

February 24, 2016

DOUGLAS COUNTY PLANNING & ZONING COMMITTEE
PUBLIC HEARING AND REGULAR MEETING
Wednesday, March 9, 2016
Regular Meeting – 9:00 a.m.; Public Hearing – 10:00 a.m.
Government Center Board Room, 1316 North 14th Street, Superior, Wisconsin

Please call the Chair or Zoning Office (715-395-1380) if you are unable to attend.

MEMBERS: Mary Lou Bergman, Chair Patricia Ryan
 John Robinson, Vice Chair Robert Mock
 Nick Baker

A G E N D A

(Committee to maintain a two-hour meeting limit *or* take action to continue meeting beyond that time.)

1. Roll call.
2. Approval of minutes of the January 13, 2016, meeting (attached).
3. Reports:
 - a) Planning & Zoning/Board of Adjustment;
 - b) Rural Housing Authority;
 - c) Land Conservation;
 - d) Surveyor;
 - e) Land Records;
 - f) Real Property Lister; and
 - g) Retained Fees Account – Register of Deeds.
4. Action items/referrals:
 - a) From January 21, 2016, County Board meeting: FY2008 Economic Development Initiative-Special Project Grant – grant closeout (attached);
 - b) Capital Projects requests:
 - 1) Pictometry and LiDAR contract (attached) and;
 - 2) Remonumentation (attached).
5. Informational items:
 - a) Concentrated Animal Feeding Operations (CAFOs) – Jane Anklam, Agriculture/Horticulture Educator;
 - b) Farmland Preservation – Christine Ostern, Douglas County Conservationist and Jane Anklam, Agriculture/Horticulture Educator;
 - c) 2016-2018 Land Records Modernization Plan;
 - d) Proposed amendment to the Douglas County Zoning Ordinance regarding the housing of chickens (attached); and
 - e) Draft revision – 8.4 Douglas County Shoreland Ordinance (attached).
6. Suspend regular meeting; adjourn to public hearing.
7. Public Hearing (applications attached):
 - a) Amendment to the Douglas County Zoning Ordinance: Petition No. 16-01 – Thomas & Kelley Stoneburner;
 - b) Conditional-use permit(s):
 - 1) Adam Olson, et al;
 - 2) Kelly Herrick – c/o Gary Peterson; and
 - 3) Daniel Swanson.

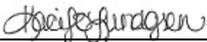
Agenda continued on next page.

- c) Conditional-Use Permit Renewals:
 - 1) Udeen Trucking, Inc./Northern Horizon;
 - 2) Olson Brothers, Inc.;
 - 3) 18th Hole LLC;
 - 4) Town of Gordon;
 - 5) Town of Gordon;
 - 6) Mathy Construction – (Operator Milestone Materials);
 - 7) Roger Colby – (Operator Milestone Materials); and
 - 8) Grube Aggregate LLC.
 - d) Recap of zone change recommendations to the County Board.
- 8. Resume agenda.
 - 9. Future agenda items.

cc: County Board Supervisors

Other interested parties

NOTE: Attachments to agenda are available in County Clerk's Office for review or copying. Action may be taken on any item listed on the agenda. The County of Douglas complies with the Americans with Disabilities Act of 1990. If you are in need of an accommodation to participate in the public meeting process, please contact the Douglas County Clerk's Office at (715) 395-1341 by 4:00 p.m. on the day prior to the scheduled meeting. Douglas County will attempt to accommodate any request, depending on the amount of notice we receive. Posted: Courthouse, Government Center, Telegram


Name _____ Date 2/24/16

Notice of Public Hearing
Douglas County Planning & Zoning Committee

A Public Hearing will be held by the Douglas County Planning & Zoning Committee at **10:00 a.m.** on **Wednesday, March 9, 2016** in the Government Center Board Room, Second Floor, 1316 North 14th Street, Superior, Wisconsin to hear the following:

a) Amendment to the Douglas County Zoning Ordinance:

Petition No. 16-01 – Thomas & Kelley Stoneburner, Mendota Heights, MN - Pt. SW1/4-SW1/4, Lot 1, CSM #279, Vol 2, Pgs 73-74, Section 14, T48N-R10W; (BR-006-00609-01; 13661E County Road FF), Town of Brule – from the R-1: Residential zoning district to the RR-1: Residential-Recreation zoning district, (proposed use: dwelling), filed February 5, 2016 in the County Clerk's Office.

b) Conditional-Use Permit(s):

- 1) Adam Olson, etal, Kingsford, MI – accessory building – E1/2-SE1/4-NE1/4, Section 35, T44N-R13W; (GO-012-01881-01; 14214S West Mail Road), Town of Gordon.
- 2) Kelly Herrick, New Auburn, WI, (c/o Gary Peterson, Rice Lake, WI) – seasonal dwelling – Pt. NE1/4-NE1/4, Section 34, T44N-R13W; (GO-012-01864-00), Town of Gordon.
- 3) Daniel Swanson, Superior, WI – garage – E1/2-E1/2-SW1/4-SE1/4, Section 33, T47N-R13W; (OA-022-00912-03), Town of Oakland.

c) Conditional-Use Permit Renewal(s):

- 1) Udeen Trucking, Inc./Northern Horizon, Superior, WI – Permit #8150 for a non-metallic mine renewal – Pt. SW1/4-SW1/4, Section 21, T47N-R14W; (TS-030-00495-00; 497-00; 498-00; 3204E & 3228E County Road B), Town of Superior.
- 2) Olson Brothers, Inc., Brule, WI – Permit #8196 for a non-metallic mine renewal – Pt. NW1/4-NW1/4, Section 24, T48N-R10W; (BR-006-00761-00; 3640S County Road H), Town of Brule.
- 3) 18th Hole LLC, Superior, WI – Permit #8520 for a non-metallic mine renewal – Pt. N1/2-SE1/4-NE1/4 in Section 35; NW1/4-NE1/4; SW1/4-NE1/4; NE1/4-NW1/4; SW1/4-NW1/4; & SE1/4-NW1/4 in Section 36, T47N-R12W; HA-014-00925-00; 00942-00; 00943-00; 00945-00; 00947-00; 00949-00; 7070S 18th Street Rd), Town of Hawthorne.
- 4) Town of Gordon, Gordon, WI – Permit #8600 for a non-metallic mine renewal – NW1/4-NW1/4 & NE1/4-NW1/4, Section 4, T44N-R10W; (GO-012-00095-00; 00096-00; 12070S Connors Meadow Rd), Town of Gordon.
- 5) Town of Gordon, Gordon, WI – Permit #17002 for a non-metallic mine renewal – Entire Section 28, T44N-R13W; (GO-012-01853-00; 5995E Crotte Brook Road), Town of Gordon.
- 6) Mathy Construction - (Operator-Milestone Materials, Amery, WI) – Permit #21107 for a non-metallic mine renewal – Pt. SE1/4-SE1/4-SE1/4, Lots 1 & 2, CSM #958, Vol 7, Pgs 46-47, Section 36, T48N-R13W; (PA-024-00749-00; 00749-01; 7197E Bayfield Road), Town of Parkland.
- 7) Roger Colby, Maple, WI – (Operator-Milestone Materials, Amery, WI) – Permit #22397 for a non-metallic mine renewal – NW1/4, SE1/4, Section 25, T48N-R11W; (MA-020-00589-00; 4220S Wuori Road), Town of Maple.
- 8) Grube Aggregate LLC, Poplar, WI – Permit #14985 for a non-metallic mine renewal – NW1/4-SE1/4, Section 15, T47N-R12W; (AM-002-00398-00; 8676E Berg Park Road); Town of Amnicon.

Mary Lou Bergman, Chair
Steve Rannenberg, Planning & Zoning Administrator

If you have any comments on these items, let the Planning & Zoning Office know in writing prior to the meeting, or appear at the Public Hearing. Planning & Zoning Office, 1313 Belknap St., Rm. 206, Superior, WI 54880 (715-395-1380). Action may be taken on any item listed on the public hearing. In accordance with WI Statutes 59.69 (5)(a), attachments to public hearing notice and maps of subject properties are available for review in the Planning & Zoning Office, or at www.douglascountywi.org. The County of Douglas complies with the Americans with Disabilities Act of 1990. If you are in need of accommodation to participate in the public meeting process, please contact the Douglas County Clerk's Office at (715) 395-1341 by 4:00 p.m. on the day prior to the scheduled meeting. Douglas County will attempt to accommodate any request depending on the amount of notice we receive. TDD (715) 395-7521.

ST February 19 & 26, 2016

**PLANNING & ZONING COMMITTEE
PUBLIC HEARING AND REGULAR MEETING
Douglas County Board of Supervisors
Wednesday, January 13, 2016, 9:00 a.m., Government Center Board Room
1316 North 14th Street, Superior, Wisconsin**

Meeting called to order by Chair Mary Lou Bergman.

ROLL CALL: Present – Mary Lou Bergman, Patricia Ryan, Nick Baker, John Robinson, Robert Mock. Others present – Steve Rannenberg, Sue Radzak, Randy Jones, Ben Klitzke, Zach DeVoe, Brad Theien, Jon Fiskness, Robert Zimmerman, Terri Nelson, Brad Nelson, Kaci Lundgren (Committee Clerk).

APPROVAL OF MINUTES: Motion by Ryan, second Mock, to approve the minutes from the December 9, 2015, meeting. Motion carried.

DEPARTMENT REPORTS:

Planning and Zoning/Board of Adjustment: Reports distributed.

Rural Housing Authority: Quarterly report distributed; to receive \$2 million dollar grant in July 2016.

Land Conservation: St. Croix Watershed Plan grant expired; request of extension denied.

Surveyor: Focus is on completion of land corner restoration sheets; intern acquired through 2016.

Land Records: Modernization Plan draft submitted and accepted; final plan to be submitted by March 31, 2016.

Real Property Lister: Completing 2015 deeds; 2016 to begin.

INFORMATIONAL:

Review of Conditional-Use Permit #24026 approved January 6, 2015 for Wayne Shelton for a “Home Occupation- Car Hauling Business”, located in Pt. N1/2-N1/2, SW1/4, NE1/4, Section 25, T48N-R14W, Town of Superior: No complaints or communication received regarding property; no concerns at this time.

Draft Revision – 8.4 Shoreland Zoning Ordinance: Distributed; to be reviewed by DNR. Intention is to have ordinance adopted April 2016.

Break from 9:51 a.m. to 10:05 a.m.

PUBLIC HEARING:

Amendment to the Douglas County Zoning Ordinance:

1) **Petition No. 15-10 – Bradley & Terri Nelson, Lake Nebagamon, WI – SW1/4-NE1/4,**

Section 26, T46N-R11W; (HI-016-01182-00; 11451 E Hazel Prairie Road), Town of Highland – from the F-1: Forestry zoning district to the A-1: Agricultural zoning district, (proposed use: horses), filed December 15, 2015 in the County Clerk’s Office.

Applicants present; correspondence received from Town of Highland with recommendation to rezone only SW 10 acres of SWNE Sec 26, T46N-R11W.

ACTION: Motion by Baker, second Ryan, to approve rezone of the SW 10 acres of SWNE Sec 26, T46N-R11W. Motion carried.

Conditional-Use Permits:

1) ZG Camp LLC, River Falls, WI – change the use of a dwelling from year-round to seasonal – Pt SE1/4-SW1/4, Section 26, T44N-R10W; (GO-012-00504-00; 13773 E County Road Y), Town of Gordon.

Applicant not present; correspondence received from Town of Gordon with no objections.

ACTION: Motion by Baker, second Robinson, to approve application as presented. Motion carried.

2) Gerald & Elizabeth Gunderson, St. Louis Park, MN – accessory building – Pt Gov’t Lots 2-3-4, Section 27, T43N-R14W; (DA-010-003650-00; Rocky Brook Trail), Town of Dairyland.

Applicants not present; correspondence received from Town of Dairyland with no objections.

ACTION: Motion by Robinson, second Ryan, to approve application as presented. Motion carried.

Recap of Zone Change Recommendations to the County Board: 1 rezone (Nelson).

Reconvene regular meeting at 10:14 a.m.

ADJOURNMENT: Motion by Ryan, second Robinson, to adjourn. Motion carried. Meeting adjourned at 10:17 a.m.

Submitted by,

Kaci Lundgren, Committee Clerk

a) Referral



OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D.C. 20410-1000

December 3, 2015

Mr. Douglas G. Finn
Chairman of Board
County of Douglas
1313 Belknap Street
Superior, WI 54880

RE: FY2008 Economic Development Initiative-Special Project Grant
Number B-08-NI-WI-0007: Grant Closeout

Dear Mr. Finn:

Please be advised that the U.S. Department of Housing and Urban Development is in the process of administratively closing out the FY 2008 Economic Development Initiative-Special Project (EDI-SP) grant awarded to County of Douglas, grant number B-08-NI-WI-0007. This grant is being closed out because one or more of the qualifying conditions have been met precipitating this action.

In accordance with ARTICLE v "Project Close-out" contained within the Grant Agreement for this award, please completed the enclosed Closeout Package which consists of 1) Certificate of Project Completion; 2) Grant Close-out Agreement. In addition to these documents, your organization is required to submit a completed Standard Form 425 "Federal Financial Report" and a final performance report. This report is a narrative of the EDI-SP funded portion of the award and must be submitted on your organization's letterhead. Please refer to the Grant Agreement for specific information on how to proceed with project completion and what additional records must be submitted.

Please return the completed and signed documents, along with other pertinent close-out information within ninety (90) days from the date of this letter. Please forward the completed package to me as follows:

Ms. Holly A. Kelly
U.S. Department of Housing and Urban Development
Community Planning and Development
Office of Policy Development and Coordination/Closeout Team
451 7th Street, SW, Room 7146
Washington, DC 20410

If you require technical assistance in completing these documents, please feel free to contact Laura Stillwell Grant Officer, by telephone at 202-708-7037 or by email at Laura.J.Stillwell@hud.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Holly A. Kelly", written over a circular stamp or mark.

Holly A. Kelly

Office of Policy Development and Coordination
Closeout Team

Enclosures

6901 East Fish Lake Road Suite 140 Maple Grover MN 55369



HoustonEngineering Inc.

September 28, 2015

Jon Fiskness
Douglas County
1313 Belknap St
Superior, WI 54880

Subject: LiDAR Derived Products and QC Contract

Dear Mr. Fiskness,

The purpose of this letter is to memorialize the agreement ("Agreement") among Houston Engineering, Inc. ("Engineer") and the Douglas County, WI ("Owner") for this project.

The Scope of Services under this agreement includes the proposed tasks HEI agrees to complete. The compensation for this agreement is listed by task below. I believe this Agreement accurately sets forth our understanding. If so, I would ask you, or an authorized representative sign the agreement and email it back to us.

Sincerely,

HOUSTON ENGINEERING INC.

Brian Fischer, CFM
GIS Project Manager

Douglas County LiDAR Derived Products and QC Agreement

CLIENT/OWNER SERVICES AGREEMENT

PROJECT NAME Douglas County LiDAR Derived Products and QC
 HOUSTON JOB NO. _____ HOUSTON PROJ. MGR. Brian Fischer
 CLIENT/OWNER NAME Douglas County, WI CLIENT/OWNER PHONE NO. 715-395-7423
 CLIENT/OWNER ADDRESS 1313 Belknap St, Superior, WI 54880

This Independent Services Agreement ("Agreement") is made and entered into effective as of this 28th day of September, 2015, by and between **HOUSTON ENGINEERING, INC.** ("HOUSTON") and Douglas County, WI ("CLIENT/OWNER").

Recitals

A. The Owner has requested Houston Engineering, Inc. to perform certain services in connection with the project ("Project") as more fully described in the "Scope of Services".

SCOPE OF SERVICES: Describe here or attached Exhibit "A"

The following Attachments are hereby made a part of this AGREEMENT:

- | | | |
|-------------------------------------|------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> | GENERAL TERMS AND CONDITIONS | Fee Scheduled _____ |
| <input type="checkbox"/> | Work Authorizations _____ | X Other – Scope of Services _____ |

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, HOUSTON and SUBCONSULTANT agree as follows:

- | | | |
|-------------------------------------|------------------|---|
| <input checked="" type="checkbox"/> | \$ <u>31,000</u> | Lump Sum fee based upon the SCOPE OF SERVICES above or attached. |
| <input type="checkbox"/> | \$ _____ | Estimated Fee. To be performed and invoiced on an hourly basis commensurate with the current Fee Schedule |
| <input type="checkbox"/> | \$ _____ | Percentage of Estimated Construction Cost |
| <input type="checkbox"/> | Other _____ | |

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the date first above written:

| | |
|--|--|
| CLIENT/OWNER | HOUSTON ENGINEERING, INC. |
| BY: _____ AUTHORIZED REPRESENTATIVE | BY: _____ AUTHORIZED REPRESENTATIVE |
| TITLE: _____ | TITLE: _____ |
| DATE: _____ | DATE: _____ |

PLEASE SIGN AND RETURN ONE COPY TO HOUSTON AT THE ADDRESS ABOVE

Douglas County LiDAR Derived Products and QC Agreement

Exhibit A – Scope of Services

Task 1: LiDAR QC Report

HEI will perform an independent 3rd party LiDAR QC of the bare earth LiDAR product delivered from the LiDAR vendor. The purpose of the report is to validate the accuracy of the bare earth LiDAR deliverables meet a NSSDA RMSE(z) specifications for the project. HEI follows FEMA QC guidance, which ensures the report meets FEMA's QC guidelines for flood insurance studies. This task includes obtaining the bare earth LiDAR files in a LAS format from the County. The County will also provide at minimum 120 survey checkpoints across applicable land uses for comparison against the LiDAR dataset to validate that it meet the specified Root Mean Square Error (RMSE) requirements. The results of the accuracy check will be summarized into a report and delivered to the County. HEI will not be collecting the survey checkpoints therefor cannot guarantee or certify the accuracy of those points. HEI will perform a cursory review of the checkpoints from the County to ensure they can be used for this task prior to proceeding with the report. Final Deliverables:

- Planning map provided to the County for checkpoint collection
- Conference call to discuss required deliverables from County
- LiDAR QC Report

Assumptions

- Douglas County will provide at minimum 120 survey checkpoints across different land uses.
- Douglas County will provide documentation that the survey checkpoints vertical accuracy were collected using high grade GPS. Each check point must include a photo. HEI will not be verifying the accuracy of the checkpoints.
- Douglas County surveyor will be responsible for signing off on the accuracy of the LiDAR based upon their survey checkpoints.
- HEI will only preform one round of accuracy checks and review; if the LiDAR fails to meet the specifications the County will be responsible for additional costs to have HEI re-check new deliverables or re-create derived products.
- No other QC will be performed in order to meet the USGS QL2 specifications.

Task 2: DEM Generation

HEI will generate a 3 meter ESRI Binary GRID to be compatible with ArcGIS software. If another resolution other than 3 meter is desired that would be possible. The DEM's would be produced by generating an ArcGIS terrain dataset from the filtered LAS files. The ArcGIS terrain would then be split up into the desired tile format and converted to a 3 meter ESRI grid. The final deliverables would include a separate ESRI Grid for each tile, county wide terrain dataset and metadata. Prior to proceeding with this task, HEI will conduct a conference call to discuss final deliverables such as coordinate system and timeline.

Task 3: Contour Generation

HEI will create 1 foot contours from the bare earth LiDAR LAS files and derived DEM. The contours would be created using ArcGIS Spatial and 3D analyst or comparable software. A separate contour shapefile would be created for each LiDAR tile area. The shapefiles would contain an attribute with the elevation and whether the

Douglas County LiDAR Derived Products and QC Agreement

contour was an index contour. The processing would ensure contours are edge matched between tiles and eliminate contour lines less than 100 ft in length. The contour lines will be smoothed using the "Smooth Line" tool within the ArcGIS suite of products. The final deliverable for this task would be a separate 3D shapefile or file geodatabases containing 1 foot contours for each tile and metadata document for the dataset. The Contours will be tiled by township boundaries and delivered in County Coordinates. Prior to proceeding with this task, HEI will conduct a conference call to discuss final deliverables such as tile scheme, coordinate system and timeline.

Assumptions

- Douglas County will provide a hard drive of the LiDAR bare earth LAS files to HEI.
- LiDAR post spacing and vertical accuracy support the generation of 1 foot contours.
- Water breaklines will not be created as part of this project, therefore the DEM's will not be hydro flattened.

Summary of Costs

The costs for this project have been summarized for these tasks as listed below.

| | | |
|---------------|----------------------------|-----------------|
| Task 1 | LiDAR QC Report | \$5,000 |
| Task 2 | DEM Generation | \$10,500 |
| Task 3 | Contour Generation | \$15,500 |
| | Total for All Tasks | \$31,000 |

Payment Schedule

Douglas County will be invoiced upon delivery of Contour, DEM products and quality control report. Expected completion summer of 2016.

Douglas County LiDAR Derived Products and QC Agreement

General Terms and Conditions

These general terms and conditions (“Terms”) together with the attached Client/Owner Services Agreement between Houston Engineering, Inc. (“ENGINEER”) and OWNER attached hereto (“Agreement”) shall exclusively govern the relationship between ENGINEER and OWNER with respect to the transaction described in the Agreement. No addition, modification, or amendment to these Terms or the Agreement will be binding on ENGINEER unless agreed to in writing and signed by an authorized representative of ENGINEER. (These Terms and the Agreement are hereinafter collectively referred to as the “Agreement”).

1. STANDARD OF CARE

ENGINEER will perform its services in accordance with the terms of this Agreement. The standard of care applicable to ENGINEER’S services will be the degree of care, skill and diligence normally employed by others performing the same or similar services under similar circumstances at the same time and in the same locality. All estimates, recommendations, opinions and decisions of ENGINEER will be made upon the basis of information provided to or made available to ENGINEER based upon ENGINEER’S experience, technical qualifications and professional judgment.

2. WARRANTY

Except as specifically set forth in this Agreement, Engineer has not made and does not make any warranties or representations whatsoever, express or implied, as to services to be performed or materials to be provided including, without limitation, any warranty or representation as to: (i) the merchantability or fitness or suitability of the services or products for a particular use or purpose whether or not disclosed to Engineer; and (ii) delivery of the services and products free of the rightful claim of any person by way of infringement (including, but not limited to, patent or copyright infringement) or the like. Engineer does not warrant and will not be liable for any design, material or construction criteria furnished or specified by owner and incorporated into the services and products provided hereunder.

3. PAYMENT TERMS

Invoices will be submitted periodically (customarily on a monthly basis) and are due and payable upon receipt. OWNER agrees to pay a service charge on all accounts 30 days or most past due at a rate equal to one percent (1%) each month but in no event shall such service charge exceed the maximum amount allowed by law. Acceptance of any payment from OWNER without accrued service charges shall not be deemed to be a waiver of such service charges by ENGINEER. In the event OWNER is past due with respect to any invoice ENGINEER may, after giving five (5) days written notice to OWNER, suspend all services without liability until OWNER has paid in full all amounts owing ENGINEER on account of services rendered and expenses incurred, including service charges on past due invoices. Payment of invoices is not subject to discount or offset by OWNER.

4. CHANGES OR DELAYS

The fee set forth in this Agreement constitute ENGINEER’S estimate to perform the services required to complete the Project as ENGINEER understands it to be defined. If the Project requires conceptual or process development services, such services often are not fully definable in the initial planning. If, as the Project progresses, facts develop that in ENGINEER’S judgment dictate a change in the services to be performed, which may alter the Scope of Services, ENGINEER will inform OWNER so that negotiation of change in scope and adjustment to the time of performance and compensation can be accomplished. If such change results in an increase or decrease in the cost of or time required for performance of the services an equitable adjustment shall be made and the Agreement modified accordingly.

5. PAYMENT

Where the method of payment under the Agreement is based upon cost reimbursement (e.g., hourly rate, time and materials, direct personnel expense or per diem) the provisions of subparagraph a. shall apply in addition to the provisions of subparagraphs b. through d.

- a. The minimum time segment for charging fieldwork is one (1) hour. The minimum time segment for charging work done at any of ENGINEER’S offices is one-quarter hour.
- b. Direct costs, excluding travel and subsistence, are payable at actual documented cost plus 10% for administration. These direct costs include, but are not limited to, shipping, communication, printing and reproduction, computer services, supplies and equipment, and equipment items rented from commercial sources. Travel and subsistence expenses of personnel when on business connected with the Project are reimbursable at cost.
- c. When applicable, rental charges will be applied to cover the cost of pilot-scale facilities or equipment, apparatus, instrumentation, or other technical machinery. When such charges are applicable, OWNER will be advised at the start of an assignment, task, or phase.
- d. Invoices based upon cost reimbursement will be submitted showing labor (hours worked) and total expense. If requested by OWNER, supporting documentation will be supplied at the cost of providing such documentation, including labor and copying costs.

6. TERMINATION

OWNER and ENGINEER shall both have the right to terminate this contract at any time and for any reason by submitting written notice of termination to the other party at least thirty (30) days prior to the specified effective date of termination. In addition, each shall have the right to terminate this contract on ten (10) days written notice in the event that the other has breached any of the covenants, agreements or stipulations in this contract. In either event, on the termination of this contract, all finished and unfinished reports, data, materials, information, and other work products prepared by ENGINEER pursuant to this contract shall, as limited by the other provisions of this agreement, become the property of the OWNER and ENGINEER will be paid for services performed up to the date of the contract termination. Notwithstanding the above, neither party shall be relieved of the liability to the other for damages sustained by virtue of any breach of the contract.

Douglas County LiDAR Derived Products and QC Agreement

7. LIMITATION OF LIABILITY

OWNER agrees to indemnify and hold ENGINEER harmless against all claims, losses, damages, liability judgments, cost and expenses including attorneys' fees arising out of or related to OWNER's products and/or services described herein. However, OWNER does not have any liability under this Section to the extent that a court of competent jurisdiction shall determine that ENGINEER was guilty of malfeasance or negligence that resulted in such claims, losses, damages, liability judgments, costs and/or expenses. Furthermore, OWNER shall have no liability to ENGINEER relating to or arising out of his services. ENGINEER agrees to indemnify and hold OWNER harmless against all claims, losses, damages, liability judgments, cost and expenses including attorneys' fees arising out of or related to ENGINEER's malfeasance or negligence.

8. INSURANCE

ENGINEER agrees to purchase, at its own expense, workers' compensation insurance and comprehensive general liability insurance in amounts determined by ENGINEER and will, upon request, furnish insurance certificates to OWNER. The existence of any such insurance shall not increase ENGINEER'S liability as limited by paragraph 8 above.

9. INDEMNIFICATION

OWNER shall defend, indemnify, and hold harmless the ENGINEER from and against all actions and claims, including attorneys' fees and other costs of litigation related thereto, involving or in any way relates to establishing the right to indemnification, which may arise out of or in any way relates to OWNERS failure to perform any of its obligations under the Contract.

ENGINEER shall indemnify and hold harmless OWNER from all actions, claims, accounts, demands, losses, injuries, and expenses, including attorney's fees and other costs of litigation, which may relate to ENGINEERS negligent acts, negligent errors or willful omissions.

10. HAZARDOUS SUBSTANCE INDEMNIFICATION

OWNER acknowledges that neither ENGINEER nor ENGINEER's agents or consultants have any professional liability (errors or omissions) or other insurance for claims or damages arising out of the performance of or failure to perform professional services, including but not limited to the preparation of reports, designs, drawings, and specifications related to the investigation, detection, abatement, replacement, or removal of parts, materials, or processes containing asbestos or relating to the actual, alleged, or threatened discharge, dispersal, release or escape of pollutants (defined herein as any solid, liquid, gaseous, or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, and waste) or hazardous substances of any kind however defined. Accordingly, OWNER hereby agrees to bring no claim for fault, negligence, breach of contract, indemnity, or other action against ENGINEER, its principals, employees, agents, and consultants, if such claim in any way would relate to asbestos, pollutants or hazardous substances in connection with the Project. This indemnification shall survive termination of the Agreement.

11. PROJECT SITE

OWNER shall furnish or cause to be furnished to ENGINEER all documents and information known to OWNER that relate to the identity, location, quantity, nature, or characteristics of any asbestos, pollutant or hazardous substance, however defined, at, on or under the Project site. In addition, OWNER shall furnish such other reports, data, studies, plans, specifications, documents, and other information regarding surface and subsurface site conditions required by ENGINEER for proper performance of its services. ENGINEER shall be entitled to rely upon OWNER provided documents and information in performing the services required under this Agreement; however, ENGINEER assumes no responsibility or liability for the accuracy or completeness of any such documents or information. ENGINEER will not direct, supervise, or control the work of contractors or their subcontractors. ENGINEER's services will not include a review or evaluation of the contractor's or subcontractor's safety measures. ENGINEER shall be responsible only for its activities and those of its employees on any site. The presence of ENGINEER, its employees, agents or subcontractors on a site shall not imply that ENGINEER controls the operations of others nor shall it be construed to be an acceptance by ENGINEER of any responsibility for job-site safety.

13. DISPOSAL OF CONTAMINATED MATERIAL

ENGINEER is not, and has no responsibility as a handler, generator, operator, treater, storer, transporter, or disposer of hazardous or toxic substances found or identified at a site.

14. CONFIDENTIALITY

ENGINEER shall maintain as confidential and not disclose to others without OWNER's prior consent all information obtained from OWNER that was not otherwise previously known to ENGINEER or in the public domain and is expressly designated by OWNER in writing to be "CONFIDENTIAL." The provisions of this paragraph shall not apply to information in whatever form that (a) is published or comes into the public domain through no fault of ENGINEER, (b) is furnished by or obtained from a third party who is under no obligation to keep the information confidential, or (c) is required to be disclosed by law on order of a court, administrative agency, or other authority with proper jurisdiction. OWNER agrees that ENGINEER may use and publish OWNER's name and a general description of ENGINEER's services with respect to the Project in describing ENGINEER's experience and qualifications to other clients or potential clients.

Douglas County LiDAR Derived Products and QC Agreement

15. RE-USE OF DOCUMENTS

All documents, including drawings and specifications, prepared or furnished by ENGINEER (and ENGINEER's affiliates, agents, subsidiaries, independent professional associates, consultants, and subcontractors) pursuant to this Agreement are instruments of service in respect of the Project, and ENGINEER shall retain ownership thereof, whether or not the Project is completed. OWNER may make and retain copies for information and reference in connection with the Project; however, such documents are not intended or represented to be suitable for re-use by OWNER or others on extensions of the Project or on any other project. Any re-use without written verification or adaptation by ENGINEER for the specific purpose intended will be at OWNER's sole risk and without liability to ENGINEER or ENGINEER's affiliates, agents, subsidiaries, independent professional associates, consultants, and subcontractors with respect to any and all costs, expenses, fees, losses, claims, demands, liabilities, suits, actions, and damages whatsoever arising out of or resulting therefrom. Any such verification or adaptation will entitle ENGINEER to further compensation at rates to be agreed upon by OWNER and ENGINEER.

16. CONTROLLING AGREEMENT

This Agreement shall take precedence over any inconsistent or contradictory provisions contained in any proposal, contract, purchase order, requisition, notice-to-proceed, or like document regarding ENGINEER's services. If any provision of this Agreement is determined to be invalid or unenforceable in whole or part by a court of competent jurisdiction, the remaining provisions hereof shall remain in full force and effect and be binding upon the parties hereto. The parties agree to reform this Agreement to replace any such invalid or unenforceable provision with a valid and enforceable provision that as closely as possible expresses the intention of the stricken provision. This Agreement, including but not limited to the indemnification provisions, shall survive the completion of the services under this Agreement and the termination of this Agreement for any cause. This Agreement gives no rights or benefits to anyone other than ENGINEER and OWNER and has no third party beneficiaries except as may be specifically set forth in this Agreement. This Agreement constitutes the entire agreement between the parties and shall not in any way be modified, varied or amended unless in writing signed by the parties. Prior negotiations, writings and understandings relating to the subject matter of this Agreement are merged herein and are superceded and canceled by this Agreement. Headings used in this Agreement are for the convenience of reference only and shall not affect the construction of this Agreement.

17. PROPRIETARY DATA

The technical and pricing information contained in the Scope of Services is confidential and proprietary and is not to be disclosed or otherwise made available to third parties by OWNER without the express written consent of ENGINEER.

18. GOVERNING LAW

This Agreement is to be governed by and construed in accordance with the laws of the principal place of business of ENGINEER.

19. DATA PRACTICES ACT REQUESTS

ENGINEER considers certain information developed during the execution of services as "not public" and "protected" from public disclosure under the various local, state and federal Data Practices Act Requests. OWNER shall reimburse ENGINEER for any and all costs and expenses, including attorneys' fees associated with any type of data practices act request.

20. ASSIGNMENTS

This Agreement and the rights and duties hereunder may not be assigned by OWNER, in whole or in part, without ENGINEER'S prior written approval.

21. FORCE MAJURE

ENGINEER shall not be liable for any loss, damage or delay resulting out of its failure to perform hereunder due to causes beyond its reasonable control including, without limitation, acts of nature or the OWNER, acts of civil or military authority, terrorist threats or attacks, fires, strikes, floods, epidemics, quarantine restrictions, war, riots, delays in transportation, transportation embargos, extraordinary weather conditions or other natural catastrophe or any other cause beyond the reasonable control of ENGINEER. In the event of any such delay, ENGINEER'S performance date(s) will be extended for that length of time as may be reasonably necessary to compensate for the delay.

22. WAIVER

No failure or delay on the part of ENGINEER in exercising the right, power or remedy under this Agreement shall operate as a waiver thereof; nor shall any single or partial exercise of any rights, power or remedy preclude any other or further exercise thereof or the exercise of any other right, power or remedy hereunder. The remedies provided in this Agreement are cumulative and not exclusive of any remedies provided by law.

23. WAIVER OF JURY

In the interest of expediting any disputes that might arise between ENGINEER and OWNER, ENGINEER and OWNER hereby waive their respective rights to a trial by jury of any dispute or claim concerning this Agreement, the services and any other documents or agreements contemplated by or executed in connection with this Agreement.

24. NOTICES

Any and all notices, demands or other communications require or desire to be given under this Agreement shall be in writing and shall be validly given or made if personally served; sent by commercial carrier service; or if deposited in the United States Mail, certified or registered, postage prepared, return receipt requested. If such notice or demand is served personally, notice shall be deemed constructively made at the time of such personal service. If such notice, demand or other communication is given by mail or commercial carrier service, such notice shall be conclusively deemed given three (3) days after deposit thereof in the United States Mail or with a commercial carrier service. Notices, demand or other communications required or desired hereunder shall be addressed to the individuals indicated in this Agreement at the addresses indicated in

Douglas County LiDAR Derived Products and QC Agreement

this Agreement. Any party may change its address or authorized recipient for purposes of this paragraph by written notice given in the manner provided above.

25. WARRANTIES AND MAINTENANCE – WEB HOSTING AND PROGRAMMING

ENGINEER MAKES NO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER WARRANTIES OR GUARANTIES WHATSOEVER, EXPRESSED OR IMPLIED, WITH RESPECT TO ANY SERVICE PERFORMED OR ANY MATERIALS PROVIDED UNDER THIS AGREEMENT. In addition, and without limitation, Engineer does not guarantee the website application and source code is free from programming bugs or irregularities or that the service performed or materials provided are free of claims of any person by way of infringement (including, but not limited to, patent or copyright infringement) or the like. Owner agrees to indemnify and save and hold Engineer and its officers, directors, shareholders, agents, servants, employees and insurers, harmless from any and all liabilities and expenses, including, without limitation, reasonable attorneys' fees, expenses, costs, judgments, settlements, contract losses, damages, injuries (including, but not limited to, liquidated damages) or other costs actually incurred arising directly or indirectly from any alleged or actual defects, nonconformities or breach of warranties with respect to the products and services contemplated by this Agreement.

While the Engineer shall make every reasonable effort to protect and backup data for Owner on a regular basis, Engineer is not responsible for Client's files residing on Engineer's server. Owner is solely responsible for independent backup of data stored on Engineer's server and network. If the Engineer needs and is able to restore client's files due to a file lost engineer is not responsible for, provider may charge an additional fee for this service.

Use of illegal or copyright material on any web page or other distribution mechanism used in conjunction with the Customer's account, will result in termination of this Service Agreement. Illegal material is defined as any material not permitted under United States local, state or federal laws. If "illegal material" was submitted by a client of the Customer without Customer's knowledge, this Service Agreement will remain in effect if the Customer removes the "illegal material."

Any use of Houston Engineering's systems that disrupts the normal use of the system for other Houston Engineering Inc. customers is considered to be abuse of Houston Engineering Inc. services and is grounds for termination of this Service Agreement. Some examples of abuse include spawning dozens of processes, consuming large amounts of memory or CPU cycles for long periods of time, attempting to access other Customers' account areas, or conducting provocative activities such as mass emailing which may result in retaliatory actions against Houston Engineering Inc.' systems.

**AMENDMENT TO AGREEMENT DATED 7/11/2012 BETWEEN
 PICTOMETRY INTERNATIONAL CORP. ("Pictometry")
 AND
 DOUGLAS COUNTY WI ("Customer")**

1. This Amendment, including all Sections and Appendices referenced herein (collectively, this "Amendment") is entered into by and between Pictometry and Customer and supplements and modifies the terms of the Agreement dated 7/11/2012 as, to the extent applicable, previously modified by addenda or amendments thereto (collectively, the "Agreement"). Any purchase order or similar document issued by Customer in connection with this Amendment is issued solely for Customer's internal administrative purposes and the terms and conditions set forth on such purchase order shall be of no force or effect as between the parties. To the extent that there is any inconsistency between the terms set forth in this Amendment and those set forth in the Agreement, the terms set forth in this Amendment shall prevail.

Section A: Product Descriptions, Prices and Payment Terms
 Appendix 1: Photogrammetric Product Specifications
 Appendix 2: Scope of Work - Photogrammetric Product Specifications
 Sector Maps (2)
 LiDAR Map

2. **MODIFICATIONS TO AGREEMENT:**

- a. The products, product descriptions, prices, payment terms, and product parameters set forth in Section A and Section B of the Agreement, with respect to the Second Capture, shall be deleted in their entirety and replaced with the products, product descriptions, prices, payment terms, and product parameters set forth in Section A attached to this Amendment.
- b. The Sector Maps, LiDAR Map, Appendix 1, and Appendix 2 attached to this Amendment shall be added to the Agreement.
- c. All use of Pictometry Connect - CA - 50 and Pictometry Connect View - CA shall be in accordance with the Online Services General Terms and Conditions, the Software License Agreement, and the Pictometry Web Visualization Offering Terms and Conditions entered into between Pictometry and Customer on May 22, 2015.

Except as expressly modified by this Amendment, all other terms and conditions set forth in the Agreement shall remain in full force and effect.

3. All notices under this Agreement shall be in writing and shall be sent to the following respective addresses:

| CUSTOMER NOTICE ADDRESS | PICTOMETRY NOTICE ADDRESS |
|--------------------------------|---|
| 1316 N. 14th St., Suite 243 | 100 Town Centre Drive, Suite A |
| Superior, Wisconsin 54880 | Rochester, NY 14623 |
| Attn: Jon Fiskness | Attn: Contract Administration |
| Phone: (715)395-7423 Fax: | Phone: (585) 486-0093 Fax: (585) 486-0098 |

Either party may change their respective notice address by giving written notice of such change to the other party at the other party's then-current notice address. Notices shall be given by any of the following methods: personal delivery; reputable express courier providing written receipt; or postage-paid certified or registered United States mail, return receipt requested. Notice shall be deemed given when actually received or when delivery is refused.

This Amendment shall become effective only upon execution by duly authorized officers of Customer and Pictometry, respectively, and receipt by Pictometry of such fully executed document.

PARTIES:

| CUSTOMER | PICTOMETRY |
|--------------------------|---|
| DOUGLAS COUNTY WI | PICTOMETRY INTERNATIONAL CORP. |
| (entity type) | a Delaware corporation |
| SIGNATURE: | SIGNATURE: |
| NAME: | NAME: |
| TITLE: | TITLE: |
| DATE: | EXECUTION DATE: |
| | DATE OF RECEIPT (EFFECTIVE DATE) |

SECTION A

PRODUCT DESCRIPTIONS, PRICES AND PAYMENT TERMS

Pictometry International Corp.
 100 Town Centre Drive, Suite A
 Rochester, NY 14623

| |
|----------------|
| ORDER # |
| C118429 |

| |
|-----------------------------|
| BILL TO |
| Douglas County, WI |
| Jon Fiskness |
| 1316 N. 14th St., Suite 243 |
| Superior, Wisconsin 54880 |
| (715)395-7423 |
| fisknessj@ci.superior.wi.us |

| |
|-----------------------------|
| SHIP TO |
| Douglas County, WI |
| Jon Fiskness |
| 1316 N. 14th St., Suite 243 |
| Superior, Wisconsin 54880 |
| (715)395-7423 |
| fisknessj@ci.superior.wi.us |

| | | |
|--------------------|------------------|-----------------------------|
| CUSTOMER ID | SALES REP | FREQUENCY OF PROJECT |
| A116738 | DLars | Triennial |

| SECOND CAPTURE | | | | | |
|-----------------------|---|---|------------|---------------------|---------------------|
| QTY | PRODUCT NAME | PRODUCT DESCRIPTION | LIST PRICE | DISCOUNT PRICE (%) | AMOUNT ¹ |
| 1333 | LiDAR-PURCHASED-0.7m postings (sq mi) with AccuPlus | Available with purchase of AccuPlus product. LiDAR data delivered in tiled LAS format, nominal raw post spacing of 0.7m, vertical accuracy sufficient to support optional generation of 1-ft contours (available separately). 50 square mile minimum. Customer shall own the copy of this LiDAR product delivered to Customer pursuant to this Agreement. Pictometry shall retain copies of said LiDAR product and shall own those copies. | \$110.00 | | \$146,630.00 |
| 1333 | IMAGERY - Color Digital Orthophotography - 6 inch GSD - Industry-Standard Delivery Format - per square mile | Product includes Color Digital Orthophotography - 6 inch GSD ("CDO") consists of 6-inch GSD ortho mosaics delivered to Customer in an open industry-standard digital delivery format not proprietary to Pictometry. See Appendix for mosaic specifications and selected delivery format. Customer shall own the copies of the CDO delivered to the Customer in an industry-standard digital delivery format not proprietary to Pictometry pursuant to this Agreement (the "CDO Deliverables"), notwithstanding anything in this Agreement to the contrary. Pictometry shall retain copies of the CDO Deliverables and shall own those copies. | \$72.50 | | \$96,642.50 |
| 1333 | IMAGERY - COMMUNITY - 4-way (C5) (9in) - Per Sector | Product includes 9-inch GSD oblique frame images (4-way), 9-inch GSD orthogonal frame images, 1-meter GSD ortho mosaic sector tiles and one area-wide 1-meter GSD mosaic (ECW format). Orthogonal GSD: 0.75 feet/pixel, Nominal Oblique GSD (all values +/-10%): Front Line: 0.74 feet/pixel, Middle Line: 0.85 feet/pixel, Back Line: 1.00 feet/pixel. | \$75.00 | \$67.50 (10%) | \$89,977.50 |
| 1333 | LiDAR Based Mapping - Misc (sq mi) | Additional LiDAR Based Mapping. See attached Scope of Work for specifics. | \$10.00 | | \$13,330.00 |
| 1 | Pictometry Connect - CA - 50 | Pictometry Connect - CA - 50 (Custom Access) provides up to 50 concurrent authorized users the ability to login and access the Pictometry-hosted custom imagery libraries specified elsewhere in this Agreement via a web-based, server-based or desktop integration. The default deployment is through web-based Pictometry Connect. Term commences on date of activation. License Term: 3 Year(s) | \$6,000.00 | \$4,500.00 (25%) | \$4,500.00 |
| 1 | AccuPLUS Project Fee - CUSTOMER LIDAR | AccuPLUS project fee for projects with customer-supplied DTM | \$2,500.00 | | \$2,500.00 |
| 1 | Pictometry Connect View - CA | Pictometry Connect View - CA (Custom Access) provides visualization-only access to the Pictometry-hosted custom imagery libraries specified elsewhere in this Agreement via a web application or server based integration. Requires a customer-provided web application or server based application. With respect to imagery available through this product to third parties or the Public, Pictometry reserves the right to reduce the resolution of the imagery available. Term commences on date of activation. Term ends upon the earlier to occur of (i) the expiration of the term specified elsewhere in this Agreement, or (ii) the volume of | \$1,500.00 | \$1,125.00 (25%) | \$1,125.00 |

| | | | | | |
|----------------------------------|---|---|----------|--|---------------------|
| | | geocode requests submitted through the application exceeding 10,000. License Term: 3 Year(s) | | | |
| 1 | Media Drive Capacity 1.862T- Drive Model 2.0T - EXTPOWER | External USB 2.0 / eSATA Externally Powered Delivery media prices include copying a complete image library onto media. Sub-warehousing extra. | \$299.00 | | \$299.00 |
| 1 | AccuPlus Imagery Bundle with Three (3) Years of EFS Maintenance & Support | Includes digital copy of the Licensed Documentation for the License Software, two (2) End User Training Sessions, one (1) Advanced User Technical Training, one (1) Administration / IT Training Session, fifteen (15) hours of telephone support, one copy of Pictometry Electronic Field Study (EFS) software, latest version, on the storage media specified herein, and access to download updated versions of the EFS Licensed Software for a period of three years from the initial date of shipment of the EFS software, along with a copy of the updated documentation. | \$0.00 | | \$0.00 |
| 1 | Electronic Field Study (EFS) | One copy of Electronic Field Study software, latest version. | \$0.00 | | \$0.00 |
| 1 | EAP Program | Refer to detailed description of EAP Program in the Agreement. | \$0.00 | | \$0.00 |
| SUBTOTAL – SECOND CAPTURE | | | | | \$355,004.00 |

| | | |
|---|-------------------------------------|---------------------|
| Thank you for choosing Pictometry as your service provider. | TOTAL- BOTH CAPTURES | \$537,495.50 |
|---|-------------------------------------|---------------------|

¹Amount per product = ((1-Discount %) * Qty * List Price)

PAYMENT TERMS

SECOND CAPTURE

| | |
|--|---------------------|
| Due at Shipment of Imagery | \$118,334.66 |
| Due at First Anniversary of Shipment of Imagery | \$118,334.67 |
| Due at Second Anniversary of Shipment of Imagery | \$118,334.67 |
| Total Payments | \$355,004.00 |

PRODUCT PARAMETERS

IMAGERY – SECOND CAPTURE

Product: IMAGERY - COMMUNITY - 4-way (C5) (9in) - Per Sector
Elevation Source: USGS
Leaf: Less than 30% leaf cover (Off)
Special Instructions:

ACCUPLUS IMAGERY – SECOND CAPTURE

Product: IMAGERY - Color Digital Orthophotography - 6 inch GSD - Industry-Standard Delivery Format - per square mile
Elevation Source: New Pictometry LiDAR
Coverage Area Format: N/A - Pictometry LiDAR
Leaf: Less than 30% leaf cover (Off)
Special Instructions:

Standard Ortho Mosaic Products: Pictometry standard ortho mosaic products are produced through automated mosaicking processes that incorporate digital elevation data with individual Pictometry ortho frames to create large-area mosaics on an extremely cost-effective basis. Because these products are produced through automated processes, rather than more expensive manual review and hand-touched corrective processes, there may be inherent artifacts in some of the resulting mosaics. While Pictometry works to minimize such artifacts, the Pictometry standard ortho mosaic products are provided on an 'AS IS' basis with respect to visible cutlines along mosaic seams resulting from the following types of artifacts:

- i. Disconnects in non-elevated surfaces generally caused by inaccurate elevation data;
- ii. Disconnects in elevated surfaces (e.g., roadways, bridges, etc.) generally caused by elevated surfaces not being represented in the elevation data;
- iii. Building intersect and clipping generally caused by buildings not being represented in the elevation data;
- iv. Seasonal variations caused by images taken at different times during a season, or during different seasons;
- v. Ground illumination variations caused by images taken under different illumination (e.g., sunny, high overcast, morning light, afternoon light, etc.) within one flight day or during different flight days;
- vi. Single GSD color variations caused by illumination differences or multiple-aircraft/camera captures;
- vii. Mixed GSD color variations caused by adjacent areas being flown at different ground sample distances (GSDs); and
- viii. Water body color variations caused by multiple individual frames being used to create a mosaic across a body of water (e.g., lakes, ponds, rivers, etc.).

Other Pictometry products may be available that are less prone to such artifacts than the Pictometry standard ortho mosaic products.

CONNECT – SECOND CAPTURE

Product: Pictometry Connect - CA - 50
Admin User: Jon Fiskness
Admin User Email: fisknessj@ci.superior.wi.us
Requested Activation: At Signing
Special Instructions:

Product: Pictometry Connect View - CA
Admin User: Jon Fiskness
Admin User Email: fisknessj@ci.superior.wi.us
Requested Activation: At Signing
Special Instructions:

CONNECT: GEOFENCES – SECOND CAPTURE

Geofence: WI Bayfield
Geofence: WI Burnett
Geofence: WI Douglas
Geofence: WI Washburn
Geofence: MN St. Louis

LIDAR – SECOND CAPTURE

Product: LIDAR-PURCHASED-0.7m postings (sq mi) with AccuPlus
Funding Source: Self-funded / None
(see related Terms & Conditions as applicable)
Special Instructions:

APPENDIX 1 PHOTOGRAMMETRIC PRODUCT SPECIFICATIONS

AccuPlus® Premium Ortho-Mosaic

Product Overview:

Seamless ortho-mosaic produced from individual frames and tiled to customer's preferred tiling scheme.

Acquisition:

Flight plans will be prepared to capture image frames with nominal 60% forward overlap and nominal 30% sidelap in order to provide sufficient overlap for automatic aerial triangulation and mitigation of building lean in orthophotography produced. Source imagery will be acquired during times of optimal environmental conditions. Imagery will generally be captured when solar altitude is 30 degrees or greater and/or by using the most optimal four-hour window, except where capture season offers significantly longer window. Imagery will be acquired with ground free of snow cover and deciduous vegetation less than 30% of full bloom. Frames with clouds will be rejected and reflown. Any planned deviation from these conditions imposed by capture window constraints will be discussed with client prior to commencement of acquisition.

Camera:

Pictometry utilizes its USGS certified, custom designed mapping camera incorporating a Kodak sensor and custom designed photogrammetric lenses. The sensor is fully calibrated according to Pictometry's USGS approved calibration process. Pictometry's sensor provides a dynamic range of 12 bits per band, RGB (resampled to 8 bits during processing).

Ortho-Rectification:

Prior to the production of orthophotography, Pictometry will perform automatic aerial triangulation, utilizing the directly observed Exterior Orientations (EOs) and ground control points (GCPs), measured by a licensed surveyor, for the purpose of orienting the individual frames for creation of the final ortho imagery. In addition to the GCPs, sophisticated matching techniques will be employed to automatically create tie points for use in performing a bundle adjustment. Pictometry will utilize best available Digital Terrain Models, combined with the calibrated camera interior orientations, ground control points, and triangulated EOs to rectify the images. When the rectification requires a resampling of the source imagery, a cubic convolution method will be utilized.

Mosaic:

Global color balancing will be applied to all orthophotos to create homogeneous orthophotos within the project area. Local adjustments of brightness values, color and contrast will be performed if needed. There will be no obvious seam edge between two adjacent orthophotos. Mosaic will be created using automated seamline steering, with manual edits to eliminate feature misalignment caused by seamlines which pass thru features above the elevation surface. Feature alignment across seamlines will be 3 pixels or better. When possible, seamlines will be steered away from elevated features to improve orthophoto quality. Once the mosaic has been produced, the imagery will be tiled and named according to the customer provided (or Pictometry generated) schema for delivery.

LiDAR 0.7 m

This section describes the operational parameters of the ALTM Gemini that Pictometry intends to set for collection of data. Actual collection parameters may vary due to weather conditions and/or air traffic control (ATC) restrictions. Pictometry stipulates the final accuracy of the dataset regardless of actual capture parameters.

Capture Parameters (nominal) – 0.7 m postings

| | |
|-------------------------|--|
| Flight Altitude: | 760m/2500ft |
| Point Spacing: | 0.7m |
| Point Density: | 2 points per square meter |
| Pulse Repetition Freq.: | 70kHz |
| Scan Angle (+/-): | 15.8 degrees |
| Scan Frequency: | 56Hz |
| Swath Width: | 430m/1400ft |
| Overlap: | 30% |
| Vertical Accuracy: | 9.25 cm RMSE _z bare earth 18.2 cm NSSDA Vertical Accuracy (95% confidence) – bare earth |
| Horizontal Accuracy: | 25cm, RMSE |
| Returns: | Up to four per pulse |
| Intensity records: | Recorded for each return |
| Coordinate System: | Customer preferred system and units (must be specified and approved in advance of start of work). |
| Filtering: | Automated methods with manual review and clean up with the following minimum performance specifications: <ul style="list-style-type: none">• 95% of outliers removed• 95% of vegetation removed• 98% of buildings removed |
| Contour Interval: | Meets or exceeds FEMA requirements to generate contours at a 1' interval. NOTE: While Pictometry stipulates this accuracy, independent verification of this accuracy as well as additional independent reporting is usually required to qualify for FEMA funding. Pictometry offers these services through an independent subcontractor for additional cost. |

Deliverables:

- LiDAR Data
 - Tiled* LAS v1.2 files including Return Number and Intensity attribute for each return
 - Duplicate points and 95% of outliers removed
 - Ground points classified via automated methods with manual review and clean up
 - 95% of vegetation features removed
 - 98% of buildings removed
 - Buildings and vegetation not classified separately
 - NOTE: LiDAR data deliverables will extend approximately 140m beyond the specified project area
- Raw GPS/INS data and laser range files with supporting information
- FGDC compliant metadata
- Estimated Data Sizes (at 0.7m point spacing): 20-25GB per 100 square miles (approximate)

**APPENDIX 2
SCOPE OF WORK**

PHOTOGRAMMETRIC PRODUCT SPECIFICATIONS

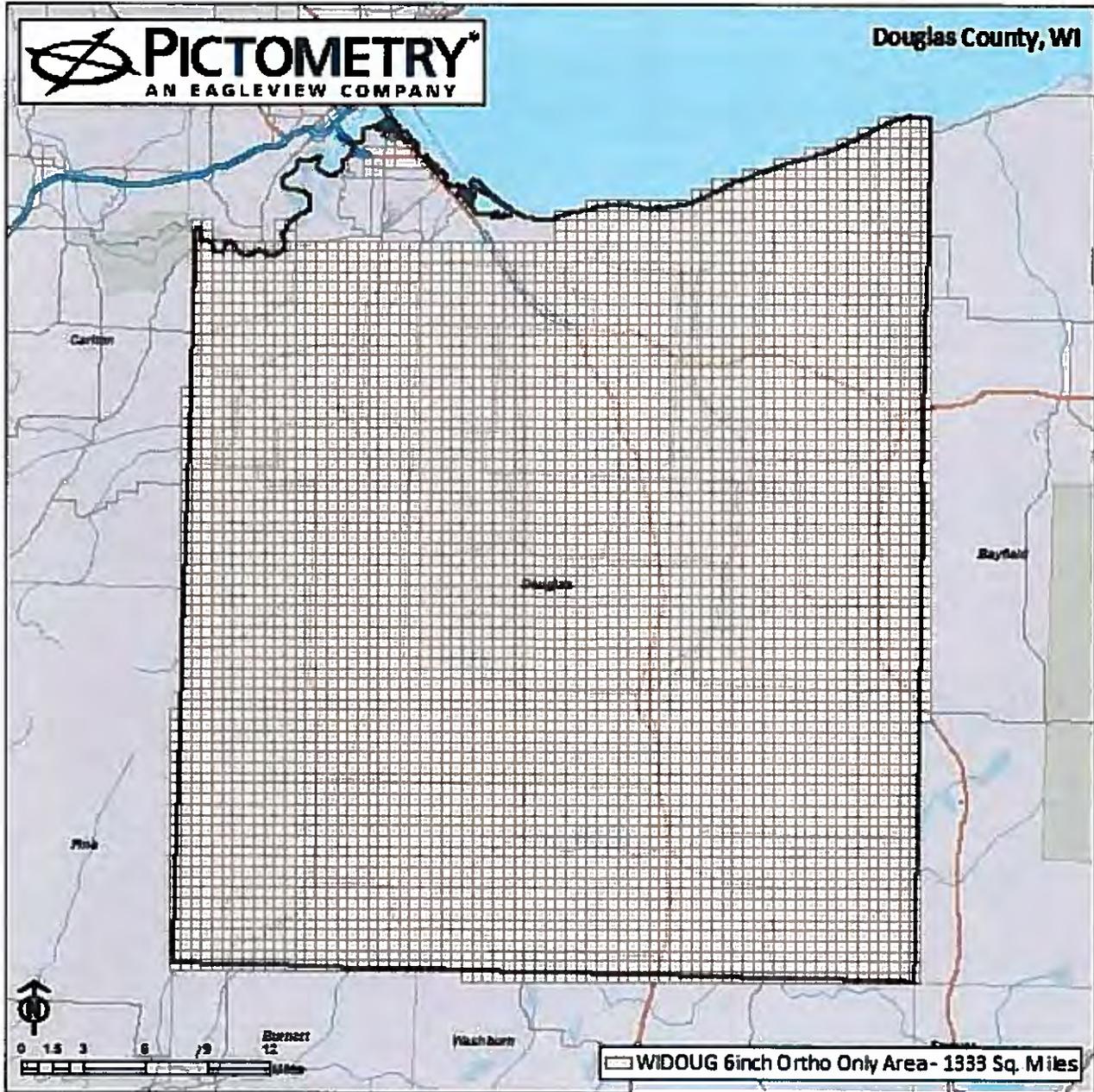
LiDAR Based Mapping

Product Overview:

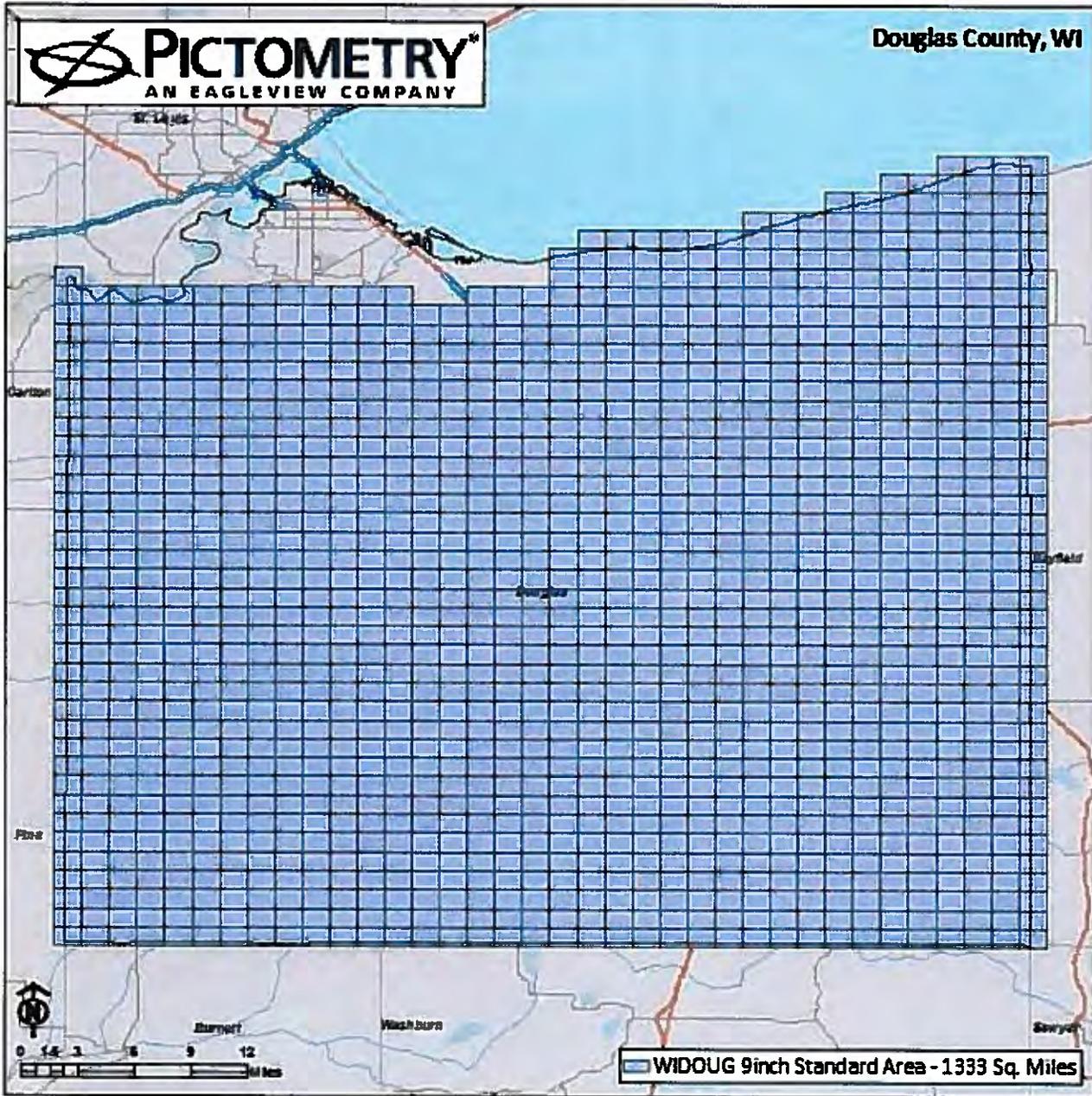
Product includes additional classification of LiDAR data to meet USGS QL2 guidelines. Final classification will include the following classes and designations:

| Code | Description |
|-------------|------------------------------------|
| 1 | Processed, but unclassified. |
| 2 | Bare earth. |
| 7 | Low noise. |
| 9 | Water. |
| 10 | Ignored ground (near a breakline). |
| 17 | Bridge decks. |
| 18 | High noise. |

SECTOR MAP



SECTOR MAP



LIDAR MAP





County Surveyor/Land Information Officer
Land Information Office
1313 Belknap St. Room 207A
Superior, WI 54880
(715) 395-1340
ben.klitzke@douglascountywi.org

2/24/2016

2016 Capital Improvement Request: \$30,000 toward Douglas County PLSS remonumentation Program

I have attached pages out of the 2016-2018 Land Records Modernization Plan which address specific details regarding Douglas County remonumentation plans for the next three years.

The requested \$30,000 would greatly impact the success of the remonumentation program and meeting State of Wisconsin's required benchmarks toward PLSS remonumentation.

Thank-You,

Ben Klitzke

4 CURRENT & FUTURE PROJECTS

Project #1: PLSS Remonumentation

Project Description/Goal

Remonumentation of PLSS lost and obliterated corners. Survey grade coordinates on existing remonumented PLSS corners. Accurate coordinates on the PLSS corners in Douglas County is the only way to achieve higher accuracy of the parcel layer.

Business Drivers

- County has 53% of the PLSS corners with U.S. Public Land Survey Monument Record Sheets and 40% have survey grade coordinates.
- County has invested \$30,000 per year over the last five years for remonumentation projects.
- A weighted control system of PLSS corners was developed and incorporated into the GIS for strategic mission planning and determining project areas.
- U.S. Public Land Survey Monument Record sheets will be available online and accessible on County survey site.

Objectives/Measure of Success

- The intent is to obtain as many survey-grade coordinates on PLSS corners that will affect the accuracy of the highest density of parcels.
- PLSS survey-grade coordinates as provided by Professional Land Surveyors will be incorporated in the PLSS Control Layer in the Parcel fabric allowing individual parcels to be adjusted.

Project Timeframes

| Milestone | Duration | Date |
|---|--------------|------------------------------|
| Obtaining survey grade coordinates and remonumentation on PLSS corners. | | January 1 –December 31, 2016 |
| Integrate PLSS control into parcel fabric | monthly | |
| Index tie sheet and other survey records | As completed | |
| Project Complete | 12 months | December 31, 2016 |

Responsible Parties

The County Surveyor will administrate the Remonumentation project. Local private Professional Land Surveyors and in-house County staff will be doing the necessary fieldwork and drafting U.S. Public Land Survey Monument Record sheets.

Estimated Budget Information

See table below.

PLSS

Public Land Survey System Monuments

Layer Status

- For the PLSS Foundational Element, the table below documents Layer Status

| PLSS Layer Status | |
|---|--|
| Name | Status/Comments |
| Total number of PLSS corners (section, ¼, meander) set in original government survey | 4425 |
| Number and percent of PLSS corners that have been remonumented | 2359, 53% |
| Number and percent of remonumented PLSS corners with survey grade coordinates (see below for definition) | 1757, 40% |
| Number and percentage of survey grade PLSS corners integrated into county digital parcel layer | 1757, 40% |
| Number and percentage of non-survey grade PLSS corners integrated into county digital parcel layer | 2668, 60% |
| Percentage of PLSS corners that have digital tie sheets (whether or not they have corresponding coordinate values) | 2345, 53% |
| Digital tie sheets available online? Yes or No | Yes |
| Approximate number of PLSS corners believed to physically exist based on filed tie-sheets or surveys, but do not have coordinate values | 1350, 30% |
| Approximate number of PLSS corners believed to be lost or obliterated | 1300, 29% |
| Total number of PLSS corners along each bordering county | Burnett = 30 Washburn= 53 Bayfield= 87 WI/MN State Line= 72 |
| Number and percent of PLSS corners remonumented along each county boundary | Burnett = 30 Washburn= 53 Bayfield= 48 WI/MN State Line= 22 |
| Number and percent of remonumented PLSS corners along each county boundary with survey grade coordinates | Burnett = 30 (100%) Washburn= 53 (100%) Bayfield= 14 (16%) WI/MN State Line= 22 (31%) |
| Does your county collaborate with or plan to collaborate with neighboring counties for PLSS updates on shared county borders? | Yes |

Custodian

- Douglas County Land Information Office, County Surveyor/LIO

Maintenance

- Daily

Standards

- Statutory Standards for PLSS Corner Remonumentation
 - s. 59.74, Wis. Stats. Perpetuation of section corners, landmarks.
 - s. 60.84, Wis. Stats. Monuments.
 - ch. A-E 7.08, Wis. Admin. Code, U.S. public land survey monument record.
 - s. 236.15, Wis. Stats. Surveying requirements.
- Wisconsin County Surveyor's Association **survey grade** standard:
Coordinates collected under the direction of a Professional Land Surveyor, in a coordinate system allowed by s. 236.18(2), and obtained by means, methods and equipment capable of repeatable 2 centimeter or better precision.

Interim Report. If selecting a PLSS first approach, note this in the *Project Plan for PLSS*, described below.

Business Drivers

The *Project Plan for Parcel Completion* is a requirement for Strategic Initiative grant eligibility.

- Provide accurate parcel representation to meets user expectations
- Provide free public access to the data through data download page, listed in previous section

Objectives/Measure of Success

The objective is to meet Benchmark 3 (Completion of County Parcel Fabric) by Dec., 2020.

- Integrate PLSS Corner for accuracy adjustments
- Use of survey documents for parcel geometry cleanup

Project Timeframes

The parcel adjustments process/timeline will coincide with A five-year PLSS remonumentation plan for the completion and integration of PLSS corners controlling private owned sections (densely developed areas) by 2020.

Responsible Parties

DCL LIO/Surveyor, GIS Coordinator, GIS Consultants and GIS Staff

Estimated Budget Information

See table.

Project Plan for PLSS (Benchmark 4)

Project Description/Goals

Planned approach

- Douglas County has maintained a planned approach for remonumenting Government PLSS corners through contract services (private surveyors) and Douglas County Staff (County Surveyor and Limited Term Surveying Technician). In 2011, Douglas County adopted a reimbursement policy for U.S. Public Land Survey Monument Record sheets filed that provide a Douglas County survey-grade coordinate.

Current status

- Douglas County has approximately 4,425 PLSS corners set in the original government survey; 53% have been remonumented; 40% have survey-grade coordinates.
 - **Survey-grade** – Coordinates collected under the direction of a professional land survey, in a coordinate system allowed by s. 236.18(2), and obtained by means, methods and equipment capable of repeatable 2 centimeter or better precision
 - **Sub-meter** – Accuracies of within 1 meters or better
 - **Approximate** – Accuracies of within 5 meters or to coordinates derived from public records and other relevant information

Goals

The goal is to continue remonumentation efforts and obtain survey grade coordinates on PLSS corners administered through the County Surveyor's Office. Areas of priority will be determined by the accuracy of the parcels in the Parcel Fabric. Newly obtained survey-grade coordinates will be directly inputted into the parcel fabric. There are many factors that contribute to the exact number of corners remonumented and survey grade coordinates obtained in a given year, but this has been determined as the Counties highest priority. I would anticipate on a yearly basis to obtain 150

remonumented corners with new U.S. Public Land Survey Monument Record Sheets and survey grade coordinates and 100 survey grade coordinates on existing U.S. Public Land Survey Monument Record Sheets.

Missing corner notes

In Douglas County, almost half of the county's total acreage (417,815 acres) is publicly owned. (859,000 acres total)

County-owned lands: 282,171 acres (33%)

State-owned lands: 58,507 acres (7%)

Town-owned Lands: 8,925 acres (2%)

Paper Co.-owned Lands: 68, 212 acres (8%)

These areas are large parcels of land in which remonumentation efforts will be lowest priority.

County boundary collaboration

- U.S. Land Survey Monument Record sheets and coordinates are shared by surrounding Counties

Business Drivers

- County has 53% of the PLSS corners with U.S. Public Land Survey Monument Record Sheets and 40% have survey grade coordinates.
- County has invested \$30,000 over the last five years for remonumentation projects.
- Weighted control system of PLSS corners was developed and incorporated in the GIS for strategic mission planning on project areas.
- U.S. Public Land Survey Monument Record sheets will be available online and accessible on County survey site.

Objectives/Measure of Success

A five-year remonumentation plan on the completion and integration of PLSS corners controlling private owned sections (densely developed areas) by 2020.

Ten- year plan to completed all PLSS corners in County.

Project Timeframes

| Milestone | Duration | Date |
|---|-----------------|----------------------|
| Project #1 start | | Jan. 1, 2016 |
| Integrate PLSS control into parcel fabric | every month | Jan1–Dec .31 2020 |
| Index tie sheet and other survey records | upon completion | June 1–Dec. 31, 2020 |
| Project Complete | – | Dec 31, 2020 |

Responsible Parties

The County Surveyor will administer the remonumentation project. Private Professional Land Surveyors and in-house County staff will be doing the necessary fieldwork and drafting U.S. Public Land Survey Monument Record sheets.

Estimated Budget Information

See table.

PROPOSED AMENDMENT TO THE DOUGLAS COUNTY ZONING ORDINANCE

Current Situation: The Douglas County Unit of the Wisconsin Towns Association requests that the Douglas County Board amend the Zoning Ordinance to allow the housing of chickens, without restriction, permission, approval, permit or fee) within two residential districts. Douglas County Zoning Ordinance 8.0 Section III outlines the permitted and conditional uses within the various zoning districts. At issue are the permitted and conditional uses allowed within the R-1 (small lot) and R-2 (large lot) Zoning Districts since 1970. At issue is the prohibition of the housing of farm animals within the R-1 District and the requirement for a conditional use permit to operate a hobby farm (defined in Ordinance 8.0 Section III Subsection 3.4 (2) (d)). The subsection lists a number of animals, and specifically chickens, as a reference but, not as an exhaustive list. The conditional use permit process begins with the submission of an application and a \$275 fee by the property owner. I then place the application on the public hearing agenda of the Zoning Committee and notify the affected town board and adjoining property owners. Since 2000 I have issued twenty-seven conditional use permits for hobby farms.

Concerns: While the matter of housing chickens in a residential area may seem innocuous there are potential unintended consequences. These include, but are not limited to the following: 1) the requested amendment is specific to chickens. The request does not include other fowl (“If he can have chickens on his property without a permit, why can’t I have ducks, turkey, guinea hens?”). 2) the current ordinance includes limits on the location of structures housing animals in relation to structures used for human habitation. 3) the proposal does not take into consideration the density of development for the proposed site. 4) the proposed prohibition on any form of approval denies the opportunity for objection by the municipality or adjoining property owners. 5) the proposal is not limited to hens and could include roosters with no limit on the number of chickens. 6) the proposal use is not limited to developed properties and those occupied by the owner year-round. 7) there is no provision assuring that the minimum lot size requirement within the specific zoning district is met or any limitation on the use of substandard lots. 8) Lastly, to whom would the municipality or an aggrieved neighbor address a complaint?

Possible Courses of Action:

COA #1: Do nothing. Allow the administration of the Zoning Ordinance provisions for a hobby farm in effect today.

COA #2: Amend the ordinance to add the housing of domestic chickens, limited to six hens and no roosters, as permitted uses in the R-1 and R-2 Districts. Require the issuance of a land use permit with limited conditions. These additional conditions could include minimum setbacks from adjoining property lines and dwellings currently listed in the zoning ordinance.

COA #3: Amend the ordinance to allow an unlimited number of chickens on any lot with no restrictions. This course of action would require the amendment of the Zoning Ordinance to remove “chickens” from the list of animals listed in Subsection 3.4 (2) d. and add language regarding the proposed exemption.

8.4 SHORELAND ZONING ORDINANCE

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF DOUGLAS DOES ORDAIN AS FOLLOWS:

SECTION I. STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, AND TITLE

1.1 Statutory Authorization

This ordinance is adopted pursuant to the authorization in Sections 59.69, 59.692, and 59.693, ~~59.694, 87.30, 236.45 and 281.31~~ Wis. Stats.

1.2 Finding of Fact

Uncontrolled use of the shorelands and pollution of the navigable waters of Douglas County would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Douglas County, Wisconsin.

1.3 Purpose and Intent

For the purpose of promoting the public health, safety, convenience and welfare, ~~and promote and protect the public trust in navigable waters~~, this ordinance has been established to:

1.31 Further the maintenance of safe and healthful conditions and prevent and control water pollution through:

- (1) Limiting structures to those areas where soil and geological conditions will provide safe foundation;
- (2) Establishing minimum lot sizes to provide adequate areas for private ~~sewage disposal facilities~~ ~~on-site waste treatment systems~~; and
- (3) Controlling ~~shoreline alterations, dredging and lagooning~~ ~~filling and grading to prevent soil erosion problems~~.
- (4) ~~Limiting impervious surfaces to control runoff which carries pollutants.~~

1.32 Protect spawning grounds, fish and aquatic life through:

- (1) Preserving wetlands and other fish and aquatic habitat;
- (2) Regulating pollution sources; and

(3) Controlling shoreline alterations, dredging and lagooning.

1.33 Control building sites, placement of structures and land uses through:

(1) ~~Separating conflicting land uses;~~

(2)(1) Prohibiting certain uses detrimental to the ~~shoreland area~~
~~shoreland-wetlands~~;

(3)(2) Setting minimum lot sizes and widths; and

(4)(3) ~~Regulating side yards and building setbacks from waterways~~ Setting
minimum building setbacks from waterways.

(4) Setting the maximum height of near-shore structures.

1.34 Preserve ~~shore cover~~ and restore shoreland vegetation and natural scenic beauty through:

(1) Restricting the removal of natural shoreland cover;

(2) Preventing shoreline encroachment by structures;

(3) Controlling shoreland excavation and other earth moving activities;
and

(4) Regulating the use and placement of boathouses and other structures.

1.4 Title Shoreland Zoning Ordinance for Douglas County, Wisconsin.

SECTION II. GENERAL PROVISIONS

2.1 Areas to be Regulated

Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Douglas County which are:

2.11 Within one thousand (1,000) feet of the ordinary high water mark of navigable lakes, ponds or flowages. If the navigable water is a glacial pothole lake, this distance shall be measured from the high water mark of the lake. Lakes, ponds or flowage in Douglas County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication "~~Surface Water Resources of Douglas County~~" FH-800, 2009 "Wisconsin Lakes" book available at the following website: <http://dnr.wi.gov/org/water/fhp/lakes/lakemap> or are shown on United States Geological Survey quadrangle maps or other zoning

base maps.

- 2.12 Within three hundred (300) feet of the ordinary high water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in Douglas County shall be presumed to be navigable if they are designated as ~~continuous~~ perennial waterways or intermittent waterways on United States Geological Survey quadrangle maps (1:24,000). Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas.
- 2.13 Determinations of navigability and ordinary high water mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Department for a final determination of navigability or ordinary high water mark.
- 2.14 Under Section 281.31(2m), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to lands adjacent to farm drainage ditches if:
- (1) Such lands are not adjacent to a natural navigable stream or river;
 - (2) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
 - (3) ~~Such lands are maintained in nonstructural agriculture use.~~ Lands adjacent to artificially constructed rainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

2.2 ~~Shoreland Zoning~~ Shoreland-Wetland Maps

The maps designated below are hereby adopted and made part of this ordinance. They are on file in the office of the Zoning Administrator for Douglas County.

- (1) ~~United States Geological Survey 7.5' Quadrangle Maps for Douglas County:~~ The most recent version of the Wisconsin Wetland Inventory, as depicted on the Department of Natural Resources Water Data Viewer is made part of this ordinance. The maps can be viewed at: <http://dnr.wi.gov/SL/viewer.html>.

| | | | |
|--------------------------|---------------|----------------------------|---------------|
| Amnicon Lake | 75 | Lake Minnesuing | 84 |
| Bennett | 81 | Lake Nebagamon | 75 |
| Black Lake | 83 | Lyman Lake | 75 |
| Borea | 81 | Metzger Lake | 84 |
| Buckety Creek | 82 | Minong Flowage | 82 |
| Chittamo | 71 | Moose Junction | 83 |
| Chittamo NE | 71 | Oulu | 84 |

| | | | |
|--------------|----|---------------|----|
| Cloverland | 64 | Parkland | 75 |
| Cloverton | 83 | Patzau | 75 |
| Dairyland | 83 | Poplar | 75 |
| Ellison Lake | 84 | Poplar NE | 75 |
| Empire Swamp | 83 | Scovils Lake | 83 |
| Eske | 83 | Solon Springs | 82 |
| Foxboro | 54 | South Range | 75 |
| Frogner | 75 | Sunnyside | 75 |
| Gordon | 82 | Superior | 83 |
| Island Lake | 84 | West Duluth | 83 |

15' Quads:

| | |
|-------|----|
| Brule | 64 |
|-------|----|

Use of 1961 15' USGS Quadrangle shall be limited to that area of Brule 15' not shown on 7.5', Cloverland 64, Lake Nebagamon 75, and Oulu 84.

- (2) ~~Wisconsin Wetland Inventory maps stamped "FINAL" on February 12, 1985.~~
- (3)(2) ~~Floodplain zoning maps identified as FIRM, FBFW, and dated February 4, 1981. Floodplain analysis identified in the Dam Failure Study for Pattison Park Dam dated May 1992 and Mooney Dam dated March 1995. The most recent version of the Flood Insurance Rate Maps created by the Federal Emergency Management Agency (FEMA) including the appendix listed in Ordinance 8.3~~
- (4)(3) Douglas County Official Zoning Map dated December 10, 1970 and amendments.

2.3 Compliance

The use of any land or water, the size, shape and placement of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation, the subdivision of lots, shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations.

~~(However, see Section 9.0 for standards applicable to nonconforming uses.)~~ Buildings, signs and other structures shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.

2.4 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 when Section 13.48(13), Wis. Stats. applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Section ~~30.42(4)(a)~~ **30.2022(1)**, Wis Stats., applies.

2.5 Abrogation and Greater Restrictions

The provisions of this ordinance supersede ~~all the~~ any provisions of any in a county zoning ordinance adopted under Sections 59.69 and 59.692, Wis. Stats. which solely relate to shorelands. In other words, if a zoning standard only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this ordinance supercedes those provisions. However, where an ordinance adopted under a statute other than Sections 59.69 and 59.692 Wis. Stats., does not solely relate to shorelands and is more restrictive than this ordinance, for example a floodplain ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

2.51 This ordinance shall not require approval or be subject to disapproval by any town or town board.

2.52 If an existing town ordinance relating to shorelands is more restrictive than this ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of greater restrictions, but not otherwise.

2.53 This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

2.54 The more restrictive provisions of the Douglas County General Zoning Ordinance are hereby incorporated and made part of this ordinance and shall have the same force and effect as if fully numerated herein.

2.55 (s. 59.692(1d)(b), Wis Stats.) The provisions of Douglas County Zoning Ordinance 8.0 Section IV, Subsection 4.4 apply to the shoreland zone and are referenced herein.

2.56 (s. 59.692(1k)(a)1., Wis. Stats.) Douglas County does not establish or regulate any of the following in the shoreland district:

(1) Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.

(2) Requires any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.

2.6 Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this ordinance is required by Statute and a standard in Wis. Adm. Code NR 115, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Statute and NR 115 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.

2.7 Severability

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

SECTION III. LAND DIVISION REVIEW AND SANITARY REGULATIONS

3.1 Land Division Review

The county shall review, pursuant to Section 236.45, Wis. Stats. and Douglas County Subdivision Ord 8.1, all land divisions in shoreland areas which create one or more parcels or building sites of less than 10 acres each within a 5-year period. In such review the following factors shall be considered:

- (1) Hazards to the health, safety or welfare of future residents;
- (2) Proper relationship to adjoining areas;
- (3) Public access to navigable waters, as required by law;
- (4) Adequate stormwater drainage facilities; and
- (5) Conformity to state law and administrative code provisions.

3.2 Limited Rezoning to Achieve Reduced Lot Sizes and Setbacks

3.21 Purpose

In some instances where an individual lot or small tract of land has unique characteristics, such as unique terrain, which would result in unnecessary hardship as defined in Section 13.2, if the owner were required to comply with one of more of the requirements for minimum lot sizes, width and setback, the Board of Adjustment may grant a variance. In other instances where larger areas are involved, the appropriate method for seeking a relaxation of the same minimum standards is by rezoning to establish a Planned Residential Unit Development overlay. The Planned Residential Unit Development is intended to permit smaller lots and setbacks where the physical layout of the lots is so arranged (often by setting them back farther from navigable water) as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Residential Unit Development at the time of its approval. A condition of all Planned Residential Unit Development is the preservation of certain open space, preferably on the shoreland, in perpetuity.

3.22 Requirements for Planned Residential Unit Development

The County Board may at its discretion, upon its own motion or upon petition, approve a Planned Residential Unit Development, either by approving first an overlay district and then a plat or by approving only a plat for the specific planned residential project upon finding, after a public hearing, that all of the following facts exist:

- (1) Area. The area proposed for the Planned Residential Unit Development is at least 40 acres in size.
- (2) Pollution Control. The location and nature of the septic systems which will serve the home sites individually or collectively will assure that effluent from the septic systems will not reach the ground or surface waters in a condition which would contribute to health hazards, taste, odor, turbidity, fertility or impair the aesthetic character of navigable waters.
- (3) Preservation of Ground Cover. The location of home sites and the dedication of part of the land for the use by the public or residents of the Planned Residential Unit Development will preserve the ground cover of the shoreland and scenic beauty of the navigable water, prevent erosion, and other pertinent factors. Land not used for lots and streets shall be dedicated in perpetuity to remain in open space. This may be accomplished by conveyance in common to each of the owners of lots in the development or to a corporation formed by them, or by dedication to the county, town or municipality. Lands dedicated to the public must be accepted by action of the governing body of the accepting unit of government. If the land is to be conveyed to owners of lots in the development, a homeowner's association or similar legally constituted body shall be created to maintain the open space land. Any restriction placed on platted land by covenant, grant of easement or any other manner which was required by a public body or which names a public body as grantee, promisee or beneficiary, shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction.
- (4) Density. The number of platted home sites shall not exceed those which would have been possible if the same land were platted in accordance with the minimum lot sizes, setbacks and widths provided by the applicable provisions of the zoning ordinance. This figure shall be determined by dividing the total area of the subdivision, excluding streets, by the minimum lot size required by Section 4.0 of this ordinance.
- (5) Lot Sizes, Widths, Setbacks, and Tree-cutting. The lot sizes, widths, and setbacks shall not be less than those provided for in current statutes Wis. Adm. Code ~~Comm. Ch. 85~~ **SPS 385**, and shall not be so small as to cause pollution or erosion along streets or other public ways and waterways or so small as to substantially depreciate the property values in the immediate neighborhood. ~~Shore cover provisions in Section 6.0 shall apply except that maximum width of a lake frontage opening shall be 100 feet.~~

3.23 Procedure for Establishing a Planned Residential Unit Development District The

procedure for establishing limited rezoning in the form of a Planned Residential Unit Development district shall be as follows:

- (1) **Petition.** A petition setting forth all of the facts required in Section 3.22 shall be submitted to the County Clerk with sufficient copies to provide for distribution by the Clerk as required by Section 3.23(2).
- (2) **Review and Hearing.** The petition shall be submitted to the county zoning agency established as required by Sections 59.69 and 59.692, Wis. Stats., which shall hold a public hearing and report to the County Board as required by law. Copies of the petition and notice of the hearing shall also be sent to the appropriate district office of the Department as described in Section 11.2 of this ordinance. The county zoning agency's report to the County Board shall reflect the recommendations of any federal, state or local agency with which the county zoning agency consults. If a petition seeks approval of a Planned Residential Unit development plat without first seeking the granting of an overlay district, a hearing shall be held on such plat as in any regular amendment to the zoning ordinance. If, however, a hearing is first held on the overlay for a Planned Residential Unit Development district, a second public hearing need not be held in connection with the approval of a subsequent plat or plats which comply with the overlay district as approved.
- (3) **Findings and Conditions of Approval.** The County Board shall make written findings as to the compliance or noncompliance of the proposed overlay district with each of the applicable requirements set forth in Section 3.22. If the petition is granted in whole or part, the County Board shall attach such written conditions to the approval as are required by and consistent with Section 3.22. The conditions of approval shall in all cases establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks and the location of septic systems and the preservation of ground cover and open space.
- (4) **Planning Studies.** A landowner or petitioner may at his own expense develop the facts required to establish compliance with the provisions of Section 3.22 or may be required to contribute funds to the county to defray all or part of the contribute funds to the county to defray all or part of the cost of such studies being undertaken by the county or any agency or person with whom the county contracts for such work.

3.3 Sanitary Regulations

The county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.

- (1) Where public water supply systems are not available, private well construction shall be required to conform to Wis. Adm. Code NR Ch. 812.

- (2) Where a public sewage collection and treatment system is not available, design and construction of private sewage disposal systems shall be governed by a private sewage system ordinance adopted by the county under Section 59.70(5), Wis. Stats. **and required to comply with Wis. Admin. Code SPS 383.**

SECTION IV. DIMENSIONS OF BUILDING SITES

- 4.1 **Shoreland Lots Purpose:** Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety and welfare and protection against pollution of the adjacent body of water.
- 4.2 **Shoreline Lots Lot Sizes**
- 4.21 Minimum Area and Width. The ~~minimum lot area~~ **and lot width** for shoreline lots shall ~~be 30,000 square feet and the minimum average lot width shall be 150 feet with at least 150 feet of frontage at the ordinary high water mark~~ **comply with the Zoning Schedule – Dimensional Requirements found herein.**
- 4.22 ~~Interior Lot Dimensions. Minimum interior lot dimensions are shown on the dimensional schedule attached as page 219~~ **Sewered and Unsewered Lots. Lot sizes shall comply with the Zoning Schedule – Dimensional Requirements found herein.**
- 4.33 **Substandard Lots**
- 4.331 After adoption of this ordinance, no lot areas shall be so reduced that the dimensional and yard requirements required by this ordinance cannot be met. Lots existing and of record prior to adoption of this ordinance, but of substandard size, may be devoted to uses permitted in the district in which located if such use can be accomplished in compliance with the lot and building dimensional schedule of this ordinance.
- 4.332 If two or more substandard lots with continuous frontage have the same ownership as of the effective date of this ordinance, the lots involved shall be considered to be ~~an individual~~ **one** parcel for the purposes of this ordinance.
- 4.333 Lots created after adoption of this ordinance and which are not served by public sewer systems shall meet the minimum area requirements of the Douglas County Sanitary Code and the Douglas County Subdivision Control Ordinance. ~~Any shoreline lot must have a minimum area of 30,000 square feet and minimum width of 150 feet.~~
- 4.334 Other substandard lots. Except for lots which meet the requirements of Sections 4.31, 4.32, or 4.33, a building permit for the improvement of a lot having lesser dimensions than those stated in Sections 4.1 and 4.2 shall be issued only after granting of a variance by the Board of Adjustment.

4.335 Lots in Cluster Subdivisions

Lots in cluster subdivisions not served by public sanitary sewers may be reduced to the minimum allowed by the county private sewage system ordinance pursuant to the procedures set forth in Section 3.2 of this ordinance.

SECTION V. SETBACKS FROM THE WATER

5.1 Lots that Abut on Navigable Waters

All buildings and structures, except **exempt structures**, ~~piers, boat hoists, boathouses and open fences which may require a lesser setback~~, shall be set back at least 75 feet from the ordinary high water mark of navigable waters.

5.2 Structures Exempt from the Minimum Setback in 5.1 in accordance with Wisconsin Statutes 59.692(1v) and WI Administrative Code NR 115.05(1)(b)(1m)

5.21 Boathouses.

~~5.31~~ (1) Boathouses shall be designed and constructed solely for the storage of boats and related equipment and shall not be used for human habitation **and may not be plumbed**.

~~5.32~~ (2) Boathouses shall be set back a minimum of 2 feet and no greater than 20 feet from the ordinary high water mark and shall be constructed in conformity with local floodplain zoning standards. **Boathouses shall be located within the viewing and access corridor.**

~~5.33~~ (3) One boathouse is permitted on a lot as an accessory building.

~~5.34~~ ~~Boathouses shall not be constructed where the existing slope is more than 20%.~~

~~5.35~~ (4) Boathouses shall not exceed one story or 14 feet in height and 250 square feet in floor area.

~~5.36~~ (5) Boathouses are not allowed in those townships where a resolution has been adopted prohibiting new construction, and formally presented as an ordinance amendment and approved by the County Board of Supervisors.

5.22 Open-sided or screened structures referred to as minor structures within shoreland setback area (gazebo law).

(1) The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary high water mark.

(2) The floor area of all the structures in the shoreland setback area will not exceed 200 square feet.

(3) The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.

(4) The county must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the

water.

- 5.23 Stairways, walkways and lifts that are necessary to provide pedestrian access to the shoreline and are a maximum of 60 inches in width.
- 5.24 Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter, and satellite earth station antennas that are two meters or less in diameter.
- 5.25 Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with Wis. Admin. Code SPS 383, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.

5.23 Reduced Building Principal Structure Setbacks

- 5.31 Existing development pattern means that principal structures exist within 250 feet of the proposed principal structure in both directions along the shoreline. Where there is an existing development pattern, the shoreland setback for a proposed principal structure may be reduced to the average shoreland setback of the principal structure on each adjacent lot of the proposed principal structure. The shoreland setback may not be reduced to less than 35 feet from the ordinary high-water mark of any navigable waters.
- 5.32 Setback reductions may also be permitted by the Board of Adjustment pursuant to Section 10.5 of this ordinance.

5.34 Floodplain Structures

Buildings or structures to be constructed or placed in a floodplain shall be required to comply with Douglas County Floodplain Ordinance 8.3. Legal pre-existing structures within the floodplain may not be replaced, modified or additions constructed that do not comply with Section 87.30 WI Stats and WI Admin Code NR 116.

SECTION VI. REMOVAL OF SHORE COVER

6.1 Shoreline Cutting

Tree and shrubbery cutting in an area parallel to the ordinary high water mark, and extending 35 feet inland from all points along the ordinary high water mark, shall be limited in accordance with the following provisions:

- 6.11 No more than ~~30~~ 35 feet in any 100 feet, as measured along the ordinary high water mark, may be clear cut to the depth of the 35-foot area. The viewing

corridor may run contiguously for the entire maximum width or shoreline owned.

6.12 Natural shrubbery shall be preserved as far as practicable and, where removed, it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty.

6.2 Paths

Any path, road or passage within the 35 foot area shall be constructed and surfaced so as to effectively control erosion.

6.3 Cutting Plan

As an alternative to Section 6.2, a special cutting plan allowing greater cutting may be permitted by the County Zoning Committee by issuance of a conditional-use permit, pursuant to Section 10.3. An application for such a permit shall include a sketch of the lot providing the following information: location of parking, topography of the land, existing vegetation, proposed cutting, and proposed replanting. The Committee may grant such a permit only if it finds that such special cutting plans:

6.31 Will not cause undue erosion or destruction of scenic beauty, and

6.32 Will provide substantial visual screening from the water of dwellings, accessory structures and parking areas. Where the plan calls for replacement planting, the Committee may require the submission of a bond which guarantees the performance of the planned tree or shrubbery replacement by the lot owner.

6.4 Cutting More Than 35 Feet Inland

From the inland edge of the 35-foot area to the outer limits of the shoreland, the cutting of trees and shrubbery shall be allowed when accomplished using accepted forest management and soil conservation practices which protect water quality.

SECTION VII. FILLING, GRADING, LAGOONING, DREDGING, DITCHING, AND EXCAVATING

7.1 General Standards

Filling, grading, lagooning, dredging, ditching or excavating which does not require a permit under Section 7.2 may be permitted in the shoreland area provided that:

7.11 It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.

7.12 Filling, grading, lagooning, dredging or excavating in a shoreland-wetland district meets the requirements of Section 8.13 of this ordinance.

7.13 All applicable federal, state and local authority is obtained in addition to a permit under this ordinance.

7.14 Any fill placed in the shoreland area is protected against erosion by the use of rip-rap, vegetative cover or a bulk head.

7.2 Permit Required

Except as provided in Section 7.3 a zoning permit is required:

7.21 For any filling or grading of any area which is within 300 feet landward of the ordinary high water mark of navigable water and which has surface drainage toward the water and on which there is either:

- (1) Any filling or grading on slopes of more than 20%;
- (2) Filling or grading of more than 2,500 sq. ft. in addition to the minimum necessary for the construction of the principal building and the installation of on-site waste treatment systems on slopes of 12%-20%; or
- (3) Filling or grading of more than 5,000 sq. ft. in addition to the minimum necessary for the construction of the principal building and the installation of on-site waste treatment systems on slopes of 0%-12%.

7.22 For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet landward of the ordinary high water mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.

7.3 Soil Conservation Practices

Soil conservation practices such as terraces, runoff diversions and grassed waterways which are used for erosion control shall not require a permit under Section 7.2 when designed and constructed to Soil Conservation Service technical standards.

7.4 Permit Conditions

In granting a zoning permit under Section 7.2, the County Zoning Administrator shall attach the following conditions, where appropriate:

- 7.41 The smallest amount of bare ground shall be exposed for as short a time as feasible.
- 7.42 Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.
- 7.43 Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.
- 7.44 Lagoons shall be constructed to avoid fish trap conditions.
- 7.45 Fill shall be stabilized according to accepted engineering standards.

- 7.46 Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.
- 7.47 Channels or artificial watercourses shall be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated, unless bulkheads or rip-rap are provided.

7.5 Impervious Surface Standards

- 7.51 Purpose: Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any non-riparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.
- 7.52 Calculations of Percentage of Impervious Surface (Wis. Adm. Code NR 115.05(1)(e)) Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces described in 7.55 shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.
- 7.53 General Impervious Surface Standard (NR 115.05(1)(e)2.) Up to 15% impervious surface is allowed on the portion of a lot or parcel that is within 300 feet of the ordinary high water mark.
- 7.54 Maximum Impervious Surface (NR 115.05(1)(e)3.) A property may exceed the impervious surface standard under 7.53 provided the following standards are met:
 - (1) For properties where the general impervious surface standard applies under Section 7.53 a property owner may have more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high water mark.
 - (2) For properties that exceed the standard under 7.53 but do not exceed the maximum standard under 7.54(1), a permit can be issued for development with a mitigation plan that meets the standards found in Section 9.4
- 7.55 Excluded Impervious Surfaces (NR 115.05(1)(e) and s. 59.692(1k)(a)1.e.) Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations under 7.52:

- (1) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
 - (2) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.
- 7.56 Existing Impervious Surfaces (NR 115.05(1)(e)4.) For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in Section 7.53 or the maximum pervious surface standard in Section 7.54, the property owner may do any of the following:
- (1) Maintain and repair the existing impervious surfaces.
 - (2) Replace existing impervious surfaces with similar surfaces within the existing building envelope.
 - (3) Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance, and the impervious surface meets the applicable setback requirements in s. Wis Admin. Code NR 115.05(1)(b).

SECTION VIII. SHORELAND-WETLAND OVERLAY DISTRICTS

8.1 Shoreland-Wetland Overlay District Designation

This district shall include all shorelands within the jurisdiction of this ordinance which are **designated as** wetlands of 5 acres or more (excluding point symbols) and which are shown on the Wisconsin Wetland Inventory maps that are adopted and made a part of this ordinance. ~~A portion of wetland which is less than 5 acres in size, and which is located in the unincorporated shoreland area within the county, shall be included in the shoreland-wetland district where the wetland as a whole is 5 acres or larger, but extends across the corporate limits of a municipality, across the county boundary or across the shoreland limits, so that the wetland is not regulated in its entirety by the county.~~ **on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.**

8.11 Locating Shoreland-Wetland Boundaries

Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory maps and actual field conditions, ~~at the time the maps were adopted,~~ the Zoning Administrator shall contact the ~~appropriate district office of the Department~~ to determine if the ~~shoreland-wetland district boundary as mapped~~ **the map** is in error. If Department staff concur with the Zoning Administrator that a particular area was incorrectly

mapped as a wetland or meets the wetland definition but was not shown as wetland on the map, the Zoning Administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. ~~The Zoning Administrator shall initiate a map amendment to correct any mapping errors.~~ In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time.

8.12 Purpose

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

8.13 Permitted Uses

The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of Chs. 30 and 31 and 281.36, Wis. Stats. and the provisions of other applicable local, state and federal laws:

- (1) Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, dredging ditching, tiling or excavating as allowed under Section 8.13(2) or 8.13(3):
 - (a) Hiking, fishing, trapping, hunting, swimming, and boating;
 - (b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - (c) The pasturing of livestock;
 - (d) The cultivation of agriculture~~al~~ crops;
 - (e) The practice of silviculture, including the planting, thinning, and harvesting of timber; and
 - (f) The construction or maintenance of duck blinds.

- (2) Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
 - (a) Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
 - (b) The cultivation of cranberries including flooding, dike and dam

construction or ditching necessary for the growth and harvesting of cranberries;

- (c) The maintenance and repair of existing agriculture drainage systems where permissible by Section 30.20, Wis. Stats., including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agriculture use.

This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that the ~~filling is permissible by Ch. 30 Wis. Stats., and that~~ dredged spoil is placed on existing spoil banks where possible;

- (d) The construction or maintenance of fences for the pasturing of livestock, including excavating and filling necessary for such construction or maintenance;
- (e) The construction or maintenance of piers, docks, or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
- (f) The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

- (3) Uses which require the issuance of a zoning permit under Section 10.2 and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating, but only to the extent ~~specifically~~ **specifically** provided below:

- (a) The construction and maintenance of roads which are necessary to conduct silvicultural activities or agriculture cultivation provided that:

- (i) The road cannot as a practical matter be located outside wetland;
- (ii) The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 8.152;
- (iii) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use; and
- (iv) Road construction activities are carried out in the immediate area of the roadbed only.

- (b) The construction or maintenance of nonresidential buildings provided that:

- (i) The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;
 - (ii) The building cannot, as a practical matter, be located outside the wetland;
 - (iii) Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area; and
 - (iv) Only limited filling or excavating necessary to provide structural support for the building is authorized.
- (c) The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries and public boat launching ramps and attendant access roads, provided that:
- (i) Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Ch. 29, Wis. Stats., where applicable;
 - (ii) Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets criteria in Section 8.13(3)(a)-(c); and
 - (iii) Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
- (d) The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power, or water to their members and the construction or maintenance of railroad lines provided that:
- (i) The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland; and
 - (ii) Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 8.15(2).

8.14 Prohibited Uses

Any use not listed in Sections 8.13(1), 8.13(2), or 8.13(3) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with Section 8.15 of this ordinance and Section 59.69(5)(e), Wis. Stats.

8.15 Rezoning of Lands in the Shoreland-Wetland District

- (1) For all proposed text and map amendments to the shoreland-wetland provisions of this ordinance, the appropriate district office of the Department shall be provided with the following:
 - (a) A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within 5 days of the filing of such petition with the County Clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;
 - (b) Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing;
 - (c) A copy of the county zoning agency's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the County Board; and
 - (d) Written notice of the County Board's decision on the proposed amendment within 10 days after it is issued.

- (2) A wetland, or portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
 - (a) Storm and flood water storage capacity;
 - (b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
 - (c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - (d) Shoreline protection against soil erosion;
 - (e) Fish spawning, breeding, nursery or feeding grounds;
 - (f) Wildlife habitat; or
 - (g) ~~Areas of special recreation, scenic or scientific interest, including scarce wetland types.~~ Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated

areas as defined in NR 103.04 which can be accessed at the following web site:

<http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.

- (3) If the Department notifies the County Zoning Committee that proposed text or map amendment to the shoreland-wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in Section 8.15(2) of this ordinance, that amendment, if approved by the County Board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed after written notice of the County Board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the county under Sections ~~59.69 and 59.692(6)~~, Wis. Stats. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the Sections ~~59.69 and 59.692(6)~~, Wis. Stats., adoption procedure is completed or otherwise terminated."

~~8.2 Wild Lakes Overlay District~~

~~8.21. Designation and Intent~~

~~The Wild Lakes Overlay District includes all lakes in the unincorporated areas of the County which do not have a habitable residence within 300 feet of the ordinary high water mark as of the adoption date of this amendment. The district regulations are intended to provide a high level of protection for shorelands and waters which are the most environmentally sensitive, with very limited natural carrying capacity and which have no existing development.~~

~~8.22 Permitted Uses~~

~~Any principal or accessory permitted use in the underlying zoning district.~~

~~8.23 Conditional Uses~~

~~Any conditional use authorized in the underlying district.~~

~~8.24 Minimum Lot Size~~

~~10 acres per dwelling unit.~~

~~8.25 Minimum Lot Width~~

~~At the Ordinary High water Mark: 300 feet per dwelling unit.~~

~~At the Minimum Shoreline Setback: 300 feet per dwelling unit.~~

~~8.26 Minimum Shoreline Frontage for Multifamily with Lake Access~~

~~(See Section 3.2 for Planned Unit Developments):~~

~~300 feet per dwelling unit granted riparian or lake access rights.~~

~~8.27 Minimum Shoreline Setback~~

~~175 feet from the ordinary high water mark (OHWM) for all structures except piers; other yard setbacks are the same as the underlying zoning district.~~

~~8.28 Boathouses and Boat Shelters~~

~~Boathouses and boat shelters are not permitted on Wild Lakes.~~

~~8.29 Shoreland Impact Area~~

~~Within 150 feet of the ordinary high water mark, vegetation removal and land-disturbing activities are restricted as follows:~~

~~In the area parallel to the ordinary high water mark, and extending 50 feet inland from all points along the ordinary high water mark, no more than 30 feet may be selectively cut on a lot up to 300 feet in width. Clear cutting within this area is prohibited. The balance of this area shall not be disturbed except for the removal of dead or diseased trees or shrubs. In the area parallel to the ordinary high water mark, and extending from 50 feet inland to 150 feet inland from the OHWM, it is recommended that only selective cutting take place.~~

SECTION IX. LEGAL PRE-EXISTING USES AND STRUCTURES

9.1 The lawful use of a building, structure or property which existed at the time this ordinance, or an applicable amendment to this ordinance, took effect and which is not in conformity with the provisions of this ordinance, including the routine maintenance of such a building or structure, may be continued, subject to the conditions of this ordinance.

9.2 Shoreland Nonconforming Uses

9.21 Compliance with legal pre-existing principal building provisions. Any shoreland building, structure, premises or fixture that constitutes a nonconforming use and is also a legal pre-existing principal building must adhere to the provisions set forth in subsection for nonconforming shoreland structures.

9.22 Prohibited Expansion. The alteration of, or addition to, or repair in excess of fifty percent (50%) of the assessed value of any existing building, premises, structure or fixture for the purpose of carrying on a nonconforming use is prohibited. (see Wis. Stats. 59.69 (10) (am))

9.23 Exceptions to Prohibited Expansion. If the alteration, addition or repair of a legal pre-existing building or structure in the shoreland district with a nonconforming use is prohibited because it is for the purpose of carrying on a nonconforming use and is in excess of fifty percent (50%) of the assessed value of the existing building, premises, structure or fixture, the property owner may still make the proposed alteration, addition or repair if the property owner meets all provisions set forth in subsection 9.3 for legal pre-existing structures and:

- (1) The alteration, addition or repair is not for the purpose of carrying on a nonconforming use.
- (2) A nonconforming use is permanently changed to a conforming use.
- (3) The property owner appeals the determination of the Zoning Administrator and County Board of Adjustment or the Circuit Court finds in favor of the property under Secs. 59.694(4) or 59.597(10), Wis. Stats.
- (4) The property owner successfully petitions to have the property rezoned by amendment of this Chapter and Sec. 59.69(5)(e), Wis. Stats.

9.24 Discontinuance. If a shoreland nonconforming use is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this Chapter.

9.25 Temporary Structures. If the shoreland nonconforming use of a temporary structure is discontinued, such nonconforming use may not be recommenced.

9.26 Nuisances. Uses that are nuisances shall not be permitted to continue as nonconforming uses.

9.3 Legal Pre-Existing Principal Structures and Buildings

9.31 Shoreland Setback. The minimum setback ~~applied based on the classification of the water body to~~ the ordinary high water mark of any navigable water body to the nearest part of a building or structure shall apply.

~~9.32 Legal Pre-existing Principal Structure Located Less than Thirty five (35) Feet from the Ordinary High Water Mark. With respect to such structures located less than thirty five (35) feet from the ordinary high water mark:~~

- ~~a. An existing structure that was lawfully placed when constructed, but that is located within the shoreland setback, may be maintained and repaired within its existing building envelope. Such internal improvements may be constructed~~

~~without a land use permit.~~

- ~~b. Maintenance and repair includes such activities as interior remodeling, plumbing, insulation, and replacement of windows, doors, siding or roof. A flat roof may be replaced with a pitched roof subsequent to a land use permit and mitigation applies.~~
- ~~c. Repair or replacement of a foundation is considered maintenance and repair if:
 - ~~1. The foundation is repaired or replaced to the size, including the footprint and total square footage and location that it had before the repair or replacement; and~~
 - ~~2. If there is repair or replacement of 33% or more of the lineal perimeter of the foundation, the owner obtains a permit and complies with mitigation requirements under Subsection 9.4.~~~~
- ~~d. Repair or replacement of a foundation or wall(s) which requires any land disturbance in the vegetation protection area shall require a land use permit and the mitigation requirements of Subsection 9.4 are complied with.~~

9.32 Maintenance, Repair, Replacement or Vertical Expansion of Nonconforming Structures (s 59.692(1k)(a)1.b. and d.) An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback:

- (1) May be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure.
- (2) May be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level.
- (3) Special review and consideration will be given to situations where expansion of the structure beyond the existing footprint is necessary to comply with applicable state or federal requirements.

9.33 Legal Pre-existing Principal Structure Located Thirty-five (35) Feet or More but Less than Seventy-five (75) Feet from the Ordinary High Water Mark. A legal pre-existing principal structure located thirty-five (35) or more feet, but less than seventy-five (75) feet, from the ordinary high water mark may be expanded **laterally or** vertically, provided that:

- (1) The resulting structure shall not exceed thirty-five (35) feet in height, as defined in ch. NR 115.05(1)(f), Wis. Adm Code.
- (2) Lateral expansion is limited to 200 square feet over the life of the structure.

No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure. The property owner obtains a land use permit and fulfills the mitigation requirements of Subsection 9.4 by the date specified in the permit.

- (3) All other provisions of the Douglas County Shoreland Zoning Ordinance shall be met.
- (4) If use of the principal structure has been discontinued for a period of twelve (12) months or more, any further use of the structure shall conform to this chapter.

9.34 ~~Legal Pre-existing Principal Structure Located Seventy-five (75) Feet or More from the Ordinary High Water Mark. An existing structure that was lawfully placed when constructed, but that does not comply with the required building setback, may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements and all other provisions of the Douglas County Shoreland Zoning Ordinance are met.~~ **Expansion of a Nonconforming Principal Structure Beyond Setback (NR 115.05(1)(g)5m.)** An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under Section 5.1 and 5.3, may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per Section 5.1 or 5.3 and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required per Section 7.5.

9.35 ~~Legal Pre-Existing Principal Structures Located on Class 3 Lakes or on Lots Adjoining or Including Rivers or Streams. Nonconforming principal structures located on lots on Class 3 lakes and streams which are set back at least seventy five (75) feet but less than one hundred twenty five (125) feet from the ordinary high water mark, may be improved and expanded upon the issuance of a land use permit to the same extent as if they were conforming structures provided that:~~ **Relocation of nonconforming principal structure (NR 115.05(1)(g)6.)** An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per Sections 5.1 and 5.3 may be relocated on the property provided all of the following requirements are met:

- (1) The use of the structure has not been discontinued for a period of twelve months or more if a nonconforming use.
- (2) The existing principal structure is at least 35 feet from the ordinary high-water mark.
- (3) No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- (4) The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for

relocation that will result in compliance with the shoreland setback requirement per Section 5.1.

- (5) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in Section 9.4 to include enforceable obligations of the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland sildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the Douglas County Register of Deeds.

- ~~a. The mitigation requirements of Subsection 9.4 are complied with; and~~
- ~~b. Any addition is located no closer to the ordinary high water mark than the existing structure; and~~
- ~~c. If use of the principal structure has been discontinued for a period of twelve (12) months or more, any further use of the principal structure shall conform to this chapter.~~

~~(6) Additional Requirements for Certain Nonresidential Buildings **Structures** on Shoreland Lots.~~

~~(7) Replacement or Relocation of Legal Pre-Existing Principal Building. An existing principal structure that was lawfully placed when constructed, but that does not comply with the required building setback, may be replaced or relocated on the property provided all of the following requirements are met (per 2011 WI Act 170 & NR 115 Wisconsin Administrative Code):~~

- ~~a. The use of the structure has not been discontinued for a period of twelve (12) months or more.~~
- ~~b. The existing structure is at least thirty five (35) feet from the ordinary high water mark.~~
- ~~c. No portion of the replaced or relocated structure is located any closer to the ordinary high water mark than the closest point of the existing principal structure.~~
- ~~d. The county determines that no other location is available on the property to build a structure of comparable size to the structure proposed for replacement or relocation that will result in compliance with the shoreland setback requirement.~~

~~e. Mitigation requirements are complied with.~~

~~f. The county shall issue a permit that requires all other structures on the lot or parcel that do not comply with the shoreland setback requirement, and are not exempt under NR 115.05(1)(b)1m, Wisconsin Administrative Code, to be removed by the date specified in the permit.~~

~~g. All other provisions of the Douglas County Shoreland Zoning Ordinance shall be met.~~

~~(8) Class 3 Lakeshore Lots with Side Yard Setbacks. An existing principal structure located on a lot on a Class 3 water body which is greater than ten (10) feet from a side yard setback but less than the distance from the minimum side yard setback, and which is a legal pre-existing building solely for that reason, may be improved and expanded upon the issuance of a land use permit to the same extent as if it were a conforming structure, provided that:~~

~~a. The use of the structure has not been discontinued for a period of twelve (12) months or more.~~

~~b. The addition or expansion does not increase the nonconformity.~~

~~(9)(6) Compliance with Most Restrictive Zone Standards. Legal pre-existing principal structures, and buildings which are located in more than one **minimum** setback zone, shall comply with the standards of the more restrictive zone.~~

~~9.3 Impervious Surface Standards~~

~~The construction, reconstruction, expansion, replacement or relocation of any impervious surface within 300 feet of the ordinary high water mark of any navigable waterway must meet the following requirements:~~

~~(1) Lots or Parcels with 15% or Less Impervious Surface. Up to 15% of the portion of a lot or parcel that is within 300 feet of the ordinary high water mark may consist of impervious surface without the need for mitigation.~~

~~(2) Lots or Parcels with More than 15% but no more than 30% Impervious Surface. Between 15% and 30% of the portion of a lot or parcel that is within 300 feet of the ordinary high water mark may consist of impervious surface provided that the landowner obtains a permit and provided that the mitigation measures of Subsection 9.4 shall apply.~~

~~(3) Lots or Parcels with More than 30% Impervious Surface. No more than 30% of the portion of a lot or parcel that is within 300 feet of the ordinary high water mark may consist of impervious surface.~~

~~(4) Existing Impervious Surfaces. For existing impervious surfaces that were lawfully~~

~~placed when constructed, but that do not comply with the current standards, the property owner may do any of the following:~~

- ~~a. Maintenance and repair of all impervious surfaces;~~
- ~~b. Replacement of existing impervious surfaces with similar surfaces within the existing building envelope;~~
- ~~c. Relocation or modification of existing impervious surfaces with similar or different impervious surfaces, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed at the effective date of the Douglas County Shoreland Zoning Ordinance, and meets the applicable setback requirements in s. NR 115.05(1)(b), Wisconsin Administrative Code.~~

9.4 Mitigation Measures

9.41 Required mitigation

A site plan and implementation schedule describing any required mitigation shall be submitted by the property owner or their authorized agent and approved by the Zoning Department prior to issuing the related land use permit(s). Mandatory practices for mitigation shall include:

- (1) Evaluation and if needed upgrading of any existing sanitary system on the subject property to meet current Douglas County and Department of Commerce regulations.
- (2) Implementation of standard erosion and storm water runoff control measures described in applicable sections of this ordinance.

9.42 Additional requirements: Shall accumulate at least two (2) points from among the following proposed or current practices:

- (1) Maintenance of an existing shoreland buffer area within 35 feet of the ordinary high water mark of ~~Class 1&2 Lakes and within 50 feet for Class 3~~ Lakes and Rivers/Streams (2 points).
- (2) Restoration of the shoreland buffer area within 35 feet of the ordinary high water mark of ~~Class 1&2 Lakes and within 50 feet for Class 3~~ Lakes and Rivers/Streams (2 points).
- (3) Restoration of native vegetation along both sideyards, minimum of 5 feet wide measured perpendicular to the lot line for the entire length of the lot. (1/2 point).
- (4) Removal of legal pre-existing accessory buildings from within the shoreland setback area (1 point per building).

- (5) Use of exterior building materials or treatments that are inconspicuous and blend with the natural setting of the site (1/2 point).
- (6) Removal of waterward improvements (seawalls, dockage, artificial sand beach etc. and / or restoration of emergent aquatic vegetation (1/4 point for each distinct removal / restoration effort).
- (7) Any other mitigation that is deemed appropriate by the Zoning Administrator may be used to meet the mitigation requirement of Section 9.4.

9.43 A Shoreland Mitigation/Preservation Affidavit shall be signed and recorded with the register of deeds prior to the issuance of a zoning permit for the expansion or improvement of a legal pre-existing principal building which requires mitigation under Section 9.3.

9.44 Type of Shoreland Buffer

The type of shoreland buffer restoration required under Section 9.42 will be determined by the Zoning Department and/or the Land Conservation Department. The buffer type shall be either woodland, prairie, or wetland. The woodland and prairie buffers shall comply with the standards set forth in Section 9.45 Table 1. Wetland buffers will also be permitted where deemed appropriate by the Zoning Department and/or the Land Conservation Department.

9.45 Table 1. Shoreland Buffer Planting Standards

| Layer | Woodland Buffer | | Prairie Buffer | | Area Credits |
|-------------------------|---------------------------|-----------------------------|---------------------------|-----------------------------|---|
| | Minimum number of species | Density per 100 square feet | Minimum number of species | Density per 100 square feet | |
| Tree Canopy | 3 | 1 | 2 | 0.2 | Existing tree canopy edge viewing corridor |
| Shrub Understory | 4 | 1.5 | 2 | 0.5 | Existing shrub understory wet edge viewing corridor |
| Groundcover Plant Plugs | 1 | 70 | 5 | 70 | Existing well vegetated native ground cover |

| | | | | | |
|---------------------|---|--------|---|--------|---|
| Groundcover seeding | 1 | Varies | 5 | Varies | Existing well vegetated native ground cover |
|---------------------|---|--------|---|--------|---|

9.46 Type of Vegetation Recovery

- (1) **Natural Recovery**
Shoreland buffer areas that are suited for natural recovery will be allowed only after Zoning and /or County Land Conservation approval.
- (2) **Accelerated (planted) Recovery**
Areas not suited to natural recovery will require plantings to establish native vegetation and must be planted. Areas such as lawns or eroded sites with no seed source will require plantings. Dense turf grass growths that have been maintained for several years will need to be removed and native plantings installed. Planted buffers must meet the required plant densities based on square footage of buffer area and the type of buffer (Table 1). Planting credits will be allowed for the viewing corridor, areas of existing native vegetation, and areas suited for natural recovery.

9.47 Douglas County Native Plant List

Species of plants must be selected from the Douglas County Native Plant List and approved for shoreline buffers by the Zoning and /or Land Conservationist. Substitutions must be approved by the Zoning and /or Land Conservationist. Substitutions to the list will be allowed in the event of lack of plant stock or seed availability on a case-by-case basis. All plants may be transplanted from areas outside of the buffer zone.

9.48 Planting Densities

Planting densities are based on the total area of the required buffer. Area credits calculated are subtracted from the total required density on an equal square footage of coverage basis. Trees must be at least 2 years old and greater than 1 foot tall to qualify as a credit or planting.

9.49 Shoreland Buffer Plan Requirements

A shoreland restoration plan shall be completed for all required shoreland mitigation or preservations. Plans must be approved by the Zoning and Land Conservationist.

- (1) Shoreland Buffer Restoration Site Plans must include:
 - (a) Name and address of property owner
 - (b) Property address and legal description
 - (c) Extent of the shoreland buffer
 - (d) Scale (e.g. 1 inch = 10 feet)

- (e) North arrow
 - (f) Ordinary high water mark (OHWM) location
 - (g) Location of all structures in the shoreland buffer zone
 - (h) Viewing and access corridor
 - (i) Boundary of the shoreland buffer zone
 - (j) Existing trees, shrubs, and native ground cover
 - (k) Areas to be planted with trees, shrubs, and groundcovers
 - (l) Implementation schedule
 - (m) A plant species list; indicate if you are requesting substitutions from the prepared list
 - (n) Erosion control practices (to be installed prior to and during buffer establishment)
 - (o) Water diversions and channelized flow areas
 - (p) Buffer Maintenance (weeding, replanting)
- (2) Implementation schedule. The approved Shoreland Buffer Restoration Site Plan must be started within one year from the issue date of applicable permit. All plantings and any other required activities in the Shoreland Buffer Restoration Site Plan must be completed within two years of the permit issue date.

9.5 ~~Replacement Of Existing Structures~~

(1) ~~Voluntarily Demolished.~~

~~Unless paragraph 2. applies, a structure may not be rebuilt or replaced closer than the applicable OHWM setback if it has been voluntarily demolished such that any of the following apply:~~

~~(a) Replacement of 50% or more of the building.~~

~~(b) The existing use of the structure has been discontinued for twelve consecutive months as a result of the demolition.~~

(2) ~~Damaged or Destroyed by Violent Wind, Fire, Flood, Vandalism, Ice, Snow, Mold and Infestation~~ As required by Section 59.692(1s), Wis. Stats., if an existing structure has been destroyed or damaged after October 14, 1997 by violent wind, fire, flood, vandalism, ice, snow, mold and infestation, the structure may be reconstructed or repaired to the size, location and use it had immediately before the damage occurred, subject to the following conditions:

~~(a) A structure that is destroyed or damaged due to a deliberate act by the landowner or by his or her agent, or due to general deterioration or dilapidated condition, may not be reconstructed or repaired, except in conformance with the standards of this ordinance.~~

- ~~(b) Except as provided in Section 87.30 (1d), Wis. Stats., a building located closer than seventy five feet (75') from the ordinary high water mark that is subject to regulation under a floodplain zoning ordinance may not be reconstructed or repaired except in compliance with the floodplain zoning ordinance.~~
- ~~(c) The landowner shall bear the burden of proof as to the size, location or use a destroyed or damaged structure had immediately before the destruction or damage occurred.~~
- ~~(d) Repairs are authorized under this provision only to the extent that they are necessary to repair the specific damage caused by violent wind, vandalism, fire or flood, and only that portion of the structure that has been destroyed may be reconstructed.~~
- ~~(e) The private onsite wastewater treatment (septic) system serving the principle structure shall meet current standards for new construction.~~

9.65 Legal Pre-Existing Uses

- 9.51 Burden of Proof. A property owner claiming a legal pre-existing use and exemption from applicable regulations shall prove by a preponderance of the evidence that:
- (1) The use was legally established;
 - (2) The use predated zoning provisions with which it does not comply;
 - (3) The use was active and actual prior to adoption of such provisions and not merely casual and occasional or incidental to the principal use of the property in which case no vested right to continue the use shall have been acquired.
- 9.52 No Expansion. A legal pre-existing use of a structure or premises shall not be expanded or enlarged. No such use shall be expanded within a structure which, on the date the use became legal pre-existing, was only partially devoted to such use.
- 9.53 Discontinuance. If a legal pre-existing use is discontinued for twelve (12) consecutive months, any future use of the building, structure, or property shall conform to this ordinance. If the legal pre-existing use of a temporary structure is discontinued, such legal pre-existing use may not be recommenced.
- 9.54 Nuisance. Legal pre-existing uses, which are nuisances, shall not be permitted to continue.

SECTION X. ADMINISTRATIVE PROVISIONS

10.1 Zoning Administrator

The Zoning Administrator shall have the following duties and powers:

- 10.11 ~~Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications and appeal forms.~~ A system of permits for new construction, development, reconstruction, structural alteration or moving of buildings and structures. A permit application shall be required to be submitted to the Zoning Office.
- 10.12 ~~Issue permits and inspect properties for compliance with this ordinance.~~ Regular inspection of permitted work in progress to insure conformity of the finished structures with the terms of the ordinance.
- 10.13 ~~Keep records of all permits issued, inspections made, work approved and other official actions.~~ A variance procedure which authorizes the board of adjustment to grant such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions and the adoption of the shoreland zoning ordinance, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship.
- 10.14 ~~Submit copies of variances, conditional uses and decisions on appeals for map or text interpretations and map or text amendments within 10 days after they are granted or denied to the appropriate district office of the Department.~~ A special exception (conditional use) procedure under Section 10.3 herein.
- 10.15 ~~Investigate and report violations of this ordinance to the appropriate county zoning committee and the District Attorney or Corporation Counsel.~~ The county shall keep a complete record of all proceedings before the board of adjustment, zoning agency and planning agency.
- 10.16 Written notice to the appropriate office of the Department at least 10 days prior to any hearing on a proposed variance, special exception or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the county for review under Ordinance 8.2.
- 10.17 Submission to the appropriate office of the Department, within 10 days after grant or denial any decision on a variance, special exception or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.
- 10.18 Mapped zoning districts and the recording, on an official copy of such map, of all district boundary amendments.
- 10.19 The establishment of appropriate penalties for violations of various provisions of the ordinance, including forfeitures. Compliance with the ordinance shall be

enforceable by the use of injunctions to prevent or abate a violation, as provided in WI Stats. 59.69 (11).

10.20 The prosecution of violations of the shoreland ordinance.

10.2 Zoning Permits.

10.21 When Required. Except where another section of this ordinance specifically exempts certain types of development from this requirement (~~as in Sections 8.31 and 8.32~~), a zoning permit shall be obtained from the Zoning Administrator before any new development, as defined in Section 13.2, or any change in the use of an existing building or structure, is initiated.

10.22 Application. An application for a zoning permit shall be made to the Zoning Administrator upon forms furnished by the county and shall include for the purpose of proper enforcement of these regulations, the following ~~data~~ information:

- (1) Name and address of applicant and property owner;
- (2) Legal description of the property and type of proposed use;
- (3) A ~~to-scale~~ sketch of the dimensions of the lot and location of ~~buildings all existing and proposed structures and impervious surface calculations~~ relative to the lot lines, center line of abutting highways and the ordinary high water mark of any abutting ~~watercourse and the water level on a date specified~~ ~~waterways~~.
- (4) Location and description of any existing private water supply or sewage system or notification of plans for any such installation.
- (5) ~~Plans for appropriate mitigation (when required).~~
- (6) ~~Payment of the appropriate fee.~~
- (7) ~~Additional information required by the Zoning Administrator.~~

10.23 Expiration of Permit. Zoning permits shall expire 12 months from date issued if no substantial work has commenced.

10.3 Conditional-Use Permits

10.31 Application for a Conditional-Use Permit. Any use listed as a conditional-use in this ordinance shall be permitted only after an application has been submitted to the Zoning Administrator and a conditional-use permit has been granted by the County Zoning Committee.

10.32 Standards Applicable to All Conditional-Uses. In passing upon a conditional-use permit, the County Zoning Committee shall evaluate the effect of the

proposed use upon:

- (1) The maintenance of safe and healthful conditions;
- (2) The prevention and control of water pollution including sedimentation;
- (3) Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage;
- (4) The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.;
- (5) The location of the site with respect to existing or future access roads;
- (6) The need of the proposed use for a shoreland location;
- (7) Its compatibility with uses on adjacent land;
- (8) The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems; and
- (9) Location factors under which:
 - (a) Domestic uses shall be generally preferred;
 - (b) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source; and
 - (c) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.

10.33 Use Conditions. Upon consideration of the factors listed above, the County Zoning Committee shall attach such conditions, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this ordinance. Violations of any of these conditions shall be deemed a violation of this ordinance. Violations of any of these conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking and signs; and type of construction. To secure information upon which to base its determination, the County Zoning Committee may require the applicant to furnish the following information:

- (1) A plan of the area showing surface contours, soil types, ordinary high

water marks, ground water conditions, subsurface geology and vegetative cover.

- (2) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.
- (3) Plans of building, sewage disposal facilities, water supply systems and arrangement operations.
- (4) Specifications for areas of proposed filling, grading, lagooning or dredging.
- (5) Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.
- (6) Rationale for why the proposed conditional use meets all of the conditional use criteria listed in the ordinance.

10.34 Notice, Public Hearing and Decision. Before ~~passing~~ **deciding** upon an application for a conditional-use permit, the County Zoning Committee shall hold a public hearing. Notice of such public hearing, specifying time, place and matters to come before the Committee, shall be given a Class 2 notice under Ch. 985, Wis. Stats. Such notice shall be mailed to the appropriate district office of the Department at least 10 days prior to the hearing. The Zoning Committee shall state in writing the grounds for granting or refusing a conditional-use permit.

10.35 Recording. When a conditional-use permit is approved, an appropriate record shall be made of the land use and structures permitted and such permit shall be applicable solely to the structures, use and property so described. A copy of any decisions on a conditional-use permit shall be mailed to the appropriate district office of the Department within 10 days after it is granted or denied.

10.36 Revocation. Where the conditions of a conditional-use permit are violated, the conditional-use permit shall be revoked by the County Zoning Committee.

10.4 Variances

The Board of Adjustment may grant upon appeal a variance from the dimensional standards of this ordinance where an applicant convincingly demonstrates that literal enforcement of the provisions of the ordinance will:

- (1) Result in unnecessary hardship on the applicant,
- (2) Due to special conditions unique to the property, and
- (3) That such variance is not contrary to the public interest.

10.41 Notice, Hearing and Decision. Before passing on an application for a variance,

the Board of Adjustment shall hold a public hearing. Notice of such hearing specifying the time, place and matters of concern, shall be given a Class 2 notice under Ch. 985, Wis. Stats. Such notice shall be mailed to the appropriate district office of the Department at least 10 days prior to the hearing. The Board shall state in writing the reasons for granting or refusing a variance and shall mail a copy of such decision to the appropriate Department district office within 10 days of the decision.

10.5 Board of Adjustment

The Chairman of the County Board shall appoint a Board of Adjustment consisting of 5 voting and 2 alternate members under Section 59.694, Wis. Stats. The County Board shall adopt such rules for the conduct of the business of the Board of Adjustment as required by Section 59.694, Wis. Stats.

10.51 Powers and Duties.

- (1) The Board of Adjustment shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by Section 59.694, Wis. Stats.
- (2) It shall hear and decide appeals where it is alleged there is error in any order, requirements, decisions or determination made by an administrative official in the enforcement or administration of this ordinance.
- (3) It may grant a variance from the dimensional standards of this ordinance pursuant to Section 10.5.
- (4) In granting a variance, the Board may not impose conditions which are more restrictive than any of the specific standards in the ordinance. Where the ordinance is silent as to the extent of restriction, the Board may impose any reasonable permit conditions to effect the purpose of this ordinance.

10.52 Appeals to the Board. Appeals to the Board of Adjustment may be made by any person aggrieved or by an officer, department, board or bureau of the county affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be made within a reasonable time, as provided by the rules of the Board, by filing with the officer whose decision is in question, and with the Board of Adjustment, a notice of appeal specifying the reasons for the appeal. The Zoning Administrator or other officer whose decision is in question shall promptly transmit to the Board all the papers constituting the record concerning the matter appealed.

10.53 Hearing Appeals and Applications for Variances

- (1) The Board of Adjustment shall fix a reasonable time for hearing on the

appeal or application. The Board shall give public notice thereof by publishing a Class 2 notice under Ch. 985, Wis. Stats., specifying the date, time and place of the hearing and the matters to come before the Board. Notice shall be given to the appropriate district office of the Department at least 10 days prior to hearings on proposed shoreland variances and appeals for map or text interpretations.

- (2) A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on shoreland variances and appeals for map or text interpretations shall be submitted to the appropriate district office of the Department within 10 days after they are granted or denied.
- (3) The final disposition of an appeal or application to the Board of Adjustment shall be in the form of written resolution or order signed by the chairman and secretary of the Board. Such resolution shall state the specific facts which are the basis of the Board's determination and shall 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 prosecution or grant the application.
- (4) At the public hearing, any party may appear in person or by agent or by attorney.

10.6 Fees

General: The County Board may, by resolution, adopt fees including, but not limited to, the following:

- (1) Land use permits;
- (2) Conditional-use permits;
- (3) Planned Residential Unit Development reviews;
- (4) Public hearings; and
- (5) Legal notice publications.
- (6) **Variances and administrative appeals**

SECTION XI CHANGES AND AMENDMENTS

The County may, from time to time, alter, supplement or change the boundaries of use districts and the regulations contained in this ordinance in accordance with the requirements of Section 59.69 and 59.692, Wis. Stats., **and** Wis. Adm. Code Ch NR 115, ~~and Section 8.5 of this ordinance~~ where applicable.

- 11.1 Amendments to this ordinance may be made on petition of any interested party as provided in Section 59.69(5), Wis. Stats.

- 11.2 Every petition for a text or map amendment filed with the County Clerk shall be referred to the County Zoning Committee. A copy of each petition shall be mailed to the appropriate district office of the Department within 5 days of the filing of the petition with the County Clerk. Written notice of the public hearing to be held on a proposed amendment shall be mailed to the appropriate district office of the Department at least 10 days prior to the hearing.
- 11.3 A copy of the County Board's decision on each proposed amendment shall be forwarded to the appropriate district office of the Department within 10 days after the decision is issued.

SECTION XII. ENFORCEMENT AND PENALTIES

Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The Zoning Administrator or the county zoning agency shall refer violations to the District Attorney or Corporation Counsel who shall expeditiously prosecute violations. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than Fifty (\$50.00) Dollars nor more than Two Hundred (\$200.00) Dollars per offense, together with the taxable costs of action. Each day which the violation exists shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to Sections 59.69, **59.69(11)** and 66.0113, Wis. Stats.

SECTION XIII. DEFINITIONS

- 13.1 For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.
- 13.2 The following terms used in this ordinance mean:

Access & Viewing Corridor

a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone (NR 115.03(1d))

Accessory Structure or Use

a detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related, and which is located on

the same lot as the principal structure or use. Accessory structures include, but are not limited to, detached garages, barns, gazebos, patios, decks, swimming pools, hot tubs, fences, retaining walls, driveways, parking lots, sidewalks, detached stairways and lifts. (NR 118.03)

Accessory Construction

construction, replacement, placement, or modification of, but not limited to, decks, porches (open or screened), and walkways

Boathouse

any permanent structure designed solely for the purpose of protecting or storing boats and related equipment for noncommercial purposes

Building Envelope

is the three dimensional space within which a structure is built (NR 115.03(1p))

Conditional Use

a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Planning and Zoning Committee

County Zoning Agency

that committee or commission created or designated by the County Board under Section 59.69(2), Wis. Stats., to act in all matters pertaining to county planning and zoning

Department

the Wisconsin Department of Natural Resources

Development

any man-made change to improve real estate, including but not limited to the construction of buildings, structures or accessory structures; the construction or additions or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials

Drainage System

one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge

Existing Development Pattern

when principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline (NR 115.03(3m))

Expansion

any structural modification, which increases the existing structure envelope or footprint

Exterior Improvement

upgrades in aesthetics, function, or worth of the outside surface(s) or components of a structure. Such improvements may include, but are not limited to, structural alteration for the expansion or addition of doors, windows, replacement of basement/foundation walls and footings

Floodplain

the land which has been or may be hereafter covered by floodwater during a regional flood occurrence. The floodplain includes the floodway and flood fringe as those terms are defined in Wis. Adm. Code NR116.03(16)

Footprint

the land area covered by a structure at ground level measured on a horizontal plane. The footprint of a dwelling or building includes the horizontal plane bounded by the furthest exterior wall and eave (if present), projected to natural grade. For structures without walls (decks, stairways, patios, carports, etc) a single horizontal plan bounded by the furthest portion of the structure projected to natural grade. For the purposes of replacing or reconstructing a nonconforming building with walls, the footprint shall not be expanded by enclosing the area that is located within the horizontal plane from the exterior wall to the eaves or deck projected to natural grade. This would constitute lateral expansion under NR 115 and would need to follow NR 115.05(1)(g)5.

Generally Accepted Forestry Management Practices

forestry management practices that promote sound management of a forest (NR 1.25(2)(b)) as outlined in the most recent version of the department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226

Impervious Surface

an area that releases as runoff all or a majority of the precipitation that falls on it.

Excludes (among other things): frozen soil and decks that have at least a ¼ inch space between deck boards with a pervious surface below.

Includes (among other things): rooftops, sidewalks, driveways, parking lots, streets, shingles, concrete and asphalt

Interior Improvement

upgrades in aesthetics, function, or worth of the interior surface(s) or components of a structure. Such improvements may include, but are not limited to, replacement or the addition of interior doors, cabinets, drywall, insulation, or plumbing, heating, and electrical system components. **No land use permit is required for these activities.**

Legal Pre-Existing Structure

a dwelling or other building, structure or accessory building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the development regulations in the current zoning ordinance

Lot

a continuous parcel of land, not divided by a public right-of-way, and sufficient in size to meet the lot width and lot area provisions of this ordinance

Lot Area

the area of a horizontal plane bounded by the front, side and rear lot lines of a lot, but not including the area of any land below the ordinary high water mark of navigable waters

Navigable Waters

Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state (NR 115.03(5)). Under s. 281.31(2)(d), Wis Stats, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.692, Wis Stats, and ch. NR 115, Wis Adm Code, do not apply to lands adjacent to:

- (a) Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
- (b) Artificially constructed drainage ditches, ponds or stormwater retention basins that are

not hydrologically connected to a natural navigable water body.

Nonconforming Use

a use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform to the use restrictions in the current ordinance

Ordinary High Water 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 characteristics (NR 115.03(6))

Ordinary Maintenance and Repair

ordinary and routine actions necessary to continue or restore the safe and healthy use of a structure which has been damaged or has deteriorated through natural aging and wear and which does not result in a substantial structure improvement or a significant increase in value. Such actions may include, but are not limited to, painting and staining, and the repair of the following; exterior windows, skylights, doors, vents, siding, insulation, shutters, gutters, flooring, shingles, roofing materials, walls or the foundation, and internal improvements within the structural envelope without doing a structural alteration

Principal Building or Principal Structure

a structure that is designed for independent human habitation and includes sanitary and/or food preparation facilities whether such structure is attached to another structure(s) or stands alone

Regional Flood

a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years

Renovation and Remodeling

See "Ordinary Maintenance and Repair"

Routine Maintenance of Vegetation

normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance (NR 115.03(7m))

Shoreland Setback (Area)

an area in a shoreland that is within a certain distance of the ordinary high water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under section Wis Stats 59.692

Shoreland-Wetland District

the zoning district, created as a part of this shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made part of this ordinance

Shorelands

lands within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain whichever distance is greater

Structural Alteration

any activity not considered ordinary maintenance and repair that results in a change to the integral framework, or the exterior silhouette or footprint of a structure

Structure

a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or firepit (s.59.692(1)(e) Wis Stats)

Substandard Lot

a legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements for a new lot

Unnecessary Hardship

those circumstances where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance

Variance

an authorization granted by the Board of Adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional and use standards of this ordinance

Wetlands

those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions

- Adoption: October 3, 1985
- Amendments: July 31, 1996
- August 15, 1996
- August 21, 1997
- February 17, 2000
- November 20, 2003
- May 18, 2006
- November 15, 2007
- December 20, 2012
- Date here, 2016

ZONING SCHEDULE - DIMENSIONAL REQUIREMENTS

| | R-1 | R-2 | RR-1 | A-1 | C-1 | I-1 | F-1 |
|---|---------------------|---------|---------------------|---------|---------------------|-------------|-------------|
| Building Height Limit | 35 | 35 | 35 | 35 | 35 | 60 | 35 |
| Required Lot Area (Acres or sq. ft.) | | | | | | | |
| With Public Sewer | 10,000 ² | 5 acres | 20,000 ² | 5 acres | 10,000 ² | 1 acre | 10 acres |
| Without Public Sewer | 15,000 | 5 acres | 20,000 ³ | 5 acres | 20,000 ³ | 1 acre | 10 acres |
| Minimum Lot Width | | | | | | | |
| With Public Sewer | 75 | 300 | 150 | 300 | 75 | 200 | 300 |
| Without Public Sewer | 100 | 300 | 150 | 300 | 100 | 200 | 300 |
| Lotline Setbacks Required | | | | | | | |
| Front | 30 | 50 | 30 | 50 | 10 | 50 | 30 |
| Side | | | | | | | |
| principal building | 10 | 20 | 10 | 20 | 10 | 20 | 10 |
| accessory building | 5 | 10 | 5 | 10 | 5 | 10 | 5 |
| Rear | 40 | 50 | 40 | 50 | 20 | 50 | 40 |
| principal building | 40 | 50 | 40 | 50 | 20 | 50 | 40 |
| accessory building | 20 | 50 | 40 | 50 | 20 | 50 | 40 |
| Floor Area, Residence (sq. ft.) | | | | | | | |
| 3 or more bedrooms | 1,000 | 1,000 | 700 | 1,000 | 700 | 700 | 700 |
| 2 bedrooms | 900 | 900 | 600 | 900 | 600 | 600 | 600 |
| 1 bedroom | 800 | 800 | 500 | 800 | 500 | 500 | 500 |
| Floor Area, Mobile Home (sq. ft.) | | | | | | | |
| 3 or more bedrooms | 800 | 800 | 700 | 800 | 800 | Not Allowed | Not Allowed |
| 2 bedrooms | 700 | 700 | 600 | 700 | 700 | | |
| 1 bedroom | 600 | 600 | 500 | 600 | 600 | | |

¹ Unless specified elsewhere in this ordinance or on the official zoning map, the dimensional requirements of this schedule shall apply to the respective listed districts. ~~Requirements for the W-1: Resource Conservation, SP-1: Protection and PUD: Planned Unit Development are contained on the Official Zoning Map.~~

² Minimum for one-family dwellings; add 5,000 sq. ft. for each additional unit over one.

³ Plus additional area required by Wis. Admin. Code Ch. ~~Comm. 85~~ **SPS 385**

⁴ No lot shall be created with a length to width ratio greater than three (3) to one (1).

SETBACK REQUIREMENTS ON HIGHWAY AND ROADS, AS STATED IN SECTION 4.2, DOUGLAS COUNTY ORDINANCE:

The distance that is greater (measured from the centerline and from the right-of-way line), shall apply.

- (a) ALL STATE AND U.S. NUMBERED HIGHWAYS - 130 ft. from centerline or 66 ft. from right-of-way line.
- (b) ALL COUNTY TRUNK HIGHWAYS - 75 ft. from centerline or 42 ft. from right-of-way line.
- (c) ALL TOWN ROADS - 63 ft. from centerline or 30 ft. from right-of-way line.

SETBACK REQUIREMENTS FOR LAKES AND STREAMS 75 ft. from the high water mark of lakes or streams, except for St. Croix, Brule and Eau Claire Rivers, which is 200 ft.

a1)

Wisniewski, Shelly

From: Nelson, Diane Renee
Sent: Thursday, February 11, 2016 4:51 PM
To: Wisniewski, Shelly
Subject: RE: CU 8196 - NMM Renewal (file att)

Shelly,

At the last town board meeting the town had no objection to

1. Olson Brothers, Inc Mine renewal
2. Midland Services Inc addition
3. Stonebrunner Zoning change

Thanks
Diane

From: Wisniewski, Shelly
Sent: Tuesday, February 02, 2016 8:41 AM
To: Nelson, Diane Renee
Subject: CU 8196 - NMM Renewal (file att)

Good morning Diane.

Hard copy will follow via USPS today. Brace ourselves for the snow storm, eh?

Take care,

Shelly Wisniewski, Office Specialist

Douglas County Zoning
1313 Belknap Street, Room 206
Superior, WI 54880
715-395-1380
Shelly.Wisniewski@DouglasCountyWI.org

DOUGLAS COUNTY PLANNING & ZONING OFFICE
1313 BELKNAP STREET, ROOM 206
SUPERIOR, WI 54880
715 - 395-1380
715 - 395-7643 FAX

THOMAS S. STONEBURNER

KELLEY M. STONEBURNER,

PETITION FOR AMENDMENT
TO DOUGLAS COUNTY
ZONING ORDINANCE

Petitioner(s).

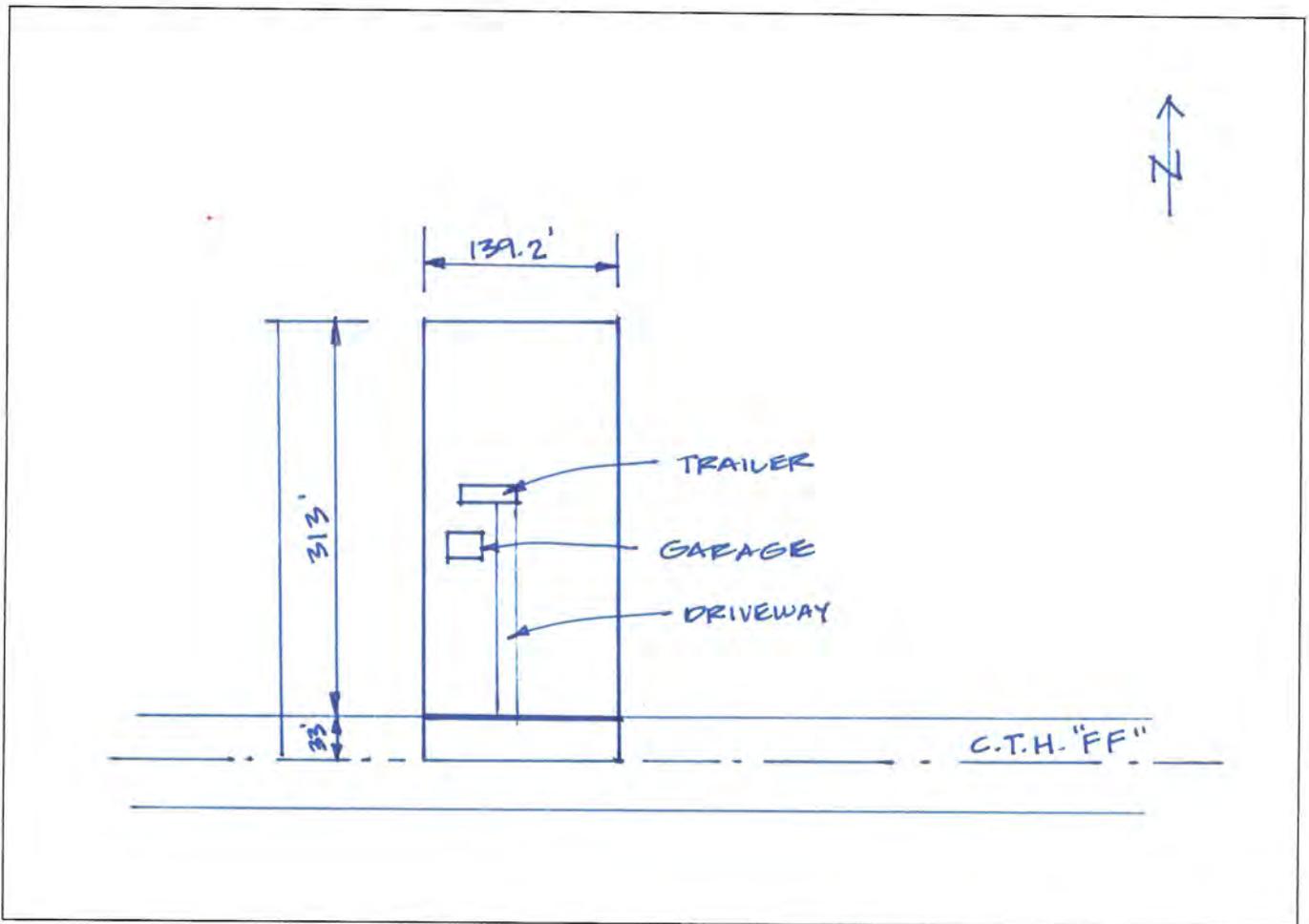
Petition No. 2016-01

TO THE DOUGLAS COUNTY BOARD OF SUPERVISORS AND ZONING COMMITTEE:

The Petitioner(s) hereby petitions you pursuant to Wis. Stat. § 59.69(5)(e)1, to amend the Zoning District Map of the Douglas County Zoning Ordinance by reclassifying the property as shown and stated below, from the R-1 RESIDENTIAL District to the RR-1 RESIDENTIAL-RECREATIONAL District, as follows:

1. The property proposed to be rezoned has a legal description of LOT 1 CSM #279, VOL 2 PGS 73-74, PT SW SW, 14-48-10, SUBJ TO 33' EASE.
If applicable, said property is in Section 14, Township 48 North, Range 10 West, Town of BRULE.
2. The property has the tax parcel number BR-006-00609-01.
3. The lot or parcel size is: 313' length, by 139.2' width, at 1.00 acres.
The area to be rezoned is: 313' length, by 139.2' width, at 1.00 acres.
4. The property is owned by THOMAS & KELLEY STONEBURNER, whose telephone number(s) is/are 651-405-9865 H, 651-292-4485 W, and whose mailing address(es) is/are 1665 JAMES ROAD, MENNOTA HEIGHTS, MN 55118.
5. Petitioner(s) requests this amendment for a proposed property use of FUTURE CONSTRUCTION OF A ONE-FAMILY SEASONAL DWELLING. (EXISTING AGED MOBIL HOME WOULD BE REMOVED FROM PROPERTY) (PRIOR TO CONSTRUCTION OF SEASONAL DWELLING.)
6. In making this Petition, Petitioner(s) gives permission for an inspection of the above-stated site by the Douglas County Office of Zoning Administration and/or Zoning Committee, and will allow photographs to be taken of the same if necessary.
7. Contact the town clerk to place this application on the Town Board agenda prior to scheduled Zoning Committee hearing as required by Sec. 59.69 (5) (e) 3 Wis. Stats.

8. A dimensional diagram of the property is as shown below:



Dated: FEB. 2, 2016
Thomas J. Johnson
Petitioner

Dated: FEB. 2, 2016
Kelley M. Strombener
Petitioner

Date Received: 02-05-2016

Receipt No.: 11110

Date Paid: 02-05-2016

Vendor No.: 1805610

Amount Paid: \$275.-

Z.C. Decision: _____ County Board Decision: _____

Date of Zoning Committee Hearing: 03-09-2016

Date of County Board Meeting: 03-17-2016



Parcel Map

2013 Aerial Photo

1 inch = 50 feet



DOUGLAS COUNTY PLANNING, ZONING & LAND INFORMATION OFFICE
1313 BELKNAP STREET, ROOM 206
SUPERIOR, WI 54880
715 - 395-1380 / FAX 715 - 395-7643

b1)

20 Hrg. 03-09-2016

APPLICATION FOR LAND-USE & CONDITIONAL-USE PERMITS

APPLICATION WILL NOT BE PROCESSED WITHOUT SIGNATURE & DATE ON FRONT AND BACK OF THIS PAGE

TO WHOM IT MAY CONCERN: The undersigned hereby applies for a permit to do work herein described in this application. The undersigned agrees that all work will be done in accordance with the Douglas County Zoning, Shoreland Zoning, Subdivision Control, Floodplain Ordinances and with all laws of the State of Wisconsin applicable to said premises. Do not start any construction until this office has issued a permit. Failure to obtain the necessary permits will result in a double permit fee and/or citation.

CONDITIONAL-USE PERMIT APPLICATIONS: PLEASE CONTACT TOWN CLERK - APPLICATIONS REQUIRE REVIEW BY YOUR TOWN BOARD PRIOR TO SCHEDULED ZONING COMMITTEE PUBLIC HEARING

Property Owner's Name: Adam L. Olson (co-owner)
 Mailing Address: 945 Woodward Ave City, State, Zip Kingsford, MI 49802
 Telephone: Apt 15 E-mail Address: 906-282-3910
Brook Trout 15@hotmail.com

PROPERTY DESCRIPTION: Information must be complete and accurate. If applicable state lot number, block number, subdivision name, government lot number, quarter sections, etc. (Note: This may be copied from your tax notice or deed.)

Tax Parcel #: G0-012-01881-01 Section 35 Town 44 N Range 13 W
 Town of: Gordon Parcel Acreage or Size: 20.0 Ac

Property Address: 14214 S West Main Rd.
 Legal Description: E 1/2 - SE 1/4 - NE 1/4

Name of Adjacent Lake or Stream: _____ Lake Class _____ Zone District F-1

Type of construction: Accessory Bldg. (Existing)
(new building, manufactured home, addition to seasonal dwelling, alteration to accessory building, relocate structure)

Proposed Use: 1st structure F-1 Forestry District
(year-round or seasonal dwelling, accessory building, commercial building, change use of structure)

| | Length | Width | Area (sq ft) | Height | Stories | # Bedrooms | # Occupants | Est Cost - \$ |
|----------------|--------|-------|--------------|--------|---------|------------|-------------|---------------|
| Dwelling | | | | | | | | |
| Accessory Bldg | 8 | 8 | 64' | | | | | |
| Accessory Bldg | | | | | | | | |

Please stake building site prior to submitting this application.

Has any portion of the project been started? Yes _____ No _____ Sanitary Permit #: _____

Signature of owner or agent: Adam Olson Date: JAN 25, 2015

Agent address & phone number: _____

By signing this application, I give my/our permission to allow a site inspection to be made of the site by Zoning staff and allow photographs to be taken if necessary.

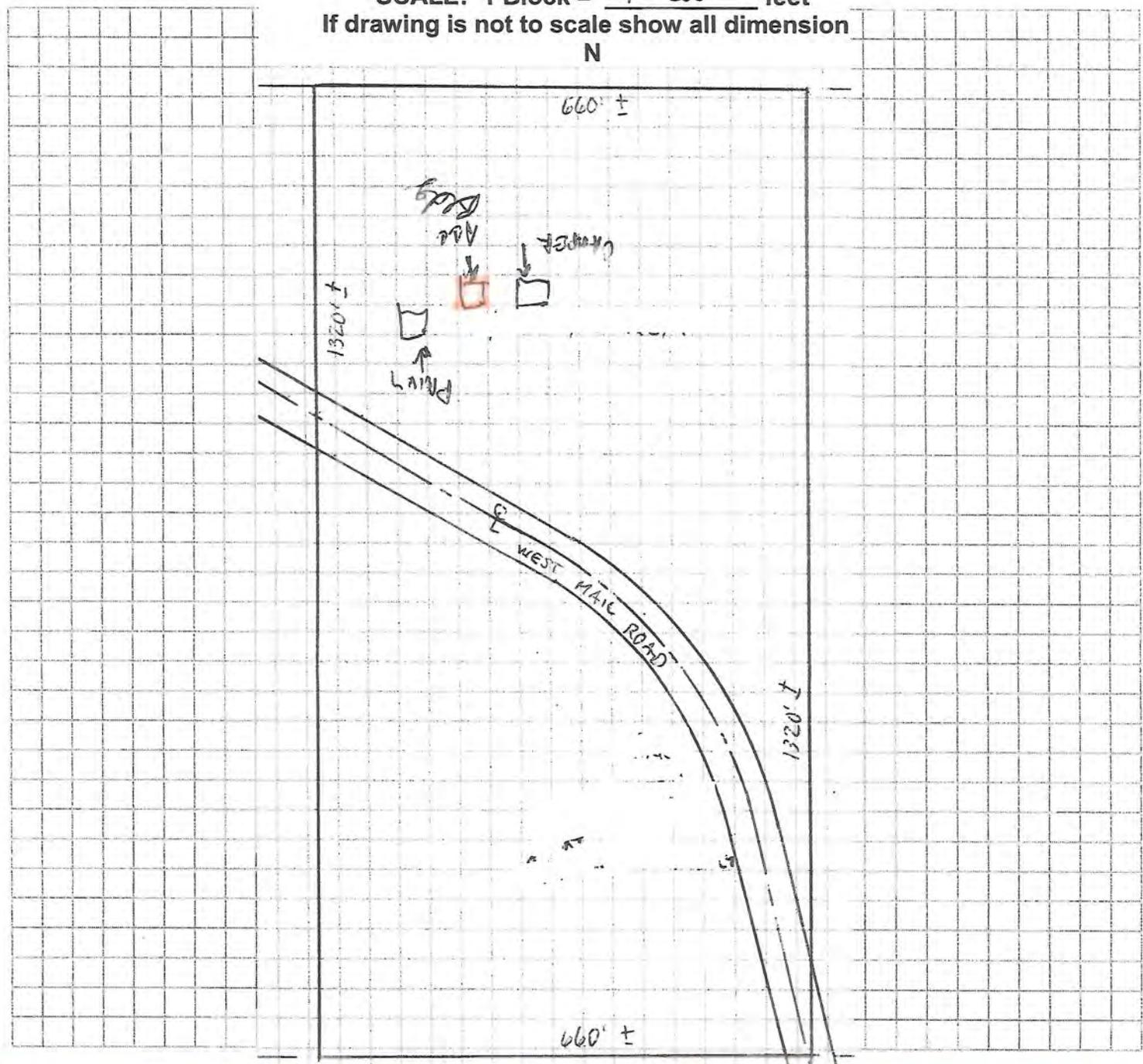
| Type | Amount | Date Paid | Receipt # |
|--------------|----------|-----------|-----------|
| Land Use | \$ 80- | 02-01-16 | 11096 |
| Land Use | \$ | | |
| Cond. Use | \$ 125.- | 02-01-16 | 11096 |
| A-T-F Double | \$ 80- | 02-01-16 | 11096 |
| Vendor # | 1805513 | | |

| | | | |
|--------------|-----------------|--------------|------------|
| VARIANCE NO: | ZONE CHANGE NO: | DATE ISSUED: | PERMIT NO: |
|--------------|-----------------|--------------|------------|

(1a)

LOT LAYOUT DIAGRAM

SCALE: 1 Block = $\frac{1''}{200'}$ feet
If drawing is not to scale show all dimension
N



You are responsible for complying with State and Federal laws concerning construction near or on wetlands, lakes, and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources wetlands identification page or contact a Department of Natural Resources Service Center.

Additional responsibilities for owners of projects disturbing one or more acre(s) of soil

I understand that this project is subject to regulations regarding erosion control and storm water management and I will comply with those standards. For more information, visit the Department of Natural Resources or contact a Department of Natural Resources Service Center.

Applicant's Signature: *William Choo*

Date: JAN 25, 2016



Map Printed: 2/1/2016

CU - Olson, Adam L.
1st Structure, F-1 ZD, 03-09-2016 Hrg

MAP PRODUCED BY SHELLY WISNIEWSKI
 DOUGLAS COUNTY ZONING
 LINES AND DIMENSIONS ARE APPROXIMATE

b2



DOUGLAS COUNTY

Planning, Zoning & Land Information Offices

1313 Belknap Street, Room 206
Superior, WI 54880

Stephen Rannenberg
Administrator

Keith Wiley
Assistant Administrator

Ben Klitzke
County Surveyor

Date: January 4, 2016

Conditional Use

To: Vickie Eastwood
P.O. Box 68
Gordon, WI 54838

DC Zoning Committee: 03-09-2016

From: Steve Rannenberg, Planning and Zoning Administrator

RECEIVED JAN 06 2016

Subject: Town Board action requested

Kelly Herrick

Applicant: Peterson, Gary D.

Petition: 1st structure (seasonal dwelling) in F-1 Zone District

Parcel ID / S-T-R / Zone Dist: GO-012-01864-00 / 34-44N-13W / F-1

1. We have received the attached application related to a proposed land use change in your town.
2. This proposed land use change is in the form of one or more of the following:

| | | | |
|------------------------|-------------------------------------|-------------------------|--------------------------|
| Petition to Rezone | <input type="checkbox"/> | Variance / appeal | <input type="checkbox"/> |
| Conditional Use Permit | <input checked="" type="checkbox"/> | Subdivision plat review | <input type="checkbox"/> |
3. Please place this item on the next Town Board agenda for action by the board.
4. We would appreciate a response prior to our public hearing scheduled for March 9, 2016.

5. Objection: _____ No Objection: X

6. Comments Board reviewed the request and approved.

7. Signature: Vickie Eastwood Date: 02/19/2016



DOUGLAS COUNTY PLANNING, ZONING & LAND INFORMATION OFFICE
1313 BELKNAP STREET, ROOM 206
SUPERIOR, WI 54880
715 - 395-1380 / FAX 715 - 395-7643

ZC Hrg: 03-09-14

APPLICATION FOR LAND-USE & CONDITIONAL-USE PERMITS

APPLICATION WILL NOT BE PROCESSED WITHOUT SIGNATURE & DATE ON FRONT AND BACK OF THIS PAGE.

TO WHOM IT MAY CONCERN: The undersigned hereby applies for a permit to do work herein described in this application. The undersigned agrees that all work will be done in accordance with the Douglas County Zoning, Shoreland Zoning, Subdivision Control, Floodplain Ordinances and with all laws of the State of Wisconsin applicable to said premises. Do not start any construction until this office has issued a permit. Failure to obtain the necessary permits will result in a double permit fee and/or citation.

CONDITIONAL-USE PERMIT APPLICATIONS: PLEASE CONTACT TOWN CLERK - APPLICATIONS REQUIRE REVIEW BY YOUR TOWN BOARD PRIOR TO SCHEDULED ZONING COMMITTEE PUBLIC HEARING

Property Owner's Name: Gary D. Peterson Kelly R Herrick
 Mailing Address: 130 Royal Crest Dr City, State, Zip Rice Lake, WI 54868
 Telephone: 715-736-0455 E-mail Address: _____

PROPERTY DESCRIPTION: Information must be complete and accurate. If applicable state lot number, block number, subdivision name, government lot number, quarter sections, etc. (Note: This may be copied from your tax notice or deed.)

Tax Parcel #: GO-012-01864-00 Section 34 Town: 44 Range 13 W

Town of: Town of Gordon Parcel Acreage or Size: 1.10 A

Property Address: NA

Legal Description: P1 NENE, corum NE ^{Sec} corner, th 5'-297' to ctr line of RD, th Wly ^{Desc} # 875828

Name of Adjacent Lake or Stream: Moose River Lake Class NA Zone District F-1

Type of construction: New building
 (new building, manufactured home, addition to seasonal dwelling, alteration to accessory building, relocate structure)

Proposed Use: Seasonal Dwelling
 (year-round or seasonal dwelling, accessory building, commercial building, change use of structure)

| | Length | Width | Area (sq ft) | Height | Stories | # Bedrooms | # Occupants | Est Cost - \$ |
|----------------|--------|-------|---|--------|---------|------------|-------------|---------------|
| Dwelling | 28 | 20 | 560 | 16' | 1 1/2 | 2 | | 20,000 |
| Accessory Bldg | | | (MINIMUM SQUARE FOOTAGE IS 1000 SF (WOFT PLW?)) | | | | | |
| Accessory Bldg | | | | | | | | |

Please stake building site prior to submitting this application.

Has any portion of the project been started? Yes No Sanitary Permit #: _____

Signature of owner or agent: Gary Peterson Date: 12/31/15

Agent address & phone number: _____

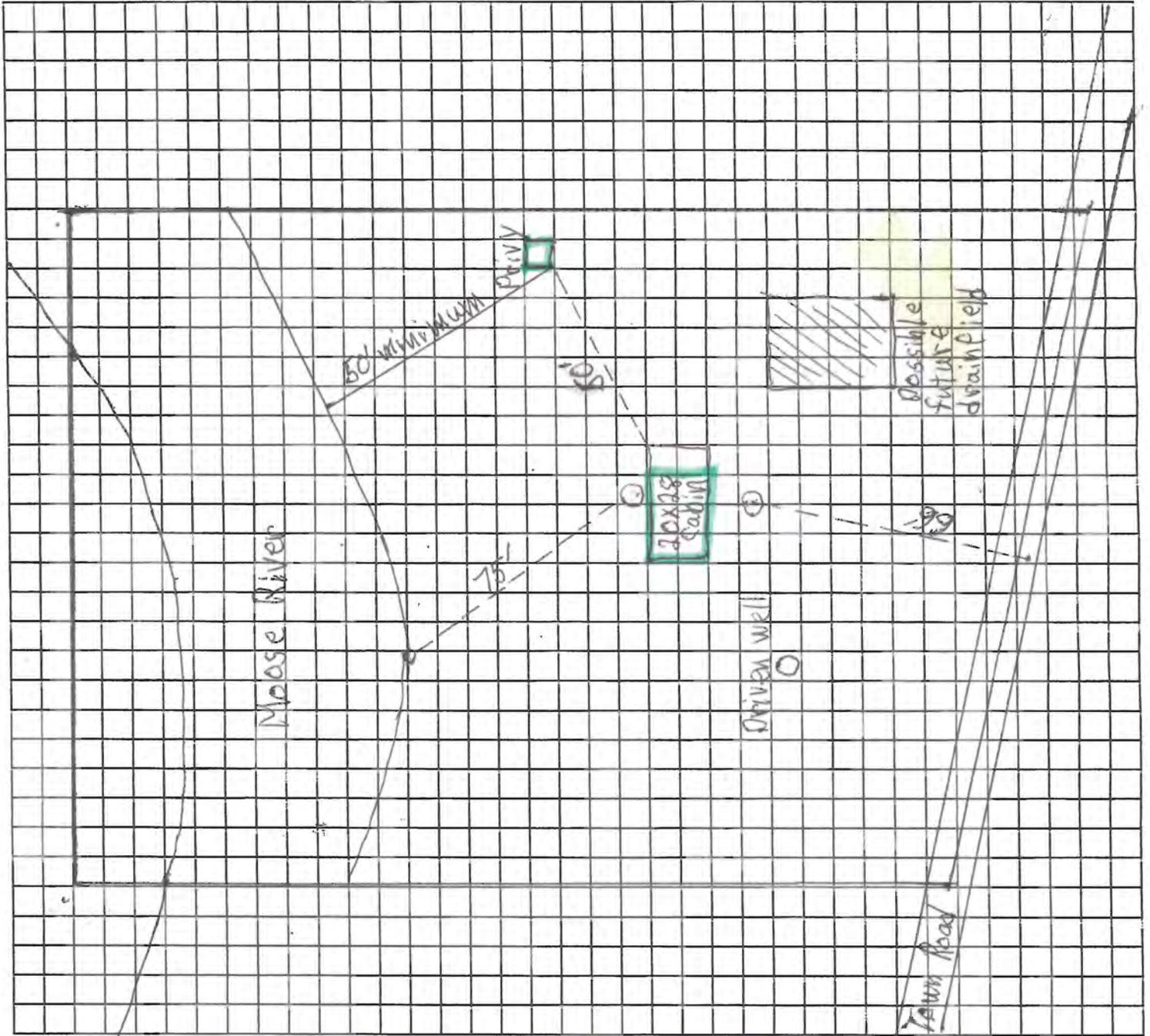
By signing this application, I give my/our permission to allow a site inspection to be made of the site by Zoning staff and allow photographs to be taken if necessary.

| Type | Amount | Date Paid | Receipt # |
|--------------|---------|------------|-----------|
| Land Use | \$ 280- | 12-31-2015 | 11037 |
| Land Use | \$ | | |
| Cond. Use | \$ 125- | 12-31-2015 | 11037 |
| A-T-F Double | \$ | | |
| Vendor # | 1713045 | | |

VARIANCE NO: _____
 ZONE CHANGE NO: _____
 DATE ISSUED: _____
 PERMIT NO: _____

LOT LAYOUT DIAGRAM

SCALE: 1 Block = _____ feet
If drawing is not to scale show all dimensions
N



You are responsible for complying with State and Federal laws concerning construction near or on wetlands, lakes, and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the [Department of Natural Resources wetlands identification page](#) or contact a Department of Natural Resources Service Center.

Additional responsibilities for owners of projects disturbing one or more acre(s) of soil

I understand that this project is subject to regulations regarding erosion control and storm water management and I will comply with those standards. For more information, visit the [Department of Natural Resources](#) or contact a Department of Natural Resources Service Center.

Applicant's Signature:

Gary Peterson

Date:



Map Printed: 1/4/2016

MAP PRODUCED BY SHELLY WISNIEWSKI
DOUGLAS COUNTY ZONING

CU - Gary D. Peterson
1st Structure F-1 ZD, 03-09-2016 Hrg

LINES AND DIMENSIONS ARE APPROXIMATE

1 inch = 50 feet





DOUGLAS COUNTY PLANNING, ZONING & LAND INFORMATION OFFICE
1313 BELKNAP STREET, ROOM 206
SUPERIOR, WI 54880
715 - 395-1380 / FAX 715 - 395-7643

b3)

ZC Hqs: 03-09-16

APPLICATION FOR PERMIT: LAND-USE **CONDITIONAL-USE**

APPLICATION WILL NOT BE PROCESSED WITHOUT SIGNATURE & DATE ON FRONT AND BACK OF THIS PAGE.

TO WHOM IT MAY CONCERN: The undersigned hereby applies for a permit to do work herein described in this application. The undersigned agrees that all work will be done in accordance with the Douglas County Zoning, Shoreland Zoning, Subdivision Control, Floodplain Ordinances and with all laws of the State of Wisconsin applicable to said premises. Do not start any construction until this office has issued a permit. Failure to obtain the necessary permits will result in a double permit fee and/or citation.

CONDITIONAL-USE PERMIT APPLICATIONS: PLEASE CONTACT TOWN CLERK - APPLICATIONS REQUIRE REVIEW BY YOUR TOWN BOARD PRIOR TO SCHEDULED ZONING COMMITTEE PUBLIC HEARING

Property Owner's Name: Dan Swanson
Mailing Address: 2010 Garfield Ave City, State, Zip Superior WI 54880
Telephone: 218-590-9941 E-mail Address: danswansonphoto@icloud.com

PROPERTY DESCRIPTION: Information must be complete and accurate. If applicable state lot number, block number, subdivision name, government lot number, quarter sections, etc. (Note: This may be copied from your tax notice or deed.)

Tax Parcel #: 0A-022-00912-03 Section 33 Town 47 N Range 13 W
Town of: Oakland Parcel Acreage or Size: 10

Property Address: (to be assigned)
Legal Description: E 1/2 E 1/2 SW SE, 33-47-13
Name of Adjacent Lake or Stream: Unnamed Creek ^{Little American?} Wetlands: Yes No Zone District F1

Type of construction: Garage
(accessory building, dwelling, addition to seasonal dwelling, alteration to accessory building, relocate structure)
Proposed Use: Storage
(year-round or seasonal dwelling, storage, commercial use, change use of structure)

| | Length | Width | Area (sq ft) | Height | Stories | # Bedrooms | # Occupants | Est Cost - \$ |
|------------------|--------|-------|--------------|--------|---------|------------|-------------|---------------|
| Dwelling | | | | | | | | |
| → Accessory Bldg | 40' | 38' | 1120 | 8' | 1 | | | 15,000 ? |
| Accessory Bldg | | | | | | | | |

Please stake building site prior to submitting this application.

Has any portion of the project been started? Yes No Sanitary Permit #: _____

Signature of owner or agent: [Signature] Date: 2-10-16

Agent address & phone number: _____

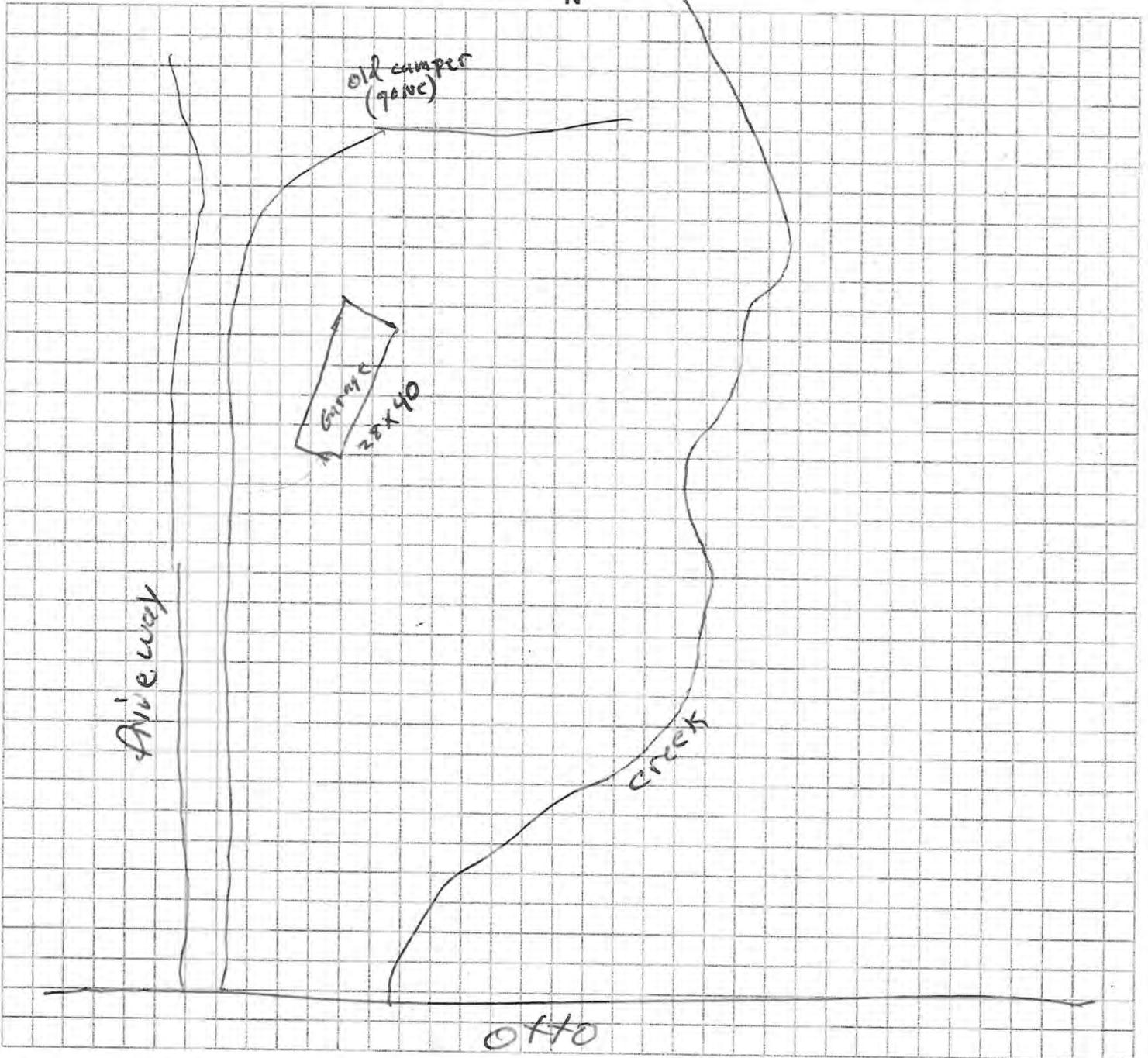
By signing this application, I give my/our permission to allow a site inspection to be made of the site by Zoning staff and allow photographs to be taken if necessary.

| Type | Amount | Date Paid | Receipt # |
|--------------|----------|------------|-----------|
| Land Use | \$ 190.- | 02-10-2016 | 11150 |
| Land Use | \$ | | |
| Cond. Use | \$ 125.- | 02-10-2016 | 11150 |
| A-T-F Double | \$ | | |
| Vendor # | 1805644 | | |

| | | | |
|--------------|-----------------|--------------|------------|
| VARIANCE NO: | ZONE CHANGE NO: | DATE ISSUED: | PERMIT NO: |
| | | | |

LOT LAYOUT DIAGRAM

SCALE: 1 Block = _____ feet
If drawing is not to scale show all dimensions
N



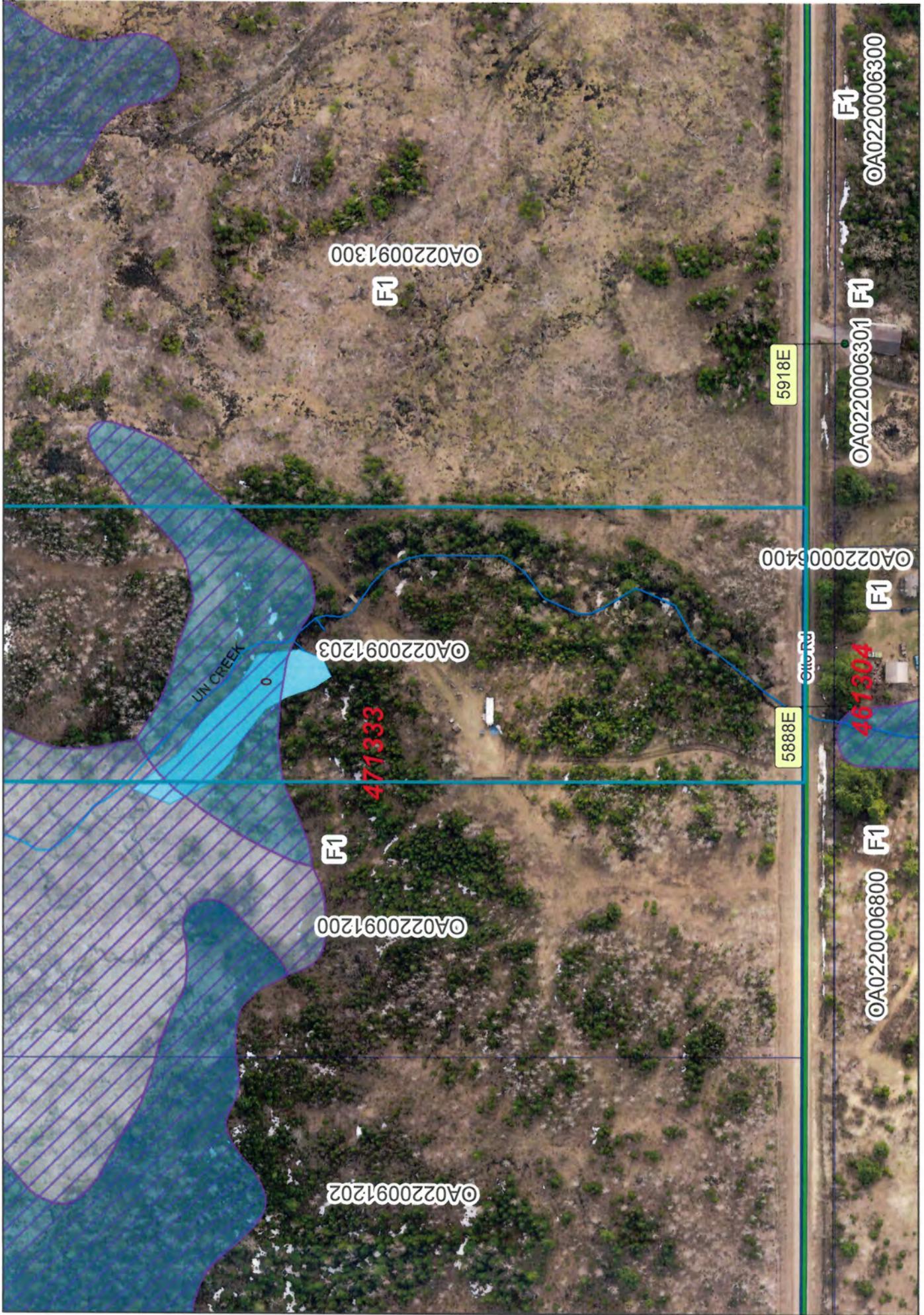
You are responsible for complying with State and Federal laws concerning construction near or on wetlands, lakes, and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the [Department of Natural Resources wetlands identification page](#) or contact a Department of Natural Resources Service Center.

Additional responsibilities for owners of projects disturbing one or more acre(s) of soil

I understand that this project is subject to regulations regarding erosion control and storm water management and I will comply with those standards. For more information, visit the [Department of Natural Resources](#) or contact a Department of Natural Resources Service Center.

Applicant's Signature: _____ *[Handwritten Signature]*

Date: 2-10-16



MAP PRODUCED BY SHELLY WISNIEWSKI
 DOUGLAS COUNTY ZONING
 LINES AND DIMENSIONS ARE APPROXIMATE

Map Printed: 2/10/2016

1 inch = 150 feet



CU - Swanson, Daniel R.
 Garage (1st structure), F-1 ZD, 03-09-2016 Hrg 150

RECEIVED NOV 30 2015

cl



DOUGLAS COUNTY

Planning, Zoning & Land Information Offices

1313 Belknap Street, Room 206
Superior, WI 54880

Stephen Rannenberg
Administrator

Keith Wiley
Assistant Administrator

Ben Klitzke
County Surveyor

Date: November 23, 2015
To: Patti Stalvig
4917 S State Road 35
Superior, WI 54880
From: Steve Rannenberg, Planning and Zoning Administrator
Subject: Town Board action requested

Conditional Use
DC Zoning Committee: 03-09-2016

Applicant: Udeen Trucking, Inc (operator)
Petition: Renew NMM #8150 (5 year renewal)
Parcel ID / S-T-R / Zone Dist: TS-030-00498-00, TS-030-00497-00, TS-030-00495-00

- We have received the attached application related to a proposed land use change in your town.
- This proposed land use change is in the form of one or more of the following:

| | | | |
|------------------------|-------------------------------------|-------------------------|--------------------------|
| Petition to Rezone | <input type="checkbox"/> | Variance / appeal | <input type="checkbox"/> |
| Conditional Use Permit | <input checked="" type="checkbox"/> | Subdivision plat review | <input type="checkbox"/> |
- Please place this item on the next Town Board agenda for action by the board.
- We would appreciate a response prior to our public hearing scheduled for **March 9, 2016**.

5. Objection: _____ No Objection: _____

6. Comments Including town conditions dated 3/31/2010

7. Signature: dhruke Koup Date: 2-15-16

Final copy as approved by Town of Superior Plan Commission on March 31, 2010

Town of Superior Non Metallic Mining Conditional Use Permit Conditions

1. During periods of road weight restrictions (Wis. Stat. 349.6) the permit holder will not haul on any posted roadways, unless granted emergency authorization from the Town Road Foreman. The permit holder will assume the cost of repairs for any damage that occurs to these roads caused by their hauling operations.
2. During weight restrictions, the Town Road Foreman may establish alternative haul routes. The permit holder agrees to provide gravel to repair damaged areas caused by their hauling operations.
3. Hours of Operation:
 - a. Normal Sales Hours are 6:00 a.m. to 8:00 p.m. Monday thru Friday, 7:00 a.m. to 3:00 p.m. on Saturdays.
 - b. Extended hours or 24-hour operations may be allowed for emergency situations, specific job requirements and special projects or other justified purposes.
 - c. The permit holder will notify the Town of Superior if they need to operate 24 hours or more than the normal sales hours, specifying the approximate start date and approximate duration of operations.
 - d. If the Town Road Foreman is not available, leaving a recorded message on the Town answering machine is considered adequate notification for item 3(c).
4. Dust control: The operator is responsible for minimizing respirable dust exposure by use of wet suppression for processing aggregate materials and by controlling fugitive emissions from peripheral activities, including trucking. Maintain respirable dust limits within MSHA standards and provide a healthy, dust free environment for employees and neighboring property owners.
5. Noise control: The operator is responsible for mitigation of on-site noise by maintaining functional mufflers and exhaust systems on all internal combustion engines and by shielding mechanical processes with noise barriers.
6. Blasting: (if applicable)
 - a. All blasting operations will comply with the Wisconsin Administrative Code Chapters Comm. 7 & 8 and the National Fire Protection Association guidelines in the NFPA Explosives Material Code, Chapter 495.
 - b. In addition, the operator or contractor will place a minimum of three (3) seismographs at neighboring residences during each blast. The operator will make a copy of each blast record available to the Town of Superior and residences upon request.
 - c. The operator will maintain a blast notification list at the local company office.
 - d. Any neighbor or resident within $\frac{1}{2}$ mile of the quarry may request notification prior to any blast detonation at the quarry.
 - e. The operator is responsible to provide blast notification in-person or by telephone to occur on the day of the proposed blast and at least 2 hours prior to the blast. A voice messages is considered proper notification if residents are not home on the day of the blast.



Douglas County
Land & Water Conservation Department
1313 Belknap St.
Superior, WI 54880

COPY

6

email: christine.ostern@douglascountywi.org
cameron.bertsch@douglascountywi.org

Phone: (715) 395-1380

MEMO

TO: Steve Rannenberg
FROM: Cameron Bertsch
RE: Udeen CR-B Quarry
DATE: 2/19/13

=====

I have attached an aerial photo along with an outline showing the estimated area currently disturbed at the Udeen CR-B quarry.

It appears that in 2011, approximately 18.3 acres were disturbed at this quarry. This includes disturbed lands on the Udeen's parcels (TS-030-00498-00 and TS-030-00497-00) as well as the parcel listed to Northern Horizon LLP (TS-030-00495-00). This does not include land disturbed on the Douglas County parcel to the south (TS-030-00714-00) which Udeen Trucking Inc. holds a lease to. This also does not include the Udeen Trucking parcels to the northwest (TS-030-00457-00 and TS-030-00452-00) which appears to have a staging/stockpile area.

The reclamation plan does not specify interim reclamation measures, and the financial assurance does not specify the acreage to be reclaimed.

I recommend that Udeen Trucking be given the opportunity to reclaim any areas not currently being mined, and that the financial assurance be increased to \$1,000 per acre of land currently being mined or being used as staging/stockpile areas.

DOUGLAS COUNTY PERMIT

 COPY

ISSUE DATE

03/14/2013

CONDITIONAL-USE#

1-8150

MAILING ADDRESS

NORTHERN HORIZON LLP
6521 TOWER AVE

SUPERIOR WI 54880

PARCEL #

TS-030-00495-00

TOWN OF SUPERIOR

PROPERTY ADDRESS

3228 E COUNTY ROAD B

LEGAL DESCRIPTION

PT SW SW, N-40 RDS OFE-10-1/2 RDS OF W-32 RDS21-47-14

| SECTION | TOWN | RANGE |
|---------|------|-------|
| 21 | 47 N | 14 W |

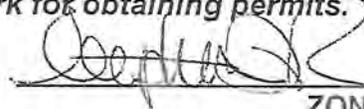
FOR NON-METALLIC MINE (RENEWAL)

CONDITIONS: The following minimum requirements must be met for all land uses:

03-13-2013 - Zoning Committee approved three year renewal (expires 03-13-2016); Town approval (with conditions) dated 02-13-2013 received and on file.

1) Must comply with Town conditions dated 03-31-2010 (attached); 2) See Douglas County Land & Water Conservation memo dated 02-19-2013 (attached); 3) Current reclamation plan to be amended to reflect current conditions; ~~4) Financial assurance to be reviewed / updated to reflect \$1,000 / acre;~~ 5) Annual NR-135 permit to be reviewed / renewed; 6) Continued compliance with conditions on 05-16-2008 renewal regarding maintenance of County Road B: a) replace culvert on County Road B leading to road; b) place gravel as necessary leading down to County Road B to divert sand runoff to ditch; c) must obtain a Stormwater Permit from WI Dept of Natural Resources.

This is not a building permit. Check with your Town Chairman for information concerning township building requirements or permits for any structure. The Wisconsin Uniform Dwelling Code requires that all towns issue building permits for new dwellings and additions to existing dwellings. Please contact the appropriate town clerk for obtaining permits.



ZONING AUTHORITY



DOUGLAS COUNTY PLANNING, ZONING & LAND INFORMATION OFFICE
 1313 BELKNAP STREET, ROOM 206
 SUPERIOR, WI 54880
 715 - 395-1380 / FAX 715 - 395-7643

ZC Hrg: 03-09-2016

APPLICATION FOR LAND-USE & CONDITIONAL-USE PERMITS

APPLICATION WILL NOT BE PROCESSED WITHOUT SIGNATURE & DATE ON FRONT AND BACK OF THIS PAGE.

TO WHOM IT MAY CONCERN: The undersigned hereby applies for a permit to do work herein described in this application. The undersigned agrees that all work will be done in accordance with the Douglas County Zoning, Shoreland Zoning, Subdivision Control, Floodplain Ordinances and with all laws of the State of Wisconsin applicable to said premises. Do not start any construction until this office has issued a permit. Failure to obtain the necessary permits will result in a double permit fee and/or citation.

CONDITIONAL-USE PERMIT APPLICATIONS: PLEASE CONTACT TOWN CLERK - APPLICATIONS REQUIRE REVIEW BY YOUR TOWN BOARD PRIOR TO SCHEDULED ZONING COMMITTEE PUBLIC HEARING

Property Owner's Name: Northern Horizon LLP Udeen Trucking INC
 Mailing Address: 6521 Tower Ave., Superior WI 54880
 Telephone: _____ E-mail Address: _____

PROPERTY DESCRIPTION: Information must be complete and accurate. If applicable state lot number, block number, subdivision name, government lot number, quarter sections, etc. (Note: This may be copied from your tax notice or deed.)

Tax Parcel #: TS-030-00498-00, 497-00, 495-00 Section 21 Town 47-N Range 14-W
 Town of: Superior (Town of) Parcel Acreage or Size: 31.49 Acres

Property Address: 3204 E County Road B

Legal Description: pt SW SW, 21-47-14

Name of Adjacent Lake or Stream: _____ Lake Class _____ Zone District F-1 / R-2

Type of construction: Renew Non-metallic Mining Permit #8150
(new building, manufactured home, addition to seasonal dwelling, alteration to accessory building, relocate structure)

Proposed Use: Five Year Renewal
(year-round or seasonal dwelling, accessory building, commercial building, change use of structure)

| | Length | Width | Area (sq ft) | Height | Stories | # Bedrooms | # Occupants | Est Cost - \$ |
|----------------|--------|-------|--------------|--------|---------|------------|-------------|---------------|
| Dwelling | | | | | | | | |
| Accessory Bldg | | | | | | | | |
| Accessory Bldg | | | | | | | | |

Please stake building site prior to submitting this application.

Has any portion of the project been started? Yes No Sanitary Permit #: _____

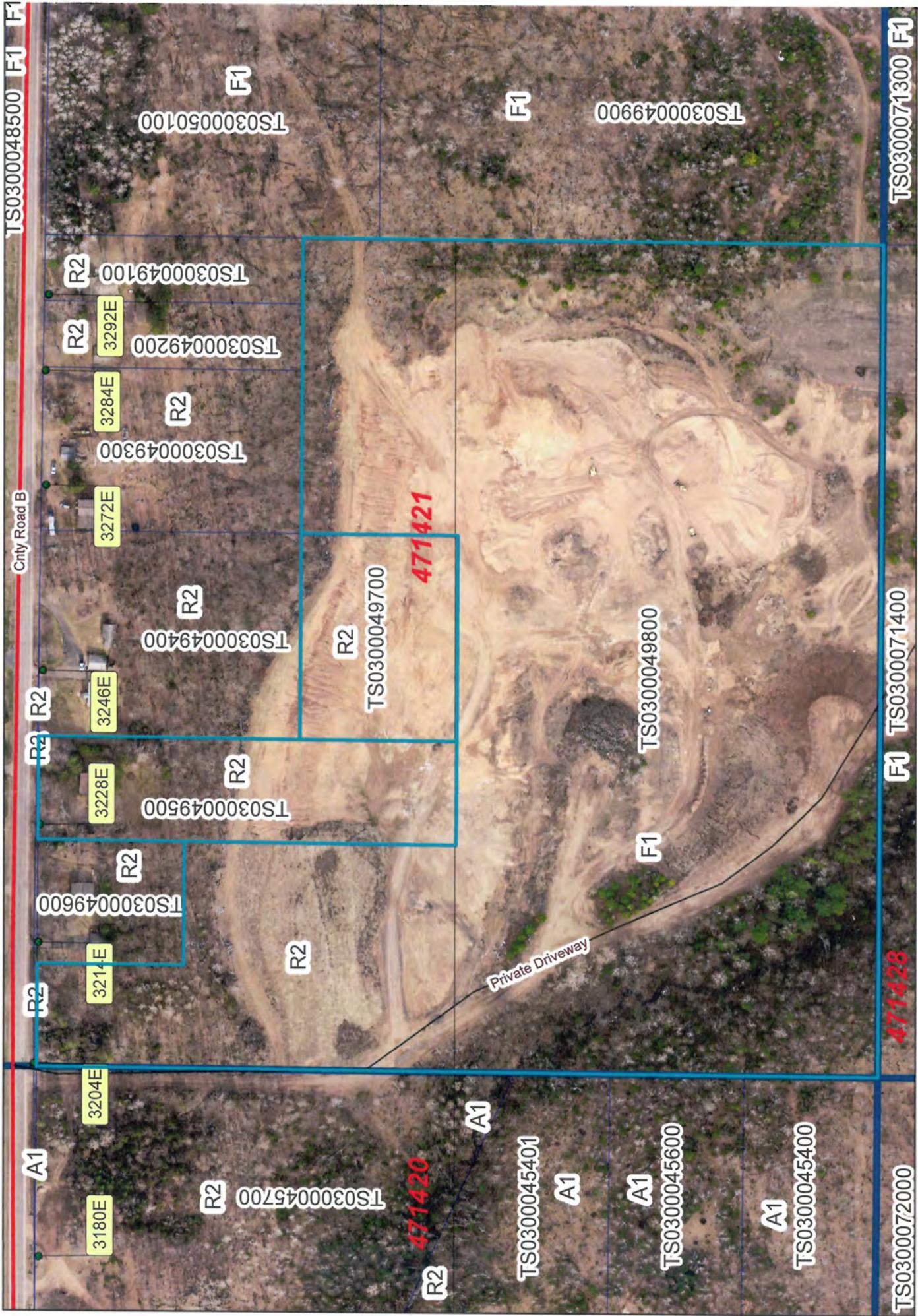
Signature of owner or agent: Robin Cuch Date: 11-18-15

Agent address & phone number: _____

By signing this application, I give my/our permission to allow a site inspection to be made of the site by Zoning staff and allow photographs to be taken if necessary.

LAND-USE PERMIT \$ _____ LAND-USE PERMIT \$ _____
 CONDITIONAL-USE PERMIT \$ 275.-
 DOUBLE PERMIT FEE \$ _____ DATE PAID 11-23-2015
 RECEIPT NUMBER 10988 VENDOR NUMBER 19799

PERMIT NO: 8150
 DATE ISSUED:
 ZONE CHANGE NO:
 VARIANCE NO:



1 inch = 200 feet



Map Printed: 11/23/2015

CU - Udeen Trucking, Inc.
NMM #8150, 5-yr renewal, 03-09-2016 Hrg

MAP PRODUCED BY SHELLY WISNIEWSKI
 DOUGLAS COUNTY ZONING

LINES AND DIMENSIONS ARE APPROXIMATE

02

Wisniewski, Shelly

From: Nelson, Diane Renee
Sent: Thursday, February 11, 2016 4:51 PM
To: Wisniewski, Shelly
Subject: RE: CU 8196 - NMM Renewal (file att)

Shelly,

At the last town board meeting the town had no objection to

1. Olson Brothers, Inc Mine renewal
2. Midland Services Inc addition
3. Stonebrunner Zoning change

Thanks
Diane

From: Wisniewski, Shelly
Sent: Tuesday, February 02, 2016 8:41 AM
To: Nelson, Diane Renee
Subject: CU 8196 - NMM Renewal (file att)

Good morning Diane.

Hard copy will follow via USPS today. Brace ourselves for the snow storm, eh?

Take care,

Shelly Wisniewski, Office Specialist

Douglas County Zoning

1313 Belknap Street, Room 206

Superior, WI 54880

715-395-1380

Shelly.Wisniewski@DouglasCountyWI.org



DOUGLAS COUNTY PLANNING, ZONING & LAND INFORMATION OFFICE
1313 BELKNAP STREET, ROOM 206
SUPERIOR, WI 54880
715 - 395-1380 / FAX 715 - 395-7643

APPLICATION FOR LAND-USE & CONDITIONAL-USE PERMITS

APPLICATION WILL NOT BE PROCESSED WITHOUT SIGNATURE & DATE ON FRONT AND BACK OF THIS PAGE.

TO WHOM IT MAY CONCERN: The undersigned hereby applies for a permit to do work herein described in this application. The undersigned agrees that all work will be done in accordance with the Douglas County Zoning, Shoreland Zoning, Subdivision Control, Floodplain Ordinances and with all laws of the State of Wisconsin applicable to said premises. Do not start any construction until this office has issued a permit. Failure to obtain the necessary permits will result in a double permit fee and/or citation.

CONDITIONAL-USE PERMIT APPLICATIONS: PLEASE CONTACT TOWN CLERK - APPLICATIONS REQUIRE REVIEW BY YOUR TOWN BOARD PRIOR TO SCHEDULED ZONING COMMITTEE PUBLIC HEARING

Property Owner's Name: Olson Brothers, Inc.
 Mailing Address: P.O. Box 134, Brule, WI 54820
 Telephone: _____ E-mail Address: _____

PROPERTY DESCRIPTION: Information must be complete and accurate. If applicable state lot number, block number, subdivision name, government lot number, quarter sections, etc. (Note: This may be copied from your tax notice or deed.)

Tax Parcel #: BR-006-00761-00 Section 24 Town 48-N Range 10-W

Town of: Brule (Town of) Parcel Acreage or Size: 39.95 Acres

Property Address: 3640 S County Road H

Legal Description: NW NW, 24-48-10

Name of Adjacent Lake or Stream: _____ Lake Class _____ Zone District F-1

Type of construction: Renew Non-metallic Mining Permit #8196
(new building, manufactured home, addition to seasonal dwelling, alteration to accessory building, relocate structure)

Proposed Use: Five Year Renewal
(year-round or seasonal dwelling, accessory building, commercial building, change use of structure)

| | Length | Width | Area (sq ft) | Height | Stories | # Bedrooms | # Occupants | Est Cost - \$ |
|----------------|--------|-------|--------------|--------|---------|------------|-------------|---------------|
| Dwelling | / | / | / | / | / | / | / | / |
| Accessory Bldg | / | / | / | / | / | / | / | / |
| Accessory Bldg | / | / | / | / | / | / | / | / |

Please stake building site prior to submitting this application.

Has any portion of the project been started? Yes No Sanitary Permit #: _____

Signature of owner or agent: Keith Olson Date: 1/27/16

Agent address & phone number: P.O. Box 134, Brule, WI 54820

By signing this application, I give my/our permission to allow a site inspection to be made of the site by Zoning staff and allow photographs to be taken if necessary.

LAND-USE PERMIT \$ _____ LAND-USE PERMIT \$ _____
 CONDITIONAL-USE PERMIT \$ 275.00
 DOUBLE PERMIT FEE \$ _____ DATE PAID 02-01-2016
 RECEIPT NUMBER 11094 VENDOR NUMBER 120889

PERMIT NO: 8196
 DATE ISSUED:
 ZONE CHANGE NO:
 VARIANCE NO:



Map Printed: 2/2/2016

NMM CU 8196 - Olson Brothers Inc.
5 year renewal, F-1 ZD, 03-09-2016 Hrg

MAP PRODUCED BY SHELLY WISNIEWSKI
 DOUGLAS COUNTY ZONING
 LINES AND DIMENSIONS ARE APPROXIMATE

DOUGLAS COUNTY PERMIT

COPY

ISSUE DATE

03/15/2013

CONDITIONAL-USE#

8196

MAILING ADDRESS

OLSON BROS CONTRACTORS
P O BOX 134

BRULE WI 54820

PARCEL #

BR-006-00761-00

TOWN OF BRULE

PROPERTY ADDRESS

3640 S COUNTY ROAD H

LEGAL DESCRIPTION

NW NW, EX PCL ON W LINE 24-48-10 DESC 432 RP 301#712169

| SECTION | TOWN | RANGE |
|---------|------|-------|
| 24 | 48 N | 10 W |

FOR NON-METALLIC MINE (RENEWAL)

CONDITIONS: The following minimum requirements must be met for all land uses:

03-13-2013 - Zoning Committee approved three year renewal (expires 03-13-2016); Town approval dated 03-12-2013 received and on file.

1) Refer to Douglas County Land & Water Conservation Dept memo dated 02-19-2013 (attached); 2) NR-135 permit, reclamation plan and financial assurance in place; 3) To be inspected by Zoning and Land Conservation staff in Spring 2013.

This is not a building permit. Check with your Town Chairman for information concerning township building requirements or permits for any structure. The Wisconsin Uniform Dwelling Code requires that all towns issue building permits for new dwellings and additions to existing dwellings. Please contact the appropriate town clerk for obtaining permits.


ZONING AUTHORITY



Douglas County
Land & Water Conservation Department
1313 Belknap St.
Superior, WI 54880

COPY

email: christine.ostern@douglascountywi.org
cameron.bertsch@douglascountywi.org

Phone: (715) 395-1380

MEMO

TO: Steve Rannenberg
FROM: Cameron Bertsch
RE: Olson Bros. CR-H Quarry
DATE: 2/19/13

=====

I have attached an aerial photo along showing the estimated area currently disturbed at the Olson Bros. quarry at CR-H and CR-FF.

It appears that as of 2011, approximately 17.6 acres were left in an unreclaimed state. While the reclamation plan does not discuss interim reclamation activities, the financial assurance bond was calculated for 5 acres of disturbed area.

I recommend that Olson Bros. be given the opportunity to reclaim any unused portions of the property, or to increase the bond amount at the current estimated rate of \$1,000 per acre of disturbed land.



DOUGLAS COUNTY

Planning, Zoning & Land Information Offices

1313 Belknap Street, Room 206
Superior, WI 54880

C3

Stephen Rannenberg
Administrator

Keith Wiley
Assistant Administrator

Ben Klitzke
County Surveyor

Date: December 11, 2015

Conditional Use

DC Zoning Committee: 03-09-2016

To: Debbie Wermter
7223 S Town Hall Rd
PO Box 142
Hawthorne, WI 54842

From: Steve Rannenberg, Planning and Zoning Administrator

Subject: Town Board action requested

Applicant: 18th Hole, LLC

Petition: Renew CU #8520 (NMM 5-year renewal)

35-47-12 / R-2: HA-014-00925-00

Parcel ID / S-T-R / Zone Dist: 36-47-12 / F-1: HA-014-00942-00, HA-014-00943-00,
HA-014-00945-00, HA-014-00947-00, HA-014-00949-00

1. We have received the attached application related to a proposed land use change in your town.

2. This proposed land use change is in the form of one or more of the following:

Petition to Rezone Variance / appeal

Conditional Use Permit Subdivision plat review

3. Please place this item on the next Town Board agenda for action by the board.

4. We would appreciate a response prior to our public hearing scheduled for **March 9, 2016**.

5. Objection: _____ No Objection: as per attached

6. Comments _____

7. Signature: [Signature] Date: 1-19-16

Final copy as approved by Town of Hawthorne Plan Commission on 1/12/2016

Town of Hawthorne Non Metallic Mining Conditional Use Permit Conditions

1. During periods of road weight restrictions (Wis. Stat. 349.6) the permit holder will not haul on any posted roadways, unless granted emergency authorization from the Town Road Foreman. The permit holder will assume the cost of repairs for any damage that occurs to these roads caused by their hauling operations.
2. During weight restrictions, the Town Road Foreman may establish alternative haul routes. The permit holder agrees to provide gravel to repair damaged areas caused by their hauling operations.
 - 2a During any hours of operation if haul road or components of haul road (culverts, signs, etc.) are damaged permit holder will be liable for damages due. Repair of road may include grading, replacement of Class 5 gravel or any other components needed for repair.
3. Hours of Operation:
 - a. The permit holder will notify the Town of Hawthorne if they need to operate 24 hours or more than the normal sales hours, specifying the approximate start date and approximate duration of operations.
 - b. If the Town Road Foreman is not available, leaving a recorded message on the Town answering machine is considered adequate notification for item 3a.
4. Dust control: The operator is responsible for minimizing respirable dust exposure by use of wet suppression for processing aggregate materials and by controlling fugitive emissions from peripheral activities, including trucking. Maintain respirable dust limits within MSHA standards and provide healthy, dust free environment for employees and neighboring property owners.
5. Noise control: The operator is responsible for mitigation of on-site noise by maintaining functional mufflers and exhaust systems on all internal combustion engines and by shielding mechanical processes with noise barriers.
6. Blasting: (If applicable)
 - a. All blasting operations will comply with the Wisconsin Administrative Code Chapters Comm. 7 & 8 and the National Fire Protection Association guidelines in the NFPA Explosive Material Code, Chapter 4954.
 - b. In addition, the operator or contractor will place a minimum, of three (3) seismographs at neighboring residences during each blast. The operator will make a copy of each blast record available to the Town of Hawthorne and residences upon request.

- c. The operator will maintain a blast notification list at the local company office.
- d. Any neighbor or resident within ½ mile of the quarry may request notification prior to any blast detonation at the quarry.
- e. The operator is responsible to provide blast notification in-person or by telephone to occur on the day of the proposed blast and at least 2 hours prior to the blast. A voice message is considered proper notification if residents are not home on the day of the blast.



Town Chairman, Kent Paulsen



DOUGLAS COUNTY PLANNING, ZONING & LAND INFORMATION OFFICE
 1313 BELKNAP STREET, ROOM 206
 SUPERIOR, WI 54880
 715 - 395-1380 / FAX 715 - 395-7643

C3

ZC Hrg: 03-09-16

APPLICATION FOR LAND-USE & CONDITIONAL-USE PERMITS

APPLICATION WILL NOT BE PROCESSED WITHOUT SIGNATURE & DATE ON FRONT AND BACK OF THIS PAGE.

TO WHOM IT MAY CONCERN: The undersigned hereby applies for a permit to do work herein described in this application. The undersigned agrees that all work will be done in accordance with the Douglas County Zoning, Shoreland Zoning, Subdivision Control, Floodplain Ordinances and with all laws of the State of Wisconsin applicable to said premises. Do not start any construction until this office has issued a permit. Failure to obtain the necessary permits will result in a double permit fee and/or citation.

CONDITIONAL-USE PERMIT APPLICATIONS: PLEASE CONTACT TOWN CLERK - APPLICATIONS REQUIRE REVIEW BY YOUR TOWN BOARD PRIOR TO SCHEDULED ZONING COMMITTEE PUBLIC HEARING

Property Owner's Name: 18th Hole LLC

Mailing Address: 6521 Tower Ave., Superior, WI 54880

Telephone: 715-394-4815 E-mail Address: udeedtracking@centurytel.net

PROPERTY DESCRIPTION: Information must be complete and accurate. If applicable state lot number, block number, subdivision name, government lot number, quarter sections, etc. (Note: This may be copied from your tax notice or deed.)

Tax Parcel #: 6 Parcels (see reverse) Section ³⁵⁴ 36 Town 47-N Range 12-W

Town of: Hawthorne (Town of) Parcel Acreage or Size: 231.91 Acres

Property Address: 7070 S 18th Street (18th Street Pit) *Total*

Legal Description: SE NE, SW NW, NE NW, SE NW, NW NE, SW NE, 36-47-12

Name of Adjacent Lake or Stream: Poplar River Lake Class _____ Zone District R-2

Type of construction: Nonmetallic Mine Renewal, CU #8520
(new building, manufactured home, addition to seasonal dwelling, alteration to accessory building, relocate structure)

Proposed Use: Five year renewal
(year-round or seasonal dwelling, accessory building, commercial building, change use of structure)

| | Length | Width | Area (sq ft) | Height | Stories | # Bedrooms | # Occupants | Est Cost - \$ |
|----------------|--------|-------|--------------|--------|---------|------------|-------------|---------------|
| Dwelling | | | | | | | | |
| Accessory Bldg | | | | | | | | |
| Accessory Bldg | | | | | | | | |

Please stake building site prior to submitting this application.

Has any portion of the project been started? Yes No Sanitary Permit #: _____

Signature of owner or agent: Robin Cich Date: 12-1-15

Agent address & phone number: _____

By signing this application, I give my/our permission to allow a site inspection to be made of the site by Zoning staff and allow photographs to be taken if necessary.

LAND-USE PERMIT \$ _____ LAND-USE PERMIT \$ _____
 CONDITIONAL-USE PERMIT \$ 275.
 DOUBLE PERMIT FEE \$ _____ DATE PAID 12-11-2015
 RECEIPT NUMBER 11012 VENDOR NUMBER 1797285

PERMIT NO: 8520
 DATE ISSUED:
 ZONE CHANGE NO:
 VARIANCE NO:



25 Active Acres

DOUGLAS COUNTY PERMIT

COPY

ISSUE DATE

03/14/2013

CONDITIONAL-USE#

1-8520

MAILING ADDRESS

NORTHERN WI PITS, LLC
5300 STINSON AVE.

SUPERIOR WI 54880

PARCEL #

HA-014-00925-00

TOWN OF HAWTHORNE

PROPERTY ADDRESS

NONE

LEGAL DESCRIPTION

N-1/2 SE NE 35-47-12

| SECTION | TOWN | RANGE |
|---------|------|-------|
| 35 | 47 N | 12 W |

FOR NON-METALLIC MINE (RENEWAL)

CONDITIONS: The following minimum requirements must be met for all land uses:

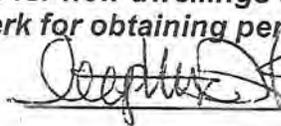
03-13-2013 - Zoning Committee approved three year renewal (expires 03-13-2016); Town approval dated 02-15-2013 received and on file

1) Financial assurance to reflect \$1,000/acre for unreclaimed area; 2) See Memo dated 02-21-2013 from Douglas County Land & Water Conservation Dept.; 3) Annual report for 2012 shows 12.5 acres disturbed unreclaimed acres; 4) Annual report for 2013 should show 20+ acres disturbed unreclaimed acres.

Dave Lemke, Northern WI Pits, LLC, 5300 Stinson Ave. Superior, WI 54880 715-394-7771 (131)

18th Street Quarry

This is not a building permit. Check with your Town Chairman for information concerning township building requirements or permits for any structure. The Wisconsin Uniform Dwelling Code requires that all towns issue building permits for new dwellings and additions to existing dwellings. Please contact the appropriate town clerk for obtaining permits.



ZONING AUTHORITY

FILE COPY

COPY

#8
18th St Quarry

The 18th Street quarry appears to have approximately 21.6 acres of disturbed areas in the 2011 photo. This does not include some small isolated areas of nonvegetated areas that do not appear to be currently active. This is less than the 80 acres proposed in the reclamation plan.

I recommend that JMC reclaim these isolated bare areas.

Mix Pit

The Mix Pit quarry contained approximately 10.4 acres of disturbed area in the 2011 photo. This is less than the 14 acres proposed in the reclamation plan.

Oakland Quarry

The Oakland Quarry contained approximately 9.2 acres of disturbed land in the 2011 photo. This is less than the 40 acres proposed in the reclamation plan.



DOUGLAS COUNTY

Planning, Zoning & Land Information Offices

1313 Belknap Street, Room 206
Superior, WI 54880

Stephen Rannenberg
Administrator

Keith Wiley
Assistant Administrator

Ben Klitzke
County Surveyor

Date: February 2, 2016

Conditional Use

To: Vickie Eastwood
P.O. Box 68
Gordon, WI 54838

DC Zoning Committee: 03-09-2016

From: Steve Rannenberg, Planning and Zoning Administrator

Subject: Town Board action requested

Applicant: Town of Gordon

Petition: CU #8600, Nonmetallic Mine – 3 year renewal

Parcel ID / S-T-R / Zone Dist: GO-012-00095-00, GO-012-00096-00 / 04-44N-10W / RR-1 ZD

1. We have received the attached application related to a proposed land use change in your town.

2. This proposed land use change is in the form of one or more of the following:

| | | | |
|------------------------|-------------------------------------|-------------------------|--------------------------|
| Petition to Rezone | <input type="checkbox"/> | Variance / appeal | <input type="checkbox"/> |
| Conditional Use Permit | <input checked="" type="checkbox"/> | Subdivision plat review | <input type="checkbox"/> |

3. Please place this item on the next Town Board agenda for action by the board.

4. We would appreciate a response prior to our public hearing scheduled for March 9, 2016.

5. Objection: _____ No Objection: X

6. Comments: Town usage; no objection

7. Signature: Vickie Eastwood Date: 02/09/2016



DOUGLAS COUNTY PLANNING, ZONING & LAND INFORMATION OFFICE
1313 BELKNAP STREET, ROOM 206
SUPERIOR, WI 54880
715 - 395-1380 / FAX 715 - 395-7643

APPLICATION FOR LAND-USE & CONDITIONAL-USE PERMITS

APPLICATION WILL NOT BE PROCESSED WITHOUT SIGNATURE & DATE ON FRONT AND BACK OF THIS PAGE.

TO WHOM IT MAY CONCERN: The undersigned hereby applies for a permit to do work herein described in this application. The undersigned agrees that all work will be done in accordance with the Douglas County Zoning, Shoreland Zoning, Subdivision Control, Floodplain Ordinances and with all laws of the State of Wisconsin applicable to said premises. Do not start any construction until this office has issued a permit. Failure to obtain the necessary permits will result in a double permit fee and/or citation.

CONDITIONAL-USE PERMIT APPLICATIONS: PLEASE CONTACT TOWN CLERK - APPLICATIONS REQUIRE REVIEW BY YOUR TOWN BOARD PRIOR TO SCHEDULED ZONING COMMITTEE PUBLIC HEARING

Property Owner's Name: Town of Gordon
 Mailing Address: P.O. Box 68, Gordon, WI 54838
 Telephone: 715-376-2693 E-mail Address: gordontowndouglas@yahoo.com

PROPERTY DESCRIPTION: Information must be complete and accurate. If applicable state lot number, block number, subdivision name, government lot number, quarter sections, etc. (Note: This may be copied from your tax notice or deed.)

Tax Parcel #: GO-012-00095-00, GO-012-00096-00 Section 04 Town 44-N Range 10-W
 Town of: Gordon (Town of) Parcel Acreage or Size: 80 Acres

Property Address: 12070 S Connors Meadow Rd

Legal Description: NW NW & NE NW, 4-44-10

Name of Adjacent Lake or Stream: _____ Lake Class _____ Zone District RR-1

Type of construction: CU #8600 - Non-Metallic Mining Permit Renewal
(new building, manufactured home, addition to seasonal dwelling, alteration to accessory building, relocate structure)

Proposed Use: Three Year Renewal
(year-round or seasonal dwelling, accessory building, commercial building, change use of structure)

| | Length | Width | Area (sq ft) | Height | Stories | # Bedrooms | # Occupants | Est Cost - \$ |
|----------------|--------|-------|--------------|--------|---------|------------|-------------|---------------|
| Dwelling | | | | | | | | |
| Accessory Bldg | | | | | | | | |
| Accessory Bldg | | | | | | | | |

Please stake building site prior to submitting this application.

Has any portion of the project been started? Yes No Sanitary Permit #: _____

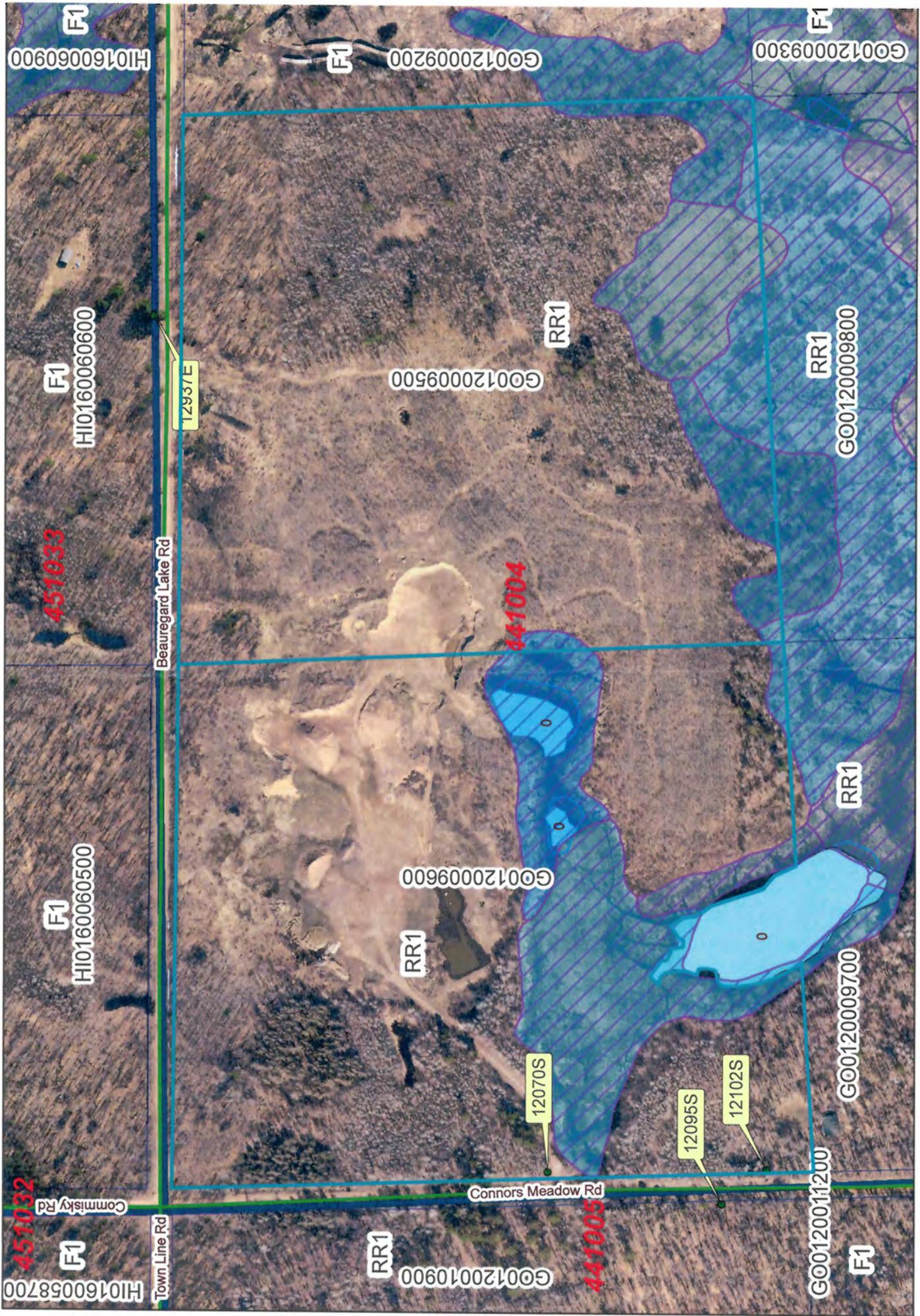
Signature of owner or agent: Mike [Signature] Date: 12-7-15

Agent address & phone number: _____

By signing this application, I give my/our permission to allow a site inspection to be made of the site by Zoning staff and allow photographs to be taken if necessary.

LAND-USE PERMIT \$ _____ LAND-USE PERMIT \$ _____
 CONDITIONAL-USE PERMIT \$ 275.00 pl
 DOUBLE PERMIT FEE \$ _____ DATE PAID 02-01-2016
 RECEIPT NUMBER 11093 VENDOR NUMBER 1332710

PERMIT NO: # 8600
 DATE ISSUED:
 ZONE CHANGE NO:
 VARIANCE NO:



Map Printed: 2/2/2016

1 inch = 300 feet



NMM CU 8600 - Town of Gordon
3 year renewal, RR-1 ZD, 03-09-2016 Hrg

MAP PRODUCED BY SHELLY WISNIEWSKI
 DOUGLAS COUNTY ZONING
 LINES AND DIMENSIONS ARE APPROXIMATE

DOUGLAS COUNTY PERMIT

COPY

ISSUE DATE

03/14/2011

CONDITIONAL-USE#

1-8600

MAILING ADDRESS

TOWN OF GORDON
P.O. BOX 68

GORDON WI 54838

PARCEL #

GO-012-00095-00

TOWN OF GORDON

PROPERTY ADDRESS

12070 S CONNORS MEADOW RD

LEGAL DESCRIPTION

NE NW 4-44-10

| SECTION | TOWN | RANGE |
|---------|------|-------|
| 04 | 44 N | 10 W |

FOR NON-METALLIC MINE (RENEWAL)

CONDITIONS: The following minimum requirements must be met for all land uses:

03-09-2011 - Approved by Zoning Committee. Permit expires March 2016 (5 year renewal)

This is not a building permit. Check with your Town Chairman for information concerning township building requirements or permits for any structure. The Wisconsin Uniform Dwelling Code requires that all towns issue building permits for new dwellings and additions to existing dwellings. Please contact the appropriate town clerk for obtaining permits.



ZONING AUTHORITY

C5



DOUGLAS COUNTY

Planning, Zoning & Land Information Offices

1313 Belknap Street, Room 206
Superior, WI 54880

Stephen Rannenberg
Administrator

Keith Wiley
Assistant Administrator

Ben Klitzke
County Surveyor

Date: February 2, 2016

Conditional Use

To: Vickie Eastwood
P.O. Box 68
Gordon, WI 54838

DC Zoning Committee: 03-09-2016

From: Steve Rannenberg, Planning and Zoning Administrator

Subject: Town Board action requested

Applicant: Town of Gordon

Petition: CU #17002, Nonmetallic Mine – 3 year renewal

Parcel ID / S-T-R / Zone Dist: GO-012-01853-00 / 28-44N-13W / F-1 ZD

1. We have received the attached application related to a proposed land use change in your town.
2. This proposed land use change is in the form of one or more of the following:

| | | | |
|------------------------|-------------------------------------|-------------------------|--------------------------|
| Petition to Rezone | <input type="checkbox"/> | Variance / appeal | <input type="checkbox"/> |
| Conditional Use Permit | <input checked="" type="checkbox"/> | Subdivision plat review | <input type="checkbox"/> |
3. Please place this item on the next Town Board agenda for action by the board.
4. We would appreciate a response prior to our public hearing scheduled for March 9, 2016.

5. Objection: _____ No Objection: X

6. Comments Town usage; no objection

7. Signature: Vickie Eastwood Date: 02/9/2016



DOUGLAS COUNTY PLANNING, ZONING & LAND INFORMATION OFFICE
1313 BELKNAP STREET, ROOM 206
SUPERIOR, WI 54880
715 - 395-1380 / FAX 715 - 395-7643

ZC Hrs: 03-09-16

APPLICATION FOR LAND-USE & CONDITIONAL-USE PERMITS

APPLICATION WILL NOT BE PROCESSED WITHOUT SIGNATURE & DATE ON FRONT AND BACK OF THIS PAGE.

TO WHOM IT MAY CONCERN: The undersigned hereby applies for a permit to do work herein described in this application. The undersigned agrees that all work will be done in accordance with the Douglas County Zoning, Shoreland Zoning, Subdivision Control, Floodplain Ordinances and with all laws of the State of Wisconsin applicable to said premises. Do not start any construction until this office has issued a permit. Failure to obtain the necessary permits will result in a double permit fee and/or citation.

CONDITIONAL-USE PERMIT APPLICATIONS: PLEASE CONTACT TOWN CLERK - APPLICATIONS REQUIRE REVIEW BY YOUR TOWN BOARD PRIOR TO SCHEDULED ZONING COMMITTEE PUBLIC HEARING

Property Owner's Name: Douglas County Forestry (Operator = Town of Gordon)

Mailing Address: PO Box 68, Gordon, WI 54838

Telephone: 715-376-2693 E-mail Address: gordontowndouglas@yahoo.com

PROPERTY DESCRIPTION: Information must be complete and accurate. If applicable state lot number, block number, subdivision name, government lot number, quarter sections, etc. (Note: This may be copied from your tax notice or deed.)

Tax Parcel #: GO-012-01853-00 Section 28 Town 44-N Range 13-W

Town of: Gordon (Town of) Parcel Acreage or Size: 640.0 Acres

Property Address: 5995 E Crotte Brook Rd

Legal Description: Entire Section 28-44-13

Name of Adjacent Lake or Stream: _____ Lake Class _____ Zone District F-1

Type of construction: CU #17002 - Non-Metallic Mining Permit Renewal
(new building, manufactured home, addition to seasonal dwelling, alteration to accessory building, relocate structure)

Proposed Use: Three Year Renewal
(year-round or seasonal dwelling, accessory building, commercial building, change use of structure)

| | Length | Width | Area (sq ft) | Height | Stories | # Bedrooms | # Occupants | Est Cost - \$ |
|----------------|--------|-------|--------------|--------|---------|------------|-------------|---------------|
| Dwelling | | | | | | | | |
| Accessory Bldg | | | | | | | | |
| Accessory Bldg | | | | | | | | |

Please stake building site prior to submitting this application.

Has any portion of the project been started? Yes No Sanitary Permit #: _____

Signature of owner or agent: Mike R... Date: 12-7-15

Agent address & phone number: _____

By signing this application, I give my/our permission to allow a site inspection to be made of the site by Zoning staff and allow photographs to be taken if necessary.

LAND-USE PERMIT \$ _____ LAND-USE PERMIT \$ _____
 CONDITIONAL-USE PERMIT \$ 275-^{pt}
 DOUBLE PERMIT FEE \$ _____ DATE PAID 02-01-2016
 RECEIPT NUMBER 11093 VENDOR NUMBER 1332710

PERMIT NO: 17002
 DATE ISSUED:
 ZONE CHANGE NO:
 VARIANCE NO:



Map Printed: 2/2/2016

NMM CU 17002 - Town of Gordon
3 year renewal, RR-1 ZD, 03-09-2016 Hrg

MAP PRODUCED BY SHELLY WISNIEWSKI
 DOUGLAS COUNTY ZONING
 LINES AND DIMENSIONS ARE APPROXIMATE

COPY

DOUGLAS COUNTY PERMIT

ISSUE DATE

03/14/2011

CONDITIONAL-USE#

17002

MAILING ADDRESS

DOUGLAS COUNTY FL
1313 BELKNAP ST

SUPERIOR WI 54880

PARCEL #

GO-012-01853-00

TOWN OF GORDON

PROPERTY ADDRESS

5995 E CROTTE BROOK RD

LEGAL DESCRIPTION

ENTIRE SECTION 28-44-13

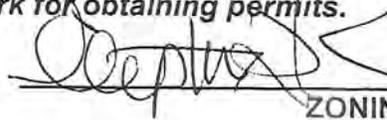
| SECTION | TOWN | RANGE |
|---------|------|-------|
| 28 | 44 N | 13 W |

FOR NON-METALLIC MINE (RENEWAL)

CONDITIONS: The following minimum requirements must be met for all land uses:

03-09-2011 - Approved by Zoning Committee. Permit expires March 2016 (5 year renewal).

This is not a building permit. Check with your Town Chairman for information concerning township building requirements or permits for any structure. The Wisconsin Uniform Dwelling Code requires that all towns issue building permits for new dwellings and additions to existing dwellings. Please contact the appropriate town clerk for obtaining permits.



ZONING AUTHORITY

001
Clb

Stephen Rannenberg
Administrator

Keith Wiley
Assistant Administrator

Ben Klitzke
County Surveyor



DOUGLAS COUNTY

Planning, Zoning & Land Information Offices

1313 Belknap Street, Room 206
Superior, WI 54880

Conditional Use

DC Zoning Committee: 03-09-2016

Date: January 22, 2016

To: Marianne Granquist
P.O. Box 98
South Range, WI 54874

From: Steve Rannenberg, Planning and Zoning Administrator

Subject: Town Board action requested

Applicant: Mathy Construction (owner) / Milestone Materials (operator)

Petition: CU #21107 – Nonmetallic Mine Renewal (5 year renewal)

Parcel ID / S-T-R / Zone Dist: PA-024-00749-01, PA-024-00749-00 / 36-48N-13W / A-1 ZD

1. We have received the attached application related to a proposed land use change in your town.

2. This proposed land use change is in the form of one or more of the following:

Petition to Rezone Variance / appeal

Conditional Use Permit Subdivision plat review

3. Please place this item on the next Town Board agenda for action by the board.

4. We would appreciate a response prior to our public hearing scheduled for March 9, 2016.

5. Objection: _____ No Objection: X

6. Comments No objection as long all reclamation plans are in place.

7. Signature: [Signature] Date: 2-8-16



DOUGLAS COUNTY PLANNING, ZONING & LAND INFORMATION OFFICE
1313 BELKNAP STREET, ROOM 206
SUPERIOR, WI 54880
715 - 395-1380 / FAX 715 - 395-7643

ZC Hrg. 0309-2016

APPLICATION FOR LAND-USE & CONDITIONAL-USE PERMITS

APPLICATION WILL NOT BE PROCESSED WITHOUT SIGNATURE & DATE ON FRONT AND BACK OF THIS PAGE.

TO WHOM IT MAY CONCERN: The undersigned hereby applies for a permit to do work herein described in this application. The undersigned agrees that all work will be done in accordance with the Douglas County Zoning, Shoreland Zoning, Subdivision Control, Floodplain Ordinances and with all laws of the State of Wisconsin applicable to said premises. Do not start any construction until this office has issued a permit. Failure to obtain the necessary permits will result in a double permit fee and/or citation.

CONDITIONAL-USE PERMIT APPLICATIONS: PLEASE CONTACT TOWN CLERK - APPLICATIONS REQUIRE REVIEW BY YOUR TOWN BOARD PRIOR TO SCHEDULED ZONING COMMITTEE PUBLIC HEARING

Property Owner's Name: Mathy Construction (Operator = Milestone Materials)

Mailing Address: 768 U.S. Hwy 8, Amery, WI 54001

Telephone: 715-492-0065 E-mail Address: candy.anderson@monarchpaving.com

PROPERTY DESCRIPTION: Information must be complete and accurate. If applicable state lot number, block number, subdivision name, government lot number, quarter sections, etc. (Note: This may be copied from your tax notice or deed.)

Tax Parcel #: PA-024-00749-00, PA-024-00749-01 Section 36 Town 48-N Range 13-W

Town of: Parkland (Town of) Parcel Acreage or Size: 10.0 Acres

Property Address: 7197 E Bayfield Rd (Carnes West)

Legal Description: Lots 1 & 2, CSM #958, Vol 7 Pgs 46-47, SE SE SE 36-48-13

Name of Adjacent Lake or Stream: _____ Lake Class _____ Zone District A-1

Type of construction: CU #21107 - Non-Metallic Mining Permit Renewal
(new building, manufactured home, addition to seasonal dwelling, alteration to accessory building, relocate structure)

Proposed Use: Five Year Renewal
(year-round or seasonal dwelling, accessory building, commercial building, change use of structure)

| | Length | Width | Area (sq ft) | Height | Stories | # Bedrooms | # Occupants | Est Cost - \$ |
|----------------|--------|-------|--------------|--------|---------|------------|-------------|---------------|
| Dwelling | | | | | | | | |
| Accessory Bldg | | | | | | | | |
| Accessory Bldg | | | | | | | | |

Please stake building site prior to submitting this application.

Has any portion of the project been started? Yes No Sanitary Permit #: _____

Signature of owner or agent: Candy Anderson, Geologist Date: 1/8/2016

Agent address & phone number: 768 U.S. Hwy 8, Amery, WI 54001, 715-492-0065

By signing this application, I give my/our permission to allow a site inspection to be made of the site by Zoning staff and allow photographs to be taken if necessary.

LAND-USE PERMIT \$ _____ LAND-USE PERMIT \$ _____
 CONDITIONAL-USE PERMIT \$ 275
 DOUBLE PERMIT FEE \$ _____ DATE PAID 01-22-2016
 RECEIPT NUMBER 11081 VENDOR NUMBER 1561432

PERMIT NO: 21107
 DATE ISSUED:
 ZONE CHANGE NO:
 VARIANCE NO:



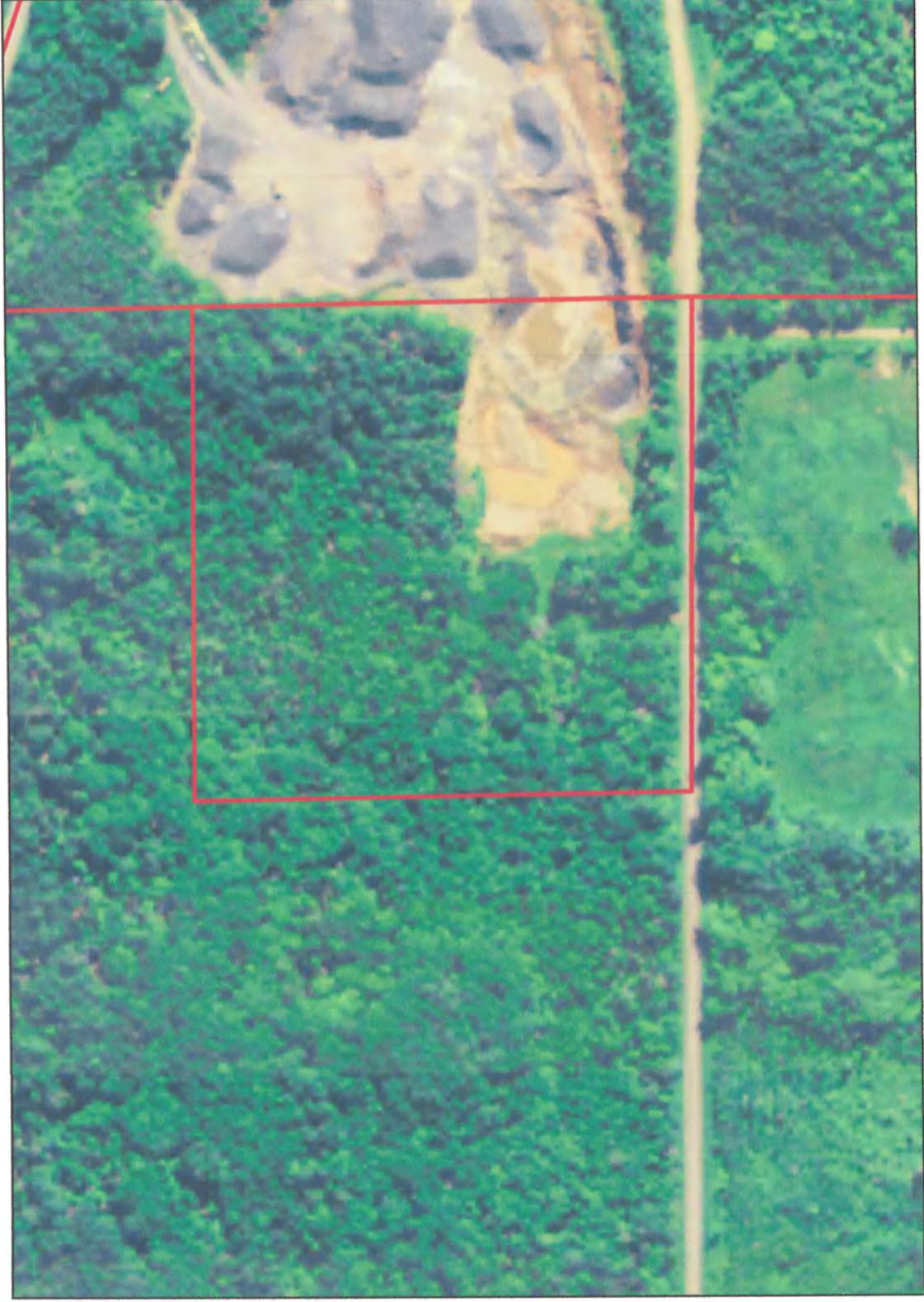
Map Printed: 1/22/2016

CU #21107 - Non-metallic Mine Renewal
5-year renewal, A-1 ZD, 03-09-2016 Hrg

MAP PRODUCED BY SHELLY WISNIEWSKI
 DOUGLAS COUNTY ZONING
 LINES AND DIMENSIONS ARE APPROXIMATE



Carnes West Quarry - 2013 Aerial Photo



1 inch = 200 feet

DOUGLAS COUNTY PERMIT



ISSUE DATE

08/12/2015

CONDITIONAL-USE#

21107

MAILING ADDRESS

MATHY CONSTRUCTION COMPANY
920 10TH AVE N

ONALASKA WI 54650

TOWN OF PARKLAND

PARCEL(S): PA-024-00749-00, PA-024-00749-01

PROPERTY ADDRESS

7197 E BAYFIELD RD

LEGAL DESCRIPTION:

LOT 2, CSM #958, VOL 7 PGS 46-7, SE SE SE 36-48-13

| SECTION | TOWN | RANGE |
|---------|------|-------|
| 36 | 48 N | 13 W |

FOR NON-METALLIC MINE - REVISION

CONDITIONS: The following minimum requirements must be met for all land uses:

08-12-2015 - Douglas County Zoning Committee approved modification of NMM Permit #21107. Permit to be revised to reflect land ownership belonging to Mathy Construction. Operator of pit shall be Milestone Materials. Modification will not interrupt renewal pattern. Permit currently in 3 -year renewal cycle and will expire, as approved, on 03-13-2016. Town approval dated 08-10-2015 received and on file. All conditions associated with this permit are outlined on Page 2. This permit should be considered incomplete without Page 2 attached.

This is not a building permit. Check with your Town Chairman for information concerning township building requirements or permits for any structure. The Wisconsin Uniform Dwelling Code requires that all towns issue building permits for new dwellings and additions to existing dwellings. Please contact the appropriate town clerk for obtaining permits.



ZONING AUTHORITY

DOUGLAS COUNTY, WISCONSIN

Planning, Zoning and Land Information Offices
1313 Belknap Street, Room 206
Superior, WI 54880

COPY
Planning, Zoning, Permits 715-395-1380
Land Information, GIS 715-395-1570
FAX 715-395-7643
www.douglascountywi.org

CONDITIONS OF PERMIT: 21107 CARNES WEST

ISSUED: 03-14-2013
Modified 08-12-2015

Tax Parcel I.D. Number: 1) PA-024-00749-00
2) PA-024-00749-01

Proposed Use: Non-Metallic Mining Permit (Modification)

NMM Permit Number: YR-0061

CONDITIONS:

Permit conditions following to appear with modified permit as approved by Douglas County Zoning Committee 08-12-2015 transferring ownership to Milestone Materials (operator Mathy Construction):

- 1 This permit approved 03-15-2013 for three-year period, expiring 03-13-2016.
- 2 Must comply with Ordinance 8.0, Section VI, Sub. 6.2.
- 3 Must comply with Ordinance 8.9 to include annual NR-135 reporting requirements.
- 4 Notification of financial assurance instrument dated 07-28-2015 received from Milestone Materials reflecting the \$1,000 per disturbed acre requirement.
- 5 Owner / operator to notify Zoning Office of their intention to either adopt reclamation plan prepared by RJS or file a new plan.
- 6 Per WI DNR, expansion of pit may require DNR and USACE permits.
- 7
- 8

This page is intended to be a part of above numbered permit and should be included in any copies or other duplication of this permit.



DOUGLAS COUNTY PLANNING, ZONING & LAND INFORMATION OFFICE
1313 BELKNAP STREET, ROOM 206
SUPERIOR, WI 54880
715 - 395-1380 / FAX 715 - 395-7643

C7

ZC Hrg. 03-09-2016

APPLICATION FOR LAND-USE & CONDITIONAL-USE PERMITS

APPLICATION WILL NOT BE PROCESSED WITHOUT SIGNATURE & DATE ON FRONT AND BACK OF THIS PAGE.

TO WHOM IT MAY CONCERN: The undersigned hereby applies for a permit to do work herein described in this application. The undersigned agrees that all work will be done in accordance with the Douglas County Zoning, Shoreland Zoning, Subdivision Control, Floodplain Ordinances and with all laws of the State of Wisconsin applicable to said premises. Do not start any construction until this office has issued a permit. Failure to obtain the necessary permits will result in a double permit fee and/or citation.

CONDITIONAL-USE PERMIT APPLICATIONS: PLEASE CONTACT TOWN CLERK - APPLICATIONS REQUIRE REVIEW BY YOUR TOWN BOARD PRIOR TO SCHEDULED ZONING COMMITTEE PUBLIC HEARING

Property Owner's Name: Roger Colby (Operator = Milestone Materials)

Mailing Address: 768 U.S. Hwy 8, Amery, WI 54001

Telephone: 715-492-0005 E-mail Address: Candy.anderson@monarchpaving.com

PROPERTY DESCRIPTION: Information must be complete and accurate. If applicable state lot number, block number, subdivision name, government lot number, quarter sections, etc. (Note: This may be copied from your tax notice or deed.)

Tax Parcel #: MA-020-00589-00 Section 25 Town 48-N Range 11-W

Town of: Maple (Town of) Parcel Acreage or Size: 40.0 Acres

Property Address: 4220 S Wuori Rd

Legal Description: NW SE 25-48-11

Name of Adjacent Lake or Stream: _____ Lake Class _____ Zone District A-1

Type of construction: CU #22397 - Non-Metallic Mining Permit Renewal
(new building, manufactured home, addition to seasonal dwelling, alteration to accessory building, relocate structure)

Proposed Use: Three Year Renewal
(year-round or seasonal dwelling, accessory building, commercial building, change use of structure)

| | Length | Width | Area (sq ft) | Height | Stories | # Bedrooms | # Occupants | Est Cost - \$ |
|----------------|--------|-------|--------------|--------|---------|------------|-------------|---------------|
| Dwelling | | | | | | | | |
| Accessory Bldg | | | | | | | | |
| Accessory Bldg | | | | | | | | |

Please stake building site prior to submitting this application.

Has any portion of the project been started? Yes No Sanitary Permit #: _____

Signature of owner or agent: Candy Anderson, Geologist Date: 1/6/2016

Agent address & phone number: 768 USH 8, Amery, WI 54001

By signing this application, I give my/our permission to allow a site inspection to be made of the site by Zoning staff and allow photographs to be taken if necessary.

LAND-USE PERMIT \$ _____ LAND-USE PERMIT \$ _____
 CONDITIONAL-USE PERMIT \$ 275.-
 DOUBLE PERMIT FEE \$ _____ DATE PAID 01-22-2016
 RECEIPT NUMBER 11081 VENDOR NUMBER 1561432

PERMIT NO: 22397
 DATE ISSUED:
 ZONE CHANGE NO:
 VARIANCE NO:

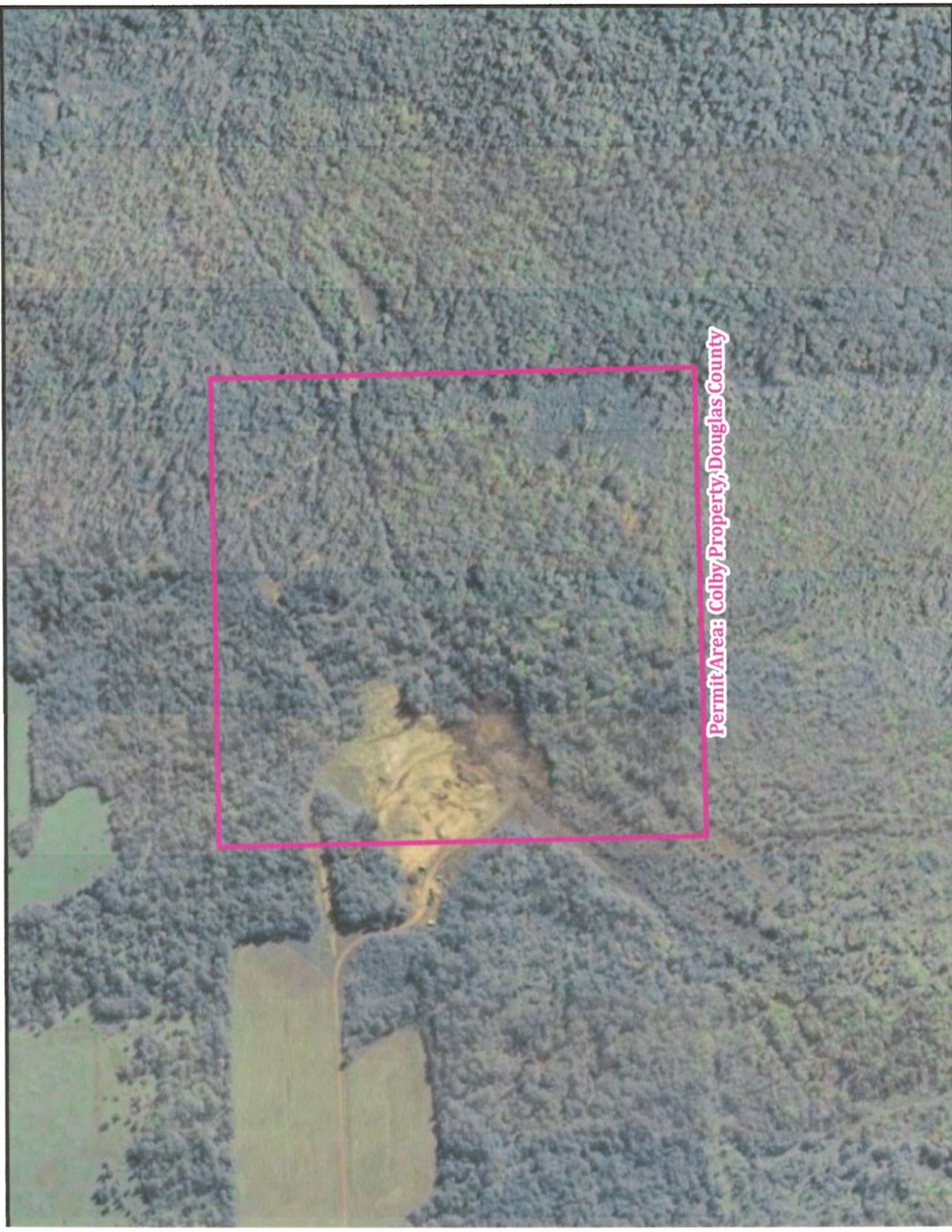


Map Printed: 1/22/2016

CU #22397 - Non-metallic Mine Renewal
3-year renewal, A-1 ZD, 03-09-2016 Hrg

MAP PRODUCED BY SHELLY WISNIEWSKI
 DOUGLAS COUNTY ZONING

LINES AND DIMENSIONS ARE APPROXIMATE



Permit Area: Colby Property, Douglas County

DOUGLAS COUNTY PERMIT

COPY

ISSUE DATE

03/28/2011

CONDITIONAL-USE#

22397

MAILING ADDRESS

ROGER L & TANYA J COLBY
3284 S COLBY RD

MAPLE WI 54854

PARCEL #

MA-020-00589-00

TOWN OF MAPLE

PROPERTY ADDRESS

4220 S WUORI RD

LEGAL DESCRIPTION

NW SE 25-48-11490/669

SECTION

TOWN

RANGE

25

48 N

11 W

FOR

NON-METALLIC MINE

CONDITIONS: The following minimum requirements must be met for all land uses:

03-11-2011 - NMM PERMIT APPROVED BY ZONING COMMITTEE W/CONDITIONS IMPOSED BY TOWN OF MAPLE AS FOLLOWS:

1) Wuori and Lindgren Roads designated as haul roads and 2) other conditions as determined by Town. This permit expires 5 years from date of issuance (03-28-2011). Permits expires 03/2016.

This is not a building permit. Check with your Town Chairman for information concerning township building requirements or permits for any structure. The Wisconsin Uniform Dwelling Code requires that all towns issue building permits for new dwellings and additions to existing dwellings. Please contact the appropriate town clerk for obtaining permits.


ZONING AUTHORITY

C8



DOUGLAS COUNTY

Planning, Zoning & Land Information Offices

1313 Belknap Street, Room 206
Superior, WI 54880

Stephen Rannenberg
Administrator

Keith Wiley
Assistant Administrator

Ben Klitzke
County Surveyor

Date: February 8, 2016

Conditional Use

To: Gary Kane
4474 S Wentworth Rd
South Range, WI 54874

DC Zoning Committee: 03-09-2016

From: Steve Rannenberg, Planning and Zoning Administrator

Subject: Town Board action requested

Applicant: Grube Aggregates, LLC

Petition: CU #14985, Nonmetallic Mine - 5 year renewal

Parcel ID / S-T-R / Zone Dist: AM-002-00398-00 / 15-47N-12W / F-1 ZD

1. We have received the attached application related to a proposed land use change in your town.

2. This proposed land use change is in the form of one or more of the following:

| | | | |
|------------------------|-------------------------------------|-------------------------|--------------------------|
| Petition to Rezone | <input type="checkbox"/> | Variance / appeal | <input type="checkbox"/> |
| Conditional Use Permit | <input checked="" type="checkbox"/> | Subdivision plat review | <input type="checkbox"/> |

3. Please place this item on the next Town Board agenda for action by the board.

4. We would appreciate a response prior to our public hearing scheduled for March 9, 2016.

5. Objection: _____ No Objection:

6. Comments: Board has no objections

7. Signature: [Signature] Date: 2-12-16



DOUGLAS COUNTY PLANNING, ZONING & LAND INFORMATION OFFICE
1313 BELKNAP STREET, ROOM 206
SUPERIOR, WI 54880
715 - 395-1380 / FAX 715 - 395-7643

ZC Hrg. 03-09-16

APPLICATION FOR LAND-USE & CONDITIONAL-USE PERMITS

APPLICATION WILL NOT BE PROCESSED WITHOUT SIGNATURE & DATE ON FRONT AND BACK OF THIS PAGE.

TO WHOM IT MAY CONCERN: The undersigned hereby applies for a permit to do work herein described in this application. The undersigned agrees that all work will be done in accordance with the Douglas County Zoning, Shoreland Zoning, Subdivision Control, Floodplain Ordinances and with all laws of the State of Wisconsin applicable to said premises. Do not start any construction until this office has issued a permit. Failure to obtain the necessary permits will result in a double permit fee and/or citation.

CONDITIONAL-USE PERMIT APPLICATIONS: PLEASE CONTACT TOWN CLERK - APPLICATIONS REQUIRE REVIEW BY YOUR TOWN BOARD PRIOR TO SCHEDULED ZONING COMMITTEE PUBLIC HEARING

Property Owner's Name: Grube Aggregate, LLC

Mailing Address: 5708 S County Road D, Poplar, WI 54864

Telephone: 715-364-2537 E-mail Address: grube4@centurytel.net

PROPERTY DESCRIPTION: Information must be complete and accurate. If applicable state lot number, block number, subdivision name, government lot number, quarter sections, etc. (Note: This may be copied from your tax notice or deed.)

Tax Parcel #: AM-002-00398-00 Section 15 Town 47-N Range 12-W

Town of: Amnicon (Town of) Parcel Acreage or Size: 40.0 Acres

Property Address: 8676 E Berg Park Rd

Legal Description: NW SE 15-47-12

Name of Adjacent Lake or Stream: _____ Lake Class _____ Zone District F-1

Type of construction: CU #14985 - Non-Metallic Mining Permit Renewal
(new building, manufactured home, addition to seasonal dwelling, alteration to accessory building, relocate structure)

Proposed Use: Five Year Renewal
(year-round or seasonal dwelling, accessory building, commercial building, change use of structure)

| | Length | Width | Area (sq ft) | Height | Stories | # Bedrooms | # Occupants | Est Cost - \$ |
|----------------|--------|-------|--------------|--------|---------|------------|-------------|---------------|
| Dwelling | | | | | | | | |
| Accessory Bldg | | | | | | | | |
| Accessory Bldg | | | | | | | | |

Please stake building site prior to submitting this application.

Has any portion of the project been started? Yes No Sanitary Permit #: _____

Signature of owner or agent: Orville E.A. Grube Date: 02.06.16

Agent address & phone number: 5708 S County Road D Poplar, WI 54864 715.364.2537

By signing this application, I give my/our permission to allow a site inspection to be made of the site by Zoning staff and allow photographs to be taken if necessary.

LAND-USE PERMIT \$ _____ LAND-USE PERMIT \$ _____
 CONDITIONAL-USE PERMIT \$ 275-
 DOUBLE PERMIT FEE \$ _____ DATE PAID 02-08-16
 RECEIPT NUMBER 11145 VENDOR NUMBER 1361502

VARIANCE NO: _____
 ZONE CHANGE NO: _____
 DATE ISSUED: _____
 PERMIT NO: 14985



Map Printed: 2/8/2016

CU - NMM Renewal, #14985
Grube Aggregate, F-1 ZD, 03-09-2016 Hrg

MAP PRODUCED BY SHELLY WISNIEWSKI
 DOUGLAS COUNTY ZONING
 LINES AND DIMENSIONS ARE APPROXIMATE

DOUGLAS COUNTY PERMIT

COPY

ISSUE DATE

03/14/2013

CONDITIONAL-USE#

14985

MAILING ADDRESS

GRUBE AGGREGATE LLC
5708 S COUNTY ROAD D

POPLAR WI 54864-9080

PARCEL #

AM-002-00398-00

TOWN OF AMNICON

PROPERTY ADDRESS

8676 E BERG PARK RD

LEGAL DESCRIPTION

NW SE 15-47-12

| SECTION | TOWN | RANGE |
|---------|------|-------|
| 15 | 47 N | 12 W |

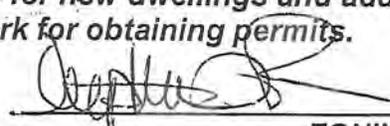
FOR NON-METALLIC MINE (RENEWAL)

CONDITIONS: The following minimum requirements must be met for all land uses:

03-13-2013 - Zoning Committee approved three year renewal (expires 03-13-2016); Town approval dated 02-15-2013 received and on file.

1) Reclamation plan / financial assurance in effect; 2) Financial assurance should reflect \$1,000 / acre; 3) NR-135 permit in effect; 4) 2012 report indicates 6 active, unreclaimed acres; 5) 2013 report should reflect 11.5 active, unreclaimed acres (including access roads, both mined and stockpile areas).

This is not a building permit. Check with your Town Chairman for information concerning township building requirements or permits for any structure. The Wisconsin Uniform Dwelling Code requires that all towns issue building permits for new dwellings and additions to existing dwellings. Please contact the appropriate town clerk for obtaining permits.



ZONING AUTHORITY