

**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, September 22, 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:** September 8, 2020
- 4. Public Hearing - None**
- 5. Staff Reports**
 - A. Update on Groundwater Ad Hoc Committee recommendations
 - B. Review of Draft Land Division Ordinance
 - C. 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**
 - A. Establish values for tax foreclosed properties to be made available for sale by sealed bid
 - B. Resolution selecting the 2021 Conservation Aids Program project
- 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:** October 13, 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 September 8, 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), Diane Morehouse, James Anderson, and Mike Kneer. Others present: Dave Bartlett (County Board Chair), and Keith Strey (County Chief Financial Officer).
3. **Approval of Minutes.** Supervisor Kneer made a motion to approve the minutes from the August 25, 2020 meeting as distributed. Supervisor Bjork seconded the motion. The motion was approved by voice vote.
4. **Public Hearing.** None.

Without objection, Chair Quinn moved ahead to Agenda Item 8. Recommendation on revised FY 2021 Budget for Solid Waste & Recycling Division. Morgan Gerk, Solid Waste & Recycling Director, reviewed the proposed revised 2021 budget for the Solid Waste & Recycling Division. Gerk also reviewed the reasons for the division not providing services anymore as of January 1, 2021, and also discussed equipment that would be for sale. At this time the Dunn County Transfer Station & Recycling Center, and the adjacent land, is not included in the list of assets to be sold. Supervisor Bjork made a motion to recommend the revised FY 2021 Budget for Solid Waste & Recycling for the Executive Committee's approval. Supervisor Morehouse seconded the motion. The motion was approved by voice vote.

5. **Staff Reports.**
 - a. **Land information presentation of online tool to summarize water sampling data.** Rachel Wells, GIS/IT Technical Specialist, gave the committee a demonstration of the County's online tool to view water-sampling data.
 - b. **Register of Deeds monthly report.** The committee had previously reviewed the monthly report they had received from Heather Kuhn, Register of Deeds. Chair Quinn asked if there were any questions, and there were none.

- c. **Environmental Services Department monthly division reports.** The committee had previously reviewed the monthly reports they had received from Tom Carlson, County Surveyor, and Dan Prestebak, County Conservationist, and Bob Colson, County Planner/Zoning Administrator. Chair Quinn asked if there were any questions, and there were none.
- d. **Planning & Zoning workload.** Bob Colson reviewed the Planning & Zoning Division's workload with the committee, including the effect on the workload from past positions that have not been filled. Different options were discussed.

Without objection, Chair Quinn moved ahead to Item 7. Request to repurchase property taken through in rem foreclosure. Barbara A. Fagan, Assistant Dunn County Corporation Counsel, reviewed the details of a request from Anne Argo and Adam Argo to repurchase property, Computer No. 251-1247-03-000, Pin No. 17251-2-281334-430-0061. The past due taxes total \$21,395.29. Per County Ordinance, an administrative fee of between \$500 minimum, and \$14,020 maximum, may be assessed. The range for the total sale price is between \$21,895.29 and \$35,415.29. Discussion. A motion was made by Supervisor Morehouse to assess an administrative fee in the amount of \$7,060, for a total due of \$28,455.29 from Anne Argo and Adam Argo, with a timeline by the end of October 2020. County Board Chair Dave Bartlett seconded the motion. The motion was approved by a voice vote.

- e. **Review of Draft Land Division Ordinance.** Tom Carlson gave the committee an update on changes made since the last meeting. Nicholas P. Lange, Dunn County Corporation Counsel, also spoke to the committee about the draft ordinance.
 - f. **Review of Draft Manure Management Ordinance.** The committee decided to review and discuss the draft Manure Management Ordinance at the next meeting due to time constraints.
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. **Request to repurchase property taken through in rem foreclosure.** This item was acted upon earlier in the meeting.
 8. **Consideration for Reports, Resolutions and Ordinances to the County Board from the Planning Resources and Development Committee.**
 - a. **Recommendation on revised FY 2021 Budget for Solid Waste & Recycling Division.** This item was acted upon earlier in the meeting.
 9. **Announcements.** The next committee meeting is Tuesday, September 22, 2020, at 8:30 a.m., by teleconference.

10. **Adjournment.** There being no further business, Chairman Quinn declared the meeting adjourned at 11:44 a.m.

Respectfully Submitted,
Diane Duerst,
Recording Secretary

CHAPTER 16

LAND DIVISION, CONDOMINIUM, AND SURVEYING REGULATIONS

Subchapter I – General Provisions

- 16.01 Title
- 16.02 Authority
- 16.03 Purpose
- 16.04 Definitions
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16.70 Condominium Developments

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16.84 Appeals
16.85 Enforcement
1986 Amendment

SUBCHAPTER I – GENERAL PROVISIONS

- 1 **16.01 TITLE.** This chapter shall be known as the “Dunn County Land Division, Condominium,
2 and Surveying Regulations Ordinance” and is referred to as the “Ordinance” in this chapter.
- 3 **16.02 AUTHORITY.** This chapter is adopted under the authority granted by Wis. Stat. §§ 59.69,
4 59.692, 236.45, 281.31, and Chapter 703, Wis. Stats.
- 5 **16.03 PURPOSE.** The regulations in this chapter are adopted for the following purposes:
- 6 (1) To promote the wise use, conservation, protection, and property development of Dunn
7 County’s soil, water, wetland, woodland, and wildlife resources, and to achieve a balanced rela-
8 tionship between land use and development and supporting and sustaining Dunn County’s natu-
9 ral resource base;
- 10 (2) To establish reasonable design standards and land division procedures to facilitate the orderly
11 and well-planned layout, division, use, and development of land in Dunn County, and to prevent
12 overcrowding of land and undue congestion of population;
- 13 (3) To secure safety and resiliency from disastrous storms, fire, flood, pollution, disease and
14 other hazards and to help minimize expenditures for emergency response and disaster relief and
15 other mitigation actions;
- 16 (4) To ensure adequate and efficient transportation, water, sewerage, stormwater drainage,
17 schools, parks, playgrounds, recreation, and other facilities;
- 18 (5) To ensure that the design of the transportation system will not have a negative long-term ef-
19 fect on neighborhood quality, traffic, and pedestrian movement and safety;
- 20 (6) To prevent and control erosion, sedimentation, and other pollution of air and water, ensure
21 the adequacy of drainage facilities, and safeguard subsurface water;
- 22 (7) To prevent destruction or impairment of environmentally sensitive areas.
- 23 (8) To conserve high value agricultural land.
- 24 (9) To protect and provide for the public health, safety, and general welfare of Dunn County and
25 its municipalities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

68 Days: Shall refer to calendar days.

69 Department: The Dunn County Environmental Services Department.

70 Division: See “Land Division.”

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

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

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

79 Environmentally sensitive area: Areas identified as being environmentally sensitive include all of
80 the following:

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

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

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

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

88 (e) Burial sites and Indian mounds.

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

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

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

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

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

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

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

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

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

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

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

113 Minor Subdivision: Certified survey map.

114 Municipality: All units with local self-government.

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

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

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

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

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

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

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

138 POWTS: Private Onsite Wastewater Treatment System

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

189 **16.05 GEOGRAPHIC JURISDICTION.** The provisions of this chapter shall apply to all land
190 and water within the geographical boundaries of Dunn County, Wisconsin, except within any in-
191 corporated city or village. Where a duly adopted town ordinance regulating the division of land
192 is more restrictive than this chapter, the town shall be responsible for enforcement of all more
193 restrictive ordinance requirements.

194 **16.06 LAND DIVISIONS GOVERNED BY THIS CHAPTER.**

195 (1) The provisions of this chapter shall apply to:

- 196 (a) All divisions and conveyances of land, including land contracts, and combination or recon-
197 figuration of lots or outlots, where the act of division, conveyance, combination, or reconfig-
198 uration creates or describes one or more new lots smaller than 20 acres. No instrument of
199 conveyance governed by this chapter shall be recorded until the required certified survey
200 map or plat is recorded.
- 201 (b) Any remnant portion of a contiguous tract of less than 20 acres resulting from a land divi-
202 sion.
- 203 (c) All certified survey maps, non-restrictive to size, including retracement certified survey maps
204 and certified survey maps created for mortgage purposes.

205 (2) The following are exempt from the requirements of this chapter:

- 206 (a) The creation of less than 5 parcels by transfers of interests in land by will or pursuant to court
207 order.
- 208 (b) Leases for a term not to exceed ten (10) years, mortgages, or easements creating less than
209 five parcels.
- 210 (c) The sale or exchange of parcels of land between owners of adjoining property if additional
211 lots are not thereby created and the lots resulting are not reduced below the minimum sizes
212 required by this chapter or other applicable laws or ordinances, subject to the following re-
213 quirements:
- 214 1. A draft of the recordable document creating a land division for an exemption based on
215 Wis. Stat. § 236.45(2)(am)3. shall be submitted to the county, along with an application
216 and the appropriate review fee, for review prior to recording. The grantor and grantee
217 identified in the recordable document shall be identical to ownership of the adjoining par-
218 cels. The document shall clearly describe or indicate the parcel to which the exchanged
219 area is to be attached, and contain the following statement: “No new lot is being created.
220 This exchanged area shall be attached to and become part of parcel number _____.”
221 Any future conveyance of the exchanged area may be subject to county land division reg-
222 ulations if separately conveyed.”
 - 223 2. There are no delinquent taxes or outstanding special assessments due on either of the ad-
224 joining parcels.
 - 225 3. The exchanged area and the parcel to which it is to be attached must be within the same
226 zoning district.

227 (d) Assessor’s Plats made under Wis. Stat. § 70.27, provided, however, that such plats shall meet
228 all requirements specified in Wis. Stat. §§ 70.27 and 236.03(2).

229 (e) Creation or transfer of parcels of twenty (20) acres or greater in size, or that can be described
230 as an equal rectangular half (1/2) of an entire government protracted quarter-quarter section
231 or government lot as defined by the original public land survey system that does not front on
232 a meandered body of water, none of which may be bisected by a public highway.

- 233 (f) Cemetery plats made under Wis. Stat. §157.07.
234 (g) Divisions of land relating to the acquisition or exchange of land by public agencies, for public
235 use and occupancy, including but not limited to, land divisions made for road construction
236 purposes.
237

238 **16.07 PARCEL COMBINATIONS AND RECONFIGURATIONS.**

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

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

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

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

255 **16.08 CLASSIFICATION OF LAND DIVISIONS.** Land divisions are classified under this
256 chapter as either:

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

265 (2) County Plat.

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

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

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

279 **16.09 SUITABILITY STANDARDS.**

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

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

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

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

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

297 **16.10 DIVISION BY PLAT OF HIGH VALUE AGRICULTURAL LAND.**

298 (1) It is declared to be the policy of Dunn County to make a conscious effort to preserve the agri-
299 cultural use of land which, because of soil characteristics, aggregate acreage, proximity to other
300 farms or other pertinent characteristics, has high value for continued farm uses to meet the food
301 and fiber needs of the county, region, state and nation. Such areas shall include, but not be lim-
302 ited to, those areas identified as being farmland preservation plan certified according to the Dunn
303 County Comprehensive Plan. In the interest of furthering the orderly use of land, preserving the
304 character of these portions of the county, and encouraging the use of land most appropriate to the
305 essential nature of the land itself, land divisions by plat shall be discouraged from intruding on
306 areas of high agricultural value.

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

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

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

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

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

329 **16.12 COMPLIANCE AND REQUIREMENTS.**

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

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

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

335 (c) State law regulating sanitation and sewerage.

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

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

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

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

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

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

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

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

352 **16.13 ABROGATION AND GREATER RESTRICTIONS.**

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

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

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

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

369 **16.16 NONLIABILITY.**

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

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

380

SUBCHAPTER II – CERTIFIED SURVEY MAPS

381 **16.20 PRE-APPLICATION CONSULTATION.**

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

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

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

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

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

390 **16.21 CERTIFIED SURVEY MAPS.**

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

393 (2) The subdivider or their designated agent, shall submit a minor subdivision application form
394 provided by the Department, one (1) copy of the certified survey map, the required review fee
395 and, if applicable, a maintenance and repair agreement as required by section 16.43(3)(g) and a
396 soil boring map required by section 16.46(8)(c) to the Department. Upon receipt of all items re-
397 quired in the submission, the Department shall transmit one (1) copy of the application and the
398 certified survey map to each of the following authorities:

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

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

- 402 (c) Where applicable, the Dunn County Highway Department or the Wisconsin Department of
403 Transportation.
- 404 (3) Certified survey maps required by this Chapter shall be reviewed and approved prior to
405 recording. The Department shall review and approve, conditionally approve, or reject certified
406 survey maps within ninety (90) days. The ninety (90) day time period shall commence with the
407 submittal of a complete application, the review fee, and certified survey map. The Department's
408 decision shall be stated in writing and based upon the standards of this section, Wisconsin
409 statutes and administrative code, and all applicable portions of this chapter.
- 410 (4) The Certified Survey Map shall show correctly on the face of the map the following infor-
411 mation in addition to that required by Wis. Stat. § 236.34 and Wis. Admin. Code Chapter A-E 7:
412 (a) Date of preparation.
413 (b) Name and address of the owner of the parcel to be divided or their agent, and surveyor.
414 (c) Location and identity of all existing structures. If there are no existing structures on a pro-
415 posed lot, this must be stated.
416 (d) Location of existing driveways, wells, POWTS tank cover and vents and the approximate
417 outline of the base of any mound system or above grade drain field.
418 (e) Location of any existing wetlands and areas of slope of 20% or greater.
419 (f) Area of each lot and outlot shown in square feet and acres including and excluding any road
420 rights-of-way. Acreage shall be calculated and shown to a minimum of 1/100th of an acre.
421 (g) Discrepancies between surveyed and occupied lines.
422 (h) Public areas to be dedicated, identified as "dedicated to the public".
423 (i) Regional floodplain boundaries and the contour line which is two (2) feet above the regional
424 floodplain boundary line as defined in Wisconsin Administrative Code Chapter NR 116. All
425 parcels shall contain a minimum of ten thousand (10,000) square feet of contiguous land ly-
426 ing above the contour line which is two (2) feet above the regional floodplain boundary line.
427 (j) The following note shall be placed on the map whenever a land division is located within one
428 thousand (1000) feet of a navigable lake, pond or flowage and/or within three hundred (300)
429 feet of a navigable river or stream: "Due to the proximity of (insert name of water body) this
430 parcel may be subject to shoreland zoning setbacks and buffers. Contact the Dunn County
431 Zoning Office for specific details and permitting requirements." The corresponding one thou-
432 sand (1000) foot or three hundred (300) foot offset line shall also be shown and labeled on
433 the map.
434 (k) Apparent easements or private rights-of-way which adjoin or cross the property.
435 (l) Proposed and existing road(s) showing road name and right angle width.
436 (m) A clear and concise legal description that exactly matches the bearings and distances shown
437 on the map. The error of closure for the legal description may not exceed 1 in 3,000.
438 (n) A statement by the surveyor certifying that the provisions of this chapter and any other local
439 ordinances have been fully complied with.
440 (o) The meander line, Ordinary High Water Mark and water's edge labeled where applicable.
441 (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

- 442
443 (r) A 3" x 3" blank square in the upper right hand corner provided on sheet one for recording in-
444 formation by the Register of Deeds.
445 (s) Datum reference for any elevations.
446 (t) If any easement is created or granted on a certified survey map, a mortgagee certificate must
447 be included on the certified survey map if the parcel being divided currently has an open
448 mortgage.
- 449 (5) Any certified survey map containing lands of two or more different owners shall contain a
450 duly notarized owner's certificate executed by all owners.
- 451 (6) The Department may send any Certified Survey Map to State agencies for advisory review
452 and comments upon a determination that such a referral could yield information that might be
453 useful in the review process.
- 454 (7) Where the Department finds that the County requires additional information relative to a par-
455 ticular problem presented by the proposed development in relation to County standards, the De-
456 partment shall have the authority to request such information in writing from the subdivider.
457 Such additional information may include, but not be limited to the following:
- 458 (a) Existing and proposed zoning on the property adjacent to the proposed land division.
459 (b) Identification of surface drainage patterns, showing direction of flow, grading plan with pro-
460 posed contours shown at two (2) foot intervals and indicating the manner and extent to which
461 the drainage patterns will be altered by the subdivision and its development.
462 (c) Contours within the proposed lots and outlots extended to the centerline of adjacent public
463 streets at vertical intervals of not more than two (2) feet or as designated by the Department.
464 (d) Location of existing driveways, wells, water courses, ponds and lakes, and the approximate
465 location of any wetlands.
466 (e) Location and dimensions of all sites to be reserved or dedicated for public use, such as parks,
467 playgrounds, and drainage ways.
468 (f) Any proposed lake or stream access, improvement, or relocation.
469 (g) Identification or the proposed use of all lands within the proposed land division.
470 (h) Identification of sources of water supply and sewage services.
471 (i) Location and names of any adjacent subdivision, parks, cemeteries; identification of the own-
472 ers of record of abutting, unplatted lands; sketch plan for future use; and development of all
473 adjoining lands owned by the subdivider.
474 (j) All lands reserved for future public acquisition.
475 (k) An erosion control plan.
476 (l) Report on soil borings and percolation tests, as required by Wisconsin Administrative Code
477 for all lots not served by public sewer. Locations of borings shall also be shown on the face
478 of the map.
- 479 (7) Certified survey maps shall be recorded pursuant to the requirements of Wis. Stat. §
480 236.34(2). Prior to recording, the subdivider or their representative shall obtain the signatures on
481 the accompanying certificates as required by Wis. Stat. § 236.34.

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

484 (9) All applications for certified survey maps for which the review process has been suspended
485 without an approval or disapproval shall expire twelve (12) months from the date of submission.
486

487 **16.22 RETRACEMENT CERTIFIED SURVEY MAPS.**

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

493 (2) Retracement certified survey maps are subject to all requirements specified in subsections
494 16.21(1), (2), (3), (4), (7) (8), and (9) of this chapter.

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

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

SUBCHAPTER III – PLATS

499 **16.30 PRE-APPLICATION CONSULTATION.**

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

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

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

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

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

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

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

578 (10) Relationship between Preliminary and Final Plat:

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

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

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

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

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

595 (13) A final plat rejected by the Committee must be re-submitted for review pursuant to section
596 16.31, including all fees and required copies. Re-submittal of a rejected plat shall commence a
597 new time frame for review purposes.

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

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

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

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

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

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

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

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

653
654 **16.33 FINAL PLATS.** In addition to the requirements of Chapter 236, Wis. Stats., all final
655 county or state plats submitted shall show correctly on their face the following information:

656 (1) A subtitle of “County Plat” shall be required for all final county plats.

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

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

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

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

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

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

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

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

677

678 **16.34 RECORDING OF FINAL PLAT.**

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

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

685

686 **16.35 REPLATS; VACATION OR ALTERATIONS OF RECORDED PLATS.**

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

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

692

693 **16.36 IMPROVEMENTS.** No construction or installation of improvements shall commence in
694 a proposed subdivision until the final plat has been approved by all reviewing authorities, unless
695 specifically approved by the by the Committee when the preliminary plat is approved.
696

697
698 **SUBCHAPTER IV – SURVEYING REGULATIONS AND DESIGN STANDARDS**
699

700 **16.40 SURVEYING REQUIREMENTS AND GENERAL PROVISIONS.**

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

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

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

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

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

716 (6) The lines of any lots or outlots shown on a land division that follow a quarter-quarter line or
717 government lot line shall be clearly labeled.
718

719 **16.41 DESIGN STANDARDS – GENERAL.** This subchapter shall apply to all divisions of
720 land regulated by this chapter. Land division design shall be planned in proper relation to exist-
721 ing and proposed land divisions, streets, topography, surface water, vegetation cover, and other
722 natural features.
723

724 **16.42 SURFACE DRAINAGE AND EROSION CONTROL.**

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

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

737 systems. A subdivider may request assistance and consultation from the Dunn County Land and
 738 Water Conservation Division in meeting the above requirements.

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

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

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

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

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

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

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

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

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

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

763 (h) Erosion control practices.

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

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

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

770 (l) Other information deemed necessary by Department staff to administer this section.

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

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

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

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

Runoff Curve Number	32	58	72	79
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Source: "Urban Hydrology for Small Watersheds," USDA Technical Release 55; June 1986.

- (b) Sediment Control. By design reduce the average total suspended solids load by eighty percent (80%) as compared to no controls for the site.
- (c) Infiltration. Infiltration of stormwater to reduce volume of runoff is encouraged where technically feasible. If stormwater infiltration can be demonstrated, the reduced volume may be taken into account when designing practices to meet the peak flow control, and pollution control requirements of this section.
- (7) Stormwater management ponds shall be located on outlots which shall be owned in equal undivided shares by all lot owners. Lot owners shall be liable for an equal undivided share of the cost to repair, maintain or restore said ponds. Dunn County shall not be liable for any fees or special charges in the event the county becomes the owner of any lot or outlot by reason of tax foreclosure.
- (8) It is the responsibility of ~~the landowner~~ all property owners to maintain in satisfactory condition all drainage systems within drainage easements, including drainage swales and retention ponds. No structure, planting or other material shall be placed or permitted to remain within a drainage easement that may damage or interfere with drainage. Any grading or filling that would alter the capacity or flow of any drainage system is prohibited. ~~Dunn County has the right to inspect drainage systems to identify areas that need to be repaired or restored. The Department shall give property owners written notice of the nature of existing defects and the corrective action necessary. Should the owner fail to commence corrective action to the satisfaction of the Department within 30 days from the date of the notice, the County may complete or cause the corrective action to be completed, the cost of which shall become a lien on the real property of the owner until paid.~~
- (9) The Department shall have the right to inspect drainage systems to identify areas that need to be repaired or restored. The Department shall give property owners written notice of the nature of existing defects and the corrective action necessary. Should the owner fail to commence corrective action to the satisfaction of the Department within 30 days from the date of the notice, the County may complete or cause the corrective action to be completed, the cost of which shall become a lien on the real property of the owner until paid.
- (10) The Department may require a minimum 15-foot-wide access easement dedicated to Dunn County to allow for any future inspection and maintenance work. Any such easement shall be located on adequate soil or surfacing to withstand loads produced by standard construction equipment. The access easement shall not include any area where channelized flow of runoff occurs or where storm water may pond to a depth greater than six inches during a 100-year, 24-hour design storm.

16.43 STREETS AND ROADS.

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

- 823 (a) For newly created land divisions, right-of-way width shall be at least 66 feet.
- 824 (b) Any municipality of jurisdiction may impose more restrictive road construction or design
825 standards than those imposed herein. In those situations the municipality of jurisdiction shall
826 be responsible for enforcing those more restrictive requirements.
- 827 (c) All roads must be numbered pursuant to chapter 23 of the Code of Ordinances. Numbers shall
828 be assigned by the Land Information Office. Before any plat or certified survey map can be
829 approved for recording, road numbers shall be placed on the document to be recorded.
- 830 (d) Proposed streets within county and state plats shall extend to the boundary lines of the tract
831 being subdivided unless prevented by topography or other physical conditions or unless the
832 Committee finds that such extension is not necessary or desirable for the coordination of the
833 layout of the land division or for the advantageous development of the adjacent tracts.
- 834 (e) Existing public or private roads or easements that are proposed to provide access to newly
835 created lots shall meet the requirements of this section. If a road does not meet such require-
836 ments, the subdivider shall meet with the town and committee to determine the suitability of
837 the existing road and determine what conditions, if any, need to be met to provide for ade-
838 quate access. Existing roads shall be clearly labeled, and the recording information showing
839 ownership or easement interests shall be shown on the map.
- 840 (f) The committee may waive the requirements set forth in this section for land divisions with
841 unique topography or other physical features, few lots and little potential to connect with ex-
842 isting or future adjacent land divisions, and the waiver will secure substantially the purposes
843 described in section 16.03 and will not be detrimental to the public safety, health or welfare
844 or injurious to other property.
- 845 (2) Public Roads. These provisions shall apply to all public roads intended to provide access to
846 newly created parcels.
- 847 (a) All roads in plats shall be public roads, unless the governing municipality chooses not to ac-
848 cept the roads.
- 849 (b) An owner's certificate of dedication and a Town or County certificate of approval shall be
850 shown on certified survey maps or plats when public roads are created and dedicated.
- 851 (3) Private Roads. Except as provided in section 16.43(2), private roads are only allowed on
852 certified survey maps and shall meet the following requirements:
- 853 (a) No more than 4 lots may be accessed by private road. Right-of-way width shall be a mini-
854 mum of 66 feet. A variance from this requirement may be granted based on undue hardship.
- 855 (b) A private road shall not exceed the greater of 1,320 feet in length or the length of a quarter-
856 quarter section or government lot. Length shall be measured along the centerline to the right-
857 of-way of the nearest connecting through-street.
- 858 (c) All private dead end roads shall have sufficient side and overhead clearances to allow access
859 and an adequate turnaround for public service vehicles, including, but not limited to, fire and
860 police vehicles, ambulances, public utility vehicles and school buses.
- 861 (d) Private roads from an existing public road to the newly created lot(s) shall be shown, dimen-
862 sioned, and clearly labeled "Private Road" on the map.
- 863 (e) Easements for private roads shall be nonexclusive, i.e., access shall be granted at all times for
864 public service vehicles, including, but not limited to, fire and police vehicles, ambulances,
865 public utility vehicles, and school buses. Private road easements shown on certified survey
866 maps which are not being dedicated shall provide the following note on the face of the map:
867 "Any conveyance of the lots shown on this map must be accompanied by a
868 description for the access easement."

- 869 (f) For all newly created private roads, the owner of each newly created lot accessed thereby
870 shall hold a fractional interest in such private road either by lot ownership extending to the
871 centerline of the road or by designating the roadway as an outlot which is to be owned in
872 equal undivided shares by all lot owners.
- 873 (g) When 2 or more lots are accessed by a private road, an agreement for the repair and mainte-
874 nance of such road must be submitted for approval to the Department at the time of applica-
875 tion. Maintenance agreements shall be recorded with the certified survey map or plat.
- 876 (h) No person shall sell any parcel of land if it abuts on a road that has not been accepted as a
877 public road unless the seller informs the purchaser in writing of the fact that the road is not a
878 public road and is not required to be maintained by the Town or the County.
- 879 (i) Any land division that contains a private road shall have the following statement placed on
880 its face:
- 881 "Access to this property is provided by nonexclusive easement. ___(insert
882 road/street name)___ as shown on this map is not a public road and the Town of
883 _____ and Dunn County have no responsibility for snow plowing or other
884 maintenance, or for the construction of a driving surface, upon said easement."
- 885 (4) Arrangement.
- 886 (a) All streets shall be properly integrated with the existing and proposed system of streets and
887 dedicated rights-of-way and future subdivisions.
- 888 (b) All streets shall be properly designed to accommodate special traffic generators, such as in-
889 dustries, business districts, schools, churches, and shopping centers.
- 890 (c) Minor streets shall be laid out to conform as much as possible to the topography, to discour-
891 age use by through traffic, to permit efficient drainage and sewer systems, and to require the
892 minimum amount of streets necessary to provide convenient and safe access to property.
- 893 (d) The use of curvilinear streets, cul-de-sacs or U-shaped streets shall be encouraged where
894 such use may result in a more desirable layout.
- 895 (5) Half streets. Where an existing dedicated or platted half street is adjacent to the tract being
896 subdivided, the other half street shall be dedicated by the subdivider.
- 897 (6) Street intersections.
- 898 (a) Streets shall be laid out so as to intersect as nearly as possible at right angles but deflections
899 of up to twenty (20) degrees from right angles will be acceptable. No more than two (2)
900 streets shall converge at an intersection unless specifically approved by the Committee.
- 901 (b) Proposed new intersections along one side of an existing street shall coincide with any exist-
902 ing intersections on the opposite side of such street. Street jogs with centerline offsets of less
903 than one hundred twenty-five (125) feet shall not be permitted. Where streets intersect major
904 streets their alignment shall be continuous.
- 905 (c) The Town Board or Committee may require the subdivider to dedicate or reserve land at in-
906 tersections to the extent deemed necessary to provide adequate sight distances.
- 907 (6) Alleys. Alleys may be required by the Committee where deemed necessary. Alleys in
908 residential districts and dead-end alleys shall be prohibited.
- 909 (7) Alignment. When a continuous street centerline deflects at any point by more than ten (10)
910 degrees, a circular curve shall be introduced having a minimum centerline radius of one hundred
911 (100) feet. A tangent at least one hundred (100) feet in length shall be provided between reverse
912 curves.

913 (8) Permanent cul-de-sacs. Permanent cul-de-sacs shall have a minimum turnaround right-of-
914 way radius of 75 feet and a minimum finished driving surface radius of 50 feet. Cul-de-sacs shall
915 have a maximum length of 1,320 feet, or the length of a quarter-quarter section or government
916 lot. Length shall be measured from the radius point of the cul-de-sac along the centerline to the
917 right-of-way of the nearest connecting through-street. These standards shall not be applicable to
918 temporary cul-de-sacs.

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

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

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

931

932 **16.44 ACCESS.**

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

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

937 (3) Major land divisions abutting state highways are subject to Wis. Admin. Code Chapter Trans
938 233.

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

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

943 **16.45 BLOCKS.**

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

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

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

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

960 **16.46 LOTS.**

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

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

965 (3) Lot dimensions.

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

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

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

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

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

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

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

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

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

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

987 (a) All lots, except for outlots, being less than 1½ acres in size, shall have a minimum of three
988 soil borings which delineate the private sewage system area and a preliminary soil evaluation
989 report completed and submitted to the Zoning Office for review and approval.

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

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

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

999 (e) Rounding shall not be permitted for determining the area of a lot for purposes of this subsec-
1000 tion.

- 1001 (f) Such tests may be waived by the Zoning Office if:
1002 1. The lots being created are already served by an acceptable on-site POWTS, off-site com-
1003 mon sewage disposal system, or municipal sewerage system. To verify that the system is
1004 acceptable, an inspection completed by a licensed pumper or plumber must have been
1005 performed within thirty-six (36) months prior to approval of the certified survey map by
1006 the Department and the report detailing the inspection must have been submitted to the
1007 Zoning Office. If the existing system is determined to be failing, steps must be taken
1008 with the Zoning Office to ensure a code compliant system is installed; or
1009 2. The lots being created are intended for uses other than residential and for which an ac-
1010 ceptable sewerage disposal facilities plan has been filed with the Zoning Office; or
1011 3. The lots are being created for land conveyance purposes only.
- 1012 (g) All lots that do not require a minimum of three soil borings to delineate the POWTS area or
1013 for any lots created under paragraph (e) above, the subdivider shall prominently place the fol-
1014 lowing restrictive statement on the face of the certified survey map or plat: "A soil and site
1015 evaluation may not have been conducted on each lot or parcel. No plumbed structure shall be
1016 erected on any lot(s) or parcel(s) unless the requirements of SPS 383 and 385, Wisconsin Ad-
1017 ministrative Code, and the Dunn County Ordinances have been met."
- 1018 (h) Holding tank use is prohibited for new construction of residential dwellings on any lot(s).
1019 (i) The Zoning Office shall have the authority to require three soil borings to delineate the
1020 POWTS area and a preliminary soil evaluation report to be completed and submitted for re-
1021 view and approval by the Zoning Office for any lot(s) or parcel(s) regulated under this ordi-
1022 nance that exhibits severe limitations for the placement of a POWTS due to soil type or ex-
1023 cessive slope conditions.
- 1024 (j) All soil borings required under this Chapter shall be conducted by a Certified Soil Tester li-
1025 censed in Wisconsin.
- 1026 (9) All lots shall have a minimum of thirty-three (33) feet of frontage directly on a public or
1027 private road or easement.
- 1028 (10) Where a contiguous tract is subject to the right-of-way of a public road, any newly created
1029 lot fronting on the public road shall also include that portion of the contiguous tract lying
1030 immediately adjacent to the lot which is subject to the road right-of-way.
- 1031 (11) No lot shall be created if the proposed division will result in a nonconforming structure,
1032 unless an owner's certificate is placed on the certified survey map or plat requiring that the
1033 nonconforming structure be razed or moved in such a way to correct the nonconformity prior to
1034 the conveyance of the surveyed lot.
- 1035 (12) No lot shall be created with more than one (1) existing habitable structure.
- 1036 (13) Any outlots created shall be accompanied with a statement of purpose or use of the outlot.
1037 Outlots shall not be used to circumvent the intent of this ordinance.

1038 **16.47 LANDS NEAR WATER'S EDGE.**

- 1039 (1) Lands lying between the meander line, established in accordance with Wis. Stat. §
1040 236.20(2)(g) and the water's edge, and any otherwise unplattable lands, such as floodways,
1041 which lie between a proposed land division and the water's edge shall be included as part of lots,
1042 outlots or public dedications in any map or plat abutting a lake or stream. This requirement
1043 applies not only to lands proposed to be divided, but also to all lands under option to the
1044 subdivider or in which the subdivider holds an interest and which abut a lake, river or stream as
1045 provided in Wis. Stat. § 236.16(4).

- 1046 (2) Lands located below the Ordinary High Water Mark of any navigable water shall not be
1047 included in determining minimum lot size of any lot created under the terms of this chapter.
- 1048 (3) Lots fronting on a navigable body of water shall meet the frontage requirements in section
1049 14.05, Code of Ordinances.
- 1050 (4) Newly created lots divided by streams must have a contiguous buildable area on at least one
1051 side of the stream including access to the building location.

1052
1053 **16.48 PARKS, PLAYGROUNDS, SCHOOLS AND OPEN SPACE.**
1054 In the design of the subdivision, due consideration shall be given to the preservation of suitable
1055 sites of adequate area for future schools, parks, playgrounds, drainage ways and other public
1056 purposes. Such areas as are shown on an adopted master plat or official map shall be made a part
1057 of the subdivision design. Consideration shall also be given in the design of the subdivision to
1058 the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds,
1059 watercourses, watersheds and ravines.

1060
1061 **16.49 UTILITY PLACEMENT.** Utilities may not place any poles, pedestals, lines (overhead or
1062 underground), within three (3) feet of any monumented Public Land Survey System corner or
1063 property corner. The submittal of any County or State Plat required by this Chapter, shall require
1064 the preceding sentence to be shown on the face of the plat.

1065
1066 **16.50 DEDICATIONS.** Dedications shall be effected as provided in Wis. Stat. § 236.29.
1067 Dedications to the county, other than road dedications, shall require approval of the county board
1068 of supervisors.

SUBCHAPTER V– CONDOMINIUM DEVELOPMENTS

- 1069 **16.70 CONDOMINIUM DEVELOPMENTS.**
1070 (1) This section is created under the authority of Wis. Stat. § 703.115.
- 1071 (2) Land divided for the establishment of a condominium plat shall meet the requirements of the
1072 Dunn County Zoning Ordinance or Town Zoning Ordinance in independently zoned towns.
- 1073 (3) A condominium plat shall be submitted to the Department for review and approval pursuant
1074 to Wis. Stat. § 703.115. The Department shall have ten (10) business days after submission for
1075 its review. If the review is not completed within ten (10) business days the instrument is ap-
1076 proved for recording.
- 1077 (4) Condominium instruments may not be used to create or alter lots, parcels, outlots, public
1078 streets, or other areas to be dedicated to the public.
- 1079 (5) The Register of Deeds shall reject condominium instruments that have not been reviewed as
1080 provided in this section.

SUBCHAPTER VI – ADMINISTRATION

1081 **16.80 PLANNING, RESOURCE, AND DEVELOPMENT COMMITTEE.** The Planning,
1082 Resource and Development Committee shall be empowered to ensure proper administration and

1083 compliance with the provisions of this chapter, conduct such hearings and meetings as necessary,
1084 approve, conditionally approve or deny applications under the terms as set forth herein, and set
1085 fees and adjust them from time to time as is deemed necessary.

1086
1087 **16.81 ADMINISTRATION AND ENFORCEMENT.** The Survey Division of the Environ-
1088 mental Services Department shall be responsible for the administration and enforcement of this
1089 chapter. The subdivider shall submit the necessary copies of proposed land division instruments
1090 (applications) and applicable fees to the Department. Copies will then be circulated to the appro-
1091 priate agencies, divisions, or departments for review and recommendations concerning matters
1092 within their jurisdiction.

1093
1094 **16.82 FEES.** Application and review fees shall be established by the Committee and set forth in
1095 an Appendix to this chapter.

1096
1097 **16.83 VARIANCES.**

1098 (1) Where strict application of the provisions of this chapter would impose undue hardship
1099 because of unique topographic or other conditions of the land involved or other conditions
1100 predating adoption of this chapter, or to achieve consistency with a City or Village
1101 extraterritorial ordinance, the Committee may approve variances to any requirement of this
1102 chapter to the extent deemed just and proper, provided such variance shall not impair the intent
1103 and purpose of this chapter or be contrary to the Wisconsin Statutes or Wisconsin Administrative
1104 Code.

1105 (2) The Committee shall not grant variances unless it shall make findings based on evidence
1106 presented to it with each request for variance that:

1107 (a) The granting of the variance will not be detrimental to the public safety, health or welfare or
1108 injurious to other properties.

1109 (b) The conditions upon which the request is based are unique to the property for which the vari-
1110 ance is sought and are not applicable generally to other property.

1111 (c) Because of the particular physical surrounding, shape, or topographical conditions of the spe-
1112 cific property involved, a particular undue hardship to the owner would result, as distin-
1113 guished from a mere inconvenience. Undue hardship shall relate solely to the physical char-
1114 acteristics of the property. Financial hardship, loss of profit, self-imposed hardships such as
1115 that resulting from unfamiliarity with regulations, deed restrictions, proceeding without re-
1116 quired permits, or illegal sales are not sufficient reasons for the granting of a variance.

1117 (3) No variances may be granted under this section that would modify or waive requirements of
1118 any other county ordinance.

1119 (4) A majority vote of the entire membership of the Committee shall be required to grant a
1120 variance of any standard within this chapter and the reasons therefore shall be entered in the
1121 Committee minutes.

1122 (5) All applications for variance shall be in writing and include a review fee to defray the cost of
1123 processing and review. The application shall state fully the grounds and all facts relied upon.

1124 (6) For all approved variances, a notation shall be placed on the Plat or Certified Survey Map
1125 stating the nature of the variance granted and the date of approval by the Committee.

1126

1127 **16.84 APPEALS.**

1128 (1) An applicant for land division approval may appeal a decision of the Department to the
1129 Committee. An appeal must be in writing, shall state with specificity the basis for the appeal, and
1130 must be received within 30 days of the date of the decision of the Department. Upon receipt of
1131 an appeal, the Department shall transmit the appeal to the Committee.

1132 (a) The Committee shall, within 40 days of receipt by the Department of a written appeal, review
1133 the appeal against the applicable standards of this ordinance, and affirm, modify, or reverse
1134 the decision of the Department.

1135 (b) The applicant and the Department shall be permitted to make presentations to the Committee
1136 under such terms, conditions and procedures as established by the Committee.

1137 (c) The decision of the Committee and the reasons therefore shall be entered in the Committee
1138 minutes. An extract of the minutes or notice of the decision shall be mailed to the applicant.

1139 (2) An applicant aggrieved by a decision by the Committee objecting to a plat or failing to
1140 approve a plat may appeal to the Circuit Court for Dunn County as provided in Wis. Stat. §
1141 236.13(5) within thirty (30) days of notification of the decision. Where failure to approve is
1142 based on an unsatisfied objection, the agency making the objection shall be made a party to the
1143 action.

1144 **16.85 ENFORCEMENT.**

1145 (1) General.

1146 (a) No person shall build upon, divide, convey, record or monument any land in violation of this
1147 chapter or the Wisconsin Statutes.

1148 (b) The Dunn County Zoning Office shall withhold all permits where the applicant, owner, or
1149 licensed contractor is in violation of this chapter, and for any parcel of land which has an
1150 outstanding violation of this chapter, until the violation has been corrected.

1151 (c) No approval pursuant to this chapter shall be issued where the applicant is in violation of this
1152 or any ordinance administered by the Department.

1153 (d) No certified survey map or plat shall be recorded unless all applicable requirements of this
1154 chapter have been met.

1155 (e) Assessor's plats may be ordered by the County at the expense of the divider or the owners of
1156 record when a land division is created by successive divisions, not in compliance with this
1157 chapter.

1158 (2) Standards.

1159 (a) Any person, firm or corporation who fails to comply with the provisions of this chapter or
1160 who willfully enters into a conspiracy with one or more other persons for the purpose of cir-
1161 cumventing this chapter, shall, upon adjudication of violation, be subject to penalties and for-
1162 feitures established by the county or as provided in Wis. Stat. §§ 236.30, 236.31, 236.32,
1163 236.335, and 236.35. These sections provide penalties for:

1164 1. Improperly recording or causing to be recorded a final plat that does not comply with
1165 submittal requirements of Chapter 236, Wis. Stats., or this chapter.

1166 2. Offering for sale lots in a final plat that has not been recorded unless the offer or contract
1167 for sale includes language making the sale contingent upon approval of the final plat, and the
1168 sale void if the plat is not approved.

1169 3. Monuments disturbed or not placed.

1170 4. Subdividing lots that fail to conform to Chapter 236, Wis. Stats., or any applicable Wis-
1171 consin administrative regulation or this chapter.

1172 5. Selling land that abuts on a road that has not been accepted as a public road unless the
1173 seller informs the purchaser in writing that the road is not a public road and maintenance is
1174 not required to be performed by the County or Town.
1175 (b) Any failure to take enforcement action on past violations shall not operate as a waiver of the
1176 authority take enforcement action on present violations.

1177 (3) The Department may institute any appropriate action or proceeding against violators of this
1178 ordinance as provided by law or this ordinance, including issuing citations or commencing a
1179 lawsuit seeking forfeitures or injunctive relief, or both.

1180 (4) Forfeitures. Any person, firm or corporation adjudicated for violating this ordinance shall pay
1181 a forfeiture of not less than Two Hundred Dollars (\$200) nor more than Two Thousand Dollars
1182 (\$2,000) and the costs of prosecution for each violation, and in default of payment of such
1183 forfeiture costs shall be imprisoned in the county jail until payment thereof, but not exceeding
1184 ninety (90) days. Each day a violation exists or continues shall constitute a separate offense. In
1185 addition to the penalties noted, compliance may be obtained by creating the necessary documents
1186 under the direction of the County Surveyor and placing the cost thereof on the tax roll as a
1187 special assessment.

1188

1189 **16.86 AMENDMENT.** The Dunn County Board of Supervisors may from time to time amend
1190 the regulations imposed by this chapter. Public hearings on all proposed amendments shall be
1191 conducted by the Committee following publication of a class 2 notice, as required by Wis. Stat. §
1192 236.45(4).

CHAPTER 10

ENVIRONMENTAL PROTECTION AND MANAGEMENT

Subchapter I – Agricultural Performance Standards and Manure Storage and Management

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SUBCHAPTER I

AGRICULTURAL PERFORMANCE STANDARDS AND MANURE STORAGE AND MANAGEMENT

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

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

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

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

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

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

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

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

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

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

44 **10.07 DEFINITIONS.**

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

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

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

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

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

57 Committee: See Land Conservation Committee.

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

61 Direct Runoff: means any of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

99 Landowner: Any of the following:

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

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

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

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

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

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

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

118 the groundwater, any lake, stream or river, or any other component of the environment. A
119 mismanaged storage facility includes, but is not limited to the following:
120 (a) A storage facility that is being managed inconsistent with the NRCS Technical Guide.
121 (b) A storage facility that is overflowing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

263

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

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

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

275 (3) Feedlots.

276 (4) Idle Manure Storage Structures.

277 (5) Malfunctioning or Mismanaged Manure Storage Facilities.

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

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

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

287

288 **10.09 PERFORMANCE STANDARDS AND PROHIBITIONS**

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

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

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

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

305 **(5)** Nutrient Management.

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

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

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

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

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

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

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

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

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

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

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

376 (b) New construction and alterations.

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

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

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

387 (c) Closure.

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

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

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

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

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

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

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

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

413

414 **10.10 INTERPRETATION OF STANDARDS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

546 (b) Manure Storage Facility Closure Application Requirements. A complete permit application
547 for waste storage facility closure shall meet all standards as outlined in NRCS Technical
548 Standard 360 Waste Facility Closure and shall specify:
549 1. Provisions to remove and properly dispose of all accumulated wastes in the manure
550 storage facility.
551 2. Provisions to remove any concrete or synthetic liner, or properly use pieces of the concrete
552 or synthetic liner as clean fill at the site.
553 3. Provisions to remove and properly dispose of any soil saturated with waste from the
554 manure storage facility.
555 4. Provisions to remove any soils to the depth of significant manure saturation. When
556 contaminated soils are found, they must be removed to the extent necessary with a
557 minimum depth of 6 inches.
558 5. Provision to remove or permanently plug the waste transfer system serving the manure
559 storage facility.
560 6. Covering all disturbed area with topsoil, seeding the areas with a grass mixture, and
561 mulching the seeded area. This section does not apply if an alternative use of the site is
562 authorized under a closure plan approved by the county as part of the permit.
563 7. Any other additional information required by the land conservation division to protect
564 water quality and determine compliance with this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

607 **10.15 ADMINISTRATION.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

642

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

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

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

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

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

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

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

665

666

667

668 **10.17 APPEALS FROM ADMINISTRATIVE DECISIONS.**

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

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

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

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



OFFICE OF CORPORATION COUNSEL

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VALUATION OF TAX FORECLOSED PROPERTY

TO: Planning, Resources and Development Committee
FROM: Barbara Anne Fagan, Assistant Corporation Counsel
DATE: September 10, 2020

Introduction

We have a number of properties taken through *In Rem* tax foreclosure proceedings. At the September 22, 2020, meeting of the Planning, Resources and Development Committee, the Corporation Counsel Office is presenting 6 properties for the purpose of having the Committee set sale values.

Valuation Methods

Appraisal. These properties have had restricted appraisals done by K-Jet Appraisal, LLC. The appraisal method of valuation was selected because these properties have a higher potential sale value, making the cost of a professional appraisal worthwhile.

PROPERTY 1

Property Description: This is a 2.5 acre property. The trailer on the property enjoins a garage. At one time there was a significant electrical fire in the trailer and the electrical company has stated it is not eligible for re-wiring. The recommended valuation deducts the cost to remove the trailer (\$5,000). There is also a garage on the property in fair condition, but adds no value to the property. The property does have a well/septic installed.

Property Address: E9946 County Road C, Elk Mound, WI 54739

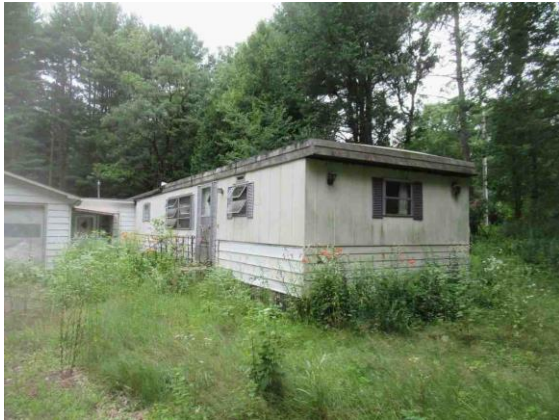
Zoning District: N/A

PIN: 17034-2-271125-130-0001

Legal Description: Lot 1 of Certified Survey Map #3635 recorded March 20, 2008 in Volume 17 of Survey Maps, Page 85, as Document #552282, Town of Spring Brook, Dunn County, Wisconsin. SUBJECT to Easements, Restrictions, and Rights of Way of Record.

Valuation Recommendation: \$25,000

Street Level Views:



Front View



Rear View



Woodshed



Storage Shed



Garage

PROPERTY 2

Property Description: This is a 10.69 acre property zoned general agriculture. A double-wide trailer home in poor condition sits on the property. The ceiling is in poor condition with evidence of mold and animal activity. The ceiling has fallen down in several locations. There is a large shop on the property that is in average condition. Additionally, there is a Quonset shed and a chicken coop that are fairly cluttered, but in average condition. The trailer and the additional structures are estimated to contribute \$23,000 in value.

Property Address: N4644 County Road K, Menomonie, WI 54751

PIN: 17016-2-271306-410-0002

Legal Description: Lot Two (2) of Certified Survey Map No. 2487, recorded in the Office of the Register of Deeds for Dunn County, Wisconsin in Volume 11 Survey Maps, Page 27 as Document No. 473600; BEING a part of the Northeast Quarter (NE¹/₄) of the Southeast Quarter (SE¹/₄) of Section Six (6), Township Twenty-seven (27) North, Range Thirteen (13) West, Town of Menomonie, Dunn County, Wisconsin; EXCEPT that part conveyed to Dunn County in Document No. 522875.

Valuation Recommendation: \$55,000

Street Level Views:



Front View



Rear View



Deck



Old Shed



Utility Shed



Old Shed



Shop



Shop



Chicken Coop



Chicken Coop Inside



Quonset Shed



Quonset Shed Inside

PROPERTY 3

Property Description: This is a 10.32 acre property zoned general agriculture. The house is a log home with a detached garage shop. The log home is in average condition, although the ceiling has some water damage and the front porch is in need of major repair. The garage/shed is in very poor condition and has significant roof damage and is fallen in on itself. Interior cleanup of the house would be necessary. There is significant mechanical trash and tools in the yard, hidden among the grass.

Property Address: E4495 1050th Ave., Wheeler, WI 54772

PIN: 17012-2-301327-110-0001

Legal Description: The East One-half (E1/2) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) Section Twenty-seven (27), Township Thirty (30) North, Range Thirteen (13) West, Town of Hay River, Dunn County, Wisconsin; EXCEPT the South One-half (S1/2) of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4); ALSO EXCEPT Beginning at the Northeast Corner of Section Twenty-seven (27); thence 40 feet West on the North line thereof; thence due South at right angles a distance of 660 feet to the Point of Beginning of this parcel; thence due West at right angles a distance of 620 feet; thence due South at right angles a distance of 351.3 feet; thence due East a distance of 620 feet more or less to a point due South of the Point of Beginning; thence due North 351.3 feet more or less to the Point of Beginning. SUBJECT TO an easement for ingress and egress over the East 40 feet and further subject to an easement cited in the Personal Representative's Deed from the estate of Helen J. Shepard to Bryan E. Andrews, recorded in Volume 363 of Records on Page 254 on June 17, 1987, as Document Number 370129; SUBJECT to Easements, Restrictions, and Rights of Way of Record.

Valuation Recommendation: \$70,000

Street Level Views:



Front View



Rear View



Front Side View



Rear Side View



Detached Garage/Shop



Garage/Shop Inside



Kitchen



Dining Area



Living Room



Full Bathroom/Laundry Area



Loft



Basement

PROPERTY 4

Property Information: This is a house downtown Boyceville. There is a substantial accumulation of refuse, food, and personal belongings wall-to-wall inside. In addition to the clutter, the strong smell and numerous insects make it difficult to enter the house. There is a locked shed on the property that appears to be in good repair. The appraiser made two recommendations. One recommendation is on the assumption that the house is structurally sound and could be gutted, the other taking into consideration the cost to raze the house.

Property Address: 466 Main Street, Boyceville, WI 54725

Zoning District:

PIN: 17106-2-301435-210-0027

Legal Description: Lot Twelve (12), Block Two (2), Park Addition, Village of Boyceville, Dunn County, Wisconsin; SUBJECT to Easements, Restrictions, and Rights of Way of Record.

Valuation Recommendation: \$5,000

Street Level Views:



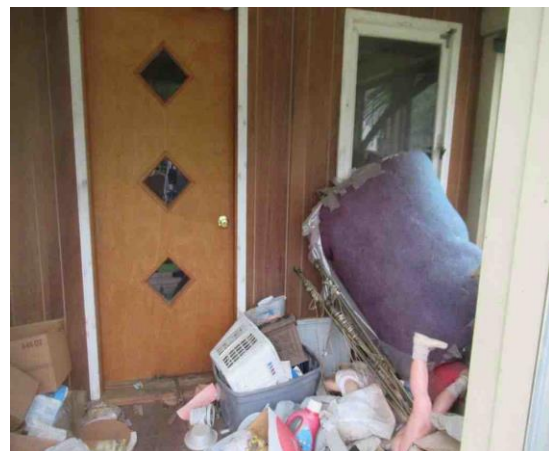
Subject Front



Front Side View



Subject Rear



Entry Porch



Interior



Interior



Detached Garage



Inside Detached Garage

PROPERTY 5

Property Description: This is a .14 acre parcel down the road from parcel number 6, 466 Main Street, Boyceville, WI 54725 with a 3-car garage.

Property Address: N/A

Zoning District:

PIN: 17106-2-301435-210-0026

Legal Description: Lot Ten (10), Block Two (2), Park Addition to the Village of Boyceville, Dunn County, Wisconsin; SUBJECT to Easements, Restrictions, and Rights of Way of Record.

Valuation Recommendation: \$5,000

Street Level Views:



Subject Front



Subject Rear



Garage Interior

PROPERTY 6

Property Description: This is a 31.73 acre parcel zoned general agriculture. There are several shed/shack structures that had likely been used for housing for individuals helping on the farm. These structures do not have electricity plumbing. The main house sits halfway on the adjacent property and half on this property and will be razed by the Dunn County Highway Department. There are several hoop-houses in the outer lot.

Property Address: E7339 County Rd S, Wheeler, WI 54772

PIN: 17020-2-301211-410-0002

Legal Description: The Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section Eleven (11), Township Thirty (30) North, Range Twelve (12) West, Town of Otter Creek, Dunn County, Wisconsin; EXCEPT that part East of the centerline of the public road, and FURTHER EXCEPT the South 60 rods of the East 20 rods of said forty.

Valuation Recommendation: \$85,000

Street Level Views:



Main House – to be razed



Pole Garage



Cabin



Cabin Interior



Cabin



Cabin



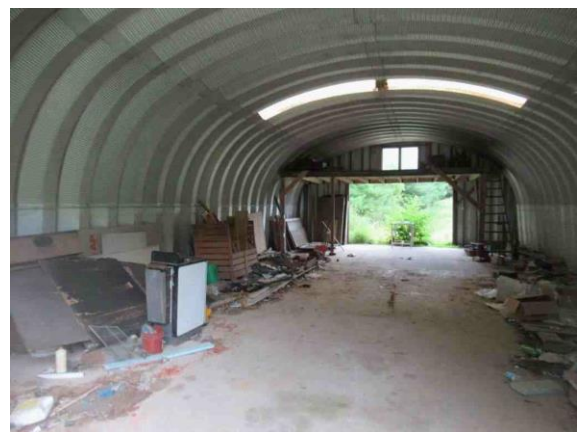
Shed



Granary



Quonset Shed



Quonset Shed Inside



Greenhouse Frame

APPENDIX TO LAND VALUATIONS
LARGE MAPS OF APPRAISED PROPERTIES 1-6

DUNN COUNTY *Wisconsin*

Property 1

PIN: 17034-2-271125-130-0001

Old # : 034-1082-09-000

Owner : Dunn County

Parcel Address : E 9946 CTY RD C
ELK MOUND,WI

Parcel Zip : 54739

Zoning : N/A

Muni : Spring Brook (034)

Township : 27

Range : 11

Section : 25

Legal Acres : 2.5

School District : 1645

History : 554133



Spring 2012 Photo

0 0.0125 0.025 0.05 0.075 0.1 Miles



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



DUNN COUNTY *Wisconsin*

Property 2

PIN:1701622713064100002
Old # : 016102309000

Owner : Dunn County
Parcel Address : N4644 COUNTY RD K
Parcel Zip : 54751
Zoning : GA
Muni : MENOMONIE (016)
Township : 27
Range : 13
Section : 06
Legal Acres : 10.69
School District : 3444
History : 922/49



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0 140 280 560 840 1,120 Feet



DUNN COUNTY *Wisconsin*

Property 3

PIN: 1701223013271100001

OLD # : 012106502000

Owner :

DUNN COUNTY

Parcel Address & Zip :

E4495 1050TH AVE 54772

Municipality :

TOWN OF HAY RIVER

Township, Range, Section :

T30N-R13W-S27

Acres :

10.32

School District :

0637

Zoning :

GA



Spring 2017 Photo



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ref: 2019-634346-5

DUNN COUNTY *Wisconsin*

Property 4

PIN: 1710623014352100027

OLD # : 106105906000

Owner :

DUNN COUNTY

Parcel Address & Zip :

466 MAIN ST 54725

Municipality :

VILLAGE OF BOYCEVILLE

Township, Range, Section :

T30N-R14W-S35

Acres :

0.14

School District :

0637

Zoning :



Spring 2017 Photo



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ref: 2019-634346-9

DUNN COUNTY *Wisconsin*

Property 5

PIN: 1710623014352100026

OLD # : 106105904000

Owner :

DUNN COUNTY

Parcel Address & Zip :

Municipality :

VILLAGE OF BOYCEVILLE

Township, Range, Section :

T30N-R14W-S35

Acres :

0

School District :

0637

Zoning :



Spring 2017 Photo



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ref: 2019-634346-8

DUNN COUNTY *Wisconsin*

Property 6

PIN: 1702023012114100002

OLD # : 020102906010

Owner :

DUNN COUNTY

Parcel Address & Zip :

E7339 COUNTY RD S 54772

Municipality :

TOWN OF OTTER CREEK

Township, Range, Section :

T30N-R12W-S11

Acres :

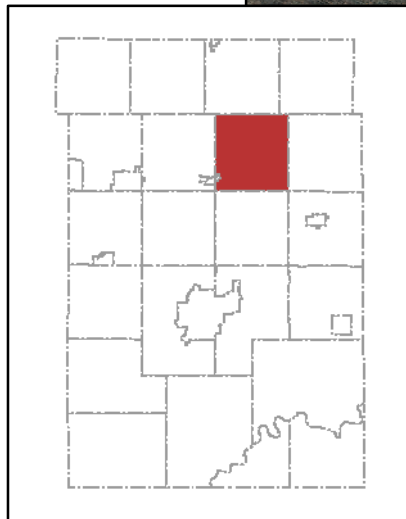
31.73

School District :

1176

Zoning :

GA



Spring 2017 Photo



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ref: 2013-598424-

DUNN COUNTY RESOLUTION NO. _____

Resolution of the Planning, Resources, and Development Committee of the
Dunn County Board of Supervisors, Dunn County, Wisconsin

Approving Participation in the County Conservation Aids Program

NOW, THEREFORE, BE IT RESOLVED, that the Dunn County Planning, Resources, and Development Committee, under authority granted by the Dunn County Board of Supervisors in Resolution No. 69 approved on November 15, 2011, authorizes participation in the 2021 County Conservation Program under 23.09 Wisconsin Statutes.

BE IT FURTHER RESOLVED, that the Dunn County Planning, Resources, and Development Committee select "Native Habitat Restoration" as the 2021 County Fish and Game Project.

BUDGET IMPACT: County funds totaling \$2,325 and anticipated matching revenue of \$2,325 from the Department of Natural Resources are included in the proposed 2021 Land and Water Conservation Division Budget. Funds will not be expended before the 2021 budget is approved by the Dunn County Board of Supervisors.

ADOPTED BY THE PLANNING, RESOURCES, AND
DEVELOPMENT COMMITTEE:

ADOPTED ON: September 22, 2020

ATTEST:

Tom Quinn, Chair

Diane Duerst, Recording Secretary

APPROVED AS TO FORM AND EXECUTION
BY:

Nicholas Lange, Corporation Counsel

Background information: Dunn County has participated in the County Fish and Game Program since the 1960's. The State provides 50% matching funds that have been used to make improvements to the shooting ranges, boat landings, and other public recreation areas throughout the County. In 1998, the County Board of Supervisors assigned the responsibility for this program to the Planning, Resources, and Development Committee and reaffirmed that decision on November 15, 2011, by Resolution No. 69. The Alliance of Dunn County Conservation and Sports Clubs annually recommends, and the PR&D Committee officially approves, a project each year. Wide-open prairies and oak savannas once covered the landscape of the Upper Midwest including much of Dunn County. Today only tiny fractions of these fire-dependent ecosystems remain, harboring many specialized and endangered plants and animals in some of the rarest habitats on earth. The 2021 project recommended by the Alliance is to purchase additional forbs seed to supplement a 43-acre native pollinator habitat restoration planting in the Dunnville Wildlife Area.