

Land Resources and Parks Department Staff Report

County Rezoning Petition # 17-0107

Filing Date: March 9, 2017 – Updated June 19, 2023

Hearing Date: July 24, 2023

Applicant (Agent):

Lawrence Fleischman

Owner:

Fleischman Revocable Trust

1101 Milwaukee St

Lomira, WI 53048

Location

PIN# 030-1317-1521-000

Part of the NE ¼ of the NW ¼, Section 15, Town of Lomira, the site address being 1101 Milwaukee St, Lomira, Wisconsin.

Applicants Request

A rezoning petition has been submitted by the applicant in order they be allowed to rezone approximately 0.3-acres of land out of the wetland district under the Dodge County Shoreland Protection Ordinance associated with a DNR and Army Corp. Wetland Individual Permit to allow wetland fill or disturbance near the unnamed tributary of Kiefer Creek.

County Jurisdiction

The County has zoning jurisdiction over this site as the Town of Lomira has adopted the County's Land Use Code.

Project Information

This is an "after the fact" rezoning request as the 0.3-acre area has already been filled and a storage structure has already been constructed on the fill site.

On June 24, 2015, a Conditional use permit was issued by the County to allow for the establishment of a Gypsoil storage facility and operation on this site. On June 15, 2015, a Land use permit application was also submitted by the applicant to allow the construction of a Gypsoil storage building on this site. During the land use permit inspection, the staff noted that the site had already been filled and the storage structure was already constructed. It was also noted by the staff that the building was constructed partially on a mapped wetland site.

In accord with Section 3.4 of the Ordinance, filling of a wetland is prohibited unless the wetland or portion of the wetland has been removed by amendment of the Ordinance. On March 19, 2017, the applicant submitted a petition to rezone the filled area out of the wetland district. A public hearing for the rezoning petition was held by the Planning, Development and Parks Committee on April 17, 2017 and on June 15, 2017, the Committee voted to lay over a decision on the rezoning petition request in order to allow the applicant additional time to complete a wetland delineation on the site and to work with the Department of Natural Resources and the Army Corps of Engineers to obtain the necessary permits to allow the site to be filled before the Committee makes a decision on the rezoning request.

According to the information submitted by the applicant, a State Department of Natural Resources Wetland Individual permit was approved by the DNR under Section 281.36 Wis. Stats. to allow wetland fill or disturbance near the unnamed tributary to Kiefer Creek on the site described above. In addition, a federal permit was issued by the Army Corps of Engineers to allow wetland fill or disturbance near the unnamed tributary to Kiefer Creek on this site. The applicant was required by the DNR and Army Corps. to restore approximately 0.1-acres of wetland surrounding the building site and was allowed to fill approximately 0.3 acres of wetland. The DNR determined that on-site mitigation for this project was not feasible and required the applicant to purchase mitigation bank credits to compensate for the 0.3-acres of wetland lost. The credits were purchased on January 2, 2019 and an Affidavit of Bank Credit Purchase was submitted to the Department of Natural Resources fulfilling the compensation obligation.

At this time, the applicant is requesting to complete the amendment process and to rezone the 0.3-acres of wetland out of the wetland district on the wetland Inventory map in order to update the wetland boundary map for this site. If approved, the area that was filled can remain on the site, the County land use permit for the Gypsoil building can be issued and the wetland filling violation can be resolved.

Shoreland Protection Ordinance Provisions

1. Subsections 14.3(1) through 14.3(9) of the Shoreland Protection Ordinance details the procedural matters, the approval criteria and the form for the petition. The Committee must hold a public hearing and report to the County Board.
2. Subsection 14.3(2) of the Ordinance states that a petition for rezoning may be made by any property owner in the area to be affected by the rezoning.
3. Subsection 14.3(9) of the Ordinance lists the approval criteria the committee must consider when acting on a rezoning petition.

Purpose Statements

The purpose of the wetland district is to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland district, the development should occur in a manner that minimizes adverse impacts upon the wetland.

Physical Features of Site

The features of the proposed construction and property that relate to the rezoning request are as follows:

The County has Zoning Jurisdiction over this site as the Town of Lomira has adopted the County's Land Use Code. The site is located within the A-2 General Agricultural Zoning District.

The waterway which is located on the applicant's property is currently designated by the County as an agricultural drainage ditch which was not navigable before ditching and where the adjacent lands are maintained in nonstructural agricultural use. It is the staff's position that the existing agricultural ditch is a non-navigable waterway. The 0.3-acre portion of the applicant's property that was filled is designated as wetlands on the Wisconsin Wetland Inventory Maps which are under the jurisdiction of the State DNR.

The proposed fill site is not located within the County's Floodplain jurisdiction.

The topography of the site is gently rolling with slopes ranging from 0 to 3%;

Land Use, Site: Excavating and contractors business, agricultural and open space wetlands.

Land Use, Area: Residential to the north, east and south, agricultural to the west and north east. Village of Lomira to the south.

The site is not designated as an Archaeological Site.

The proposal is not consistent with the Dodge County Comprehensive Plan:

- The area to be removed from the wetland is designated as conservancy according to the County's Future Land Use Map. Crop harvesting and pasturing are recognized as acceptable activities in the Conservancy category. Development should not occur within nor encroach on these areas other than for open space preservation, conservation, or passive recreational purposes as may be allowed under applicable zoning regulations.
- The 0.3-acre portion of the applicant's property that was filled is not located within 300 feet of a navigable waterway, however, the site is designated as wetlands on the Wisconsin Wetland Inventory Maps which are under the jurisdiction of the State DNR.
- A State Department of Natural Resources Wetland Individual permit was approved by the DNR under Section 281.36 Wis. Stats to allow wetland fill or disturbance near the unnamed tributary to Kiefer Creek on the site described above and to purchase mitigation credits to compensate for the loss of wetlands on this site.

Town Recommendation:

- Approve Deny No recommendation submitted

ARMY CORP Recommendation:

- According to the information submitted by the applicant, a federal permit was issued by the Army Corps of Engineers to allow wetland fill or disturbance near the unnamed tributary to Kiefer Creek on the site described above.

DNR Recommendation:

- According to information submitted by the applicant, a State Department of Natural Resources Wetland Individual permit was approved under Section 281.36 Wis. Stats to allow wetland fill or disturbance near the unnamed tributary to Kiefer Creek on the site described above and to purchase mitigation credits to compensate for the loss of wetlands on this site.
- According to the DNR, no practicable alternative exists which would avoid adverse impacts to the wetlands, and the restoration project that was required by the DNR results in the least environmentally damaging practicable alternative. All practicable measures to minimize adverse impacts to the functional values of the wetland have been taken. The DNR has determined that the fill and restoration project will not result in significant adverse impacts to wetland functional values, significant impacts to water quality or other significant adverse environmental consequences.
- According to the DNR, the required restoration work on the site has been completed, the mitigation credits purchased and the project is complete.

STAFF ADVISORY:

This staff advisory is only advice to the Land Resources and Parks Committee. The Committee may or may not consider the advice of the staff and decision making authority is vested in the Committee only.

The staff has reviewed the petition for compliance with the approval criteria listed in Section 14.3(9) and the staff comments are listed in Exhibit A for review by the committee.

It is the staff's position that the wetland area to be rezoned is under the jurisdiction of the Wisconsin DNR and the Army Corps. The staff points out that the DNR and Army Corps of Engineers have issued the applicable permits and approvals to allow the 0.3-acres of wetland to be filled and the applicant was required to compensate for the wetland losses through the purchase of wetland mitigation credits. The applicant is requesting to rezone the filled area out of the wetland district in order to update the wetland inventory maps in order to remove the 0.3-acre filled area out of the wetland district. It is the staff's opinion that the committee will be able to make the findings necessary under Section 14.3(9) of the Ordinance in order to submit a favorable recommendation to the County Board to remove the 0.3-acre project site from the wetland district.

EXHIBIT A

Staff Review Comments – Rezoning Petition:

The staff has reviewed the petition for compliance with the approval criteria listed in Section 14.3(9) of the Ordinance and the staff has the following comments:

14.3(9)(a) Approval Criteria Rezoning Petition

In acting on a rezoning petition, the County Board of Supervisors shall consider the stated purpose of the Ordinance and shall approve the rezoning petition only if it finds that:

(a) Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;

- It is the staff's position that there are adequate public facilities and services to serve the existing site;

(b) Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them;

- It is the staff's position that the proposed area to be rezoned and the proposed construction facility to be located on this site will not place an unreasonable burden on the ability of the Town to provide adequate public facilities or services;

(c) The proposed development will not result in significant adverse impacts upon surrounding properties or the natural environment, including air, water, noise, stormwater management, soils, wildlife, and vegetation;

- According to the DNR findings, no practicable alternative exists which would avoid adverse impacts to the wetlands, and the restoration project that was required by the DNR results in the least environmentally damaging practicable alternative. All practicable measures to minimize adverse impacts to the functional values of the wetland have been taken. The DNR has also determined that the fill and restoration project will not result in significant adverse impacts to wetland functional values, significant impacts to water quality or other significant adverse environmental consequences.
- It is the staff's position that the proposed filling and restoration project will not have an unreasonable adverse effect on surrounding properties or the environment;

(d) The land proposed for rezoning is suitable for development and will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas;

- According to the DNR findings, no practicable alternative exists which would avoid adverse impacts to the wetlands, and the restoration project that was required by the DNR results in the least environmentally damaging practicable alternative.

(e) The proposed rezoning is consistent with the Dodge County Comprehensive Plan and the stated purposes of this Ordinance;

- It is the staff's position that that the proposal is not consistent with the Dodge County Comprehensive Plan: The area to be rezoned is designated as conservancy according to the County's Future Land Use Map which includes wetlands as designated by the Wisconsin Department of Natural Resources. Development should not encroach on these areas other than for open space preservation and recreational purposes.

- According to the DNR findings, no practicable alternative exists which would avoid adverse impacts to the wetlands, and the restoration project that was required by the DNR results in the least environmentally damaging practicable alternative.
- The staff also points out that the DNR and Army Corps of Engineers have issued the applicable permits and approvals for the project that was completed on this site and the applicant was required to compensate for the wetland losses through the purchase of wetland mitigation credits.

(f) The proposed rezoning will not be used to legitimize, a nonconforming use or structure;

- According to the DNR findings, no practicable alternative exists which would avoid adverse impacts to the wetlands, and the restoration project that was required by the DNR results in the least environmentally damaging practicable alternative.
- It is the staff's position that the proposed rezoning is necessary to remove the 0.3-acres of land from the wetland zoning district and to update the wetland inventory maps as permitted by the DNR and Army Corps.

(g) The proposed rezoning is the minimum action necessary to accomplish the intent of the petition, and a variance, or Conditional Use Permit could not be used to achieve the same result.

- It is the staff's position that the proposed rezoning is the minimum action necessary to accomplish the intent of the petition which is to update the wetland inventory maps;

(h) For all proposed rezoning petitions that will remove land from the wetland district the wetland or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant impact upon any of the following:

- (1) Storm and flood water storage capacity;
- (2) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
- (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (4) Shoreline protection against soil erosion;
- (5) Fish spawning, breeding, nursery or feeding grounds;
- (6) Wildlife habitat; or
- (7) Wetland both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04 which can be accessed at the following web site: <http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.

- According to the DNR, on-site mitigation (the removal of the building, the removal of the fill and the restoration of the entire fill area is not feasible and would result in additional adverse impacts to the wetlands. The DNR also determined that there are no practicable alternatives which would avoid adverse impacts to the wetlands at this location. The staff points out that the DNR and Army Corps of Engineers have issued the applicable permits and approvals for the project that was completed on this site and the applicant was required to compensate for the wetland losses through the purchase of wetland mitigation credits.
- It is the staff's position that the project as completed will result in the least environmentally damaging alternatives and will have the least adverse impacts on the wetlands at this location.

Dodge County Land Resources and Parks Committee Decision

County Rezoning Petition # 17-0107
Filing Date: March 9, 2017 – Updated June 19, 2023
Hearing Date: July 24, 2023

Applicant (Agent):
Lawrence Fleischman

Owner:
Fleischman Revocable Trust
1101 Milwaukee St
Lomira, WI 53048

Location
PIN# 030-1317-1521-000

Part of the NE ¼ of the NW ¼, Section 15, Town of Lomira, the site address being 1101 Milwaukee St, Lomira, Wisconsin.

Applicants Request

A rezoning petition has been submitted by the applicant in order they be allowed to rezone approximately 0.3-acres of land out of the wetland district under the Dodge County Shoreland Protection Ordinance associated with a DNR and Army Corp. Wetland Individual Permit to allow wetland fill or disturbance near the unnamed tributary of Kiefer Creek.

CONCLUSIONS OF LAW

Based upon the facts presented in the application and at the public hearing the committee concludes that:

14.3(9) Approval Criteria – Rezoning Petition – In acting on a rezoning petition, the County Board shall consider the stated purposes of the Ordinance and shall approve the rezoning petition only if it finds that:

(a) Are there adequate public facilities and services available to serve the subject property while maintaining adequate levels of service to existing development? (sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable)

(Yes / No);
Comments _____

(b) Will the provision of public facilities to accommodate this project place an unreasonable burden on the ability of affected local units of government to provide them?

(Yes / No);
Comments _____

(c) Will the proposed development result in significant adverse impacts upon surrounding properties or the natural environment? (air, water, noise, stormwater management, soils, wildlife, and vegetation)

(Yes / No);

Comments

(d) Is the land proposed for rezoning suitable for development?

(Yes / No);

Comments

Will the development of this land cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas?

(Yes / No);

Comments

(e) Is the proposal consistent with the Dodge County Comprehensive Plan and the stated purposes of this Ordinance?

(Yes / No);

Comments

(f) Will the proposed rezoning be used to legitimize, or "spot zone," a nonconforming use or structure?

(Yes / No);

Comments

(g) Is the proposed rezoning the minimum action necessary to accomplish the intent of the petition?

(Yes / No)

Comments

(h) For all proposed rezoning petitions that will remove land from the wetland district the wetland or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant impact upon any of the following:

(1) Will the proposed rezoning petition result in a significant adverse impact upon the storm and flood water storage capacity of the Wetland?

(Yes / No)

Comments

(2) Will the proposed rezoning petition result in a significant adverse impact upon the maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland?

(Yes / No)

Comments _____

(3) Will the proposed rezoning petition result in a significant adverse impact upon the filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters?

(Yes / No)

Comments _____

(4) Will the proposed rezoning petition protect the shoreline from soil erosion?

(Yes / No)

Comments _____

(5) Will the proposed rezoning petition protect fish spawning, breeding, nursery or feeding grounds?

(Yes / No)

Comments _____

(6) Will the proposed rezoning petition protect wildlife habitat?

(Yes / No)

Comments _____

(7) Will the proposed rezoning petition protect areas of special recreational, scenic or scientific interest, including scarce wetland types?

(Yes / No)

Comments _____

14.3(11) Did the Department of Natural Resources notify the Committee that the proposed map amendment to the shoreland-wetland district provisions of this code will have a significant adverse impact upon any of the criteria listed in Section 14.3(9) of this ordinance?

(Yes / No)

If yes, then the committee report to the County Board shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed after written notice of the County Board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the county under s. 59.692(6), Wis. Stats. If the Department of Natural Resources does so notify the County Board, the effect of this amendment shall be stayed until the adoption procedure is completed or otherwise terminated."

Does the application contain sufficient information necessary to make a decision on the rezoning petition?

- Yes;
- No - the following additional information is needed before a decision can be made:

Committee Action

Based upon the facts presented in the application and at the public hearing, does the committee believe that the criteria in Section 14.3(9) can be met for this proposal?

(Yes / No)

Motion by _____ to submit a (favorable / unfavorable) recommendation to the County Board of Supervisors on the rezoning petition as proposed.

Motion second _____

Vote

Dale Macheel	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Donna Maly	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Ben Priesgen	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Dan Siegmann	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Mary Bobholz – Chair	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present

Motion (Carried / Denied)

ORDER AND DETERMINATION – REZONING PETITION

On the basis of the above findings of fact, conclusions of law and the record in this rezoning matter, the committee:

- shall provide a favorable recommendation to the County Board on the rezoning petition as proposed. An ordinance shall also be drafted effectuating the recommendation of the committee and said ordinance shall be submitted to the Board for approval;
- shall provide a favorable recommendation to the County Board on the proposed rezoning petition as modified by the committee. An ordinance shall also be drafted effectuating the recommendation of the committee and said ordinance shall be submitted to the Board for approval;
- shall provide an unfavorable recommendation to the County Board on the rezoning petition as proposed;
- Withheld a final recommendation on the proposed petition and requested the applicant to provide additional documentation regarding the wetland delineation report for this site;

Dodge County Planning, Development and Parks Committee

Signed _____ Attest _____
Chairperson Secretary

Dated: _____

Filed: _____



DODGE COUNTY
LAND RESOURCES & PARKS DEPARTMENT
 127 E. OAK STREET • JUNEAU, WI 53039
 PHONE: (920) 386-3700 • FAX: (920) 386-3979
 E-MAIL: landresources@co.dodge.wi.us

REZONING PETITION

τ THIS AREA FOR OFFICE USE ONLY τ	
Activity No. 17-0107	Application Date: 3/9/17
Receipt #: 895690	

updated 6/19/2023

Petition Fee: \$350 (Payable to Dodge County)

NAMES & MAILING ADDRESSES		PROPERTY DESCRIPTION			
Petitioner (Agent) Lawrence Fleischman		Parcel Identification Number (PIN) 030-1317-1521-000			
Street Address		Town Lomira		T 13	N R E 17
City • State • ZipCode		Section 15	1/4 NE	1/4 NW	Acreage 0.3 A
Property Owner (If different from petitioner) Fleischman Revocable Trust		Subdivision or CSM (Volume/Page/Lot)			
Street Address 1101 Milwaukee, St.		Address Of Property (DO NOT include City/State/ZipCode)			
City • State • ZipCode Lomira, WI 53048		Is this property connected to public sewer? <input type="checkbox"/> Yes <input type="checkbox"/> No			

CONTACT PERSON

Name and daytime phone number (include area code) of a person we can contact if we have any questions about your petition.

Name Lawrence Fleischman Daytime Phone (920) 960 - 8485

PROPOSED REZONING

Current Zoning District Wetland	Proposed Zoning District Non-Wetland
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Reason For Rezoning

To update the wetland boundary on the property described above associated with a DNR and Army Corp. permit to allow wetland fill or disturbance near the unnamed tributary to Kiefer Creek. The project consisted of filling of 0.3-acres of wetland, restoration of 0.1 acres of wetland and the purchase of mitigation bank credits.

Please complete the site map on the reverse side of this sheet.

CERTIFICATE

I, the undersigned, hereby petition to rezone the aforementioned property and certify that all the information both above and attached is true and correct to the best of my knowledge.

Signature Lawrence Fleischman Date 6-19-2023

Daytime Contact Number (920) 960 - 8485

◆ AREA BELOW THIS LINE FOR OFFICE USE ONLY ◆



January 30, 2019

IP-SC-2018-14-00550
Corps #

Fleischman Excavating, Inc.
Larry Fleischman
1101 Milwaukee Street
Lomira, WI 53048

Dear Mr. Fleischman:

The Department has completed review of your proposal. In 2015, you constructed a new storage building for the purpose of agricultural gypsum storage. After the building was constructed it was determined that the building was constructed partially on wetlands. We have determined that your project meets state standards. Enclosed is your state wetland permit which approves your project and lists the conditions which must be followed. Please read your permit carefully so that you are fully aware of what is expected of you.

Your enclosed state water quality certification confirms the state certification necessary for proceeding under an approval pursuant to a federal permit issued by the Army Corps of Engineers.

Please note you are required to submit photographs of the completed project within 7 days after you've finished construction. This helps both of us to document the completion of the project and compliance with the permit conditions.

Your next step will be to notify me of the date on which you plan to start construction and again after your project is complete.

If you have any questions about your permit, please call me at (262) 574-2172 or email travis.schroeder@wi.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Travis Schroeder'.

Travis Schroeder
Water Management Specialist

cc: Ryan Huber, Project Manager, (651) 290-5859, Regulatory Branch, Old Fort Square, 211 N. Broadway, Suite 221, Green Bay, WI 54303 U.S. Army Corps of Engineers

Joe Giebel Dodge County Zoning Administrator
Mitigation Coordinator - WT/3

**STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

**Wetland Individual Permit
IP-SC-2018-14-00550**

Larry Fleischman is hereby granted under Section 281.36, Wisconsin Statutes, and 33 U.S.C.S §1341 (CWA §401) a permit for wetland fill or disturbance near the unnamed tributary to Kiefer Creek, in the Village of Lomira, Dodge County, also described as being in the NE1/4 of the NW1/4 of Section 15, Township 13 North, Range 17 East, subject to the following conditions:

PERMIT

1. You must notify Travis Schroeder at phone (262) 574-2172 or email travis.schroeder@wi.gov before starting the discharge and again not more than 5 days after the discharge is complete.
2. You must complete the discharge and restoration as described on or before 10/01/2022. If you will not complete the discharge by this date, you must submit a written request for an extension prior to the expiration date of the permit. Your request must identify the requested extension date and the reason for the extension. A permit extension may be granted, for good cause, by the Department. You may not begin or continue construction after the original permit expiration date unless the Department grants a new permit or permit extension in writing.
3. This permit does not authorize any work other than what you specifically describe in your application and plans dated 2/26/218, and as modified by the conditions of this permit. If you wish to alter the project or permit conditions, you must first obtain written approval of the Department.
4. You are responsible for obtaining any permit or approval that may be required for your project by local zoning ordinances and by the U.S. Army Corps of Engineers before starting your project.
5. Upon reasonable notice, you shall allow access to your project site during reasonable hours to any Department employee who is investigating the project's construction, operation, maintenance or permit compliance.
6. The Department may modify or revoke this permit if the project is not completed according to the terms of the permit, or if the Department determines the activity results in significant adverse impact to wetland functional values, in significant adverse impact to water quality, or in other significant adverse environmental consequences.
7. You must post a copy of this permit at a conspicuous location on the project site, for at least five days prior to construction, and remaining at least five days after construction. You must also have a copy of the permit and approved plan available at the project site at all times until the project is complete.
8. Your acceptance of this permit and efforts to begin work on this project signify that you have read, understood and agreed to follow all conditions of this permit.
9. You must submit a series of photographs to the Department, within one week of completion of work on the site. The photographs must be taken from different vantage points and depict all work authorized by this permit.

10. You, your agent, and any involved contractors or consultants may be considered a party to the violation pursuant to Section 281.36 (13), Wis. Stats., for any violations of Section 281.36, Wisconsin Statutes, or this permit.
11. Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters. Erosion control measures (such as silt fence and straw bales) must meet or exceed the technical standards of ch. NR 151, Wis. Adm. Code. The technical standards are found at: http://dnr.wi.gov/topic/stormwater/standards/const_standards.html.
12. Authorization hereby granted by the Department is transferable to any person upon prior written approval of the transfer by the Department.
13. All equipment used for the project including but not limited to tracked vehicles, barges, boats, hoses, sheet pile and pumps shall be de-contaminated for invasive and exotic viruses and species prior to use and after use.

The following steps must be taken every time you move your equipment to avoid transporting invasive and exotic viruses and species. To the extent practicable, equipment and gear used on infested waters shall not be used on other non-infested waters.

1. **Inspect and remove** aquatic plants, animals, and mud from your equipment.
2. **Drain all water** from your equipment that comes in contact with infested waters, including but not limited to tracked vehicles, barges, boats, hoses, sheet pile and pumps.
3. **Dispose** of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another.
4. **Wash your equipment** with hot (>140° F) and/or high pressure water,

- OR -

Allow your equipment to **dry thoroughly for 5 days.**

14. Please submit photos once the area to be restored is completed.

FINDINGS OF FACT

1. Larry Fleischman has filed an application for a permit for wetland fill or disturbance near near the unnamed tributary to Kiefer Creek, in the Village of Lomira, Dodge County, also described as being in the NE1/4 of the NW1/4 of Section 15, Township 13 North, Range 17 East.
2. The project consisted of constructing a new storage building (approximately 8,200-square-foot footprint based on aerial photo review) for the purpose of agricultural gypsum storage. After the building was constructed it was determined that the building was constructed

partially on wetlands. .4 acres of wetland was originally impacted. The applicant proposed restoring .1 acres and mitigated .3 acres of wetland.

3. The applicant proposed to compensate for wetland losses through mitigation. The Department evaluated the wetland mitigation proposal and determined that on-site mitigation was not feasible and the purchase of mitigation bank credits could fulfill the compensation obligation. The mitigation plan proposed the purchase of 0.36 acres of credit to compensate for the 0.3 acres of wetland lost. The credits were purchased 1/2/2019 and an Affidavit of Bank Credit Purchase was submitted to the Department fulfilling the compensation obligation.
4. No practicable alternative exists which would avoid adverse impacts to wetlands, and the project will result in the least environmentally damaging practicable alternative taking into consideration practicable alternatives that avoid wetland impacts. Based on the alternative analysis .1 acres of wetland was restored due to available alternatives.
5. All practicable measures to minimize adverse impacts to the functional values of the wetland have been taken. The applicant has installed steep grades and a block wall base to minimize slopes adjacent to the wetland boundary. Most of the upland has been developed with either buildings or pavement.
6. The proposed project will not result in significant adverse impacts to wetland functional values, significant impacts to water quality, or other significant adverse environmental consequences.
7. The applicant was required to compensate for wetland losses through mitigation. The Department evaluated the wetland mitigation proposal and determined that mitigation credits could fulfill the compensation requirement. The mitigation plan proposed to purchase 0.36 wet mesic prairie credits from the Willow Drive mitigation bank at the required 1.2:1 mitigation ratio. The credits were debited on December 4th, 2018 and an Affidavit of Credit Purchase was submitted to the Department certifying the debit and fulfilling the compensation requirement.
8. The Department has completed an investigation of the project site and has evaluated the project as described in the application and plans.
9. The Department of Natural Resources has determined that the agency's review of the proposed project constitutes an equivalent analysis action under s. NR 150.20(2), Wis. Adm. Code. The Department has considered the impacts on the human environment, alternatives to the proposed projects and has provided opportunities for public disclosure and comment. The Department has completed all procedural requirements of s. 1.11(2)(c), Wis. Stats., and NR 150, Wis. Adm. Code for this project.
10. The Department of Natural Resources has completed all procedural requirements and the project as permitted will comply with all applicable requirements of Sections 281.36, Wisconsin Statutes and Chapters NR 103, and 350 of the Wisconsin Administrative Code.

The applicant was responsible for fulfilling the procedural requirements for publication of notices under s. 281.36(3p)(d)1m., Stats, Stats., and was responsible for publication of the notice of pending application under s. 281.36(3p)(d)1m., Stats. or the notice of public

informational hearing under s. 281.36(3p)(d)1m., Stats., or both. Section 281.36(3p)(d)1m., Stats., provides that if no public hearing is held, the Department must issue its decision within 30 days of the 30-day public comment period, and if a public hearing is held, the Department must issue its decision within 20 days after the 10-day period for public comment after the public hearing. Section 281.36(3p)(d)1m., Stats, requires the Department to consider the date on which the department publishes a notice on its web site as the date of notice.

CONCLUSIONS OF LAW

1. The Department has authority under the above indicated Statutes and Administrative Codes, to issue a permit for the construction and maintenance of this project.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions shall be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing of any individual permit decision pursuant to section 281.36.(3q), Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources, P.O. Box 7921, Madison, WI, 53707-7921. The petition shall be in writing, shall be dated and signed by the petitioner, and shall include as an attachment a copy of the decision for which administrative review is sought. If you are not the applicant, you must simultaneously provide a copy of the petition to the applicant. If you wish to request a stay of the project, you must provide information, as outlined below, to show that a stay is necessary to prevent significant adverse impacts or irreversible harm to the environment. If you are not the permit applicant, you must provide a copy of the petition to the permit applicant at the same time that you serve the petition on the Department.

The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30 day period for filing a petition for judicial review.

A request for contested case hearing must meet the requirements of section 281.36 (3q), Wis. Stats., and section NR 2.03, Wis. Adm. Code, and if the petitioner is not the applicant the petition must include the following information:

1. A description of the objection that is sufficiently specific to allow the department to determine which provisions of this section may be violated if the proposed discharge under the wetland individual permit is allowed to proceed.
2. A description of the facts supporting the petition that is sufficiently specific to determine how the petitioner believes the discharge, as proposed, may result in a violation of the provisions of this section.
3. A commitment by the petitioner to appear at the administrative hearing and present information supporting the petitioner's objection.
4. If the petition contains a request for a stay of the project, the petition must also include information showing that a stay is necessary to prevent significant adverse impacts or irreversible harm to the environment.

Dated at Waukesha Service Center, Wisconsin on 01/30/2019.

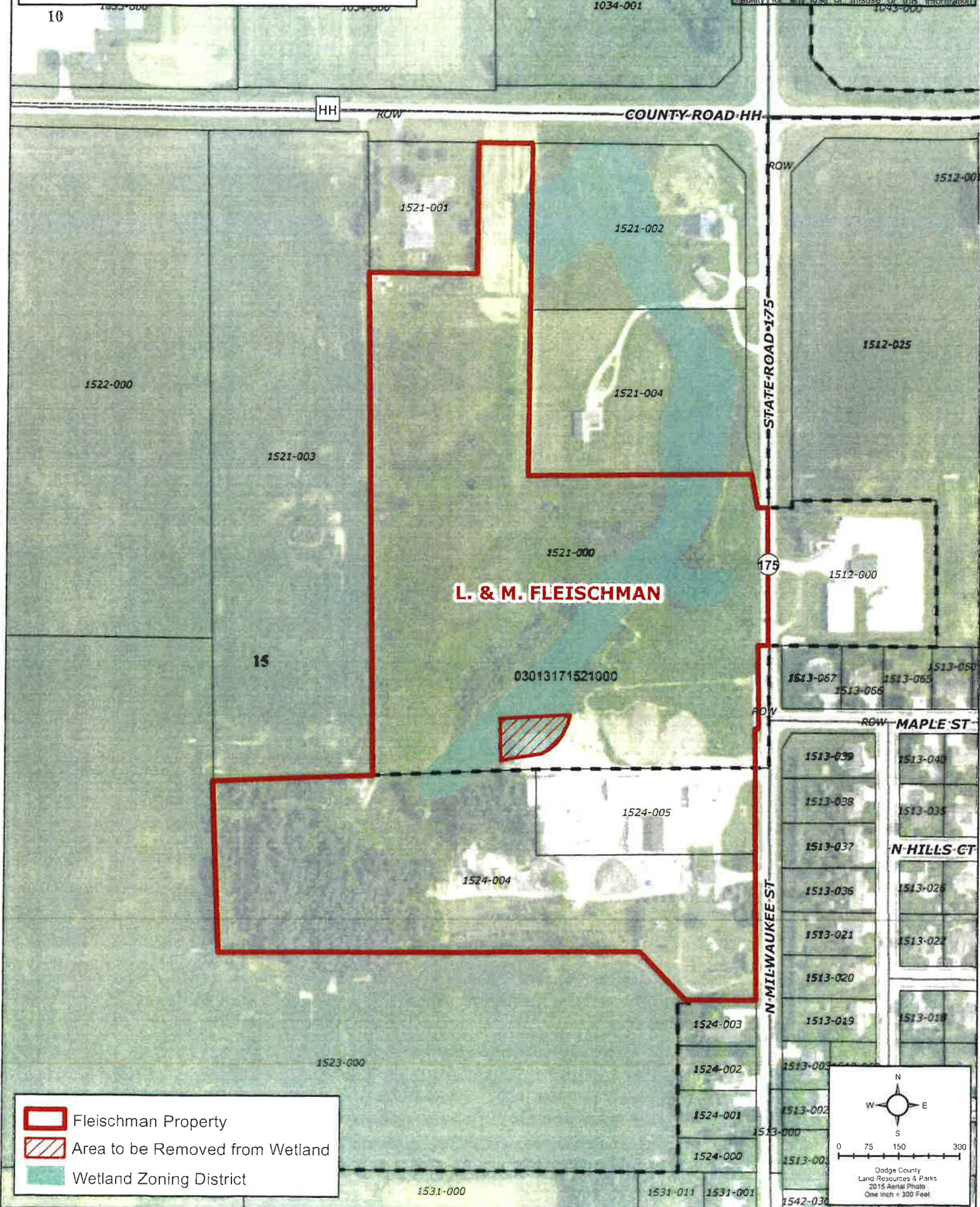
STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary



By _____
Travis Schroeder
Water Management Specialist

Lawrence & Mary Fleischman Town of Lomira, Sec. 15

The data used to create this map is a compilation of records, information, and data from various city, county and state offices and other sources. This map is only advisory, does not replace a survey, and may not be used for any legal purpose. Dodge County assumes no liability for any use or misuse of this information.



- Fleischman Property
- Area to be Removed from Wetland
- Wetland Zoning District

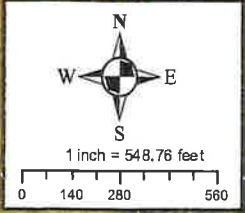
North Arrow

0 75 150 300

Dodge County
Land Resources & Parks
2015 Aerial Photo
One inch = 300 Feet

Dodge County Quick Mapper

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General	Floodplain/Wetland	COUNTY ZONING
<ul style="list-style-type: none"> Urbanized Roads Soils Airport Ordinance 3-Mile Buffer Sewer Service Areas Elevation Contours (2' & 10') 	<ul style="list-style-type: none"> Floodplain (May 19th 2014) Flood Storage Areas (2014) DNR Wetland (2006) DNR Wetland Points (2006) 	<ul style="list-style-type: none"> PLANNED UNIT DEVELOPMENT HARTFORD EXTRATERRITORIAL GENERAL AGRICULTURAL PRIME AGRICULTURAL ONE FAMILY RESIDENTIAL TWO FAMILY RESIDENTIAL MULTI-FAMILY RESIDENTIAL
<ul style="list-style-type: none"> WI Historical Society Historic Structures Archaeological Sites Survey Areas 	<ul style="list-style-type: none"> Shoreland Zoning Lake/Pond/Slough Buffer Lakes/Ponds/Sloughs Rivers/Streams/Creeks Horicon Marsh (860' Contour) 	<ul style="list-style-type: none"> GENERAL COMMERCIAL EXTENSIVE COMMERCIAL LIGHT INDUSTRIAL INDUSTRIAL CITY OR VILLAGE RIGHT OF WAY WATERBODY



Surface Water Data Viewer Map



Legend

- Wetland Class Areas
- Wetland Class Points
- Dammed pond
- Excavated pond
- Filled/draind wetland
- Wetland too small to delineate
- Filled excavated pond
- Filled Points
- Wetland Class Areas
- Filled Areas
- Wetland Identifications and Confirmations
- Railroads

Notes

DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/legal/>

0.1 0 0.03 0.1 Miles



NAD_1983_HARN_Wisconsin_TM

1 : 1,980

DC QMap

1033-000
39.38 ac.

1034-000
29.968 ac.

#10
5/12
1034-001
7.07 ac.

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64.863 ac.



General	WI Historical Society	Floodplain / Wetland	County Zoning
Urbanized Roads	Historic Structures	FEMA Floodplain/Storage/Dam Shadow	Planned Unit Development
Soils	Archaeological Sites	DNR Wetland Areas/Points	Hartford Extraterritorial
Airport Ordinance 3-Mile Buffer	Survey Areas	Shoreland Zoning	General Agricultural
Sewer Service Areas	Non-Metallic Mining	Shoreland Zoning Buffer	Prime Agricultural
Highly Developed Shoreline	Active Mining Area	Lakes/Ponds/Sloughs	One Family Residential
Elevation Contours	Approved Mining Area	Rivers/Streams/Creeks	Two Family Residential
	Mine Property Boundaries		Multi-Family Residential
			General Commercial
			Extensive Commercial
			Light Industrial
			Industrial
			Waterbody
			ROW/City/Village

Mr. Travis Schroeder
Water Management Specialist
WDNR
3911 Fish Hatchery Road
Fitchburg, WI 53711-5397

travis.schroeder@wisconsin.gov

Subject: **IP-SC-2018-14-00550**
Fleischman Excavating, Inc.
Lomira, Wisconsin

Dear Mr. Schroeder:

This letter transmits photos of the completed excavation of excess fill and revegetation of excavated areas at the Fleischman Excavating Property in Lomira, Wisconsin. Excavation took place in September of 2020 and revegetation of excavated areas took place immediately thereafter. After germination of the September 2020 seeding failed, a second seeding took place in May of 2021.

If you have any questions, please contact me.

Sincerely,


Larry Fleischman

I:\DATA\20900\20326 - Fleischman Excavating (Lomira)\002 - Wetland Fill Permit (After the Fact)\18-xx-xx - Wetland Fill Permit (After the Fact)\Reports\Fleischman.docx



Photo 1: Looking south at gypsum building showing excavated side-slope. Date of photo May 2021.



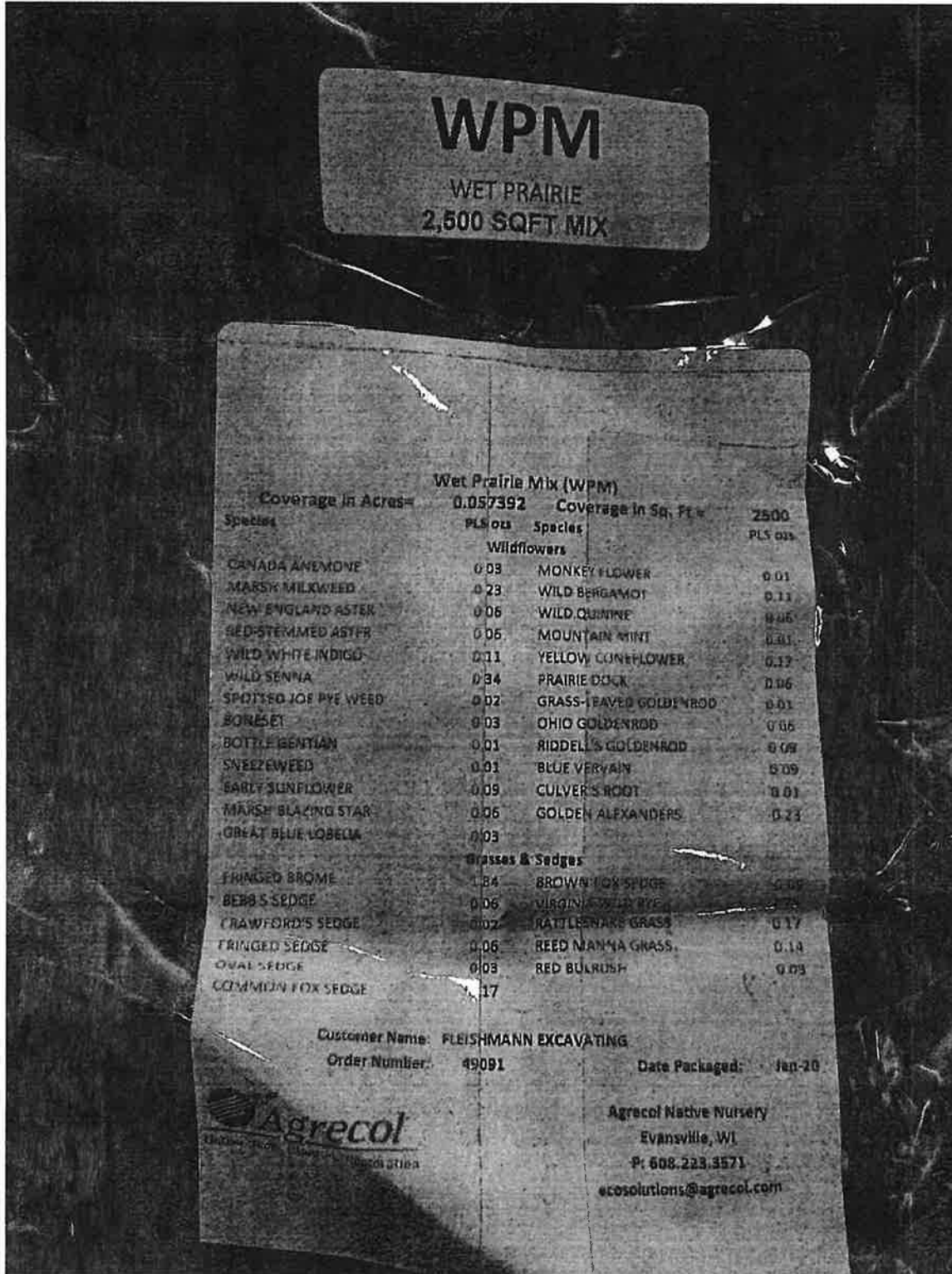
Photo 2: Spreading seed along north side of gypsum building. Date of Photo May 2021.



Photo 3: Erosion control fabric being placed over newly seeded areas. Date of photo May 2021.



Photo 4: Securing erosion control fabric along northwest corner of gypsoil building. Date of photo May 2021.



Wet Prairie Mix (WPM)			
Species	PLS 003	Species	PLS 003
Coverage in Acres = 0.057392 Coverage in Sq. Ft = 2500			
Wildflowers			
CANADA ANEMONE	0.03	MONKEY FLOWER	0.01
MARSH MILWEED	0.23	WILD BERGAMOT	0.11
NEW ENGLAND ASTER	0.06	WILD QUININE	0.06
RED-STEMMED ASTER	0.06	MOUNTAIN MINT	0.01
WILD WHITE INDIGO	0.11	YELLOW CONEFLOWER	0.13
WILD SENNA	0.34	PRAIRIE DOCK	0.06
SPOTTED JOE PYE WEED	0.02	GRASS-PAVED GOLDENROD	0.01
BORSEET	0.03	OHIO GOLDENROD	0.05
BOTTLE BENTIAN	0.01	RIDDEL'S GOLDENROD	0.09
SNEEZEWEED	0.01	BLUE VERVAIN	0.09
EARLY SUNFLOWER	0.09	CULVER'S ROOT	0.01
MARSH BLAZING STAR	0.06	GOLDEN ALEXANDERS	0.23
GREAT BLUE LOBELIA	0.03		
Grasses & Sedges			
FRINGED BROME	1.84	BROWN FOX SEDGE	0.05
BERB'S SEDGE	0.06	VIRGINIA WILD RYE	0.05
CRAWFORD'S SEDGE	0.02	RATTLEBARK GRASS	0.17
FRINGED SEDGE	0.06	REED MANNA GRASS	0.14
OVAL SEDGE	0.03	RED BULRUSH	0.03
COMMON FOX SEDGE	1.17		

Customer Name: FLEISHMANN EXCAVATING
Order Number: 49091 Date Packaged: Jan-20



Agrecol Native Nursery
Evansville, WI
P: 608.223.3571
ecosolutions@agrecol.com

Photo 5: Seed mix used for seeding of slope north of gypsum building.



Photo 6: View of planted area. Date of photo July 2021.

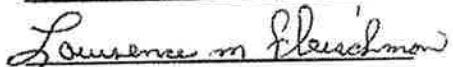


Photo 7: View of planted area. Date of photo July 2021.

Affidavit of Bank Credit Purchase – Willow Drive Mitigation Bank

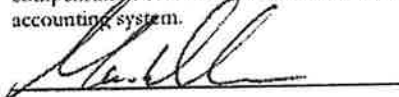
Applicant Information	
Name: Fleischman Excavating	
Address: Fleischman Excavating, Inc. Larry Fleischman 1101 Milwaukee Street Lomira, Wisconsin 53048	
Phone: (920) 269-4763	
Project Summary	
Brief Description of Project	Construction of a new storage building
Acres of Wetland Impact by Wetland Cover Type	Fresh Wet Meadow – 0.30 acres of impact
Permit numbers from all agencies requiring mitigation.	US Army Corps of Engineers: #MYP- 2018-00536-NTD Wisconsin Dept. of Natural Resources: #IP-SC-2018-14-00500
Location of Wetland Impacted	
County	Dodge
BSA	Rock
Latitude/Longitude	Lat 43.58765, Long -88.46108
Township/Range & 1/4-1/4 Section	SE ¼ of the NW ¼ of Section 15, Township 13 North, Range 17 East, Village of Lomira
Compensation Details	
Replacement Ratio by wetland cover type	Fresh Wet Meadow – 0.30 acres at 1.2:1 ratio = 0.36 credits
Number of credits of each wetland cover type being purchased	Wet Mesic Prairie – 0.36 credits

1. I certify that Fleischman Excavating has purchased 0.36 credits of compensation credit from the Willow Drive Wetland Mitigation Bank.


Applicant Signature

12-4-2018
Date

2. I certify that the Willow Drive Wetland Mitigation Bank has sold 0.36 credits of approved compensation credit to the above named applicant and that such debit has been noted in the bank's accounting system.


Bank Sponsor Signature

12-28-18
Date

Ann Key, PSS, PWS, CST
WDNR Professionally Assured Wetland Delineator

Wetlands and Waterways, LLC
5742 Warbonnet Lane
Hazelhurst, WI 54531
715-892-4211
www@wetlandsandwater.com

On Dec 3, 2018, at 2:44 PM, Sarah Majerus <smajerus@startwithmiller.com> wrote:

Hi Ann,

Thank you for following up. I did receive this and all looks good. I will work with Larry and Mary to complete the process.

Best,
Sarah

Sarah Majerus, PWS
Miller Engineers & Scientists
5308 South 12th Street
Sheboygan, WI 53081
Office:(800) 969-7013
Mobile: (920) 627-3183
www.startwithmiller.com
Designing in Harmony with the Environment

From: Ann Key <ann@wetlandsandwater.com>
Sent: Monday, December 3, 2018 2:33 PM
To: Sarah Majerus <smajerus@startwithmiller.com>; Larry & Mary Fleischman <larryandmary@fleischmanex.com>
Cc: Johanna L - DNR Lathrop <Johanna.Lathrop@wisconsin.gov>; Domer, Nicholas T CIV (US) <Nicholas.T.Domer@usace.army.mil>; Travis.Schroeder@wisconsin.gov
Subject: Re: Fleischman Excavating

Hi Sarah,

Thanks for checking in. I sent the revised invoice and affidavit out on Nov. 8 but was traveling with poor internet so it may have gotten sidetracked on its way. I had to run it by the bank sponsor to keep the original credit price since he has raised his fees since the first invoice but we both want to help out the Fleischman's given they worked so hard to save 0.1 credits.

Please confirm that you get this and then look things over to make sure it all looks accurate. If so just have your client sign and send with payment to Mark Meyer at the address on the invoice.

Thanks!

Ann

Larry & Mary Fleischman

From: Ann Key <ann@wetlandsandwater.com>
Sent: Wednesday, January 02, 2019 5:01 PM
To: Johanna L - DNR Lathrop
Cc: Larry & Mary Fleischman; Sarah Majerus; Domer, Nicholas T CIV (US);
Travis.Schroeder@wisconsin.gov
Subject: Re: Fleischman Excavating Wetland Mitigation Credit Purchase
Attachments: Signed Affidavit.pdf; Untitled attachment 00007.html

Hi Josie,

Please find attached the final signed affidavit for the wetland mitigation credit purchase for Fleischman Excavating at the Willow Drive Mitigation Bank. This fulfills all obligations the Fleischman's had with regards to the Willow Drive bank and the credit purchase. Please let me know if you have any questions.

Thanks!

Ann

Willow Drive Mitigation Bank
N278 Pottawatom Trail
Milton, Wisconsin 53563

Invoice #: 0008
Date: August 22, 2018

Bill To:

Fleischman Excavating
1101 Milwaukee Street
Lomira, Wisconsin 53048

Description	Amount
Wetland Mitigation Bank Credit Purchase Fleischman Excavating – Construction of a new storage building	
- 0.49 credits of Wet-Mesic Prairie Credits @ \$70,000/credit	\$34,300

Submit Payment To:

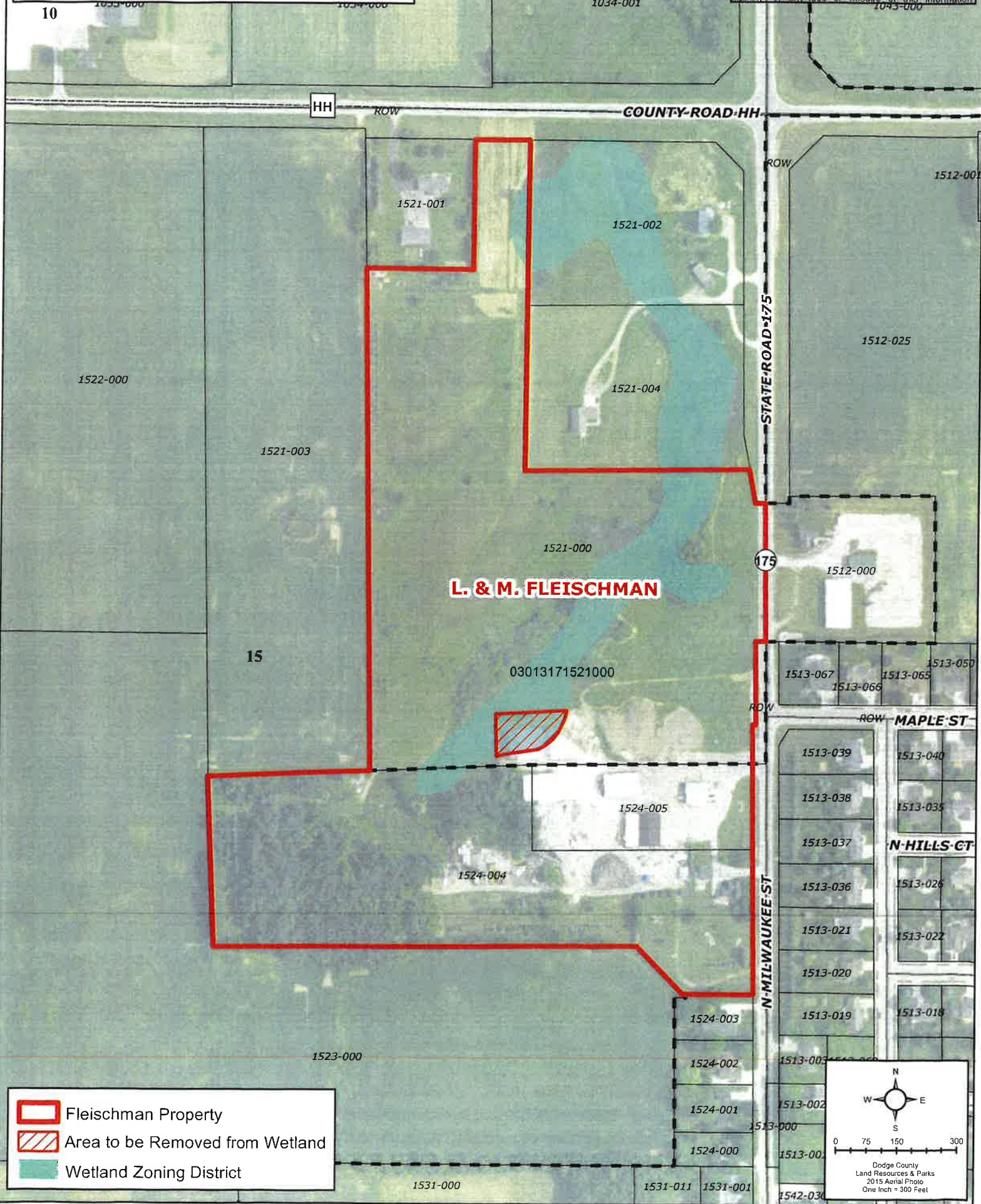
Mark A. Meyer Willow Drive Wetland Bank
N630 Blackhawk Bluff Drive
Milton, Wisconsin 53563




Total Amount: \$34,300
Amount Applied: \$0.00
Balance Due: \$34,300

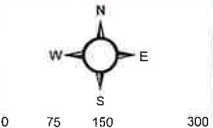
Terms: Due Upon Receipt

Lawrence & Mary Fleischman Town of Lomira, Sec. 15

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-  Fleischman Property
-  Area to be Removed from Wetland
-  Wetland Zoning District



0 75 150 300

Dodge County
Land Resources & Parks
2015 Aerial Photo
One Inch = 300 Feet

Dodge County Quick Mapper

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General	Floodplain/Wetland	COUNTY ZONING	
Urbanized Roads	Floodplain (May 19th 2014)	PLANNED UNIT DEVELOPMENT	GENERAL COMMERCIAL
Soils	Flood Storage Areas (2014)	HARTFORD EXTRATERRITORIAL	EXTENSIVE COMMERCIAL
Airport Ordinance 3-Mile Buffer	DNR Wetland (2006)	GENERAL AGRICULTURAL	LIGHT INDUSTRIAL
Sewer Service Areas	DNR Wetland Points (2006)	PRIME AGRICULTURAL	INDUSTRIAL
Elevation Contours (2' & 10')	Shoreland Zoning	ONE FAMILY RESIDENTIAL	CITY OR VILLAGE
WI Historical Society	Lake/Pond/Slough Buffer	TWO FAMILY RESIDENTIAL	RIGHT OF WAY
Historic Structures	Lakes/Ponds/Sloughs	MULTI-FAMILY RESIDENTIAL	WATERBODY
Archaeological Sites	Rivers/Streams/Creeks		
Survey Areas	Horicon Marsh (860' Contour)		

Land Resources and Parks Department Staff Report

County Conditional Use Permit Application # 2023-0523

Filing Date: June 29, 2023

Hearing Date: July 24, 2023

Applicant (Agent):

Lynn and Ray Aumann
N6666 N. Grove Road
Juneau, WI 53039

Owner:

Lynn Hargrave Aumann Trust
N6666 N. Grove Road
Juneau, WI 53039

Location

PIN#: 034-1115-1131-000

Location: Part of the NE ¼ of the SW ¼, Section 11, Town of Oak Grove, along the west side of N. Grove Road approximately 600 feet south of N6666 N. Grove Road.

Applicants Request

An application for a County Conditional Use Permit under the Dodge County Land Use Code, was made by the applicant to allow for the creation of an approximate 4-acre nonfarm single family residential lot within the A-1 Prime Agricultural Zoning District.

County Jurisdiction

The County has Zoning Jurisdiction over this site as the Town of Oak Grove has adopted the County's Land Use Code.

Review Criteria

1. Subsections 2.3.6.A through 2.3.6.H of the Land Use Code details procedural matters, the approval criteria and the form for the conditional use permit application.
2. According to Section 3.7.4 of the Code, the Committee may authorize the Land Use Administrator to issue a Conditional Use Permit (CUP) for those conditional uses listed under Section 3.7.2 of this Code after review and a public hearing, provided that such conditional uses are in accordance with Section 2.3.6 of this Code and Wis. Stats. 91.46.

Land Use Code Provisions:

1. Section 3.7.2.D of the Land Use Code identifies new nonfarm single family residences and duplexes and proposals that convert a farm residence to a nonfarm residence through a change in occupancy as a conditional use in the A-1 Prime Agricultural Zoning District provided the proposal complies with the requirements listed in 3.7.2.D.1 through 3.7.2.D.3.

Purpose Statement

The purpose of the A-1 Prime Agricultural Zoning District is to promote areas for uses of a generally exclusive agricultural nature in order to protect farmland, allow participation in the state's farmland preservation program, and accommodate changing practices in the agricultural industry, subject to appropriate standards.

Physical Features of Site

The features of the proposed construction and property that relate to the granting or denial of the conditional use permit request are as follows:

The County has Zoning Jurisdiction over this site as the Town of Oak Grove has adopted the County's Land Use Code. The site is located within the A-1 Prime Agricultural Zoning District.

The proposed lots are not located within the County's Shoreland jurisdiction.

The proposed lots are not located within the County's Floodplain jurisdiction.

The base farm tract contains 200-acres that are located within the A-1 Prime Agricultural Zoning District;

- 9.5-acres are available for non-farm residential use under Section 3.7.2.D.1 of the code.

The topography of the site is gently rolling with slopes ranging from 0 to 6%;

Land Use, Site: Agricultural

Land Use, Area: Agricultural with scattered residences along N. Grove Road.

Designated Archaeological Site: Yes No

Town Recommendation: Approve Deny No recommendation submitted

STAFF ADVISORY:

This staff advisory is only advice to the Land Resources and Parks Committee. The Committee may or may not consider the advice of the staff and decision making authority is vested in the Committee only.

The staff has reviewed the proposal for compliance with the criteria listed in Sections 2.3.6.F and 3.7.2.D of the Dodge County Land Use Code and with Chapter 91.46 of the Wisconsin State Statutes. The staff comments are listed in Exhibit A for the Committee review.

It is the staff's position that the project as proposed is in compliance with the applicable provisions of the Dodge County Land Use Code and the provisions of Chapter 91.46 of the Wisconsin State Statutes and the staff believes that the Committee can make the findings necessary under Section 2.3.6.F and 3.7.2.D of the code that are required to approve the Conditional Use Permit for this project. If approved with the following conditions, the staff believes that the project will not have an adverse effect on the adjacent land owners, the community or the environment, and the proposal will be consistent with the purpose and intent of the Code.

CONDITIONS:

1. The applicant shall obtain the required land division approvals for the proposed lot from the County and local municipalities if required, prior to the creation of these lots;
2. The proposed non-farm residential lot shall not exceed 9.5-acres in area unless the lot is successfully rezoned out of the A-1 Prime Agricultural Zoning District;
3. Only one single family residential unit may be constructed on the proposed non-farm residential lot unless this lot is successfully rezoned into a zoning district which allows additional residential units;
4. The acreage of the proposed non-farm residential lot shall count towards the total non-farm residential acreage that can be created from the base farm tract for this property;
5. A "Notice of Zoning Limitations" document shall be recorded with the Dodge County Register of Deeds Office for the following parcels which make up the "base farm tract" which notifies the potential buyers of these parcels that there may be limitations as to the number of new lots that can be created from this base farm tract:
 - 034-1115-1131-000; 034-1115-1142-000; 034-1115-1141-000; 034-1115-1143-000; 034-1115-1144-000.
6. The owner and subsequent owners of this non-farm residential lot hereby agree to comply with Subsection 9.2, Right to Farm provisions of the Dodge County Land Use Code and that they will not cause unnecessary interference with adjoining farming operations producing agricultural products and using generally accepted agricultural practices, including access to active farming operations;
7. The decision of the Committee shall expire one year after the decision is filed with the Department unless construction has been diligently pursued, a Certificate of Zoning Compliance has been issued, the use is established, or the Conditional Use Permit is renewed, for a period not to exceed one year.
8. The Conditional Use Permit shall also expire upon termination of a project or if the rights granted by the permit are discontinued for 180 consecutive days.

“EXHIBIT A”

Staff Review Comments

The staff has reviewed the proposal for compliance with the criteria listed in Section 2.3.6.F and 3.7.2 of the code. The staff comments are as follows:

Subsection 3.7 Is the proposed conditional use permit request in compliance with Chapter 91.46, Wisconsin State Statutes?

	<u>Complies</u>	<u>Potential Problem</u>	<u>N/A</u>
Proposed Use:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.7.2.D.1 Non-farm residential acreage ratio:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none">• Acreage of Base Farm Tract: 200 acres;• Non-farm residential acreage: 4 acres;• Farm acreage remaining after project is completed: 196 acres;• The ratio of all “nonfarm residential acreage” to farm acreage: on the “base farm tract” shall not exceed 1 to 20 (0.05).<ul style="list-style-type: none">▪ Ratio of non-farm residential acreage to farm acreage: 1 to 49 or 0.02			
3.7.2.D.2 The total number of non-farm residential units on the base farm tract shall not exceed 4;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Existing non-farm residences on base farm tract:			
<ul style="list-style-type: none">• 0 - Number of existing non-farm residential units located on base farm tract;• 1 - Number of proposed non-farm residential units located on base farm tract;• 1 - Total number of non-farm residential units located on base farm tract;			
The total number of residential units of any kind on the base farm tract shall not exceed 5;			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Existing residential units on base farm tract:			
<ul style="list-style-type: none">• 1 - Number of existing residential units located on base farm tract;• 1 - Number of proposed residential units located on base farm tract;• 2 - Total number of residential units located on base farm tract;			
3.7.2.D.3.a Location of the proposed lots:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will the proposed nonfarm residential lot convert cropland or “prime farmland” into non-farm use;			
<input checked="" type="checkbox"/> Yes; <input type="checkbox"/> No;			
<input type="checkbox"/> If yes; are there reasonable alternative locations for the proposed lot that would convert less cropland or “prime farmland” into non-farm use? No			
3.7.2.D.3.b Location of the proposed lots:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will the location of the nonfarm residential lot significantly impair the current or future agricultural use of other “protected farmland”?			
<input type="checkbox"/> Yes; <input checked="" type="checkbox"/> No;			

Non-Farm Residential Cluster:

- The proposed parcels are contiguous;
- The proposed residences if constructed, would satisfy the requirements for a single non-farm residence;

2.3.6.F.2 Is the project compatible with adjacent uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

- It is the staff's position that the proposed residential use will be compatible with the adjacent uses;

2.3.6.F.3 Will the proposed use be significantly detrimental to the public health, safety, and welfare?

- It is the staff's position that the proposal will not have a significant detrimental impact on the adjacent properties or the community;

2.3.6.F.4 Will the project cause substantial diminution in value of other property in the neighborhood in which it is to be located;

- It is the staff's position that the proposal will not have an adverse impact on the value of other property in the area;

2.3.6.F.5 Are public safety, transportation and utility facilities and services available to serve the subject property while maintaining sufficient levels of service for existing development?

- It is the staff's position that there are adequate public facilities to serve the property;

2.3.6.F.6 Are there adequate assurances of continuing maintenance for the project?

- It is the staff's position that there are adequate assurances of continuing maintenance for the project.

2.3.6.F.7 Will any significant adverse impacts on the natural environment be mitigated to the maximum practical extent?

- It is the staff's position that the proposal will not have an adverse impact on the natural environment.

2.3.6.F.8 The proposed use will not be located in any hazard areas, including floodplains, floodways, etc., unless any potential danger is mitigated to the maximum extent possible, and to the satisfaction of the Wisconsin Department of Natural Resources;

- It is the staff's position that proposed use will not be located in any hazard areas.

2.3.6.F.1 Does the proposed project comply with all applicable provisions of this Code;

- It is the staff's position that the proposed project complies with the applicable provisions of the code;

Dodge County Land Resources and Parks Committee Decision

County Conditional Use Permit Application # 2023-0523

Filing Date: June 29, 2023

Hearing Date: July 24, 2023

Applicant (Agent):

Lynn and Ray Aumann
N6666 N. Grove Road
Juneau, WI 53039

Owner:

Lynn Hargrave Aumann Trust
N6666 N. Grove Road
Juneau, WI 53039

Location

PIN#: 034-1115-1131-000

Location: Part of the NE ¼ of the SW ¼, Section 11, Town of Oak Grove, along the west side of N. Grove Road approximately 600 feet south of N6666 N. Grove Road.

Applicants Request

An application for a County Conditional Use Permit under the Dodge County Land Use Code, was made by the applicant to allow for the creation of an approximate 4-acre nonfarm single family residential lot within the A-1 Prime Agricultural Zoning District.

CONCLUSIONS OF LAW

Based on the facts presented in the application and at the public hearing the Committee concludes that:

According to Section 3.7.2.D of the Land Use Code and Wisconsin State Statute 91.46, new nonfarm single family residences can be approved if all of the following apply:

3.7.2.D.1 Does the proposal meet the nonfarm residential acreage standards for the A-1 Prime Agricultural Zoning District?

(Yes / No)

If no, the request shall be denied.

3.7.2.D.2 Does the proposal meet the density standards for the A-1 Prime Agricultural Zoning District?

(Yes / No)

If no, the request shall be denied.

3.7.2.D.3.a Will the proposed nonfarm residential lot convert cropland or “prime farmland” into non-farm use;

(Yes / No)

If yes, are there reasonable alternative locations for the proposed lot that would convert less cropland or prime farmland into nonfarm residential use?

3.7.2.D.3.b Will the location of the nonfarm residential lot significantly impair the current or future agricultural use of other “protected farmland”?

(Yes / No)

If yes, are there any mitigation measures that can be implemented in order to minimize the impact of the nonfarm residential use on the adjacent agricultural use?

2.3.6.F General Approval Criteria for Conditional Use Permits

Conditional Use Permits shall be approved by the Committee if they find that all of the following criteria have been met:

2.3.6.F.2 Is the project compatible with adjacent uses in terms of scale, site design and operating characteristics? (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

(Yes / No)

If not, what measures can be taken to mitigate any potential conflicts?

2.3.6.F.3 Will the proposed use be significantly detrimental to the public health, safety, and welfare?

(Yes / No)

If yes, what measures can be taken to mitigate the potential detrimental impacts?

2.3.6.F.4 Will the project cause substantial decrease in value of other property in the neighborhood in which it is to be located;

(Yes / No)

If yes, what measures can be taken to mitigate the decrease in the value of the properties?

2.3.6.F.5 Are public safety, transportation and utility facilities and services available to serve the subject property while maintaining sufficient levels of service for existing development?

(Yes / No / Not Applicable)

If not, what can be done to ensure facilities and services will be available?

2.3.6.F.6 Are there adequate assurances of continuing maintenance for the project?

(Yes / No/ Not Applicable)

If no, what measures can be taken to ensure continued maintenance?

2.3.6.F.7 Will there be any significant adverse impacts on the natural environment that require mitigation?

(Yes / No)

If yes, what measures can be taken to mitigate the potential adverse impacts on the environment?

2.3.6.F.8 Is the project located in any hazard areas? (floodplains, floodways, steep slopes, etc)

(Yes / No)

If yes, are there any measures that need to be taken to mitigate any potential dangers?

2.3.6.F.1 Does the proposed project comply with all applicable provisions of this Code;

(Yes / No)

If not, what changes must be made to bring the project into compliance with the code?

Are any conditions for approval needed in this case to mitigate any potential adverse impacts on the adjacent properties, the environment or the community?

(Yes/No)

1. The applicant shall obtain the required land division approvals for the proposed lot from the County and local municipalities if required, prior to the creation of these lots;
2. The proposed non-farm residential lot shall not exceed 9.5-acres in area unless the lot is successfully rezoned out of the A-1 Prime Agricultural Zoning District;
3. Only one single family residential unit may be constructed on the proposed non-farm residential lot unless this lot is successfully rezoned into a zoning district which allows additional residential units;
4. The acreage of the proposed non-farm residential lot shall count towards the total non-farm residential acreage that can be created from the base farm tract for this property;
5. A "Notice of Zoning Limitations" document shall be recorded with the Dodge County Register of Deeds Office for the following parcels which make up the "base farm tract" which notifies the potential buyers of these parcels that there may be limitations as to the number of new lots that can be created from this base farm tract:
 - 034-1115-1131-000; 034-1115-1142-000; 034-1115-1141-000; 034-1115-1143-000; 034-1115-1144-000.
6. The owner and subsequent owners of this non-farm residential lot hereby agree to comply with Subsection 9.2, Right to Farm provisions of the Dodge County Land Use Code and that they will not cause unnecessary interference with adjoining farming operations producing agricultural products and using generally accepted agricultural practices, including access to active farming operations;
7. The decision of the Committee shall expire one year after the decision is filed with the Department unless construction has been diligently pursued, a Certificate of Zoning Compliance has been issued, the use is established, or the Conditional Use Permit is renewed, for a period not to exceed one year.
8. The Conditional Use Permit shall also expire upon termination of a project or if the rights granted by the permit are discontinued for 180 consecutive days.

Others

Does the committee believe that the Conditional Use Permit Request meets the approval criteria in Sections 2.3.6.F and 3.7.2.D of the County Land Use Code and the provisions of Wisconsin State Statute 91.46?

(Yes / No)

Motion by _____ to (approve / deny) the conditional use permit request based upon the previously mentioned findings and conditions.

Motion second _____

Vote

Dale Macheel	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Donna Maly	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Ben Priesgen	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Dan Siegmann	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Mary Bobholz – Chair	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present

Motion (Carried / Denied)

ORDER AND DETERMINATION

On the basis of the above findings of fact, conclusions of law and the record in this matter the committee

- Granted preliminary approval of the conditional use permit subject to the conditions listed above and the Land Use Administrator is directed to issue a conditional use permit incorporating the decision of this Committee.
- Granted the conditional use permit request as proposed and the Land Use Administrator is directed to issue a conditional use permit incorporating the decision of this Committee.
- Denied the conditional use permit request as proposed. The committee finds that the proposal does not meet the following approval criteria of the code:

Expiration of Approval. Any order issued by the Committee requiring a Zoning official to issue a conditional use permit shall become void after one year unless the applicant or appellant shall have met the conditions of approval for such permit and a conditional use permit has been issued by the Zoning official within such time, provided, that the time may be extended when so specified by the Committee.

Revocation. This order may be revoked by the Committee in accord with Section 11.4.4 of the Dodge County Land Use Code after notice and opportunity to be heard for violation of any of the conditions imposed.

Appeals. This decision may be appealed by any person or their agent aggrieved by this decision or by any officer, department, board or bureau of the County, or by any affected town board. Such appeals shall be filed with the Dodge County Land Resources and Parks Department or the review and decision making body from whom the appeal is taken within 30 days after the date of written notice of the decision or order of the review and decision making body. The County assumes no liability for and makes no warranty as to reliance on this decision if construction is commenced prior to expiration of this 30-day period.

If a conditional use permit is denied, the applicant may appeal the decision to the circuit court under the procedures contained in s. 59.694(10) Wis. Stats.

Dodge County Land Resources and Parks Committee

Signed _____ Attest _____
Chairperson Secretary

Dated: _____ Filed: _____



DODGE COUNTY
LAND RESOURCES & PARKS DEPARTMENT
 127 E. OAK STREET • JUNEAU, WI 53039
 PHONE: (920) 386-3700 x2 • FAX: (920) 386-3979
 E-MAIL: landresources@co.dodge.wi.us

CONDITIONAL USE PERMIT APPLICATION

THIS AREA FOR OFFICE USE ONLY	
Activity No. 230523	Permit Issued Date
Application Date: 6/29/2023	Receipt #: 7482-1014
	Sanitary Permit #:

Application Fee: \$350 (After the Fact Application Fee - \$700)

Please complete page 1 and 2 of this application form and submit the application form with all of the required information listed in the "Application Checklist" for your project. PRINT OR TYPE. Use blue or black ink, do not use pencil. The Dodge County Land Resources and Parks Department will not consider your application unless you complete and submit this application form, the applicable information listed in the "application checklist" for your proposed project and the application fee. Personally identifiable information on this form will not be used for any other purpose, but it must be made available to requesters under Wisconsin's open records law [s. 19.31-19.39, Wis. Stats.].

(1) NAMES & MAILING ADDRESSES	(2) PROPERTY DESCRIPTION				
Applicant (Agent) Ray & Lynn Aumann	Parcel Identification Number (PIN) 034-1115 1131-000				
Street Address N6666 N Grode Rd	Town Oak Grove	T	N	R	E
City • State • ZipCode Juneau WI 53039	NE ^{1/4}	SW ^{1/4}	Section 11	Acreage 40	Lot (Block) 15
Property Owner (If different from applicant) SAME	Subdivision or CSM (Volume/Page/Lot)				
Street Address	Address Of Property (DO NOT include City/State/ZipCode)				
City • State • ZipCode	Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

(3) PROPERTY USE	(4) PROPOSED PROJECT
<p align="center">Current Use Of Property</p> <input type="checkbox"/> Vacant Property <input type="checkbox"/> Single-Family Residential <input checked="" type="checkbox"/> Active-Working Farm Operation <input type="checkbox"/> Business • Industrial • Commercial • (Describe below) Other _____	<p align="center">(Please check/complete all that apply below)</p> <input type="checkbox"/> Non-Farm Residential Lot <input checked="" type="checkbox"/> Single Family Residence <input type="checkbox"/> Two-Family Residence <input type="checkbox"/> Multi-Family Residence <input type="checkbox"/> Tavern or Restaurant <input type="checkbox"/> Professional Office <input type="checkbox"/> Non-Metallic Mine/Quarry <input type="checkbox"/> Wind Tower <input type="checkbox"/> Create/Expand Business <input type="checkbox"/> Wildlife Pond > 2-acres <input type="checkbox"/> Wireless Communications Tower <input type="checkbox"/> Contractor's Offices and Storage Yards <input type="checkbox"/> Filling, Grading or Dredging in the Shoreland District Other: _____
<p align="center">DNR Notice</p> <p>DNR NOTICE: You are responsible for complying with State and Federal laws concerning construction on or near wetlands, lakes and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources Wetlands Identification Web Page (www.dnr.state.wi.us) or contact a Department of Natural Resources Service Center.</p>	

(5) CERTIFICATE

I, the undersigned, hereby apply for a Conditional Use Permit and certify that all the information both above and attached is true and correct to the best of my knowledge. I affirm that I have read the DNR Notice shown above. I affirm that all work performed will be done in accordance with the Dodge County Land Use Code and with all other applicable laws and regulations. I hereby authorize members of the Dodge County Land Resources and Parks Department to enter the above-described property for purposes of obtaining information pertinent to my application request and to conduct land use code inspections.

Signature **Ray Aumann** Date **6-27-2023**
 Daytime Contact Number **(212) 707-4812**

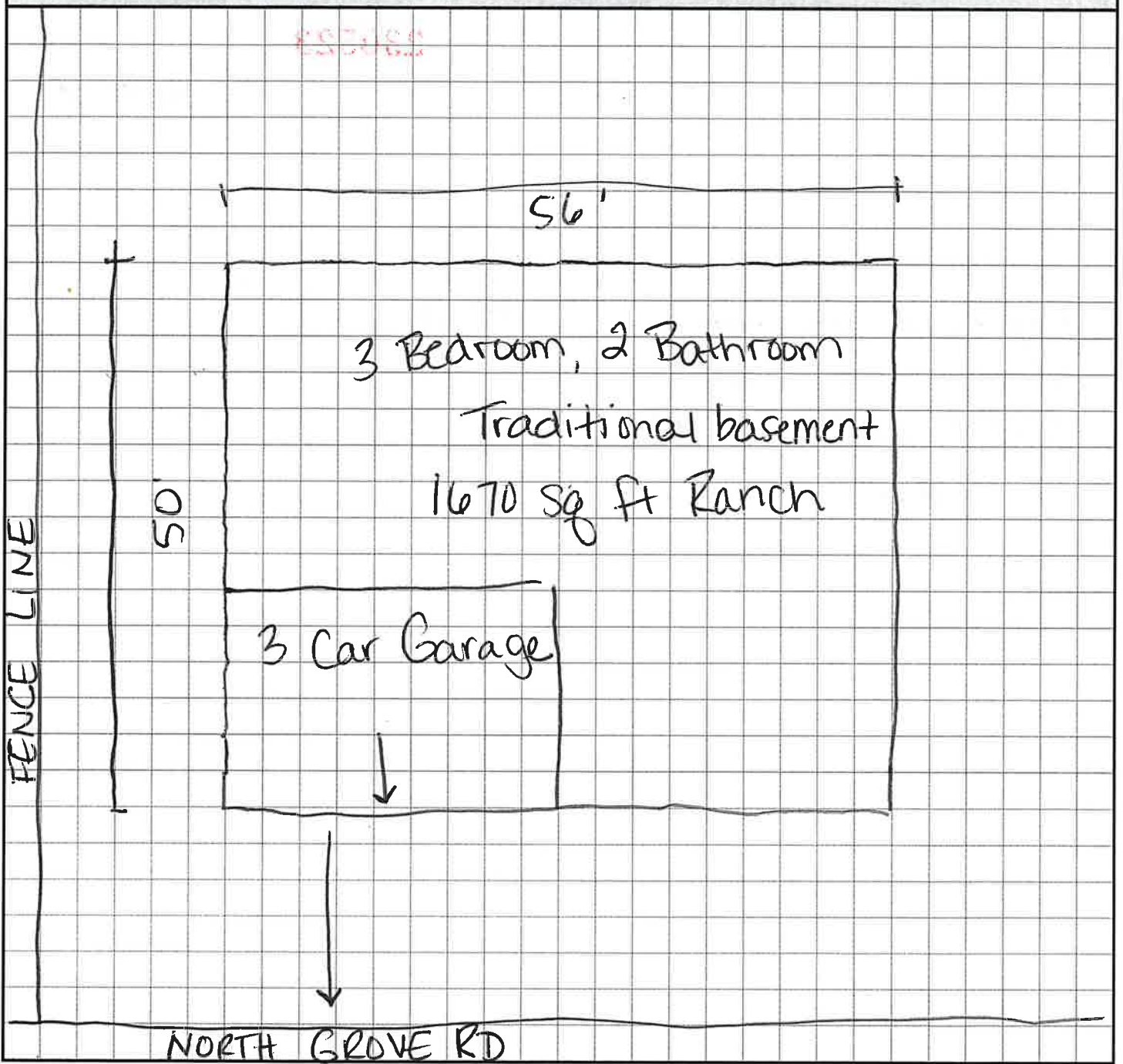
AREA BELOW THIS LINE FOR OFFICE USE ONLY

LAND RESOURCES AND PARKS COMMITTEE ACTION

Date of Decision _____ Decision _____

<input type="checkbox"/> APPROVED	CONDITIONS	Land Resources and Parks Department
<input type="checkbox"/> DENIED		Date: _____

SITE PLAN (SKETCH)



See Attached Site Plan (Sketch)

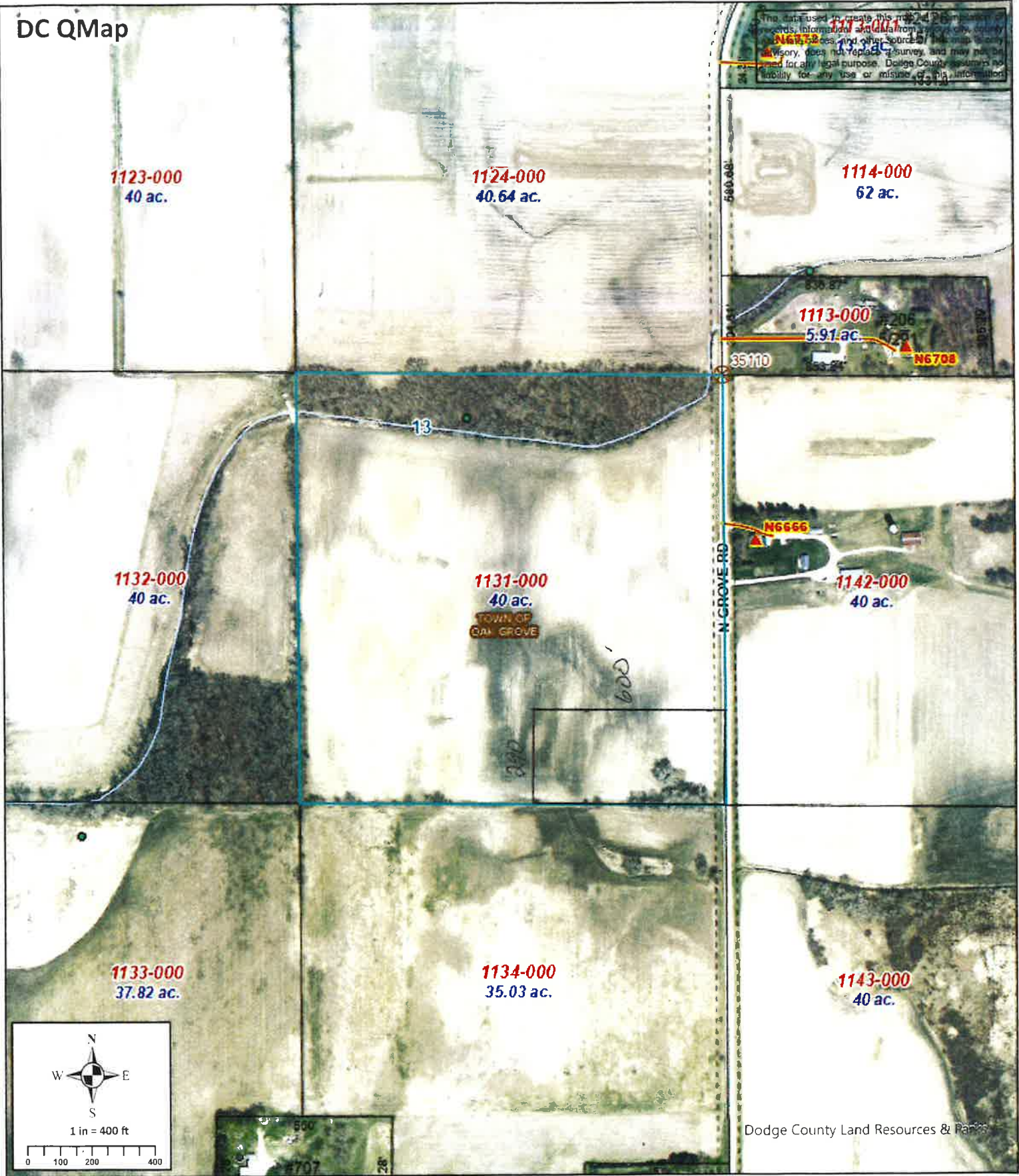
THIS AREA FOR OFFICE USE ONLY

BOA ID No.	BOA Appeal Date	BOA P/H Date	BOA Decision Date	BOA Decision
				<input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied
Notes/Stipulations:				
<input type="checkbox"/> Approved <input type="checkbox"/> Denied		Land Resources and Parks Department	Date	

Please use only blue or black ink to complete the application and site plan (sketch) — **DO NOT USE PENCIL**

DC QMap

The data used to create this map is derived from public records, information and data from a variety of county records, information and other sources. This map is advisory, does not replace a survey, and may not be used for any legal purpose. Dodge County assumes no liability for any use or misuse of this information.



Dodge County Land Resources & Parks

General	WI Historical Society	Floodplain / Wetland	County Zoning
Urbanized Roads	Historic Structures	FEMA Floodplain/Storage/Dam Shadow	Planned Unit Development
Soils	Archaeological Sites	DNR Wetland Areas/Points	Hartford Extraterritorial
Airport Ordinance 3-Mile Buffer	Survey Areas	Shoreland Zoning	General Agricultural
Sewer Service Areas	Non-Metallic Mining	Shoreland Zoning Buffer	Prime Agricultural
Highly Developed Shoreline	Active Mining Area	Lakes/Ponds/Sloughs	One Family Residential
Elevation Contours	Approved Mining Area	Rivers/Streams/Creeks	Two Family Residential
	Mine Property Boundaries		Multi-Family Residential
			General Commercial
			Extensive Commercial
			Light Industrial
			Industrial
			Waterbody
			ROW/City/Village

Date: 6/30/2023

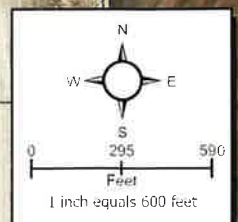
Lynn Hargrave Aumann Trust

Town of Oak Grove, Sec. 11

The data used to create this map is a compilation of records, information, and data from various city, county, state, and federal sources. This map is only for informational purposes and does not constitute a survey. It should not be used for any legal purpose. Dodge County Assessor's Office assumes no liability for any use or misuse of this information.



- Lynn Hargrave Aumann Trust Property
- Tax Parcels
- Base Farm Tract



Land Resources and Parks Department Staff Report

County Floodplain Ordinance Amendment # 2023-0353

Committee Review Date: July 24, 2023

Petition to amend the Dodge County Floodplain Zoning Ordinance.

Floodplain Ordinance Amendment – Karsten Dam Failure Analysis:

Owner of the Karsten Dam:

Clear Creek Land & Cattle Company LLC
P.O. Box 125
Mequon, WI 53092

Location

PIN# 022-1116-1144-000

Part of the SE ¼ of the SE ¼, Section 11, Town of Herman, the site address being N6615 State Road 67, Iron Ridge, WI 53035

The Department has received notice from the State Department of Natural Resources (DNR) that the DNR recently approved a dam failure analysis for the Karsten No. 2 Dam on March 16, 2023. The dam is located across Oliver Creek on the property described above. Based on the results of the approved study, the areas of potential dam failure inundation are shown on the attached maps (Exhibit B). The Karsten No 2 Dam was given a hazard rating of “High Hazard”

A dam failure analysis (DFA) is required for all large dams under Wisconsin Administrative Code, Chapter NR 333. Dam Failure analysis studies are required to be performed by an engineer registered in the State of Wisconsin and are required to be approved by the DNR in accord with Chapter 31, Wis. Stats and Chapter NR 333 and NR 116, Wis. Adm. Codes.

The analysis is used for the following purposes:

- To identify the inundation area or the extent of the dam failure floodplain (hydraulic shadow) for the dam if it were to fail;
- To determine the dam’s hazard rating based on the affected development downstream;
- To determine the design spillway capacity requirements for the structure; and
- To utilize the information to determine downstream land use controls that must be implemented to protect the public and to develop and implement a detailed Emergency Action Plan for the dam.

Under the requirements of Chapter 87.30, Wis. Stats. and Chapter NR 116.05, Wis. Adm. Code, the County is required to adopt the dam failure analysis, the floodway data tables and the flood profile data within 6 months of the date of DNR approval (March 16, 2023). The County is also required to adopt the minimum standards of NR 116 Wis. Adm. Code and 44Code of Federal Regulations (CFR) 59-72 if the community participates in the National Flood Insurance Program (NFIP).

The proposed amendments to the Text of the Dodge County Floodplain Ordinance are based on the Wisconsin DNR Model Ordinance effective on March 10, 2022. This model ordinance contains the minimum State (NR 116) and Federal (44CFR 59-72) Floodplain regulations. The amendments are intended to bring the Dodge County Floodplain Zoning Ordinance into compliance with the minimum standards of the Federal and State Floodplain Development regulations.

If the Committee approves the petition, a public hearing will be scheduled for August 28, 2023.

**PETITION TO AMEND THE FLOODPLAIN ZONING ORDINANCE OF DODGE COUNTY,
WISCONSIN**

We, the Dodge County Land Resources and Parks Committee, petition to amend the text of the Floodplain Ordinance, Dodge County Wisconsin as shown in Exhibit A. The petition also includes the adoption of the dam failure analysis and hydraulic shadow maps for the Karsten #2 Dam as shown in Exhibit B.

The purpose of the proposed amendments to the text of the Floodplain Ordinance, as shown in Exhibit A, is to promote and protect life, health and property in the floodplain areas of Dodge County by regulating the uses and structures that are permitted within the mapped floodplains. The petition is also intended to incorporate the supplemental dam failure analysis and hydraulic shadow maps for the Karsten #2 Dam, as shown in Exhibit B. The adoption of the dam failure analysis and hydraulic shadow maps for the Karsten #2 Dam will create new floodplain inundation boundary lines for the areas located downstream of the dam as shown in Exhibit B and any development which occurs within these boundaries will be required to comply with the Floodplain Zoning Ordinance regulations.

The proposed changes to the Floodplain Ordinance will bring the Dodge County floodplain regulations into compliance with the current minimum floodplain standards that are required by state and federal law.

Respectfully submitted this _____ day of _____, 2023.

Mary Bobholz

Dale Macheel

Donna Maly

Ben Priesgen

Dan Siegmann

Land Resources and Parks Committee

Exhibit A

Proposed changes:

Additions in the text of the Ordinance are indicated by underline and are highlighted; deletions to the text of the Ordinance area indicated by ~~strike through~~.

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Amended Ord #989 (January 16, 2018) Amended Ord #996 May 16, 2018.

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1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS

1.1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in ss. 59.69, 59.692, and 59.694 and the requirements in s. 87.30, Stats.

1.2 FINDING OF FACT

Uncontrolled development and use of the floodplains and rivers of the County of Dodge, State of Wisconsin, would impair the public health, safety, convenience, general welfare and tax base.

1.3 STATEMENT OF PURPOSE

This ordinance is intended to regulate floodplain development to:

- (1) Protect life, health and property;
- (2) Minimize expenditures of public funds for flood control projects;
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the floodplain;
- (6) Minimize the occurrence of future flood blight areas in the floodplain;
- (7) Discourage the victimization of unwary land and homebuyers;
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

1.4 TITLE

This ordinance shall be known as the Floodplain Zoning Ordinance for Dodge County, Wisconsin.

1.5 GENERAL PROVISIONS

(1) AREAS TO BE REGULATED

This ordinance regulates all lands within the boundaries of Dodge County, lying outside the limits of incorporated cities and villages that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by the DNR. **Note:** Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

This ordinance regulates all lands within the boundaries of Dodge County, lying outside the limits of incorporated cities and villages that would be covered by areas of special flood hazard identified as zones A, AO, AH, A1-30, AE, on the Flood Insurance Rate Map. Additional areas identified on maps approved by the Department of Natural Resources (DNR) and local community may also be regulated under the provisions of this ordinance, where applicable. If more than one map or revision is referenced, the most restrictive information shall apply.

(Text highlighted in green is text that is currently in the Dodge County Floodplain Ordinance and currently in compliance with the state statutes, but the text is not within the current State model ordinance. The Community has the option to remove these provisions.)

(a) EXEMPTION (2017 Wisconsin Act 115 – 87.30 (1m) (ag) (intro.))

Notwithstanding any other provision of law or administrative rule promulgated thereunder, the Floodplain Zoning Ordinance does not apply to lands adjacent to farm drainage ditches if all of the following apply:

1. Such lands are not within the floodplain of a natural navigable stream or river;
2. Those parts of the drainage ditches adjacent to these lands were non-navigable streams before ditching.
3. The lands adjacent to the corridor are maintained in nonstructural agricultural use or other nonstructural use.

(b) EXEMPTION (2017 Wisconsin Act 115 – 87.30(1m) (am) Wis. Stats.)

Notwithstanding any other provision of law or administrative rule promulgated thereunder, the provisions of the Floodplain Zoning Ordinance do not apply to lands adjacent to farm drainage ditches if all of the following apply, except to the extent necessary for the municipality to which the floodplain zoning ordinance applies to maintain eligibility for participation in the National Flood Insurance Program:

1. The farm drainage ditch is subject to the jurisdiction of a drainage district under Ch. 88 Wis. Stats.
2. The disposal of material in a floodplain is within the drainage district corridor under 88.74 Wis. Stats.
3. The lands adjacent to the corridor are maintained in nonstructural agricultural use or other nonstructural use.

(2) OFFICIAL MAPS & REVISIONS

The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations

~~(BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see s. 8.0 Amendments) before it is effective. No changes to RFE's on non FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Dodge County Land Resources and Parks Department, Dodge County, Wisconsin. If more than one map or revision is referenced, the most restrictive information shall apply.~~

Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH, AO, on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in subd. (a) below. Additional flood hazard areas subject to regulation under this ordinance are identified on maps based on studies approved by the DNR and listed in subd. (b) below. These maps and revisions are on file in the office of the Dodge County Land Resources and Parks Department, Dodge County, Wisconsin. If more than one map or revision is referenced, the most restrictive information shall apply.

(a) OFFICIAL MAPS : Based on the FIS

- (1) Flood Insurance Rate Map (FIRM), panel numbers: 55027C0025F, 55027C0050F, 55027C0100F, 55027C0125F, 55027C0150F, 55027C0160F, 55027C0175F, 55027C0187F, 55027C0189F, 55027C0190F, 55027C0192F, 55027C0193F, 55027C0194F, 55027C0213F, 55027C0220F, 55027C0227F, 55027C0230F, 55027C0231F, 55027C0235F, 55027C0250F, 55027C0275F, 55027C0280F, 55027C0332F, 55027C0334F, 55027C0335F, 55027C0351F, 55027C0352F, 55027C0353F, 55027C0356F, 55027C0358F, 55027C0360F, 55027C0361F, 55027C0362F, 55027C0365F, 55027C0370F, 55027C0379F, 55027C0380F, 55027C0385F, 55027C0386F, 55027C0387F, 55027C0390F, 55027C0395F, 55027C0415F, 55027C0418F, 55027C0420F, 55027C0625F, 55027C0700F, dated April 19, 2010; with corresponding profiles that are based on the Flood Insurance Study (FIS) 55027CV000C dated May 19, 2014;

- (2) Flood Insurance Rate Maps based on the Fox Lake Physical Map Revision, completed by MSA Professional Services, Inc. submitted under the professional seal of Uriah Monday, P.E. on September 2, 2011.

55027C0159G, 55027C0176G, 55027C0177G, 55027C0178G, 55027C0179G, 55027C0181G, 55027C0182G, 55027C0183G, 55027C0184G, 55027C0191G, 55027C0201G, 55027C0203G dated February 5, 2014; with corresponding profiles that are based on the Flood Insurance Study 55027CV00C dated May 19, 2014;

- (3) Flood Insurance Rate Maps based on the new hydrologic and hydraulic analyses for the Rock River and the following tributaries: Carriage Hill Drive Tributary, Carriage Hill Drive Tributary – Overland Flow Path, Crawfish River, Davy Creek, East Branch Rock River, Harris Creek, Maunasha River, Rock River, Rubicon River, Silver Creek, Spring Brook, and UT-3 to Rubicon River. The analysis for this study was performed by the Wisconsin Department of Natural Resources for FEMA under Mapping Activity Statement Contract No, WI-10-01. This study was completed in September 2012.

55027C0069G, 55027C0207G, 55027C0210G, 55027C0265G, 55027C0268G, 55027C0269G, 55027C0270G, 55027C0285G, 55027C0289G, 55027C0290G, 55027C0295G, 55027C0319G, 55027C0325G, 55027C0330G, 55027C0338G, 55027C0340G, 55027C0345G, 55027C0354G, 55027C0384G, 55027C0392G, 55027C0394G, 55027C0403G, 55027C0405G, 55027C0406G, 55027C0407G,

55027C0411G, 55027C0413G, 55027C0430G, 55027C0435G, 55027C0440G, 55027C0445G, 55027C0457G, 55027C0459G, 55027C0470G, 55027C0476G, 55027C0478G, 55027C0480G, 55027C0485G, 55027C0490G, 55027C0495G, 55027C0505G, 55027C0510G, 55027C0515G, 55027C0520G, 55027C0530G, 55027C0531G, 55027C0532G, 55027C0534G, 55027C0537G, 55027C0538G, 55027C0539G, 55027C0543G, 55027C0545G, 55027C0551G, 55027C0552G, 55027C0553G, 55027C0554G, 55027C0558G, 55027C0559G, 55027C0560G, 55027C0561G, 55027C0562G, 55027C0563G, 55027C0564G, 55027C0566G, 55027C0567G, 55027C0568G, 55027C0569G, 55027C0579G, 55027C0580G, 55027C0583G, 55027C0585G, 55027C0586G, 55027C0587G, 55027C0590G, 55027C0591G, 55027C0595G, 55027C0628G, 55027C0629G, 55027C0630G, 55027C0635G, 55027C0655G, 55027C0659G, 55027C0660G, 55027C0676G, 55027C0677G, 55027C0678G, 55027C0679G, 55027C0701G, 55027C0702G, 55027C0703G, 55027C0704G, 55027C0706G, 55027C0707G, 55027C0708G, 55027C0709G, 55027C0730G, 55027C0733G, 55027C0735G, dated May 19, 2014; with corresponding profiles that are based on the Flood Insurance Study 55027CV000C dated May 19, 2014;

- (4) Flood Insurance Rate Map (FIRM) panel 55027C0700F based on the revised flood hazard information (LOMR), of an unknown ditch draining to the Rock River, generally located between County Road CW to the south, up to just north of Hancock Drive, with Danbury Drive to the east and Huberbrooks Drive to the West using the hydrologic and hydraulic analysis floodplain study prepared and submitted under the professional seal of SEH Inc. dated November 22, 2016. Specifically, the revised flood hazard information was established along this unknown ditch, from County Road CW north to a point approximately 800 feet south of County Road R.

Approved by the DNR and FEMA

- (b) OFFICIAL MAPS : Based on other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

- ~~1. Floodplain Study Appendix: All DNR and FEMA approved floodplain maps, DNR approved Flood Storage District maps, flood profiles, floodway data tables, regional or base flood elevations and other information located in the appendix on page A-1 of this ordinance. The community shall provide the most up to date appendix to the DNR and FEMA regional offices.~~

(The Dam failure analysis and hydraulic shadow maps highlighted in blue were previously approved by Dodge County and are currently located within the Flood study appendix of the existing Floodplain Ordinance. These studies and maps are being moved from the appendix to this section of the Ordinance. There are no changes proposed to these studies or maps.)

Dam failure analysis and hydraulic shadow maps for the Danville Dam Map dated October 2015 and titled: Hydrologic and hydraulic analysis and the dam failure analysis prepared by the Wisconsin Department of Natural Resources.

Supplemental Dam Failure Analysis and hydraulic shadow map for the Village of Hustisford Dam

Map dated July 6, 2015 and titled: Supplemental Dam Failure Analysis and hydraulic dam failure profile for the Village of Hustisford Dam prepared by Stantec Consulting Services Inc. and approved by the Wisconsin Department of Natural Resources.

Beaver Dam River Dam Failure Inundation Shadow

Map dated April 6, 2017, titled: Beaver Dam River Dam Failure Scenario, all bearing the Professional Engineer's Seal of Uriah P Monday, PE, of MSA Professional Services, and approved by the Wisconsin Department of Natural Resources on April 10, 2017.

Those portions of the following documents that cover lands located outside of the City limits of the City of Beaver Dam:

- I. Dam Failure Map Panels 1 through 7;
- II. Dam Failure Profile Panels 1 through 4;
- III. Dam Failure Floodway Table;

Dodge County Flood Storage District Maps

Maps Dated: May 19, 2014, titled Dodge County Flood Storage District Maps, Panels 1 through 13, Prepared and approved by the Wisconsin Department of Natural Resources

Dam Failure and Hydraulic Shadow Maps for the Karsten No. 2 Dam

Map dated: March 14, 2023, titled: Karsten #2 Pond WDNR FF-00564 Dam Failure Analysis. Portions of a Dam Failure Analysis for the Karsten #2 Dam as listed below. The full analysis report is dated March 14, 2023 and was prepared by Kunkel Engineering Group. It was approved by the Department of Natural Resources on March 16, 2023. Portions adopted into this Ordinance include:

- I. Flood Shadow Map titled "Karsten #2 Dam Failure Analysis 2022 – Dam Failure Hydraulic Shadow Map #2", bearing the Professional Engineer's Seal of Basil Orechwa, PE, of Kunkel Engineering Group, dated March 13, 2023.
- II. Floodway data table titled "Profile #2 Table - Dam Failure at Q100 Inflow", bearing the Professional Engineer's Seal of Basil Orechwa, PE, of Kunkel Engineering Group, dated March 16, 2023.
- III. Flood profile titled "Karsten2 DFA 02-01-23 Plan: Plan 22 - Dam Break", bearing the Professional Engineer's Seal of Basil Orechwa, PE, of Kunkel Engineering Group, dated March 16, 2023.

(3) **ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS**

The flood hazard areas regulated by this ordinance are divided into districts as follows ~~regional floodplain areas are divided into four districts as follows:~~

- (a) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to s. 5.1(5), and are contained within AE Zones as shown on the FIRM.
- (b) The Floodfringe District (FF) is that portion of a riverine special flood hazard area outside the floodway within AE Zones on the FIRM, or , when floodway limits have been determined according to s. 5.1(5), within A Zones shown on the FIRM between the regional flood limits and the floodway and displayed as AE Zones as shown on the FIRM.
- (c) The General Floodplain District (GFP) is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM, and does not have a BFE or floodway boundary determined, including A, AH and AO zones on a FIRM.

(d) The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between the exterior boundaries of zones A1-30, AE, AH, or A on the official floodplain zoning map and actual field conditions may shall be resolved using the criteria in subd. paragraphs (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 8.0 *Amendments*. The land use administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The land use administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined, ~~and for initiating any map amendments required under this section.~~ Disputes between the land use administrator and an applicant over the district boundary line shall be settled according to s. 7.3(3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s. 8.0 *Amendments*.

- (a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- (b) Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.

(5) REMOVAL OF LANDS FROM FLOODPLAIN

- a. Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 8.0 *Amendments*.

~~**Note:** This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).~~

- b. The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:

- i. The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;
- ii. The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F;

- c. Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

(6) COMPLIANCE

Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

- a) No structure or use within areas regulated by this ordinance shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.
- b) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with s. 9.0.
- c) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Floodplain Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with s. 9.0.

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies. Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards. If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under s. 30.2022, then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply: The applicant provides documentation to the Floodplain Administrator that the proposed project is a culvert replacement or bridge replacement under 20' span at the same location, the project is exempt from a DNR permit under s. 30.123(6)(d), the capacity is not decreased, the top road grade is not raised, and no floodway data is available from a federal, state, or other source. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

(8) ABROGATION AND GREATER RESTRICTIONS

- (a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under ss. 59.69, 59.692 or 59.694 for counties; s. 62.23 for cities; or s. 61.35 for villages; or s. 87.30, Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent the greater restrictions, but not otherwise.
- (b) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) INTERPRETATION

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or

in effect on the date of the most recent text amendment to this ordinance.

(10) WARNING AND DISCLAIMER OF LIABILITY

The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. The ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

~~(12) ANNEXED AREAS FOR CITIES AND VILLAGES~~

~~The Dodge County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59 72, the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.~~

2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

~~The County shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.~~

~~Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. 7.1(2). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.~~

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding and assure that all necessary permits have been received from those governmental agencies whose approval is required by federal or state law.

1) If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:

- a. be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- b. be constructed with flood-resistant materials;
- c. be constructed by methods and practices that minimize flood damages;
and
- d. Mechanical and utility equipment must be elevated to or above the flood protection elevation.

2) If a subdivision or other proposed new development is in a flood-prone area, the community shall assure that:

- a. such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area;
- b. public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
and
- c. adequate drainage is provided to reduce exposure to flood hazards.

All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. 7.1(2).

2.1 HYDRAULIC AND HYDROLOGIC ANALYSES

- (1) No floodplain development shall:
 - (a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height;
 - (b) Cause any increase in the regional flood height due to floodplain storage area lost.
- (2) The land use administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of s. 8.0 *Amendments* are met.

2.2 WATERCOURSE ALTERATIONS

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The standards of s. 2.1 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, and pursuant to s. 8.0 *Amendments*, the County shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

2.3 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT

Development which requires a permit from the Department of Natural Resources, under chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to s. 8.0 *Amendments*.

2.4 PUBLIC OR PRIVATE CAMPGROUNDS

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (1) The campground is approved by the Department of ~~Health Services~~ Agriculture, Trade and Consumer Protection.
- (2) A land use permit for the campground is issued by the land use administrator.
- (3) The character of the river system and the elevation of the campground is such that a 72-hour warning of an impending flood can be given to all campground occupants.
- (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the floodplain zoning agency or land use administrator, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state Department of ~~Health Services~~ Agriculture, Trade and Consumer Protection and all other applicable

regulations.

- (6) ~~Only camping units that are fully licensed, if required, and ready for highway use are allowed.~~

All mobile recreational vehicles placed on site must meet one of the following:

- (a) Be fully licensed, if required, and ready for highway use; or
- (b) Not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or
- (c) Meet the requirements in either s. 3.0, 4.0, or 5.1, for the floodplain district in which the structure is located;

A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

- (7) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit consistent with 2.4(6) and shall ensure compliance with all the provisions of this section.
- (8) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.
- (9) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued. And
- (10) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation. And
- (11) Standards for structures in a campground:
 - a. All structures must comply with section 2.4 or meet the applicable requirements in ss. 3.0, 4.0, or 5.1 for the floodplain district in which the structure is located;
 - b. Deck/landing-a portable landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with section 2.4(4). Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
 - c. Decks/patios that are constructed completely at grade may be allowed but must also comply with applicable shoreland zoning standards.
 - d. Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with section 2.4(4).

e. Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with section 2.4(4).

(12) A land use permit shall be obtained as provided under 7.1(2) before any development; repair, modification, or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated.

3.0 **FLOODWAY DISTRICT (FW)**

3.1 **APPLICABILITY**

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 5.4. 5.1(5)

3.2 **PERMITTED USES**

The following open space uses are allowed in the Floodway District and the floodway areas of the general Floodplain District, if

- they are not prohibited by any other ordinance;
 - they meet the standards in s. 3.3 and 3.4; and
 - all permits or certificates have been issued according to s. 7.1:
- (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
 - (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 - (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).
 - (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. 3.3 and 3.4.
 - (5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).
 - (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30, 31, Stats.
 - (7) Public utilities, streets and bridges that comply with s. 3.3(3).
 - (8) Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code.
 - (9) Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.
 - (10) Wastewater treatment ponds or facilities permitted under s. NR 110.15(3)(b), Wis. Adm. Code.
 - (11) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

3.3 STANDARDS FOR DEVELOPMENTS IN FLOODWAY AREAS

(1) GENERAL

- (a) Any development in floodway areas shall comply with s. 2.0 and have a low flood damage potential.
- (b) ~~Applicants shall provide the following data to determine the effects of the proposal according to s. 2.1: v~~

Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to s. 2.1 and 7.1(2)(c). The analysis must be completed by a registered professional engineer in the state of Wisconsin.

- 1. ~~A cross section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or~~
- 2. ~~An analysis calculating the effects of this proposal on regional flood height.~~

- (c) ~~The land use administrator shall deny the permit application if the project will cause any increase flood elevations upstream or downstream, based on the data submitted for par. (b) above.~~

Any encroachment in the regulatory floodway is prohibited unless the data submitted for subd. 3.3(1)(b) above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in s. 1.5(5).

(2) STRUCTURES

Structures accessory to permanent open space uses, including utility and sanitary facilities, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- (a) ~~The structure is not~~ Not designed for human habitation, and does not have a high flood damage potential and is constructed to minimize flood damage;
- (b) Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:
 - 1. Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;
 - 2. Have structural components capable of meeting all provisions of Section 3.3(2)(g) and;
 - 3. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency floodproofing Certificate, that the design and methods of construction are in accordance with Section 3.3(2)(g).

~~Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;~~

- (c) Must be anchored to resist flotation, collapse and lateral movement;
- (d) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and

- (e) ~~It~~ **Must** not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- (f) For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets s. 3.3(2)(a) through 3.3(2)(e) and meets or exceeds the following standards:
 1. The lowest floor must be elevated to or above the regional flood elevation;
 2. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 3. The bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.
 4. The use must be limited to parking, building access or limited storage.
- (g) Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:
 1. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
 2. Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in Sections 3.4(4) and 3.4(5);
 3. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
 4. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
 5. Placement of utilities to or above the flood protection elevation.

(3) **PUBLIC UTILITIES, STREETS AND BRIDGES**

Public utilities, streets and bridges may be allowed by permit, if:

- (a) Adequate floodproofing measures are provided to the flood protection elevation; and
- (b) Construction meets the development standards of s. 2.1.

(4) **FILLS OR DEPOSITION OF MATERIALS**

Fills or deposition of materials may be allowed by permit, if:

- (a) The requirements of s. 2.1 are met;
- (b) No material is deposited in navigable waters unless a permit is issued by the Department of Natural Resources pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements have been met;
- (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- (d) The fill is not classified as a solid or hazardous material.

3.4 PROHIBITED USES

All uses not listed as permitted uses in s. 3.2 are prohibited, including the following uses:

- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department of Natural Resources - approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code.
- (5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code;
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

4.0 FLOODFRINGE DISTRICT (FF)

4.1 APPLICABILITY

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. ~~5.4~~ s. 5.1(5).

4.2 PERMITTED USES

Any structure, land use, or development is allowed in the Floodfringe District if the standards in s. 4.3 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 7.1 have been issued.

4.3 STANDARDS FOR DEVELOPMENT IN FLOODFRINGE AREAS

S. ~~2.40~~ shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of s. 6.0 *Nonconforming Uses*;

(1) RESIDENTIAL USES

Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the flood fringe must meet the requirements of s. 6.0 *Nonconforming Uses*;

(a) All new construction, including the placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet s. 1.5(5). ~~The elevation of the lowest floor, shall be at or above the flood protection elevation on fill unless the requirements of s. 4.3(1)(b) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.~~

(b) Notwithstanding s. 4.3(1)(a), a basement or crawlspace floor may be placed at the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed below the regional flood elevation. ~~The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;~~

(c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in par. (d).

(d) In developments where existing street or sewer line elevations make compliance with par. (c) impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:

1. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

2. The municipality has a DNR-approved emergency evacuation plan that

follows acceptable hazard mitigation planning guidelines.

- (2) ACCESSORY STRUCTURES OR USES
In addition to s. 2.0, new construction and substantial improvements of accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
- (3) COMMERCIAL USES
In addition to s. 2.0, any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of s. 4.3(1). Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (4) MANUFACTURING AND INDUSTRIAL USES
In addition to s. 2.0 any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s. 7.5. Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (5) STORAGE OF MATERIALS
Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 7.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- (6) PUBLIC UTILITIES, STREETS AND BRIDGES
All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
 - (a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are designed to comply with s. 7.5.
 - (b) Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- (7) SEWAGE SYSTEMS
All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 7.5(3), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.
- (8) WELLS
All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 7.5(3), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.
- (9) SOLID WASTE DISPOSAL SITES
Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- (10) DEPOSITION OF MATERIALS
Any deposited material must meet all the provisions of this ordinance.

(11) MANUFACTURED HOMES

- (a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
- (b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - 1. have the lowest floor elevated to the flood protection elevation; and
 - 2. be anchored so they do not float, collapse or move laterally during a flood.
- (c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 4.3(1).

(12) MOBILE RECREATIONAL VEHICLES

All mobile recreational vehicles must be on site for less than 180 consecutive days and be either:

- a) fully licensed and ready for highway use; or
- b) shall meet the elevation and anchoring requirements oin s. 4.3(11)(b) and (c).

A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only be quick-disconnect utilities and security devices and has no permanently attached additions.

~~All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 4.3 (11)(b) and (c). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.~~

5.0 OTHER FLOODPLAIN DISTRICTS

~~Other floodplain districts may be established under the ordinance and reflected on the floodplain zoning map. These districts may include general floodplain districts and flood storage districts.~~

5.1 GENERAL FLOODPLAIN DISTRICT (GFP)

(1) APPLICABILITY

~~The provisions for the General Floodplain District this district shall apply to development in all floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in s. 1.5(2)(a).~~

(2) FLOODWAY BOUNDARIES

~~For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in s. 1.5(2)(a), the boundaries of the regulatory floodway shall be determined pursuant to s. 5.1(5). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of s 3.0. If the development is located entirely within the floodfringe, the development is subject to the standards of s. 4.0.~~

(3) PERMITTED USES

~~Pursuant to s. 5.1(5) it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (s. 3.2) and Floodfringe (s. 4.2) Districts are allowed within the General Floodplain District, according to the standards of s. 5.1(4) provided that all permits or certificates required under s. 7.1 have been issued.~~

~~Pursuant to s. 5.1(4), it shall be determined whether the proposed use is located within a floodway or floodfringe.~~

~~Those uses permitted in Floodway (s. 3.2) and Floodfringe (s. 4.2) Districts are allowed within the General Floodplain District, according to the standards of s. 3.3 and 4.4, provided that all permits or certificates required under s. 7.1 have been issued.~~

(4) STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT

~~Section 3.0 applies to floodway areas, determined to pursuant to 5.1(5); Section 4.0 applies to floodfringe areas, determined to pursuant to 5.1(5).~~

~~a) New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basement, elevated:~~

~~1. To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade; or~~

~~2. If the depth is not specified in the FIRM, to or above two (2) feet above the highest adjacent natural grade.~~

~~b) New construction and substantial improvement of structures I zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation.~~

~~c) In AO/AH zones, provide adequate drainage paths to guide floodwaters around structures.~~

~~d) All development in zones AO and zone AH shall meet the requirements of s. 4.0 applicable to flood fringe areas.~~

~~S. 3.0 applies to floodway areas, s. 4.0 applies to floodfringe areas. The rest of this ordinance applies to either district.~~

~~(a) In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:~~

1. ~~At or above the flood protection elevation; or~~
2. ~~Two (2) feet above the highest adjacent grade around the structure; or~~
3. ~~The depth as shown on the FIRM.~~

~~(b) In the AO/AH Zones, provide plans showing adequate drainage paths to guide floodwaters around structures.~~

(5) DETERMINING FLOODWAY AND FLOODFRINGE LIMITS

Upon receiving an application for development within zone A , or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the general floodplain district, the land use zoning administrator shall:

- (a) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures and the flood zone as shown on the FIRM.
- (b) Require the applicant to furnish any of the following information deemed necessary by the Department of Natural Resources to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
 1. A Hydrologic and Hydraulic Study as specified in s. 7.1(2) (c).
 2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
 3. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

5.2 FLOOD STORAGE DISTRICT

The flood storage district delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

(1) APPLICABILITY

The provisions of this section apply to all areas within the Flood Storage District (FSD), as shown on the official floodplain zoning maps.

(2) PERMITTED USES

Any use or development which occurs in a flood storage district must meet the applicable requirements in s. 4.3.

(3) STANDARDS FOR DEVELOPMENT IN FLOOD STORAGE DISTRICTS

- (a) Development in a flood storage district shall not cause any increase in the height of the regional flood.
- (b) No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the

regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost, (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.

- (c) If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district – on this waterway – is rezoned to the floodfringe district. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without flood plain storage, as per s. 8.0 *Amendments s. 8.1* of this ordinance.
- (d) No area may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

6.0 NONCONFORMING USES

6.1 GENERAL

(1) APPLICABILITY

(a) The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with s. 87.30, Stats. §§ NR 116.12-14, Wis. Adm. Code and 44 CFR 59-72., These standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.

(b) As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value, and a list of the costs of those activities associated with changes to those buildings

~~If these standards conform with s. 59.69(10), Stats., for counties or s. 62.23(7)(h), Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.~~

(2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

(a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

(b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;

(c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

(d) No modification or addition to any nonconforming structure or any structure with a

nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

(e) No maintenance **on a per event basis** to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). **Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations;**

(f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% or the present equalized value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1).

(g) Except as provided in paragraph (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

(h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the **following** minimum **federal code** requirements **below** are met and all required permits have been granted prior to the start of construction.

1. Residential Structures

- a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts, or perimeter walls. Perimeter walls must meet the requirements of s. 7.5(2).
- b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
- c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are

designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

- d. In A Zones, obtain review and utilize any flood data available from a federal, state or other source.
 - e. In AO Zones with no elevations specified shall have the lowest floor, including the basement; meet the standards in s. 5.1(4).
 - f. In AO Zones, shall have adequate drainage paths around structures on slopes it guide floodwaters around and away from the structure.
2. Nonresidential Structures
- a. Shall meet the requirements of s. ~~6.1(2)(h) 1a-b and e-g.~~ s. 6.1(2)(h)1a-f.
 - b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 7.5(1) or (2).
 - c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.1(4)
3. A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with s, 3.3(1), flood resistant materials are used, and construction practices and flood proofing methods that comply with s. 7.5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 6.1(2)(h)1 if it is determined that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

(This section is optional. The Community has the option to adopt these provisions if they want to implement ACT 175. Act 175 was enacted March 2020 and created S 87.30 (1d)(d) Wis. Stats. This act changes how nonconforming structures are regulated in the floodplain. The federal requirements are unchanged by this Act, however, s 87.30 (1d)(d) creates an exception to the states “50% rule” for structures in the floodplain.

Essentially, if a nonconforming structure is altered to meet the federal minimum standards and the living quarters in the nonconforming building are elevated to be at or above the flood protection elevation, then the County would be prohibited from imposing cost-based regulation or restrictions (50% rule) to the structure. This Act did not change the County floodplain ordinance authority and communities are able to maintain their current ordinance with higher state standards into their ordinance (50% rule).

When ACT 175 is incorporated into an ordinance, there is a potential for the community to maintain an existing structure located within the floodplain provided they comply with the following provisions of the Ordinance. For ordinances without Act 175 the repair, maintenance, and modification of structures in the floodplain is limited by the 50% rule, without exception, which may result in the removal of the structure and use from the floodplain. The following proposed provisions of the ordinance would be required if the community chooses to adopt the provisions of Act 175.)

4. Notwithstanding anything in this chapter to the contrary, modifications, additions, maintenance, and repairs to a nonconforming building shall not be prohibited based on cost and the building's nonconforming use shall be permitted to continue if:
- a. Any living quarters in the nonconforming building are elevated to be at or above the flood protection elevation;
 - b. The lowest floor of the nonconforming building, including the basement, is elevated to or above the regional flood elevation;
 - c. The nonconforming building is permanently changed to conform to the applicable requirements of 2.0;
 - d. If the nonconforming building is in the floodway, the building is permanently changed to conform to the applicable requirements of 3.3.(1), 3.3(2)(b) through e, 3.3(3), 3.3(4), and 6.2. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section 5.1(5). If the encroachment is in the floodway, it must meet the standards in section 3.3(4);
 - e. If the nonconforming building is in the floodfringe, the building is permanently changed to conform to the applicable requirements of 4.3 and 6.3;
 - f. Repair or reconstruction of nonconforming structures and substantial improvements of residential buildings in zones A1-30, AE, and SH must have the lowest floor (including basement) elevated to or above the base flood elevation;
 - g. Repair or reconstruction of nonconforming structures and substantial improvements of non-residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation, or (together with attendant utility and sanitary facilities) be designed so that below the base flood elevation the building is watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - i. Where a non-residential structure is intended to be made watertight below the base flood elevation, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction, and must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of s. 6.1(4)(g) above.
 - ii. The community must maintain a record of such certification including the specific elevation to which each such structure is floodproofed;
 - h. Fully enclosed areas below the lowest floor of repair or reconstruction of nonconforming structures and substantial improvements in zones A1-30, AE, and AH that are usable solely for parking of vehicles, building access, or storage, must be designed to adequately equalize hydrostatic forces on exterior walls by allowing for the entry and exit of floodwaters. Subsequent improvements to repaired or reconstructed nonconforming structures must not increase the degree of their nonconformity. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet the following criteria
 - i. A minimum of two openings into each enclosed area must be located below the base flood elevation and provide a total net area of not less than one square inch for every square foot of

- enclosed area.
 - ii. The bottom of all openings must be no higher than one foot above the adjacent grade.
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings if they permit the automatic entry and exit of floodwaters.
- i. Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;
- j. Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH on existing sites in an existing manufactured home park that is not undergoing expansion and on which a manufactured home has not incurred substantial damage as a result of flood must be elevated so that either the lowest floor of the manufactured home is at or above the base flood elevation, or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;
- k. Recreational vehicles placed on sites within zones A1-30, AH, and AE must either:
 - i. Be on site for fewer than 180 consecutive days; or
 - ii. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - iii. Meet the elevation and anchoring requirements for manufactured homes in s. 6.1(4)(i) above;
- l. In a regulatory floodway that has been delineated on the FIRM in zone A1-30 or AE, encroachments, including repair or reconstruction of nonconforming structures, substantial improvement, or other development (including fill) must be prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
- m. In zone A, the community must obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source as criteria for requiring repair or reconstruction of nonconforming structures, substantial improvement,

and other development to meet ss. 6.1(4)(f) through (l) (inclusive) above. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section 5.1(5). If the encroachment is in the floodway, it must meet the standards in section 3.3(4). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;

- n. In zones A1-30 or AE where a regulatory floodway has not been delineated on the FIRM, repair or reconstruction of nonconforming structures, substantial improvement, or any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section 5.1(5). If the encroachment is in the floodway, it must meet the standards in section 3.3(4). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
- o. In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity; or
- p. In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or (together with attendant utility and sanitary facilities) be structurally dry-floodproofed to that level according to the standard specified in s. 6.1(4)(g) above. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity.

6.2 FLOODWAY DISTRICT

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District ~~a floodway area~~, unless such modification or addition:
 - (a) Has been granted a permit or variance which meets all ordinance requirements;
 - (b) Meets the requirements of s. 6.1;
 - (c) Shall not increase the obstruction to flood flows or regional flood height;
 - (d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation; and
 - (e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 4. The use must be limited to parking or limited storage.
- (2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in the Floodway District ~~a~~ shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and ch. SPS 383, Wis. Adm. Code.
- (3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and chs. NR 811 and NR 812, Wis. Adm. Code.

6.3 FLOODFRINGE DISTRICT

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of s. 4.3 except where s. 6.3(2) is applicable.
- (2) Where compliance with the provisions of subd. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment, using the procedures established in s. 7.3, may grant a variance from those provisions of sub. (1) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - (a) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (b) Human lives are not endangered;
 - (c) Public facilities, such as water or sewer, shall not be installed;
 - (d) Flood depths shall not exceed two feet;
 - (e) Flood velocities shall not exceed two feet per second; and
 - (f) The structure shall not be used for storage of materials as described in s. 4.3(5).
- (3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, 7.5(3) and ch. SPS 383, Wis. Adm. Code.
- (4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, 7.5(3) and ch. NR 811 and NR 812, Wis. Adm. Code.

6.4 FLOOD STORAGE DISTRICT

No modifications or additions shall be allowed to any nonconforming structure in the Flood Storage District unless the standards outlined in 5.2(3) are met.

7.0 ADMINISTRATION

Where a land use administrator, planning agency or a board of adjustment has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

7.1 LAND USE ADMINISTRATOR

(1) The land use administrator is authorized to administer this ordinance and shall have the following duties and powers:

- (a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- (b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
- (c) Inspect **and assess** all damaged floodplain structures ~~and perform a substantial damage assessment~~ to determine if substantial damage to the structures has occurred.
- (d) Keep records of all official actions such as:
 1. All permits issued, inspections made, and work approved;
 - ~~2.~~ **2.** Documentation of certified lowest floor and regional flood elevations ~~for floodplain development;~~
 3. Floodproofing certificates;
 4. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments;
 5. All substantial damage assessment reports for floodplain structures;
 6. List of **all** nonconforming structures and uses.
- (e) Submit copies of the following items to the Department of Natural Resources Regional Office:
 1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - ~~2.~~ **2.** Copies of any case-by-case analyses, and any other information **required by the Department of Natural Resources, including an annual summary of the number and types of floodplain zoning actions taken.**
 3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- (f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department of Natural Resources Regional office.
- (g) Submit copies of text and map amendments and biennial reports to the FEMA Regional Office.

(2) LAND USE PERMIT

A land use permit shall be obtained before any new development, repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the land use administrator shall include:

(a) GENERAL INFORMATION

1. Name and address of the applicant, property owner and contractor;
2. Legal description, proposed use, and whether it is new construction or a modification;

(b) SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

1. Location, dimensions, area and elevation of the lot;
2. Location of the ordinary highwater mark of any abutting navigable waterways;
3. Location of any structures with distances measured from the lot lines and street center lines;
4. Location of any existing or proposed on-site sewage systems or private water supply systems;
5. Location and elevation of existing or future access roads;
6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
7. The elevation of the lowest floor of proposed buildings and any fill using vertical datum from the adopted study - either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and
9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).

- (c) **HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT**
All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department of Natural Resources.

1. Zone A floodplains:

a. Hydrology - The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

b. Hydraulic modeling - The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood elevation* and the following:

- i. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
- ii. Channel Sections must be surveyed.
- iii. Minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
- iv. A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
- v. The most current version of HEC_RAS shall be used.
- vi. A survey of bridge and culvert openings and the top of road is required at each structure.
- vii. Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
- viii. Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients of effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

- ix. The model must past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

c. Mapping

A work map of the reach studied shall be provided, showing all cross sections locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
- ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices in provided.

2. Zone AE Floodplains

a. Hydrology

If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

b. Hydraulic model

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

i. Duplicate Effective Model

The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS Profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

ii. Corrected Effective Model.

The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.

iii. Existing (Pre-Project Conditions) Model.

The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

iv. Revised (Post-Constructions) Model.

The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

c. Mapping

Maps and associated engineering data shall be submitted to the Department of Natural Resources for review which meet the following conditions:

- i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMS and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
- ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
- iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
- iv. In an annotated FIRM and/of FBFM and digital mapping data (GIS or CSDD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTNM) projection and State Plane Coordinate System in accordance with FEMA mapping specification.
- v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.

- vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
- vii. Both the current and proposed floodways shall be shown on the map.
- viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

(d) **EXPIRATION**

All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance, The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.

(3) **CERTIFICATE OF COMPLIANCE**

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the land use administrator, except where no permit is required, subject to the following provisions:

- (a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- (b) Application for such certificate shall be concurrent with the application for a permit;
- (c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- (d) The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or registered architect that the requirements of s. 7.5.
- (e) Where applicable pursuant to s. 5.1(4), the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.
- (f) Where applicable pursuant to s. 5.1(4), the applicant must submit certifications by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by s. 5.1(4).

(4) **OTHER PERMITS**

Prior to obtaining a floodplain development permit, the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

7.2 PLANNING, DEVELOPMENT LAND RESOURCES AND PARKS COMMITTEE

- (1) The Planning, Development and Land Resources and Parks Committee shall:
- (a) oversee the functions of the office of the land use administrator; and
 - (b) review and advise the governing body on all proposed amendments to this ordinance, maps and text.
 - (c) publish adequate notice pursuant to Ch. 985, Stats., specifying the date, time, place and subject of the public hearing.

~~(2) This Committee shall not~~

~~(a) grant variances to the terms of the ordinance in place of action by the Board of Adjustment; or~~

~~(b) amend the text or zoning maps in place of official action by the Governing body.~~

7.3 BOARD OF ADJUSTMENT

The Board of Adjustment, created under s. 59.694, Stats. is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Land use administrator may not be the secretary of the Board.

(1) POWERS AND DUTIES

The Board of Adjustment shall:

- (a) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
- (b) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
- (c) Variances - Hear and decide, upon appeal, variances from the ordinance standards.

(2) APPEALS TO THE BOARD

(a) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the land use administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.

(b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

1. Notice - The board shall:

- a. Fix a reasonable time for the hearing;
- b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;

- c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.
 - 2. Hearing - Any party may appear in person or by agent. The board shall:
 - a. Resolve boundary disputes according to s. 7.3(3).
 - b. Decide variance applications according to s. 7.3(4).
 - c. Decide appeals of permit denials according to s. 7.4.
- (c) DECISION: The final decision regarding the appeal or variance application shall:
 - 1. Be made within a reasonable time;
 - 2. Be sent to the Department of Natural Resources Regional office within 10 days of the decision;
 - 3. Be a written determination signed by the chairman or secretary of the Board;
 - 4. State the specific facts which are the basis for the Board's decision;
 - 5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application;
 - 6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) BOUNDARY DISPUTES

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- (a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. ~~If none exist, other evidence may be examined.~~
- (b) ~~In all cases,~~ The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
- (c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 8.0 *Amendments*.

(4) VARIANCE

- (a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 - 1. Literal enforcement of the ordinance provisions will cause unnecessary hardship;
 - 2. The hardship is due to adoption of the floodplain ordinance and unique

property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;

3. The variance is not contrary to the public interest; and
 4. The variance is consistent with the purpose of this ordinance in s. 1.3.
- (b) In addition to the criteria in par. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:
1. The variance may not cause any increase in the regional flood elevation;
 2. **The applicant has shown good and sufficient cause for issuance of a variance;**
~~Variations can only be granted for lots that are less than one half acre and are contiguous to existing structures constructed below the RFE;~~
 3. **Failure to grant the variance would result in exceptional hardship;**
 4. **Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;**
 5. **The variance granted is the minimum necessary, considering the flood hazard, to afford relief.**
~~Variations shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.~~
- (c) A variance shall not:
1. Grant, extend or increase any use 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 or property values of other persons in the area.
 5. Allow actions without the amendments to this ordinance or map(s) required in s. 8.0. *Amendments*; and
 6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- (d) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

7.4 TO REVIEW APPEALS OF PERMIT DENIALS

- (1) The Board shall review all data related to the appeal. This may include:

- (a) Permit application data listed in s. 7.1(2).
 - (b) Floodway/floodfringe determination data in s. 5.1(5).
 - (c) Data listed in s. 3.3(1)(b) where the applicant has not submitted this information to the Land Use Administrator.
 - (g) Other data submitted with the application, or submitted to the Board with the appeal.
- (2) For appeals of all denied permits the Board shall:
- (a) Follow the procedures of s. 7.3;
 - (b) Consider zoning agency recommendations; and
 - (c) Either uphold the denial or grant the appeal.
- (3) For appeals concerning increases in regional flood elevation the Board shall:
- (a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s. 8.0 *Amendments*; and
 - (b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

7.5 FLOODPROOFING STANDARDS FOR NONCONFORMING STRUCTURES OR USES

- (1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate. **Floodproofing is not an alternative to the development standards in ss. 2.0, 3.0, 4.0, 5.1**
- (2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
- (a) certified by a registered professional engineer or architect; or
 - (b) Meets or exceeds the following standards:
 - 1. A minimum of two openings having a total new area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2. The bottom of all openings shall be no higher than one foot above grade; and
 - 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (3) Floodproofing measures shall be designed, as appropriate, to:

- (a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
- (b) Protect structures to the flood protection elevation;
- (c) Anchor structures to foundation to resist flotation and lateral movements;
- (d) Minimize or eliminate infiltration of flood waters; and
- (e) Minimize or eliminate discharges into flood waters.
- (f) Placement of essential utilities to or above the flood protection elevation; and
- (g) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - 2. The parts the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - 4. The use must be limited to parking, building access or limited storage.

7.6 PUBLIC INFORMATION

- (1) Place marks on structures to show the depth of inundation during the regional flood.
- (2) All maps, engineering data and regulations shall be available and widely distributed.
- (3) All real estate transfers should show what floodplain zoning district any real property is in.

8.0 AMENDMENTS

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1.

- (1) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this Ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1. Any such alterations must be reviewed and approved by FEMA and the DNR.
- (2) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this Ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 8.1.

8.1 GENERAL

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. 8.2 below. Actions which require an amendment to the Ordinance and /or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

1. Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
2. Any change to the floodplain boundaries and/or watercourse alterations on the FIRM; maps.
3. Any changes to any other officially adopted floodplain maps listed in 1.5(2)(b);
4. Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
5. Correction of discrepancies between the water surface profiles and floodplain maps;
6. Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
7. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

8.2 PROCEDURES

Ordinance amendments may be made upon petition of any interested party according to the provisions of s. 59.69, Stats., for counties. Such petitions shall include all necessary data required by ss. 5.1(4) and 7.1(2). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department of Natural Resources Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 59.69, Stats., for counties.
- (2) No amendments shall become effective until reviewed and approved by the Department of Natural Resources.
- (3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

9.0 ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person, firm or corporation shall be unlawful and shall be referred to the Dodge County Corporation Counsel, who shall expeditiously prosecute all such violators. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

9.1 RESPONSIBILITY FOR INSPECTION AND ENFORCEMENT

The land use administrator shall have primary responsibility for enforcing all provisions of this Ordinance, pursuant to the policies and procedures set forth in this chapter. The land use administrator is hereby empowered to cause any building, other structure, or tract of land to be inspected and examined for suspected or potential violations of this Ordinance after proper notification. If permission to enter the property is withheld, the land use administrator may seek a court order to require inspection of the property.

9.2 REMEDIES AND ENFORCEMENT POWERS

9.2.1 Persons Authorized to Seek Relief

In case of any violation, Dodge County, the County Board of Supervisors, the Board of Adjustment, the land use administrator, the committee, or any owner of property affected by any violation may institute appropriate action or proceeding for relief pursuant to the procedures set forth in this chapter.

9.2.2 Types of Remedies and Enforcement Powers

The County shall have the following remedies and enforcement powers:

A. Revoke Permits

Any development permit or other form of authorization required under this Ordinance may be revoked when the land use administrator and the committee determine that:

1. There is departure from the plans, specifications, or conditions as required under terms of the permit;
2. The development permit was procured by false representation or was issued in error;
or
3. Any of the provisions of this Ordinance are being violated.

B. Injunctive Relief

The County may seek an injunction or other equitable relief in court to stop any violation of this Ordinance or of a permit, certificate, or other form of authorization granted hereunder.

C. Abatement

The County may seek a court order in the nature of mandamus, abatement, injunction, or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

D. Penalties

Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$50 nor more than \$500 dollars and costs of prosecution for each violation. In default of payment of such forfeiture and costs, violators shall be imprisoned in the County Jail until payment thereof, for a period not to exceed 6 months.

E. Other Remedies

The County shall have such other remedies as are and as may be from time to time provided by Wisconsin law for the violation of zoning, subdivision, sign, or related Ordinance or Code provisions.

F. Other Powers

In addition to the enforcement powers specified in this Chapter, the County may exercise any and all enforcement powers granted by Wisconsin law.

G. Continuation

Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions, undertaken by the County pursuant to previous and valid ordinances and laws.

9.2.3 Remedies Cumulative

The remedies and enforcement powers established in this chapter shall be cumulative, and the County may exercise them in any order.

9.3 ENFORCEMENT PROCEDURES

9.3.1 Non-Emergency Matters

In the case of violations of this Ordinance that do not constitute an emergency or require immediate attention, the land use administrator shall give notice of the nature of the violation to the property owner or to any other person who is party to the agreement or to any applicant for any relevant permit in the manner hereafter stated, after which the persons receiving notice shall have 30 days to correct the violation before further enforcement action shall be taken. Notice shall be given in person, by United States Registered or Certified Mail, or by posting notice on the premises. Notices of violation shall state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

9.3.2 Emergency Matters

In the case of violations of this Ordinance that constitute an emergency as a result of safety or public concerns or violations that will create increased problems or costs if not remedied immediately, the County may use the enforcement powers available under this chapter without prior notice, but the land use administrator shall attempt to give notice simultaneously with beginning enforcement action. Notice may be provided to the property owner, to any other person who is party to the agreement, and to applicants for any relevant permit.

9.3.3 Revocation

- A) Duties of land use administrator - The revocation process shall be initiated by the land use administrator upon a determination that there are reasonable grounds for revocation of the subject permit or development approval.
- B) Authority to Revoke - The Decision-Making Body that approved the permit or development approval shall be authorized to revoke the permit or development approval.
- C) Notices and Public Hearing
 - 1 Notice of a revocation hearing shall be given in the same manner as required for the public hearing at which approval was granted. If no notice was required for approval, none shall be required for the revocation hearing, provided that notice shall be sent or delivered to the owner of the use or structure for which the permit was granted at least 7 days prior to the hearing. Failure to receive notice within the specified time

limit shall not constitute grounds for dismissal of the hearing.

- 2 Hearing: At the public hearing, the Decision-Making Body shall hear testimony of County staff, the owner of the use or structure for which the permit was granted, if present, and any other interested person.

D) Required Findings - The Decision-Making Body shall revoke the permit upon making one or more of the following findings:

- 1 That the permit was issued on the basis of erroneous or misleading information or misrepresentation;
- 2 That the terms or conditions of approval of the permit have been violated or that other laws or regulations have been violated; Or
- 3 That there has been a discontinuance of the exercise of the entitlement granted by the permit for 180 consecutive days.

E) Decision and Notice

- 1 Matters Subject to Public Hearing - Following the hearing, the Decision-Making Body shall render a decision, and shall mail notice of the decision to the owner of the use or structure for which the permit was revoked and to any other person who has filed a written request for such notice.
- 2 Matters Not Subject to Public Hearing - For decisions on a revocation matter that is not the subject of a public hearing, the Decision-Making Body shall mail notice of the decision to the owner of the use or structure for which the permit was revoked and to any other person who has filed a written request for such notice.

10.0 DEFINITIONS

10.1 WORD CONSTRUCTION

10.1.1 Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as “for example,” “including,” and “such as,” or similar language are intended to provide examples; not to be exhaustive lists of all possibilities.

10.1.2 Technical and Nontechnical Terms

Words and phrases not otherwise defined in this Ordinance shall be construed according to the common and approved usage of the language, but technical words and phrases not otherwise defined in this Ordinance that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

10.1.3 Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of Dodge County, unless otherwise indicated.

10.1.4 Mandatory and Discretionary Terms

The words “shall,” “will,” and “must” are always mandatory. The words “may” and “should” are discretionary terms.

10.1.5 Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

10.1.5.A “and” indicates that all connected items, conditions, provisions or events apply; and

10.1.5.B “or” indicates that one or more of the connected items, conditions, provisions or events apply.

10.1.6 Tenses and Plurals

Words used in the past, present, or future tense include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

10.1.7 Gender

The masculine shall include the feminine.

10.2 TERMS DEFINED

- 1) "A ZONES" - Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- 2) AH Zone – See “Area of Shallow Flooding.
- 3) AO Zone – See “Area of Shallow Flooding.
- 4) "ACCESSORY STRUCTURE - A structure including private garages, pole sheds, swimming pools, and other such structures subordinate to the principle structure and located on the same lot and serving a purpose customarily incidental to the principal structure.
- 5) “ACCESSORY USE” - Any use that is secondary to the principle use including but not limited to the following: incidental repairs, storage, parking facilities, gardening, servant’s quarters, and itinerant agricultural laborer’s and watchman’s quarters not for rent.

- 6) ALTERATION – An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
- 7) AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
- 8) "BASE FLOOD" - Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
- 9) "BASEMENT" - Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.
- 10) "BUILDING" - See STRUCTURE.
- 11) "BULKHEAD LINE" - A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
- 12) "CAMPGROUND" - Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
- 13) "CAMPING UNIT" - Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.
- 14) "CERTIFICATE OF COMPLIANCE" - A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
- 15) "CHANNEL" – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- 16) COMPERHENSIVE PLAN
The extensively developed plan, also called a master plan, developed by the Committee and adopted by the County Board, including proposals for future land use, transportation, recreation, and public facilities. Devices for the implementing of these plans, such as zoning, land division, sanitary, highway setback ordinances, and capital improvement programs shall also be considered a part of the comprehensive plan.
- 17) "CRAWLWAYS" OR "CRAWL SPACE" - An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
- 18) “DECK” – An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
- 19) "DEPARTMENT" – Dodge County Land Resources and Parks Department.
- 20) "DEVELOPMENT" - Any artificial change to improved or unimproved real estate, including, but

not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

- 21) "DRYLAND ACCESS" - A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- 22) "ENCROACHMENT" - Any fill, structure, equipment, building, use or development in the floodway.
- 23) "EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" - A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads
- 24) "EXPANSION TO EXISTING MOBILE/MANUFACTURED HOME PARK" - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
- 25) "FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)" - The federal agency that administers the National Flood Insurance Program.
- 26) "FLOOD INSURANCE RATE MAP" (FIRM) - A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
- 27) "FLOOD" or "FLOODING" – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
 - The overflow or rise of inland waters,
 - The rapid accumulation or runoff of surface waters from any source,
 - The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or
 - The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- 28) "FLOOD FREQUENCY" - The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.

- 29) "FLOODFRINGE" - That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
- 30) "FLOOD HAZARD BOUNDARY MAP" - A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
- 31) "FLOOD INSURANCE STUDY" - A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- 32) "FLOODPLAIN" - Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
- 33) **"FLOODPLAIN ADMINISTRATOR" - The administrative officer or their designee, designated to administer the County's Floodplain Zoning Ordinance and issue permits**
- 34) "FLOODPLAIN ISLAND" - A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- 35) "FLOODPLAIN MANAGEMENT" - Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
- 36) "FLOOD PROFILE" - A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- 37) "FLOODPROOFING" - Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- 38) "FLOOD PROTECTION ELEVATION" - An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)
- 39) "FLOOD STORAGE" - Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- 40) "FLOODWAY" - The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- 41) "FREEBOARD" - A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

- 42) "HABITABLE STRUCTURE" - Any structure or portion thereof used or designed for human habitation.
- 43) "HEARING NOTICE" - Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- 44) "HIGH FLOOD DAMAGE POTENTIAL" - Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
- 45) "HIGHEST ADJACENT GRADE" - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- 46) "HISTORIC STRUCTURE" - Any structure that is either:
- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
 - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
 - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
 - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
- 47) "INCREASE IN REGIONAL FLOOD HEIGHT" - A calculated upward rise in the regional flood elevation, greater than 0.00 foot based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
- 48) "LAND USE" - Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
- 49) "LAND USE ADMINISTRATOR" - The administrative officer or their designee, designated to administer the County's Zoning and Subdivision Codes and issue permits.
- 50) "LAND USE/SANITATION SPECIALIST"
A person employed by the County and under the general direction of the Land Use Administrator which is responsible for assisting in the enforcement of the Dodge County Floodplain Ordinance.
- 51) LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.

- 52) **LOWEST FLOOR** – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, unable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.
- 53) **MAINTENANCE** – The act or process of restoring to original soundness, including redecorating, refinishing, non-structural repairs, or the replacement of existing fixtures, systems, or equipment with equivalent fixtures, systems or structures.
- 54) **"MANUFACTURED HOME"** - A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
- 55) **MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION** – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
- 56) **MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING** – A parcel of land divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this Ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
- 57) **MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING** – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
- 58) **"MOBILE RECREATIONAL VEHICLE"** - A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
- 59) **MODEL, CORRECTED EFFECTIVE** – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
- 60) **MODEL, DUPLICATE EFFECTIVE** – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
- 61) **MODEL, EFFECTIVE** - The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
- 62) **MODEL, EXISTING (PRE-PROJECT)** – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
- 63) **MODEL, REVISED (POST-PROJECT)** – A modification of the Existing or Pre-Project

Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

- 64) "MUNICIPALITY" or "MUNICIPAL" - The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.
- 65) "NAVD" or "NORTH AMERICAN VERTICAL DATUM" –Elevations referenced to mean sea level datum, 1988 adjustment.
- 66) "NGVD" or "NATIONAL GEODETIC VERTICAL DATUM" - Elevations referenced to mean sea level datum, 1929 adjustment.
- 67) "NEW CONSTRUCTION" - For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
- 68) "NONCONFORMING STRUCTURE" - An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
- 69) "NONCONFORMING USE" - An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
- 70) "OBSTRUCTION TO FLOW" - Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
- 71) "OFFICIAL FLOODPLAIN ZONING MAP" - That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department of Natural Resources and FEMA.
- 72) "OPEN SPACE USE" - Those uses having a relatively low flood damage potential and not involving structures.
- 73) "ORDINARY HIGHWATER MARK" - The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- 74) "PERSON" - Any individual, group of individuals, firm, partnership, corporation, company, association, joint stock association, body politic, municipality, or state agency and includes any trustee, receiver, assignee, or other similar representative thereof.
- 75) "POWTS" – Private Onsite Wastewater treatment system. – See private sewage system

- 76) "PRIVATE SEWAGE SYSTEM" - A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
- 77) "PUBLIC UTILITIES" - Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
- 78) "REASONABLY SAFE FROM FLOODING" - Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- 79) "REGIONAL FLOOD" - A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- 80) **"Special Flood Hazard Area (SFHA)"**
An area having special flood, mudflow or flood-related erosion hazards and shown on a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM) Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE or V. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. For the purpose of determining Community Rating System (CRS) premium discounts, all AR and A99 zones are treated as non-SFHAs.
- 81) "START OF CONSTRUCTION" - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- 82) "STRUCTURE" - Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- 83) "SUBDIVISION" - The division of a lot, outlot, parcel, or tract of land by the owner thereof, or his agent for the purpose of transfer of ownership or building development where the act of division creates 5 or more parcels or building sites initially or by successive division within a period of 5 years, whether done by the original owner or a successor owner.
- 84) "SUBSTANTIAL DAMAGE" - Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

- 85) **SUBSTANTIAL IMPROVEMENT** - Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not however, include either any project for the improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
- 86) **"UNNECESSARY HARDSHIP"** - Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
- 87) **"VARIANCE"** - An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
- 88) **"VIOLATION"** - The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- 89) **"WATERSHED"** - The entire region contributing runoff or surface water to a watercourse or body of water.
- 90) **"WATER SURFACE PROFILE"** - A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- 91) **"WELL"** - means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

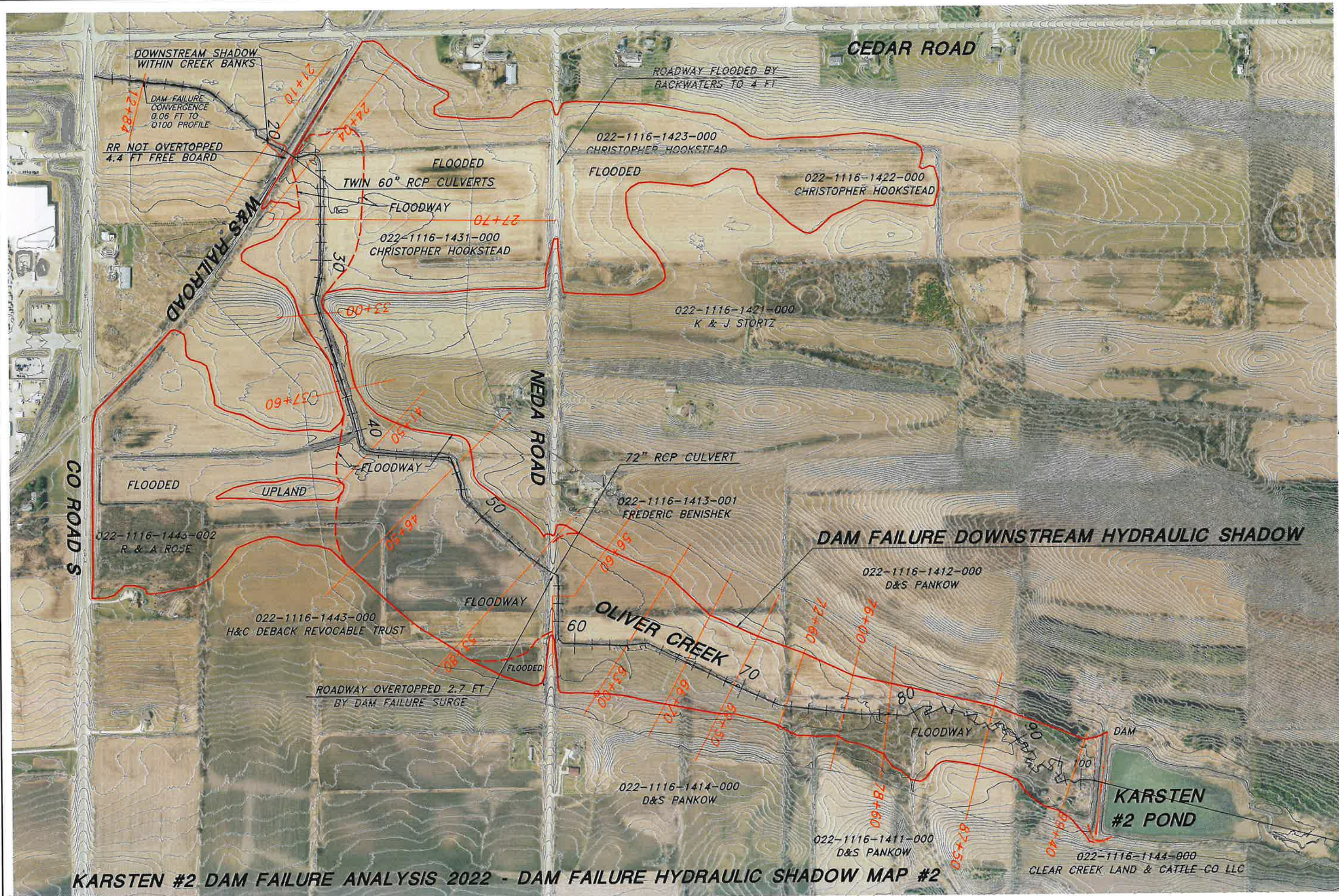
Exhibit B

[Insert dam failure maps]

Dam Failure and Hydraulic Shadow Maps for the Karsten No. 2 Dam

Map dated: March 14, 2023, titled: Karsten #2 Pond WDNR FF-00564 Dam Failure Analysis. Portions of a Dam Failure Analysis for the Karsten #2 Dam as listed below. The full analysis report is dated March 14, 2023 and was prepared by Kunkel Engineering Group. It was approved by the Department of Natural Resources on March 16, 2023. Portions adopted into this Ordinance include:

- i. Flood Shadow Map titled "Karsten #2 Dam Failure Analysis 2022 – Dam Failure Hydraulic Shadow Map #2", bearing the Professional Engineer's Seal of Basil Orechwa, PE, of Kunkel Engineering Group, dated March 13, 2023.
- ii. Floodway data table titled "Profile #2 Table - Dam Failure at Q100 Inflow", bearing the Professional Engineer's Seal of Basil Orechwa, PE, of Kunkel Engineering Group, dated March 16, 2023.
- iii. Flood profile titled "Karsten2 DFA 02-01-23 Plan: Plan 22 - Dam Break", bearing the Professional Engineer's Seal of Basil Orechwa, PE, of Kunkel Engineering Group, dated March 16, 2023



KARSTEN #2 DAM FAILURE ANALYSIS 2022 - DAM FAILURE HYDRAULIC SHADOW MAP #2



3/13/23



REDUCED 1/2
REVISED 3/13/2023

SCALE : 1" = 250'

WDR DAM FF 14-24	DATE : 07/09/2021	DRAWN BY : BAO
		APPROVED BY : BAO

SE1/4 SEC 1/4 SEC 11-11-16 DODGE CO
KARSTEN #2 POND
WNDR FF-00564
DAM FAILURE ANALYSIS



PLOT DATE: 3/14/2023 10:27:43 PM
 C:\Users\jglo-m\Desktop\Working-Kunkel\Karsten2-Dam\SURVEY\KARSTEN DAM-GIS-03-13-23-SHADOW.dwg

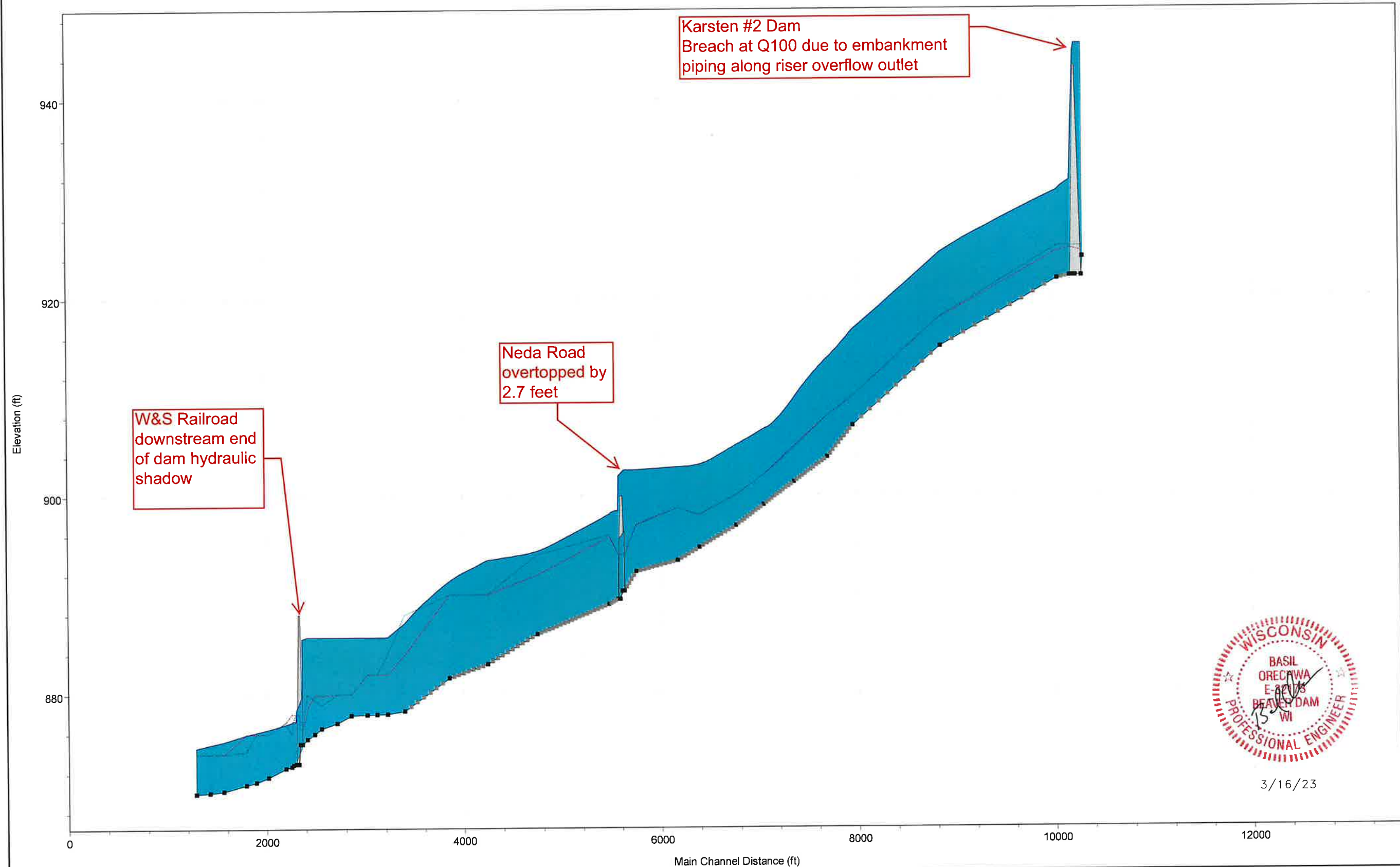


Karsten #2 Dam DFA - 2-22-23

Profile #2 Table - Dam Failure at Q100 Inflow

River Q Total Sta (cfs)	Min Ch El (ft)	W.S. Elev (ft)	Crit W.S. (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Vel Chnl (ft/s)	Flow Area (sq ft)	Top Width (ft)	Froude # Chl
10120 Inl Struct									
10070	7,042.29	922.10	931.71	931.95	0.0052	6.47	2,002.21	434.11	0.40
9940	6,977.67	921.80	930.73	931.10	0.0094	8.17	1,623.80	404.15	0.52
8750	6,756.69	915.00	924.51	925.01	0.0129	9.74	1,355.27	339.14	0.58
7860	6,582.75	907.00	916.76	917.20	0.0120	9.37	1,433.00	385.66	0.55
7600	6,488.96	903.80	913.83	914.32	0.0097	8.83	1,440.45	368.97	0.53
7260	6,428.29	901.30	909.78	910.04	0.0139	13.69	1,040.43	432.26	0.91
6950	6,308.98	899.00	906.68	907.04	0.0057	8.28	1,545.42	473.61	0.57
6670	6,185.09	896.90	905.08	905.37	0.0055	8.11	1,621.45	515.57	0.52
6300	5,347.21	894.70	903.12	903.39	0.0033	6.93	1,823.63	689.09	0.45
5660	5,072.82	892.30	902.57	902.67	0.0008	4.47	2,361.78	800.86	0.27
5540	5,066.93	890.35	902.57	902.64	0.0002	2.85	3,100.92	710.23	0.16
5508 Culvert									
5475	5,026.23	889.50	898.48	898.62	0.0006	3.58	2,112.53	760.33	0.25
5380	5,019.09	889.00	898.10	898.76	0.0053	9.04	1,276.38	825.38	0.70
4650	4,525.90	886.00	894.38	894.81	0.0037	7.53	1,409.92	910.32	0.58
4150	4,069.01	883.00	893.47	893.78	0.0013	5.81	1,317.70	439.22	0.37
3760	4,042.76	881.60	891.35	890.94	0.0075	12.47	350.18	92.73	0.84
3300	4,035.43	878.32	887.15	887.65	0.0114	13.35	413.28	137.75	1.01
2770	642.90	877.88	885.74	885.75	0.0000	0.73	1,671.76	1,537.13	0.05
2404	638.64	876.00	885.74	885.74	0.0000	0.46	1,850.25	1,042.43	0.03
2248 Culvert									
2110	637.62	872.58	876.97	877.37	0.0033	5.09	125.21	38.95	0.50





Legend	
WS Max WS	■
Ground	—
LOB	—
ROB	—

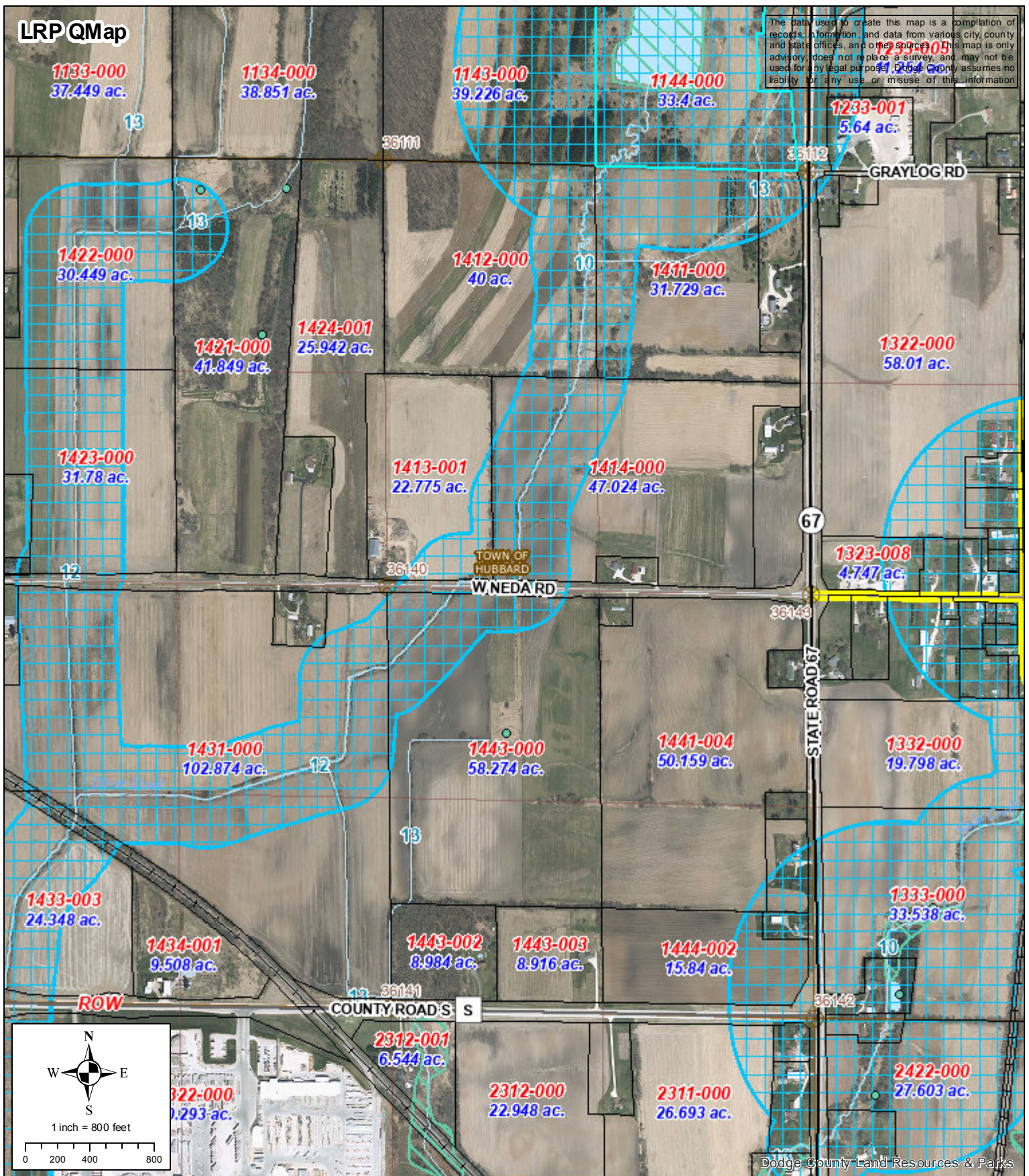


3/16/23

1 in Horiz. = 1000 ft 1 in Vert. = 10 ft

LRP QMap

The data used to create this map is a compilation of records, information, and data from various city, county and state offices, and other sources. This map is only advisory, does not replace a survey, and may not be used for any legal purpose. Dodge County assumes no liability for any use or misuse of this information.



General	WI Historical Society	Floodplain / Wetland	County Zoning
Urbanized Roads	Historic Structures	FEMA Floodplain/Storage/Dam Shadow	General Commercial
Soils	Archaeological Sites	DNR Wetland Areas/Points	Extensive Commercial
Airport Ordinance 3-Mile Buffer	Survey Areas	Shoreland Zoning	Light Industrial
Sewer Service Areas	Non-Metallic Mining	Shoreland Zoning Buffer	Prime Agricultural
Highly Developed Shoreline	Active Mining Area	Lakes/Ponds/Sloughs	One Family Residential
Elevation Contours	Approved Mining Area	Rivers/Streams/Creeks	Two Family Residential
	Mine Property Boundaries		Waterbody
			ROW/City/Village
			Multi-Family Residential

Karsten #2 Dam Hydraulic Shadow

Town of Hubbard, Sec. 14/15

This map was prepared by the Wisconsin Department of Transportation, Bureau of Planning and Design, in cooperation with the Wisconsin Department of Natural Resources, Bureau of Land Management. The map shows the hydraulic shadow of the Karsten #2 Dam. The map is for informational purposes only and does not constitute a guarantee of accuracy. The map is subject to change without notice.



Violation Report 2023 - Violations issued by Land Resources and Parks Department Staff

Year	Total Violations Issued	Complaints tracked	LUC/Shoreland Construction w/o permits	LUC/Shoreland Filling/grading/tiling w/o permits	LUC Est Business w/o permits	SAN	San Maintenance	Land Division W/O approvals	Other	Violations Resolved
2007	41	0	19	8	4	9	0	1	0	39
2008	51	2	27	8	2	2	7	5	0	47
2009	55	0	21	2	3	18	0	7	4	52
2010	223	0	10	3	1	14	186	8	1	210
2011	41	1	8	11	0	11	3	7	1	41
2012	49	1	12	10	1	10	4	12	0	44
2013	47	1	18	8	1	4	0	12	3	47
2014	42	10	15	1	1	3	19	3	0	39
2015	45	11	28	11	0	2	2	1	2	44
2016	36	9	13	10	2	4	3	1	3	35
2017	24	35	8	8	2	1	0	2	3	22
2018	9	32	7	1	0	0	1	0	0	8
2019	30	56	14	1	2	5	2	6	0	29
2020	24	71	5	9	0	3	0	0	7	10
2021	24	49	10	5	1	1	0	4	3	19
2022	24	29	6	2	1	2	2	5	6	14
2023	20	13	5	4	2	3	0	3	3	3
Totals	785	320	226	102	23	92	229	77	36	703
%			28.8%	12.99%	2.92%	11.72%	29.17%	9.81%	4.59%	89.56%
Complaints filed by:			166 by public 60 by staff	49 by public 53 by staff	23 by public	43 by public 49 by staff	229 by staff	77 by staff	36 by public	

**DODGE COUNTY LAND RESOURCES AND PARKS COMMITTEE
MINUTES
June 26, 2023**

The Dodge County Land Resources and Parks Committee met on June 26, 2023 at 7:00 p.m. on the 1st Floor of the Administration Building, Juneau, Wisconsin.

Call to Order: Vice-Chair Benjamin Priesgen called the meeting to order at 7:00 PM.

Members present: Dale Macheel, Donna Maly, Benjamin Priesgen and Dan Siegmann.

Members excused: Mary Bobholz

Other County Board members in attendance requesting a per diem: **None**

Staff present: Joseph Giebel – Manager of Code Administration, Morgan Wisth – Land Use/Sanitation Specialist, David Addison – Land Information Officer, Chris Planasch – Register of Deeds.

Others present: Members of the public for the public hearings.

The Chairman asked the staff to confirm compliance with the open meeting laws and the public hearing notice requirements. Ms. Wisth noted that the meeting was properly noticed in accord with the open meeting law and noted that the required notices for the public hearings listed on the agenda were posted, mailed and published in accord with the statute and code requirements.

Committee Review and Recommendation for a Pending Rezoning Petition

Kory Krieser, agent for Beckman Revocable Trust - Request to rezone approximately 0.67-acres of land from the R-1 Single Family Residential Zoning District to the R-2 Two-Family Residential Zoning District to allow for the reconstruction of a detached garage on this site to allow for use as temporary sleeping quarters. The site is located in part of the SE ¼ of the SE ¼, Section 22, Town of Fox Lake, the site address being N10590 Chief Kuno Trail. A copy of the proposed project is available for review in the County Land Resources and Parks Department between the hours of 8:00 a.m. and 4:30 p.m., Monday-Friday (920-386-3700). Decision Laid over from May 22, 2023 Committee meeting.

Motion by Dan Siegmann to submit a favorable recommendation to the Dodge County Board of Supervisors on the request to rezone approximately 0.67-acres of land from the R-1 Single Family Residential Zoning District to the R-2 Two-Family Residential Zoning District to allow for the reconstruction of a detached garage on this site to allow for use as temporary sleeping quarters.

Second by Dale Macheel Vote 4-0 Motion carried.

The hearing procedures were read into the record.

PUBLIC HEARING

Adam Kinyon, agent for Duane Eilbes – Request to rezone approximately 1.103-acres of land from the C-1 General Commercial Zoning District to the R-1 Single Family Residential zoning district to allow for the conversion of the commercial structure on this site into a single family residence. The site is located in part of the SE ¼ of the SW ¼, Section 23, Town of Leroy, the site address being W3124 County Road Y.

Motion by Dan Siegmann to submit a favorable recommendation to the County Board of Supervisors on the request to rezone approximately 1.103-acres of land from the C-1 General Commercial Zoning District to the R-1 Single Family Residential zoning district to allow for the conversion of the commercial structure on this site into a single family residence.

Second by Ben Priesgen Vote 4-0 Motion carried.

PUBLIC HEARING

Leaver Land Surveying, LLC, agent for Helen and Roy Reabe Trust – Request for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin to allow for the creation of a 2.51-acre nonfarm single family residential lot within the A-1 Prime Agricultural Zoning District.

Motion by Ben Priesgen to approve the request for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin to allow for the creation of a 2.51-acre nonfarm single family residential lot within the A-1 Prime Agricultural Zoning District subject to the following conditions:

1. The applicant shall obtain the required land division approvals for the proposed lot from the County and local municipalities if required, prior to the creation of these lots;
2. The proposed non-farm residential lot shall not exceed 12.632-acres in area unless the lot is successfully rezoned out of the A-1 Prime Agricultural Zoning District;
3. Only one single family residential unit may be located on the proposed non-farm residential lot unless this lot is successfully rezoned into a zoning district which allows additional residential units;
4. The acreage of the proposed non-farm residential lot shall count towards the total non-farm residential acreage that can be created from the base farm tract for this property;
5. A "Notice of Zoning Limitations" document shall be recorded with the Dodge County Register of Deeds Office for the following parcels which make up the "base farm tract" which notifies the potential buyers of these parcels that there may be limitations as to the number of new lots that can be created from this base farm tract:
 - 044-1314-0142-000; 044-1314-0134-000; 044-1314-0141-000; 044-1314-0141-001; 044-1314-0143-000; 044-1314-1212-000; 044-1314-1211-000; 044-1314-1213-001; 044-1314-1242-000; 044-1314-1241-000.
6. The owner and subsequent owners of this non-farm residential lot hereby agree to comply with Subsection 9.2, Right to Farm provisions of the Dodge County Land Use Code and that they will not cause unnecessary interference with adjoining farming operations producing agricultural products and using generally accepted agricultural practices, including access to active farming operations;
7. The decision of the Committee shall expire one year after the decision is filed with the Department unless construction has been diligently pursued, a Certificate of Zoning

Compliance has been issued, the use is established, or the Conditional Use Permit is renewed, for a period not to exceed one year.

8. The Conditional Use Permit shall also expire upon termination of a project or if the rights granted by the permit are discontinued for 180 consecutive days.

Second by Dale Macheel Vote 4-0 Motion carried.

Town Rezoning

Town Rezoning Petition – REY Trust – Part of the SW ¼ of the NE ¼, Section 21, Town of Portland, Dodge County, Wisconsin, the site address being N1161 Dalman Road. Petition to rezone 1.8-acres of land under the Town of Portland Zoning Ordinance, from the A-1 Farmland Preservation Zoning District to the A-2 General Agricultural Zoning District has been submitted by the Town of Portland Town Board to the Dodge County Board of Supervisors for approval.

Motion by Ben Priesgen to submit a favorable recommendation on the request to rezone 1.8-acres of land under the Town of Portland Zoning Ordinance, from the A-1 Farmland Preservation Zoning District to the A-2 General Agricultural Zoning District.

Second by Donna Maly Vote 4-0 Motion carried.

Town Rezoning

Town Rezoning Petition – Scott and Kelly Buss – Part of the NW ¼ of the SE ¼, Section 34, Town of Portland, Dodge County, Wisconsin, the site address being W10971 State Road 16. Petition to rezone 14.861-acres of land under the Town of Portland Zoning Ordinance, from the A-1 Farmland Preservation Zoning District to the A-2 General Agricultural Zoning District has been submitted by the Town of Portland Town Board to the Dodge County Board of Supervisors for approval.

Motion by Ben Priesgen to submit a favorable recommendation to rezone 14.861-acres of land under the Town of Portland Zoning Ordinance, from the A-1 Farmland Preservation Zoning District to the A-2 General Agricultural Zoning District.

Second by Donna Maly Vote 4-0 Motion carried.

Town Rezoning

Town Rezoning Petition – Kevin and Pauline Schoebel – Part of the SE ¼ of the NE ¼, Section 24, Town of Theresa, Dodge County Wisconsin, the site address being W155 West Bend Road. Petition to rezone 10.571-acres of land under the Town of Theresa Zoning Ordinance, from the A-1 Farmland Preservation Zoning District to the A-2 General Agricultural Zoning District has been submitted by the Town of Theresa Town Board to the Dodge County Board of Supervisors for approval.

Motion by Dan Siegmann to submit a favorable recommendation to the County Board of Supervisors on the request to rezone 10.571-acres of land under the Town of Theresa Zoning Ordinance, from the A-1 Farmland Preservation Zoning District to the A-2 General Agricultural Zoning District.

Second by Dale Macheel Vote 4-0 Motion carried.

REGISTER OF DEEDS

A. Quarterly Report

Chris Planasch presented the quarterly report for the Register of Deeds Department. She also provided the Committee with an update on the projects that the Department is working on.

LAND INFORMATION

A. Land Information Update

David Addison provided the Committee with an update on the activities for the Land Information Department.

OTHER BUSINESS

1. The minutes from the June 12, 2023 meeting were reviewed by the Committee.

Motion by Donna Maly to approve the minutes as written.

Second by Dan Siegmann Vote: 4-0 Motion carried.

2. No Committee Member Reports

3. Per Diems

Motion by Ben Priesgen to approve the meeting per diems.

Second by Donna Maly

Vote: 4-0 Motion carried.

FUTURE MEETING SCHEDULE

1. Monday, July 10, 2023 – 7:00 p.m. • Rooms 1H/1I • 1st Floor, Administration Building • Juneau, WI – Public Hearings

Motion by order of the Chair to adjourn the meeting.

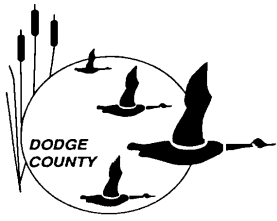
Motion carried.

Meeting adjourned at 8:37 p.m.

Respectfully Submitted,

Secretary

Disclaimer: The above minutes may be approved, amended or corrected at the next committee meeting.



Dodge County Land Resources & Parks Department

127 East Oak Street · Juneau, WI 53039-1329
PHONE: (920) 386-3700 · FAX: (920) 386-3979
EMAIL: landresources@co.dodge.wi.us

MEMORANDUM

TO: Dodge County Land Resources and Parks Committee

FROM: Bill Ehlenbeck, Director / Jason Roy, Parks Superintendent

DATE: July 17, 2023

RE: Park & Open Space Plan – July 24th Agenda Item

Enclosed with this memo you will find a summary of the Park and Open Space Plan schedule and the activities and modifications since your June 12th plan review meeting prepared by our consultant.

The updated Final Draft Plan (and Appendix) is on our website at www.dodgeparks.com for your final review.

At your July 24th meeting you will have an opportunity to discuss any additional changes before the final plan is brought to your August 14th meeting for consideration of an adoption resolution to County Board.

The importance of the plan is that it identifies needs and potential projects to help guide future park improvements and developments. It also keeps any identified projects eligible for grant funding.

The plan gives us a guide to work from as we plan park improvements and develop proposals and budgets. **This plan does not commit any funds nor commit the County to any specific project.**

Dodge County

Park, Outdoor Recreation, and Open Space Plan (POROS)

Land Resources and Parks Committee

Final Draft Review Meeting 7.24.23

Project Schedule

Task	Timing
Kickoff Meeting with Staff	October 17
Park Tour + LRP Committee and Friends Board Kickoff Meeting	October 25
Online Survey	November 14 – December 16
Focus Group Meeting <ul style="list-style-type: none"> • Nitschke Mounds Friends Group Advisory Meeting 	November 16
Focus Group Meetings <ul style="list-style-type: none"> • Towns, Cities, and Villages • Trails • Harnischfeger and General Park Interest 	November 30
Complete Draft #1 + Staff Review	December – May
LRP Committee Review Meeting	June 12
Public Open House Review of Final Draft	June 29
LRP Committee Recommendation	TODAY
County Board Adoption Meeting	August 15

Public Open House Summary

- 10 total participants
- Agreement and support for the recommended trails as depicted on Map 6 and the Astico Park recommendation graphics.
- Desire to see increased and improved multi-use trail and on-road bicycle connections throughout Dodge County.
- Important to continue to prioritize the potential Pelican Path connection within this plan.

Final Draft Changes Made

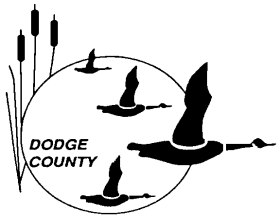
In response to the Land Resources and Parks Committee feedback received on June 12 and the Public Open House event feedback received on June 29, the following changes were made to the plan:

- Plan and Appendix formatting and photos added
- Chapter 3: Meeting Summaries Added (p. 25)
 - Land Resources and Parks Committee and Public Open House
- Chapter 4: Objective Added (p. 29)
 - New objective under goal 1: encourage land donations from private landowners to the County for future parks, recreation, and open spaces.
- Chapter 5: Revised Parkland Standard (p. 34)
 - 2023 Standards: 5.4 acres of Regional Parks per 1,000 residents
 - 2033 Standards: 6.0 acres of Regional Parks per 1,000 residents
 - 2043 Standards: 6.5 acres of Regional Parks per 1,000 residents

- Chapter 7: Conceptual Astico Park Graphics (p. 52)
 - Reconfigured the East Side recommendations to prioritize improvement of the existing entry and a potential long-term opportunity for another entryway further to the north near the intersection of CTH T and STH 60. Removed previously proposed new entry on south end of park (East Side).
 - Prioritized the recommendations by location within the park.
- Chapter 7: Special Use Facility Recommendation Added (p. 73)
 - Agri-tourism was added as a unique recreational opportunity
 - Food forests (also mentioned during the meeting) were already included in the plan
- Chapter 9: Finished Proposed Capital Improvements Plan (p. 67)
 - Added proposed CIP projects over the next 5 years (all projects greater than \$50,000)
- Appendix
 - Added summary of public input gathered from the Public Open House event

Next Steps

- Committee discussion
- Committee consideration of resolution to recommend County Board adoption
- County Board adoption meeting on August 15



Dodge County

Land Resources & Parks Department

127 East Oak Street · Juneau, WI 53039-1329
PHONE: (920) 386-3700 · FAX: (920) 386-3979
EMAIL: landresources@co.dodge.wi.us

MEMORANDUM

TO: Dodge County Land Resources and Parks Committee

FROM: Bill Ehlenbeck, Director / Joe Giebel, Manager of Code Administration

DATE: July 17, 2023

RE: Ordinance Violations Report – July 24th Agenda Item

Over the years, we have spent a good deal of effort in documenting permit activities and revenues in our regular and annual reports, however we have neglected to provide regular information on our Code enforcement/violations activity. Supervisor Siegmann has called that to our attention and has spurred this report and agenda item for your meeting on the 24th.

I believe, Code Enforcement is the least enjoyable, yet critical part of administering our Land Use and Sanitary Ordinances. Despite what some may think, our staff do not take pleasure in citing someone with a violation. We may not always agree with the Code provisions that we are enforcing, however, we are charged with following the Land Use and Sanitary Codes that the County Board has adopted for protecting our communities. Proper enforcement is required to maintain accountability and fairness throughout the County. Additionally, many of our codes are State and/or Federal requirements that can bring negative consequences if we fail to properly enforce.

Included with this memo is a table summarizing violations/complaints dating back to 2007 that Joe has put together from our activity tracking database. Note that the spike in 2010 was associated with the implementation of the Sanitary Maintenance program. The tracking of Sanitary Maintenance Program violations is now documented in a different database and no longer included with the other violations on this chart. *(Currently there are about 600 Sanitary Maintenance Program outstanding violations dating back to 2015 that we are currently increasing efforts to resolve through use of citations).*

Typical Land Use Code (LUC), Sanitary Code (SAN) and other violations are established either through complaints from the Public or are initiated by Staff. **Public complaints** include Town, County or State officials as well as general public filing a complaint with the office. Staff follow up to determine whether in fact there is a violation of a code under our jurisdiction. **Staff initiated** violations often occur as a result of observations while on normal inspections. Staff do not drive around looking for violations.

Our goal is always compliance, not punishment. However, occasionally we reach a point that a landowner will not do what is needed to resolve the violation. At that point our recourse is seeking court relief and filing a legal action through Corporation Counsel. This seems to happen about once every 4 years or so and we currently have 1 such case pending final judgement.

We can get into more details of our enforcement process on the 24th.

As of July 1, 2023

Violations issued by Land Resources and Parks Department Staff

Year	Total Violations Issued	Complaints tracked	LUC/Shoreland Construction w/o permits	LUC/Shoreland Filling/grading/tiling w/o permits	LUC Est Business w/o permits	SAN	San Maintenance	Land Division W/O approvals	Other	Violations Resolved
2007	41	0	19	8	4	9	0	1	0	39
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2017	24	35	8	8	2	1	0	2	3	22
2018	9	32	7	1	0	0	1	0	0	8
2019	30	56	14	1	2	5	2	6	0	29
2020	24	71	5	9	0	3	0	0	7	10
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Totals	785	320	226	102	23	92	229	77	36	703
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Complaints filed by:			166 by public 60 by staff	49 by public 53 by staff	23 by public	43 by public 49 by staff	229 by staff	77 by staff	36 by public	

To: Land Resources and Parks Committee

Thank you for the opportunity to allow the Pelican Path Trail Committee (PPTC) to give you a presentation regarding our progress on the proposed Pelican Path Trail. We are seeking your approval to move forward, because this trail would eventually become a County Park. Upon your approval, it's the PPTC's intent to request to be put on the agenda to give an informational presentation to the full County Board of Supervisors.

Before our presentation, please take a look at our website which has more enduring content (www.pelicanpath.org) as well as our Facebook page (search on Pelican Path Trail) which has more current information.

We have 59 letters of support from the following legislators, chambers of commerce, businesses, and organizations:

State Senator John Jagler, 13th Senate District	Buchanon's One Away (Hustisford)
Representative Mark Born, 39th Assembly District	Friends of Dodge County Parks, Inc.
PATH of Hustisford	Juneau Chamber of Commerce
Cafe de Juneau	The Mercantile (Hustisford)
Safro Investment Cars (Hustisford)	Lake Sinissippi Association
Amoco (Hustisford)	Upper Barn Arts (Hustisford)
Open Door Coffeehouse (Mayville)	Village of Clyman
Mocha Vino and Mocha Vino Bistro (Hustisford)	Bethany church (Hustisford)
Watertown Regional Medical Center	Hustisford School District Superintendent
Hustisford State Bank	Nature Made Heaven Scent Soap Shop (Hustisford)
The Gathering Source (Juneau)	Rubert Chiropractic (Hustisford)
Ox-Bo Marine (Juneau)	Leitzke Homestead Realty (Juneau)
Town of Hustisford	Dodge County Tavern League
Hustisford Laundromat	Chance's Bar and Grill (Burnett)
Edwin Brix Vineyard (Juneau)	Juneau Utilities Commission
UW-Extension	Village of Hustisford
Town of Hubbard	Town of Oak Grove
Lake Sinissippi Improvement District	Family Dental Practice (Watertown)
Heine's Famous Pizza (Minnesota Junction)	City of Juneau Common Council
Juneau Lanes	Mercer T's (Clyman)
One-for-All Resale Shop (Hustisford)	Sinissippi Lake Pub (Hustisford)
Dollar General (Hustisford)	Wegener Electric and Plumbing (Juneau)
Hustisford BP	Dodgeland School District (Juneau)
Jahnke's Piggie Wiggly (Juneau)	Expedition Supply (Hartford)
Wisconsin Bike Federation	Hustisford Library
Marshfield Clinic	Hustisford Utility Commission
Lions Club of Hustisford	Trailhawks Snowmobile Club
1850s Inn (Juneau)	Sinissippi Ski Club
Rails to Trails Conservancy	Katy's Log Cabin restaurant (Oakfield)
Lake Street Inn (Hustisford)	

We have raised over \$40,000 to date and have completed a Route and Feasibility Study for the trail. The PPTC is not seeking any County funds to design and construct this trail.

Last Saturday we manned a Pelican Path Trail education & donation table at Hustisford's Lake Fest. The comments from the public were almost all positive.

We look forward to a successful outcome at the meeting on July 24, 2023.

Jerry Traughber
Chairman, Pelican Path Trail Committee
Friends of Dodge County Parks, Inc.
PATH of Hustisford

INTRODUCTION

The Pelican Path is a proposed paved, non-motorized recreational trail supporting pedestrians, bicyclists, and other multi-modal users of all abilities. This trail seeks to promote health, wellness, and active living opportunities by connecting the Village of Hustisford at John Hustis Elementary School to the Wild Goose State Trailhead at Clyman Junction. With this trail connection, users of the Pelican Path have direct access to both the Wild Goose State Trail and the Glacial River Trail, as they share a trailhead in Clyman Junction along Highway 60.

The Wild Goose State Trail begins at the trailhead in Clyman Junction and ends 34 miles northeast in the City of Fond du Lac. This is a crushed limestone, multi-use recreational trail open year-round. Activities permitted on this trail include walking, jogging, bicycling, horseback riding, cross-country skiing, snowshoeing, and snowmobiling.

The Glacial River Trail also begins at the trailhead in Clyman Junction, but it runs southwest instead of northeast. This trail spans 56 miles through three counties and is a combination of paved off-road/on-road routes running southwest through Watertown, Jefferson, Fort Atkinson, and ending in Janesville.

PROJECT HISTORY

The main goal of the Pelican Path project is to create a fourth recreational trail in Dodge County. Even though Dodge County already has three recreational trails with the Wild Goose State Trail, the Glacial River Trail, and the Gold Star Memorial Trail, residents of Hustisford do not have direct access to any of these trails. Creating the Pelican Path Trail will connect Hustisford to all three of these existing trails and create a grid that will open up cycling and hiking opportunities for tourists and residents alike.

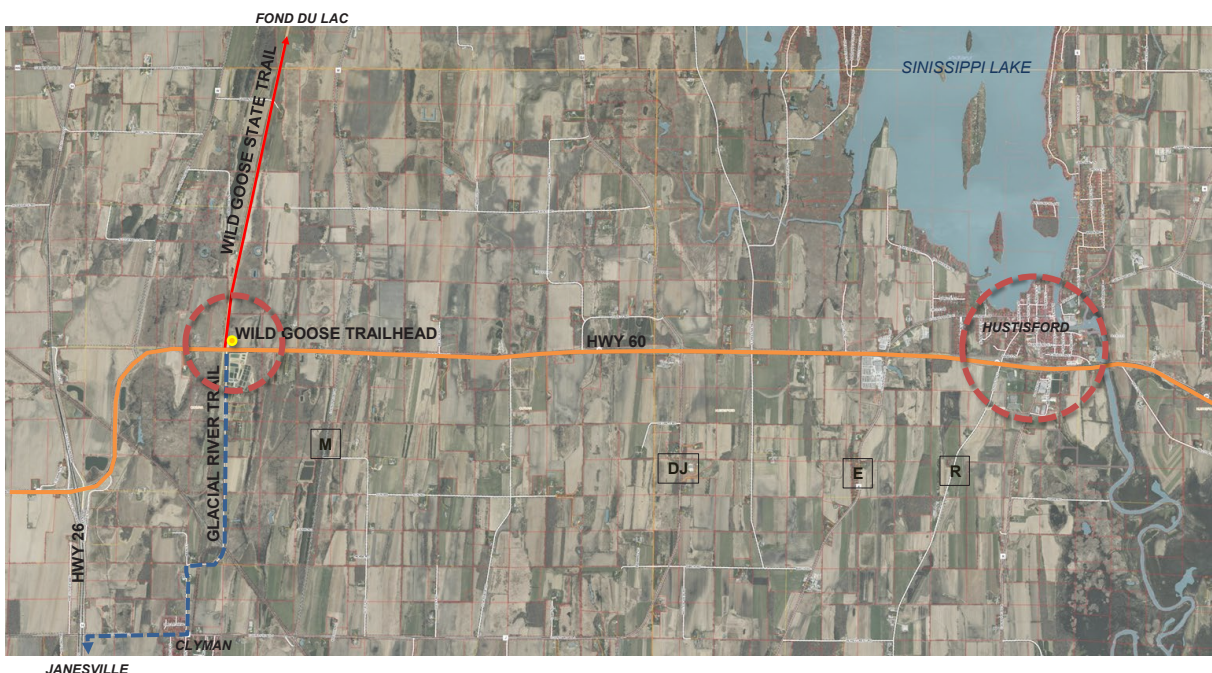


Figure 1.01 - Project Site

ROUTE DESCRIPTIONS

Initial selection of routes was conducted during the project kickoff meeting. The Pelican Path Committee presented several proposals based on routes traveled by members. Four routes were then selected to move forward with the initial route study.

Route A is intended as a paved, 5.5 mile off-road trail. This route provides a direct, linear connection between John Hustis Elementary School and the Wild Goose trailhead along the north edge of Highway 60.

Route B is intended to keep the same length and path structure as Route A, but follows the southern edge of Highway 60 instead of the northern edge. It should be noted that this route will require crossing Highway 60 to reach the trailhead at its western terminus.

Route C is 10.2 miles and is intended as an on-road trail, starting at John Hustis Elementary School, going south on Level Valley Rd, west on Hillcrest Rd, northeast on County Rd E, west on Birch Rd, southwest on County Rd J, then heading north on Junction Rd where it will end at the trailhead.

Route D is 6.2 miles and follows the same path as Route B (southern edge of Highway 60) until Highway DJ, where it then goes northwest to Old 60 Rd, west to Maple Rd, north to Eagle Rd, then west to the end of Eagle Rd. This route will require an easement to access the Wild Goose State Trail at its western terminus due to Eagle Rd being a dead end with no direct trail access.

Detailed Analysis of each route can be found in the Appendix.

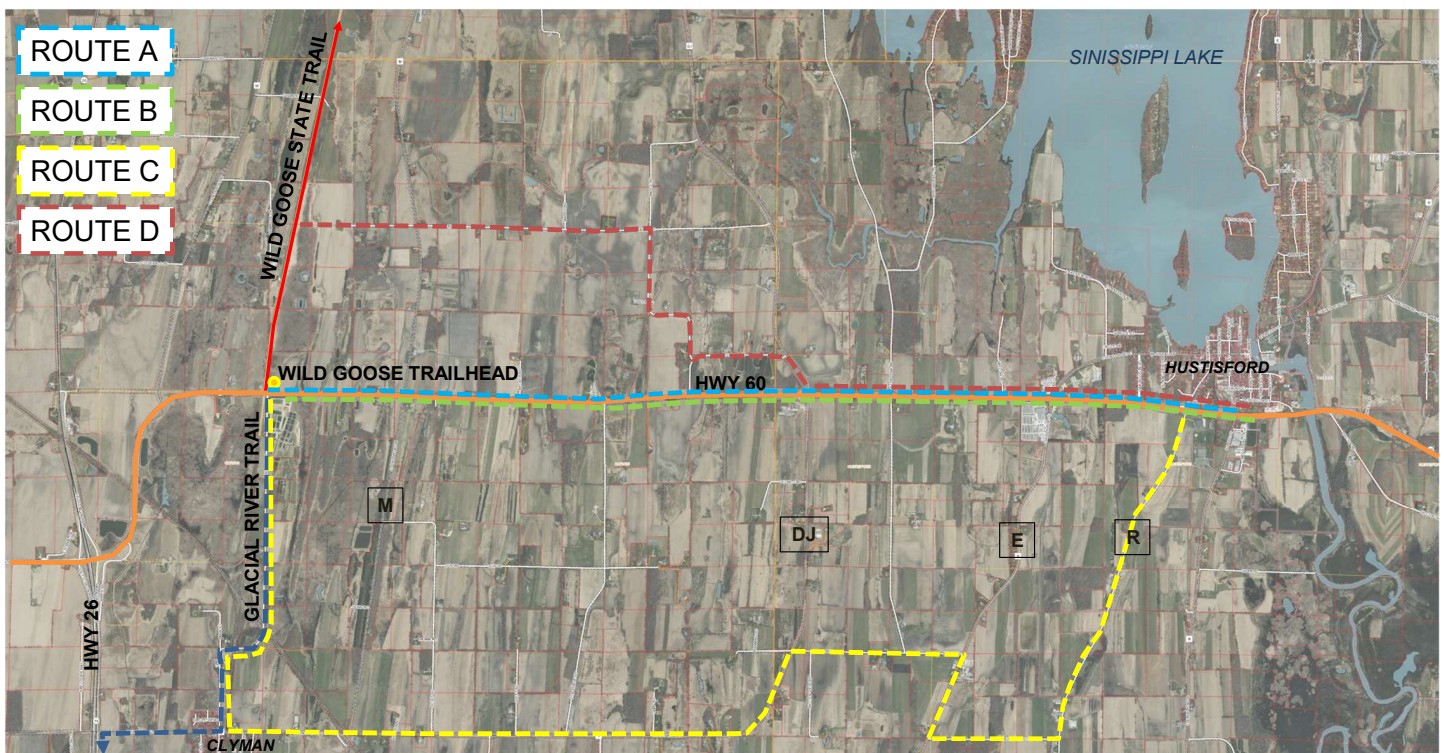


Figure 2.01 - Overall Trail Routes Map

PROS & CONS TABLE

ROUTE OPTION	PROS	CONS
A (N HWY 60)	<ul style="list-style-type: none"> • Provides most direct connection to existing trailhead; no crossing of Hwy 60 required • Shortest route 	<ul style="list-style-type: none"> • Adjacent floodplain and wetland areas • Varying ROW width • Multiple driveway and creek/culvert crossings • Retaining wall in ROW near Cty Rd M intersection
B (S HWY 60)	<ul style="list-style-type: none"> • Almost a direct route; requires crossing of Hwy 60 at Junction Rd • Fewest amount of road crossings • Direct connection to Glacial River Trail at Junction Rd 	<ul style="list-style-type: none"> • Adjacent floodplain and wetland areas • Varying ROW width • Retaining wall in ROW near Cty Rd M intersection • Multiple driveway and creek/culvert crossings
C (THRU CLYMAN)	<ul style="list-style-type: none"> • If on-road trail, limited easements required • Scenic route • Traffic volume relatively light 	<ul style="list-style-type: none"> • Longest route • Requires five railroad crossings • Adjacent floodplain and wetland areas • Limited ROW for off-road trail development
D (HWY 60 to EAGLE ROAD)	<ul style="list-style-type: none"> • If on-road trail, limited easements required • Shorter route than C • Multiple alternate road routes available 	<ul style="list-style-type: none"> • No existing connection to Wild Goose State Trail; easement will be required through Eagle Rd to trail • Adjacent floodplain and wetland areas