or if the applicant is subject to a Dunn County Livestock Siting
510 Permit.
511

512 **10.14 PERMIT REVOCATION.** The Division may revoke any permit issued under this
513 subchapter if the person issued the permit has misrepresented any information in the permit
514 application or animal waste facility plan, or if the person violates any of the conditions of the
515 permit.
516

517 **10.15 ADMINISTRATION.**

518 (1) Administrative Authority. The Division will administer and enforce this ordinance based
519 upon technical review and assistance from the NRCS and Wisconsin Department of Agriculture,
520 Trade, and Consumer Protection (DATCP), engineering staff.

521 (2) Administrative Duties. In the administration and enforcement of this ordinance, the Division
522 shall:

- 523 (a) Keep an accurate record of all permit applications, animal waste storage facility plans,
524 nutrient management plans, permits issued, inspections made, and other official actions.
- 525 (b) Review permit applications and issue permits in accordance with section 10.12.
- 526 (c) Inspect animal waste storage facility construction to insure the facility is being constructed
527 according to plan specifications.
- 528 (d) Investigate complaints relating to compliance with this ordinance.
- 529 (e) Perform other duties as specified in this ordinance.
- 530 (f) Provide technical services and oversight to the applicant.

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

534 (4) Enforcement Authority. The Division shall be authorized to post a Stop Work Order on land
535 that has had a permit revoked or is currently undergoing activity that is violating this subdivision.
536 Notice shall be given to a violator of this subdivision by both posting one or more copies of a
537 legal notice on the site stating the violation and by mailing the landowner a copy of the order.
538 The order shall specify that the activity shall cease immediately. Any permit revocation or order
539 stopping work shall remain in effect until retracted by the Committee, the Division, or by a court
540 of competent jurisdiction. The Division is authorized to refer any violation of this ordinance or of
541 a Stop Work Order issued pursuant to this subdivision to the Corporation Counsel for
542 commencement of legal proceedings.

543 (5) Violations. A violation includes any failure to comply with any standard of this subdivision
544 or with any condition or qualification attached to any permit or any failure to comply with notice

545 of a permit revocation or stop work order. Each day that a violation exists shall be a separate
546 offense.

547 (6) Penalties. Any person who violates, neglects, or refuses to comply with, or resists the
548 enforcement of, any of the provisions of this ordinance shall be subject to a forfeiture of not less
549 than \$10.00 (ten dollars) nor more than \$200.00 (two hundred dollars) per day.

550 (7) Enforcement Injunction. As a substitute for, or an addition to, forfeiture actions, the County
551 may seek enforcement of any part of this by court actions seeking injunctions or restraining
552 orders.

553 (8) No variance from the provisions of this subchapter shall be granted.

554

555 **CITATION AUTHORITY**

556

557 **10.16 APPEALS FROM ADMINISTRATIVE DECISIONS.**

558 (1) Authority. Under the authority of Chapter 68, Wis. Stats., the Dunn County Land
559 Conservation Committee, acting as an appeal authority under Wis. Stat. § 68.09(2), shall hear
560 and decide appeals where it is alleged that there is error in any order, requirement, decision, or
561 determination by the Division in administering this Ordinance. **Check Statute**

562 (2) Procedure. Any appeal shall be made by written request mailed or delivered to the Dunn
563 County Land Conservation Committee, c/o Dunn County Land & Water Conservation Division.
564 The request shall state the ground or grounds upon which it is contended that the decision should
565 be modified or reversed. The Committee shall review the determination under appeal within 30
566 days.

567 (3) Who May Appeal. Appeals may be taken by any person having a substantial interest which is
568 adversely affected by the order, requirement, decision, or determination for which review is
569 sought.

RED = no progress, or need further direction

ORANGE = in progress

GREEN = substantial progress already completed

RECOMMENDATION	WORK PLAN ELEMENT(S)	PROGRESS TO DATE
<p>Adopt policies to preserve and protect Dunn County groundwater resources</p>	<p>Adopt a Stormwater Management Ordinance</p>	<p>PR&D Committee should consider analysis of staff time needed to achieve this</p>
	<p>Adopt an Erosion Control Ordinance</p>	<p>PR&D Committee should consider analysis of staff time needed to achieve this</p>
	<p>Revise existing ordinances (or consider new ordinances) to require buffers around wetlands</p>	<p>PR&D Committee should consider how best to incorporate wetland protections into new or existing ordinances 08/25/2020 75 foot wetland buffer setback included in draft Survey Ordinance</p>
	<p>Revise the Dunn County code of ordinances to grant citation authority to the Dunn County Environmental Services Department (ENS) Revise the Dunn County Subdivision Ordinance</p>	<p>9/24/19 Corporation Counsel presented on ongoing efforts to draft this ordinance 9/24/19 Corporation Counsel presented on ongoing efforts to update this ordinance 08/25/2020 Committee review of draft Subdivision Ordinance 08/25/2020 Committee review of draft Manure Storage Ordinance</p>
<p>Support and encourage land use BMPs throughout Dunn County</p>	<p>Establish a county initiative to support agricultural diversity as an economic development and water quality strategy</p>	<p>No action currently, PR&D should review implementation plan for this item</p>
	<p>Implement Nutrient Management Plans (NMPs) on 100% of cropland and pasture land in Dunn County</p>	<p>Current level of NMP participation in Dunn County: 26% NOTE: Land & Water Conservation Division continues to implement a wide range of BMPs across Dunn County including dams, waterways, cover crops, soil sampling, etc.</p>
	<p>Promote a farmer-led rotational grazing initiative</p>	<p>No action currently, held until 2020</p>
<p>Adopt and maintain the most current mapping technologies to provide easily accessible Dunn County land use information</p>	<p>Aggregate existing spatial data relevant to groundwater protection into a mapping tool for use internally for project review and for use by the public to access important information and data</p>	<p>Land Information staff has created an online tool to summarize all water sampling data for viewing by staff & public; needs minor edits before launch. Presentation planned for PR&D 9/8/2020</p>
<p>Incorporate the protection of water resources into the Comprehensive Land Use Plan as well as other long-term Dunn County plans</p>	<p>Update the Dunn County Comprehensive Land Use Plan to recognize groundwater as a valued resource and prioritize specific ways to preserve and protect the resource</p>	<p>Comprehensive Land Use Plan currently being updated; PR&D Committee should consider emphasis on increasing towns participating in FPP/AEA as a means to increase NMP participation 08/04/2020 A Petition to expand the Town of Grant AEA submitted and approved by DATCP 08/25/2020 Comprehensive Plan update in progress</p>
	<p>Develop a water quality campaign to engage and collaborate with stakeholders and community groups Develop an informational campaign for the agricultural community Present all proposed recommendations to Dunn County towns, villages, and cities</p>	<p>10/8/19: Tainter-Menomin Lake Improvement Association Annual Meeting 10/17/19: Dr. Borchartt Water Quality Talk Health Dunn Right: Health Environment Action Team formed 01/25/2020 Groundwater model presentation at Community Conversation (Travis) 02/24/2020 EPHT report maps as part of Water Quality presentation at the County 02/24/2020 County Board Legislative Agenda night presentation (Tom Quin) 07/28/2020 LWCD shared CGS Phase II Results with PR&D Committee 8/6/19: Lake Family Farms Summer Field Day 12/17/19: Red Cedar Conservation Farmers Winter Workshop (Dr. Borchartt) Health Dunn Right: Health Environment Action Team formed 02/25/2020 Dunn County Farm Bureau Meeting (Dan) 05/2020 Closed one idle manure storage structure, Town of Wilson 05/2020 Closed two abandoned well, Towns of Tainter and Eau Galle 05/26/2020 DATCP Targeted Sampling Summary Report 2019 to PR&D 10/7/19: Town of Dunn Plan Commission 10/7/19: Town of Rock Creek Plan Commission 10/9/19: Town of Dunn Board Meeting 10/16/19: Dunn County Board Meeting 10/21/19: Town of Peru Board Meeting 10/27/19: WI Town's Association, Dunn County Chapter Meeting</p>

RED = no progress, or need further direction

ORANGE = in progress

GREEN = substantial progress already completed

<i>Increase the amount of monitoring of private wells and septic systems in Dunn County including the implementation of a well testing program</i>	<i>Establish voluntary monitoring of private wells and septic systems</i>	<i>PR&D Committee should consider analysis of staff time needed to achieve this</i>
	Launch a voluntary well testing program	EPHT Grant: testing in Towns of Dunn, Peru, Spring Brook, and Rock Creek (76 samples collected), summary/map EPHT Grant: 20 Phase II samples collected and delivered to the WEAL Lab on 02/19/2020 for pharmaceutical and ag chemical analysis. (LWCD0 Results returned to Dunn County on April 15 th . Red Cedar Conservation Farmers: testing in Towns of Grant, Wilson, Sand Creek, etc (26 samples collected) 01/25/2020 Red Cedar Conservation Farmers Grant amended to include \$5,000 for surface and ground water sampling 08/07/2020 LWCD staff met with a Town of Colfax resident to explore combining RCCF ground water sampling with planned sampling in the Town of Colfax
<i>Establish a Water Resources Council to provide ongoing coordination and support for water quality and quantity issues in Dunn County</i>	<i>Establish a Water Resources Council to provide ongoing collaboration on water quality and quantity issues with interested stakeholders</i>	<i>PR&D Committee should consider how to structure this proposed council for success and determine what the role of this group might be</i>
Provide citizens and staff of Dunn County with an easily accessible online resource for accessing information, resources, and data about water resources in Dunn County	Create a water quality web page that will provide citizens with resources, information, and a point-of-contact staff member	Through partnership with Public Health Department, a UW-Stout student will be hired to develop this web page

DUNN COUNTY, WISCONSIN
RESOLUTION NO. _____

2020 Budget Adjustments

NOW, THEREFORE, BE IT RESOLVED by the Dunn County Board of Supervisors that, effective with the publication of notices required by law, the budget of the County of Dunn for the year beginning January 1, 2020, is amended by the following amounts to the line item account numbers show:

Environmental Services Department

Environ Services - Grants

Cost Center # 2100010900

	Expense	Revenue
432000 Federal – Grants (G210000018.2020)		\$ 50,000
511005 – Attendance Hours	\$ 47,500	
533125 – Training	\$ 500	
534260 – Supplies	\$ 2,000	

BE IT FURTHER RESOLVED that the Department of Administration is authorized to enter and maintain the information contained herein in a manner based upon generally accepted accounting standards and that, effective with the publication of the proceedings of this meeting, these changes are hereby adopted.

Offered this 16th day of September 2020 at Menomonie, Wisconsin.

OFFERED BY THE EXECUTIVE COMMITTEE:

Adopted on: _____

David Bartlett, Chairperson

ATTEST:

Approved as to Form and Execution:

Julie A. Wathke, County Clerk

Nicholas P. Lange, Corporation Counsel

Budget Impact: Adoption of this resolution by the Executive Committee and the County Board of Supervisors increases the 2020 adopted budget by \$50,000. All expenditures are offset by revenues received from a federal grant. Adoption of this resolution has no impact on the current year tax levy.

Background Information: The Planning, Resources, & Development Committee have considered the applicable request justifications for these proposed adjustments to the 2020 budget and recommends that the County Board adopt the adjustments as being in the best interest of the County.

Environmental Services Department

This budget adjustment reflects a Technical Assistance Grant awarded by the National Association of Conservation Districts for assisting landowners and the Natural Resources Conservation Service with implementation of the Environmental Quality Incentives Program (EQIP) and Conservation Security Program (CSP).

Beaver Creek Reserve Lake Protection and Monitoring Program

For the past two years, Beaver Creek Reserve piloted a five-county network model providing aquatic invasive species and lake services in Dunn, Chippewa, Eau Claire, Pepin, and Pierce Counties. The Wisconsin Department of Natural Resources' (WDNR) funding and Beaver Creek Reserve provided core services contained within the consolidated Surface Water Grant Program administered under Wis. Admin. Code NR 193. This pilot program was a success and will be offered in the form of the WDNR's new Lake Protection and Monitoring Program to counties who wish to participate starting with the 2021 grant cycle. Under this program, Dunn County would be eligible for up to \$11,764.68 to support these activities.

Some of the work included in this pilot program that took place within Dunn County included aquatic invasive species (AIS) outreach and education, coordination of volunteer AIS monitoring events, survey and replacement of AIS signage on Tainter Lake, and the training and coordinating of volunteers to complete *Citizen Lake Monitoring Network* activities and *Clean Boats, Clean Waters* watercraft inspections.

In 2021, Dunn County has two options to participate:

Option 1: A County may submit an application to receive allocated funding and enter into an agreement with the DNR to conduct the cooperative work.

Option 2: Counties may choose to designate an agent to act in their stead as the provider through a Memorandum of Understanding (MOU). Funding would go directly to the agent and the agent would be responsible for doing the work, reporting and administration (Beaver Creek Reserve is welcoming this option and is working with surrounding counties).

COUNTY OF DUNN, WISCONSIN

RESOLUTION NO. _____

**Adopting Public Participation Procedures for
the Comprehensive Land Use Plan Amendment**

NOW, THEREFORE, BE IT RESOLVED by the Dunn County Board of Supervisors that Resolution 2008-50 is repealed.

BE IT FURTHER RESOLVED that the Dunn County Board of Supervisors does hereby adopt the following public participation procedures for the pending full review and update of the Dunn County Comprehensive Plan.

- 1. Notice to Local Governmental Units:** The governmental units of adjacent or overlapping jurisdiction shall be notified of Dunn County's undertaking of the full review and update of the Comprehensive Plan (Plan), and their input will be sought on interjurisdictional issues concerning land use, municipal boundaries and service provision.
- 2. Local Meetings:** The County Planner (Planner) will attend a minimum of one meeting with each town and village in Dunn County and the City of Menomonie to discuss the County's planning process, solicit comments regarding the County's Future Land Use Map, Goals and Objectives. Before scheduling these meetings, the County will issue a Press Release explaining its planning process, announcing that meetings with local jurisdictions will be scheduled along with contact information. Prior to each local meeting the County will also post on its website an invitation, the Future Land Use Map and other relevant portions of the Plan. The invitation will provide the date, time and location of the meeting, contact information and it will encourage the public to attend and provide comments, noting that if submitted, all written comments will receive a written response. As a means to remain transparent and inclusive, the County will encourage each jurisdiction to implement similar notification procedures.
- 3. Planning, Resources and Development Committee:** The Planning, Resources and Development Committee (Committee) will work with and advise the retained consultant and the Planner during the planning process, review and provide input on Plan drafts, review and respond to written comments, conduct the public hearing and forward its recommendations to the Board of Supervisors. All Committee meetings shall be open to the public and shall be properly noticed to the public as required by law. A period for public comment will be provided at each meeting of the Committee.
- 4. Stakeholder Interviews.** The Planner and the Committee will identify key stakeholders. The Planner and/or consultant will conduct stakeholder interviews to gather their comments about the Plan.
- 5. Dunn County Website:** The County will utilize its website to provide information related to scheduled meetings, Plan amendments including draft copies of each chapter, public comment sheets, contact information and the public will be encouraged to review the Plan, attend meetings and submit comments.
- 6. Receive and Respond to Written Comments:** Pursuant to Wis. Stat. § 66.1001(4)(a) the public may submit to the Committee written comments on the Plan. The Committee shall consider and respond to written comments regarding the plan.
- 7. Listening Sessions.** Prior to scheduling a public hearing on the plan before the Committee, the County will conduct a minimum of two Listening Sessions (Sessions). Before scheduling these Sessions, the County will issue a Press Release that; explains the

planning process, the importance of the Sessions, provides the time, date and location of each Session and contact information. In addition, the County will post on its website a copy of the Plan and the invitation. The invitation will provide the date, time and location of each session, contact information and it will encourage the public to attend and provide comments, noting that if submitted, all written comments will receive a written response and identify locations where paper copies of the Plan can be viewed. To receive maximum participation the Sessions will be scheduled on different dates and at different locations.

8. Property Owners or Persons with a Leasehold Interest in Property where Nonmetallic Minerals may be Mined: The consultant will work with Planner to identify the above and distribute proposed, alternative, or amended elements of the Plan to owners of property, or to persons who have a leasehold interest in such property where the allowable use or intensity of use of the property is changed by the Plan. Notification will explain the proposed change and how to provide comments to the County. At least 30 days before the public hearing is held, Dunn County shall provide written notice to all of the following:

- An operator who has obtained, or made application for, a permit that is described under Wis. Stats. § 295.12(3)(d);
- A person who has registered a marketable nonmetallic mineral deposit under Wis. Stats. § 295.20;
- Any other property owner or leaseholder who has an interest in property pursuant to which the person may extract nonmetallic mineral resources if the property owner or leaseholder requests in writing that the local governmental unit provide the property owner or leaseholder notice of the hearing described in Wis. Stat. § 66.1001(4)(d).

9. Provide a Copy to Adjacent Communities: The County will provide a copy of the proposed Plan amendment to adjacent communities, agencies and other entities to review and comment before the public hearing.

10. Public Hearing: The Committee shall conduct a public hearing on the proposed Plan prior to its adoption by ordinance by the County Board of Supervisors. The public hearing shall be preceded by a Class 1 notice under Chapter 985, Wis. Stats., published at least 30 days before the hearing is held. A press release shall be issued regarding the public hearing and the public will be invited to attend the hearing to comment on the proposed Plan or to submit written comments. The public hearing will offer an opportunity for the public to comment on the Plan.

11. Distribution of Adopted Plan: After the proposed amended Plan is adopted by the County Board of Supervisors, copies will be distributed to:

- Every governmental body that is located in whole or in part within the boundaries of Dunn County.
- The clerk of every local governmental unit that is adjacent to Dunn County, which is the subject of the plan.
- The Wisconsin Department of Administration.
- The West Central Regional Planning Commission.
- The public libraries that serve Dunn County.

12. No Limitation by Enumeration: The Committee or the Planner may implement additional procedures and methods for public participation consistent with these listed above, provided that they are consistent requirements of state law.

Offered this 16th day of September, 2020, at Menomonie, Wisconsin.

OFFERED BY THE PLANNING, RESOURCES
AND DEVELOPMENT COMMITTEE:

Adopted on: _____

Thomas Quinn, Chair

ATTEST:

Approved as to Form and Execution:

Julie A. Wathke, County Clerk

Nicholas P. Lange, Corporation Counsel

Budget Impact: Adoption of this resolution will not impact the 2020 budget.

Background Information: The County of Dunn, through the Planning, Resources and Development Committee, is in the process of preparing a full review and update of the Dunn County Comprehensive Plan [hereinafter "Plan"].

Wis. Stat. § 66.1001(4)(a) requires the governing body of the local governmental unit adopt by resolution written procedures that are designed to foster public participation, including open discussion, communication programs, information services, and public meetings for which advance notice has been provided in every stage of the preparation of the Plan. The procedures must provide for wide distribution of proposed, alternative, or amended elements of the Plan and provide an opportunity for written comments on the Plan to be submitted by members of the public to the governing body and for the governing body to respond to such written comments, and describe the methods to be used to distribute proposed, alternative, or amended elements of the Plan to owners of property, or to persons who have a leasehold interest in property where they may extract nonmetallic mineral resources in or on such property, in which the allowable use or intensity of use of the property is changed by the Plan. The procedures established in this resolution will accomplish these stated goals.

The County Board of Supervisors last established formal procedures for public input by Resolution 2008-50, which was adopted on May 21, 2008. This resolution and the procedures established herein will replace those previously adopted.