

ARTICLE IV. - ANIMAL MANURE MANAGEMENT

DIVISION 1. - GENERALLY

Sec. 12-300. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate sod or self-sustaining vegetative cover means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves and woody debris.

Agricultural land use means the use of land for agricultural practices.

Agricultural practice means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grain, grass, mint or seed crops; raising of fruits, nuts or berries; sod farming; placing land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; or vegetable raising.

Animal manure means livestock excreta. The term "animal manure" includes livestock bedding, water, soil, hair, feathers, and other debris that becomes intermingled with livestock excreta in normal waste handling operations.

Best management practices or BMPs means structural or nonstructural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to water of the state.

County land conservation committee means the committee created by a county board under Wis. Stats. § 92.06. The term "county land conservation committee" includes employees or agents of a County Land Conservation Committee who, with committee authorization, act on behalf or the committee.

DATCP means the department of agriculture, trade and consumer protection.

Direct runoff means a discharge of a significant amount of pollutants to waters of the state resulting from any of the following practices:

- (1) Runoff from a manure storage facility.
- (2) Runoff from an animal lot that can be predicted to reach surface waters of the state through a defined or channelized flow path or manmade conveyance.
- (3) Discharge of leachate from manure piles.
- (4) Seepage from a manure storage facility.
- (5) Construction of a manure storage facility in permeable soils or over fractured bedrock without a liner designed in accordance with Wis. Admin. Code § NR 154.04(3).

DNR means the state department of natural resources.

Chapter 12 - Environment

Floodplain means land which has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes the floodway and the flood fringe, and may include other designated floodplain areas for regulatory purposes.

Idle storage facility means an animal waste storage facility where the operations cease or manure has not been added or removed for 24 months.

Landowner means any of the following:

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

Livestock means domestic animals such as cattle, horses, sheep, hogs, poultry, fish, etc., or exotic animals such as llamas, ostriches, etc.

Livestock operation means a feedlot or other facility or pasture where animals are fed, confined, maintained or stabled.

Manure storage facility means an impoundment made by constructing an embankment or excavating a pit or dugout or by fabricating a structure to contain manure and other animal or agricultural wastes.

Navigable waters or navigable waterway means any body of water, which is navigable under the laws of the state.

NRCS means the Natural Resources Conservation Service of the U.S. Department of Agriculture.

Nutrient management plan means any of the following:

- (1) A plan required under Wis. Admin. Code § ATCP 50.04(3) or 50.62(5)(f).
- (2) A farm nutrient plan prepared or approved, for a landowner, by a qualified nutrient management planner.

Operator means a person responsible for the oversight or management of equipment, facilities or livestock at a livestock operation, or is responsible for land management in the production of crops.

Permit means the signed, written statement issued by the county land conservation department under this article authorizing the applicant to construct, install, reconstruct, enlarge, substantially alter or close an animal manure storage facility.

Permittee means any person to whom a permit is issued under this article.

Stored manure means manure that is kept in a manure storage facility or an unconfined manure pile.

Substantially altered means a change initiated by an owner or operator that results in a relocation of a structure or facility or significant changes to the size, depth or configuration of a structure or facility including:

- (1) Replacement of a liner in a manure storage structure.
- (2) An increase in the volumetric capacity or area of a structure or facility.

Chapter 12 - Environment

- (3) A change in a structure or facility related to a change in livestock management from one species of livestock to another such as cattle to poultry.

Technical guide means the current Wisconsin version of the United States Department of Agriculture Natural Resources Conservation Service Technical Guide as adopted by the County land conservation committee.

Technical standard means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

Unconfined manure pile means a quantity of manure that is at least 175 feet³ in volume and which covers the ground surface to a depth of at least two inches and is not confined within a manure storage facility, livestock housing facility or barnyard runoff control facility or covered or contained in a manner that prevents stormwater access and direct runoff to surface water or leaching of pollutants to groundwater.

Water pollution means contaminating or rendering unclean or impure the groundwaters or surface waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.

Water quality management area or WQMA means the area within 1,000 feet from the ordinary high-water mark of navigable waters that consists of a lake, pond or flowage, except that, for a navigable that is a glacial pothole lake, the term means the area within 1,000 feet from the high-water mark of the lake; the area within 300 feet from the ordinary high-water mark of navigable waters that consist of a river or stream; and a site that is susceptible to groundwater contamination, or that has the potential to be a direct conduit for contamination to reach groundwater.

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

Wetlands means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

(Compiled Ords. of 2009, ch. 16.16, art. II)

Sec. 12-301. - Authority.

This section is adopted under authority granted by Wis. Stats. §§ 59.01, 59.02, 59.03, 59.04, 59.54, 59.69, 59.70, 66.0113, 92.07, 92.09, 92.11, 92.15, and 92.16.

(Compiled Ords. of 2009, § 16.16.010)

Sec. 12-302. - Findings and declaration of policy.

Chapter 12 - Environment

- (a) The county board of supervisors finds that manure generated by the livestock industry, when properly managed, is important for maintaining soil quality, reduces reliance on commercial fertilizer, and is of significant importance for the agricultural economy of the county. The county board of supervisors finds that storage of manure in facilities not meeting technical design and construction standards or livestock operations having any overflow of manure from storage facilities or any unconfined manure piles in a water quality management area may cause pollution of the surface waters and groundwaters of the county, and may result in actual or potential harm to the health of county residents and transients; and to livestock, aquatic life and other animals and plants.
- (b) The county board of supervisors also finds that improper land application of manure may cause pollution of the groundwater and surface water of the county.
- (c) The county board of supervisors further finds that the technical standards developed and maintained by the USDA-Natural Resources Conservation Service and adopted by the land conservation committee provide effective, practical and environmentally safe methods of storing and utilizing animal manure. The board further finds that where operations have ceased, the manure storage facility shall be closed according to USDA-NRCS standards. (Compiled Ords. of 2009, § 16.16.030)

Sec. 12-303. - Purpose.

The purpose of this article is to regulate the design, construction, maintenance and proper closure of manure storage facilities and provide for proper utilization of manure. It is also intended to provide for the administration and enforcement of this article and to provide penalties for its violation.

(Compiled Ords. of 2009, § 16.16.040)

Sec. 12-304. - Applicability.

This article applies to the entire geographical area of the county, except as otherwise provided by law.

(Compiled Ords. of 2009, § 16.16.050)

Sec. 12-305. - Interpretation.

The interpretation and application of the provisions of this article shall be minimum requirements, be liberally construed in favor of the county, and not be deemed a limitation or repeal of any other power granted by state statutes.

(Compiled Ords. of 2009, § 16.16.060)

Sec. 12-306. - Variances.

Chapter 12 - Environment

- (a) The board of adjustment may, upon application, grant a variance from the dimensional standards of this title where an applicant convincingly demonstrates that:
 - (1) Literal enforcement of the provisions of the title will result in practical difficulty or unnecessary hardship on the applicant.
 - (2) The hardship is due to adoption of this article and special conditions unique to the property.
 - (3) Such variance is not contrary to the public interest.
- (b) A variance shall not:
 - (1) Grant, extend or increase any use of property prohibited in the zoning district.
 - (2) Be granted for a hardship based solely on an economic gain or loss.
 - (3) Be granted for a hardship which is self-created.
 - (4) Damage the rights of property values of other persons in the area.
- (c) The department of natural resources may grant a variance to the manure management prohibitions, technical Standards or other nonstatutory requirements of this article in accordance with Wis. Admin. Code § NR 151.097.

(Compiled Ords. of 2009, § 16.16.730)

Secs. 12-307—12-330. - Reserved.

DIVISION 2. - ADMINISTRATION

Sec. 12-331. - Delegation of authority.

The county hereby designates the county land conservation department to administer and enforce the provisions of this article. (Compiled Ords. of 2009, § 16.16.410)

Sec. 12-332. - Administrative duties.

The provisions of this article shall be administered by the county land conservation department under the oversight of the land conservation committee. The county land conservation department shall be primarily responsible for:

- (1) Keeping an accurate record of all permit applications, animal waste facility plans, permits issued, inspections made, and other official actions.
- (2) Reviewing permit applications and issue permits in accordance with this article.

Chapter 12 - Environment

- (3) Investigating complaints relating to compliance with this article.
- (4) Performing other duties as specified in this article.

(Compiled Ords. of 2009, § 16.16.420)

Sec. 12-333. - Entry and inspection authority.

The county land conservation department is authorized to enter upon any lands affected by this article to inspect the land to determine compliance with this article pursuant to the authority granted by Wis. Stats. § 92.07(14). If permission cannot be received from the applicant or permittee, entry by the county land conservation department shall be according to Wis. Stats. §§ 66.0119 and 66.0119(3). Refusal to grant permission to enter lands affected by this article for purposes of inspection shall be grounds for an order of noncompliance, permit denial or revocation.

(Compiled Ords. of 2009, § 16.16.430)

Sec. 12-334. - Enforcement authority.

- (a) The county land conservation department is authorized to issue an order to stop work upon land which has had a permit revoked or on land currently undergoing activity in violation of this article. The order shall specify that the activity must cease immediately and remain stopped until a plan to bring the project into compliance is approved by the county land conservation department.
- (b) Any permit revocation or order stopping work shall remain in effect unless retracted by the county land conservation department, or by a court of record; or until the activity is brought into compliance with this article. The county land conservation department is authorized to refer any violation of this article or of any order stopping work issued pursuant to this article to the district attorney or corporation counsel for commencement of further legal proceedings.
- (c) The county may institute other proceedings in any court of competent jurisdiction and pursue any remedy or relief afforded by law, including a civil forfeiture or injunction.

(Compiled Ords. of 2009, § 16.16.440)

Secs. 12-335—12-356. - Reserved.

DIVISION 3. - ACTIVITIES SUBJECT TO REGULATION

Sec. 12-357. - General requirement.

Any person who constructs, installs, substantially alters, or closes an animal waste storage facility, or possesses an idle storage facility; or who employs another person to do the same on

land subject to this article shall be subject to the provisions of this article. (Compiled Ords. of 2009, § 16.16.450)

Sec. 12-358. - Compliance with permit requirements.

A person is in compliance with this article if he follows the procedures of this article, receives a permit from the county land conservation department before beginning activities subject to regulation under this article, and complies with the requirements of the permit. Modification or closure of preexisting facilities requires a permit, subject to all terms of this article.

(Compiled Ords. of 2009, § 16.16.460)

Sec. 12-359. - Manure management prohibitions.

- (a) All livestock operations shall comply with the following:
- (1) A livestock operation shall have no overflow of manure storage facilities.
 - (2) A livestock operation shall have no unconfined manure pile in a water quality management area.
 - (3) A livestock operation shall have no direct runoff from a feedlot or stored manure into the waters of the state.
 - (4) A livestock operation may not allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod or self-sustaining vegetative cover. This prohibition does not apply to properly designed, installed and maintained livestock or farm equipment crossings.
- (b) Cost-sharing requirement pursuant to Wis. Stats. § 281.16(3). A livestock operation that is in existence prior to October 1, 2002, shall not be required to comply with the manure management prohibitions unless cost-sharing is made available.
- (c) Noncompliance with the manure management prohibitions shall result in enforcement actions in accordance with Wis. Admin. Code § NR.151.095. (Compiled Ords. of 2009, § 16.16.470)

Secs. 12-360—12-376. - Reserved.

DIVISION 4. - SETBACKS

Sec. 12-377. - Setbacks from roadways.

- (a) All state and federal highways, county trunks, town roads, and public streets are designated as roadways.
- (b) The setback from roadways shall be 110 feet from the centerline of the roadway or 50 feet from the right-of-way line, whichever is greater.

Chapter 12 - Environment

- (c) Visual clearance triangle. In each quadrant of every public road intersection, there shall be a visual clearance triangle bounded by the road centerlines and a line connecting points on them 300 feet from an intersection. Except for open fences, no part of any animal waste storage facility shall be more than three feet above the natural grade within the visual clearance triangle.

(Compiled Ords. of 2009, § 16.16.480)

Sec. 12-378. - Setbacks from water.

Animal waste storage facilities shall be located at least 300 feet from any navigable water and shall be designed, as specified in NRCS Field Office Technical Guide, to protect navigable waters and drainageways from accidental spills and runoff from loading areas.

(Compiled Ords. of 2009, § 16.16.490)

Sec. 12-379. - Floodplains and other water bodies.

- (a) No animal waste storage facility will be permitted to be built in the 100-year floodplain of a stream, lake or flowage.
- (b) No animal waste storage facility will be permitted to be built in a wetland, or within 100 feet of its outermost boundary. (Compiled Ords. of 2009, § 16.16.500)

Sec. 12-380. - Lot lines.

Animal manure storage facilities shall be located at least 100 feet from a property line.

(Compiled Ords. of 2009, § 16.16.510)

Sec. 12-381. - Residences.

Animal manure storage facilities shall be located not less than 300 feet from any residential building other than that of the owner of the premises, or owned by the owner of the premises but occupied by his family, agent or employee.

(Compiled Ords. of 2009, § 16.16.520)

Secs. 12-382—12-405. - Reserved.

DIVISION 5. - STANDARDS

Sec. 12-406. - Animal manure storage facilities.

Chapter 12 - Environment

Standards and specifications for design, construction and management of animal manure storage facilities are those in Standard 313 (Waste Storage Facility), and Standard 634 (Waste Transfer) of the USDA Natural Resources Conservation Service Field Office Technical Guide. Construction specifications referenced within the above listed standards shall be included.

(Compiled Ords. of 2009, § 16.16.530)

Sec. 12-407. - Nutrient management.

The standards for nutrient management of land-applied animal wastes are those in Standard 590 of the USDA Natural Resources Conservation Service Field Office Technical Guide.

(Compiled Ords. of 2009, § 16.16.540)

Sec. 12-408. - Animal manure storage facility closure.

Standards for closure of an idle storage facility are those in Standard 360 of the USDA Natural Resources Conservation Service Field Office Technical Guide.

(Compiled Ords. of 2009, § 16.16.550)

Sec. 12-409. - Subsequent modification of standards.

The standards of the technical guide are adopted and by reference made a part of this article as if fully set forth herein. Any future amendment, revision or modification of the standards incorporated herein are made a part of this article, unless otherwise acted upon by the land conservation committee.

(Compiled Ords. of 2009, § 16.16.560)

Secs. 12-410—12-431. - Reserved.

DIVISION 6. - PERMITS Sec.

12-432. - Required.

No person may undertake an activity subject to this article without obtaining a permit from the county land conservation department prior to beginning any of the following activities:

- (1) The construction of a manure storage facility.
- (2) The closure of a manure storage facility.
- (3) Substantially altering an existing facility involving the relocation of an existing structure or facility or significant changes to the size, depth or configuration of a structure or facility including:
 - a. Replacement of a liner in a manure storage facility.

Chapter 12 - Environment

- b. An increase in volumetric capacity or area of a structure.
- c. A change in a structure or facility related to a change in livestock management due to livestock species change.

(Compiled Ords. of 2009, § 16.16.570)

Sec. 12-433. - Exception to permit requirement.

Emergency repairs for broken pipes or equipment, leaking dikes or removal of obstructions may be performed without an animal manure storage facility permit. Emergency repairs shall not result in increased capacity to the animal manure storage facility. The responsible person (owner or operator) shall contact the county land conservation department on the first working day following emergency repairs for determination by the department on whether a permit will be required for any additional modification or repair to the facility.

(Compiled Ords. of 2009, § 16.16.580)

Sec. 12-434. - Fee.

- (a) All applicants, except those applying for an animal manure storage facility closure permit, shall be required to pay a nonrefundable fee of \$200.00 at the time of permit application.
- (b) If the application is submitted after the commencement of activities requiring a permit, then the fee will be doubled. All applicable federal, state, and local standards and ordinance provisions still apply.
- (c) Applications received after the commencement of activities requiring a permit do not preclude the land conservation department from taking enforcement action. (Compiled Ords. of 2009, § 16.16.590)

Sec. 12-435. - Application.

- (a) An application for an animal manure storage facility permit or animal waste storage facility closure permit shall be filed with the land conservation department on forms supplied by the land conservation department. The land conservation department shall mail a copy of the approved permit application to the appropriate town board. In addition, the land conservation department may mail a copy of the approved permit to other agencies or units of government that may have jurisdiction over the proposed activity.
- (b) Each application for an animal manure storage facility permit under this article shall include an animal manure storage facility plan and a nutrient management plan.

(Compiled Ords. of 2009, § 16.16.600)

Sec. 12-436. - Manure storage facility plan required.

Chapter 12 - Environment

Each application for a permit under this section shall at a minimum include:

- (1) A management assessment that addresses the storage components, available resources, waste manure disposal schemes and waste characterization consistent with Standard 313 and Standard 634 of the USDA Natural Resources Conservation Service Field Office Technical Guide.
- (2) A site assessment that describes the physical characteristics that will influence the placement, construction, maintenance and environmental integrity of the proposed site consistent with Standard 313 of the USDA Natural Resources Conservation Service Field Office Technical Guide.
- (3) A facility design, construction plan preparation and operation and maintenance plan consistent with Standard 313 of the USDA Natural Resources Conservation Service Field Office Technical Guide, prepared by a professional engineer registered with the state examining board of architects, professional engineers, designers and land surveyors under Wis. Stats. ch. 443 or by an agricultural engineer practitioner certified under Wis. Admin. Code § ATCP 50.46.

(Compiled Ords. of 2009, § 16.16.610)

Sec. 12-437. - Nutrient management plan required.

A nutrient management plan that conforms to Standard 590 of the USDA Natural Resources Conservation Service Field Office Technical Guide shall be developed by individuals with qualifications described in Wis. Admin. Code § ATCP 50.04(3). The plan shall be updated and implemented on an annual basis. The nutrient management plan shall include:

- (1) All land on which the landowner mechanically applies manure.
- (2) Soil nutrient tests conducted at a laboratory certified under Wis. Admin. Code § ATCP 50.50.
- (3) Compliance with Standard 590 of the USDA Natural Resources Conservation Service Field Office Technical Guide.
- (4) Recommendations for nutrient management applications in the University of Wisconsin Extension Soil Test Recommendations for Field and Vegetable, and Fruit Crops, UWEX Publication A-2809 (1998), unless it is established that the circumstances of the particular land requires nutrients in excess of the recommended application. (Compiled Ords. of 2009, § 16.16.620)

Sec. 12-438. - Facility closure plan required.

- (a) Closure of a manure storage facility shall occur when a facility ceases operations, or manure has not been added to or removed from the facility for a period of 24 consecutive months. Manure storage facilities shall be closed in a manner that will prevent contamination of groundwaters and surface waters.

Chapter 12 - Environment

- (b) The owner or operator may retain the facility for a longer period of time by demonstrating to the department that all of the following conditions are met:
 - (1) The facility is designed, constructed and maintained in accordance with NRCS Field Office Technical Guide Standard 313.
 - (2) The facility is designed to store manure for a period of time longer than 24 months.
 - (3) Retention of the facility is warranted based on anticipated future use.
- (c) To close a facility, a site-specific design and inspection plan will be developed. A closure plan will be consistent with NRCS Field Office Technical Guide Standard 360, prepared by a professional engineer registered with the state examining board of architects, professional engineers, designers and land surveyors under Wis. Stats. ch. 443 or by an agricultural engineer practitioner certified under Wis. Admin. Code § ATCP 50.46.
- (d) A facility closure plan shall be approved by the department prior to implementation. (Compiled Ords. of 2009, § 16.16.630)

Sec. 12-439. - Review of application.

The department shall receive and review all permit applications and shall determine if the proposed facility meets required standards. Within 20 working days after receiving the completed application, the department shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the department shall so notify the permit applicant. The department has ten working days from the receipt of the additional information in which to approve or disapprove the permit application. If the department fails to approve or disapprove the permit application or additional information, as appropriate, the application shall be deemed approved and the applicant may proceed as if a permit had been issued.

(Compiled Ords. of 2009, § 16.16.640)

Sec. 12-440. - Conditions and requirements for issuance.

- (a) All permits issued under this division shall be issued subject to the following conditions and requirements:
 - (1) Manure storage facilities design and construction shall be carried out in accordance with the manure storage facility plan and applicable standards of this article.
 - (2) The permittee shall give two working days' notice to the department before starting any construction activity authorized by the permit.
 - (3) Approval in writing must be obtained from the department prior to any modifications to the approved manure storage facility plan.
 - (4) Prior to use of the facility, a certificate of installation signed by a professional engineer registered with the state examining board of architects, professional engineers,

Chapter 12 - Environment

designers and land surveyors under Wis. Stats. ch. 443 or by an agricultural engineer practitioner certified under Wis. Admin. Code § ATCP 50.46.

- (b) Activities authorized by permit must be completed within two years from the date of issuance, after which such permit shall be void.

(Compiled Ords. of 2009, § 16.16.650)

Sec. 12-441. - Revocation.

The department may revoke any permit issued under this division if the holder of the permit has misrepresented any material fact in the permit application or manure facility plan, or if the holder of the permit violates any of the conditions of the permit.

(Compiled Ords. of 2009, § 16.16.660) **Secs.**

12-442—12-465. - Reserved.

DIVISION 7. - VIOLATIONS

Sec. 12-466. - Penalties.

Any person who violates, or fails, neglects, or refuses to comply with any of the provisions of the article shall, upon conviction thereof, forfeit up to \$200.00 and costs of prosecution for each violation. Each day a violation exists or continues to exist shall constitute a separate offense. An unlawful violation includes failure to comply with any standard of this article or with any condition or qualification attached to the permit, or any failure to comply with notice of a permit revocation or stop work order.

(Compiled Ords. of 2009, § 16.16.670)

Sec. 12-467. - Enforcement by injunction.

As a substitute for, or in addition to forfeiture actions, the county may seek enforcement of any part of this article by court actions seeking injunctions or restraining orders.

(Compiled Ords. of 2009, § 16.16.680)

Secs. 12-468—12-487. - Reserved.

DIVISION 8. - APPEALS

Sec. 12-488. - Authority.

Under the authority of Wis. Stats. ch. 68, the county land conservation committee, created under Wis. Stats. § 59.70 and acting as an appeal authority under Wis. Stats. § 68.09(2), is

Chapter 12 - Environment

authorized to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination by the county land conservation department in administering this article.

(Compiled Ords. of 2009, § 16.16.690)

Sec. 12-489. - Who may appeal.

Appeals may be taken by any person having a substantial interest that is adversely affected by the order, requirement, decision, or determination made by the county land conservation department.

(Compiled Ords. of 2009, § 16.16.700)

Sec. 12-490. - Limitations of appeal.

Only one appeal on a particular concern can be made of an order, requirement, decision, or determination made by the county land conservation department.

(Compiled Ords. of 2009, § 16.16.710)

Sec. 12-491. - Procedure.

- (a) Any appeal shall be made by written request mailed or delivered to the county land conservation department. The request shall state the grounds upon which it is contended that the order, requirement, decision, or determination should be modified or reversed, and/or the grounds upon which a variance is sought. The request shall be filed within 30 calendar days of the date when the order, requirement, decision was received. The county land conservation committee shall schedule a hearing within 15 working days of the filing of the appeal. The hearing shall be conducted in accordance with Wis. Stats. ch. 68. A copy of the hearing notice shall be sent to the applicant and the appropriate town board.
- (b) The final decision on an appeal shall be made within 20 working days of completion of the hearing and shall be in the form of a written determination signed by the chair of the land conservation committee. The determination shall state the specific facts, which are the basis for the committee's decision, and shall affirm, reverse, vary, or modify the order, requirement, decision, or determination appealed, in whole or in part; deny the appeal for lack of justification; or grant or deny the application for a variance. The reasons or justifications for granting an appeal, which were demonstrated by the applicant in the case of a variance, shall be clearly stated in the recorded minutes of the committee meeting. If a final decision on an appeal is not made within 20 working days, the appeal shall be deemed approved and the applicant may proceed with activities that were requested in the appeal.
(Compiled Ords. of 2009, § 16.16.720)