Land Resources and Parks Department Staff Report

Town Rezoning Petition # 2023-0683

Filing Date: August 11, 2023

Committee Review Date: August 28, 2023

Applicant:

Town of Herman – Town Board Attn. Alison Pecha – Town Clerk W1892 Rock Road Iron Ridge, WI 53035

Owner:

Todd and Sarah Feltner N7151 County Road AY Mayville, WI 53050

Location:

PIN# 020-1117-0614-000

Lot 1, CSM 2197, located in part of the SE ¼ of the NE ¼, Section 6, Town of Herman, the site address being N7151 County Road AY.

Applicants Request

Petition to rezone approximately 2-acres of land under the Town of Herman Zoning Ordinance, from the A-1 Farmland Preservation Zoning District to the R-2 General Residential Zoning District has been submitted by the Town of Herman Town Board to the Dodge County Board of Supervisors for approval in order to bring the zoning district map into compliance with the Farmland Preservation Plan Map and the Future Land Use Map for the Town of Herman.

Land Use Code Provisions:

According to 60.62(3) Wisconsin Statutes, in counties having a county zoning ordinance, no Town zoning ordinance or amendment of a Town zoning ordinance may be adopted under this section unless approved by the county board. The Land Resources and Parks Committee is responsible for reviewing Town rezoning amendment requests and for recommending that the County Board of Supervisors approve or deny such petitions.

Physical Features of Site

The features of the property that relate to the granting or denial of the rezoning petition are as follows:

The lot to be rezoned is not located within the County's Zoning Jurisdiction.

The topography of the site is rolling with slopes ranging from 6 to 18%;

Land Use, Site: Single Family Residential

Land Use, Area: Agricultural with scattered residences along County Road AY.

Designated Archaeological Site: Yes ☐ No ☒

The proposal is consistent with the Dodge County Comprehensive Plan:

• The site is designated as single family residential according to the County's Future Land Use Map.

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.

Town Rezoning Petition

The staff believes that the Town Board has followed the proper procedures outlined in their Zoning Ordinance in order to approve the rezoning request. In addition, the proposed rezoning petition is consistent with the County's Comprehensive Plan as the site is designated as single family residential on the County's Future Land Use Map. Therefore, the staff recommends the committee report favorably on the town rezoning petition.

RESOLUTION #	
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TO THE HONORABLE BOARD OF SUPERVISORS OF DODGE COUNTY, WISCONSIN MEMBERS:

WHEREAS, Dodge County, a Body Corporate under the laws of the State of Wisconsin, had adopted a comprehensive zoning ordinance which is in full force and effect, and

WHEREAS, the Town Board of the Town of Herman has adopted a Town Zoning Ordinance for said town, the power to adopt a Town Zoning Ordinance having been granted by a referendum vote of the electors of the Town of Herman held at the time of a regular annual town meeting, and

WHEREAS, pursuant to Section 60.62(3) of the Wisconsin Statutes adoption and amendment of a town zoning ordinance by a town board is subject to approval of the county board in counties having a zoning ordinance in force and effect, and

WHEREAS, a public hearing as to the proposed amendments to the Town Zoning Ordinance of the Town of Herman was held by the Town Plan Commission on February 27, 2023 having been adopted by the Town Board of the Town of Herman on August 10,2023.

THEREFORE BE IT RESOLVED, that the revised Town Zoning Ordinance of the Town of Herman as represented by "Exhibit A" attached to and made a part of this resolution be and hereby are approved, by the Board of Supervisors of Dodge County, Wisconsin.

All of which is respectfully submitted this 15 day of August 2023.

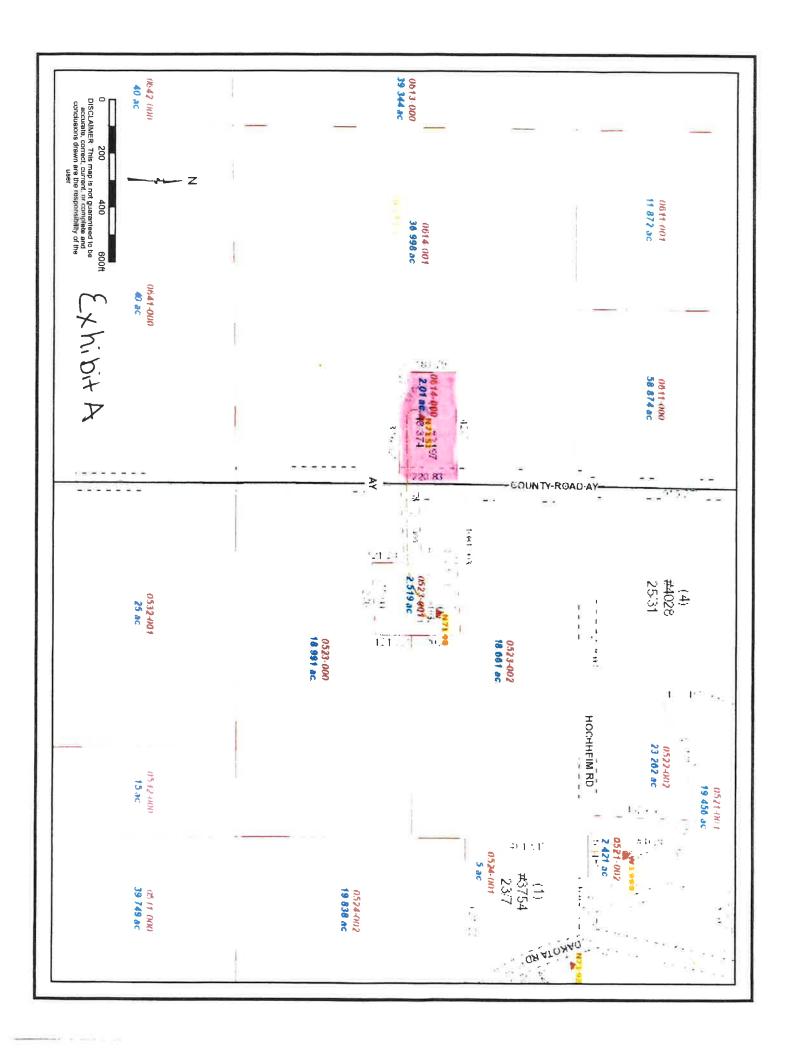
Title DISTRICT 12 DODGE COUNTY SUPERVISER



Town of Herman Regular Town Board Meeting Minutes August 10, 2023

- 1. Call to order- Chairman Baier called the meeting to order at 7:00pm. This meeting has been properly noticed. Present: Chairman Tim Baier, Supervisor Neal Ewert, Clerk Alison Pecha, and Zoning Administrator David Groth. Excused absent Supervisor Shawn Boeder & Treasurer Kelsey Beine
- 2. Pledge of Allegiance- was recited
- **3. Approve agenda-** Ewert made a motion to approve the agenda with the correction of the address on item 10. Baier seconded and motion passed unanimously
- **4.** Public comments and appearances- Jim Schmidt- asked the board to address town money issues. Plan a meeting to discuss town tax levy.
 - Larry Moldenhauer- voiced support for raising the tax levy.
 - Wendy Ewert- asked for bump signs to be placed on Nenno and Idaho Roads at culvert bumps.
- 5. Allenton Fire Department- not is attendance
- **6.** Treasurer's Report and communications- Balance forward 6/30/23 \$73,221.14 Deposits \$102,604.06 Disbursements \$34,628.58. Balance 7/31/23 \$141,196.62
- 7. Approve minutes of previous meetings
 - a. **July 13, 2023 Regular Town Board Meeting-** Ewert made a motion to approve the minutes. Baier seconded and motion passed unanimously
- **8. Zoning Administrator's report and communications-** Four LUP's issued in July & One culvert permit. Plan Commission meeting was held on July 27 for a Minor Land Division on Harvest Road. No plan commission meeting scheduled for August.
- 9. Minor Land Division by Lentz Baier motion to approve the Minor Land Division application by Pat & Nancy Lentz to create a 3-acre parcel. Ewert seconded and the motion passed unanimously
- 10. Rezone of parcel 020-1117-0614-000- Baier motion to approve the application to change parcel 020-1117-0614-000 from A-1 to R-2. Ewert seconded and motion passed unanimously
- 11. Discussion/Possible action on roadwork- Baier got quotes from JDS services for Arthur Road of \$3,000 for gravel and compaction. Iowa road ditching and repair of \$1,500. Baier motion to send the work out for bids. Ewert seconded and the motion passed unanimously.
- 12. Communications and petitions by Town Clerk -attended a grant seminar in the Village of Clyman.
- 13. Next meeting agenda items- Road bids & tax levy
- **14. Approve payment of bills** Bills for payment were reviewed. Baier made a motion to approve payment of the bills. Ewert seconded and the motion passed
- 15. Read any correspondence- None
- 16. Adjourn- Baier motion to adjourn at 7:44pm. Ewert second the motion and motion carried.

Submitted by Clerk Alison Pecha



Town of Herman Minutes of the Plan Commission February 27, 2023

The meeting was called to order by Plan Commission Chairman Dave Stein at 7:00pm.

Roll Call: Members present: David Stein, Ben Schellinger, Joel Christ, and Larry Moldenhauer. Zoning Administrator David Groth, and Secretary Alison Pecha. Absent: Tim Baier

Approval of Agenda: Motion by Stein to approve the agenda. Seconded by Moldenhauer. Motion carried.

Public Hearings:

A. <u>Minor Land Division</u> application by Julie Callies create 7.011-acre lot in the A-1 Farmland Preservation District under the Zoning Ordinance, Chapter 251-18 Code of Ordinances, Town of Herman, Dodge County, Wisconsin in the SW¼ and NW¼ of Section 36. Parcel #020-1117-3623-000. N5170 Harvest Rd

Dylan Callies stated that his mother Julie wishes to sell the home and farm buildings. She would like to remove the home and building from the farm parcel.

No persons spoke for or against the Minor land division.

Zoning Administrator Groth recommends approval. It is noted on the CSM that N5170 and N5184 share a well.

Larry Moldenhauer motion to recommend approval for the town board of the minor land division. Stein seconded and the motion carried.

B. <u>Minor land division</u> application by Julie Callies of .3-acre lot to add to an existing 1.34-acre lot in the A-1 Farmland Preservation District under the Zoning Ordinance, Chapter 251-18 Code of Ordinances, Town of Herman, Dodge County, Wisconsin in the SW¼ and NW¼ of Section 36. Parcel #020-1117-3623-001. N5184 Harvest Rd

Dylan Callies stated that this land division would be straight out a lot line on the home.

No persons spoke for or against the Minor land division.

Zoning Administrator Groth recommends approval. The original home lot is 1.34 adding .3 to that lot will make that lot conforming with the current zoning ordinance.

Schellinger motion to recommend approval for the town board of the minor land division with the .3 acres to be added to 020-1117-3623-001. Christ seconded and the motion carried.

C. <u>Minor land division</u> application by Gary Zastrow create 3-acre lot in the A-1 Farmland Preservation District under the Zoning Ordinance, Chapter 251-18 Code of Ordinances, Town of Herman, Dodge County, Wisconsin in the SW% and NE% of Section 9. Parcel #020-1117-0913-000 & 020-1117-0924-01. W1488 Hwy 33

Mr. Zastrow wishes to sell the home and buildings. This land division would include 2 parcels.

No persons spoke for or against the Minor land division.

Zoning Administrator Groth recommends approval of the minor land division.

Stein motion to recommend approval for the town board of the minor land division of parcels 020-1117-0913-000 & 020-1117-0924-01. Schellinger seconded and the motion carried.

D. Rezone application by the Herman Town Board to rezone 2 acres from A-1 to R-2 District under the Zoning Ordinance, Chapter 384, Code of Ordinances, Town of Herman, Dodge County, Wisconsin in the Ne¼ and NE¼ of Section 6. Parcel #020-1117-0614-000. Site address N715 County AY

Clerk Pecha explained that this is a clean up for the town to certify it Farmland Preservation. This parcel isn't eligible for Farmland Preservation credits as it is only a home and only a 2-acre parcel. This rezone will make the town zoning map match with Dodge County Farmland Preservation Plan map and 2023 Future Land Use Map. This change will not have a tax change as parcels are taxed on use not zoning.

Zoning Administrator Groth recommends approval of the rezone.

Moldenhauer motion to approve the rezone 020-1117-0614-000 to R1 from A-1. Stein seconded and the motion carried.

E. Amendments to the Town of Herman 2030 Future Land Use map in the SE¼ and NE¼ of Section 13. Parcel #020-1117-1341-000 from industrial to agriculture.

Clerk Pecha explained that back in 2013 the parcel owner ask to have the 38-arce parcel zoning changed to A-1 from A-2. The rezone was granted by the town and Dodge County. This has stopped the recertify of the towns Farmland Preservation because that doesn't match the Towns 2030 Future land Use Map. The town needs to petition the county to amend its Future land Use Map and Farmland Preservation.

Zoning Administrator Groth recommends approval of the amendments.

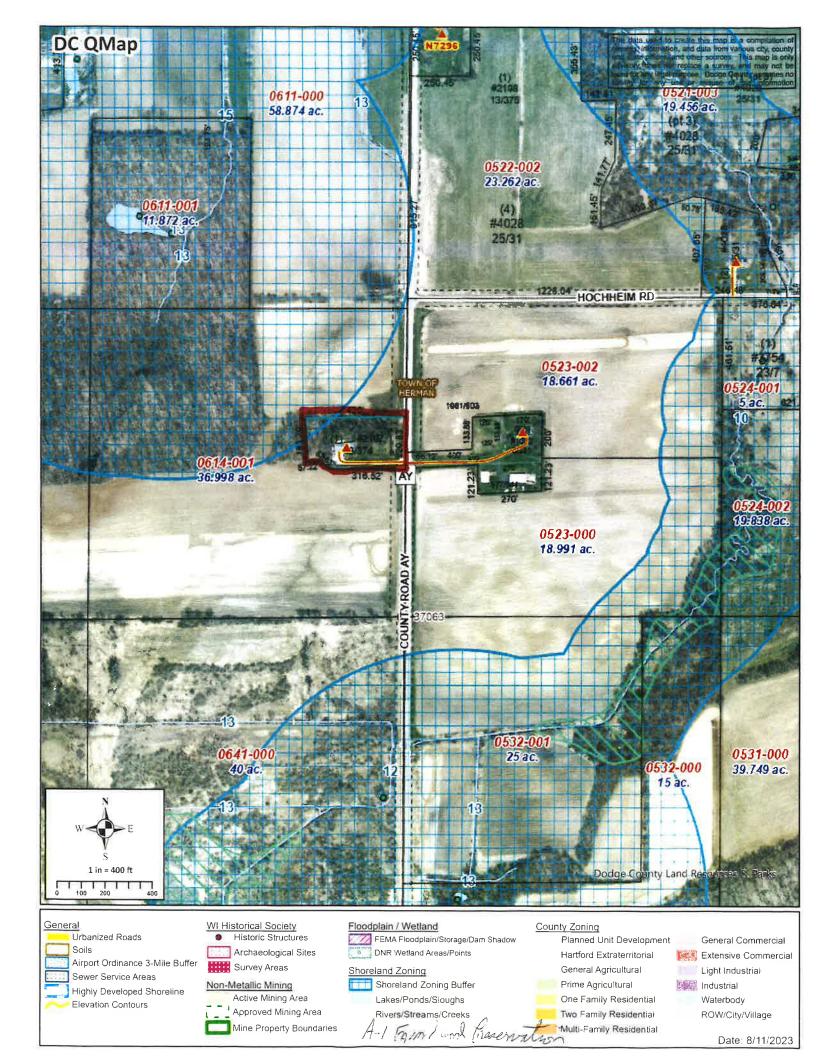
Moldenhauer motion to approve the petition to ask Dodge County to amend its Future land Use Map and Farmland Preservation. Stein seconded and the motion carried.

Communications and petitions by Plan Commission Secretary- The Comprehensive Plan is a 2030 plan, and we should begin considering updating it.

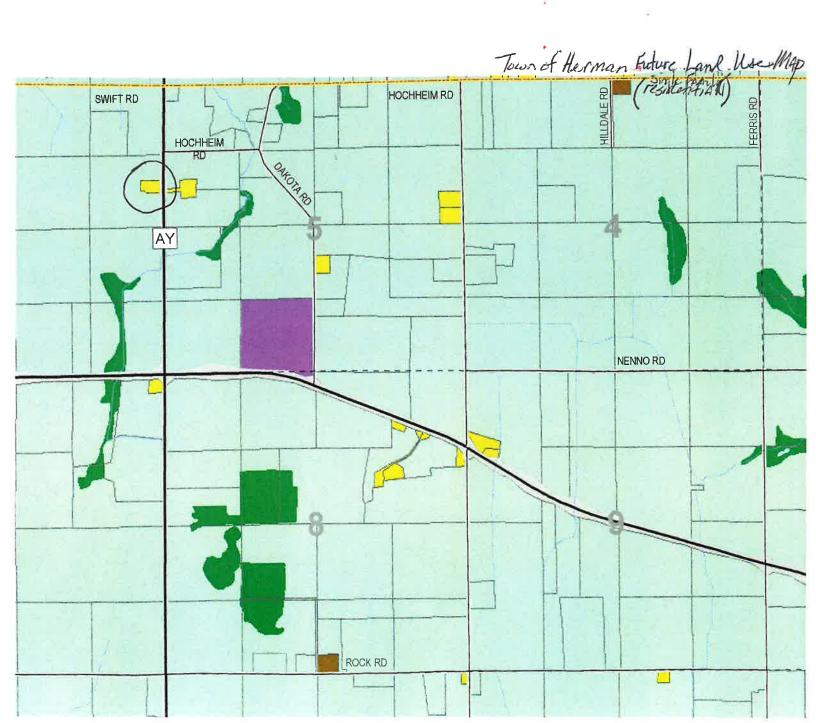
Future agenda items and business- March 27, 2023 meeting planned

Adjourn- Motion by Moldenhauer to adjourn. Stein seconded the motion. Motion carried to adjourn at 7:34

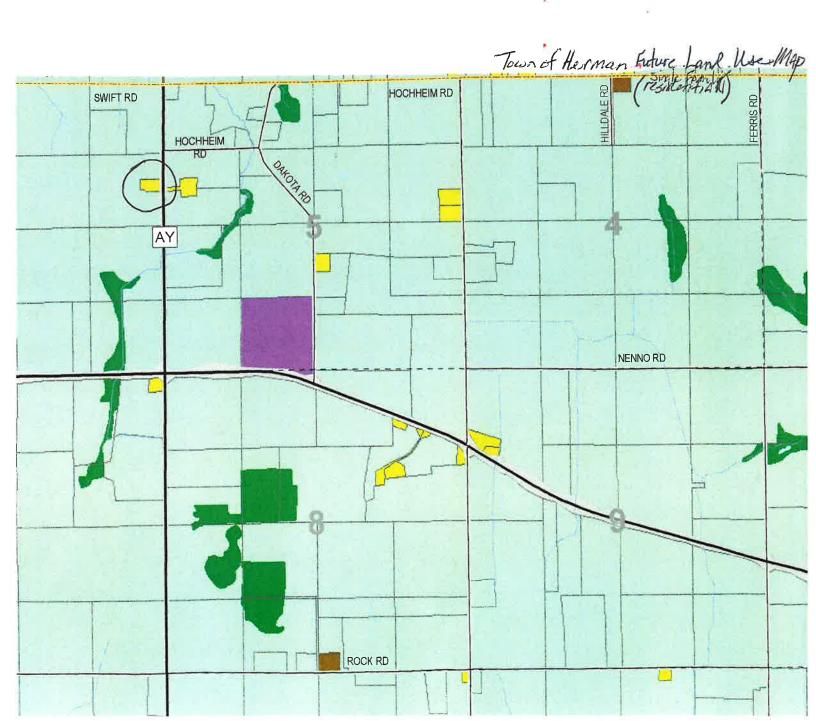
Alison Pecha, Plan Commission Secretary



Map 8-3, Year 2030 F Town of Herman, Dodge



Map 8-3, Year 2030 F Town of Herman, Dodge





Dodge County Land Resources and Parks Committee Decision

Town Rezoning Petition # 2023-0683 Filing Date: August 11, 2023 Committee Review Date: August 28, 2023
Applicant: Town of Herman – Town Board Attn. Alison Pecha – Town Clerk W1892 Rock Road Iron Ridge, WI 53035
Owner: Todd and Sarah Feltner N7151 County Road AY Mayville, WI 53050
Location : PIN# 020-1117-0614-000 Lot 1, CSM 2197, located in part of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 6, Town of Herman, the site address being N7151 County Road AY.
Applicants Request Petition to rezone approximately 2-acres of land under the Town of Herman Zoning Ordinance, from the A-1 Farmland Preservation Zoning District to the R-2 General Residential Zoning District has been submitted by the Town of Herman Town Board to the Dodge County Board of Supervisors for approval in order to bring the zoning district map into compliance with the Farmland Preservation Plan Map and the 2023-Town of Herman Future Land Use Map.
CONCLUSIONS OF LAW Based upon the facts presented in the application and by the County staff, the committee concludes that:
Does the application contain sufficient information necessary to make a decision on the Town rezoning petition?
☐ Yes ☐ No - The following additional information is required:
Is there sufficient evidence in the record to show that the town has followed the proper procedures in order to recommend approval of the town rezoning petition?
Yes – According to the information on record in this matter, the Town has followed the proper procedures in order to approve the Town rezoning petition;
Page of

	No; based on the information submitted with the application, it appears that the town did not follow the proper procedures in approving the rezoning petition.					
	Comments					
Motion by		to submit	a (favorable /	unfavorable) reco	mmendation to the Cou	ntv
Board regard	ing the town rezor	ning petition bas	ed upon the pro	eviously mentione	ed findings.	iity
Motion secon	d					
Vote Dale Machee Donna Maly Ben Priesger Dan Siegmar Mary Bobholz	ı nn	☐ Yes ☐ Yes ☐ Yes ☐ Yes ☐ Yes	☐ No ☐ No ☐ No ☐ No ☐ No	Abstain Abstain Abstain Abstain Abstain Abstain	Not PresentNot PresentNot PresentNot PresentNot PresentNot Present	
	ried / Denied) y Land Resources	s and Parks Com	nmittee			
Signed	Chairperso	n	_ Attest	Secretary	,	
Dated:						
Filed:						

Land Resources and Parks Department Staff Report

County Rezoning Petition # 2023-0573

Filing Date: July 12, 2023 Hearing Date: August 14, 2023

Committee Decision Date: August 28, 2023

Applicant (Agent):

Rick Bratz N1650 2nd Street Road Watertown, WI 53098

Owner:

Richwood Real Estate LLC W7894 County Road Q Watertown, WI 53098

Location

PIN# 040-0914-1334-006

Part of the SE ¼ of the SW ¼, Section 13, Town of Shields, the site address being W7894 County Road Q.

Applicants Request

On August 14, 2023, the Committee held a public hearing on the rezoning request of Rick Bratz, agent for Richwood Real Estate LLC, to rezone approximately 1.5 to 2-acres of land from the R-1 Single Family Residential zoning district to the C-2 Extensive Commercial zoning district under the Dodge County Land Use Code in order to allow for the transfer of this land to an adjacent land owner which is intended to be used for a replacement area for the septic system on this lot. The committee laid over a decision on the request at the request of the town of Shields Town Board to allow the Town Board time to review and provide a recommendation on the request.

2.3.4.J Approval by Affected Town Boards

Approval of rezoning petitions by affected town boards shall occur pursuant to the procedures set forth in Section 2.2.15.

 The Town Board has submitted a recommendation to the Department approving the rezoning petition.

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 2.3.4.I and the staff comments are listed in Exhibit A for review by the committee.

It is the staff's position that the committee will be able to make the findings necessary under Section 2.3.4.I of the code in order to submit a favorable recommendation to the County Board.

Exhibit A

2.3.4.1 Approval Criteria

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

- **2.3.4.I.1** 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 properties at this location. The proposed land to be rezoned will be attached to an existing property.
- **2.3.4.l.2** 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 rezoning and land transfer project will not place an unreasonable burden on the ability of the Town to provide adequate public facilities or services;
- **2.3.4.1.3** 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;
 - It is the staff's position that if the proposed lot is used for onsite sanitary purposes and/or for expansion of the existing tavern use and the land is developed in accord with the Land use code provisions, the rezoning as proposed will not have an unreasonable adverse effect on surrounding properties or the environment;
- **2.3.4.1.4** 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;
 - It is the staff's position that the area to be rezoned is suitable for development and if the land is developed in accord with the land use code and sanitary ordinance provisions, the project will not cause unreasonable soil erosion:
- **2.3.4.I.5** The proposed rezoning is consistent with the Dodge County Comprehensive Plan and Farmland Preservation Plan and the stated purposes of this Code;
 - The staff notes that the proposal is not consistent with the Future Land Use designation of the land to be rezoned as this land is designated as single family residential according to the County's Future Land Use Map. However, the staff also points out that the future land use designation of the adjacent property to which the land will be attached to is designated as commercial.
 - The staff points out that the Future Land Use Categories are simply designated areas of consistent character, use and density that share similar goals and objectives for future use, preservation or development and the transfer of land between the adjacent land owners will have a minimal effect on the character, use and density of this area.
 - It is the staff position that the proposal is consistent with the Farmland Preservation Plan as the land to be rezoned is designated as an area of nonagricultural development.

- **2.3.4.I.6** The proposed rezoning will not be used to legitimize, or "spot zone," a nonconforming use or structure;
 - It is the staff's position that the proposed rezoning will not result in spot rezoning as the adjacent property to the east and to the south are currently located within the C-2 Commercial Zoning District.
- **2.3.4.I.7** The proposed rezoning is the minimum action necessary to accomplish the intent of the petition, and an administrative adjustment, 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;

2.3.4.J Approval by Affected Town Boards

Approval of rezoning petitions by affected town boards shall occur pursuant to the procedures set forth in Section 2.2.15.

• The Town Board has recommended approval of the rezoning request.

Dodge County Land Resources and Parks Committee Decision

County Rezoning Petition # 2023-0573

Filing Date: July 12, 2023 Hearing Date: August 14, 2023 Decision Date: August 28, 2023

Applicant (Agent):

Rick Bratz N1650 2nd Street Road Watertown, WI 53098

Owner:

Richwood Real Estate LLC W7894 County Road Q Watertown, WI 53098

Location

PIN# 040-0914-1334-006

Part of the SE ¼ of the SW ¼, Section 13, Town of Shields, the site address being W7894 County Road Q.

Applicants Request

A rezoning petition has been submitted by the applicant in order they be allowed to rezone approximately 1.5 to 2-acres of land from the R-1 Single Family Residential zoning district to the C-2 Extensive Commercial zoning district under the Dodge County Land Use Code in order to allow for the transfer of this land to an adjacent land owner which is intended to be used for a replacement area for the septic system on this lot.

CONCLUSIONS OF LAW

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

2.3.4.1.1 Are there adequate public facilities and services available to serve the subject property while

2.3.4.1 Approval Criteria

posal, water, (gas,
n on the abilit	y of
•	

2.3.4.1.3 Will the proposed development result in significant adverse impacts upon surrounding properties the natural environment? (air, water, noise, stormwater management, soils, wildlife, and vegetation)
Yes / No / N/A); Comments
2.3.4.1.4 Will the development of this land cause unreasonable soil erosion or have an unreasonable adverseffect on rare or irreplaceable natural areas?
Yes / No / N/A); Comments
2.3.4.1.5 Is the proposal consistent with the Dodge County Comprehensive Plan and Agricultural Preservation Plan and the stated purposes of this Code?
Yes / No / N/A); Comments
2.3.4.1.6 Will the proposed rezoning be used to legitimize, or "spot zone," a nonconforming use or structure?
Yes / No / N/A); Comments
2.3.4.1.7 Is the proposed rezoning the minimum action necessary to accomplish the intent of the petition?
Yes / No / N/A); Comments
2.3.4.J Approval by Affected Town Boards
Has the Town submitted a recommendation regarding this request?
Yes / No / N/A); Comments
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 2.3.4.I can be met for this proposal?

(Yes / N	lo)						
Motion b	,				unfavorable) reco	mmendation to the	County
Board of	Supe	rvisors on the rezonir	ng petition as	proposed.			
Motion s	econo	I					
<u>Vote</u>							
Dale Ma			☐ Yes	☐ No	Abstain	Not Present	
Donna M	,		Yes	☐ No	Abstain	☐ Not Present	
Ben Prie	•		∐ Yes	∐ No	Abstain	☐ Not Present	
Dan Sie Mary Bol			☐ Yes ☐ Yes	∐ No □ No	Abstain Abstain		
·					/ tootaiii		
wotion ((Carri	ed / Denied)					
		DETERMINATION – of the above findings of			and the record in	thic rozoning motto	r the
committe		in the above indings of	or fact, conclu	Sions of law a	ina the record in	inis rezoning maile	r, trie
		shall provide a favora proposed. An ordina committee and said	ance shall also	be drafted e	ffectuating the re	commendation of the	
		shall provide a favora petition as modified be recommendation of tapproval;	by the commit	tee. An ordin	ance shall also b	e drafted effectuati	ng the
		shall provide an unfa rezoning petition as p		nmendation to	the County Boa	rd on the	
		shall provide a "No R proposed;	Recommendat	ion" to the Co	unty Board on th	e proposed rezonin	g petition as
Dodge C	County	Land Resources and	d Parks Comm	nittee			
Signed _				Attest			
-		Chairperson			Secretary		
Dated:							
aו כ ט.							
Filed:							

Page ___ of ___



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

230573

Activity No.

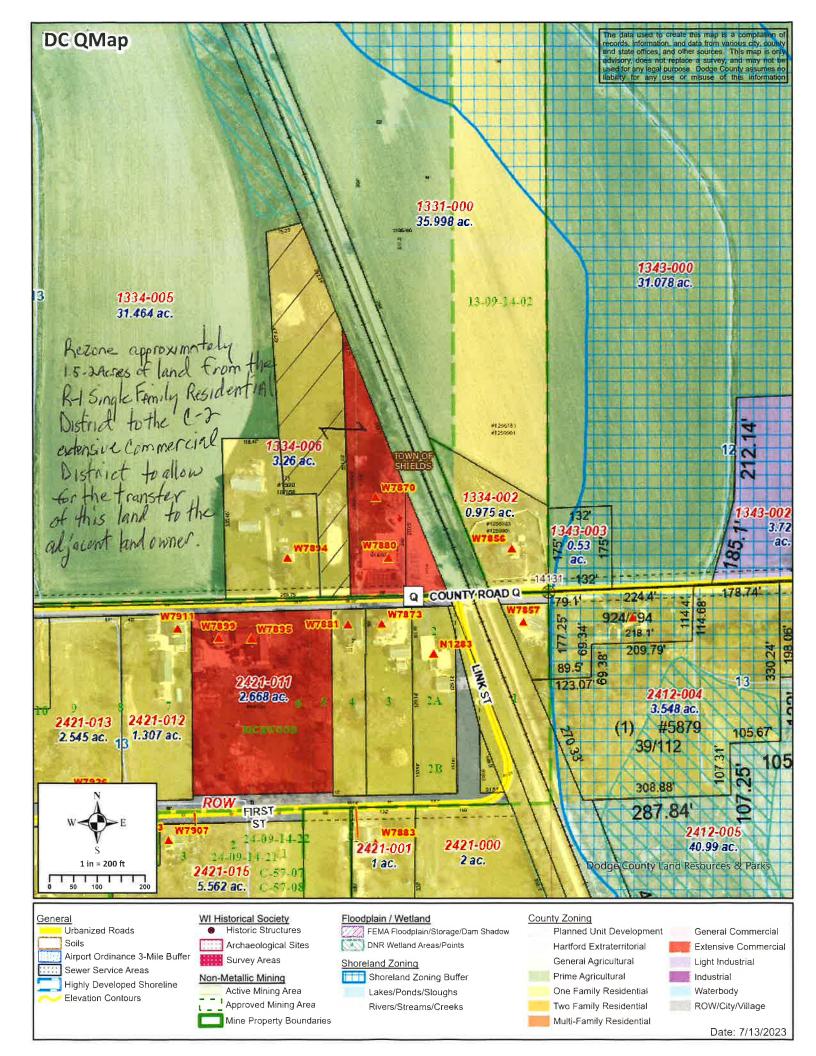
τ THIS AREA FOR OFFICE USE ONLY τ
Application Date:

REZONING PETITION

Petition Fee: \$350 (Payable to Dodge County)				
NAMES & MAILING ADDRESSES	PROPERTY DESCRIPTION			
Petitioner (Agent) RICIC BRATZ	Percel Identification Number (PIN) 040 0914 1334 006			
Street Address	Town T N R E			
N1650 2ND STREET ROAD	SHIELDS OGN 14E			
WATERTOWN, WI 53098	13 SE SW 3.26			
Property Owner (If different from petitioner) RICHWOOD REAL ESTATE, LLC	Subdivision or CSM (Volume/Page/Lot)			
Street Address N1650 2ND STREET ROAD	Address Of Property (DO NOT Include City/State/ZipCode) W 7894 COUNTY ROAD Q			
City·State·ZipCode WATERTOWN W(53098)	Is this property connected to public sewer? ☐ Yes No			
CONTACT	PERSON			
Name and daytime phone number (include area code) of a perso				
Name KICK BRATZ	Daytime Phone (9 30) 988 - 1019			
PROPOSED	REZONING			
Current Zoning District	Proposed Zoning District			
Reason For Rezoning				
TO ADD ADPROXIMATELY 2	ALRES TO THE PROPERTY			
LOCATED AT W7880 COUNTY	ROAD Q SO THERE IS ROOM			
FOR A NEW SEPIC SYSTE				
Please complete the site map on	the reverse side of this sheet.			
CERTIF	ICATE			
I, the undersigned, hereby petition to rezone the aforen both above and attached is true and c	nentioned property and certify that all the information orrect to the best of my knowledge.			
Signature Rich Brate Date 7-10-2023				
Daytime Contact Number (920) 988 -1019				
◆AREA BELOW THIS LINE F	OR OFFICE USE ONLY			
	•			

HOLLAND & THOMAS, L.L.C. - LAND SURVEYORS 202 West Street Johnson Creek, WI 53038 (920) 699-3305 H PLAT OF SURVEY EING A SRTH, C A SET OF THE SET O FOR A PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 1500, BEING A PART OF THE SE 1/4 OF THE SOUTHWEST QUARTER OF SECTION 13, TOWN 9 NORTH, RANGE 14 EAST, TOWN OF SHIELDS, DODGE COUNTY, WISCONSIN, BEING MORE \ PARTICULARLY DESCRIBED AS, FOLLOWS: N 75°-100'-28" E 75.28" 1-10 11 1-10 11 UNPLATTED LANDS REMAINDER OF LOT 1, C.S.M. NO. 1500 TRANSFER THIS PIECE TO THIS 621 PARCEL SOUTH 86"-43"-08" WEST, AL NOATH AND ITS EXTENSION OF D. THENCE CONTINUING SOUTH IN ORTH 01"-13"-58" EAST, IN O1"-16"-22" EST, 215, 215, S. RECORDED AND UN-RECOR PG (S 89°-18'-30" E) N 89°-27'-37" E 118.47' 558, I" I.D. IF N 01°-41'-19" W 562.04' (50°-24'-27" E 561 03') 03°-26'-11" E 81.4 118.09 EXISTING BARN CORNER OF SAID S. ST QUARTER AND ALC O OF THE LANDS HE O SAU BOUNDARY. 1 89-27-37-EAST. 3-06 EAST. 75.24 T TO ANY EASEMENTS. N 88°-43'-08" E N 01°-13'-58" (NORTH) 20.3 75.24 EXISTINO SHED M EXISTING SHED 010-16'-52" 335. AREA 57162.0 SQ. FT. (GROSS) 1.3123 ACRES (GROSS) SAID SE 1/ EET TO THE INC SAID SA 1, 335,46 8.09 FEET, BEGINNING JRVEYOR'S I COMMENCIN E OF SAD 1.74 FEET II A ALONG SA NOARY, 335 118.09 FE [I] 53727.4 SQ. FT. (TO R/W) 1.2334 ACRES (TO R/W) SC .92 I" O.D. IP (DIST. S 88°-06'-44" W 198.42' (0.23'S) (0.11'E) Ø 10 18.36 EDGE OF PAYEMENT V-@ 1954.51 0 474.74 S 88°-43'-08" W 198.42 (49.5" R-O-W) a.k.a. UELING ST. C. T. H. "Q" S. LINE, SW 1/4, SEC. 13-9-14 S 88°-43'-08" W 2627-68' 11 BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 13-09-14, WHICH IS ASSUMED TO BEAR S $88^\circ-43^\prime-08^\circ$ W. State of Wisconsin County of Jefferson SS 12 60' We, Holland & Thomas, L.L.C., do hereby certify that we have made this survey and that the information as shown on the above Plat of Survey is a true and correct representation thereof. Lots are drawn from subdivision plats or C.S.M.s; unplatted lands from recorded deeds/surveys. Boundary survey plats reflect field-located information; consult a title attorney to discover all the legal encumberments attached to any property. 60 0 D G Н 1 LEGEND: These standard symbols may be found in the drawing. OWNER: Rick & Stephanie Bratz P.L.S.S. Monument (w/desc.) Gas Meter S (SC) Septic Cover -O- Utility Pedestal Ø Utility Pole







Land Resources and Parks Department Staff Report

County Rezoning Petition # 2023-0591

Filing Date: July 18, 2023 Hearing Date: August 28, 2023

Applicant (Agent):

James Selchert N5410 County Road DJ Juneau, WI 53039

Owner:

Jane Selchert Trust N5410 County Road DJ Juneau, WI 53039

Location

PIN# 034-1115-2641-000

Part of the NE ¼ of the SE ¼, Section 26, Town of Oak Grove, the site address being N5410 County Road DJ.

Applicants Request

A rezoning petition has been submitted by the applicant in order they be allowed to rezone approximately 7-acres of land from the A-1 Prime Agricultural Zoning District to the A-2 General Agricultural zoning district to allow for the creation of a lot to be used for non-farm residential and commercial uses.

Land Use Code Provisions

- 1. Subsections 2.3.4.A through 2.3.4.J of the Land Use Code details procedural matters, the approval criteria and the form for the petition. The Committee must hold a public hearing and report to the County Board. The role of the Town boards in the process is also outlined in this section.
- 2. Subsection 2.3.4.B states that a petition for rezoning may be made by any property owner in the area to be affected by the rezoning.

Purpose Statements

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.

The purpose of the A-2 General Agricultural Zoning District is to promote areas for agriculture which are transitional, allowing for expansion of urban areas limited to rural residential development, and the conversion of agricultural land to other related uses, subject to appropriate standards.

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 Oak Grove has adopted the County's Land Use Code. The 101+acre parent lot is located within the A-1 Prime Agricultural Zoning District.

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

The applicant is proposing to create a 7-acre and a 94+acre lot at this location. The 7-acre lot will contain an existing residence and accessory buildings. The applicant intends to use the 7-acre lot for non-farm residential use, for commercial boat and RV storage and for on-line computer and in-person retail sales on this lot. The remaining 94+acres will remain in agricultural use at this time,

Table 3.6-1 of the Land Use Code identifies a single family residence as an allowed use within the A-2 General Agricultural Zoning District.

Table 3.6-1 of the Dodge County Land Use Code identifies storage facilities and general retail sales and services as a conditional use within the A-2 General Agricultural Zoning District.

The topography of the site is rolling with slopes ranging from 0 to 18%;

Land Use, Site: Residential and agricultural.

Land Use, Area: Agricultural with scattered residences along County Road DJ.

Designated Archaeological Site: Yes ☐ No ☒

Density Standards

The base farm tract for this property contains 101-acres within the A-1 Prime Agriculture Zoning District. The Code would allow a maximum of 4.8-acres for non-farm residential use under the conditional use permit process. Therefore, in this case, rezoning is required to allow for the creation of a 7-acre nonfarm residential lot at this location.

Town Recommendation

A recommendation has not been forwarded to the Department regarding this petition.

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 2.3.4.I of the Code with Chapter 91.48 of the Wisconsin State Statutes. The staff comments are listed in Exhibit A for the Committee review.

The staff points out that the rezoning petition is only one step in the process of obtaining the required approvals necessary to establish a commercial retail and storage facility use on this proposed lot. If the applicant is successful in obtaining approval to rezone the 7-acre lot into the A-2 General Agricultural zoning district, they will also be required to obtain a conditional use permit to allow for the establishment of the storage and retail business use of this 7-acre lot. Approval of the conditional use permit requires a public hearing be held and requires separate review and approval by the Committee. Approval of the conditional use permit is not guaranteed.

The staff believes that the committee will be able to make the findings necessary under Section 2.3.4.I of the code and Chapter 91.48 of the Wisconsin State Statutes in order to submit a favorable recommendation to the County Board for this rezoning proposal.

Exhibit A

2.3.4.1 Approval Criteria

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

- **2.3.4.I.1** 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 proposed lot to be rezoned.
- **2.3.4.1.2** 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 creation of the 7-acre lot will not place an unreasonable burden on the ability of the Town to provide adequate public facilities or services;
- **2.3.4.1.3** 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;
 - It is the staff's position that if the proposed lot to be rezoned is developed in accord with the Land
 Use Code provisions, the development project will not have an unreasonable adverse effect on
 surrounding properties or the environment;
- **2.3.4.I.4** 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;
 - It is the staff's position that the area to be rezoned is suitable for development and if the land is developed in accord with the land use code provisions, the project will not cause unreasonable soil erosion;
- **2.3.4.I.5** The proposed rezoning is consistent with the Dodge County Comprehensive Plan and Farmland Preservation Plan and the stated purposes of this Code:
 - It is the staff's position that the proposed rezoning is consistent with the Dodge County Comprehensive Plan as the site is designated as agricultural according to the County's Future Land Use Map.
 - It is the staff position that the proposal is consistent with the Farmland Preservation Plan
- **2.3.4.l.6** The proposed rezoning will not be used to legitimize, or "spot zone," a nonconforming use or structure;
 - It is the staff's position that the proposed rezoning is consistent with the County's Future Land Use
 Map as this site is designated as agriculture. The proposed 7-acre lot will remain in an agricultural
 zoning district. Therefore it is the staff's position that the proposed rezoning will not result in spot
 rezoning.

- **2.3.4.I.7** The proposed rezoning is the minimum action necessary to accomplish the intent of the petition, and an administrative adjustment, 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;
- **2.3.4.1.8** For all proposed rezoning petitions that will remove land from the A-1 Prime Agricultural Zoning District, the following additional findings shall be made:
- **2.3.4.I.8.a** The land is better suited for a use not allowed in the A-1 Prime Agricultural Zoning District;
 - The staff points out that the 7-acre lot to be rezoned contains an existing residence and accessory buildings and no additional land will be removed from agricultural production. Therefore it is the staff's position that the land is better suited for a non-farm residential use.
- **2.3.4.I.8.b** The rezoning is substantially consistent with the Dodge County Comprehensive Plan and Farmland Preservation Plan;
 - The property is designated as agriculture according to the County's Future Land Use Map and therefore it is the staff's position that the proposed rezoning is substantially consistent with the Dodge County Comprehensive Plan and the Farmland Preservation plan;
- **2.3.4.I.8.c** The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use;
 - It is the staff's position that the proposed rezoning will not substantially impair or limit the current or future agricultural use of the adjacent parcels;

2.3.4.J Approval by Affected Town Boards

Approval of rezoning petitions by affected town boards shall occur pursuant to the procedures set forth in Section 2.2.15.

A recommendation has not been forwarded to the Department regarding this petition.

Dodge County Land Resources and Parks Committee Decision

County Rezoning Petition # 2023-0591

Filing Date: July 18, 2023 Hearing Date: August 28, 2023

Applicant (Agent):

James Selchert N5410 County Road DJ Juneau, WI 53039

Owner:

Jane Selchert Trust N5410 County Road DJ Juneau, WI 53039

Location

PIN# 034-1115-2641-000

Part of the NE ¼ of the SE ¼, Section 26, Town of Oak Grove, the site address being N5410 County Road DJ.

Applicants Request

A rezoning petition has been submitted by the applicant in order they be allowed to rezone approximately 7-acres of land from the A-1 Prime Agricultural Zoning District to the A-2 General Agricultural zoning district to allow for the creation of a lot to be used for non-farm residential and commercial uses.

CONCLUSIONS OF LAW

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

2.3.4.I.1 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,

2.3.4.1 Approval Criteria

ols, police and fire protection, and roads and transportation, as applicable)	
);	
the provision of public facilities to this project place an unreasonable burd nits of government to provide them?	len on the ability o
);	
	he provision of public facilities to this project place an unreasonable burd nits of government to provide them?

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2.3.4.I.3 Will the proposed development result in significant adverse impacts upon surround the natural environment? (air, water, noise, stormwater management, soils, wildlife, and veget	•
(Yes / No / N/A); Comments	
2.3.4.I.4 Will the development of this land cause unreasonable soil erosion or have an unrea effect on rare or irreplaceable natural areas?	asonable adverse
(Yes / No / N/A); Comments	
2.3.4.1.5 Is the proposal consistent with the Dodge County Comprehensive Plan and Farmla Plan and the stated purposes of this Code?	and Preservation
(Yes / No / N/A); Comments	
2.3.4.l.6 Will the proposed rezoning be used to legitimize, or "spot zone," a nonconforming us	se or structure?
(Yes / No / N/A); Comments	
2.3.4.I.7 Is the proposed rezoning the minimum action necessary to accomplish the intent of t	the petition?
(Yes / No / N/A); Comments	
2.3.4.1.8 For all proposed rezoning petitions that will remove land from the A-1 Prime Ag District, the following additional findings shall be made:	gricultural Zoning
2.3.4.I.8.a Does the Committee believe that the land to be rezoned is better suited for residen agricultural use?	ntial use or for
(Residential / Agricultural) If the land to be rezoned is better suited for agricultural use, are there other areas on this propose better suited for the proposed residential use?	perty that would
Comments	
	Page of

2.3.4.I.8.b Is the rezoning petition substantially consistent with the Dodge County Comp Farmland Preservation Plan;	rehensive Plan and
(Yes / No / N/A); Comments	
2.3.4.1.8.c Will the rezoning substantially impair or limit current or future agricultural parcels of land that are zoned for or legally restricted to agricultural use;	use of surrounding
(Yes / No / N/A); Comments	
2.3.4.J Approval by Affected Town Boards	
Has the Town submitted a recommendation regarding this request?	
(Yes / No) Comments	
Does the application contain sufficient information necessary to make a decision on petition? Yes; No - the following additional information is needed before a decision can be made:	the rezoning
Committee Action Based upon the facts presented in the application and at the public hearing, does the believe that the criteria in Section 2.3.4.I can be met for this proposal?	e committee
(Yes/No)	
Motion byto submit a (favorable / unfavorable) recommendation Board of Supervisors on the rezoning petition as proposed.	n to the County
Motion second	
Vote Dale Macheel Yes No Abstain Not Pr Donna Maly Yes No Abstain Not Pr Ben Priesgen Yes No Abstain Not Pr Dan Siegmann Yes No Abstain Not Pr Mary Bobholz – Chair Yes No Abstain Not Pr	resent resent resent
Motion (Carried / Denied)	

Page ___ of ___

<u>ORDER AND DETERMINATION – REZONING PETITION</u> On the basis of the above findings of fact, conclusions of law and the record in this rezoning matter, the

committ	tee:				
		proposed. An ordinance shall also	endation to the County Board on the rezoning petition as be drafted effectuating the recommendation of the all be submitted to the Board for approval;		
1	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 recorrezoning petition as proposed;	mmendation to the County Board on the		
		shall provide a "No Recommendat proposed;	tion" to the County Board on the proposed rezoning petition as		
Dodge (County	Land Resources and Parks Comn	nittee		
Signed		Chairperson	Attest 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-ман: landresources@co.dodge.wi.us

Activity No. 230591

τ THIS AREA FOR OFFICE USE ONLY τ

REZONING PETITION

Petition Fee: \$350 (Payable to Dodge County) **PROPERTY DESCRIPTION** NAMES & MAILING ADDRESSES Parcel Identification Number (PIN) 034-1/15 Petitioner (Agent) JAMES SEICHERT N 54 10 COUNTY City • State • ZipCode JUNEAU WE 53039
Property Owner (If different from petitioner) Address Of Property (DO NOT Include City/State/ZipCode) N5410 COUNTY DJ N 5410 COUNTY
City • State • ZipCode Is this property connected to public sewer? 🗆 Yes 💢 No JUNEAU, WI **CONTACT PERSON** Name and daytime phone number (include area code) of a person we can contact if we have any questions about your petition. Daytime Phone (<u>920</u>) <u>390 - 0947</u> Name JIM SEICHERT **PROPOSED REZONING Proposed Zoning District Current Zoning District** @ GENERA ABRICULTURAL PRIME AGRI CULTURAL Reason For Rezoning SALE OF FARMLAND / USE OF BUTLDINGS FOR STORAGE OF BOATS A RUS ONLINE + IN PERSON RETAIL Please complete the site map on the reverse side of this sheet. CERTIFICATE , 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_ Daytime Contact Number (_____ ◆ AREA BELOW THIS LINE FOR OFFICE USE ONLY ◆

BOPH + RV. STORAGE

ONLINE + IN PERSON RETAIL

NORMAL RETAIL HOURS

YAT PAZ

UNKNOWN EMPLOYEES

A+FIRST JUST ME(1)

USING EXISTING BUILDINGS

DUST TO DAWN LIGHTS - CURRENTLLY |

POSSIBLY | MORE

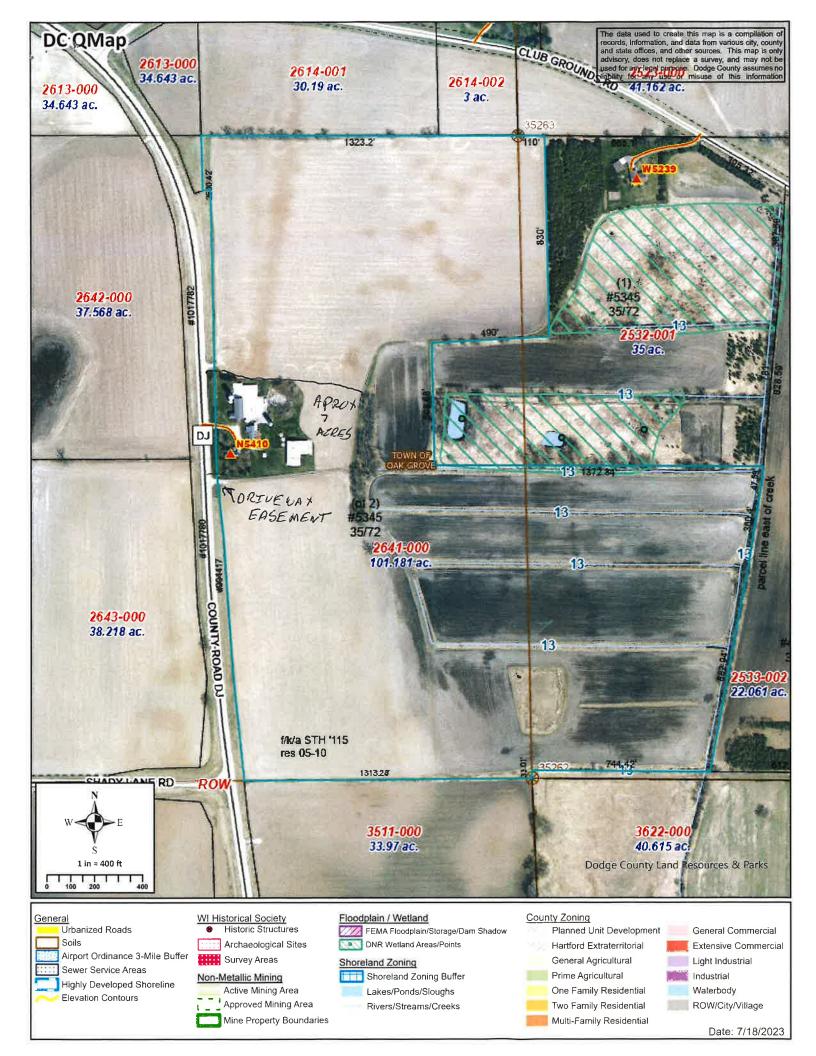
EXISTING SEWER | DRAINFIELD |

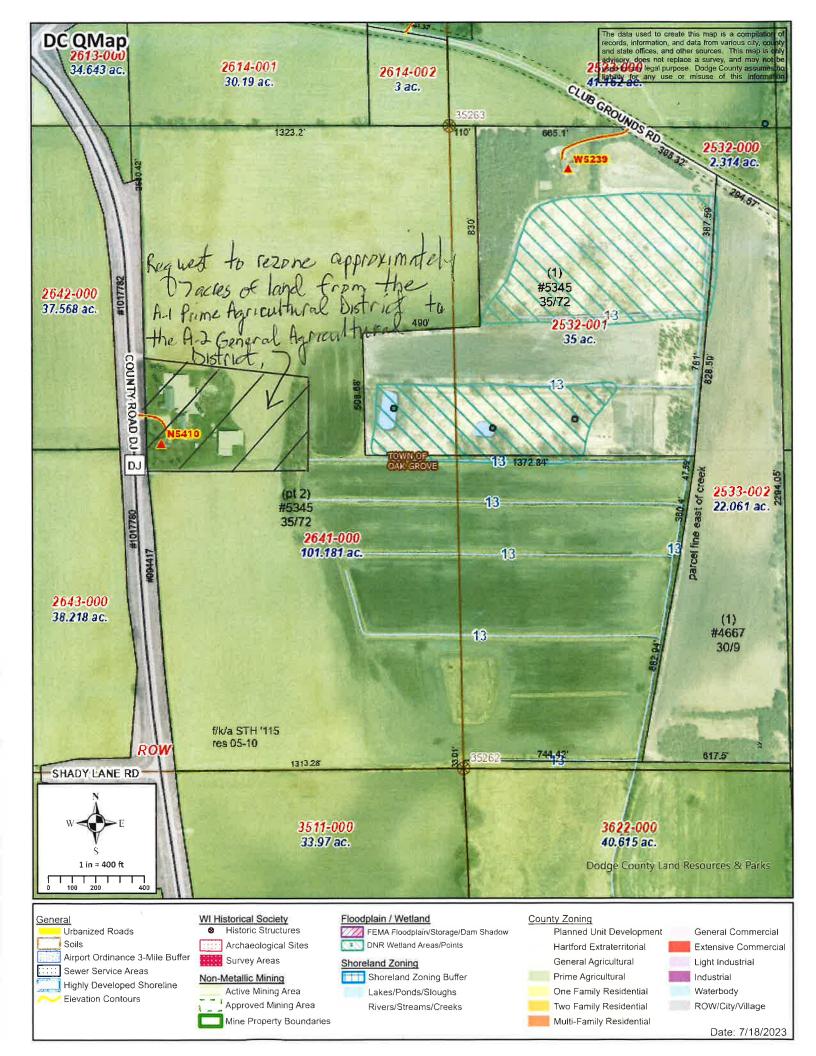
WITH ADDITION OF TOTLET IN BARN

PARKING SPACES APROX4-60

EXISTING PARM SIGN MAY BE REPLACED
WITH BUSSINESS SIGN

NO HAZMAT YO BE STORES







Land Resources and Parks Department Staff Report

County Conditional Use Permit Application # 2023-0598

Filing Date: July 19 2023

Hearing Date: August 28, 2023

Applicant (Agent):

Keller Inc. W204 N11509 Goldendale Road German Town, WI 53022

Owner:

Red Bud City Properties LLC 207 Avalon Road Columbus, WI 53925-1807

Location

PIN#: 014-1013-0713-004

Location: Part of the SW ¼ of the NE ¼, Section 7, Town of Elba, the site address being N4335, N4301,

N4315, and N4341 Temkin Road.

Applicants Request

An application for a County Conditional Use Permit under the Dodge County Land Use Code, was made by the applicant in order to bring the existing Columbus Chemical Industries chemical manufacturing production facility into compliance with the Code to allow for the addition of a receiving and load out dock area on this facility.

Project Details

Columbus Chemicals Industries, Inc. is a world class supplier of high purity chemical products and custom engineered solutions. They process and package high purity and ultra-pure chemicals, specializing in acids, their blends, and dilutions. They also package a very broad range of inorganic salts and other chemicals. Their state of the art warehouses in Columbus, Wisconsin and Phoenix, Arizona are licensed to store a wide range of hazardous materials including flammables, corrosives, acids and blends. Columbus Chemical will be constructing an approximate 31'4" X 52' (1612 square foot) receiving/load out building with three loading docks along the east side of the current facility. The use of the addition will be the loading and unloading of product already produced within the existing facility. Due to the nature of Columbus Chemical Industries products, there will be containment designed per code within the dock pit to property collect any spill that may occur.

Currently, Columbus Chemicals has 54 full time employees

- 23 Employees work from 6am 3 pm M-Th and 6am 10 am Fridays.
- 28 Employees work from 7am 4pm M-Th and 7am-11am Fridays.
- 3 Employees work from 11pm 8am Sunday Wednesday and 5pm to 9pm Fridays.

There are 74 parking spaces available.

There are approximately 28-31 parking spaces utilized on any given shift.

Hours of operation

- Monday Friday from 6:00 AM to 5:00 PM
- 3 Employees work from 11pm 8am Sunday Wednesday and 5pm to 9pm Fridays.

Outside lighting will include wall pack lights on the east side of the building. The north façade will also have a few wall pack lights to illuminate the dock area.

The state-of-the-art warehouses are licensed to store a wide range of hazardous materials including flammables, corrosives, acids, and blends. Columbus Chemical Industries undergoes regular audits and inspections from local, state and federal licensing agencies and their customers. CCI maintains a Hazmat Team of 12 Employees and every team member has received the required Hazwopper training for hazardous substance removal. If a significant incident happens that is beyond the scope of the internal hazmat team, aid would be sought from professional hazmat response services. There have been no incidents from which outside assistance was needed in the past five years.

The facility is served with an ESFR sprinkler system and the flammables area has an AR-AFFF foam system. The warehouse is completely contained, and designed to hold both the stored chemicals and fire suppression system water. Storm drains are separate and are covered in a WDNR "No Exposure" certification.

County Jurisdiction

The County has Zoning Jurisdiction over this site as the Town of Elba 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. The Committee shall authorize the Land Use Administrator to issue a Conditional Use Permit (CUP) for conditional uses after review and a public hearing, provided that such conditional uses or structure are found to be in accordance with the purpose and intent of this Code and the approval criteria provided in Section 2.3.6.F and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the area.

Land Use Code Provisions:

1. Section 3.6 and Table 3.6-1 of the Land Use Code identifies "Manufacturing of Hazardous Materials" as a conditional use in the I-2 Industrial Zoning District.

Purpose Statement

The purpose of the I-2 Industrial District is to promote areas for manufacturing and other industrial or non-industrial uses which may produce smoke, odors, noise, health hazards, traffic congestion, or might otherwise be considered offensive by a significant portion of the population, 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 Elba has adopted the County's Land Use Code. The site is located within the I-2 Industrial Zoning District.

The lot is not located within the County's Shoreland or Floodplain jurisdiction.

The County considers the existing chemical manufacturing and warehousing business as a legal existing, non-conforming manufacturing business as the use of the property existing prior to the adoption of the County Code in 2015.

Section 10.2.1 of the Code allows a lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Code to continue although the use does not conform with the provisions of this Code. However, only the portion of the structure, land or water in actual use may be so continued, and the structure, land, water or area within which the use is contained may not be extended, enlarged, modified.

added to, repaired, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order, so as to comply with the provisions of this Code, or in accord with Sec. 10.2.4. The applicant has submitted the conditional use permit to bring the use of this property into compliance with the Code in order he be allowed to construct a new loading dock along the east side of the facility.

The topography of the 6.9-acre site is rolling with slopes ranging from 0 to 6%;

Land Use, Site: Chemical Manufacturing and warehousing business.

Land Use, Area: Mixture of commercial retail businesses, chemical manufacturing, auto and equipment sales and service, self service storage businesses and residences.

Designated Archaeological S	Site: Yes 🗌	No 🖂	
Town Recommendation:	Approve	Deny	No recommendation submitted

<u>Chapter 8 Review – Development Standards</u>

According to Section 8.1.4.B of the Code, the Committee may waive any or all of the other requirements of this chapter (Chapter 8 Development Standards) not including the filling, grading, lagooning, or dredging regulations, if the Committee determines that:

- B.1 The site or activity in question will have no appreciable off-site impact;
- **B.2** Compliance with the requirement(s) is impractical or impossible due to site conditions or other circumstances beyond the control of the applicant; or
- **B.3** The specific requirement is not necessary for a particular site to ensure compliance with the requirements of this chapter.

Off Street Parking

Section 8.2.2.A of the code requires a minimum of 1 off-street parking space per each employee on peak shifts plus 1 additional space per each company vehicle.

- There are 54 full time employees with a maximum of 31 employees per peak shift.
- The code requires a minimum of 31 off-street parking spaces with a minimum of 2 handicapped spaces.
- There are 74 off-street parking spaces available.

The existing off street parking at this location complies with the code.

Operational Compatibility Standards

Section 8.5 of the code lists the operational compatibility standards in the code including but not limited to noise, glare, refuse collection, hours of operations, ventilation and the control of odors, etc.

The operation of the facility will be required to comply with the operational compatibility standards listed in the Code. The new loading dock will be required to be designed in accordance with the operational compatibility standards listed in Section 8.5 of the code and the applicant will be required to submit detailed building and site design plans to this department for review and approval prior to the approval of a land use permit for the construction of this loading dock facility:

Landscaping and Buffering

Section 8.6 of the code lists the landscaping and buffering requirements for non-residential buildings. According to the code, 1 tree and 5 shrubs are required for buffering and/or visual screening for every 500 square feet of impervious surface area. Landscaping is generally placed along public roads and abutting property lines unless the adjacent properties have similar uses.

There is approximately 182,155 square feet of existing impervious surface area at this location. The code would require a total of 364 trees and 1822 shrubs to be used to meet the landscaping requirements for this site.

According to the application, approximately 5 trees and shrubs will be removed from along Thoma Road to accommodate a larger entrance to the new loading dock. There are no plans at this time to replace the 5 trees that will be removed.

This site contains existing mature trees along the northwest side of the facility along the property boundaries and contains trees and shrubs along the south, east and west sides of the facility. There are limited open space areas on this lot in which to locate additional trees and/or shrubs on this site. It is the staff's position that compliance with the landscaping and buffering requirement would be impracticable or impossible due to the minimal existing suitable planting areas available on this site. A waiver to this requirement may be required.

Screening Requirements

8.6.8.A Parking Areas

8.6.8.A.1 All off-street parking areas serving non-residential uses and containing 5 or more spaces shall be screened from view of all adjacent residential districts by a solid, decorative wall made of concrete, wood, or masonry. The fence or wall shall have a maximum height of 6 feet, except that the height of a wall adjoining a required front setback in a residential district shall not exceed 32 inches. Required landscape buffers shall be located on the outside of the fence or wall.

The parking area along the northwest side of the building is partially screened from the residences along the north side of the facility by existing trees. Compliance with the screening requirement could be improved by use of fencing or additional tree plantings in the open spaces along the property line if it is deemed necessary to improve the screening at this location. A waiver to the screening requirement may be required if no fencing is required.

Exterior Lighting

Section 8.8 of the code lists the lighting standards. According to the code, exterior lighting shall meet the functional and security needs of the subject development in a way that does not adversely affect the adjacent properties or the neighborhood.

Outside lighting will include wall pack lights on the east side of the building. The north façade will also have a wall pack lights to illuminate the dock area.

The applicant will be required to submit lighting plans to this Department in accord with Section 8.8 of the code for review and approval prior to the approval of a conditional use permit and the land use permit for this facility;

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 of the code. The staff comments are listed in Exhibit A for review by the committee.

The staff points out that the property does not comply with the landscaping and screening requirements of the Code, however, it is the staff's position that compliance with these standards would be impracticable or impossible due to the minimal existing suitable planting areas available on this site. A waiver to these requirements may be required.

If the Committee can make the findings necessary under Section 2.3.6.F of the code that are required to approve the Conditional Use Permit for this project the staff recommends the following conditions and waivers:

CONDITIONS:

- 1. The business operation shall be conducted without offensive noise, vibration, dust, smoke, odor, glare, lighting or the risk of fire, explosion or other accident and shall not be detrimental to the public health, safety, or general welfare of the immediate neighborhood or community.
- 2. All Federal, State, County and Local Municipality permits and approvals shall be obtained for the proposed chemical processing, storage and distribution facilities on this site.
- 3. All exterior lighting plans shall meet the functional and security needs of the proposed development without adversely affecting adjacent properties or the community.
- 4. Any significant change or expansion of the facilities on this site may require that a new conditional use permit be obtained.
- 5. The business shall have adequate and code-compliant sanitary accommodations to serve the employees and customers of the facility.
- 6. The applicant shall obtain a County Land Use permit for all construction projects for this site;
- 7. All hazardous wastes used in the operation of the business shall be stored, handled and disposed of in accord with the applicable regulations.
- 8. Any significant change to or expansion of the business operation and/or of its facilities may require that a new Conditional Use Permit be obtained.
- 9. 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.
- 10. 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.

Waivers

Section 8.6.5 – Landscaping Requirements.

Section 8.6.8 Screening Requirements.

EXHIBIT A

Staff Review Comments

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

- **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 if the project is constructed in compliance with the development standards of the code, the proposal will be compatible with the adjacent uses;
 - Additional screening along the northwest side of the facility could be accomplished by requiring the planting of additional trees and/or the construction of a solid fence along the northwest property lines.
- **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 if the project is constructed in compliance with the development standards
 of the code, and the plant is operated in accord with local, state and federal hazmat requirements 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 project to add a loading dock on this site will not have an adverse impact on the value of other property in the area provided the loading dock area is screened from adjacent lots, the lighting for the dock area is properly located and is screened from the adjacent homes in this area and the hours of operation and the noise levels from the dock area are compliant with the code requirements.
- **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 any significant adverse impacts on the natural environment will be mitigated to the maximum practical extent;
- **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 the proposed use is not located within a hazards area;
- **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 does not comply with the landscaping and screening requirements of the code. Waivers could be made for these requirements if the Committee believes that the criteria of Section 8.1.4.B can be met.

Dodge County Land Resources and Parks Committee Decision

County Conditional Use Permit Application # 2023-0598

Filing Date: July 19 2023 Hearing Date: August 28, 2023

Applicant (Agent):

Keller Inc. W204 N11509 Goldendale Road German Town, WI 53022

Owner:

Red Bud City Properties LLC 207 Avalon Road Columbus, WI 53925-1807

Location

PIN#: 014-1013-0713-004

Location: Part of the SW 1/4 of the NE 1/4, Section 7, Town of Elba, the site address being N4335, N4301,

N4315, and N4341 Temkin Road.

Applicants Request

An application for a County Conditional Use Permit under the Dodge County Land Use Code, was made by the applicant in order to bring the existing Columbus Chemical Industries chemical manufacturing production facility into compliance with the Code to allow for the addition of a receiving and load out dock area on this facility.

CONCLUSIONS OF LAW

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

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/	If not, what measures can be taken to mitigate any potential conflicts?
6. F.3 Will	I the proposed use be significantly detrimental to the public health, safety, and welfare
6. F.3 Will	

(Yes /	No) If yes, what measures can be taken to mitigate the decrease in the value of the properties?
	e public safety, transportation and utility facilities and services available to serve the subject 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?
	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 th	ne 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.4 Will the project cause a substantial decrease in value of other property in the neighborhood in which

it is to be located;

According to Section 8.1.4.B of the Code, the Committee may waive any or all of the requirements of Chapter 8 (Development Standards) not including the filling, grading, lagooning, or dredging regulations, if the Committee determines that:

- **B.1** The site or activity in question will have no appreciable off-site impact;
- **B.2** Compliance with the requirement(s) is impractical or impossible due to site conditions or other circumstances beyond the control of the applicant; or
- **B.3** The specific requirement is not necessary for a particular site to ensure compliance with the requirements of this chapter.

According to the information provided the proposed project does not comply with the landscaping and screening requirements of the Code.

Does the Committee believe that waivers can be approved to the landscaping standards of Section 8.6.5 and the screening requirements of Section 8.6.8 for this project?

E 4 D	
.F.1 Do	es the proposed project comply with all applicable provisions of this Code?
(Yes /	

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)

Motion (Carried / Denied)

- 1. The business operation shall be conducted without offensive noise, vibration, dust, smoke, odor, glare, lighting or the risk of fire, explosion or other accident and shall not be detrimental to the public health, safety, or general welfare of the immediate neighborhood or community.
- 2. All Federal, State, County and Local Municipality permits and approvals shall be obtained for the proposed chemical processing, storage and distribution facilities on this site.
- 3. All exterior lighting plans shall meet the functional and security needs of the proposed development without adversely affecting adjacent properties or the community.
- 4. Any significant change or expansion of the facilities on this site may require that a new conditional use permit be obtained.
- 5. The business shall have adequate and code-compliant sanitary accommodations to serve the employees and customers of the facility.
- 6. The applicant shall obtain a County Land Use permit for all construction projects for this site;
- 7. All hazardous wastes used in the operation of the business shall be stored, handled and disposed of in accord with the applicable regulations.
- 8. Any significant change to or expansion of the business operation and/or of its facilities may require that a new Conditional Use Permit be obtained.
- 9. 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.
- 10. 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.

<u>vvaivers</u>	
Section 8.6.5 – Landscaping Requirements.	
Section 8.6.8 Screening Requirements.	
Others	
Does the committee believe that the Conditional Use Permit Request meets the approval criteria in 2.3.6.F of the County Land Use Code? (Yes / No)	Section
Motion byto approve the conditional use permit request based upon the mentioned findings, conditions and waivers.	e previously
Motion second	
Vote Dale Macheel Yes No Abstain Not Present Donna Maly Yes No Abstain Not Present Ben Priesgen Yes No Abstain Not Present Dan Siegmann Yes No Abstain Not Present Mary Bobholz – Chair Yes No Abstain Not Present	

Page ___ of ___

ORDER AND	DETERMINATION	
On the basis of	of the above findings of fact, conc	lusions of law and the record in this matter the committee
		the conditional use permit subject to the conditions listed above is directed to issue a conditional use permit incorporating the
		nit request as proposed and the Land Use Administrator is e permit incorporating the decision of this Committee.
	Denied the conditional use perm does not meet the following appr	it request as proposed. The committee finds that the proposal oval criteria of the code:
use permit sha approval for s	all become void after one year un	e Committee requiring a Zoning official to issue a conditional ess the applicant or appellant shall have met the conditions of permit has been issued by the Zoning official within such time, so specified by the Committee.
		Committee in accord with Section 11.4.4 of the Dodge County be heard for violation of any of the conditions imposed.
officer, depart with the Dodg whom the app and decision r	ment, board or bureau of the Cou e County Land Resources and Pa eal is taken within 30 days after t	y person or their agent aggrieved by this decision or by any nty, or by any affected town board. Such appeals shall be filed arks Department or the review and decision making body from the date of written notice of the decision or order of the review thes no liability for and makes no warranty as to reliance on this expiration of this 30-day period.
	I use permit is denied, the applica entained in s. 59.694(10) Wis. Sta	ant may appeal the decision to the circuit court under the ts.
Dodge County	Land Resources and Parks Com	nmittee
Signed		Attest
	Chairperson	Secretary

Filed: _____

Dated: _____



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. 230598	Permit Issued Date
Application Date:	Receipt #:

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

	(1) NAMES & MAILING ADDRESSES (2) PROPERTY DESCRIPTION										
Applicant (Agent)		Parcel Identificati									
Keller, Inc.		014-1013-07	` '	14-1013	- 07	2-	004				
Street Address		014-1013-0724-006									
W204 N11509 Gol	dendale Rd	Elba			07	10	13E				
City • State • ZipCode	defination Na	1/4	1/4	Section	Acreage		Lot (Block)				
Germantown, WI 5	3022	SE	NW	7	10.439						
Property Owner (If different		Subdivision or CS	SM (Volume/Page/	Lot)							
Richard J Sheard		1 CSM 3903	In V24 P48								
Street Address	9	Address Of Prope	erty (DO NOT Inclu	ude City/State/ZipC	Code)						
207 Avalon Rd.		N4293 Temk	in Rd.								
City • State • ZipCode Columbus, WI 5392	25	Is this property connected to public sewer?									
	(3) PROPERTY USE	(4) PROPOSED PROJECT									
	Current Use Of Property	(Please che	eck/complete	all that apply	below)						
☐ Vacant Property		□ Non-Farr	n Residential I	Lot □ Sing	gle Family	Res	sidence				
☐ Single-Family Re	esidential	☐ Two-Fam	nily Residence	☐ Muli	ti-Family	Resid	dence				
☐ Active-Working I		☐ Tavern o	r Restaurant	□ Prof	fessional	Offic	e				
_	strial • Commercial • (Describe below)	□ Non-Meta	allic Mine/Qua	rrv □ Win	d Tower						
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Other			xpand Busines		ine Fond	- 2-	-acies				
		⊔ Wireless	Communication	ons lower							
	DNR Notice			d Storage Yar							
	esponsible for complying with State and Federal laws concerning etlands, lakes and streams. Wetlands that are not associated	☐ Filling, G	rading or Dred	lging in the Sh	oreland E)istri	ct				
with open water can be d	ifficult to identify. Failure to comply may result in removal or	Other: Bring	the existin	<u>g use into c</u>	omplian	ce					
information, visit the Depart	on that violates the law or other penalties or costs. For more artment of Natural Resources Wetlands Identification Web Page										
(www.dnr.state.wi.us) or o	contact a Department of Natural Resources Service Center				#30.7 w 1 5	200	00.00				
S. E. Wilder	(5) CERT				Was Co	Ţ	3 - 7074				
that I have read the DNR and regulations. I hereby	y apply for a Conditional Use Permit and certify that all the information Notice shown above. I affirm that all work performed will be done authorize members of the Dodge County Land Resources and Penty application request and to conduct land use code inspections.	e in accordance wit	th the Dodge Cour	ity Land Use Code	and with all	other	applicable laws				
Signature		Date <u>7/13/2023</u>									
	Daytime Contact Number (<u>262</u>) 82										
	AREA BELOW THIS LINE	FOR OFFICE	USE ONLY								
	LAND RESOURCES AND PA	RKS COMMITT	EE ACTION								
Date of De	cision C	ecision									
☐ APPROVED	Conditions		Land Res	ources and Pa	rks Depar	men	t				
☐ DENIED			<u></u>								
			Date:								

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Notes/Stipu	lations									☐ Appro	oved	□ App	roved	w/Condi	itions	D	enied		
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□ Apr	огочес		enied										_						

Columbus Chemical Narrative



June 29, 2023

Dodge County
Land Resources & Parks Department
127 E Oak St.
Juneau, WI 53039

RE: Columbus Chemical

Dear Land Resources & Parks Department,

Columbus Chemical Industries, Inc. traces its roots to the mid-1960s when brothers Richard, Edward, and Thomas Sheard packaged and sold laboratory chemicals from a printed catalog. Richard Sheard officially incorporated Columbus Chemical Industries, (CCI), in 1978 as a company servicing the needs for laboratory chemicals. As growth was built on marketplace success, CCI became known for specialty chemicals, in particular high purity chemicals.

Today, Columbus Chemical has two production facilities in Columbus, WI and Phoenix, AZ. They are pleased to be recognized as a world class supplier of high purity chemical products and custom engineered solutions to Fortune 500 companies around the world.

Hours of Operations will be as follows:

Monday - Friday from 6:00 AM - 5:00 PM

Columbus Chemical will be constructing a 1,612 sq. ft. receiving/load out building with (3) loading docks. This building is shown on the elevation plans supplied. The addition will be on the east side of the existing building. Business use will be the loading and unloading of product already produced in the current facility.

Building plans are included for reference. Outside lighting will include a few wall packs on the east side of the building. The north façade will receive a few wall packs to luminate the dock area.

Due to the nature of Columbus Chemical Industries products, there will be containment designed per code within the dock pit to properly collect any spill that may occur.

Keller

Columbus Chemical Narrative

If any of the County planning department members or the general public have any questions regarding Columbus Chemical's addition, please feel free to contact Keller, Inc. at any time. Thank you all for your consideration of this project.

OWNER Columbus Chemical Industries

Richard Sheard (920) 296-9327 N4335 Temkin Rd. Columbus, WI 53925

ARCHITECT/ Keller, Inc.

BUILDER Scott Lausten (Project Manager)

Steve Klessig (Architect)

W204 N11509 Goldendale Road

Germantown, WI 53022 (262) 250-9710 office (262) 825-6163 cell

slausten@kellerbuilds.com

CIVIL Parish Survey & Engineering

Kevin Parish (262) 346-7800 122 Wisconsin St.

West Bend, WI 53095 kparish@parishse.com

Chemical Processing

CCI has been providing chemical processing solutions for over 40 years.



Our commitment to quality is unsurpassed in the industry, and our state-of-the-art facilities allow us to ensure high purity chemicals and raw ingredients at a great price.

Having recently added another 5,000 gallon custom blending system to our manufacturing plant in Columbus, WI, CCI is positioned for rapid growth and expansion in our custom chemical processing business. CCI has blending systems dedicated to nitric acid, hydrochloric acid, sulfuric acid, and has several specialty blending systems for our customers seeking a long-term contract.

Licensed Facilities

Our state-of-the-art warehouses in Columbus, WI and Phoenix, AZ are licensed to store a wide range of hazardous materials including flammables, corrosives, acids, and blends. CCI undergoes regular audits from both licensing agencies and our own customers. We open our doors for these audits and consider them to be integral to our commitment to high quality and responsible distribution of our products. Our dual locations allow us to provide extra strategic support to established and emerging markets in the mid-west and southwest, while also providing closer to home options for both the east and west coast.

Agency Compliance Inspections

CCI considers compliance to local, state and federal regulations to be a critical competency in serving our customers. In addition to our licensing inspections, CCI is subject to regulation by multiple government agencies, many of which perform routine inspections and on-site audits for chemical handling facilities.

Recent visitors to CCI facilities include the US Department of Transportation, Pipeline and Hazardous Materials Safety Agency (PHMSA), the Department of Homeland Security (DHS), the local Fire Departments, the Wisconsin Department of Safety and Professional Services, the Federal Bureau of Investigation (FBI), and the US Occupational and Safety Administration (OSHA).

Laboratory Capabilities

From standard, wet chemistry techniques to modern, instrumental trace analysis, CCI has the personnel and equipment to ensure our products meet the highest quality standards. As part of our continuing emphasis on product quality, CCI's recent investments in our analytical capabilities afford us the ability to test for many common impurities to sub-ppb levels. Additionally, CCI's talented laboratory staff can put their skills and equipment to work to help engineer custom solutions for a variety of markets.

Pure H2O

High purity and batch consistency are crucial to our semiconductor and pharmaceutical customers, which is why CCI has recently upgraded our water purification and filtration system. Making our own water for use in the blending process ensures a high standard of quality control and minimizes particulates and trace minerals in our final products.

Our Reverse Osmosis and De-Ionization (RO/DI) water filtration system supports production water quantity, quality, and reliability, allowing us to provide consistent high purity blends for our semiconductor, pharmaceutical, and biotech customers.

CCI Wastewater Reduction/Green Initiative

Keeping an eye on the future, CCI is continuing our efforts to further reduce our generation of process wastewater and waste. This ongoing focus on waste reduction will help protect our environment and represents our commitment to our core values of safety, integrity, and dedication to service.

Ultra High Purity, ACS, and Reagent Grade Chemicals

CCI processes and packages high purity and ultra pure chemicals, specializing in acids, their blends, and dilutions. We also package a very broad range of inorganic salts and other chemicals – all high purity. These purity levels are preserved throughout packaging and handling to ensure complete chemical integrity.

Our analytical laboratory inspects all incoming chemicals for compliance with established specifications as well as customer-specific requirements. In addition, we've implemented quality systems and training programs to completely satisfy all regulations along with our customers' technical needs.

Pharmaceutical

CCI is a leading provider of high quality chemicals for a diverse range of applications in the pharmaceutical industry.

We provide rigorously tested ingredients that will meet or exceed your purity and quality control requirements.

Biotechnology

With the ever-growing needs of the rapidly growing biotechnology field, CCI has been upgrading equipment and capacity to provide custom processing solutions for the wide array of biotech applications. Our proximity to the growing biotech industries in Phoenix, AZ and the Southwest, and in Wisconsin and Minnesota, is just part of the reason so many emerging companies are turning to CCI for their biotech chemical solutions.

Semiconductor

Our broad line of high purity chemicals for SEMI, VLSI integrated-circuits, and electronics manufacturers represent all of your fabrication processing needs, including basic acids, solvents, and bases. We also specialize in custom toll blending and can produce high quality <u>buffered etchants</u>, and <u>custom blended acids</u> according to your specifications.

Medical Devices

CCI has been providing individual specialty chemicals, <u>custom processing solutions</u>, and multi-component kits to the medical device industry for decades. Our expertise and processing facilities allow us to serve customers in this industry safely, on-time, and to specification.

Energy

CCI has been making great strides in supplying energy companies with custom chemical solutions for nuclear, solar, wind, and coal power producing facilities. Our line of specialty chemicals can be tailor mixed to your specifications, and we provide a wide range of packaging options. With our high-capacity distillers and 5,000 gallon blending units, we can provide you with liters, drums, or totes of just about anything your company requires.

Industrial Manufacturing

CCI is able to support industrial manufacturing chemistry needs from development stages to full scale production. Both our Columbus, WI and Phoenix, AZ plants maintain large scale production systems and offer in-house laboratory services to ensure top quality product for industrial markets.

Our History

Columbus Chemical Industries, Inc. traces its roots to the mid-1960s when brothers Richard, Edward, and Thomas Sheard packaged and sold laboratory chemicals from a printed catalog. Richard Sheard officially incorporated Columbus Chemical Industries, (CCI), in 1978 as a company servicing the needs for laboratory chemicals. As growth was built on marketplace success, CCI became known for specialty chemicals, in particular high purity chemicals. This ability to produce and supply products of high purity led to growth in a number of industries including the electronics / semiconductor, pharmaceutical and medical device industries. Since our founding in Columbus, Wisconsin in the 1970's, CCI has achieved significant growth which included numerous expansions and today includes production facilities in Columbus, WI and Phoenix, AZ. We are pleased to be recognized as a world class supplier of high purity chemical products and custom engineered solutions to Fortune 500 companies around the world! Richard Sheard continues his entrepreneurial leadership today as CCI's Chairman of the Board to guide CCI through a bright and growing future.

Environmental Sustainability

One of CCI's core values is "Safe Environment". This value not only incorporates the procedures we have to respect and keep our team members safe everyday, but includes "Environmental Sustainability". CCI is dedicated to the development, implementation and maintenance of sustainable processes. We are regularly recognized by customers, suppliers, the community and regulators for our processes, the results we achieve and our willingness to share our practices with others. Although these may be good corporate practices, they are vitally important to us because we live with our neighbors and friends in the communities where we work. Our sustainability goals are designed to handle all chemicals safely, improve energy efficiency, and minimize the consumption of natural resources in order to maintain our valuable resources for future generations.

Responsible Distribution

CCI is proud to be a member of the National Association of Chemical Distributors, (NACD). As part of our ongoing efforts to operate responsibly, CCI not only adheres to the requirements of NACD's Responsible Distribution rigorous certification process but participates in programs to continuously improve the health, safety and environmental performance of our products and facilities. This Responsible Distribution certification includes complete accountability for how we handle, package, warehouse and deliver chemical products for our customers.

Currently, Columbus Chemicals has 54 full time employees

- 23 Employees work from 6am 3 pm M-Th and 6am 10 am Fridays.
- 28 Employees work from 7am 4pm M-Th and 7am-11am Fridays.
- 3 Employees work from 11pm 8am Sunday Wednesday and 5pm to 9pm Fridays.

There are 74 parking spaces available.

• There are approximately 28-31 parking spaces utilized on any given shift.



-- PROPOSED ADDITION FOR

N4335 TEMKIN ROAD

GENERAL NOTES COLUMBUS, WISCONSIN 53925 PROJECT INFORMATION

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BUILDING SIZE

EXISTING EAST BUILDING ADDITION

APPLICABLE BUILDING CODE

2015 INTERNATIONAL BUILDING CODE (W/WI AMENDMENTS)
ASHRAE STANDARD 90 1-2013
ADA 2010 STANDARDS TITLE II and III

OCCUPANCY (SEPARATED - 3 HR FIRE WALL)

10.630 St 1,081 St 19,012 SF 3,681 SF 1,678 SF

CONSTRUCTION CLASSIFICATION

Rody due and experience is explained properly system, mode or calcular arribors of nuclear in account of the property of the large of the property of the prop

GENERAL T1 0

SHEET INDEX

ACTUAL AREA (PER FLOOR) XXXXXX S F
ACTUAL/ALLOWABLE RATIO XX

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ARCHITECTURAL EXISTING / DEMOUTION PLAN, PROJECT NOTES
PROPOSITOR PLAN
BUILDING SECTIONS
FOUNDATION PLAN, DETAILS
FRANKIC PLAN, BITTAILS TITLE SHEET, ARCHITECTURAL SITE PLAN GENERAL NOTES, PROJECT INFORMATION

DESIGNER

XPEDITOR: SAME OF

LOCATION MAP

PLANNERS ARCHI П W

ARCHITECTURAL SITE PLAN

H4 17,500 SF 13,125 SF 47,631 W BUS COLUMBUS WISCONSIN, 53925 N4335 TEMKIN ROAD

TYPE IIB UN-PROTECTED CONSTRUCTION
TOWN BUILD ONG GENETER SEI UF
ALLOWABLE AREA
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TABLOWAGE INCREASE
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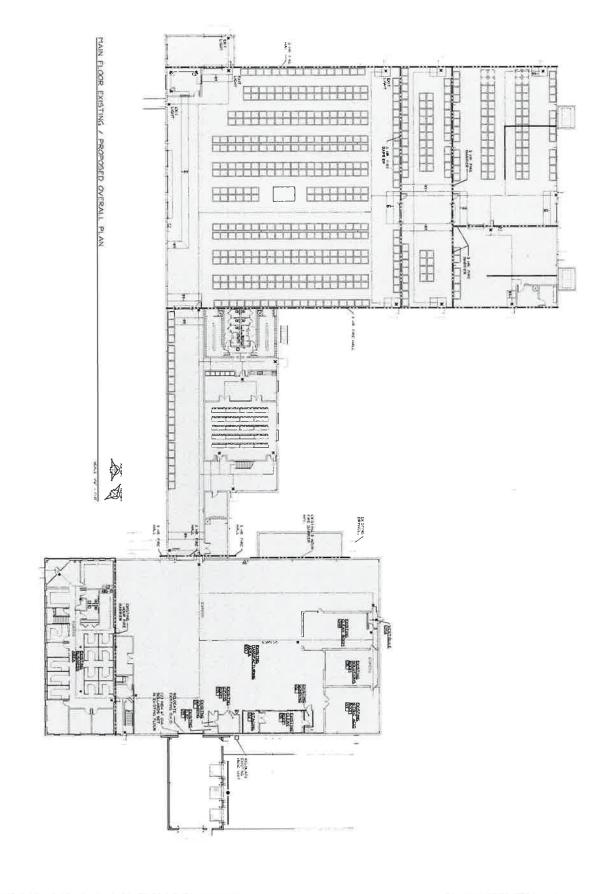
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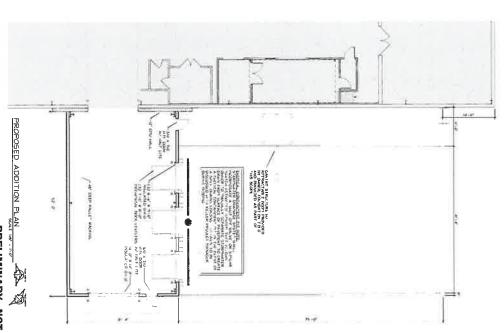
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PROPOSED ADDITION FOR:

COLUMBUS CHEMICAL

PROJECT INJUSTING

PROPOSED ADDITION FOR:

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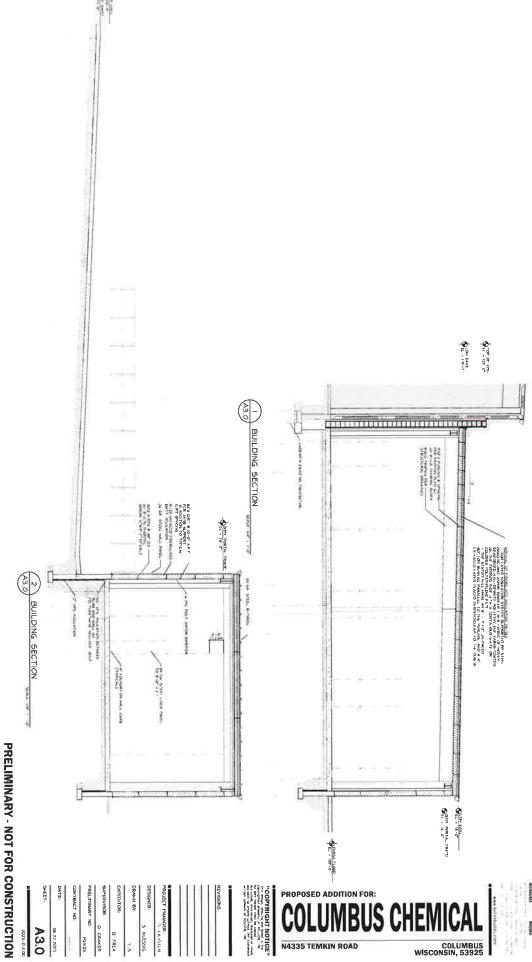
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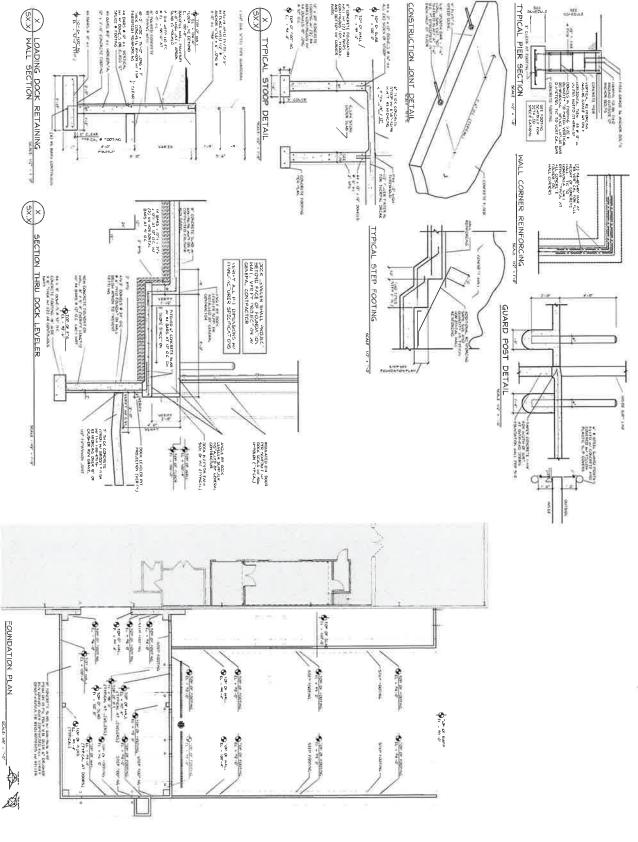
PROPOSED CHEMIC



PRELIMINARY - NOT FOR CONSTRUCTION







PRELIMINARY - NOT FOR CONSTRUCTION

CONTROL PARTIES

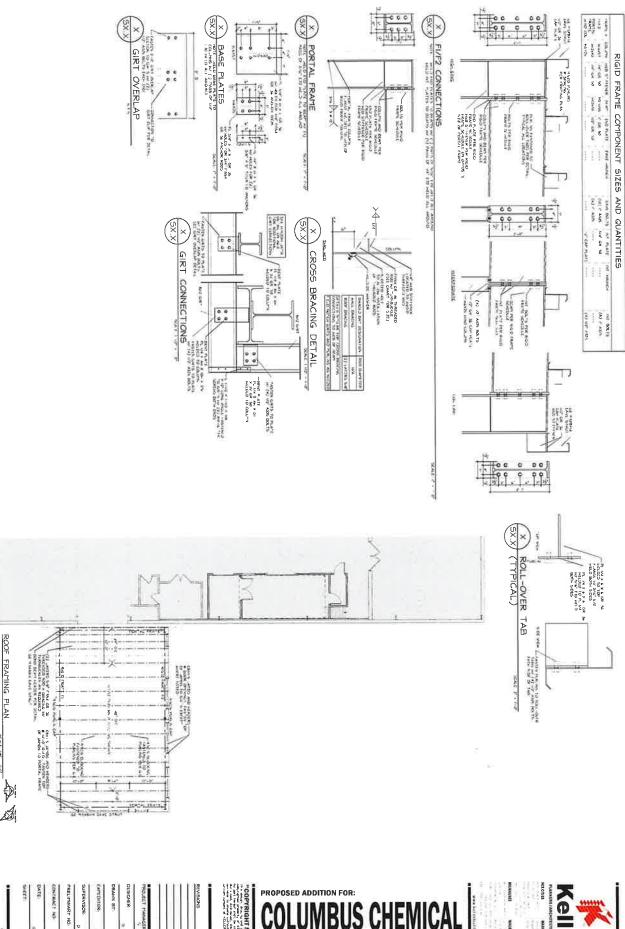
PROJECT PARTIES

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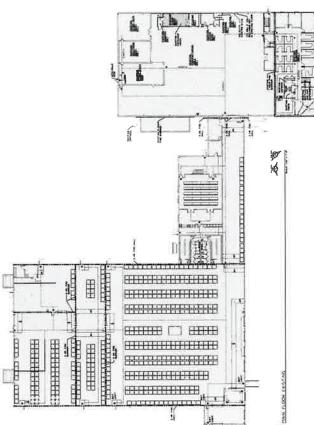
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COLUMBUS CHEMICAL PROPERTY OF THE PROPERTY OF

TITLE SHEET

DESIGNED BY:
CHECKED BY

PROJECT NO \KS-105-23\

C1.00 SUBMITTAL

COLUMBUS CHEMICAL
LOADING DOCK ADDITION



	CIVIL SHEET INDEX:
SHEET	SHEET TILE
CI 01	EXISTING CONDITIONS PLAN
C1 02	PROPOSED SITE PLAN
CI 03	EROSION CONTROL PLAN
C1 04	GRADING PLAN

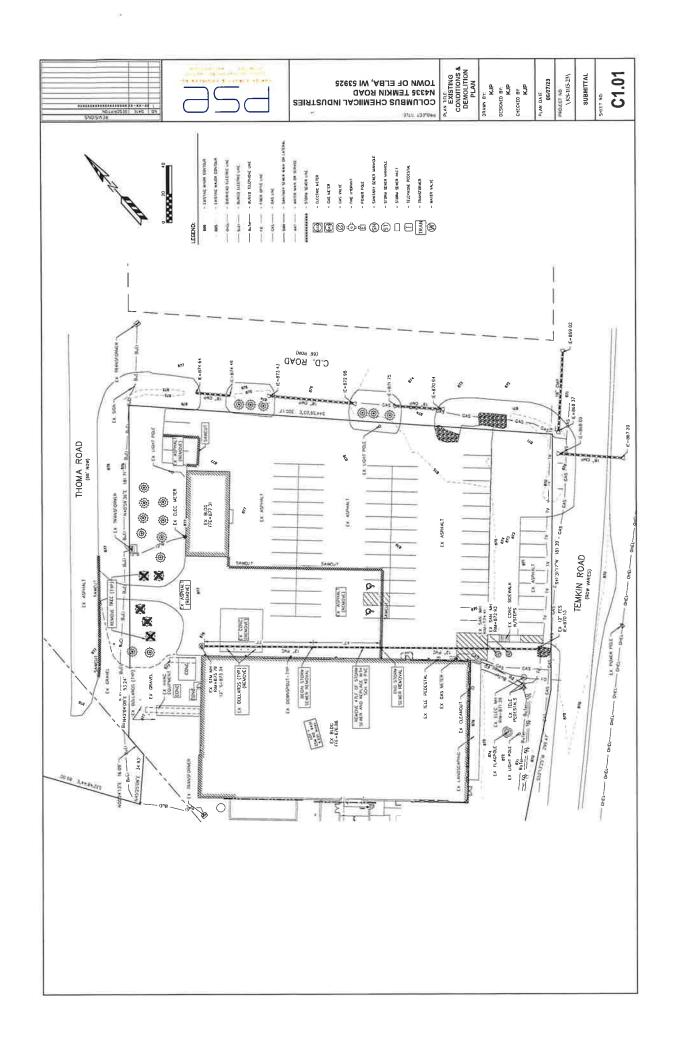


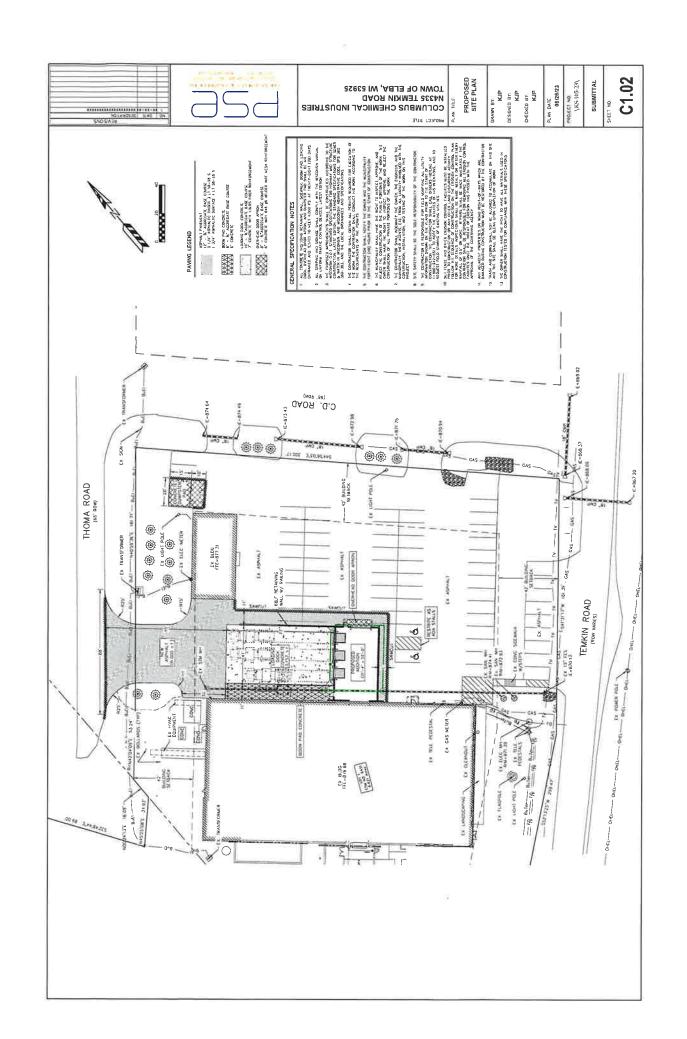


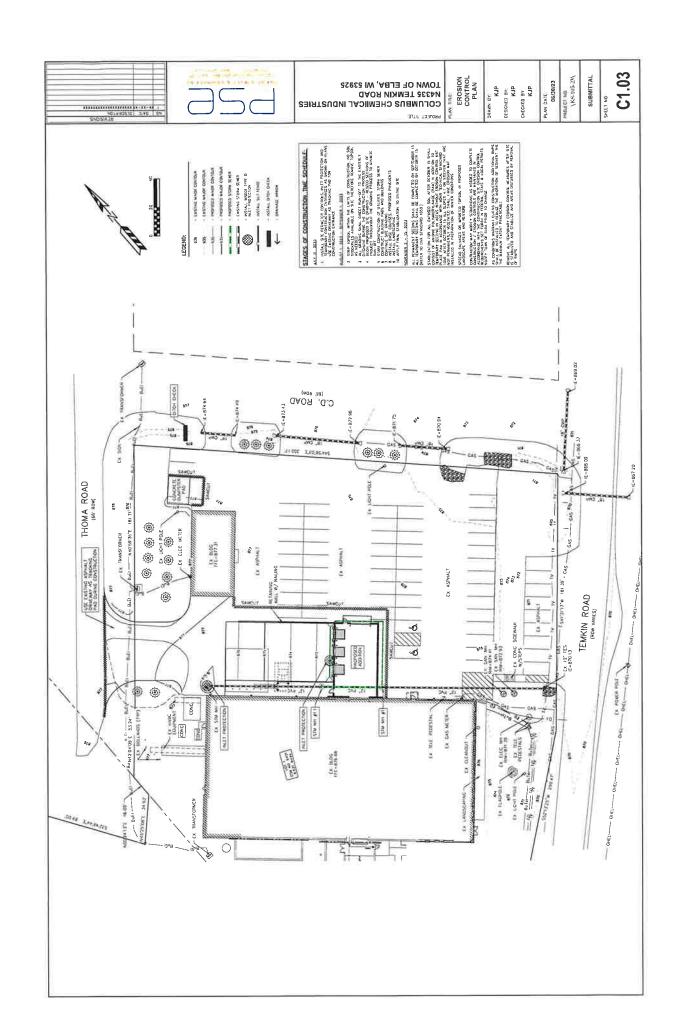


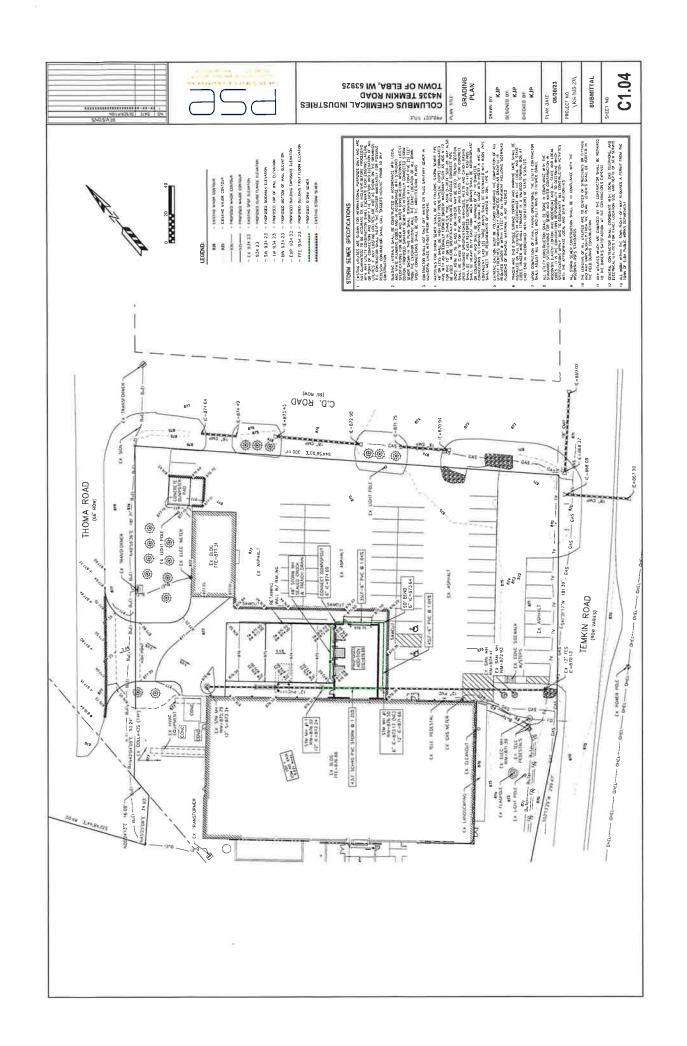
PROJECT CONTACTS:

CIVIL PSE, LLC ATIN, KEVIN PARISH 122 WSCONSIN STREET WEST BEND, WI 53095

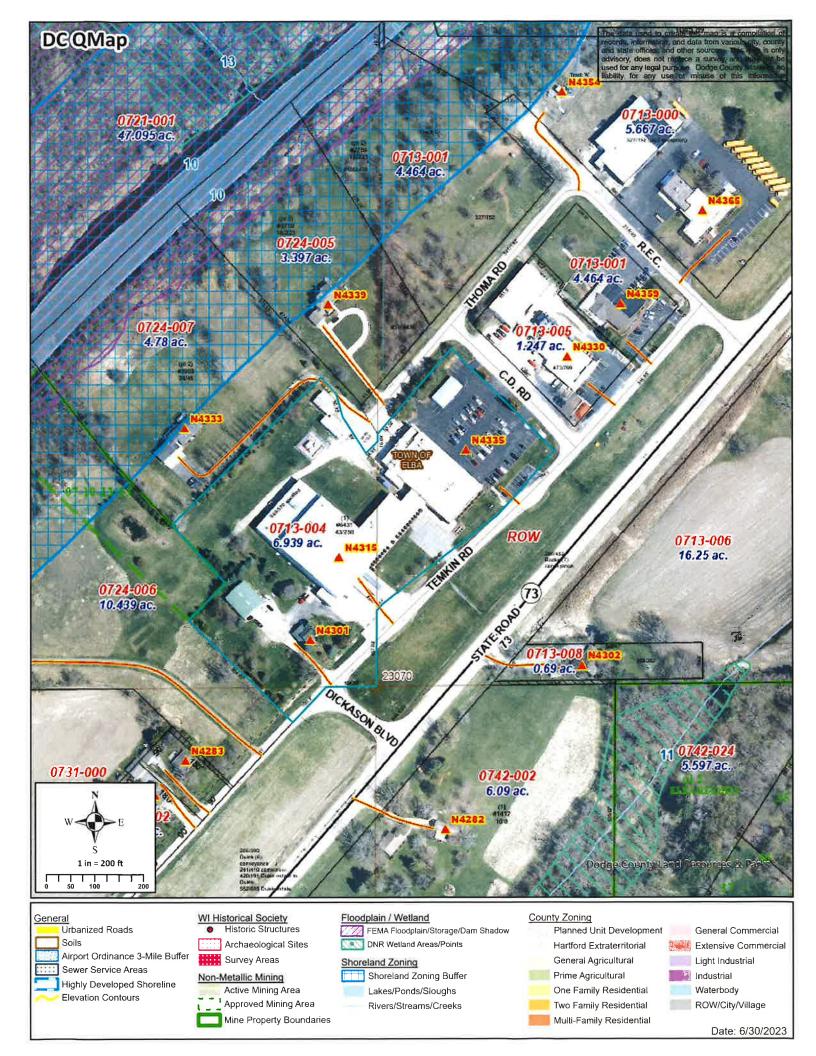


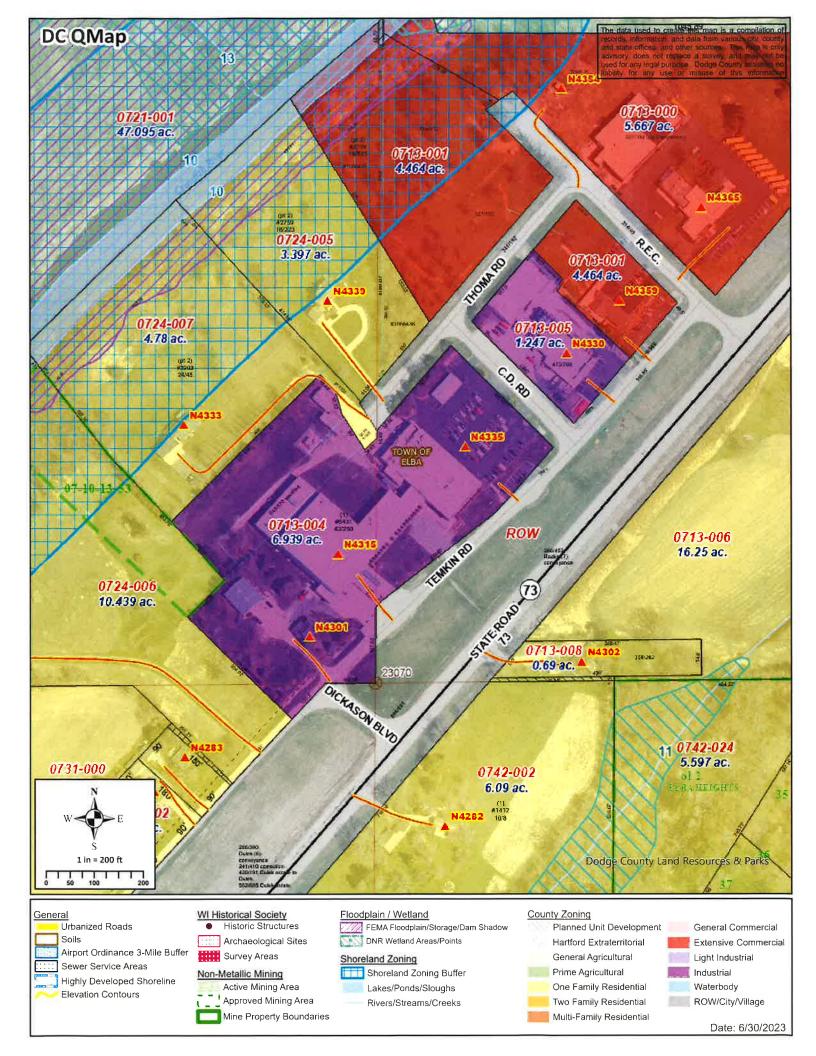


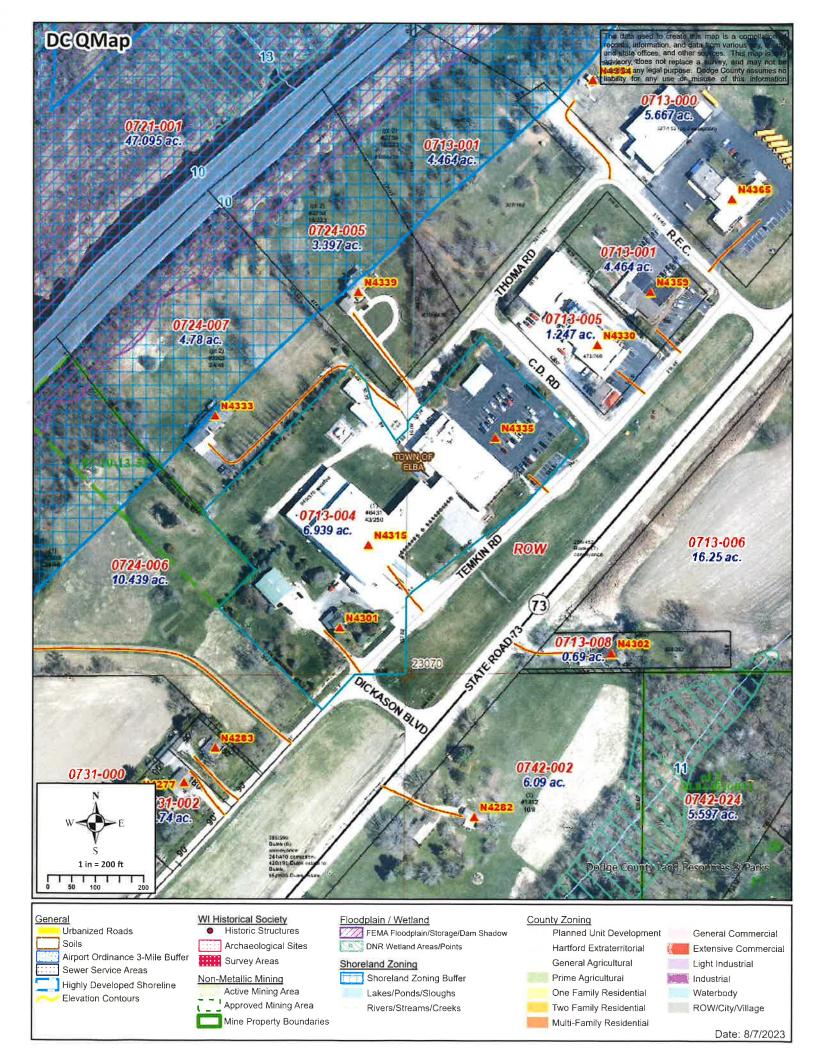












Land Resources and Parks Department Staff Report

Code Amendment – Petition to amend the Dodge County Floodplain Zoning Ordinance

Applicant / Petitioner:

Dodge County Land Resources and Parks Committee

Filing Date: July 24, 2023 Hearing Date: August 28, 2023

Subject - Proposal

A petition has been filed by Dodge County Land Resources and Parks Committee to amend the text of the Dodge County Floodplain Zoning Ordinance and to adopt a dam failure analysis and hydraulic shadow maps for the Karsten #2 Dam. The Karsten #2 Dam is located in part of the SE ¼ of the SE ¼, Section 11, Town of Hubbard, the site address being N6615 State Road 67, Iron Ridge, WI 53035.

The purpose of the proposed text amendments to the Floodplain Zoning Ordinance 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 purpose of the adoption of the dam failure analysis and hydraulic shadow maps for the Karsten #2 Dam is to create new floodplain inundation boundary lines for the areas located downstream of the dam. Any future development which occurs within these boundaries will be required to comply with the Floodplain Zoning Ordinance regulations.

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

Project Details

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 and is located on parcel # 022-1116-1144-000, in part of the SE ¼ of the SE ¼, Section 11, Town of Hubbard, the site address being N6615 State Road 67, Iron Ridge, WI 53035. The dam is currently owned by Clear Creek Land & Cattle Company LLC. Based on the results of the approved DNR 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). This statute also mandates the County to adopt and enforce a reasonable and effective floodplain ordinance. The State has developed the "2022 Model Floodplain Ordinance" which contains the minimum required standards of NR 116 Wis. Adm. Code and 44Code of Federal Regulations (CFR) 59-72. The County was notified by the State DNR that the County is required to update the text of the Dodge County Floodplain Ordinance along with the Dam Failure analysis in order to meet the current minimum standards of NR 116 Wis. Adm. Code.

Adoption and enforcement of the minimum federal standards in Title 44 Code of Federal Regulations (CFR) 59-72, will allow the County to continue to participate in the National Flood Insurance Program (NFIP). The National Flood Insurance Program (NFIP) is a program created by the Congress of the United States in 1968 through the National Flood Insurance Act of 1968 (P.L. 90-448). The NFIP has two purposes: to share the risk of flood losses through flood insurance and to reduce flood damages by restricting floodplain development. The program enables property owners in participating communities to purchase insurance protection, administered by the government, against losses from flooding, and requires flood insurance for all loans or lines of credit that are secured by existing buildings, manufactured homes, or buildings under construction, that are located in the Special Flood Hazard Area in a community that participates in the NFIP. U.S. Congress limits the availability of National Flood Insurance to communities that adopt adequate land use and control measures with effective enforcement provisions to reduce flood damages by restricting development in areas exposed to flooding.

The proposed petition to amend the floodplain ordinance is based on the 2022 Model Floodplain Ordinance that was developed by the Wisconsin Department of Natural Resources. Additions are highlighted and underlined and deletions are shown by strikethrough. The ordinance as modified will contain the minimum regulatory standards required in ch NR 116, Wisconsin Administrative Code, and those of the National Floodplain Insurance Program. The adoption of the ordinance as modified will bring the text of the ordinance into compliance with the state and federal codes and will allow the County to continue to participate in the FEMA National Flood Insurance Program.

The proposed changes to the text of the Floodplain Ordinance include:

- The use of the term: "Special Flood Hazard Areas" to replace the term "Floodplain District"
- The adoption of the dam failure analysis and hydraulic shadow maps for the Karsten #2 Dam.
- The incorporation of the floodplain maps currently located in the Flood Study Appendix of the Dodge County Floodplain Ordinance into the Official Maps Section of the Ordinance (Section 1.5(2)(b)).
- A series of modifications have been made to the Text of the Ordinance in order to clarify the regulatory requirements of the Ordinance.
- Definitions of terms that are used in the Ordinance were added or clarified in the definition section of the Ordinance.
- The model ordinance has 2 optional provisions that a local community can adopt:

Page 6: Section 1.5 (1) (a and b)

2017 Wisconsin Act 115 - Local exemption for lands that are adjacent to non-navigable farm drainage ditches that are under the jurisdiction of a drainage district. This exemption is part of the Wisconsin State Statues, (87.30 (1m) (ag) and (am) however, the text does not appear within the state model ordinance.

This exemption allows for the disposal of spoil material that is removed from a non-navigable farm drainage ditch during normal maintenance of the ditch into a designated floodplain area, when said spoil material is placed within the drainage district corridor and where the adjacent lands are used for nonstructural agricultural use or other nonstructural use, except as required to maintain eligibility in the National Flood Insurance Program.

Page 29 - 32 - Section 6.1(2)(h)4

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. The federal requirements are unchanged by this Act, however, this option would create an exception to the states "50% rule" for structures in the floodplain. Dodge County currently does not have this exception in the floodplain ordinance.

Under current code requirements, no modification or addition is allowed 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, unless the entire structure is permanently changed to a conforming structure and the nonconforming use is brought into compliance with the applicable requirements. For ordinances without these provisions, 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.

If these provisions are adopted into the ordinance, the community could allow an existing structure with a nonconforming use to remain within the floodplain, regardless of the cost of the modification or repair provided the structure is brought into compliance with the code.

Floodplain Zoning Ordinance Provisions:

- 1) Subsection 8.2 of the Dodge County Floodplain Zoning Ordinance states that a petition for the amendment of the Ordinance may be made upon petition of any interested party according to the provisions of s. 59.69, Wisconsin State Statutes.
- 2) Subsection 8.2(1) though 8.2(3) of the Ordinance detail the procedural matters for the petition. The committee must hold a public hearing and report a recommendation to the County Board which shall approve or disapprove the proposed amendment.
- 3) In accord with Subsection 8.2(2), no amendments shall become effective until reviewed and approved by the Department of Natural Resources.

State Statute and Administrative Code Requirements.

In accord with NR 116.05 Wisconsin Administrative Code, County is required to adopt and upgrade the floodplain ordinance within 6 months from the time any of the information listed below is made available to a municipality by the department, the municipality shall upgrade its floodplain zoning ordinance, using the amendment procedure in s. NR 116.21, to reflect current floodplain information, including, but not limited to, the following:

- (a) Changes in floodplain management statutes.
- (b) Changes in floodplain management rules.
- (c) Changes in floodplain management case law.
- (d) New study data.
- (e) Improved technical information and methods

Department Of Natural Resources Recommendation

A copy of the proposed ordinance amendments have been submitted to the DNR Floodplain Program Manager for review and a recommendation. As of the date of the hearing, the County has not received a recommendation from the DNR.

Staff Comments

If there are specific questions at this hearing on any of the proposed amendments in this petition, we can provide specific discussion on the code section and language in question.

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 proposed amendments to the text of the Dodge County Floodplain Ordinance are based on the 2022 State Model Floodplain Ordinance that was developed by the Wisconsin Department of Natural Resources and represent the minimum regulatory standards required in ch NR 116, Wisconsin Administrative Code, and those of the National Floodplain Insurance Program. The proposed amendment also includes the dam failure maps and analysis for the Karsten No. 2 Dam which was approved by the DNR on March 16, 2023.

It is the staff's position that the proposed amendments are consistent with the Dodge County Comprehensive Plan and the stated purposes of the Ordinance. It is also the staff's position that the proposed changes to the Floodplain Ordinance are necessary in order to protect the health, safety and general welfare of the public and the proposed amendments are necessary in order to bring the County's Floodplain Zoning regulations into compliance with the minimum State and Federal Floodplain regulations.

The staff therefore recommends the Committee report favorably on the proposed petition.

Dodge County Land Resources and Parks Committee Decision

Code Amendment – Petition to amend the Dodge County Floodplain Zoning Ordinance

Applicant / Petitioner:

Dodge County Land Resources and Parks Committee

Filing Date: July 24, 2023 Hearing Date: August 28, 2023

Subject - Proposal

A petition has been filed by Dodge County Land Resources and Parks Committee to amend the text of the Dodge County Floodplain Zoning Ordinance and to adopt a dam failure analysis and hydraulic shadow maps for the Karsten #2 Dam. The Karsten #2 Dam is located in part of the SE ¼ of the SE ¼, Section 11, Town of Hubbard, the site address being N6615 State Road 67, Iron Ridge, WI 53035.

The purpose of the proposed text amendments to the Floodplain Zoning Ordinance 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 purpose of the adoption of the dam failure analysis and hydraulic shadow maps for the Karsten #2 Dam is to create new floodplain inundation boundary lines for the areas located downstream of the dam. Any future development which occurs within these boundaries will be required to comply with the Floodplain Zoning Ordinance regulations.

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

CONCLUSIONS OF LAW

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

trend, or fac	oposed amendment correct an error or meet the challenge of some changing condition t;
(Yes / No) Comments	
le the prop	and amondment consistent with the Dodge County Comprehensive Plan and the states
•	osed amendment consistent with the Dodge County Comprehensive Plan and the stated this Ordinance?

will the prop	posed amendments protect the health, safety, or general welfare of the general p	ublic?
(Yes / No) Comments		
	roposed amendment result in significant adverse impacts on the natural entir, water, stormwater management, wildlife and vegetation?	vironment
(Yes / No) Comments		
Has the De amendments	epartment of Natural Resources provided a recommendation regarding the	proposed
(Yes / No	No)	

Does the Committee believe that the following optional provisions/exemptions should remain within the text of the Dodge County Floodplain Zoning Ordinance?

Page 6: Section 1.5 (1) (a and b)

2017 Wisconsin Act 115 - Local exemption for lands that are adjacent to non-navigable farm drainage ditches that are under the jurisdiction of a drainage district. This exemption is part of the Wisconsin State Statues, (87.30 (1m) (ag) and (am) however, the text does not appear within the state model ordinance.

This exemption allows for the disposal of spoil material that is removed from a non-navigable farm drainage ditch during normal maintenance of the ditch into a designated floodplain area, when said spoil material is placed within the drainage district corridor and where the adjacent lands are used for nonstructural agricultural use or other nonstructural use, except as required to maintain eligibility in the National Flood Insurance Program.

(Yes / No)

Page 29 - 32 - Section 6.1(2)(h)4

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. The federal requirements are unchanged by this Act, however, this option would create an exception to the states "50% rule" for existing structures that contain legal existing non-conforming uses in the floodplain. Dodge County currently does not have this exception in the floodplain ordinance.

Under current code requirements, no modification or addition is allowed 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, unless the entire structure is permanently changed to a conforming structure and the nonconforming use is brought into compliance with the applicable requirements. For ordinances without these provisions, 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.

If these provisions are adopted into the ordinance, the community could allow an existing structure with a nonconforming use to remain within the floodplain, regardless of the cost of the modification or repair provided the structure is brought into compliance with the code.

(Yes / No)

☐ No; ☐ Yes	s - the following changes should be made:
Does t	he proposed amendment contain sufficient information necessary to make a decision?
☐ Yes	

Motion by		to submit a	a (favorable / u	nfavorable) reco	mmendation to the Co	ountv
	pervisors on the code a			maverable, rece		Junty
Motion seco	nd					
<u>Vote</u>						
Dale Mache		☐ Yes	☐ No	Abstain	Not Present	
Donna Maly		Yes	☐ No	Abstain	Not Present	
Ben Priesge		Yes	☐ No	Abstain	Not Present	
Dan Siegma		Yes	☐ No	Abstain	Not Present	
Mary Bobho	ız – Chair	Yes	☐ No	Abstain	■ Not Present	
Motion (Ca	ried / Denied)					
	D DETERMINATION -					_
On the basis	s of the above findings of	of fact, conclu	isions of law a	nd the record in t	this matter, the comm	ittee:
	shall provide a favora	able recomme	endation to the	County Board o	n the code amendme	nt as
					commendation of the	in ao
	committee and said					
	shall provide a favora	able recomme	endation to the	County Board o	n the proposed code	
					e shall also be drafted	
					nance shall be submit	
	Board for approval;					
			nmendation to	the County Boa	rd on the code amend	dment
	petition as proposed					
Dodge Cour	nty Land Resources and	l Parks Comn	nittee			
3.5	,					
Signed			Attest			
	Chairperson			Secretary		
Dated:						
Filed:						

Committee Action

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 Karsten #2 Dam is located in part of the SE ¼ of the SE ¼, Section 11, Town of Hubbard, the site address being N6615 State Road 67, Iron Ridge, WI 53035.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 Bobbos	
	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 <u>underline</u> and are highlighted; deletions to the text of the Ordinance area indicated by strike through.

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Insert updated table of contents

1.0 <u>STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE,</u> 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.

- (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

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, Maunesha 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.

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55027C0069G, 55027C0207G, 55027C0210G, 55027C0265G, 55027C0268G, 55027C0269G, 55027C0269G, 55027C02290G, 55027C02295G, 55027C0319G, 55027C0325G, 55027C0330G, 55027C0338G, 55027C0340G, 55027C0345G, 55027C0354G, 55027C0384G, 55027C0392G, 55027C0394G, 55027C0403G, 55027C0405G, 55027C0406G, 55027C0407G, 55027C0411G, 55027C0413G, 55027C0430G, 55027C0435G, 55027C0440G, 55027C0445G, 55027C0459G, 55027C0470G, 55027C0470G, 55027C0459G, 55027C0470G, 55027C0470G, 55027C0470G, 55027C0470G, 55027C0470G, 55027C0470G, 55027C0505G, 55027C0510G, 55027C0515G, 55027C0520G, 55027C0530G, 55027C0531G, 55027C0532G, 55027C0545G, 55027C0551G, 55027C0532G, 55027C0552G, 55027C0520G, 55027C0552G, 55027C052G, 55027C052G, 55027
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(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 Danburry 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) <u>OFFICIAL MAPS</u>: 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.

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:

- 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 <u>riverine</u> areas that may be covered by floodwater during the regional flood <u>in which a floodway boundary has not been</u> delineated on the FIRM and also includes shallow flooding areas identified as AH <u>and AO zones on the FIRM.</u> 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) <u>INTERPRETATION</u>

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) <u>If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:</u>
 - a. <u>be designed and anchored to prevent flotation, collapse, or lateral</u> movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - **b.** be constructed with flood-resistant materials;
 - 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. <u>such proposed subdivision or other proposed new development is</u> consistent with the need to minimize flood damage within the flood-prone area;
 - b. <u>public utilities and facilities such as sewer, gas, electrical, and water</u> <u>systems are located and constructed to minimize or eliminate flood damage;</u> 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) <u>No floodplain development shall:</u>
 - (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. $\frac{5.4.5.1(5)}{1.5.1(5)}$

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, <u>including utility and sanitary facilities</u>, 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) <u>Shall either have the lowest floor elevated to or above the flood protection elevation</u> 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. <u>Have structural components capable of meeting all provisions of Section</u> 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) <u>It-Must</u> 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. <u>Subsurface drainage systems to relieve external pressures on foundation walls</u> and basement floors:
 - 4. <u>Cutoff valves on sewer lines or the elimination of gravity flow basement</u> 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 <u>or exceed</u> the following standards. Any existing structure in the flood fringe must meet the requirements of s. 6.0 *Nonconforming Uses*;

- 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

<u>In addition to s. 2.0, new construction and substantial improvements of accessory</u> 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

<u>In addition to s. 2.0 any</u> 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) <u>STORAGE OF MATERIALS</u>

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) <u>DEPOSITION OF MATERIALS</u>

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) <u>APPLICABILITY</u>

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) <u>STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT</u>
 <u>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).</u>
 - 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 adequeste 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) <u>APPLICABILITY</u>

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) <u>APPLICABILITY</u>
 - 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;

- 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 <u>following</u> minimum <u>federal code</u> requirements <u>below</u> 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 equipement 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 date 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.
- 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;
- I. 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; <u>and</u>
 - (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.
- 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 <u>and assess</u> 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. 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;
 - 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:
 - 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 manmade 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) <u>CERTIFICATE OF COMPLIANCE</u>

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) <u>publish adequate notice pursuant to Ch. 985, Stats., specifying the date, time, place</u> 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) <u>BOUNDARY DISPUTES</u>

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) <u>VARIANCE</u>

- (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;

Variances 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.

Variances 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
 - 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:
 - 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 if 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) <u>"FLOODPLAIN ADMINISTRATOR" The administrative officer or their designee, designated to administer the County's Floodplain Zoning Ordinance and issue permits</u>
- 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 erros 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, ECISTING (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) <u>"Special Flood Hazard Area (SFHA)"</u>
 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.
- 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

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

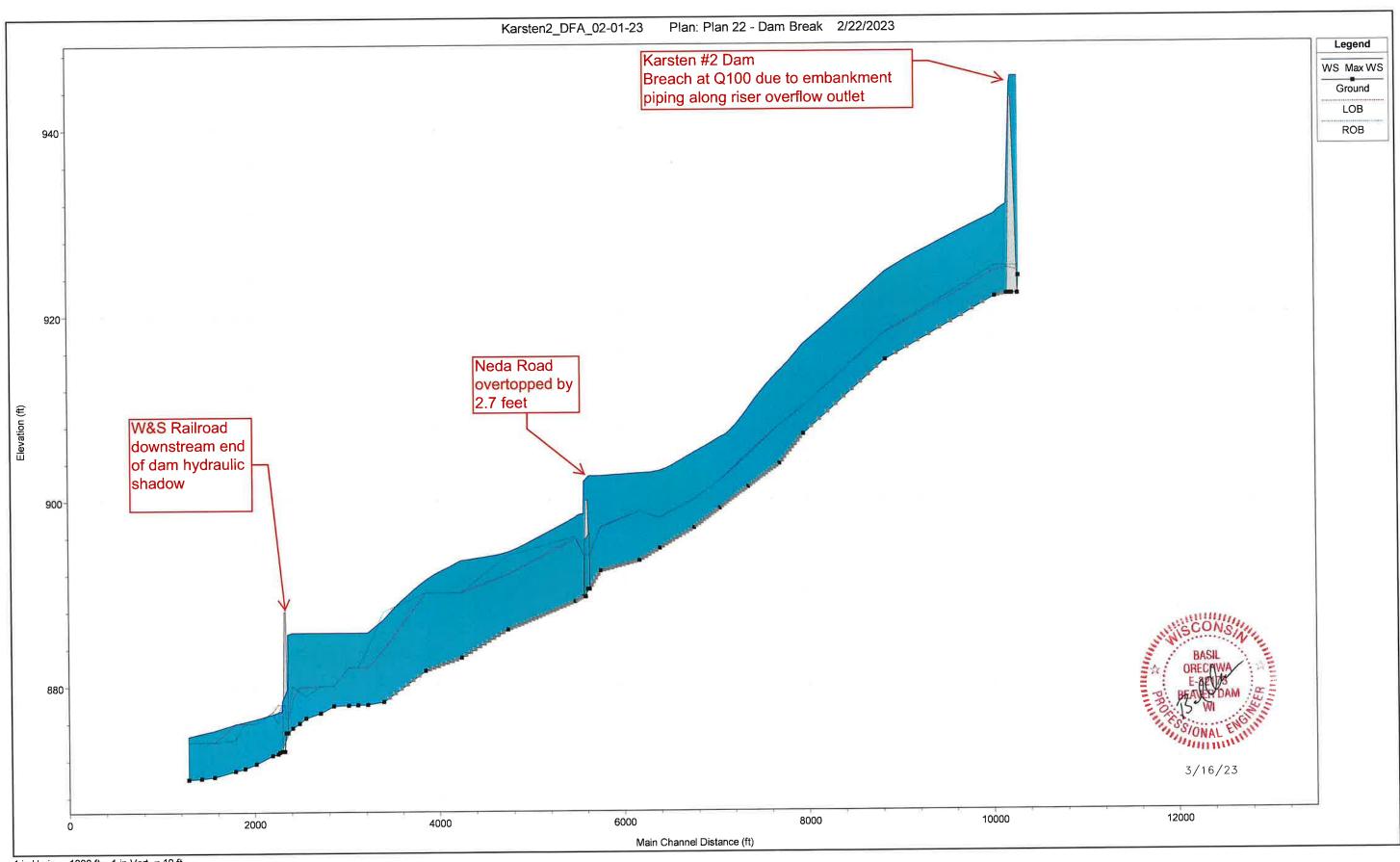


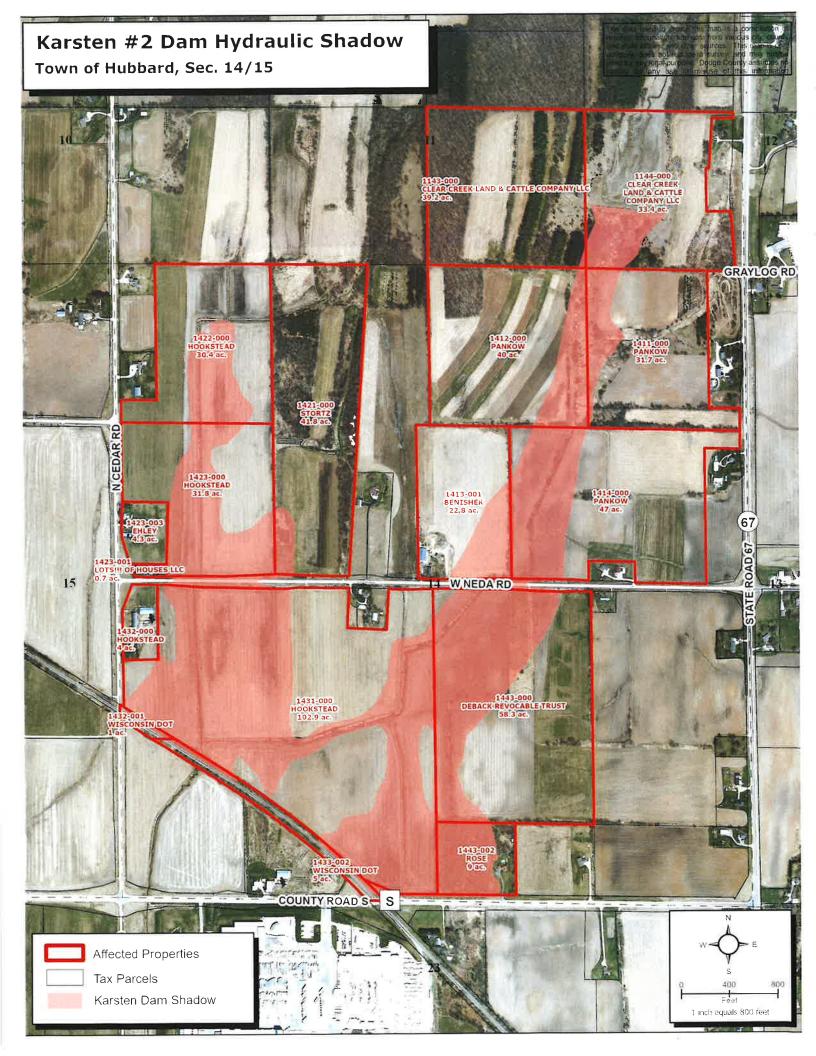


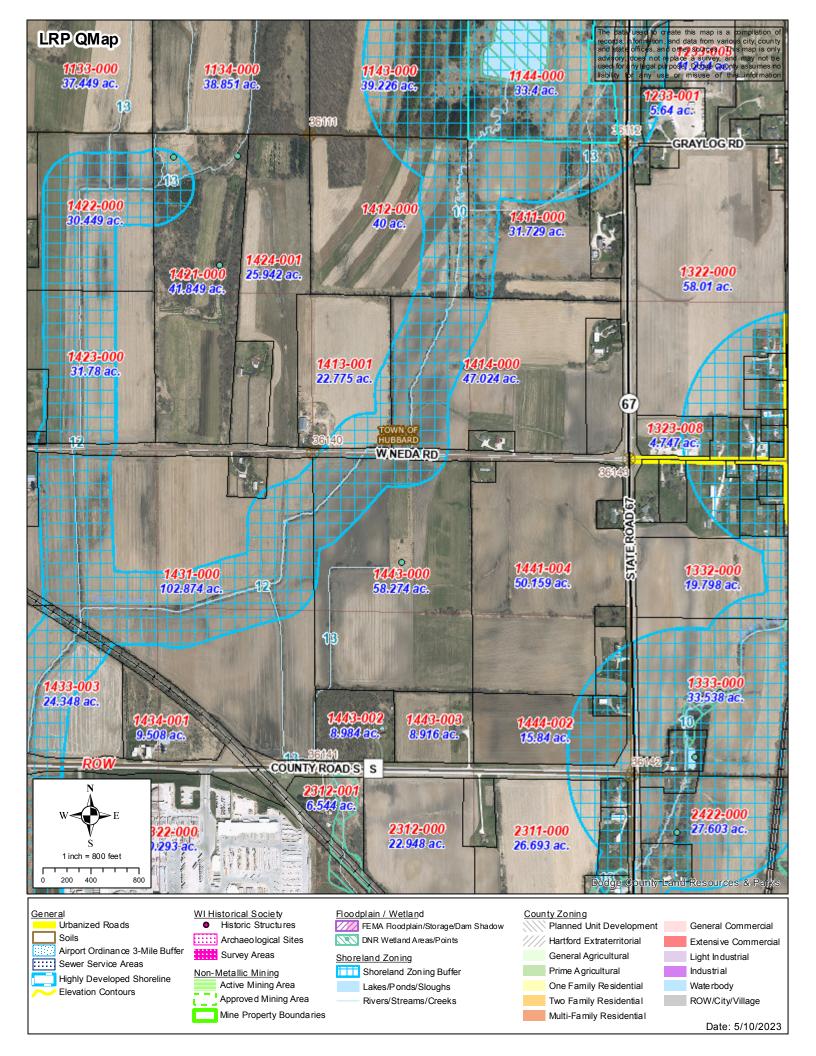
Karsten #2 Dam DFA - 2-22-23 Profile #2 Table - Dam Failure at Q100 Inflow

River (Q Total (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							0.000.01	404 11	0.40
10070	7,042.29	922.10	931.71		931.95		6.47	•	434.11	0.40
9940	6,977.67	921.80	930.73		931.10	0.0094				0.52
8750	6,756.69	915.00	924.51		925.01	0.0129	9.74	•		0.58
7860	6,582.75		916.76		917.20	0.0120	9.37	1,433.00		0.55
7600	6,488.96		913.83		914.32	0.0097	8.83	•		0.53
7260	6,428.29			910.04	911.10	0.0139	13.69	1,040.43		0.91
6950	6,308.98				907.04	0.0057	8.28	1,545.42	473.61	0.57
6670	6,185.09				905.37	0.0055	8.11	1,621.45	515.57	0.52
6300	5,347.21				903.39	0.0033	6.93	1,823.63	689.09	0.45
5660	5,072.82				902.67	0.0008	4.47	2,361.78	800.86	0.27
5540	5,066.93				902.64	0.0002	2.85	3,100.92	710.23	0.16
	Culvert	0,000								
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				898.76	0.0053	9.04	1,276.38	825.38	0.70
4650	4,525.90				894.81		7.53	1,409.92	910.32	0.58
4150	4,069.01				893.78		5.81	1,317.70	439.22	0.37
3760	4,042.76						12.47	350.18	92.73	0.84
3300	4,035.43								137.75	1.01
	•				885.75				1,537.13	0.05
2770	642.90				885.74			<u> </u>	•	0.03
2404	638.64	876.00	000.74	•	000.7	0.0000	0.10	_,	,	
	Culvert	070 50	976 07	•	877.37	0.0033	5.09	125.21	38.95	0.50
2110	637.62	872.58	876.97		011.31	0.0000	0.00	120.21		









1100	County Board Agenda Item	
Meeting Date:	September 19, 2023	
Agenda Item:	Resolution for Adoption of the 2023 Dodge County Parks, Outdoor	
	Recreation and Open Space Plan	
Department / Division:	Land Resources & Parks : Parks and Trails Division	
Staff Contact:	Bill Ehlenbeck, Director: behlenbeck@co.dodge.wi.us	
	Jason Roy, Parks Superintendent: <u>iroy@co.dodge.wi.us</u>	

BACKGROUND

The resolution is to adopt the 2023 Dodge County Parks, Outdoor Recreation and Open Space Plan to replace the current 2015 plan.

Typically plans need to be updated every 5 years to maintain eligibility for State recreation grants through the Department of Natural Resources. Extensions to the current plan were obtained through the end of 2023, keeping us eligible for grants through the end of this year. Adoption of this 2023 plan will keep us eligible through at least 2028.

Chapter 7 identifies the Park Facility and Trail Recommendations, some are conceptual and some are specific project recommendations. The use of public input through surveys, an informational meeting and focus group meetings primarily drove the development of these plan recommendations.

This plan does not commit any funds nor commit the County to any specific project. Rather 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 can be viewed or downloaded online at www.dodgeparks.com. A copy of the plan is also on file in the Clerk's office and the Land Resources and Parks Department office for viewing during office hours.

PREVIOUS ACTIONS - COMMITTEE RECOMMENDATIONS

The plan process began October 2022 and included public input opportunities as well as regular updates and opportunities for review and comment to the Land Resources and Parks Committee.

8/28/23 – Land Resources & Parks Committee – review, consideration and approval 9/11/23 – Finance Committee – Fiscal Note – review, consideration and approval

FINANCIAL IMPACT

Provides eligibility for grant funding under the State DNR Stewardship and other grant programs for listed projects.

OTHER CONSIDERATIONS/STAFF COMMENTS

Staff recommend adoption of this plan.

ATTACHMENT(S) INCLUDED

Executive Summary

EXECUTIVE SUMMARY

The 2023 Dodge County Parks, Outdoor Recreation, and Open Space Plan was prepared in accordance with the guidelines that will make it certifiable by the State of Wisconsin Department of Natural Resources and qualify Dodge County for matching grant funds.

- The County has grown over the past two decades and in 2022 had a population of 88,822. By 2033, it is projected that Dodge County will have a population of 90,346 and by 2043 a population of 91,754. See Chapter 1 and Appendix.
- Dodge County owns and/or maintains 391 acres of developed parkland in five parks, approximately 25 miles of
 multi-use trail along three different trail corridors, and 86 acres of undeveloped conservation areas. Additionally,
 there are approximately 114 total miles of water trails in Dodge County. See Chapter 2 and Appendix.
- Multiple forms of public participation were utilized in this planning process including coordination with the County's Land Resources and Parks Committee to guide the process, stakeholder interviews, a community-wide online survey, and public open house review of the Final Draft Plan. See Chapter 3 and Appendix.
 - An online survey was utilized to gather over 215 people's opinions on current usage, prioritized park improvements, new facilities, and more.
 - Annual camper surveys conducted by the Land Resources and Parks Department were completed and used to develop the plan's recommendations. 740 responses were collected through the camper survey in 2022.
 - Focus group interview sessions were conducted with County staff, Land Resources and Parks Committee members, the Nitschke Mounds Friends Group, municipal and school district staff, trails and public health representatives, and Harnischfeger Park representatives and Dodge County park donors. Overall, over 30 people participated in the interviews.
 - A public open house was held at the conclusion of the process, providing members of the public with an opportunity to review, discuss, and ask questions on the draft plan prior to adoption.
 - The Land Resources and Parks Committee and County Board also participated in the review of the draft document and provided feedback on key components of the plan.
- In comparison to other neighboring counties, Dodge County falls behind in terms of residents per park as well as slightly behind in the amount of total park acres per 1,000 residents. See Chapter 5.
- A service area analysis was conducted to explore the geographic distribution of existing facilities in relationship to population. There are a few identified existing gaps within Dodge County as shown on Map 4.
- As of 2023, Dodge County provides approximately 4.4 Regional Park acres and 0.3 miles of multi-use trails per 1,000 residents. The new proposed standard for the County in 2023 is the provision of approximately 5.4 Regional Park acres and 0.5 miles of multi-use trails per 1,000 residents. See Chapter 5.
- To meet the future population demand for developed park acres and multi-use trail miles, it is projected that the County will need to acquire 151 new Regional Park acres and 20 miles of multi-use trails by 2033 and 205 new park acres and 21 miles of multi-use trails by 2043. See Chapter 5. Additionally, potential future park expansion opportunities have been mapped for all existing parks. See Appendix.
- A new parkland evaluation tool was developed to assist the County in assessing new parkland acquisition opportunities as they may arise over the planning period. Additionally, conceptual park development plans were created for Astico Park. New and improved recreational opportunities have been identified for the site. See Chapter 7.
- A complete list of recommended improvements to existing facilities was also established in Chapter 7 and 8. Cost
 estimates for these recommended park improvements were created in Chapter 9 to assist in future budgeting and
 capital improvement planning.
- A detailed set of action steps were identified to assist the County in advancing the goals and recommendations of this plan through implementation. See Chapter 10.

1 2	RESOLUTIO	N NO					
3 4	Adoption of the 2023 Dodge County Parks, Outdoor Recreation and Open Space Plan						
5 6 7	TO THE HONORABLE BOARD OF SUPERV	ISORS, DODGE COUNTY, WISCONSIN,					
8 9 10 11	WHEREAS, the Land Resources and Parks Department has undertaken an effort to update the Parks, Outdoor Recreation and Open Space Plan for Dodge County in order to provide an inventory of recreational resources and an analysis of demand and options for meeting this demand; and,						
12 13 14 15	WHEREAS, the Land Resources and Parks Committee finds that it is important to encourage the protection of recreational resources and provide for recreational facilities and resources in Dodge County; and,						
16 17 18 19	WHEREAS, to remain eligible for state to adopt the updated Parks, Outdoor Recreation	and federal grant-in-aid programs, it is necessary and Open Space Plan for Dodge County; and,					
20 21 22	WHEREAS, a copy of the proposed 2023 Parks, Outdoor Recreation and Open Space Plan is on file in the Dodge County Clerk's Office and the Dodge County Land Resources and Parks Office and may be viewed there during normal business hours;						
23 24 25 26 27 28	GOLVED, that the Dodge County Board of door Recreation and Open Space Plan of Dodge hereto as "Exhibit A", be approved and adopted pursuant to Section 59.69(3), of the Wisconsin						
	All of which is respectfully submitted this 19 th day of September, 2023.						
Dodge County Land Resources and Parks Committee:							
	Mary Bobholz	Daniel Siegmann					
	Benjamin Priesgen	Dale Macheel					
	Donna Maly	-					
	Fiscal Note . Approval of this resolution will not have	a fiscal impact to Dodge County.					

Vote Required: Majority of members present. **Resolution Summary:** A Resolution adopting the 2023 Dodge County Parks, Outdoor Recreation and Open Space Plan.

1/4	County Board Agenda Item		
Meeting Date:	September 19, 2023		
Agenda Item:	Resolution of Support for Pelican Path Project		
Department / Division:	Land Resources & Parks : Parks and Trails Division		
Staff Contact:	Bill Ehlenbeck, Director: behlenbeck@co.dodge.wi.us		
	Jason Roy, Parks Superintendent: <u>iroy@co.dodge.wi.us</u>		

BACKGROUND

The resolution is to support the Pelican Path Project from Hustisford to Wild Goose State Trail.

The Pelican Path is an effort to create a 5.5 mile, paved, non-motorized, multi-use trail from Hustisford to the Wild Goose Trail southern trailhead on highway 60. It will connect to the elementary school, high school, library, downtown, and Neider Park in Hustisford. This new trail will give over 1300 village residents and over 500 Lake Sinissippi residents safer, non-motorized access to the Dodge County, regional and state trail networks. The Pelican Path effort was developed locally out of a strategic planning process for Hustisford (2021-2022).

The Pelican Path Project information including the full route study, can be viewed or downloaded online at www.pathofhustisford.com.

PREVIOUS ACTIONS - COMMITTEE RECOMMENDATIONS

7/24/23 – Land Resources & Parks Committee – Pelican Path Trail Committee presentation. The LRP Committee expressed support for the project and directed the group to work with staff to bring a County Board resolution of support back to the LRP Committee for official consideration.

8/28/23 – Land Resources & Parks Committee – review, consideration and approval

9/11/23 - Finance Committee - Fiscal Note - review, consideration and approval

FINANCIAL IMPACT

No County funding is being requested at this time. It is anticipated that the trail design and development will be completed by the Pelican Path Trail Committee through use of donations and grants. Once the trail is complete and gifted to the County, annual county funding for routine maintenance will be required. It is estimated that about 80 hours per year of seasonal Trail Caretaker (non-benefited) time will be needed for routine maintenance such as mowing, trimming and trail sweeping. A total cost of about \$3,000 - \$4,000 per year is estimated (personnel, fuel, supplies, etc.).

OTHER CONSIDERATIONS/STAFF COMMENTS

Staff is aware of some potential adjacent property use conflicts and concerns along the preferred trail route that need to be addressed as part of or prior to design phase. Staff believes these conflicts can be satisfactorily resolved. Staff remain committed and focused on developing the Gold Star Memorial Trail to completion as the main priority, therefore staff will have limited time available to devote to overseeing or assisting with these conflicts and design and development of the Pelican Path project until the Gold Star Memorial Trail is completed. The Pelican Path group should consider hiring a consultant to provide needed assistance and oversight of design and development process in place of County staff involvement.

The Pelican Path will provide an important trail connection for residents and visitors consistent with and highlighted in the County Parks and Open Space Plan, therefore Staff recommend support.

ATTACHMENT(S) INCLUDED



PELICAN PATH

Dodge County, WI

Feasibility Study Report

May 2023

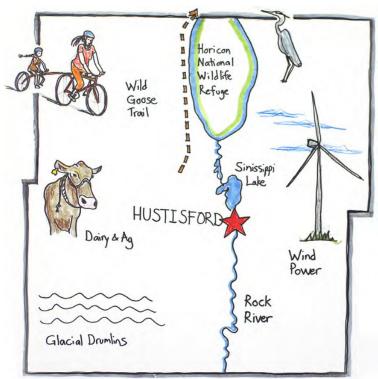






Connect to Wild Goose Trail
Another opportunity is to create
a physical connection to the Wild
Goose Trail. This trail attracts cyclists
and hikers who typically have money
to spend and are looking for places
to spend it. Connecting Hustisford
to the trail would allow these folks to
come into town to spend money at
local businesses.

Improving connectivity to existing pedestrian infrastructure will enhance walkability and provide a needed amenity in Hustisford for residents as well. People could go for a nice walk for exercise without having to drive somewhere to do so. The Village should work with the surrounding town and property owners to identify a potential route for a trail to connect the Wild Goose Trail to downtown.



Finally, connecting to the region can be improved through signage and wayfinding discussed above. Currently, there is a map available that shows driving and cycling tours of the region, but it's currently one link tucked into a list of links on the Village website, not something a casual visitor would find. Highlighting local and regional trails makes it easier to attract users. Wayfinding efforts should include directions to regional destinations as well as local attractions.

Figure 1.00 - UWRF Hustisford Charrette

1. INTRODUCTION + PROJECT SUMMARY

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.

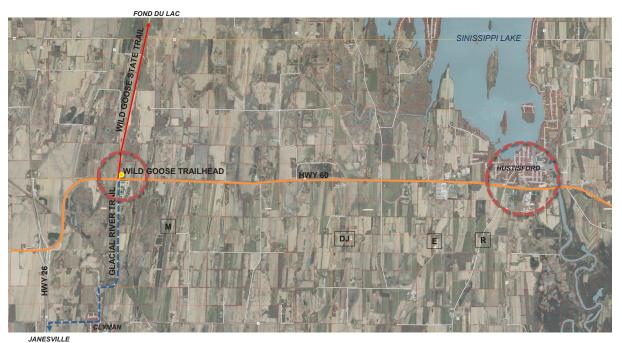


Figure 1.01 - Project Site

Multi-use trail tourism is growing quickly, and tourists are especially looking for trails with multiple connections and destinations. Cycling tourism alone brings \$2.5B to Wisconsin every year, so imagine the large economic impact that could be made in Dodge County with the addition of a new trail for both hiking and cycling.

This trail will not only bring new people to the area through tourism, but will also give students in the Hustisford School District the opportunity to walk and bike safely to school. Having a safe, direct route between the Hustisford School District and the Wild Goose State Trail will encourage students to get active and increase their overall freedom and independence.

Spanning approximately five miles, the Pelican Path Trail will facilitate a unique connection between Hustisford and a larger trail grid within Dodge County. This grid system will allow trail users to easily travel between the surrounding communities of Juneau, Horicon, Beaver Dam, Mayville, and Watertown, as well as access adjacent trail connections to reach Fond du Lac, Madison, Janesville, and even Milwaukee.

The Pelican Path project is the culmination of over a year of strategic planning following the Design Wisconsin process through UW Extension in May 2022. The full design document from that process is available as a PDF at www.pathofhustisford.com, and the Pelican Path project is referenced on page 55 of that document. The Friends of Dodge County Parks non-profit group has been another significant driver of this project, working closely with PATH of Hustisford to raise almost \$40K.

Fundraising efforts for all three phases (route and feasibility study, design, and construction) are ongoing and donations can be made by contacting the Pelican Path Trail committee through email: pelicanpathtrail@gmail.com. 58 letters of support for the Pelican Path project have been received thus far, including letters from Dodge County's state senator, state assemblyman, the Juneau Chamber of Commerce, the Hustisford Business Association, and many other area businesses, non-profit groups, and residents.



Figure 1.02 - Wild Goose State Trailhead at Clyman Junction

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.

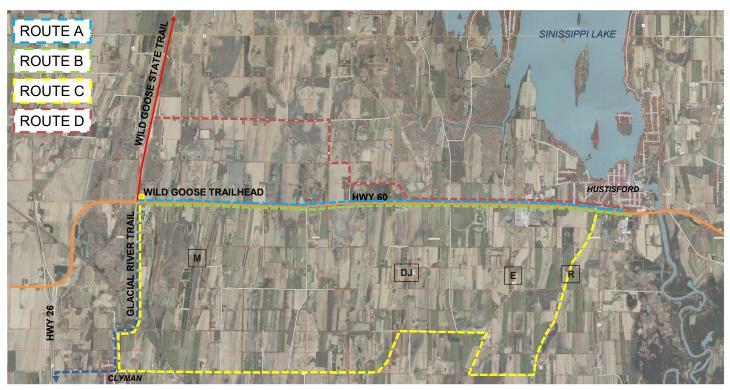


Figure 2.01 - Overall Trail Routes Map

ROUTE B

Route B is very similar to Route A in that in keeps the same length, route, and trail structure, but instead of running along the northern edge of Highway 60, Route B is intended to run along the southern edge of Highway 60. With this route, a direct connection between John Hustis Elementary School and the Wild Goose State Trailhead is still achieved, but trail users will have to cross Highway 60 at the trailhead...

This route requires fewer driveway and road crossings, compared to than Routes A, C, and D, but it faces the same complications as Route A in regard to varying ROW widths and adjacent wetland and floodplain areas.



Figure 2.05 - LKQ



Figure 2.06 - Route B Map

PROS & CONS TABLE

ROUTE OPTION	PROS	CONS
A (N HWY 60)	 Provides most direct connection to existing trailhead; no crossing of Hwy 60 required Shortest route 	 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)	 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 	 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)	 If on-road trail, limited easements required Scenic route Traffic volume relatively light 	 Longest route Requires five railroad crossings Adjacent floodplain and wetland areas Limited ROW for off-road trail development
D (HWY 60 to EAGLE ROAD)	 If on-road trail, limited easements required Shorter route than C Multiple alternate road routes available 	 No existing connection to Wild Goose State Trail; easement will be required through Eagle Rd to trail Adjacent floodplain and wetland areas

INTRODUCTION

After analyzing the technical feasibility, practicality, and public comments of each proposed trail route, Route B was selected as the most feasible route, followed by Route D, Route A, and Route C. Route B was chosen as the most feasible route moving forward due to its short, direct route and limited ROW constraints.

ROUTE FEASIBILITY TABLE

	DOLLITE D			
PREFERRED	ROUTE B:			
	Almost a direct route;			
	Fewest road crossings; requires crossing WIS 60 to get to			
	Wild Goose State Trailhead at the western terminusLimited easements/acquisitions required; Coordination			
	required with WisDOT			
	Some steep slopes, wetlands, and floodplain			
	Existing retaining wall in ROW of WIS 60 near intersection			
	of County Rd M limits space for off-road path			
ALTERNATIVE	ROUTE D:			
	Matches Route A for a portion of length; Large wetland			
	crossing			
	Alternate roads available if the route needs to be adjusted			
	Relatively light traffic volume on County roads; on-road			
	trail likely required; limited opportunities for off-road trail			
	due to limited ROW and adjacent property uses			
	No direct access point to the Wild Goose State Trail from			
	Eagle Rd—easement and land acquisition required here			
LEAST PREFERRED ALTERNATIVE	ROUTE A:			
	Existing retaining wall in ROW of WIS 60 near intersection			
	of County Rd M limits space for off-road path			
	Route intersects with multiple wetlands, floodplain areas,			
	and steep slopes; larger wetland crossing required than			
	Route B			
	Most road crossings			
NOT FEASIBLE	ROUTE C:			
	Longest route and limited opportunities for off-road trail			
	due to limited ROW and adjacent property uses			
	Portion of the route already designated as Glacial River			
	Trail			
	Several large hills			
	Most scenic route			
	Five railroad crossings required; each crossing would cost			
	\$250,000-\$300,000 to replace/improve for this trail			

TRAIL DESIGN ASSUMPTIONS

The design of the trail included in this report is schematic and provided to develop a preliminary cost basis for fundraising. Detailed design and engineering will need to be completed prior to construction.

Since Route B is intended an off-road trail design, the following assumptions were made:

- 10-foot wide paved asphalt path
- Minimum 2-foot wide gravel shoulder
- 15-foot wide maintenance area from edge of pavement; easement may be required needed
- At least 38 feet away from travel lane (clear zone) and 50 feet away from road center line
- Target 5% maximum slope; where not possible add intermediate landings and appropriate signage identifying steep slopes
- 2% maximum cross-slope
- Slopes greater than 5% will require signage
- Signs at curves, driveway crossings, road intersections and where obstructions are present in trail clear area.

More details about these trail assumptions and representative graphics can be found in the report appendix.



Figure 4.02 - Boardwalk



Figure 4.03 - Rip-Rap



Figure 4.01 - Guardrail



Figure 4.04 - Retaining Wall

PRELIMINARY OPINION OF PROBABLE COST

A detailed cost estimate for Route B with itemized costs can be found in the report appendix. The table below shows a preliminary representation of budget numbers for the purposes of grant writing requests and project planning into the future. These numbers are subject to adjustment as designs are refined, time progresses, and market conditions change prior to the beginning of the project.

	Construction	Design + Engineering	Total Design +	Potential	Total Project
	(2026 Adjusted)	+ Permitting	Construction	Easement Costs	Costs
ROUTE B	\$5,701,140	\$414,300	\$6,115,440	\$108,000	\$6,223,440

FUNDING OPPORTUNITIES

The size and cost of this trail project will require funding from outside sources, including private donations and grants. There are multiple state and federal grant opportunities available for recreational trail projects, and those are outlined below.

Currently, the Transportation Alternatives
Program (TAP) seems to be the most likely
funding option available to provide the majority
of needed funds. The TAP grant runs on a 2 year
cycle and involves federal transportation funds
administered by the Wisconsin Department
of Transportation that can cover up to 80% of
design and construction costs.

The National Recreational Trails program is a federal grant program administered by the Wisconsin Department of Natural Resources that covers up to 50% of construction costs. This program generally has a cap of \$45,000 per grant, so this program would likely only be used for specific trail features like parking lots, benches, kiosks, and other amenities along the trail.

The Knowles-Nelson Stewardship Program is a state grant program administered by the Wisconsin Department of Natural Resources that covers up to 50% of construction costs. This program can be used as a match to the federal grant programs.

Ultimately, the goal with this project would be to secure federal TAP grants to cover up to 80% of the project costs and then offset as much of the 20% local share as possible utilizing Stewardship grants. Given the high estimated total costs of this project, it is unlikely that grants would cover 100% of the costs. Local costs not covered by state or federal grants should be covered by fundraising and donations through PATH of Hustisford and the Friends of Dodge County Parks organizations in order to provide the best opportunity for obtaining the required county approvals for the project. Dodge County would be expected to maintain this trail as a significant portion of their contribution to this private and public partnership trail project.

1	RESOLUTION NO
2 3	RESOLUTION SUPPORTING THE PELICAN PATH PROJECT
4	
5	TO THE HONORABLE BOARD OF SUPERVISORS OF DODGE COUNTY, WISCONSIN,
6 7	WHEREAS, the Pelican Path Trail Committee is a grassroots effort as a committee of
8	PATH of Hustisford as well as the Friends of Dodge County Parks, Inc., to establish a safe bike
9	path connection between the Village of Hustisford and the Wild Goose State Trail and the Glacial
10	River Trail, called the Pelican Path Trail; and,
11	
12	WHEREAS, the Pelican Path Trail Committee has successfully raised \$32,700 to fund a
13	feasibility study that considered four route options and identified a preferred route along Highway
14	60; and,
15	TYPEDELC 1 C.1 D.1 D.1
16	WHEREAS, the next step of the Pelican Path project is to develop more specific trail
17 18	designs and engineering for the selected route along Highway 60 and acquire donations and
16 19	funding to complete the designs and engineering; and,
20	WHEREAS, the estimated costs for design and engineering is \$230,000 which is to be
21	funded 100% by grants and donations secured by the Pelican Path Trail Committee and Friends of
22	Dodge County Parks, Inc.; and,
23	
24	WHEREAS, upon completion of the designs and engineering for the Pelican Path,
25	acquisition of any needed easements and bidding for construction will take place; and,
26	
27	WHEREAS, the Pelican Path Trail Committee and Friends of Dodge County Parks, Inc.,
28	will be responsible for the costs of easement acquisition, design and engineering and eventual
29	construction; and,
30	WHEDEAS the Deliger Deth Trail Committee and Eriands of Dedge County Deales Inc.
31 32	WHEREAS , the Pelican Path Trail Committee and Friends of Dodge County Parks, Inc., will be responsible for the costs of managing the design and construction contracts,; and,
33	will be responsible for the costs of managing the design and construction contracts,, and,
34	NOW, THEREFORE, BE IT RESOLVED, that the Dodge County Board of Supervisors
35	commends the Pelican Path Trail Committee for the grassroots efforts and fundraising successes
36	and progress to date in trying to establish a safe bike path connection between the Village of
37	Hustisford and the Wild Goose State Trail and the Glacial River Trail; and,
38	
39	BE IT FURTHER RESOLVED, that the Dodge County Board of Supervisors supports
40	the grant applications to be submitted by the Pelican Path Trail Committee to various private
41	donors, organizations and public agencies to secure funds to assist with the design, engineering,
42	acquisition and development of the Pelican Path which will link the Village of Hustisford to the
43	Wild Goose State Trail and the Glacial River Trail; and,
44	

1	BE IT FINALLY RESOLVED, that, upon satisfactory completion, the Pelican Path will
2	become a County Trail facility under the administration and maintenance oversight of the County
3	Land Resources and Parks Department.

All of which is respectfully submitted this 19th day of September, 2023.

Dodge County Land Resources and Parks Committee: Daniel Siegmann Mary Bobholz Benjamin Priesgen Dale Macheel Donna Maly Fiscal Note: Funding for this resolution will be provided by the Pelican Path Trail Committee and the Friends of Dodge County Parks, Inc. donations. There will not be a fiscal impact to Dodge County until completion of the trail, at which point, Dodge County Land Resources and Parks Department will be responsible for administration and maintenance oversight of the trail.

Finance Committee review date: September 11, 2023. Finance Committee Chair initials: _____.

Vote Required: Majority of members present.

Resolution Summary: A resolution supporting the Pelican Path Project.

DODGE COUNTY LAND RESOURCES AND PARKS COMMITTEE MINUTES August 14, 2023

The Dodge County Land Resources and Parks Committee met on **August 14**, **2023** at 7:00 p.m. on the 1st Floor of the Administration Building, Juneau, Wisconsin.

Call to Order: Chair Mary Bobholz called the meeting to order at 7:00 PM.

Members present: Mary Bobholz, Dale Macheel, Benjamin Priesgen and Dan Siegmann.

Members excused: Donna Maly

Other County Board members in attendance requesting a per diem: Michael Butler

Staff present: Bill Ehlenbeck - Director, Joseph Giebel – Manager of Code Administration, Nate Olson – Community Development Administrator.

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. Mr. Giebel 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.

The hearing procedures were read into the record.

PUBLIC HEARING

Doris Fellwock – Request to rezone approximately 1.5-acres land from the I-1 Light Industrial zoning district to the A-2 General Agricultural zoning district in order to restrict the future use of the lot to agricultural related uses. The site is located in part of the NW ¼ of the SE ¼, Section 23, Town of Lomira, the site address being N10693 County Road H.

Motion by Mary Bobholz to submit a favorable recommendation to the County Board of Supervisors on the petition to rezone approximately 1.5-acres land from the I-1 Light Industrial zoning district to the A-2 General Agricultural zoning district.

Second by Dale Macheel Vote 4-0 Motion carried.

PUBLIC HEARING

Rick Bratz, agent for Richwood Real Estate LLC – Request to rezone approximately 1.5 to 2-acres of land from the R-1 Single Family Residential zoning district to the C-2 Extensive Commercial zoning district to allow for the transfer of this land to an adjacent land owner.

Motion by Ben Priesgen to lay over a decision on the rezoning request to the August 28, 2023 Committee Meeting at the request of the Town of Shields Town Board in order to allow the Town Board time to submit a recommendation on this request.

Second by Dale Macheel Vote 4-0 Motion carried.

COMMUNITY DEVELOPMENT

A. "Review Marketing Plan & Strategy and Community Development Division Updates"

Nate Olson provided an update on the work activities in the Community Development Division.

Various communities are working with division staff on potential business developments in industrial parks, as well as potential industrial park expansions and housing developments. Dodge County hosted a MadREP stakeholder event and the feedback was very positive, further supporting Dodge County community / economic development efforts. Nate reviewed the various workforce attraction / retention efforts and the MBA activities in 2023. Showcasing some work that has been down with a private business, the MEC MBA workforce video was shown to the Committee. Tourism / Park activities were reviewed and the Astico Park marketing video and Harneshfeger Park Disc Gold video was shown. Nate also reviewed the Dodge County Marketing and Strategy Plan, which outlines marketing activities that staff will work to implement.

PARK SYSTEM

A. Update on installation of the Vault Toilets;
Bill Ehlenbeck provided an update on the installation of the vault toilets at the County
Parks. All eight of the vault toilets have been installed and the surrounding cement
apron work has been completed and the toilets are open for use.

ADMINISTRATION

A. Review and consider a proposed petition to amend the Dodge County Sanitary Ordinance. The petition includes a series of amendments that are intended to clarify the septic maintenance, reporting and maintenance fee requirements for the maintenance and management of a private onsite wastewater treatment system and its components, holding tanks and alternative sanitation systems. The petition will also include definitions of certain terms used within the Ordinance. If the proposed petition is approved by the Committee, a public hearing will be scheduled to allow for public input and Committee review.

Motion by Mary Bobholz to sign the petition to amend the Sanitary Ordinance.

Second by Ben Priesgen

Vote: 3-1(Siegmann) Motion carried.

B. Quarterly Budget Report

Bill provided the Committee with an update on the 6-month Department Budget. The revenue from the Parks and the Code administration is slightly ahead (55%) of the projected revenue through June of 2023. Expenses are also in line with the budget projections for the first 6-month period.

OTHER BUSINESS

1.	. The minutes from the July 24, 2023 meeting were reviewed by the Committee.						
	Motion by Dan Siegmann to approve the minutes as written.						
	Second by Ben Priesgen	Vote: 4-0	Motion carried.				
2.	No Committee Member Reports						
3.	No additional per diems.						
4.	The next Committee meeting is August 28, 2023						
	Motion by order of the Chair to adjourn the meeting. Meeting adjourned at 8:25 p.m.						
Re	Respectfully Submitted,						
Se	cretary						
	sclaimer: The above minutes may	y be approved, amend	ed or corrected at the next committee				