

**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, November 10, 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:** October 27, 2020
- 4. Public Hearing - None**
- 5. Staff Reports**
 - A.** Register of Deeds monthly report
 - B.** Environmental Services Department monthly division reports
 - C.** Discussion on staffing for Sanitation Maintenance Records and data entry
 - D.** Review of Draft Manure Management Ordinance
- 6. Items placed at the request of the Chair - None**
- 7. Consideration of Actions to be taken by the Planning, Resource and Development Committee - None**
- 8. Consideration of Reports, Resolutions and Ordinances to the County Board from the Planning, Resource and Development Committee - None**
- 9. Announcements**
- 10. Future meeting date and any agenda items:** November 24, 2020
- 11. Adjournment**

Tom Quinn, Chairman

Tom Carlson, Recording Secretary

**COUNTY OF DUNN
MENOMONIE, WISCONSIN
MINUTES**

**Minutes of the Meeting of the
Dunn County Planning, Resources and Development Committee
Held on October 27, 2020, by Teleconference**

Draft

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), Diane Morehouse, James Anderson, and Mike Kneer. Others present: Dave Bartlett (County Board Chair) and Keith Strey (CFO).
3. **Approval of Minutes.** Supervisor Morehouse made a motion to approve the minutes from the October 13, 2020 meeting as distributed. Supervisor Anderson seconded the motion. The motion was approved by voice vote.

4. **Public Hearing.** None.

Without objection, Chair Quinn moved ahead to Agenda Item 8.A. 2020 Budget Adjustment – Register of Deeds. Heather Kuhn, Register of Deeds explained the budget adjustment. Keith Strey, (CFO) also provided information to the committee. Supervisor Anderson made a motion to approve the 2020 Budget Adjustment for the Register of Deeds. Supervisor Kneer seconded the motion. The motion was approved by voice vote.

5. **Staff Reports. Discuss contracting for sanitation inspections and associated impacts to the Land Use Fee Schedule.** Robert Colson, Planning and Zoning Administrator, presented a report to the committee. Discussion by the committee.
6. **Items Placed at the Request of the Chair.** None.
7. **Consideration for Actions to be taken by the Planning Resources and Development Committee.** None.
8. **Consideration for Reports, Resolutions and Ordinances to the County Board from the Planning Resources and Development Committee.**
 - a. **2020 Budget Adjustment – Register of Deeds.** This item was acted upon earlier in the meeting.

- b. **Resolution adopting a Land Use Fee Schedule for 2021.** Supervisor Morehouse made a motion to adopt the Land Use Fee Schedule for 2021. Supervisor Kneer seconded the motion. The motion was approved by voice vote.

9. **Announcements.** Tom Carlson announced that Diane Duerst has accepted a new job outside of Dunn County and will no longer be recording the minutes for the committee meetings. Janell Newcomb from the Land and Water Conservation Division will be assuming those duties for 2021 as well as for the remainder of 2020. Bob Colson announced that he would be the Zoom host for the November 10, 2020 committee meeting.

10. **Future meeting date and any agenda items:** November 10, 2020

11. **Adjournment.** There being no further business, Chairman Quinn declared the meeting adjourned at 8:47 a.m.

Respectfully Submitted,
Tom Carlson,
Recording Secretary



DUNN COUNTY REGISTER OF DEEDS

Heather M. Kuhn
Register of Deeds

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

(715) 232-1228

November 2, 2020

TO: Planning, Resources & Development Committee

RE: Register of Deeds – Staff Report

During the month of October, we received an upgrade to our recording and researching software. This upgrade required additional virtual training for staff and affected both the online users as well as the internal county users. Thank you to Matt Manier/IT for coordinating with the software vendor to help make the upgrade successful and a smooth transition.

I attended the Wisconsin Register of Deeds Association (WRDA) Fall Meeting, held virtually, which included a session regarding remote online notarization and a presentation by the state vital records office.

We are still juggling employees' schedules to be sure we have coverage to meet the demands of the public while trying to maintain a safe work environment.

In comparison to issuing 477 certified copies in September, we issued 533 certified copies of vital records in October. There were 29 new marriages filed and 25 death certificates filed.

Total # of Documents recorded

| | |
|----------------|-----|
| October 2018 | 582 |
| October 2019 | 712 |
| September 2020 | 932 |
| October 2020 | 765 |

Thank you,

Heather M. Kuhn
Dunn County Register of Deeds

COUNTY OF DUNN

Environmental Services Department

Survey Division

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

Email: tcarlson@co.dunn.wi.us



TO: Planning, Resource and Development Committee

FROM: Tom Carlson

SUBJECT: October 2020 Staff Report

DATE: November 2, 2020

During the month of October, 10 Certified Survey Maps and 11 maps of survey were submitted to the county for review and filing. Public Land Survey System (PLSS) remonumentation continued in the Towns of Peru, Eau Galle and Lucas. During the month of October, 42 visits were made to PLSS corners. In addition, visits were made to eight sixteenth corners (forty corners), and two centers of section.

The Surveyor's Office has received \$10,440 of revenue for land division review, \$1,546.70 in reimbursement for COVID-19 expenses, and an additional \$20.50 from copy fees through October of this year. The following two pages will provide a general summary of the expenditures for the Survey Division through October.

Sincerely,

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

Thomas P. Carlson, PLS
Dunn County Surveyor

Budget Control

5 Column Budget

| Account | Budget | Pre-Encumbrances | Encumbrances | Invoices | Available Budget |
|--|------------|------------------|--------------|-----------|------------------|
| 511000 Salaries & Wages | 78,603.00 | | | 59,810.80 | 18,792.20 |
| 511005 Attendance Hours | 114,213.00 | | | 80,938.53 | 33,274.47 |
| 511025 Holiday Pay | | | | 5,720.26 | 5,720.26- |
| 511035 Vacation | | | | 8,568.46 | 8,568.46- |
| 511040 Sick Leave | | | | 2,557.99 | 2,557.99- |
| 511060 Comp Time Used | | | | 158.97 | 158.97- |
| 511115 Compensated Absences | | | | 2,698.40 | 2,698.40- |
| 512055 Health Ins Incentive | 900.00 | | | | 900.00 |
| 513010 Health Insurance Expense | 38,483.00 | | | 32,501.64 | 5,981.36 |
| 513015 Accident Insurance Expense | | | | 74.00 | 74.00- |
| 513025 Life Insurance Expense | 303.00 | | | 277.30 | 25.70 |
| 513030 Retirement Expense | 13,015.00 | | | 10,659.47 | 2,355.53 |
| 513075 Worker's Compensation Premium | 8,814.00 | | | 6,201.04 | 2,612.96 |
| 513080 PEHP Expense | 3,801.00 | | | 601.92 | 3,199.08 |
| 515005 Federal-ER Social Security | 12,010.00 | | | 9,365.71 | 2,644.29 |
| 515010 Federal-ER Medicare | 2,810.00 | | | 2,190.37 | 619.63 |
| 521075 Maintenance Contracts | 1,922.00 | | | 1,737.00 | 185.00 |
| 522025 Telephone | 227.00 | | | 351.98 | 124.98- |
| 522030 Cell Phone | 60.00 | | | 6.57 | 53.43 |
| 522040 Internet Access | 882.00 | | | 605.74 | 276.26 |
| 524010 Repair & Maint-Motor Vehicle | 300.00 | | | 83.19 | 216.81 |
| 531030 Printing & Duplication | 320.00 | | | 242.07 | 77.93 |
| 532025 Membership Dues | 525.00 | | | 550.00 | 25.00- |
| 533015 Travel-Meals | 170.00 | | | | 170.00 |
| 533125 Conferences / Seminars | 800.00 | | | 297.00 | 503.00 |

| | | | | | |
|---|-------------------|--|--|-------------------|------------------|
| 534080 Gasoline | 1,500.00 | | | 854.70 | 645.30 |
| 534330 Operating Supplies | 3,000.00 | | | 1,260.50 | 1,739.50 |
| 539015 Registration Fees/Tuition | 885.00 | | | 990.00 | 105.00- |
| 595000 COVID Response Expense | | | | 125.91 | 125.91- |
| * Amount | 283,543.00 | | | 229,429.52 | 54,113.48 |



DUNN COUNTY

SOLID WASTE & RECYCLING DIVISION

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

STAFF REPORT

TO: PR&D Committee

FROM: Morgan Gerk, Director

SUBJECT: Monthly Report

DATE: November 3, 2020

Staffing Updates: The division recently finalized the conversion of 13 former contracted labor attendants to LTE positions with the Solid Waste & Recycling Division. In doing so, we have created dedicated teams of attendants to operate multiple sites during the week and on weekends. In order to ensure that we have sufficient labor coverage at all collection sites, we have adjusted the days of operations at the Connorsville and Ridgeland, and Downsville and Rock creek sites to Tuesdays and Thursdays, respectively, with the Boyceville, Colfax, and Elk Mound sites remaining open on Saturdays. No changes were made to the Transfer Station/PDO days and hours of business.

Megen Hines accepted a position with the City of Menomonie as a Recycling Specialist. Megen's last day with the County was October 21, 2020. Diane Duerst accepted a position with UW Stout as a Support Specialist. Diane's last day of employment with the County was October 23, 2020. The division is currently recruiting for a Lead Operator LTE position at the Transfer Station, and have posted this position on NeoGov.

Transitions to Municipal Management: The Solid Waste & Recycling Division will be providing Collection Site and Transfer Station services through the end of the year, after which the division will close its doors. Division staff will remain in place throughout a portion of 2021 in various capacities to ensure that final regulatory, administrative, and financial duties have been completed, and all facilities have been appropriately closed. All current member municipalities have now finalized their RU plans with the WDNR for 2021, and the division is working closely with municipalities that will be continuing collection site operations in January under municipal management. All collection site equipment and infrastructure is being sold to these respective municipalities, and a sealed bid process was implemented for surplus equipment available from the Connorsville and Ridgeland collection sites. Bids for the surplus equipment will be opened and awarded at the Solid Waste & Recycling Management Board meeting on November 10, 2020.

Transfer Station Inquiries: There have been several letters of inquiry regarding the potential for lease or sale of the Dunn County Transfer Station after the County operations cease in 2021. The Solid Waste & Recycling Management Board will evaluate the various options for future use of the facility, and will make a decision regarding which approach is in the County's best interests at their next meeting on November 10.

Budget Control

5 Column Budget

| Account | Budget | Pre-Encumbrances | Encumbrances | Invoices | Available Budget |
|--|-----------|------------------|--------------|-----------|------------------|
| 511000 Salaries & Wages | 39,302.00 | | | 29,587.62 | 9,714.38 |
| 511005 Attendance Hours | 78,686.00 | | | 55,475.89 | 23,210.11 |
| 511010 Call In Pay | 600.00 | | | 643.80 | 43.80- |
| 511020 Overtime | 950.00 | | | 399.58 | 550.42 |
| 511025 Holiday Pay | | | | 2,968.36 | 2,968.36- |
| 511035 Vacation | | | | 5,073.03 | 5,073.03- |
| 511040 Sick Leave | | | | 2,184.26 | 2,184.26- |
| 511060 Comp Time Used | | | | 393.03 | 393.03- |
| 511070 Emergency Pay | | | | 1,073.94 | 1,073.94- |
| 511115 Compensated Absences | | | | 6,201.72 | 6,201.72- |
| 512055 Health Ins Incentive | 450.00 | | | | 450.00 |
| 513005 Dental Insurance Expense | 900.00 | | | 725.00 | 175.00 |
| 513010 Health Insurance Expense | 23,866.00 | | | 18,909.52 | 4,956.48 |
| 513025 Life Insurance Expense | 354.00 | | | 304.22 | 49.78 |
| 513030 Retirement Expense | 8,028.00 | | | 6,584.75 | 1,443.25 |
| 513075 Worker's Compensation Premium | 4,304.00 | | | 2,178.99 | 2,125.01 |
| 513080 PEHP Expense | 595.00 | | | 300.96 | 294.04 |
| 515005 Federal-ER Social Security | 7,439.00 | | | 6,119.87 | 1,319.13 |
| 515010 Federal-ER Medicare | 1,740.00 | | | 1,431.39 | 308.61 |
| 521065 Accounting & Auditing Services | 3,000.00 | | | 2,802.58 | 197.42 |
| 521075 Maintenance Contracts | 1,060.00 | | | 839.50 | 220.50 |
| 522025 Telephone | | | | 108.79 | 108.79- |
| 522030 Cell Phone | 5.00 | | | 1.05 | 3.95 |
| 522040 Internet Access | | | | 163.20 | 163.20- |
| 524005 Repair & Maint-Contractual | 240.00 | | | 198.00 | 42.00 |
| 524010 Repair & Maint-Motor Vehicle | 750.00 | | | 958.57 | 208.57- |

| | | | | | |
|--|-------------------|--|--|-------------------|------------------|
| 531005 Office Supplies | 500.00 | | | 322.51 | 177.49 |
| 531010 Postage | 4,325.00 | | | 1,142.47 | 3,182.53 |
| 531030 Printing & Duplication | 7,250.00 | | | 178.74 | 7,071.26 |
| 532025 Membership Dues | 440.00 | | | | 440.00 |
| 533010 Travel-Lodging | 1,080.00 | | | 614.98 | 465.02 |
| 533015 Travel-Meals | 500.00 | | | 143.91 | 356.09 |
| 533050 Travel-Parking/Tolls | 100.00 | | | | 100.00 |
| 534230 Computer Supplies & Expens | 195.00 | | | | 195.00 |
| 534260 Educational Supplies | 250.00 | | | | 250.00 |
| 534290 Employee Safety | 250.00 | | | | 250.00 |
| 534330 Operating Supplies | 800.00 | | | 658.68 | 141.32 |
| 535010 Fuel | 1,500.00 | | | 335.05 | 1,164.95 |
| 539015 Registration Fees/Tuition | 1,835.00 | | | 1,118.69 | 716.31 |
| 539030 Advertising | 225.00 | | | | 225.00 |
| 551005 Property Insurance | 1,100.00 | | | 963.46 | 136.54 |
| 551010 Liability Insurance | 1,000.00 | | | 726.56 | 273.44 |
| 595000 COVID Response Expense | | | | 415.47 | 415.47- |
| * Amount | 193,619.00 | | | 152,248.14 | 41,370.86 |

Budget Control

5 Column Budget

| Account | Budget | Pre-Encumbrances | Encumbrances | Invoices | Available Budget |
|--|---------------------|------------------|--------------|-------------------|-------------------|
| 521075 Maintenance Contracts | 1,300.00 | | | 1,300.00 | |
| 522010 Heat & Lights | 4,500.00 | | | 3,065.98 | 1,434.02 |
| 522025 Telephone | 700.00 | | | 492.40 | 207.60 |
| 522050 Holding Tank Disposal Serv | 2,000.00 | | | 847.75 | 1,152.25 |
| 522060 Solid Waste Hauling Charge | 1,145,728.00 | | | 671,097.68 | 474,630.32 |
| 524005 Repair & Maint-Contractual | 1,500.00 | | | 504.00 | 996.00 |
| 524010 Repair & Maint-Motor Vehicle | 11,700.00 | | | 10,775.75 | 924.25 |
| 524030 Ground & Grounds Improvement | 2,500.00 | | | 762.50 | 1,737.50 |
| 524035 Repair & Maint-Buildings | 4,500.00 | | | 1,844.44 | 2,655.56 |
| 524045 Repair & Maint-Equipment | 500.00 | | | 288.75 | 211.25 |
| 527045 Agency Contracts-Salaries | 170,379.00 | | | 82,688.25 | 87,690.75 |
| 529005 Contractual/Consulting Ser | 25,250.00 | | | 3,653.39 | 21,596.61 |
| 529045 Oil Filter Disposal Charge | 750.00 | | | 480.00 | 270.00 |
| 529060 Electronic Recycling | 27,000.00 | | | 17,015.68 | 9,984.32 |
| 529070 Bulb & Ballast Recycling | 7,000.00 | | | 3,768.98 | 3,231.02 |
| 529080 Ridgeland Disposal | 3,500.00 | | | 3,359.79 | 140.21 |
| 529170 Snow Removal | 5,000.00 | | | 1,255.00 | 3,745.00 |
| 529210 Used AntiFreeze Collection | 125.00 | | | 82.50 | 42.50 |
| 531005 Office Supplies | 375.00 | | | 141.30 | 233.70 |
| 534130 Custodial Supplies | 250.00 | | | 226.31 | 23.69 |
| 534290 Employee Safety | 500.00 | | | 126.66 | 373.34 |
| 534330 Operating Supplies | 3,500.00 | | | 1,094.66 | 2,405.34 |
| 535010 Fuel | 3,250.00 | | | 4,748.61 | 1,498.61- |
| 536010 Sign Part & Supplies | 200.00 | | | | 200.00 |
| 539005 Licenses | 150.00 | | | 140.00 | 10.00 |
| 595000 COVID Response Expense | | | | 56.94 | 56.94- |
| * Amount | 1,422,157.00 | | | 809,817.32 | 612,339.68 |

Budget Control

5 Column Budget

| Account | Budget | Pre-Encumbrances | Encumbrances | Invoices | Available Budget |
|-------------------------------------|-------------------|------------------|--------------|-------------------|-------------------|
| 522010 Heat & Lights | 3,500.00 | | | 2,019.75 | 1,480.25 |
| 522025 Telephone | 350.00 | | | 261.52 | 88.48 |
| 522030 Cell Phone | 50.00 | | | 21.61 | 28.39 |
| 524005 Repair & Maint-Contractual | 5,000.00 | | | 2,725.00 | 2,275.00 |
| 524030 Ground & Grounds Improvement | 9,000.00 | | | 3,654.31 | 5,345.69 |
| 524035 Repair & Maint-Buildings | 1,000.00 | | | 125.49 | 874.51 |
| 524045 Repair & Maint-Equipment | | | | 2,536.37 | 2,536.37- |
| 527045 Agency Contracts-Salaries | 113,431.00 | | | 58,419.98 | 55,011.02 |
| 529005 Contractual/Consulting Ser | 630.00 | | | 502.50 | 127.50 |
| 529045 Oil Filter Disposal Charge | 1,350.00 | | | 705.00 | 645.00 |
| 529050 Compactor Box Hauling Char | 141,577.00 | | | 102,973.09 | 38,603.91 |
| 529065 Demolition Disposal Charge | 54,149.00 | | | 43,265.19 | 10,883.81 |
| 529170 Snow Removal | 6,500.00 | | | 4,873.46 | 1,626.54 |
| 529210 Used AntiFreeze Collection | 175.00 | | | 150.00 | 25.00 |
| 531005 Office Supplies | 200.00 | | | | 200.00 |
| 531030 Printing & Duplication | 400.00 | | | | 400.00 |
| 534130 Custodial Supplies | 200.00 | | | 31.63 | 168.37 |
| 534290 Employee Safety | 1,250.00 | | | 94.94 | 1,155.06 |
| 534330 Operating Supplies | 2,500.00 | | | 905.40 | 1,594.60 |
| 536010 Sign Part & Supplies | 1,000.00 | | | 117.03 | 882.97 |
| 555025 Land Rental | 1,003.00 | | | 303.00 | 700.00 |
| 595000 COVID Response Expense | | | | 2,293.74 | 2,293.74- |
| * Amount | 343,265.00 | | | 225,979.01 | 117,285.99 |

Budget Control

5 Column Budget

| Account | Budget | Pre- Encumbrances | Encumbrances | Invoices | Available Budget |
|--|------------------|------------------------------|---------------------|-----------------|-----------------------------|
| 529005 Contractual/Consulting Ser | 25,235.00 | | | | 25,235.00 |
| 534330 Operating Supplies | 500.00 | | | | 500.00 |
| 539030 Advertising | 2,500.00 | | | | 2,500.00 |
| * Amount | 28,235.00 | | | | 28,235.00 |

Budget Usage-Revenues

Budget Usage

| Account | Budget | Actuals | Difference | % Difference |
|---------------------------------------|-------------------|-------------------|-------------------|---------------------|
| * 2110010010 SW-Administration | 303,012.00 | 302,582.57 | 429.43 | 99.86 |
| ** Solid Waste | 303,012.00 | 302,582.57 | 429.43 | 99.86 |
| *** Solid Waste | 303,012.00 | 302,582.57 | 429.43 | 99.86 |
| **** Environmental Services | 303,012.00 | 302,582.57 | 429.43 | 99.86 |
| ***** Amount | 303,012.00 | 302,582.57 | 429.43 | 99.86 |

Budget Usage-Revenues

Budget Usage

| Account | Budget | Actuals | Difference | % Difference |
|---|---------------------|-------------------|-------------------|--------------|
| 436510 State - COVID19 Payments | | 56.94 | -56.94 | |
| 449020 LP-Solid Waste Permits | 3,000.00 | 2,738.00 | 262.00 | 91.27 |
| 464000 PCS-SW Disposal-TS | 189,348.00 | 147,286.44 | 42,061.56 | 77.79 |
| 464015 PCS-Tipping Fee Revenue | 1,328,165.00 | 572,167.56 | 755,997.44 | 43.08 |
| 464020 PCS-Solid Waste Lice | 2,500.00 | 400.00 | 2,100.00 | 16.00 |
| 464025 PCS-Waste Tire User Fees | 40,550.00 | 35,292.20 | 5,257.80 | 87.03 |
| 482000 Misc-Rent | 2,400.00 | 3,000.00 | -600.00 | 125.00 |
| * 2110010020 SW-Transfer Station | 1,565,963.00 | 760,941.14 | 805,021.86 | 48.59 |
| ** Solid Waste | 1,565,963.00 | 760,941.14 | 805,021.86 | 48.59 |
| *** Solid Waste | 1,565,963.00 | 760,941.14 | 805,021.86 | 48.59 |
| **** Environmental Services | 1,565,963.00 | 760,941.14 | 805,021.86 | 48.59 |
| ***** Amount | 1,565,963.00 | 760,941.14 | 805,021.86 | 48.59 |

Budget Usage-Revenues

Budget Usage

| Account | Budget | Actuals | Difference | % Difference |
|---|-------------------|------------------|------------------|--------------|
| 436510 State - COVID19 Payments | | 2,293.74 | -2,293.74 | |
| 449020 LP-Solid Waste Permits | 3,000.00 | 1,296.00 | 1,704.00 | 43.20 |
| 464000 PCS-SW Disposal-TS | | | | |
| 464025 PCS-Waste Tire User Fees | 7,250.00 | 6,961.00 | 289.00 | 96.01 |
| 464035 PCS-Solid Waste-CS | 103,797.00 | 69,020.03 | 34,776.97 | 66.50 |
| * 2110010030 SW-Collection Station | 114,047.00 | 79,570.77 | 34,476.23 | 69.77 |
| ** Solid Waste | 114,047.00 | 79,570.77 | 34,476.23 | 69.77 |
| *** Solid Waste | 114,047.00 | 79,570.77 | 34,476.23 | 69.77 |
| **** Environmental Services | 114,047.00 | 79,570.77 | 34,476.23 | 69.77 |
| ***** Amount | 114,047.00 | 79,570.77 | 34,476.23 | 69.77 |

COUNTY OF DUNN



Environmental Services Department Planning & Zoning Division

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

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

Planning & Zoning is conducting business as usual (as much as we can) during COVID-19. Support staff are able to do their work from home, except that not all zoning/sanitation related information is available electronically. We have a paper file system with 10,000 to 15,000 property records (sanitation permit, sanitation "As-Builts" and zoning permits). Staff are in these files many times throughout the day and on a regular basis, the development community (Plumbers and contractors) contact the office looking for information in these files. A request to use \$38,000 of the Contingency Fund to pay for an outside consultant to scan P&Z Sanitation and Zoning files will be on the November County Board agenda.

COVID-19 continues to affect the daily routine of myself and my staff. Along with my general duties, I am still very busy with those duties staff cannot conduct from home.

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

Michelle (Enforcement Officer) works from home Mon.-Fri. however, she is in the office preparing her paperwork on those days when she has an inspection. Michelle is the only Sanitation Inspector and currently we do not have an outside consultant to share some of this work. As such, her workload is almost exclusively Sanitation. We are running about two to three weeks for issuing General Zoning Permits (not Expedited). Before COVID our average Zoning Permit turnaround time was one week.

We continue to make Sanitation and Zoning Inspections and the zoning workload has increased such that we contract with Cedar Corporation for Expedited Zoning Inspections, they average approx. 10% of the total zoning inspections.

We analyzed the benefits of raising sanitation fees as a means to provide the Zoning Administrator some additional time to address the Comprehensive Plan amendment. A Resolution increasing Sanitation Fees by \$50.00 is on the November County Board agenda.

Since the last report, we went from 252 to 265 zoning permits issued this year compared to 2019 where we issued 222 permits for the entire year.

Other Workload

Comp Plan

- Continue working with the consultant on the amendment, currently underway;
 - Demographics
 - Maps
 - Public Participation
- Facilities & Veteran Services
 - Site plan and preliminary drawings for a veteran's memorial



Dunn County Environmental Services Department
Dunn County Land and Water Conservation Division
3001 US Hwy 12 East Suite 240A, Menomonie, WI 54751
Phone (715) 232-1496 FAX (715) 232-1520

October 2020 Land and Water Conservation Report to the Land Conservation Committee

Land and Water Conservation worked with the Elk Creek Lake Rehabilitation and Protection District to submit a grant to install a rock lined waterway in a gully that is contributing sediment and phosphorus to Elk Creek Lake. It was great to work with citizen volunteers on this project. The Town Boards from Spring Brook and Town of Union as well as Eau Claire Land and Water are all involved. Both Counties are contributing Multi Discharger Variance funding to the project if the grant is successful. This is money that counties can apply for directly from point sources of phosphorus located in the Lower Chippewa River Watershed. These are point sources (phosphorus coming out of a pipe) that cannot meet the established limits of their discharge permit from DNR.

The Lake Management Plan Implementation Grant was submitted to DNR. The County Board will be acting on an authorizing resolution tonight and if approved will be submitted. The grant is for \$200,000 and will extend the Soil Health Specialist Position for two more years and coordinate Soil Health activities in the watershed.

The Red Cedar Conservation Farmers were awarded a reduced Farmer Led Watershed Grant from DATCP and the Hay River Farmer Led Watershed grant was not funded by DATCP for 2021. Fortunately, the Hay River Farmer Led Watershed has funding from the McKnight Foundation that is available through a grant administered by Wisconsin Farmers Union. Eight more well water samples were collected in the Red Cedar Conservation Farmers area.

We had our joint staff meeting with NRCS last week and discussed all of the projects that need to be completed before fall and all of programs available and ongoing. It was very encouraging.

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

Dan Prestebak,
County Conservationist,
715-231-6535

Temp Help, Data Entry

Planning & Zoning

There are approximately 10,000 Private Onsite Wastewater Treatment Systems (POWTS) and around 1,500 holding tanks in Dunn County. POWTS owners are required to maintain their system on a three-year cycle.

Dunn County is required to Administer the POWTS and holding tank maintenance program, as such, annually, we mail a POWTS Maintenance Notice to approximately 1/3 of the total system owners including the 1,500 holding tank owners reminding them that it is time to have their system maintained (settling tank(s) pumped).

The Maintenance Notice informs the landowner that they have a specified amount of time to have their system maintained. After receiving the notice, landowners generally contract with a licensed septic hauler to pump their system and then either the landowner or the septic hauler returns the Maintenance Notice to our office. The returned Maintenance Notice has the landowner's name and address, the date the system was maintained and the name of the person/company that performed the work.

That information is then entered into our data base thereby providing the County a record of when the maintenance occurred and who maintained it. My office receives those Maintenance Notices on a daily basis.

Staff can query the software to determine which Maintenance Notices have not been returned. Up to two more reminder Maintenance Notices are sent to delinquent landowners. If after the original Notice and two reminders the landowner fails to provide proof of maintenance, we begin working with Corporation Counsel to bring those landowners into compliance.

In general terms, the POWTS Maintenance notification process and associated time is;

- On an annual basis a Maintenance Notice mailing list is created for approximately 1/3 or 3,300 POWTS owners and 1,500 holding tank owners (landowners) or approximately 4,800 Maintenance Notices each year.
- A Maintenance Notice is printed for each landowner, stuffed into an envelope addressed and mailed to the landowner.
 - 320 hours (average 4 minutes per notice).
- Returned Maintenance Notices (first notice) are entered into our tracking software at an estimated 60% return rate or 2,880 notices.
 - 144 hours (average 3 minutes per notice).
- A second reminder is printed, stuffed in an envelope, addressed and mailed to the landowner (estimated 1,920 reminder notices).
 - Second reminder 128 hours (average 4 minutes per notice)

- Returned Maintenance Notices (second notice) are entered into our tracking software at an estimated 80% return rate or 1,536 notices.
 - 77 hours (average 3 minutes per notice).
- A third reminder is printed, stuffed in an envelope, addressed and mailed to the landowner (estimated 384 reminder notices).
 - Third reminder 26 hours (average 4 minutes per notice)
- Returned Maintenance Notices (third notice) are entered into our tracking software at an estimated 90% return rate or 346 notices.
 - 17 hours (average 3 minutes per notice).
- Those who fail to respond to the third reminder (estimated 38 non-compliant) will be turned over to Corporation Counsel for legal action.

Total hours/year for the above data entry data = 558 hours or 13.95 weeks @ 40 hours /week or 10.70 hours/week @52 weeks.

Temp help at \$16/hour +60% mark up for profit and overhead to the Temp Agency, making the total cost to the county for a Temp employee = \$25.60/hour.

$\$25.60 \times 558 \text{ hour} = \$14,284$ for those records received in 2020. To keep up, an additional \$14,284 is necessary for the 2021 records. There may be some efficiencies in the estimates, as such the combined total for 2020 and 2021 could be rounded down from \$28,568 to \$26,000.

SUBCHAPTER I

AGRICULTURAL PERFORMANCE STANDARDS AND MANURE STORAGE AND MANAGEMENT

1 **10.01 AUTHORITY.** This subchapter is adopted under authority granted by Wis. Stat. §§ 59.02,
2 59.03, 59.70, 92.15 and 92.16, Wis. Admin. Code Chapters ATCP 50 and NR 151.

3 **10.02 JURISDICTION.** This subchapter shall apply to all land located within unincorporated
4 areas 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, to ensure
26 proper closure of all idle manure storage facilities, to control the location of unconfined manure
27 piles, to reduce the delivery of manure, other waste materials, fertilizers, and sediment to surface
28 waters and groundwater, and to prevent the spread of disease and protect the health, safety and
29 general welfare of the citizens of Dunn County through the use of conservation practices and
30 performance standards and prohibitions for agriculture. This subchapter is also intended to provide
31 for the administration and enforcement, and to provide penalties for violation, of the provisions
32 herein.

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

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

44 **10.07 DEFINITIONS.**

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

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

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

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

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

56 Committee: See Land Conservation Committee.

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

60 Direct Runoff: means any of the following:

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

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

65 (c) Runoff because of over-application of manure to cropland or pasture that discharges a
66 significant amount of pollutants to surface waters of the state or a direct conduit to ground water.

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

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

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

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

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

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

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

84 (a) Where the livestock operation on the property ceases to exist; or

85 (b) That is no longer being used for its intended purpose and no longer having any additional
86 animal waste and manure placed into it; or

87 (c) That has not had any animal waste and manure added or removed for a period of 24 months;
88 or

89 (d) That will, by all the evidence available, not again be used to store animal waste and manure
90 by an active livestock operation.

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

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

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

100 Landowner: Any of the following:

101 (a) A person who owns a parcel of land.

102 (b) A person who rents, controls, or uses a parcel of land for agricultural purposes.

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

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

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

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

112 (a) A storage facility in which there are visible deformities of the structure and shape of the inside
113 wall(s).

114 (b) A storage facility in which the waste and manure is leaking.

115 (c) A storage facility in which the outside face of the sidewall(s) have been damaged or eroded,
116 which may weaken the structure.

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

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

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

122 (b) A storage facility that is overflowing.

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

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

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

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

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

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

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

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

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

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

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

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

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

177 Permitted Manure Storage Facility: A facility for which a permit has been obtained under this
178 subchapter or under previous county ordinance after October 1, 2002.

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

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

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

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

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

192 Post Construction Documentation Report: A report signed by the project engineer and the
193 permittee, and, if applicable, the contractor, certifying that all new or altered manure storage
194 facilities or systems were constructed or installed as planned, including approved modifications,
195 and according the current NRCS Technical Standards. The report shall include as-built drawings,
196 test results, construction notes, and shall identify all changes or modifications made during
197 construction.

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

200 (a) Spillage or overflow from animal or poultry watering systems.

201 (b) Washing, cleaning, or flushing pens, barns, manure pits, or other animal feeding operation
202 facilities.

203 (c) Direct contact swimming, washing, or spray cooling of animals or dust control.
204 (d) Water that comes into contact with any raw materials or animal byproducts including manure,
205 feed, milk, eggs, or bedding.

206 Project Engineer: An agricultural or civil engineer registered in the State of Wisconsin, or a
207 DATCP or NRCS engineering practitioner.

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

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

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

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

216 Site that is susceptible to groundwater contamination: Has the meaning under Wis. Stat. §
217 281.16(1)(g) and Wis. Admin. Code § NR 151.015(18).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

267
268 **10.08 ACTIVITIES AND FACILITIES SUBJECT TO REGULATION.**

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

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

279 (3) Feedlots.

280 (4) Idle Manure Storage Structures.

281 (5) Malfunctioning or Mismanaged Manure Storage Facilities.

282 (6) Nutrient Management and Application. With the exception of the closure of manure storage
283 facilities, those facilities constructed after October 1, 2002, shall be required to comply with
284 nutrient management requirements regardless of cost sharing.

285 (7) Reuse of an idle facility for which the Committee has approved retention under section
286 10.09(9)(c)2.

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

291

292 **10.09 PERFORMANCE STANDARDS AND PROHIBITIONS**

293 (1) The Wisconsin NRCS Technical Guide Standards are hereby adopted and made part of this
294 ordinance.

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

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

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

310 (5) Nutrient Management.

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

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

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

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

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

- 323 (f) Nutrient management plans for croplands in watersheds that contain impaired surface waters
324 or in watersheds that contain outstanding or exceptional resource waters shall meet the
325 following criteria:
- 326 1. Unless otherwise provided in this subsection, the plan shall be designed to manage soil
327 nutrient concentrations so as to maintain or reduce delivery of nutrients contributing to the
328 impairment of impaired surface waters and to outstanding or exceptions resource waters.
 - 329 2. The plan may allow for an increase in soil nutrient concentrations at a site if necessary to
330 meet crop demands.
 - 331 3. For lands in watersheds containing exceptional or outstanding resource waters, the plan
332 may allow an increase in soil nutrient concentrations if the plan documents that any
333 potential nutrient delivery to the exceptional or outstanding resource waters will not alter
334 the background water quality to the exception or outstanding resource waters. For lands in
335 watersheds containing impaired waters, the plan may allow an increase in soil nutrient
336 concentrations if a low risk of delivery of nutrients from the land to the impaired water can
337 be demonstrated.
- 338 (g) In this subchapter, impaired surface waters are waters identified as impaired pursuant to 33
339 U.S.C. § 1313(d)(1)(A) and 40 C.F.R. § 130.7. Outstanding and Exceptional Resource Waters
340 are defined in Wis. Admin. Code Ch. NR 102.
- 341 (h) Each year prior to April 1 an updated nutrient management plan and checklist shall be provided
342 to the Division covering all cropland receiving manure from all manure storage facilities
343 constructed after October 1, 2002.

344 **(6) Clean Water Diversion.** All livestock producers within a water quality management area shall
345 comply with this section. Runoff shall be diverted away from contacting feedlot, manure storage
346 areas and barnyard areas within water quality management areas except that a diversion to protect
347 a private well under Wis. Admin. Code § NR 151.015(18)(a) is required only when the feedlot,
348 manure storage area, or barnyard area is located upslope from the private well.

349 **(7) Manure Management Prohibitions.** All livestock producers shall comply with this section as
350 follows:

- 351 (a) A livestock operation shall have no overflow of manure storage structures.
- 352 (b) A livestock operation shall have no unconfined manure piles within a water quality
353 management area.
- 354 (c) A livestock operation shall have no direct runoff from a feedlot or stored manure to waters of
355 the state. Stored manure not contained within a manure storage facility shall meet the standards
356 for stacking or piling manure.
- 357 (d) A livestock operation may not allow unlimited access by livestock to waters of the state in a
358 location where high concentrations of animals prevent the maintenance of adequate sod or self-
359 sustaining vegetative cover. This prohibition does not apply to properly designed, installed,
360 and maintained livestock or farm equipment crossings.

361 **(8) Process Wastewater Handling.** All livestock producers shall comply with this section.

- 362 (a) There may be no significant discharge of process wastewater to waters of the state.
- 363 (b) The Land and Water Conservation Division shall consider all of the following factors when
364 determining whether a discharge of process wastewater is a significant discharge to waters of
365 the state:
 - 366 1. Volume and frequency of the discharge.
 - 367 2. Location of the source relative to receiving waters.

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

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

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

381 (b) New construction and alterations.

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

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

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

392 (c) Closure.

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

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

399 a. The facility has been designed, constructed and maintained in accordance with section
400 10.09(9)(b).

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

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

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

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

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

417

418 **10.10 INTERPRETATION OF STANDARDS**

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

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

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

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

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

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

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

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

454 **10.11 COST SHARE REQUIREMENT.** An owner or operator of an agricultural facility or
455 practice that is in existence before October 1, 2002, may not be required to comply with the
456 performance standards, prohibitions, conservation practices or technical standards under this
457 subchapter unless cost-sharing is available from any source, to the owner or operator. A
458 determination that cost-sharing is available to meet the performance standards, prohibitions,
459 conservation practices or technical standards under this subsection will be determined in
460 accordance with Wis. Admin. Code §§ NR 151.09(4)(d) or NR 151.095(5)(d) when funding is
461 provided under Wis. Stat. § 281.65, and will be determined in accordance with Wis. Admin. Code
462 Ch. ATCP 50 when funds are from any other source. Cost sharing under this section is only
463 required for the minimum practice necessary to meet the performance standards and prohibitions.

464 **10.12 APPLICATION FOR AND ISSUANCE OF PERMITS.**

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

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

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

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

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

- 488 1. The number, type, and size of animals for which storage is provided and the duration for
489 which storage is to be provided.
- 490 2. The type and amount of bedding to be used in the operation and all aspects of handling and
491 recovery of this bedding material.
- 492 3. The type and quantity of flush water, milk house waste, or other additives which will be
493 added to the manure storage facility.
- 494 4. A general location map drawing of the site which shall include the location of structures in
495 relation to buildings, homes, property lines, roads, wells, karst features, public or private
496 drainage ditches and creeks, flowages, rivers, streams, lakes, floodplains, or wetlands

- 497 within one thousand (1,000) feet of the proposed facility or system. The map will include
498 the scale of the drawing, a north arrow, and the date the general location map was prepared.
- 499 5. The soil test pit locations, elevations, and soil descriptions to a depth as required for the
500 planned structure according to the NRCS Technical Standard 313 Waste Storage Facility.
501 Soil test pits must be verified by land conservation division staff at the time of
502 investigation.
- 503 6. The elevation of groundwater, bedrock or seasonally saturated conditions if encountered
504 in the soil profile and the date of any such determinations.
- 505 7. Engineering design drawings of the manure storage facility or waste transfer system which
506 shall include:
- 507 a. Specific design components that shall comply with NRCS Technical Standard 313
508 Waste Storage Facility, and additional applicable NRCS Technical Standards such as
509 634 Waste Transfer.
- 510 b. A recoverable benchmark(s) including elevation(s) expressed in feet and tenths.
- 511 c. The scale of the drawings and the north arrow. The engineering design drawing shall be
512 drawn to a scale no smaller than one (1) inch equals one hundred (100) feet.
- 513 d. The date the engineering design drawings were prepared.
- 514 8. The structural details, including but not limited to dimensions, cross-sections, concrete
515 thickness, concrete joint design and placement, design loads, design computations,
516 reinforcement schedules, thickness and placement of groundwater protection liners, and all
517 material specifications.
- 518 9. Provisions for adequate drainage and control of runoff to prevent pollution of surface water
519 and groundwater.
- 520 10. Estimated start of construction and construction schedule.
- 521 11. A construction quality assurance plan as defined in Technical Standard 313.
- 522 12. A safety plan that identifies hazards to animals and people in the production area, and
523 design features to minimize those hazards.
- 524 13. An operation and maintenance plan for installed practices.
- 525 14. An emergency response plan identifying the names and phone numbers of individuals or
526 others to be notified in the event of any leaks, spills or other system failures that could
527 discharge manure.
- 528 15. A certification by a professional engineer registered in the State of Wisconsin, or an
529 engineering practitioner certified by the Wisconsin Department of Agriculture, Trade and
530 Consumer Protection (DATCP) or the NRCS that the plans meet technical and ordinance
531 standards.
- 532 16. A nutrient management plan that complies with Wis. Admin. Code § ATCP 50.04. The
533 nutrient management plan must be prepared by a nutrient management planner qualified
534 under Wis. Admin. Code § ATCP 50.04(3)(c) and submitted prior to issuance of the permit.
535 If the nutrient management plan indicates manure will be applied to land not owned by the
536 applicant, the applicant shall provide a copy of a lease, manure spreading agreement, or
537 written proof of land availability to the Division upon request. The nutrient management
538 plan must be based on current soil analyses that comply with Wis. Admin. Code § ATCP
539 50.04. If current soil analyses are not available due to frozen soils or other conditions
540 beyond the control of the applicant, the land conservation division may accept, at its
541 discretion, an incomplete nutrient management plan at permit submission. A complete
542 nutrient management plan that complies with Wis. Admin. Code § ATCP 50.04(3)(d) must

543 be submitted and a Certificate of Use must be issued prior to use of the manure storage
544 facility.

545 17. Any other additional information required by the Division to protect water quality and
546 determine compliance with this section.

547 (b) Manure Storage Facility Closure Application Requirements. A complete permit application for
548 waste storage facility closure shall meet all standards as outlined in NRCS Technical Standard
549 360 Waste Facility Closure and shall specify:

550 1. Provisions to remove and properly dispose of all accumulated wastes in the manure storage
551 facility.

552 2. Provisions to remove any concrete or synthetic liner, or properly use pieces of the concrete
553 or synthetic liner as clean fill at the site.

554 3. Provisions to remove and properly dispose of any soil saturated with waste from the manure
555 storage facility.

556 4. Provisions to remove any soils to the depth of significant manure saturation. When
557 contaminated soils are found, they must be removed to the extent necessary with a
558 minimum depth of 6 inches.

559 5. Provision to remove or permanently plug the waste transfer system serving the manure
560 storage facility.

561 6. Covering all disturbed area with topsoil, seeding the areas with a grass mixture, and
562 mulching the seeded area. This section does not apply if an alternative use of the site is
563 authorized under a closure plan approved by the county as part of the permit.

564 7. Any other additional information required by the land conservation division to protect water
565 quality and determine compliance with this section.

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

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

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

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

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

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

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

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

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

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

- 589 (f) Within 60 (sixty) days after construction is complete, the project engineer shall provide a Post
590 Construction Documentation Report to the Division.
- 591 (g) After receiving and reviewing a complete Post Construction Documentation Report, the
592 Division will issue a Final Certification.
- 593 (h) No permitted manure storage facilities may receive manure until the Division provides final
594 approval. No manure may be emptied from a manure storage facility until the Division
595 approves the nutrient management plan submitted by the applicant.

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

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

607
608 **10.15 ADMINISTRATION.**

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

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

- 614 (a) Review permit applications, issue permits, and inspect properties for compliance with this
615 subchapter and related Wisconsin Statutes and Wisconsin Administrative Code provisions.
- 616 (b) Advise applicants concerning the provisions of this subchapter and provide technical assistance
617 and oversight to applicants in preparation permit applications.
- 618 (c) Keep records of all permit applications, animal waste storage facility plans, nutrient
619 management plans, permits issued, inspections made, and other official actions.
- 620 (d) Inspect animal waste storage facility construction to ensure a facility is being constructed
621 according to plan specifications.
- 622 (e) Investigate violations and complaints, and enforce this subchapter.
- 623 (f) For purposes of inspection, obtain and execute special inspection warrants under Wis. Stat. §
624 66.0119.
- 625 (g) Upon determination of noncompliance with a permit, this subchapter, or applicable Wisconsin
626 law, revoke or suspend any permit and issue cease and desist orders requiring the cessation of
627 any construction, alteration, use or operation of an animal waste storage facility until
628 compliance is obtained.
- 629 (h) Perform other duties as specified in this ordinance.

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

- 633 (a) Before engaging in any inspection, staff shall seek permission from the owner, operator, or
634 authorized agent thereof, to inspect.
- 635 (b) Submitting an application for a construction or operation permit shall constitute the
636 owner/operator's consent for Division staff to enter and inspect the premises for purposes of
637 the application process. In this situation, no applicant may refuse entry to an existing or
638 proposed animal waste facility or operation, subject to (c) below.
- 639 (c) Staff shall present to the owner, operator, or authorized agent, appropriate credentials
640 identifying them as a representative of Dunn County.
- 641 (4) Except as provided in section 10.09(9)(c)2., no variance from the provisions of this subchapter
642 shall be granted.
- 643

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

- 646 (1) Issue a notice of violation and request that specified corrective action be taken within a
647 specified time.
- 648 (2) Post a stop work order on land that has had a permit revoked or is currently undergoing activity
649 that is violating this subdivision. Notice shall be given to a violator of this subdivision by both
650 posting one or more copies of a legal notice on the site stating the violation and by mailing the
651 landowner a copy of the order. The order shall specify that the activity shall cease immediately.
652 Any permit revocation or order stopping work shall remain in effect until retracted by the
653 Committee, the Division, or by a court of competent jurisdiction.
- 654 (3) Issue a citation to a violator of any provision of this ordinance or a stop work order, or upon
655 failure to timely correct a violation listed within a written notice of violation.
- 656 (4) Request the Corporation Counsel Office to commence legal proceedings seeking appropriate
657 relief, including, but not limited to, forfeitures, injunctive relief, or repair, remediation, or removal
658 of facilities.
- 659 (5) Violations. A violation includes any failure to comply with any standard of this subdivision or
660 with any condition or qualification attached to any permit or any failure to comply with notice of
661 a permit revocation or stop work order. Each day that a violation exists or continues constitutes a
662 separate offense.
- 663 (6) Penalties. Any person who violates, neglects, or refuses to comply with, or resists the
664 enforcement of, any of the provisions of this ordinance shall be subject to a forfeiture of not less
665 than \$10 per violation nor more than \$500 per violation and or be subject to injunctive relief.
- 666

667 **10.17 APPEALS FROM ADMINISTRATIVE DECISIONS.**

- 668 (1) Appeal Authority. The Dunn County Land Conservation Committee shall hear and decide
669 appeals where it is alleged that there is error in any order, requirement, decision, or determination
670 by the Division in administering this subchapter.
- 671 (2) Who May Appeal. Appeals may be taken by any person having a substantial interest which is
672 adversely affected by the order, requirement, decision, or determination for which review is
673 sought.

674 (3) Procedure. An appeal shall be made by written request mailed or delivered to the Dunn County
675 Land Conservation Committee, c/o Dunn County Land & Water Conservation Division. The
676 request shall identify the appellant, specify the decision sought to be reviewed, and state the factual
677 and legal grounds upon which it is contended that the decision should be modified or reversed. A
678 filing fee for the appeal shall be submitted with the request. The fee must be paid and appeal
679 request filed within 20 calendar days from the issuance of the decision or appeal is barred. The
680 burden of proof is with the appellant. The Committee shall review the determination under appeal
681 within 45 days of the fee being paid and the appeal request being filed. Any party to an appeal may
682 seek judicial relief from the decision pursuant to and in accordance with Wis. Stat. § 68.13.