



Polk County Board of Supervisors
100 Polk County Plaza, Balsam Lake, Wisconsin
Polk County Government Center - County Board Room

Minutes of the Regular Meeting
Tuesday, March 21, 2017

Chairman Dean Johansen called the regular March 21st, 2017 meeting of the Polk County Board of Supervisors to order at 6:00p.m.

Chairman Johansen recognized County Clerk for purposes of receiving evidence of proper notice. The County Clerk stated that the notice of meeting was properly posted in the Government Center, published on the County website, and copies of such notice of meeting and proposed resolutions distributed to the supervisors via email on March 10, 2017 in accordance with Article 3, Section 2 of the County Board Rules of Order. The agenda was distributed to media contacts via email on March 10, 2017. In addition, the agenda was published in a legal newspaper in accordance with Wisconsin Statute Section 985-02 the week of March 13, 2017. The County Board received verbal opinion of Corporation Counsel that the initial advance written meeting notice, posted and published, as described by the clerk satisfied the applicable provision of Wisconsin Open Meetings Law and the applicable procedural provisions of the Polk County Board Rules of Order.

Chairman Johansen recognized the County Clerk for purposes of taking roll call. 13 County Board Supervisors were present. Supervisor Doug Route and Supervisor Brian Masters were excused.

Chairman Johansen led the County Board in the Pledge of Allegiance.

Chairman Johansen asked for volunteers to offer a Time of Reflection. None was offered.

Chairman Johansen introduced Kathryn "Kate" Isakson as successor Supervisor for District 12 vacancy who will serve the remaining one year term. Chairman Johansen called for a motion to confirm successor appointment of Supervisor Isakson as District 12 Supervisor. **Motion (Luke/Olson)** to confirm Isakson as new District 12 Supervisor. **Motion** carried by unanimous voice vote.

Chairman Johansen called to the floor, approval of the Consent agenda. **Motion (Bonneprise/Jepsen)** to approve the Consent agenda as published. Supervisor O'Connell noted that Committee of Whole minutes from 3/9/2017 may need amendment as to Resolution 42-16 (shown as 40-16 on agenda). Chairman Johansen declared error on 3/9/17 agenda was noted as a scrivener's error. **Motion** to approve consent agenda carried by unanimous voice vote. **Resolution No. 10-17: Resolution to Grant a Zoning District Change and to Amend Zoning District Map for Town of Lincoln adopted in consent agenda.** Emergency Fire Wardens for 2017 for Polk County; Jean Smith, Mike Stoddard, Ron and Patty Fredericks approved in consent agenda.

Time was given for public comment. Board received public comment.

Chairman Johansen called upon Administrator Frey to present announcement as to **Resolution 17-17: Resolution to Authorize Lease of Old County Jail to Salvation Army for Continuation of Serenity House/Transition Housing Program**. Administrator Frey announced no action will be taken today on Resolution 17-17: Resolution to Authorize Lease of Old County Jail to Salvation Army for Continuation of Serenity House/Transition Housing Program due to implementation of two reading process for resolutions. Administrator Frey recommended suspending rules for first reading for Resolution 17-17, delaying first reading one month. Chairman Johansen called for a motion to postpone/suspend reading of Resolution 17-17 to April for first reading. **Motion (Jepsen/Demulling)**. Chairman Johansen called for discussion. **Motion (Supervisor O'Connell)** to amend line 46 on Resolution 17-17. Chairman Johansen declared Supervisor O'Connell motion out of order. **Motion** to postpone first reading of Resolution 17-17 until April 18, 2017 County Board Meeting carried by majority voice vote with one opposed.

Chairman Johansen called the Board in recess at 6:39 p.m. Chairman Johansen called the Board back in session at 6:49 p.m.

Chairman Johansen called upon Supervisor Jay Luke to present plaque from Highway Committee to former Supervisor Marvin Caspersen. Supervisor Luke presented plaque of appreciation to former Supervisor Caspersen.

Chairman Johansen presented the County Board Chair report. Board received map and information regarding upcoming Gypsy moth spraying. Board received brochure from UW Extension updating upcoming changes regarding shared agents between Polk, Pierce, and St Croix Counties. Chairman Johansen updated Boards on hazard mitigation meetings attended and need to implement plan for storm protection for Polk County Fair.

Chairman Johansen called to the floor, Resolution No. 24-17: Resolution to Honor the Public Service of Warren G. Nelson. Chairman Johansen called for a motion to adopt Resolution No. 24-17. **Motion (Edgell/Moriak)** to adopt Resolution No. 24-17. **Motion** to adopt Resolution No. 24-17 carried by unanimous voice vote. Resolution adopted.

Chairman Johansen called upon Administrator Frey for Administrator's Report. Administrator presented Administrator's report. Board received notice of Contingency Fund Transfer Approval by the General Government Committee. Administrator Frey read the Contingency Fund Transfer Approval:

"On March 9, 2017, the General Government Committee approved the transfer of funds from the Polk County Contingency Fund to:

Clerk of the Circuit Court: To cover a budget deficit (\$49,894.54) for 2016 due to higher legal services than anticipated at year end 2016 because the Department's annual expenditures exceed revenues.

Fair Budget: To cover a budget deficit (\$4,199.36) for 2016 due to the cost of the SEH Study of the fair grandstand at year end 2016 because the Department's annual expenditures exceed revenues.

In accordance with Wisconsin Statute 65.90(5)(b)."

Chairman Johansen called to the floor, **Resolution 14-17: Resolution to Ratify Preliminary Agreements and to Authorize Final Real Estate Agreements Relating to Highway Facility**. Board received Highway

Resolution 14-17. **Motion (Jepsen/Luke)** to adopt Resolution 14-17. Correction of scrivener's error on Line 8 of Resolution 14-17, should be 42-16 instead of 42-06. Chairman Johansen called for paper ballot vote on Resolution 14-17. **Motion** carried by 13 yes paper ballots with 2 absent. Resolution adopted.

Chairman Johansen called to the floor first reading of Resolution 23-17: Resolution to Authorize Cancellation of Outstanding County Orders Issued by Polk County Jail. Chairman Johansen declared Resolution 23-17 passed first reading. Second reading of Resolution 23-17 scheduled for April 18, 2017 County Board meeting.

Chairman Johansen called to the floor first reading of Resolution 16-17: Resolution to Amend 2017 County Budget to Provide for Consulting Services Concerning the Repair or Restoration of the Polk County Fairground Grandstand. Chairman Johansen declared Resolution 23-17 passed first reading. Second reading of Resolution 16-17 scheduled for April 18, 2017 County Board meeting.

Chairman Johansen called to the floor, **Ordinance 8-17: Ordinance to Enact Amended Establishing Rules and Permit Requirements Relating to Tattooing and Body Piercing Ordinance.** Chairman Johansen called for a motion to adopt Ordinance 8-17. **Motion (Bonneprise/Edgell)** to adopt Ordinance 8-17. **Motion** carried by majority voice vote with 1 opposed. Ordinance 8-17 adopted.

Chairman Johansen called to the floor, **Ordinance 9-17: Ordinance to Enact Amended Establishing Rules and Permit Requirements Relating to Environmental Health & Sanitation Ordinance.** Chairman Johansen called for a motion to adopt Ordinance 9-17. **Motion (Edgell/O'Connell)** to adopt Ordinance 9-17. **Motion** carried by unanimous voice vote. Ordinance 9-17 adopted.

Chairman Johansen called to the floor, **Resolution 19-17: Resolution in Support of Returning CVSO Grant to Block Grant Format.** Chairman Johansen called for a motion to adopt Resolution 19-17. **Motion (Jepsen/Edgell)** to adopt Resolution 19-17. **Motion** carried by unanimous voice vote. Resolution 19-17 adopted.

Chairman Johansen called to the floor, **Resolution 20-17: Opposing Making County Veterans Service Officers Optional, Allowing Non-Veterans to Fill CVSO Position, or Consolidating or Regionalizing County Veteran Services Offices in Wisconsin.** Chairman Johansen called for a motion to adopt Resolution 20-17. **Motion (Edgell/Luke)** to adopt Resolution 20-17. **Motion** carried by unanimous voice vote. Resolution 20-17 adopted.

Chairman Johansen called to the floor, **Resolution 21-17: Resolution to Adopt the Board of Health and Human Services Policy Statement on the Opposition to Legalization of Recreational Marijuana.** Chairman Johansen called for a motion to adopt Resolution 21-17. **Motion (Bonneprise/Demulling)** to adopt Resolution 21-17. Chairman Johansen called for a roll call vote. **Resolution failed on 10 to 5 roll call vote (8 no, 2 absent, 5 yes). Resolution 21-17 failed.**

Chairman Johansen called the Board in recess at 7:59 p.m. Chairman Johansen called the Board back in session at 8:05 p.m.

Chairman Johansen called to the floor, **Resolution 22-17: Resolution in Support of Increased State Funding in the Children and Family Aids Allocation.** Chairman Johansen called for a motion to adopt Resolution 22-17. **Motion (Jepsen/Demulling)** to adopt Resolution 22-17. **Motion** carried by unanimous voice vote. Resolution 22-17 adopted.

Chairman Johansen called to the floor, **Ordinance 11-17: Ordinance to Enact Amended Polk County Private Sewage System Ordinance**. Chairman Johansen called for a motion to adopt Ordinance 11-17. **Motion (O'Connell/Moriak)** to adopt Ordinance 11-17. **Motion** carried by unanimous voice vote. Ordinance 11-17 adopted.

Chairman Johansen called to the floor, **Ordinance 12-17: Ordinance to Enact Amended Polk County Floodplain Zoning Ordinance**. Chairman Johansen called for a motion to adopt Ordinance 12-17. **Motion (Olson/Edgell)** to adopt Ordinance 12-17. Board provided with copy of Floodplain Zoning Ordinance Required Amendments dated March 14, 2017. **Motion (O'Connell/Edgell)** to amend Ordinance 12-17 as stated. Motion for amendment carried by unanimous voice vote. Amendment to Ordinance 12-17 adopted. **Motion** to adopt Ordinance 12-17 carried by unanimous voice vote. Ordinance 12-17 adopted.

Chairman Johansen called to the floor, **Ordinance 13-17: Ordinance to Enact Amended Polk County Chapter 18 Subdivision Ordinance**. Chairman Johansen called for a motion to adopt Ordinance 13-17. **Motion (Edgell/O'Connell)** to adopt Ordinance 13-17. **Motion** carried by unanimous voice vote. Ordinance 13-17 adopted.

Chairman Johansen called to the floor, **Resolution 18-17: Resolution in Support of Efforts to Close Commercial Property Assessment Loopholes**. Chairman Johansen called for a motion to adopt Resolution 18-17. **Motion (Arcand/Edgell)** to adopt Resolution 18-17. **Motion** carried by majority voice vote with 2 opposed. Resolution 18-17 adopted.

Chairman Johansen called to the floor, **Resolution 15-17: Resolution to Amend 2017 County Budget to Provide for Leasing of Bleacher Seating for 2017 County Fair and to Secure Polk County Fairground Grandstand**. Chairman Johansen called for a motion to adopt Resolution 15-17. **Motion (Demulling/Jepsen)** to adopt Resolution 15-17. **Motion** carried by unanimous voice vote. Resolution 15-17 adopted.

Chairman Johansen called upon Administrator Frey to present information on consideration of legislative priorities for the 2017 legislative session. Board received copy of priorities for Polk County Board of Supervisors and presentation by Administrator Frey on priorities for Polk County Board. Chairman Johansen requested Supervisor Jepsen provide reports to Board of Supervisors after attendance of legislative meetings.

Time was given for Supervisors Reports.

Motion (Bonneprise/Demulling) to adjourn. **Motion** carried by unanimous voice vote.

Chairman Johansen declared meeting adjourned 8:46 p.m.

Respectfully submitted,

Sharon E. Jorgenson, Polk County Clerk

Contingency Fund Transfer Approval

By General Government Committee

General Government Chair,

Please bring to the next County Board meeting and announce during Committee Reports:

Secretary,

I would request that the following be published in this County Board's meeting minutes:

On, March 9, 2017, the General Government Committee approved the transfer of funds from the Polk County Contingency Fund to:

Clerk of the Circuit Court: To cover a budget deficit for 2016 due to higher legal services than anticipated at year end 2016 because the Department's annual expenditures exceed revenues.

Fair Budget: To cover a budget deficit for 2016 due to the cost of the SEH Study of the fair grandstand at year end 2016 because the Department's annual expenditures exceed revenues

In accordance with Wisconsin Statute 65.90(5)(b).*

*65.90(5)(b) (b) A county board may authorize its standing finance committee to transfer funds between budgeted items of an individual county office or department, if such budgeted items have been separately appropriated, and to supplement the appropriations for a particular office, department, or activity by transfers from the contingent fund. Such committee transfers shall not exceed the amount set up in the contingent fund as adopted in the annual budget, nor aggregate in the case of an individual office, department, or activity in excess of 10 percent of the funds originally provided for such office, department, or activity in such annual budget. The publication provisions of par. (a) shall apply to all committee transfers from the contingent fund

(a) Except as provided in par. (b) and except for alterations made pursuant to a hearing under sub. (4), the amount of tax to be levied or certified, the amounts of the various appropriations and the purposes for such appropriations stated in a budget required under sub. (1) may not be changed unless authorized by a vote of two-thirds of the entire membership of the governing body of the municipality. Any municipality, except a town, which makes changes under this paragraph shall publish a class 1 notice thereof, under ch. 985, within 10 days after any change is made. Failure to give notice shall preclude any changes in the proposed budget and alterations thereto made under sub. (4).

RESOLUTION 10 - 2017

Resolution to Grant a Zoning District Change & to Amend Zoning District Map for Town of Lincoln

TO THE HONORABLE BOARD OF SUPERVISORS OF THE COUNTY OF POLK WISCONSIN:

1. WHEREAS, William Zager has petitioned the Polk County Board of Supervisors
2. requesting that a parcel of real estate be rezoned General Business and Commercial (B-1) District, thereby removing said parcel from the Residential (R-1) district; and
3. WHEREAS, the Town Board of Lincoln has not objected to said District Change; and
4. WHEREAS, a public hearing was held on Wednesday, February 15, 2017, at 9:15am, at the Polk
5. County Government Center by the Environmental Services Committee of the Polk County Board of Supervisors as required by the provisions of Wisconsin Statute Section 59.69 (5) (e) regarding said District Change; and
6. WHEREAS, at said public hearing no objections were filed with regard to said proposed Zoning
7. District Change; and
8. WHEREAS, the Environmental Services Committee of the Polk County Board of Supervisors has reviewed said proposed Zoning District Change, and has recommended that the Polk County Board of Supervisors grant said proposed change.
9. NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors grant the
10. proposed zoning change.
11. BE IT FURTHER RESOLVED that, pursuant to Wisconsin Statute Section 59.69(5)(e), the Polk
12. County Board of Supervisors does hereby amend the Polk County Comprehensive Land Use
13. Ordinance to provide that the following described parcel of real estate be removed from the
14. R-1 District and be rezoned to the B-1 District:
15. Part of the W ½ of the NE ¼ lying south of railroad except parcel
16. recorded in volume 217, page 356 and except parcel recorded in volume
17. 471, page 567, Section 31/T33N/R16W, town of Lincoln,
18. parcel #032-00912-0000, 25.29 acres.
19. BE IT FURTHER RESOLVED that said district change to be recorded on the Zoning District map
20. of the Town Lincoln, which is on file in the office of the Polk County Zoning Administrator
21. pursuant to Section II (2) of the Polk County Comprehensive Land Use Ordinance.

Funding Amount & Source: Not applicable
Finance Committee Recommendation: Not applicable
Effective Date: Upon Passage & Publication

Submitted & sponsored by the Environmental Services Committee:

Bral Olson
Dee Ward
Ureca Olson
James S. Edgee

Review By County Administrator:

- Recommended
- Not Recommended
- Reviewed Only

Dana Frey
Dana Frey, County Administrator

Review By Corporation Counsel:

- Approved As to Form
- Recommended
- Not Recommended
- Reviewed Only

Jeffrey B. Fuge
Jeffrey B. Fuge, Corporation Counsel

At its regular business meeting on Tuesday, March 21, 2017, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution 10-17: Resolution to Grant a Zoning District Change and to Amend Zoning District Map for the Town of Lincoln, by a ~~simple majority~~ vote of — in favor and — against. *unanimous voice vote*

Dated this 21st day of March, 2017 at Polk County Wisconsin.

Dean Johansen
Dean Johansen, County Board Chairperson

Attest Sharon Jorgenson
Sharon Jorgenson, Polk County Clerk

Polk County Land Information Department



Zoning | Planning | Mapping | Surveyor

100 Polk County Plaza, Suite 130
Balsam Lake, WI 54810

Phone (715) 485-9279
Fax (715) 485-9246

Sara McCurdy, Director

TO: County Board Supervisors
FROM: Zoning Administration
DATE: February 15, 2017
RE: District Change from Residential (R-1) to General Business and Commercial (B-1)
Part SW ¼ of the NE ¼, Sec 31/T33N/R16W, Town of Lincoln,
Parcel #032-00912-0000, 25.29 acres

On Wednesday, February 15, 2017, William Zager petitioned the Polk County Environmental Services Committee to rezone 25.29 acres from R-1 to B-1 located on the above captioned property. At the public hearing, no objections were filed and the committee recommends the proposed change. If the County Board approves the district change, the following uses will be allowed:

- | | | |
|---|---|---|
| 1) Appliances Sales and Service | 22) Fruit and Vegetable Market, Grocery, Meat and Fish Market or other food products store | 37) Motels/Hotels |
| 2) Antique stores | 23) Funeral Homes | 38) Museums |
| 3) Art Galleries | 24) Furniture, Office Equipment stores | 39) Music and musical instrument sales and service |
| 4) Auto Sales and Service | 25) Gas stations | 40) Pet shop |
| 5) Banks, Credit Unions or other financial institutions | 26) Gyms and exercise facilities | 41) Radio, Televisions, and other electronics sales & service |
| 6) Barber Shop, Beauty Shop | 27) Hardware and Paint Store | 42) Real Estate Offices |
| 7) Bars/taverns | 28) Indoor Storage Facilities | 43) Restaurant, Drive-In Food Service, Supper Club, and Catering |
| 8) Bowling Alleys | 29) Internet Cafe | 44) Sporting Goods and Accessories |
| 9) Business & Professional offices or clinics | 30) Jewelry Store | 45) Small engine repair |
| 10) Car Washes | 31) Landscaping Sales | 46) Truck Stop |
| 11) Clothing stores | 32) Laundromat | 47) Theater |
| 12) Community Center | 33) Liquor Store | 48) Veterinarians |
| 13) Coffee Shop | 34) Lumber Yard | 49) Video Sales and Rental |
| 14) Convenience stores | 35) Manufacture or storage in connection with any of the above uses, when clearly incidental to the conduct of the retail business on the premises. | 50) There may be one single-family dwelling unit on the premises, either attached or detached in connection with any of the above uses. |
| 15) Day Care Center | 36) Marine Sales and service | |
| 16) Drug Store or Pharmacy | | |
| 17) Essential Services | | |
| 18) Farm implement - repair & sales | | |
| 19) Feed Mill | | |
| 20) Florist | | |
| 21) Firework Stands | | |

CONDITIONAL USES

- | | | | |
|-------------|-----------------------------------|-------------------------------|--|
| 1) Airport | 3) Breweries, Brew-Pubs, Wineries | 4) Outdoor Storage facilities | 5) Other similar and compatible use as determined by the Board of Adjustment |
| 2) Hospital | | | |

1 Polk County Board of Supervisors

2 Resolution No. 24-17

3 **RESOLUTION TO HONOR THE PUBLIC SERVICE OF WARREN G. NELSON**

4 TO THE HONORABLE BOARD OF SUPERVISORS OF THE COUNTY OF POLK, WISCONSIN:

5 Ladies and Gentlemen:

6 WHEREAS, on March 9, 2017, the Polk County Board of Supervisors, the City of Amery and the broader
7 community of Polk County lost a valued member and leader with the passing of Warren G. Nelson.

8 WHEREAS, Warren G. Nelson served as Supervisor of the Polk County Board, having been first elected in
9 April 2010 to serve District 14 for two terms and elected in April 2014 to serve District 12 to the date of his
10 passing.

11 WHEREAS, the greatest joy of Warren Nelson was running for and being elected as Supervisor to serve the
12 people of his district and to advocate for their interests, concerns and quality of life.

13 WHEREAS, Warren served with enthusiasm on the Polk County Environmental Services Committee, the
14 West Central Wisconsin Regional Planning Commission and the Aging and Disability Resource Center
15 Board.

16 WHEREAS, Warren promoted the public library system through his service on the Polk County Library
17 Planning Committee and the Indianhead Federated Library System Board.

18 WHEREAS, Warren supported the advancement of cultural and historical programs through his service on
19 the Polk County Historical Society through the Polk County Museum and the Polk County Fair Society
20 Board.

21 WHEREAS, Warren advocated for the improvement of water quality through his service on the Public
22 Inland Lake and Rehabilitation District of Pike, North Twin and South Twin Lakes.

23 WHEREAS, Warren served as a valued member of the Arnell Humane Society Executive Board.

24 WHEREAS, Warren Nelson's sense of humor, kindness, energy, graciousness and individual style enriched
25 those fortunate to serve with him.

26 NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors recognizes with honor
27 and appreciation Warren G. Nelson's public service to improve the quality of life of the people and
28 community of Polk County.

29 BE IT FURTHER RESOLVED that the Polk County Board of Supervisors extends its sincerest condolences
30 to the family and friends of Warren Nelson.

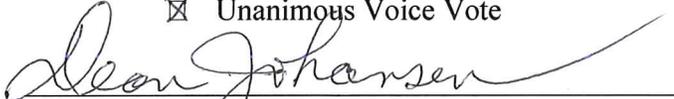
Submitted and sponsored this 21st day of March, 2017.



Dean Johansen, Chairperson

At its regular business meeting on the 21st of March 2017, the Polk County Board of Supervisors considered and acted on the above resolution, Resolution No. 24-17: Resolution to Honor the Public Service of Warren G. Nelson, and the same was adopted by

- Majority voice vote.
- Unanimous Voice Vote



Dean Johansen, County Board Chairperson

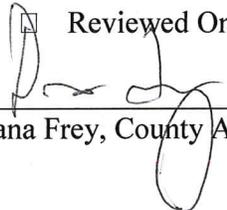
Attest: 

Sharon Jorgenson, County Clerk

Fiscal Impact: Not Applicable
Legal Note: Not Applicable

Review By County Administrator:

- Recommended
- Not Recommended
- Reviewed Only



Dana Frey, County Administrator

Approved as to Form: 

Jeffrey B. Fuge, Corporation Counsel

Warren Gilbert Nelson, Supervisor, District #12,
December 31, 1940 – March 9, 2017



Obituary as published by Williamson – White Funeral Home and Cremation Services
<http://www.williamsonwhite.com/home/obituary/4161582>

Warren Gilbert Nelson was the first born child of Margaret and Noble Nelson, born on December 31, 1940, in Culver City California. His parents always lived in California, and they moved several times during Warren's childhood. They lived in Schafter, Bakersfield, Porterville, and Sacramento, eventually settling in San Jose, California. After Warren's birth, Margaret gave birth to Steven, William, and Marilee, Warren's brothers and sisters. They spent summers in Wisconsin and much time at Camp Nelson, riding horses, fishing and eating Margaret's wonderful cooking.

After Warren finished high school, he attended the University of California Berkeley and graduated with a degree in Political Science. He often talked about his time at UC Berkeley, listing the names of the professors he had studied under during this politically-charged time.

During his time at UC Berkeley, he met Irene Boltz, his future wife. Warren and Irene were married in 1965. Irene gave birth to their daughter Chandra Irene Nelson in 1968. Chandra was Warren's only child. During their marriage, Warren and Irene spent many nights listening to famous musicians just getting their start in San Francisco's budding nightclub scene, then getting ticketed for speeding across the Bay Bridge driving home in Irene's convertible! Warren and Irene divorced in 1979.

Warren loved meeting new people and talking with them, so a career in sales came naturally. He worked in gem sales and managed a Best Products showroom before going to work in his father's Ford tractor business with his brother William.

Warren had a passion for the game of Bridge. He was a Life Master Bridge player and played with Omar Sharif, Warren Buffet, and Bill Gates, to name just a few of the famous people he played with. He and his long-time girlfriend Annee Christensen spent 20 years traveling the world and playing Bridge together. They stayed in castles in Europe, visited Singapore, rode in gondolas while being serenaded by musicians, and spent much time in Warren's favorite town in Mexico, Zihuatanejo.

The two loved to travel and eat fine food at the French Laundry and other well-known restaurants. Warren truly loved life and lived it to the fullest!

In 2007, Warren's first and only grandchild, Andrew was born. Warren loved Andrew with all his heart and enjoyed visiting him in the Bay Area after he moved to Wisconsin in the spring of 2007. He especially loved having Andrew, Chandra, and her husband Andre, visit him in his new home. Warren enjoyed watching Andrew grow and excel in school, basketball, skateboarding, and Parkour.

On May 28, 2007, Warren packed up his Mercedes and drove to his new home in Wisconsin. He had enjoyed the summers there as a child, so much so that he decided to retire there. He loved the people, the lakes and the slower pace of life. He loved that everyone cared about each and every person in the community. He also enjoyed getting away from the Bay Area traffic and spending his days fixing up his new home, shopping for antiques, and fishing.

His greatest joy was running for and being elected as a County Supervisor, for multiple terms. He would send articles from the paper, where he was cited for his controversial comments! Warren was very opinionated and never missed an opportunity to tell people exactly what he thought! His daughter was grateful that he was welcomed into the Amery community despite his many opinions. He loved living in Amery and was grateful for the many friends he made and how kind people were to him.

The last three years, Warren so enjoyed spending time with his dear friend Ruth Mugerauer dining, antiquing, and acting like a couple of teenagers! They would take off on adventure, with the top down on his car and an empty tank of gas, just to see where they would end up. Yes, as you guessed, Warren was not a planner! He lived life his way and always to the fullest!

He will be greatly missed by his daughter Chandra, who enjoyed talking to him every day. He would laugh at her stories of California life and she would say, "Laugh it up Chuckles," which would only make him laugh harder. She will miss picking up the phone to ask him how to cook a whole squash in the oven, a Wisconsin thing he learned, and to tell him the latest news about Andrew!

Warren was preceded in death by his parents and a brother Steven. He is survived by his daughter Chandra Nelson-Robak and her husband Andre Robak, grandson Andrew, brother William, sister Marilee (Craig) Eerkes, cousins Pat (Jim) Anderson and Susan (Gary) Bohn, his dear friend Ruth Mugerauer, as well as many other loving relatives and friends.

Visitation will be from 4 to 7 pm on Sunday, March 19, 2017 at the Williamson ~ White Funeral Home and Cremation Services in Amery, Wisconsin and 1 hour prior to funeral services. A memorial service will take place at 11 am on Monday, March 20, 2017 at the funeral home. A private family interment will take place at a later date in California.

1 Polk County Board of Supervisors
2 Resolution No. 14-17
3 Resolution to Ratify Preliminary Agreements and to Authorize Final Real Estate Agreements
4 Relating to Highway Facility

5 TO THE HONORABLE BOARD OF SUPERVISORS OF THE COUNTY OF POLK,
6 WISCONSIN:

7 Gentlemen:

8 WHEREAS, pursuant to Resolution No. 42-06, the Polk County has developed and negotiated
9 preliminary real estate agreements for the acquisition of lands to be designated, developed and used
10 as the site of a new county highway facility located within the Village of Balsam Lake Industrial
11 Park("Industrial Park);

12 WHEREAS, on March 8, 2017, the County has reached a preliminary agreement with Bishop
13 Fixtures and Millwork, Inc., ("Bishop"), and Morhub of Wisconsin, LLC., ("Morhub"), to negotiate
14 and enter into a final real estate purchase agreement providing for the County's acquisition of land
15 and buildings of Bishop and Morhub, located in the Industrial Park, as described in said preliminary
16 agreement and on terms and conditions as outlined in said preliminary agreement; and

17 WHEREAS, on March 9, 2017, the County reached a preliminary agreement with the Village of
18 Balsam Lake ("Village"), to negotiate and enter into a final real estate exchange agreement providing
19 for the transfer to the Village certain lands of the County on which the present Highway Shop is
20 located and for the transfer to the County certain lands of the Village located in the Industrial Park as
21 described in said preliminary agreement and on terms and conditions as outlined in said preliminary
22 agreement; and

23 WHEREAS, pursuant to County policy, the County Administrator has recommended that the County
24 acquires the land and buildings of Bishop and Morhub as outlined in the preliminary agreement by
25 and between the County and Bishop and Morhub; and

26 WHEREAS, pursuant to County policy, the County Administrator has recommended that the County
27 transfer the Village lands of the County on which the present Highway Shop is located in exchange
28 for the acquisition of certain lands of the Village as outlined in the preliminary agreement by and
29 between the County and the Village; and

30 WHEREAS, after giving appropriate notice of meeting, the Committee of the Whole received
31 information during its meeting on March 9, 2017 concerning both preliminary agreements and, by
32 consensus, recommended that the Polk County Board of Supervisors ratify the preliminary
33 agreements and to authorize a final real estate purchase agreement with Bishop and Morhub
34 providing for the acquisition of land and buildings from Bishop and Morhub, as described in the
35 respective preliminary agreement adopted providing for the same and to authorize a final real estate
36 exchange agreement with the Village providing for transfer of County land in exchange for the
37 acquisition of Village land as described in the respective preliminary agreement adopted providing
38 for the same.

39 NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors ratifies the
40 preliminary agreement by and between Polk County and Bishop Fixtures and Millwork, Inc.,

41 (“Bishop”), and Morhub of Wisconsin, LLC., (“Morhub”), providing for the negotiation of the
42 County’s purchase of land and buildings of Bishop and Morhub, located in the Industrial Park, as
43 described in said preliminary agreement, which is attached hereto and incorporated herein.

44 BE IT FURTHER RESOLVED that the Polk County Board of Supervisors ratifies the preliminary
45 agreement by and between Polk County and the Village of Balsam Lake providing for the negotiation
46 of real estate exchange agreement providing for the transfer to the Village lands of the County on
47 which the present Highway Shop is located and the transfer to the County certain lands of the Village
48 located in the Industrial Park as described in said preliminary agreement, which is attached hereto
49 and incorporated herein.

50 BE IT FURTHER RESOLVED that the Polk County Board of Supervisors authorizes and directs the
51 County Administrator to negotiate, execute and close on behalf of Polk County a final real estate
52 purchase agreement with Bishop and Morhub providing for the acquisition of land and buildings
53 from Bishop and Morhub for a purchase price not to exceed \$1,100,000 as described in the respective
54 preliminary agreement ratified herein and on other terms and conditions that the County
55 Administrator determines to be in the best interest of Polk County.

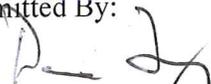
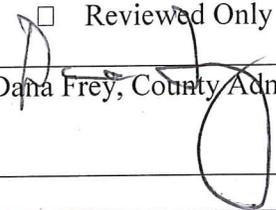
56 BE IT FURTHER RESOLVED that the Polk County Board of Supervisors authorizes and directs the
57 County Administrator to negotiate, execute and close on behalf of Polk County a final real estate
58 exchange agreement with the Village providing for transfer of County land in exchange for the
59 acquisition of Village land as described in the respective preliminary agreement ratified herein and
60 on other terms and conditions that the County Administrator determines to be in the best interest of
61 Polk County.

62 BE IT FURTHER RESOLVED that, pursuant to Wisconsin Statute Section 59.52(6)(c), that at the
63 closing of the above described real estate agreements, the Clerk is directed to execute and convey to
64 the Village of Balsam Lake or Bishop and Morhub, as appropriate, the lands, easements and
65 leasehold interests of the County as described and required in said final real estate agreements.

66 BE IT FURTHER RESOLVED that, pursuant to Wisconsin Statute Section 65.90(5)(a), the Polk
67 County Board of Supervisors amends the 2017 County Budget and authorizes a transfer from County
68 Fund Balance in the sum of \$1,100,000 and the expenditure of said sum for the purchase of land and
69 buildings of Bishop and Morhub.

70 BE IT FURTHER RESOLVED that the Clerk cause to be published in accordance with Wisconsin
71 statute Section 65.90(5)(a) a copy of this adopted resolution within 10-days of passage, giving proper
72 notice of said budget amendment.

(Continued on Page 3)

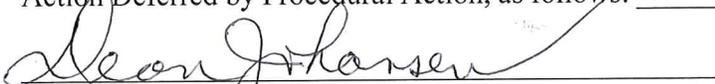
Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon Passage and Publication
Dated Submitted To County Board	March 21, 2017
Submitted By:	
Review By County Administrator: <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only  Dana Frey, County Administrator	Review By Corporation Counsel: <input checked="" type="checkbox"/> Approved as to Form <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only  Jeffrey B. Fuge, Corporation Counsel

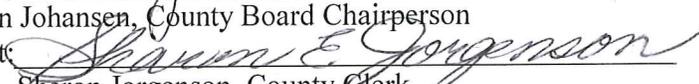
Acknowledgement of County Board Action

At its regular business meeting on the 21st of March 2017, the Polk County Board of Supervisors considered and acted on the above resolution, Resolution No.14-17: Resolution to Ratify Preliminary Agreements and to Authorize Final Real Estate Agreements Relating to Highway Facility, as follows:

- Enacted by two-thirds majority of all members, by a vote of 13 in favor and 2 against.
- Enacted by unanimous vote.
- Defeated by a vote of _____ in favor and _____ against.
- Defeated by voice vote.
- Action Deferred by Procedural Action, as follows: _____

SIGNED BY:


Dean Johansen, County Board Chairperson

Attest: 
Sharon Jorgenson, County Clerk

PRELIMINARY AGREEMENT

This Preliminary Agreement is made as of this 8 day of March, 2017, by and among Polk County ("Buyer"), and Morhub of Wisconsin, LLC ("Morhub"), a Wisconsin limited liability company, and Bishop Fixture and Millwork, Inc. ("Bishop"), a Minnesota corporation, (Morhub and Bishop are collectively referred to herein as, "Sellers").

RECITALS

- A. Sellers own property with parcel numbers of 106-00542-1200, 106-00542-1300, and 106-00549-1200 shown on the map marked as Exhibit A (the "Parcels").
- B. The parties have had preliminary discussions regarding a transaction pursuant to which Buyer would purchase the Parcels from Sellers (the "Bishop Transaction") for the purpose of constructing a new county highway facility, as further described in this Preliminary Agreement, the Definitive Document (defined below), and related documents and agreements (the "Global Transaction").
- C. Buyer is also seeking to acquire an additional parcel with a parcel number of 106-00549-1300 (the "Village Parcel") owned by the Village of Balsam Lake (the "Village Transaction"), shown on Exhibit A, as part of the Global Transaction.
- D. Sellers acknowledge that the Bishop Transaction is contingent upon the closing of the Village Transaction and the consummation of the Global Transaction.
- E. The parties desire to set forth their mutual understanding regarding the general terms and conditions of the Bishop Transaction.

AGREEMENT

NOW, THEREFORE, in consideration of the premises and of the respective covenants and conditions contained herein, the parties hereby agree as follows:

1. Definitive Document. Subject to the terms and conditions set forth in this Preliminary Agreement, each party agrees to negotiate in good faith toward execution of one or more documents (the "Definitive Document") setting forth the terms and structure of, and pursuant to which the parties would effectuate, the Bishop Transaction. The parties shall commence such negotiation promptly upon the execution of this Preliminary Agreement and approval of such Preliminary Agreement by authorized representatives of Buyer.

2. Certain Transaction Terms. The parties contemplate that the Definitive Document will contain the following terms:

2.1 Purchase Price. Buyer would purchase the Parcel from Sellers for \$1,100,000.00 (the "Purchase Price") in cash, or other immediately available funds, subject to

adjustment, at the closing of the Bishop Transaction (“Closing”) and such Purchase Price would be allocated between Sellers in amounts to be determined. Buyer has calculated the Purchase Price on the basis of information currently known to Buyer and on the basis of certain assumptions. The Purchase Price may be subject to negotiation and change based on newly discovered information through the due diligence process or otherwise prior to the Closing.

2.2 Liabilities. Sellers acknowledge and agree that except as specifically set forth in the Definitive Document or any written assignment and assumption agreements for any specific contracts or other agreements to be delivered at Closing, Buyer has not assumed and will not assume any liabilities or obligations of Seller. All non-assumed liabilities and obligations shall remain the responsibility of Sellers, who shall pay and discharge the same related to the Parcels as of Closing.

2.3 TID. Buyer shall assume all TID payments related to the Parcels. Buyer agrees to continue to reimburse the Village of Balsam Lake annually for improvements to the Parcels which would otherwise have been paid through such TID at an amount not to exceed the 2017 payment and for a period not to exceed twenty (20) years or until the termination or dissolution of tax incremental district 3, whichever is earlier.

2.4 Lease of Parcels. After the Closing, Sellers shall have the option to lease the Parcels from Buyer at no or minimal consideration for a period of up to sixty (60) days for the purpose of allowing Sellers time to vacate the Parcels.

2.5 Closing Contingencies. The Definitive Document will provide for certain conditions to Closing, including the general contingencies of a standard commercial real estate transaction including, but not limited to, contingencies related to financing, title, survey, and environmental.

2.6 Due Diligence. From and *after* the date that this Preliminary Agreement has been executed by all parties and has been approved by the Polk County Board, Sellers will authorize its management to allow Buyer and its advisors full access to the facilities, records, key employees and advisors for the purpose of completing Buyer’s due diligence review. The due diligence investigation will include, but is not limited to, a complete review of the financial, legal, tax, environmental, intellectual property and labor records and agreements of the Parcels, and any other matters as Buyer’s accountants, tax and legal counsel, and other advisors deem relevant.

2.7 Contingent Transaction. The parties acknowledge that the Closing is contingent upon the closing of the Village Transaction and consummation of the Global Transaction.

3. County Board. Buyer shall present this Preliminary Agreement to the Polk County Board-Committee of the Whole at the March 9, 2017, meeting, and the Polk County Board at the March 21, 2017, meeting.

4. Subject to Definitive Document. The terms of this Preliminary Agreement are subject entirely to the execution and delivery of the Definitive Document. Any inconsistencies between this Preliminary Agreement and the Definitive Document shall be resolved in favor of the Definitive Document. If this Preliminary Agreement is terminated or if the Polk County Board does not approve the Preliminary Agreement, all rights and obligations of the parties that arise under this Preliminary Agreement will terminate, and each party will be deemed to release the other party from all such terminated obligations.

5. Non-binding Preliminary Agreement. Nothing contained in this Preliminary Agreement shall be binding upon either Sellers or Buyer.

Signature Page to Follow

IN WITNESS WHEREOF, the parties hereto have executed this Preliminary Agreement as of the date first written above.

POLK COUNTY

By: Dana W. Frey Dated: 3/8/17
Name: DANA W. FREY
Title: COUNTY ADMINISTRATOR

Approved as to Form: Jeffrey B. Fugle, Corporate Counsel

MORHUB OF WISCONSIN, LLC
By: Mark K. Nelson Dated: 3/8/17
Name: MARK K. NELSON
Title: PRESIDENT - 50% OWNER

BISHOP FIXTURE AND METAL WORK, INC.
By: Mark K. Nelson Dated: 3/8/17
Name: MARK K. NELSON
Title: VICE PRESIDENT - 50% OWNER

EXHIBIT A

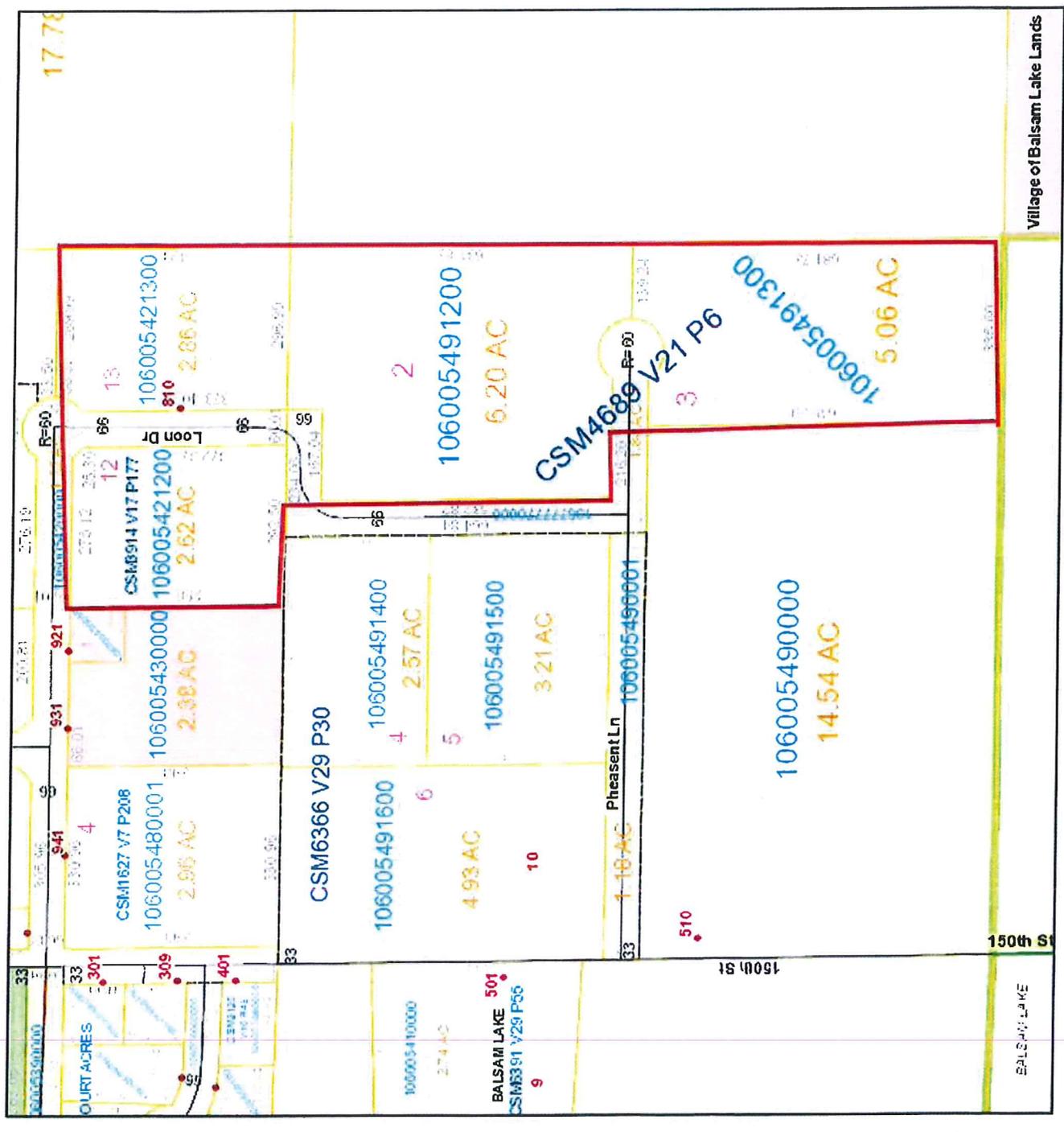
Polk County, WI

Legend

- Addresses
- Lakes and Rivers
- Rivers and Streams
- Sections
- Parcels
- Railroad
- Cities (Scale below 25000)
- Villages (Scale below 25000)
- Towns
- TwpRgGrdweb
- Surrounding Counties
- Hospitals
- Airports
- Cemeteries
- Churches
- Government Center
- Libraries
- Polk County Information Center
- Pest Offices
- Schools
- Boat Access Carry in
- Boat Access Ramp
- Public Lands
- US Highway Shield
- US Highways
- WI State Highway Shield
- State Highways
- County Road Shield
- County Roads
- Township Roads

0 100 200 300ft
 Highway On Off Ramp
 DISCLAIMER: This map is not guaranteed to be accurate, complete or up-to-date. The user assumes all responsibility of the conclusions drawn from this map.

Author	WI Ruler
Scale	WI Ruler
Date	WI Ruler
Source	WI Ruler



Village of Balsam Lake Lands

PRELIMINARY AGREEMENT

This Preliminary Agreement is made as of 9 day of March, 2017, by and between Polk County (the "County") and Village of Balsam Lake (the "Village").

RECITALS

A. The Village owns property with a parcel number of 106-00549-1300, shown on the map marked as Exhibit A ("Village Parcel").

B. The County owns property with parcel numbers of 106-00216-0000, 106-00217-0000, 106-00218-0000, 106-00219-0000, 106-00220-0000, 106-00240-0000, 106-00241-0000, 106-00242-0000, and 106-00248-0000, shown on the map marked as Exhibit B ("County Parcels").

C. The parties have had preliminary discussions regarding a transaction pursuant to which the Village would transfer to the County the Village Parcel and the County would transfer to the Village the County Parcels pursuant to the authority granted by section 59.52 of the Wisconsin Statutes and a cooperative agreement under section 66.0301 of the Wisconsin Statutes ("Village Transaction") for the purpose of the County constructing a new county highway facility, as further described in this Preliminary Agreement, the Definitive Document (defined below), and related documents and agreements (the "Global Transaction").

D. The County is also seeking to acquire additional parcels with parcel numbers of 106-00542-1200, 106-00542-1300, and 106-00549-1200 (the "Adjacent Parcels") owned by third-parties ("Bishop Transaction"), shown on Exhibit A.

E. The Village acknowledges that the Village Transaction is contingent upon the closing of the Bishop Transaction and the consummation of the Global Transaction.

F. The parties desire to set forth their mutual understanding regarding the general terms and conditions of the Village Transaction.

AGREEMENT

NOW, THEREFORE, in consideration of the premises and of the respective covenants and conditions contained herein, the parties hereby agree as follows:

1. Definitive Document. Subject to the terms and conditions set forth in this Preliminary Agreement, each party agrees to negotiate in good faith toward execution of one or more documents (the "Definitive Document") setting forth the terms and structure of, and pursuant to which the parties would effectuate, the Village Transaction. The parties shall commence such negotiation promptly upon the execution of this Preliminary Agreement and approval of such Preliminary Agreement by authorized representatives of both the Village and the County.

2. Certain Transaction Terms. The parties contemplate that the Definitive Document will contain the following general terms:

2.1 Purchase Price. The Village conveying the Village Parcel to the County in exchange for the County conveying the County Parcels to the Village is adequate and sufficient consideration and the purchase price is \$0 with respect to the County Parcels and the Village Parcel.

2.2 Lease of County Parcels. After the closing of the Village Transaction (“Closing”) and as a condition to the Village Transaction, the Village shall lease the County Parcels to the County for the sum of \$1 per year pursuant to a lease to be negotiated between the parties (the “Lease”).

2.3 Remediation of County Parcels. The County shall raze and demolish the buildings located on the County Parcels except for the building located on parcel numbers 106-00240-0000, 106-00241-0000, and 106-00242-0000, at the County’s expense, remediate environmental issues on the County Parcels originating within the County Parcels, at the County’s expense, and under the supervision of the Wisconsin Department of Natural Resources, if necessary. The Lease shall terminate once the County has vacated the County Parcels and the County Parcels are cleared in a manner that is generally acceptable to the Village but no later than September 15, 2019, including completion of this clearance.

2.4 Vacation of public-right-of ways. A part of Pheasant Lane and a part of Loon Drive will be vacated and discontinued in accordance with the Wisconsin Statutes and as shown on Exhibit C.

2.5 Utility Easement. The County shall grant the Village easements necessary for the Village to install and maintain utilities to and across the Village Parcel and Adjacent Parcels.

2.6 Salt Shed. The County contemplates constructing a salt shed on the Village Parcel after the Closing, and the Village agrees that the salt shed’s proposed location as shown on Exhibit C is acceptable with DNR approval.

2.7 TID. The County shall assume all TID payments related to the Adjacent Parcels. The County agrees to continue to reimburse the Village annually for improvements to the Adjacent Parcels which would otherwise have been paid through such TID at an amount not to exceed the 2017 payment and for a period not to exceed twenty (20) years or until the termination or dissolution of tax incremental district 3, whichever is earlier.

2.8 Contingent Transaction. The parties acknowledge that the Closing is contingent upon the closing of the Bishop Transaction and consummation of the Global Transaction. The parties acknowledge that the Closing is contingent upon the general contingencies of a standard commercial real estate transaction including, but not limited to, contingencies related to title, survey, and environmental.

3. Village Board. The Village shall present this Preliminary Agreement to its Board of Trustees at the March 6, 2017, meeting.

4. County Board. The County shall present this Preliminary Agreement to its County Board-Committee of the Whole at the March 9 2017, meeting, and the County Board at the March 21, 2017, meeting.

5. Subject to Definitive Document. The terms of this Preliminary Agreement are subject entirely to the execution and delivery of the Definitive Document. Any inconsistencies between this Preliminary Agreement and the Definitive Document shall be resolved in favor of the Definitive Document. If this Preliminary Agreement is terminated or if the County or Village do not approve the Preliminary Agreement, all rights and obligations of the parties that arise under this Preliminary Agreement will terminate, and each party will be deemed to release the other party from all such terminated obligations.

6. Non-binding Preliminary Agreement. Nothing contained in this Preliminary Agreement shall be binding upon either the Village or the County.

Signature Page to Follow

IN WITNESS WHEREOF, the parties hereto have executed this Preliminary Agreement as of the date first written above.

POLK COUNTY

By: *Dana W. Kelly*

Dated: 3-9-17

Name: DANA W KELLY

Title: COUNTY ADMINISTRATOR

Approved as to Form : _____

VILLAGE OF BALSAM LAKE

By: *Geno D'Agostino*

Dated: 3-9-17

Name: Geno D'Agostino

Title: Village President

Approved as to Form : _____

EXHIBIT A

Polk County, WI

Legend

- Addresses
- Lakes and Rivers
- Rivers and Streams
- Sections
- Parcels
- Railroad
- Cities (Scale below 25000)
- Villages (Scale below 25000)
- Towns
- TwprGGridweb
- Surrounding Counties
- Hospitals
- Airports
- Cemeteries
- Churches
- Government Center
- Libraries
- Polk County Information Center
- Pest Offices
- Schools
- Boat Access Carry in
- Boat Access Ramp
- Public Lands
- US Highway Shield
- US Highways
- WI State Highway Shield
- State Highways
- County Road Shield
- County Roads
- Township Roads

0 100 200 300ft
 Highway On Off Ramp
 DISCLAIMER: This map is not guaranteed to be accurate, complete or up-to-date. The user assumes all responsibility of the conclusions drawn are the responsibility of the user.

Author	City of Polk
Date/Project	WI RUSHING
Date/Time	2/27/17 11:30 AM
Source	GIS

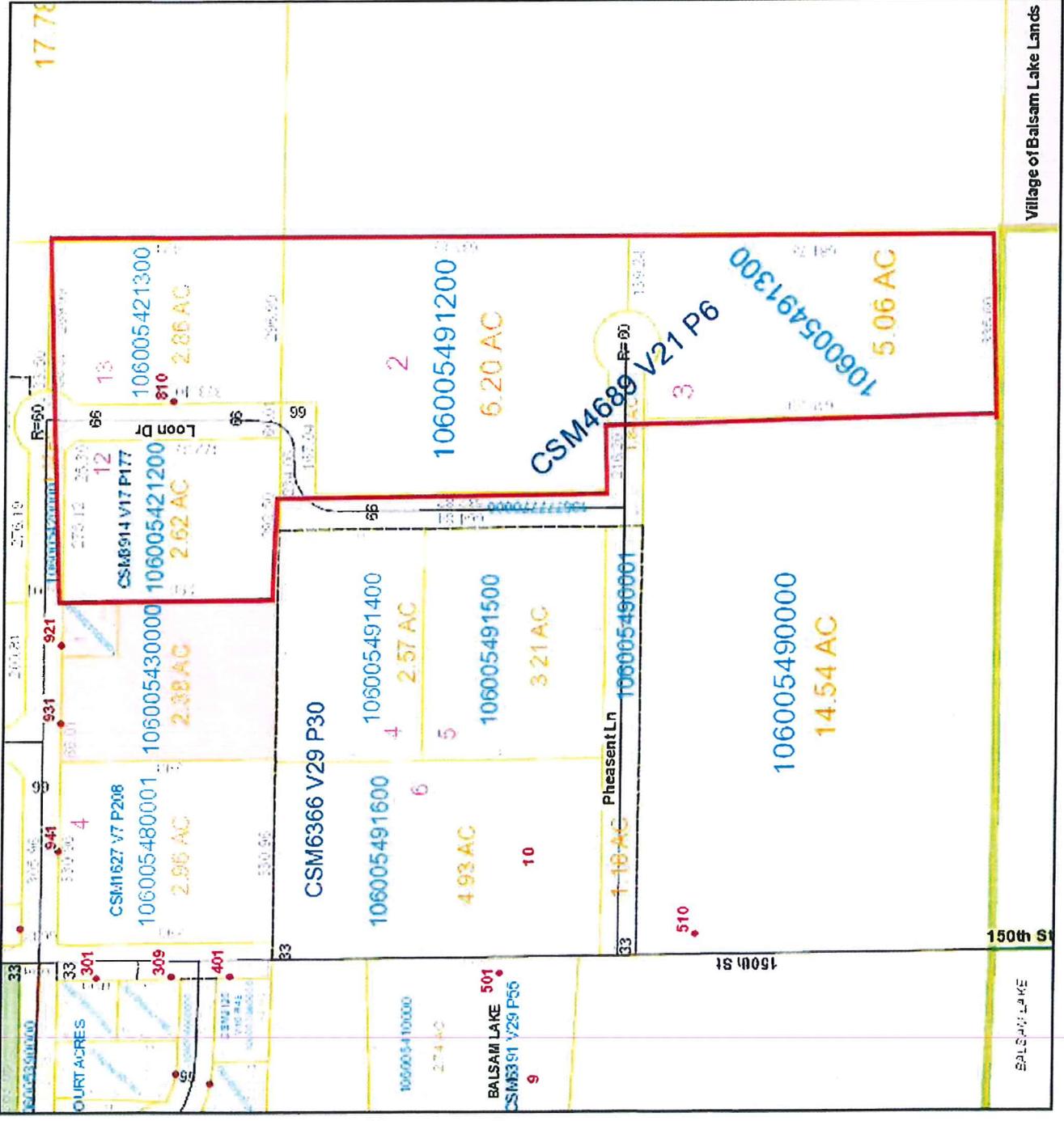


EXHIBIT B

Polk County, WI

Legend

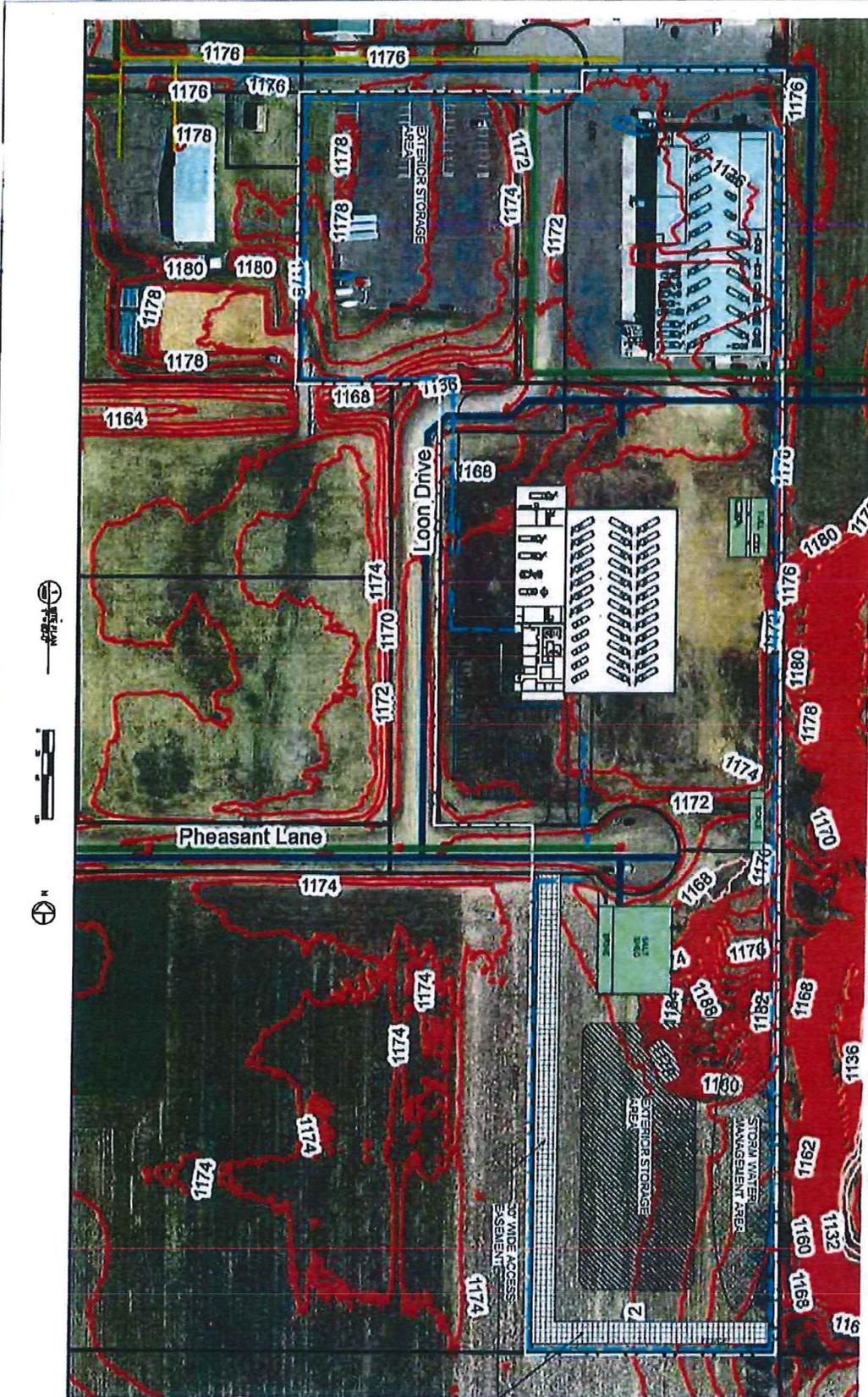
- Addresses
- Laikes and Rivers
- Rivers and Streams
- Sections
- Parcels
- Railroad
- Cities (Scale below 25000)
- Villages (Scale below 25000)
- Towns
- Tip/Rd/Grdweb
- Surrounding Counties
- Hospitals
- Airports
- RI Cemeteries
- Churches
- Government Center
- Libraries
- Polk County Information Center
- Post Offices
- Schools
- Boat Access Carry In
- Boat Access Ramp
- Public Lands
- US Highway Shield
- US Highways
- WI State Highway Shield
- State Highways
- County Road Shield
- County Roads
- Township Roads

0 50 100 150ft
 Highway On Off Ramp
 DISCLAIMER: This map is not guaranteed to be accurate, complete, or up-to-date. The user assumes all responsibility of the calculations and/or any other use of the information.

Private Delineation	WI Riparian Shield
WI Riparian Shield	WI Riparian Shield
WI Riparian Shield	WI Riparian Shield
WI Riparian Shield	WI Riparian Shield



EXHIBIT C



POLK COUNTY HIGHWAY DEPARTMENT



Polk County Board of Supervisors
Ordinance No. 08-17

Ordinance to Enact Amended Establishing Rules and Permit Requirements Relating to Tattooing and
Body Piercing Ordinance

TO THE HONORABLE SUPERVISORS OF THE COUNTY BOARD OF THE COUNTY OF
POLK:

Gentlemen:

WHEREAS, on June 18, 2002, the Polk County Board of supervisors enacted Ordinance No. 63-02, entitled, "Establishing Rules and Permit Requirements Relating to Tattooing and Body Piercing; and

WHEREAS, it is appropriate to amend said ordinance to reflect current state statutes and administrative regulations and the organizational structure of the Polk County Community Services Division that will administer said ordinance.

NOW THEREFORE, BE IT ORDAINED that the Polk County Board of Supervisors enacts the Amended Establishing Rules and Permit Requirements Relating to Tattooing and Body Piercing Ordinance, as follows:

SECTION 1.01 AUTHORITY AND PURPOSE

This ordinance is adopted pursuant Chapter 463 Wisconsin Statutes, and Chapter SPS 221 Wisconsin Administrative Code to protect public health through enforcement of regulations which will promote safe and adequate care and treatment of individuals receiving tattooing or body-piercing and eliminate or greatly reduce the danger of exposing these individuals to communicable disease or infection. The Polk County Health Department is hereby designated to act as the agent of the Wisconsin Department of Safety and Professional Services (DPS) for the above-stated purposes.

SECTION 1.02 APPLICABILITY

The provisions of this ordinance shall apply to the owner or operator of any tattoo or body-piercing establishment in all areas of Polk County.

SECTION 1.03 DEFINITIONS

The provisions of this ordinance shall adopt all current definitions set forth in Wisconsin Statutes Chapter 463, and Wisconsin Administrative Code Chapter SPS 221 by reference and shall be construed, read, and interpreted as set forth herein. The express provisions of this ordinance shall control where more restrictive.

SECTION 1.04 ENFORCEMENT

The provisions of this regulation shall be administered by or under the direction of the Health Officer, or its designee. The Health Officer and its designee shall have the right to enter, at reasonable hours, upon premises regulated by this ordinance to inspect the premises, secure samples or specimens, examine and copy relevant documents and records or obtain

photographic or other evidence needed to enforce this regulation. The Health Officer or its designee will enforce SPS 221 Wisconsin Administrative Code. The Health Officer or its designee will not permit facilities to operate unless properly licensed. The Health Officer or its designee, are also authorized to issue corrective orders, suspend or cancel permits as warranted and issue citations and take other enforcement measures as may be necessary to protect public health and safety.

The Health Officer or its designee may refer the violation to the Polk County Corporation Counsel who may obtain an injunction to correct and/or abate the violation or seek a court-imposed forfeiture under this ordinance.

1. CITATION: Pursuant to Sec. 66.0113(1) (a)(b)(c), Wis. Stats., the County of Polk adopts and authorizes the use of a citation to be issued for violations of this ordinance.
2. The citation shall contain the following:
 - a. The name and address of the alleged violator.
 - b. Factual allegations describing the alleged violation.
 - c. The time and place of the offense.
 - d. The section of the ordinance violated.
 - e. A description of the offense in such a manner as can be readily understood by a person making a reasonable effort to do so.
 - f. The time at which the alleged violator may appear in court.
 - g. A statement which, in essence, informs the alleged violator:
 1. That a cash deposit based on the schedule established by this section may be made which shall be delivered to the Clerk of Courts prior to the time of the scheduled court appearance.
 2. That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.
 3. That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest or, if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.
 4. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
 - h. A direction that if alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under **Para. g** above has been read. Such statement shall be brought with the cash deposit.
 - i. Such other information as the County deems necessary.
3. Schedule of Deposits

Any person who receives a citation shall be subject to the penalty provision under 1.16.

4. Who May Issue

In addition to Law Enforcement Officers, the following County officials may issue citations, which are directly related to their official responsibilities.

- i. Health Officer
- ii. Registered Sanitarian

5. Procedure

Section 66.0113(1)(a)(b)(c), Wis. Stats. relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

6. Nonexclusivity

- a. Adoption of this chapter does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matters.
- b. The issuance of a citation hereunder shall not preclude the County or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order, including this ordinance.

SECTION 1.05 APPLICATION FOR PERMIT

Application for permits shall be made in writing to the Health Department on forms developed and provided by the Health Department. The Health Department shall either approve or deny the permit within thirty (30) days after receipt of a complete application.

SECTION 1.06 PERMIT

No person shall operate a tattoo or body-piercing establishment without obtaining a permit from the Health Department. The Health Department may issue only one permit per operator location. Permits shall expire on June 30 of each year following their issuance except that permits initially issued during the period beginning on April 1 and ending June 30 shall expire June 30 of the following year. The issuance of a permit may be conditioned upon the permittee correcting a violation of this ordinance within a specified period of time. If the condition is not met within the specified period of time, the permit shall be voided.

A permit issued pursuant to this ordinance is deemed a license, a privilege and creates no property rights, and may be revoked and/or terminated without notice consistent with the provisions of this ordinance or as otherwise provided by law.

The Health Department shall deny an application for permit or revoke or terminate the permit of any applicant or permittee that has, as the Health Department determines, repeatedly violated this ordinance.

No permits shall be granted to any person under this ordinance without a pre-inspection by the Health Department of the premises for which the permit shall be granted. A pre-inspection shall only apply to and include consultation and a pre-opening inspection offered within a six month period from the date of permit application to persons intending to operate a tattoo or body-piercing establishment, or to a person intending to be the new operator of an existing tattoo or body-piercing establishment including a transferred license.

No permit shall be issued until; all application fees, citations, or other applicable fees are paid. A permit will not be issued until all outstanding violations, noted during previous inspections, are corrected.

If annual permit renewal applications with required fees are not submitted to the Health Department within 15 days after expiration of an existing annual permit, the department shall require the operator to pay a late penalty fee, in addition to the annual permit fee.

SECTION 1.07 FEES

Per Polk County ordinance 11-08, the fees for issuance of permits, making investigations, inspections, training and technical assistance to establishments and costs required to be paid to the county for each permit issued shall be established by resolution of the Polk County Board of Health and Human Services. As such resolution may be adopted and published the same is incorporated herein and made a part of this ordinance. Current fee structures shall be documented in the Polk County Health Department Agent Policy and Procedures Appendix A18.

SECTION 1.08 PUBLIC DISPLAY OF PERMIT

Every licensed establishment and/or operator shall be required to obtain a permit pursuant to this ordinance and shall display said permit, at all times, in a conspicuous public place.

SECTION 1.09 PERMIT SUSPENSION AND REVOCATION

Permits issued by the Health Department pursuant to this ordinance may be immediately suspended, revoked, or terminated for a violation of any provisions of this ordinance or the State Statutes or Administrative Code provisions as incorporated and adopted by reference herein, or if the Health Department determines that an imminent health hazard exists on the premises. An imminent health hazard may include but is not limited to; lack of basic facilities such as water; electricity or a properly functioning sewer; evidence of a sewer backup or surface or air contamination; insect or rodent infestation; lack of a functioning hand washing facility; or a condition that endangers the health or safety of the public as identified by the Health Officer or its designee. Repeated violations of this ordinance or a violation, which creates or is likely to create, as determined by the Health Department, a serious environmental or public health hazard, shall result in permanent revocation. Decisions of Health Department staff to suspend, revoke, or terminate a permit or to deny an application for a permit shall be subject to review by the Health Officer. Decisions of the Health Officer may be appealed to the Polk County Board of Health. Such appeals shall be in writing and must be heard within 15 days of filing with the Health Department.

SECTION 1.10 PLAN REVIEW

Any person who hereafter constructs, remodels, or converts a building or facility for tattoo and/or body piercing use shall conform and comply in said construction, erection or alteration with the requirements of this ordinance.

No pre-inspection will be conducted or a permit to operate issued until plans, with required information as outlined in a worksheet developed and provided by the Health Department, has been submitted for review to the Health Department.

SECTION 1.11 LIVING AREAS

No operation of tattooing or body piercing shall be conducted in any room used as living or sleeping quarters. Establishment operations shall be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.

SECTION 1.12 REGULATIONS, RULES AND LAWS ADOPTED BY REFERENCE AND CONFLICT OF LAWS

The provisions of this ordinance shall adopt all applicable laws, rules, and regulations set forth in Wisconsin Statutes Chapter 463, and Wisconsin Administrative Code Chapter SPS 221 by reference and shall be construed, read, and interpreted as set forth herein until amended and then shall apply as amended. Where the express provisions of either said authority or this ordinance conflict, the more restrictive provision shall apply.

SECTION 1.13 CIVIL FORFEITURE

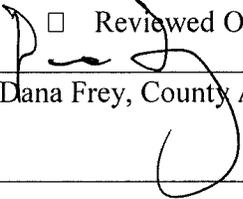
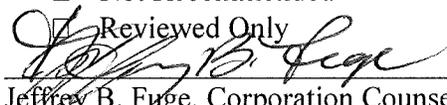
Any person violating a provision of this ordinance shall be reported to the Health Officer or its designee. The Health Officer shall report all violations to the Polk County Board of Health and Human Services. The Health Officer or its designee may sign a complaint or issue a citation and refer the violation to the Corporation Counsel for prosecution. Upon a court finding that said person has violated this ordinance, said person shall be ordered to pay a civil forfeiture to the County, in the amount of not less than \$200.00 and not more than \$1,000.00 together with the taxable costs in such action. Each day of violation shall constitute a separate offense. Said person shall also correct or abate the violation as the court may order.

SECTION 1.14 EFFECTIVE DATE

This ordinance shall take effect upon its adoption and publication as required by law.

(Continued on Page 6)

Polk County Board of Supervisors
Ordinance No. 08-17
Ordinance to Enact Amended Establishing Rules and Permit Requirements Relating to Tattooing and Body Piercing Ordinance

Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon Passage and Publication
Dated Submitted To County Board	April 18, 2017
Submitted and Sponsored By Health and Human Services Board: <i>Douglas A. Raithe</i>	
Review By County Administrator: <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only  Dana Frey, County Administrator	Review By Corporation Counsel: <input checked="" type="checkbox"/> Approved as to Form <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only  Jeffrey B. Fuge, Corporation Counsel
County Board Action	
<p style="text-align: center;">At its regular business meeting on the ^{21st} 18th ^{March} April 2017, the Polk County Board of Supervisors considered and acted on the above Ordinance No. 08-17: Ordinance to Enact Amended Establishing Rules and Permit Requirements Relating to Tattooing and Body Piercing Ordinance, as follows:</p> <p> <input checked="" type="checkbox"/> Enacted by simple majority of the board of supervisors by a vote of <u>12</u> in favor and <u>1</u> against. <input type="checkbox"/> Enacted by unanimous vote. <input type="checkbox"/> Defeated by a vote of _____ in favor and _____ against. <input type="checkbox"/> Defeated by voice vote. <input type="checkbox"/> Action Deferred by Procedural Action, as follows: _____ </p>	
SIGNED BY:  Dean Johansen, County Board Chairperson Attest:  Sharon Jorgenson, County Clerk	

Certification of Publication

Ordinance No. 08-17: Ordinance to Enact Amended Establishing Rules and Permit Requirements Relating to Tattooing and Body Piercing Ordinance, was published pursuant to Wisconsin Statutes § 59.14(1) in the Inter-County Leader on the 29th day of March, 2017.

Sharon Jorgenson Dated: 3-24-2017
Sharon Jorgenson, County Clerk

CERTIFIED COPY OF POLK COUNTY ORDINANCE

STATE OF WISCONSIN)

) SS

COUNTY OF POLK)

I, Sharon E. Jorgenson, Polk County Clerk, do hereby certify that the attached hereto and incorporated herein is a full, true and correct copy of Polk County Ordinance -

Ordinance to Enact Amended Establishing Rules and Permit Requirements Relating to Tattooing and Body Piercing
No. 08-17 that was adopted by the Polk County Board of Supervisors on *Ordinance.*

the 21st day of March, 2017.


Sharon E. Jorgenson Date 3/21/17
Polk County Clerk

Polk County Board of Supervisors
Ordinance No. 09-17
Ordinance to Enact Amended Establishing Rules and Permit Requirements Relating to
Environmental Health & Sanitation Ordinance

TO THE HONORABLE SUPERVISORS OF THE COUNTY BOARD OF THE COUNTY OF
POLK:

Gentlemen:

WHEREAS, on January 15, 2002, the Polk County Board of Supervisors enacted Ordinance No. 14-02, entitled, "Establishing Rules and Permit Requirements Relating to Environmental Health & Sanitation; and

WHEREAS, it is appropriate to amend said ordinance to reflect current state statutes and administrative regulations and the organizational structure of the Polk County Community Services Division that will administer said ordinance.

NOW THEREFORE, BE IT ORDAINED that the Polk County Board of Supervisors enacts the Amended Establishing Rules and Permit Requirements Relating to Environmental Health & Sanitation Ordinance, as follows:

SECTION 1.01 AUTHORITY AND PURPOSE

This ordinance is adopted pursuant to that authority provided by Section 251.04(3), Wisconsin Statutes, to protect and improve public health. Section 254.015 Wisconsin Statutes, authorizes the Polk County Health Department to become the designated agent of the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) for the purpose of establishing permit fees; issuing permits; and making investigations or inspections of food, beverage, lodging, swimming pools and recreational establishments and enforcing the regulations set forth in this ordinance or adopted by reference. The Polk County Health Department is hereby designated to act as the agent of the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) for the above-stated purposes.

SECTION 1.02 APPLICABILITY

The provisions of this ordinance shall apply to the owner or operator of any retail food service establishment, temporary retail food establishment, hotel, motel, tourist rooming house, bed and breakfast establishment, campground, recreational and educational camp, public swimming pool, vending machine commissary, or vending machine in all areas of Polk County.

SECTION 1.03 DEFINITIONS

The provisions of this ordinance shall adopt all current definitions set forth in Wisconsin Statutes Chapters 65, 66, 97, 192, 251, 254, and Wisconsin Administrative Code Chapters ATCP 72, 73, 74, 75, 76, 78, 79 by reference and shall be construed, read, and interpreted as set forth herein. The express provisions of this ordinance shall control where more restrictive.

SECTION 1.04 ENFORCEMENT

- (1) The provisions of this regulation shall be administered by or under the direction of the Health Officer, who in person or by duly authorized representatives shall have the right to enter, at reasonable hours, upon premises affected by this regulation to inspect the premises, secure samples or specimens, examine and copy relevant documents and records or obtain photographic or other evidence needed to enforce this regulation. Such Health Officer or duly authorized representative is also authorized to issue corrective orders, suspend or cancel permits as warranted and issue citations or take other enforcement measures as may be necessary to protect public health and safety.
- (2) Legal action may be initiated against a violator, as requested by the Health Officer or duly authorized representative. Upon making such determination, the Health Officer or duly authorized representative shall refer the violation to the Polk County Corporation Counsel who may obtain an injunction to correct and/or abate the violation or seek a court-imposed forfeiture under this ordinance.
- (3) Method. Pursuant to Sec. 66.0113(1)(a)(b)(c), Wis. Stats., the County of Polk adopts and authorizes the use of a citation to be issued for violations of the Environmental Health and Sanitation ordinance.
- (4) Form. The citation shall contain the following:
 - a. The name and address of the alleged violator.
 - b. Factual allegations describing the alleged violation.
 - c. The time and place of the offense.
 - d. The section of the ordinance violated.
 - e. A description of the offense in such a manner as can be readily understood by a person making a reasonable effort to do so.
 - f. The time at which the alleged violator may appear in court.
 - g. A statement which, in essence, informs the alleged violator:
 1. That a cash deposit based on the schedule established by this section may be made which shall be delivered to the Clerk of Courts prior to the time of the scheduled court appearance.
 2. That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.
 3. That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest or, if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.
 4. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
 - h. A direction that if alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under **Para. g** above has been read. Such statement shall be brought with the cash deposit.
 - i. Such other information as the County deems necessary.
- (5) Schedule of Deposits. Any person who receives a citation shall be subject to the penalty provision under Polk County Ordinance 16-02.
- (6) Who May Issue. The following County officials may issue citations, which are directly related to their official responsibilities.
 - a. Director/Health Officer

b. Registered Sanitarian
 (7) Procedure. Section 66.0113(1)(a)(b)(c), Wis. Stats. relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

(8) Nonexclusivity.

- a. Adoption of this chapter does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matters.
- b. The issuance of a citation hereunder shall not preclude the County or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order.

SECTION 1.05 APPLICATION FOR PERMIT

Application for permits shall be made in writing to the Health Department on forms developed and provided by the Health Department, stating the name and address of the proposed applicant and operator, and the address and location of the proposed establishment, together with any such other information as may be required. The Health Department shall either approve the application or deny the permit within thirty (30) days after receipt of a complete application.

SECTION 1.06 PERMIT

- (1) No person shall operate a retail food service establishment, mobile retail food service establishment, temporary, retail food service establishment, bed and breakfast establishment, hotel, motel, tourist rooming house, campground, recreational and educational camp or public swimming pool without either obtaining a permit from the Health Department or possessing a valid permit as outlined in Section 1.07 of this ordinance. Permits shall expire on June 30 of each year following their issuance except that permits initially issued during the period beginning on April 1 and ending June 30 shall expire June 30 of the following year. The issuance of a permit may be conditioned upon the permittee correcting a violation of this ordinance within a specified period of time. If the condition is not met within the specified period of time, the permit shall be voided.
- (2) Operators or permittees found by the Health Department to be repeat violators of this ordinance may be denied a permit to operate.
- (3) No permits shall be granted to any person under this ordinance without a pre-inspection by the Health Department of the premises for which the permit shall be granted. A pre-inspection shall only apply to and include consultation and a pre-opening inspection offered within a six month period from the date of permit application to persons intending to operate a new hotel, tourist rooming house, bed and breakfast establishment, retail food service establishment, vending machine commissary, or to a person intending to be the new operator of an existing hotel, tourist house, bed and breakfast establishment, retail food service establishment, or vending machine commissary.
- (4) No permit shall be issued until all application fees, citations, or other applicable fees are paid. A permit will not be issued until all outstanding critical violations, noted during previous inspections, are in compliance.

- (5) If fee payments are not received by July 15, clerical staff will send a second renewal notice to facility with a late fee added to the amount due. The letter will state that facilities that have not paid annual and late fee by Aug. 15 will be listed as out of business. If they wish to operate after being OB'ed, they will need to pay a pre-inspection fee along with their regular annual license fee. If a facility continues to operate after being OB'ed, citations will be issued according to Polk County Ordinance 16-02.

SECTION 1.07 TEMPORARY RETAIL FOOD SERVICE

- (1) Temporary food service, such as a fair, fundraising event, benefit, customer appreciation event, etc., may require a temporary retail food service permit.
- (a) Temporary restaurant permits shall be issued after application has been made to the Polk County Health Department.
 - (b) Permit fees shall be based on Section 1.08.
 - (c) Training may be required based on food risk.
 - (d) Inspections may be required prior to the event.
 - (e) Temporary retail food service establishments shall meet the inspection criteria as referenced in the Polk County Health Department Agent Policies and Procedures Section VII.
- (2) Each temporary restaurant permit covers a single event lasting up to seven (7) days. Any group or individual serving food to the public, regardless of whether there is a fee charged for the food, shall contact the Polk County Health Department to obtain the potential training and certification prior to holding the event.
- (3) Establishments that have been issued a state temporary license by DATCP will not be issued a PCHD temporary permit, however; they shall be charged a \$25 inspection fee if the inspection requires more than one hour to complete.

SECTION 1.08 FEES

Per Polk County ordinance 11-08, the fees for issuance of permits, making investigations, inspections, training and technical assistance to establishments and costs required to be paid to the county for each permit issued shall be established by resolution of the Polk County Board of Health and Human Services. As such resolution may be adopted and published the same is incorporated herein and made a part of this ordinance. Current fee structures shall be documented in the Polk County Health Department Agent Policy and Procedures Appendix A18.

SECTION 1.09 PUBLIC DISPLAY OF PERMIT

Every licensed establishment shall be required to obtain a permit pursuant to this ordinance and shall display said permit, at all times, in a conspicuous public place.

SECTION 1.10 PERMIT SUSPENSION AND REVOCATION

Permits issued by the Health Department pursuant to this ordinance may be immediately temporarily suspended for a violation of any provisions hereof or of the State Statutes or Administrative Code provisions adopted by reference herein, if the Health Department determines that an imminent health

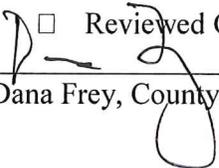
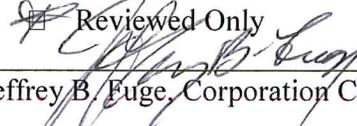
hazard exists. An imminent health hazard may include but is not limited to; lack of basic facilities such as water; electricity or a properly functioning sewer; evidence of a sewer backup or surface or air contamination; insect or rodent infestation; evidence of an ongoing food or waterborne illness associated with the operation of the establishment; lack of a functioning hand washing facility; lack of hot or cold holding equipment; or there is a condition that endangers the health or safety of the public as identified by the Health Officer or duly authorized representative. After repeated violations of this ordinance or violations, which have already created a serious environmental or public health hazard, permits may be permanently revoked. These decisions of Health Department staff shall be subject to review by the administrator of the Department. Decisions of the administrator may be appealed to the Polk County Board of Health and Human Services. Such appeals shall be in writing and must be heard within 15 days of filing with the Health Department.

SECTION 1.11 REGULATIONS, RULES AND LAWS ADOPTED BY REFERENCE

The applicable laws, rules, regulations set forth in Wisconsin Statutes Chapters 65, 66, 97, 192, 251, 254, and Wisconsin Administrative Code Chapters ATPC 72, 73, 74, 75, 76, 78, 79 by reference and shall be construed, read, and interpreted as set forth herein until amended and then shall apply as amended. The express provisions of this ordinance shall control where more restrictive.

SECTION 1.12 EFFECTIVE DATE

This ordinance shall take effect upon its adoption and publication as required by law.

Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon Passage and Publication
Dated Submitted To County Board	April 18, 2017
Submitted and Sponsored By Health and Human Services Board: <i>Doug's a Route</i>	<i>March 21, 2017</i>
Review By County Administrator: <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only  Dana Frey, County Administrator	Review By Corporation Counsel: <input checked="" type="checkbox"/> Approved as to Form <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input checked="" type="checkbox"/> Reviewed Only  Jeffrey B. Fuge, Corporation Counsel

County Board Action

At its regular business meeting on the ^{21st} ~~18th~~ day of ^{March} ~~April~~ 2017, the Polk County Board of Supervisors considered and acted on the above Ordinance No. 09-17: Ordinance to Enact Amended Establishing Rules and Permit Requirements Relating to Environmental Health & Sanitation Ordinance, as follows:

- Enacted by simple majority of the board of supervisors by a vote of _____ in favor and _____ against.
- Enacted by unanimous vote. *voice*
- Defeated by a vote of _____ in favor and _____ against.
- Defeated by voice vote.
- Action Deferred by Procedural Action, as follows: _____

SIGNED BY: *Dean Johansen*
Dean Johansen, County Board Chairperson

Attest: *Sharon E. Jorgenson*
Sharon Jorgenson, County Clerk

Certification of Publication

Ordinance No. 09-17: Ordinance to Enact Amended Establishing Rules and Permit Requirements Relating to Environmental Health & Sanitation Ordinance, was published pursuant to Wisconsin Statutes § 59.14(1) in the Inter-County Leader on the 29th day of March 2017.

Sharon E. Jorgenson Dated: 3-24-17
Sharon Jorgenson, County Clerk

CERTIFIED COPY OF POLK COUNTY ORDINANCE

STATE OF WISCONSIN)

) SS

COUNTY OF POLK)

I, Sharon E. Jorgenson, Polk County Clerk, do hereby certify that the attached hereto and incorporated herein is a full, true and correct copy of Polk County Ordinance -

Ordinance to Enact Amended Establishing Rules and Permit Requirements Relating to Environmental Health & Sanitation Ordinance
No. 09-17 that was adopted by the Polk County Board of Supervisors on the 21st day of March 2017.

Sharon E. Jorgenson 3-21-17
Sharon E. Jorgenson Date
Polk County Clerk

1 Polk County Board of Supervisors
2 Resolution No: 19-17
3 Resolution In Support of Returning CVSO Grant to Block Grant Format

4 TO THE HONORABLE SUPERVISORS OF THE COUNTY BOARD OF THE COUNTY OF
5 POLK:

6 Gentlemen:

7 WHEREAS, the Wisconsin County Veterans Service Office Grant has operated as a block-grant for
8 CVSO salary supplement since legislative inception in 1973, to attract and retain CVSO talent,
9 and as a means to fund improvements to CVSO veterans services in the county; and

10 WHEREAS, the 2015 Wisconsin Biennium Budget restructured this long-standing CVSO
11 Grant block payment structure to a reimbursement only payment structure, and has resulted in
12 a very cumbersome program that no longer allows salary supplementation, and contains
13 complicated rules of eligible reimbursable costs, which together now create fiscal constraints on
14 Wisconsin counties that benefitted from the previous block grant payment structure.

15 NOW, THEREFORE, BE IT RESOLVED, that the County of Polk joins other counties in the
16 State of Wisconsin, to express their request to the Wisconsin State Legislature to have the
17 County Veterans Service Office Grant returned to the original 1973 intent to be used for
18 supplementing the salary of County Veterans Service Officers, in order to attract and retain talented
19 personnel in those positions and/or used to fund improvement of services to veterans and their
20 dependents; and,

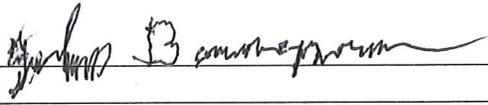
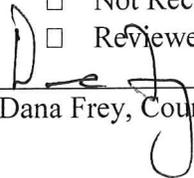
21 BE IT FURTHER RESOLVED, that the Polk County Board of Supervisors does hereby request
22 of the State Legislature that the CVSO Grant be structured in a block-grant structure requiring
23 only the signatures of the current CVSO and County Executive, County Administrator or
24 County Board Chairman as verification of compliance.

25 BE IT FURTHER RESOLVED that a copy of this resolution be sent to all of Polk County's State
26 Senators and Assembly Representatives, to the Wisconsin Counties Association, and to the President
27 of the Wisconsin County Veterans Service Officer Association.

28 BE IT FURTHER RESOLVED, that the County Clerk cause to be published this resolution in
29 accordance with Wisconsin Statute Section 59.14.

(Continued on Page 2)

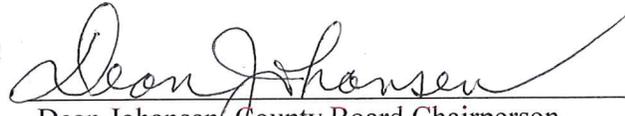
Polk County Board of Supervisors
 Resolution No: 19-17
 Resolution In Support of Returning CVSO Grant to Block Grant Format

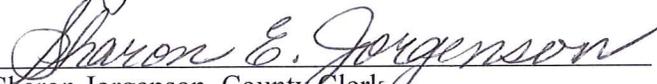
Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon Passage
Dated Submitted To County Board	March 21, 2017
Submitted and Sponsored By:	
Review By County Administrator: <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only  Dana Frey, County Administrator	Review By Corporation Counsel: <input checked="" type="checkbox"/> Approved as to Form <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only  Jeffrey B. Fudge, Corporation Counsel

Acknowledgement of County Board Action

At its regular business meeting on the 21st of March 2017, the Polk County Board of Supervisors considered and acted on the above resolution, Resolution No: ____-17: Resolution In Support of Returning CVSO Grant to Block Grant Format , as follows:

- Adopted by simple majority of the board of supervisors by a vote of _____ in favor and _____ against.
- Adopted by unanimous vote. *voice vote*
- Defeated by a vote of _____ in favor and _____ against.
- Defeated by voice vote.
- Action Deferred by Procedural Action, as follows: _____

SIGNED BY: 
 Dean Johansen, County Board Chairperson

Attest: 
 Sharon Jorgenson, County Clerk

1 Polk County Board of Supervisors

2 Resolution No: 20-17

3 Opposing Making County Veterans Service Officers Optional, Allowing Non- Veterans to Fill the
4 CVSO Position, or Consolidating or Regionalizing County Veteran Services Offices in Wisconsin

5 TO THE HONORABLE SUPERVISORS OF THE COUNTY BOARD OF THE COUNTY OF
6 POLK:

7 Gentlemen:

8 WHEREAS, Wisconsin Statutes Section 45.80 requires each county to elect a County Veterans
9 Service Officer who is a Wisconsin resident and who served under honorable conditions on active
10 duty in the Armed Forces; and

11 WHEREAS, County Veterans Service Officers are responsible for a high percentage of veterans'
12 claims at any given time at the VA Regional Office in Milwaukee; and

13 WHEREAS, County Veterans Service Officers are a major stakeholder in assisting veterans with
14 obtaining more than \$2.7 billion in VA benefits annually in Wisconsin; and

15 WHEREAS, County Veterans Service Officers are invaluable to all veterans but especially
16 elderly and disabled veterans in the local community; and

17 WHEREAS, County Veterans Service Officers are the only veterans' advocates when dealing
18 with the VA who serve veterans' in their local community.

19 THEREFORE, BE IT RESOLVED, that the County of Polk joins other counties in the state of
20 Wisconsin, to express their desire to the Wisconsin State Legislature to adamantly oppose any
21 future efforts to make County Veterans Service Officers optional.

22 THEREFORE, BE IT RESOLVED, that the County of Polk joins other counties in the state of
23 Wisconsin, to express their desire to the Wisconsin State Legislature to adamantly oppose any
24 efforts to allow non-veterans to fill the positions of County Veterans Service Officers.

25 THEREFORE, BE IT RESOLVED, that the county of Polk joins other counties in the state of
26 Wisconsin, to express their desire to the Wisconsin State Legislature to adamantly oppose any
27 efforts to allow any consolidation and/or regionalization of County Veterans Service Offices.

28 BE IT FURTHER RESOLVED that a copy of this resolution be sent to all of Polk County's State
29 Senators and Assembly Representatives, to the Wisconsin Counties Association, and to the President
30 of the Wisconsin County Veterans Service Officer Association.

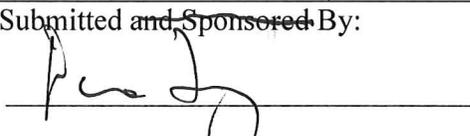
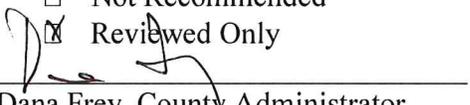
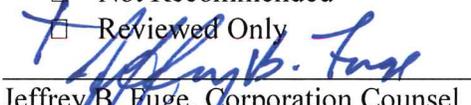
31 BE IT FURTHER RESOLVED, that the County Clerk cause to be published this resolution in
32 accordance with Wisconsin Statute Section 59.14.

(Continued on Page 2)

Polk County Board of Supervisors

Resolution No: 20-17

Opposing Making County Veterans Service Officers Optional, Allowing Non- Veterans to Fill the CVSO Position, or Consolidating or Regionalizing County Veteran Services Offices in Wisconsin

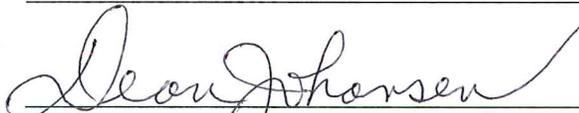
Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon Passage
Dated Submitted To County Board	March 21, 2017
Submitted and Sponsored By:	
Review By County Administrator:	Review By Corporation Counsel:
<input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input checked="" type="checkbox"/> Reviewed Only  Dana Frey, County Administrator	<input checked="" type="checkbox"/> Approved as to Form <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input checked="" type="checkbox"/> Reviewed Only  Jeffrey B. Fuge, Corporation Counsel

Acknowledgement of County Board Action

At its regular business meeting on the 21st of March 2017, the Polk County Board of Supervisors considered and acted on the above resolution, Resolution No: 20-17: Opposing Making County Veterans Service Officers Optional, Allowing Non- Veterans to Fill the CVSO Position, or Consolidating or Regionalizing County Veteran Services Offices in Wisconsin, as follows:

- Adopted by simple majority of the board of supervisors by a vote of _____ in favor and _____ against.
- Adopted by unanimous vote. *voice vote*
- Defeated by a vote of _____ in favor and _____ against.
- Defeated by voice vote.
- Action Deferred by Procedural Action, as follows: _____

SIGNED BY:


 Dean Johansen, County Board Chairperson

Attest: 
 Sharon Jorgenson, County Clerk

1 Polk County Board of Supervisors

2 Resolution No: 21-17

3 Resolution to Adopt the Board of Health and Human Services Policy Statement on the Opposition to
4 Legalization of Recreational Marijuana

5 TO THE HONORABLE SUPERVISORS OF THE COUNTY BOARD OF THE COUNTY OF
6 POLK:

7 Gentlemen:

8 WHEREAS while, marijuana remains an illegal substance under federal and Wisconsin state law,
9 several states have either passed or are considering legislation to legalize recreational use of
10 marijuana; and

11 WHEREAS, science has shown that marijuana use has a wide range of short and long term effects
12 that can be seriously detrimental to the overall health of the user as well as result in an addiction
13 status; and

14
15 WHEREAS, the 2014 Wisconsin Youth Risk Behavioral Survey (YRBS) results indicate that 17% of
16 Wisconsin high school students are current marijuana users; and

17 WHEREAS, in Colorado, a state that legalized recreational marijuana, a 2016 report by the Rocky
18 Mountain High Intensity Drug Trafficking agency, showed a 32 percent increase in marijuana related
19 traffic fatalities, increases in emergency room visits and hospitalizations and greater pot usage by
20 youths age 12-17; as well as 40 percent more school expulsion since 2008, most of them marijuana
21 related; and

22 WHEREAS, the Polk County Health and Human Services Board has passed a policy statement in
23 opposition to legalization of recreational marijuana.

24 NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors supports the
25 attached policy statement titled *Opposition to Legalization of Recreational Marijuana* to guide the
26 substance abuse prevention work of the Polk County Health Department.

27 BE IT FURTHER RESOLVED that the Polk County Board of Supervisors opposes the legalization
28 of recreational marijuana and informs its state representatives of such.

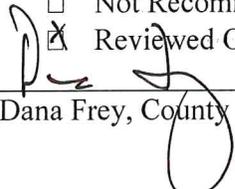
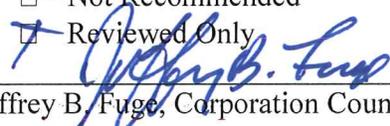
29 BE IT FURTHER RESOLVED that the authorization provided in this resolution shall be subject to
30 review and approval according to county policy.

(Continued on Page 2)

Polk County Board of Supervisors

Resolution No: 21 -17

Resolution to Adopt the Board of Health and Human Services Policy Statement on the Opposition to Legalization of Recreational Marijuana

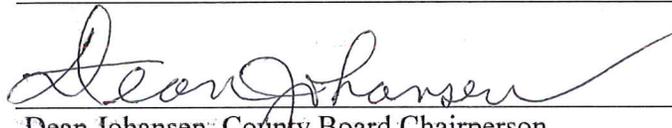
Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon Passage
Dated Submitted To County Board	March 21, 2017
Submitted and Sponsored By Health and Human Services Board:	<i>Rec'd FOR THE HHS BOARD</i>
Review By County Administrator: <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input checked="" type="checkbox"/> Reviewed Only  Dana Frey, County Administrator	Review By Corporation Counsel: <input checked="" type="checkbox"/> Approved as to Form <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input checked="" type="checkbox"/> Reviewed Only  Jeffrey B. Fuge, Corporation Counsel

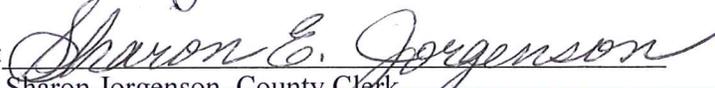
Acknowledgement of County Board Action

At its regular business meeting on the 21st of March 2017, the Polk County Board of Supervisors considered and acted on the above resolution, Resolution No 21-17: Resolution to Adopt the Board of Health and Human Services Policy Statement on the Opposition to Legalization of Recreational Marijuana, as follows:

- Adopted by simple majority of the board of supervisors by a vote of _____ in favor and _____ against.
- Adopted by unanimous vote.
- Defeated by a vote of 5 in favor and 8+2 absent against.
- Defeated by voice vote.
- Action Deferred by Procedural Action, as follows: _____

SIGNED BY:


 Dean Johansen, County Board Chairperson

Attest: 
 Sharon Jorgenson, County Clerk

Polk County Health Department: Board of Health and Human Services Policy Statement
Opposition to Legalization of Recreational Marijuana

Approved Date: 06/14/2016

Policy Number: 003

Date Revised:

Background

Cannabis, or marijuana, refers to the dried leaves, flowers, stems, and seeds from the hemp plant *Cannabis sativa*, which contains the psychoactive (mind-altering) chemical delta-9-tetrahydrocannabinol (THC), as well as other related compounds. This plant material can also be concentrated in a resin called hashish or a sticky black liquid called hash oil. THC is believed to be the main chemical ingredient that produces the psychoactive effect. Cannabis is often smoked in hand-rolled cigarettes (joints), pipes, or water pipes (bongs).

Health Impact of Marijuana

Marijuana use has a wide range of short- and long-term effects. It seriously impairs judgment and motor coordination and, contrary to common belief, marijuana is addictive.ⁱ Short-term effects include; sensory distortion, panic, anxiety, poor coordination of movement, lowered reaction time, sleepiness or depression, and increased heartbeat (with risk of heart attack). Long-term effects include reduced resistance to common illnesses (colds, bronchitis, etc.), suppression of the immune system, growth disorders, increases of abnormally structured cells in the body, reduction of male sex hormones, rapid destruction of lung fibers, lesions (injuries) to the brain which can be permanent, reduced sexual capacity, reduced ability to learn and retain information, apathy, drowsiness, lack of motivation, personality and mood changes and the inability to understand things clearly.ⁱⁱ

Dataⁱⁱⁱ

Wisconsin Youth Risk Behavioral Survey (YRBS) results indicate current marijuana use - defined as use within the previous 30 days - among Wisconsin high school students has been similar to, or slightly lower than, use among high school students nationally for several years.^{iv} In 2013, it dropped to 17% in Wisconsin, compared to 23% nationally. As with current use, lifetime use of marijuana among high school students has dropped slightly in recent years, both in Wisconsin and nationally. The prevalence of lifetime use was similar in the state and nationally at 37% from 2005 to 2011.^v Wisconsin's prevalence dropped noticeably in 2013 to 31%, but more data is needed to determine whether this signals a trend. Although 2013 Wisconsin Youth Risk Behavior Survey data of Wisconsin high school students showed a decrease in marijuana use from 39% in 1999 to 31%, one of six students (17%) report using the drug more than once in the past 30 days.

In Colorado, a state that legalized recreational marijuana, the Rocky Mountain High Intensity Drug Trafficking Area's third annual report, released in June, 2016, showed the effects of legal marijuana in that state, including a 32 percent jump in marijuana-related traffic fatalities, increases in emergency-room visits and hospitalizations, and greater pot usage by youths age 12 to 17.^{vi} The report, generated by the agency funded through the National Office of Drug Control Policy, also showed 40 percent more school expulsions since 2008, most of them marijuana related; greater exposure of young children to the drug; a 2,000 percent increase in the number of Colorado mail parcels intercepted destined for other states; and 32 marijuana extraction-lab explosions in 2014.

Although several states have decriminalized marijuana (for recreational or medical use), it remains an illegal substance under federal law. As state laws change, it is likely to create issues for substance abuse service delivery. To provide guidelines, the Department of Justice issued new [guidance regarding marijuana enforcement – 2013 \(PDF | 525 KB\)](#) for federal prosecutors regarding eight factors for consideration in marijuana enforcement. Two key strategies from this report include preventing the

distribution of marijuana to minors and to prevent “drugged” driving and the prevention of other adverse public health consequences associated with marijuana use.

Relationship to Existing Health Department Policy

There is no existing PCHD policy on marijuana. PCHD recently offered educational information to schools and community groups on this topic.

Recommendation

Due to the adverse health effects of marijuana use and the emergence of alarming data post legalization of marijuana from the state of Colorado, the Polk County Board of Health supports the existing Wisconsin legislation that makes marijuana an illegal substance and opposes legalization of recreational marijuana.

Action Steps

The Board of Health recommends that the Health Department should:

- Offer marijuana educational presentations focusing on the adverse health effects of the drug, to Polk County school districts targeting middle and high school students
- Encourage Polk County school districts to incorporate evidence based and age appropriate comprehensive substance use prevention curriculum including marijuana into classroom instruction
- Collaborate with law enforcement to conduct an ongoing public awareness campaign about the adverse health effects and legal ramifications of marijuana use
- Disseminate, through school district newsletters, evidence-based youth marijuana prevention messages to parents, teachers, school administrators, and school board members
- Advocate with legislators to fund a statewide, coordinated, comprehensive, and evidence-based substance abuse prevention program to protect the public’s health

ⁱ National Institute on Drug Abuse. Drug Facts: Marijuana - accessed from <http://www.drugabuse.gov/publications/drugfacts/marijuana> (updated January 2014)

ⁱⁱ Foundation for a Drug-Free World <http://www.drugfreeworld.org/#/interactive>

ⁱⁱⁱ 2015 YRBS conducted in Wisconsin (including Polk County schools) did not achieve weighted status thus is recommended by the Department of Public Instruction to not be used. The next data collection period is 2017

^{iv} Wisconsin Epidemiological Profile on Alcohol and Other Drug Use, 2014, Wisconsin Department of Health Services, Prepared by the Division of Mental Health and Substance Abuse Services, the University of Wisconsin Population Health Institute, and the Office of Health Informatics, Division of Public Health

^v Ibid

^{vi} Columbus Dispatch, Columbus, Ohio, June 13, 2016

1 Polk County Board of Supervisors

2 Resolution No: 22-17

3 Resolution In Support of Increased State Funding In the Children and Family Aids Allocation

4
5 TO THE HONORABLE SUPERVISORS OF THE COUNTY BOARD OF THE COUNTY OF
6 POLK:

7 Gentlemen:

8 WHEREAS, the Wisconsin Department of Children and Families provides funding to counties
9 through the Children and Family Aids allocation for the provision of child abuse and neglect
10 services; including prevention, investigation, treatment, and out-of-home placement costs; and

11 WHEREAS, base funding for child welfare services has not increased since the Wisconsin
12 Department of Children and Families was created in 2009; and

13 WHEREAS, over the past few years, the child welfare workload has increased across the state and in
14 counties; and

15 WHEREAS, the number of statewide child protective services (CPS) referrals has increased by 30%
16 since 2007, from 55,895 to 72,698 in 2014, and, in 2016, Polk County received 636 CPS referrals, a
17 15% increase from 2015; and

18 WHEREAS, the statewide number of children in out-of-home care has increased from 7,653 in 2011
19 to 8,258 in 2015, and in 2015 Polk County Child Welfare Services have had 99 children place in out-
20 of-home care; and

21 WHEREAS, the statewide number of screened-in CPS reports has increased from 18,706 in 2011 to
22 20,384 in 2015, and, in 2016, Polk County had 381 screened-in CPS reports, a 43% increase in the
23 number of reports that required CPS response from 2015; and

24 WHEREAS, the number of Children in Need of Protection and Services (CHIPS) petitions filed
25 statewide with the court has increased 12.5 percent from 2008 to 2015; and

26
27 WHEREAS, the leading cause of these increases is the use of heroin, opiates, and methamphetamines
28 as, since August, 2016, 39 report of child abuse/neglect included alleged drug use by the parent and
29 74% required agency response; and

30 WHEREAS, counties are struggling to recruit and retain child welfare workers the stress of
31 increasing caseloads is taking its toll on CPS workers, causing many experienced child welfare
32 workers to leave the profession; and

33 WHEREAS, it is critical that counties have the resources necessary to ensure the safety of children in
34 every corner of the state; and

35 WHEREAS, counties are struggling to identify resources to increase child welfare staff, especially
36 given the significant overmatch counties already put in the human services system.

37 NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors does hereby
 38 request that the State of Wisconsin, in its 2017-19 state biennial budget, increase funding to the
 39 Children and Family Aids allocation by \$5 million per year to assist counties in serving the
 40 increasing number of children and families in the child welfare system.

41 BE IT FURTHER RESOLVED that a copy of this resolution be sent to Governor Scott Walker,
 42 Department of Children and Families Secretary Eloise Anderson, Department of Administration
 43 Secretary Scott Neitzel, area legislators, and the Wisconsin Counties Association.

Funding Source/ Funding Amount:	Not applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon passage
Dated Submitted To County Board	March 21, 2017
Submitted and Sponsored By Health and Human Services Board: 	FOR THE HHS BOARD
Review By County Administrator: <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input checked="" type="checkbox"/> Reviewed Only Dana Frey, County Administrator	Review By Corporation Counsel: <input checked="" type="checkbox"/> Approved as to Form <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input checked="" type="checkbox"/> Reviewed Only Jeffrey B. Fuge, Corporation Counsel

Acknowledgement of County Board Action

At its regular business meeting on the 21st of March 2017, the Polk County Board of Supervisors considered and acted on the above resolution, Resolution No. 22-17: Resolution to Support Increased State Funding In the Children and Family Aids Allocation, as follows:

- Adopted by simple majority of the board of supervisors by a vote of _____ in favor and _____ against.
- Adopted by unanimous vote. *voice vote*
- Defeated by a vote of _____ in favor and _____ against.
- Defeated by voice vote.
- Action Deferred by Procedural Action, as follows: _____

SIGNED BY:

Dean Johansen, County Board Chairperson

Attest:
 Sharon Jorgenson, County Clerk

Polk County Ordinance No. 11-17, Ordinance to Enact Amended Polk County Private Sewage System Ordinance

And

Polk County Ordinance No. 12-17, Ordinance to Enact Amended Polk County Floodplain Zoning Ordinance

And

Polk County Ordinance No. 13-17, Ordinance to Enact Amended Polk County Chapter 18 Subdivision Ordinance

Notice is hereby given that the Polk County Board of Supervisors, did adopt the above listed ordinances during the Tuesday, March 21, 2017, regular meeting of the Polk County Board of Supervisors.

Ordinance No. 11-17, No. 12-17, and No. 13-17 shall be effective on March 29, 2017.

The purpose of the Private Sewage System Ordinance is to promote and protect public health and safety through proper siting, design, installation, inspection, maintenance, and management of private onsite wastewater treatment systems.

The Floodplain Zoning Ordinance is intended to regulate floodplain development to protect public health, safety, and property through minimizing expenditures, rescue and relief efforts, and damage to structures or facilities within the floodplain.

The purpose of the Chapter 18 Subdivision Ordinance is to regulate and control subdivision development within Polk County in order to promote public health, safety, general welfare, water quality, and aesthetics. This can be accomplished by orderly layout and use of land, providing safe access to highways, roads and streets, facilitating adequate water, sewer, transportation and surface drainage systems, parks, playgrounds and other public facilities.

Complete copies of Ordinance No. 11-17, No. 12-17, and No. 13-17 may be obtained by contacting the Polk County Clerk office, located at 100 Polk County Plaza, Suite 110, Balsam Lake, Wisconsin or by calling 715-485-9226. The complete documents may also be viewed on line on the Polk County Website at: www.co.polk.wi.us under the Division of Zoning.

Ordinance To Enact Amended Polk County Private Sewage System Ordinance

TO THE HONORABLE MEMBERS OF THE POLK COUNTY BOARD OF SUPERVISORS:

Ladies and Gentlemen:

WHEREAS, on January 17, 1995, the Polk County Board of Supervisors enacted the Ordinance No. 18-95, entitled as Polk County Private Sewage System Ordinance; and

WHEREAS, Wisconsin plumbing code is under the authority of the Wisconsin Department of Safety and Professional Services; and

WHEREAS, private sewage systems are regulated by Wisconsin Administrative Code SPS 383-387 and 391; and

WHEREAS, on January 25, 2017, the Polk County Zoning Administrator filed pursuant to Wisconsin Statute Section 59.69(5)(e) a petition that sought to amend Polk County Private Sewage System Ordinance, through the enactment of the proposed Amended Polk County Private Sewage System Ordinance; and

WHEREAS, amendment of the ordinance provisions of the Polk County Private Sewage System Ordinance, will revise County sanitary regulations to conform to state statutes and applicable Department of Safety and Professional Services regulation and provide for a sanitary ordinance that may be administered and enforced consistent with state law.

WHEREAS, on February 15, 2017, the Polk County Environmental Services Committee, as the planning and zoning committee, opened and held a public hearing on the petition to amend the Polk County Private Sewage System Ordinance; and

WHEREAS, after considering public input received in the public hearing and incorporating such public input and recommendations, as appropriate, the Polk County Environmental Services Committee recommended that the Polk County Board of Supervisors enact as and for the county's sanitary ordinance under Section 59.70, 254.59, and Chapter 145 the attached proposed ordinance, entitled "Amended Polk County Private Sewage System Ordinance".

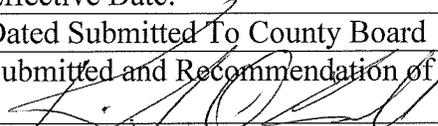
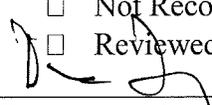
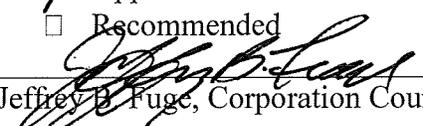
NOW, THEREFORE, pursuant to Wisconsin Statute Section 59.69(5)(e), the Polk County Board of Supervisors ordains as follows:

1. The Amended Polk County Private Sewage System Ordinance, attached hereto and incorporated herein, is enacted.

2. The Polk County Zoning Administrator is directed to forward the Amended Polk County Private Sewage System Ordinance to the Wisconsin Department of Safety and Professional Services.

31 3. Pursuant to Wisconsin Statute Sections 59.14(1) and 985.01(5), the County Clerk is
32 directed to cause to be published the ordinance enacted herein.

33 4. The Amended Polk County Private Sewage System Ordinance shall be effective upon
34 passage and publication as provided by law.
(Said ordinance attachment can be obtained by contacting the Polk County Clerk Office or by
viewing it on the Polk County Website.)

Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon Passage and Publication
Dated Submitted To County Board	March 21, 2017
Submitted and Recommendation of the Polk County Environmental Services Committee:  _____ Kim O'Connell, Committee Chair	
Review by County Administrator:	Review By Corporation Counsel
<input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only  _____ Dana Frey, County Administrator	<input checked="" type="checkbox"/> Approved as to Form <input type="checkbox"/> Recommended  _____ Jeffrey B. Fuge, Corporation Counsel

Ordinance No. 11-17: Ordinance to Enact Amended Polk County Private Sewage System Ordinance

County Board Action

At its regular business meeting on the 21st day of March 2017, the Polk County Board of Supervisors considered and acted on the above Ordinance No. 11-17: Ordinance to Enact Amended Polk County Private Sewage System, as follows:

- Enacted by simple majority of the board of supervisors by a vote of _____ in favor and _____ against.
- Enacted by unanimous vote. *Voice vote*
- Defeated by a vote of _____ in favor and _____ against.
- Defeated by voice vote.
- Action Deferred by Procedural Action, as follows: _____

SIGNED BY:

Dean Johansen, County Board Chairperson

Attest:

Sharon E. Jorgenson
Sharon Jorgenson, County Clerk

Certification of Publication

Ordinance No. 09-17: Ordinance to Enact Amended Establishing Rules and Permit Requirements Relating to Environmental Health & Sanitation Ordinance, was published pursuant to Wisconsin Statutes § 59.14(1) in the Inter-County Leader on the 29th day of March 2017.

Sharon E. Jorgenson
Sharon Jorgenson, County Clerk Dated: 3-23-17

CERTIFIED COPY OF POLK COUNTY ORDINANCE

STATE OF WISCONSIN)

) SS

COUNTY OF POLK)

I, Sharon E. Jorgenson, Polk County Clerk, do hereby certify that the attached hereto and incorporated herein is a full, true and correct copy of Polk County Ordinance -

Ordinance To Enact Amended Polk County Private Sewage System Ordinance
No. 11-17 that was adopted by the Polk County Board of Supervisors on the 21st day of March, 2017.

Sharon E. Jorgenson 3/21/17
Sharon E. Jorgenson Date
Polk County Clerk

Polk County Private Onsite Wastewater Treatment System (POWTS) Ordinance

Ordinance No. 11-17

**Polk County Private Onsite Wastewater Treatment System (POWTS)
Ordinance**

Enacted: March 21, 2017; Published: March 29, 2017

Effective Date: March 29, 2017

Polk County Land Information Department
Polk County Government Center
100 Polk County Plaza, Suite 130
Balsam Lake, WI 54810
715-485-9111
715-485-9246 Fax

Polk County Private Onsite Wastewater Treatment System (POWTS) Ordinance

(Effective: March 29, 2017)

Section 1: Statutory Authority.....	1
Section 2: Purpose.....	1
Section 3: Severability and Liability.....	1
Section 4: Definitions.....	2
Section 5: General Provisions.....	3
Section 6: Soil and Site Evaluations.....	4
Section 7: Permit Requirements.....	5
Section 8: County Sanitary Permits.....	7
Section 9: Maintenance and Management.....	8
Section 10: Septic Tank Maintenance Program.....	8
Section 11: Holding Tank Maintenance Program.....	9
Section 12: Construction Changing Wastewater Flow.....	9
Section 13: Non-plumbing Sanitary Systems.....	10
Section 14: Inspections.....	11
Section 15: Failing Systems.....	11
Section 16: Abandonment of Private Sewage Systems.....	11
Section 17: Administrative Provisions.....	11
Section 18: Fees.....	12
Section 19: Enforcement.....	12

Section 1: Statutory Authority

This ordinance is adopted pursuant to the authorization in Wisconsin State Statute 59.70(1), 59.70(5), 145.04, 145.19, 145.20, 145.245, 254.59, and Wisconsin Department of Safety and Professional Services code chapters SPS 383-387 and 391.

Section 2: Purpose

The underlying principles of this ordinance are basic goals in environment, health and safety accomplished by proper siting, design, installation, inspection, maintenance, and management of POWTS and non-plumbing sanitary systems.

Section 3: Severability and Liability

- A. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the remaining portions of this ordinance. The Polk County Board of Supervisors declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more such provisions be declared unconstitutional or invalid.
- B. To the extent that any of the provisions of this ordinance are interpreted to be invalid or inconsistent with Wisconsin Statute and Administrative Code, said ordinance provision shall lack application and the applicable state standard is hereby incorporated by reference as expressly provided herein so as to allow for lawful issuance of any permit as provided by this ordinance and to allow for the enforcement by ordinance of the state standard.
- C. This ordinance shall not create a liability on the part of or a cause of action against the county or any employee thereof for any private sewage system which may not function as designed. There shall be no liability or warranty for any site which is approved or denied. The issuance of a sanitary permit and the final inspection of such a system do not warrant the system's function, nor is there a guarantee that the system is free of defects or that all aspects of the system comply to Wisconsin Statute or Administrative Code requirements.

Section 4: Definitions

The following definitions apply to the provisions of this ordinance:

Bedroom: A room for sleeping that includes an ingress/egress.

Certified Soil Tester (CST): A person certified to conduct Soil and Site Evaluations in accordance with SPS 385.

Committee: The Environmental Services Committee.

County Sanitary Permit: A permit issued by the Polk County Zoning Department for a reconnection, restoration, repair or for the installation of a non-plumbing sanitation system.

Domestic Wastewater: The type of wastewater, not including storm water, normally discharged from or similar to that discharged from plumbing fixtures, appliances and devices including, but not limited to sanitary, bath, laundry, dishwashing, garbage disposal and cleaning wastewaters.

Dwelling Unit: A structure or portion thereof with rooms arranged, designed or intended for occupancy by an individual or family for residential purposes.

Human Habitation: The act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence.

Occupancy: Pertains to and is the purpose for which a structure is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

Ordinary High Water Mark (OHWM): means 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.

Plan Revision: A modification to an approved application where a valid sanitary permit is in effect.

Plumber: A person licensed by the state as a Master Plumber or Master Plumber-Restricted Services for the purposes of this ordinance.

Portable Restroom (Satellite): A self-contained portable unit that includes fixtures and holding tank facilities, designed to contain domestic waste.

Private Onsite Wastewater Treatment System (POWTS): A sewage treatment and disposal system serving a structure with a septic tank, holding tank, aerobic treatment unit, or soil absorption field.

POWTS- Conventional: A POWTS consisting of a septic tank and/or an aerobic treatment unit (ATU) and an in-ground soil absorption component with gravity distribution of effluent.

POWTS- Failing: As defined under Wisconsin Statutes § 145.245(4).

POWTS- Holding Tank: A tank without a soil absorption component to collect domestic waste. The minimum tank size shall be 2000 gallons.

POWTS- Non-plumbing Sanitation System: Sanitation systems and devices within the scope of SPS 391, which are alternatives to water carried waste plumbing fixtures and drain systems; including, but not limited to, incinerating toilets, composting toilets and privies.

POWTS- Physical Restoration: The process of restoring the hydraulic functions and capabilities of a soil absorption system by soil fracturing. This process can reduce or eliminate flow restrictions in the soil due to biomat build up. Each method of restoration must have obtained product approval from the state.

POWTS- Privy: An enclosed non-portable toilet which non-water-carried human wastes are deposited (a non-plumbing sanitation system)

POWTS- Privy-Pit: A privy with a subsurface storage chamber that is not watertight.

POWTS- Privy-Vault: A privy with a subsurface storage chamber that is watertight.

POWTS- Reconnection: The connection of an existing POWTS to a new or replacement structure

POWTS- Repair: A restoration of a POWTS component to the original operating condition.

POWTS- Septic Tank: An anaerobic treatment tank.

Public Sewer: A sewer owned and controlled by a public authority.

Register of Deeds: Polk County Register of Deeds.

Sanitary Permit: A county sanitary permit, a state sanitary permit or both.

State: The Wisconsin Department of Safety and Professional Services.

State Sanitary Permit: A permit issued by the zoning department for the installation or modification of a POWTS, pursuant to Wisconsin Statutes §§ 145.135 and 145.19. 34.

Section 5: General Provisions

A. Compliance

1. All domestic wastewater shall enter a POWTS, unless otherwise exempted by the state or this ordinance.
2. The discharge of domestic waste including greywater and effluent to the waters of the state or to the ground surface is prohibited.
3. All structures or premises in the county that are permanently or intermittently intended for human habitation or occupancy, which are not serviced by a public sewer, shall have a system for holding, treatment, and dispersal of domestic wastewater, which complies with the provisions of this ordinance and all applicable state laws governing the location, construction, and use of private sewage systems: § 59.70(5), Chs. 145, 281.48 and 986.10, Wis. Stats.; Chs. SPS 352.63, SPS 381-85, SPS 387, SPS 391, NR 113 and NR 116 Wis. Adm. Code.

4. A non-plumbing sanitation system may be permitted only when the structure or premises served by the non-plumbing system is not provided with an indoor plumbing system. If plumbing is installed in the structure or water under pressure is supplied to the structure, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided.
5. Any POWTS, or portion(s) thereof, installed within a floodplain, shall comply with all applicable requirements of NR 116, Wisconsin Administrative Code and the Polk County Floodplain Zoning Ordinance.
6. A sanitary permit shall be obtained by the property owner, his/her agent or contractor, in the name of the property owner, before a POWTS or non-plumbing sanitary system may be installed, replaced, reconnected or modified. Any property owner, his/her agent or contractor, who starts construction prior to obtaining a sanitary permit is in violation and may be subject to citation or other enforcement action.
7. A written easement is required for POWTS that are proposed to be located on parcels that are not owned by the owner of the wastewater source. The easement shall be of adequate size to accommodate the installation and maintenance of the POWTS. The easement must be recorded in the Register of Deeds Office prior to the issuance of the sanitary permit.
8. If the design wastewater flow of a POWTS for a dwelling is not based upon the number of bedrooms within the dwelling, an affidavit limiting occupancy to the design flow shall be recorded in the Register of Deeds Office.
9. The zoning department shall issue written notice to each applicant whose sanitary permit application is disapproved per Wisconsin Statutes §145.20 (2) (c). Each notice shall list the specific reasons for disapproval and the amendments required to make the application approvable.

Section 6: Soil and Site Evaluations

- A. Soil and site evaluations shall be done prior to the issuance of sanitary permits as specified in SPS 383 or SPS 391, Wis. Adm. Code.
- B. Soil and Site Evaluation Reports must comply with SPS 385, Wis. Adm. Code. for the issuance of a new or replacement sanitary permit. Soil test pits shall be constructed pursuant to SPS 385, Wis. Adm. Code to allow adequate visual observation of the soil profile in place.
- C. County verification of a Soil and Site Evaluation report may be necessary to determine the suitability of a lot for a POWTS. This verification will be made at the discretion of the zoning administrator and will be made prior to the issuance of the sanitary permit. The verification will be filed with the sanitary permit or in a separate file if no sanitary permit has been issued.
- D. A Soil and Site Evaluation Report signed as original by the Certified Soil Tester (CST) conducting the evaluation, must be submitted to the Zoning Department. The report format must comply with § SPS 385.40(2) and pages must be numbered to identify entire report contents. Reports shall be filed on State approved forms.

- E. In addition to minimum requirements in § SPS 385.40(3), the soil and site evaluation report must provide a site plan that contains the following information:
1. A site plan drawn to scale, in addition to the legal description, indicating nearest road(s) for access. The drawing must be fully dimensioned, using the same scale for property features, soil dispersal, and/or treatment area. If the entire property is too large to fit on the page at the accepted scale, the nearest road and/or lot lines may be indicated with a broken line for measured distances from the tested area.
 2. A benchmark must be established within a line of sight to the soil tested area. The benchmark must be identified by a description of the benchmark used. (e.g. lot stake or PVC pipe) The measured distance to the benchmark location must be included on the scale drawing.
 3. Soil pit and/or boring locations must have a ground surface elevation and horizontal reference to the benchmark and/or lot lines. Distances between pit and/or borings must be sufficient to allow adequate square footage for installation of a soil absorption dispersal area appropriate for the soil application rates encountered on the site.
 4. Ground surface contour lines at appropriate intervals should extend beyond the perimeter of the soil-tested area to indicate surface features affecting the size and orientation of a treatment or dispersal system.
 5. Location of easements, floodplain, and the ordinary high water mark must be shown; if available at the time the soil evaluation report is prepared.
- F. Soil and Site Evaluation Reports that do not contain all required information will not be accepted for permitting purposes by the zoning department and therefore cannot be used to design a POWTS.
- G. Review and acceptance of the Soil and Site Evaluation Report by the zoning department cannot guarantee the data will be accurate for installation of a POWTS system. The CST and/or POWTS installer may request field verification of site conditions and/or soil profile descriptions if a determination is needed.
- H. Soil and Site Evaluation Reports that have been accepted will remain on file in the zoning department.

Section 7: Permit Requirements

- A. Every POWTS and non-plumbing system shall require a separate application and sanitary permit.
- B. A sanitary permit is valid for 2 years from the date of issuance, but can be renewed for an additional 2 years.
- C. The sanitary permit shall be issued before the land use permit.
- D. Applications for state sanitary permits shall be submitted to the county on state approved forms.
- E. When any state approval is required for a sanitary system, an original copy of the approval shall be submitted with the sanitary permit application.

F. A state sanitary permit shall be issued by the county prior to the installation, construction, or modification of the following:

1. A POWTS holding component
2. A POWTS treatment component
3. A POWTS dispersal component

G. A sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, baffles, floats, pipes, filters, and pumps.

H. A sanitary permit is not required to connect an accessory building without bedrooms to an existing sanitary system.

I. If any part of a private sewage system has failed, requires replacement, reconnection, or modification, the entire system shall be evaluated for compliance with existing codes prior to sanitary permit issuance. This shall include a soil and site evaluation for those components that utilize in situ soil for treatment or dispersal, unless a valid report is already on file with the County.

J. If any part of the system is found to be defective or not in conformance with the applicable provisions of this ordinance, the sanitary permit application shall include specifications for the repair, renovation, replacement or removal of that part.

K. Change of Plumbers

1. If an owner wishes to change plumbers, it is necessary to furnish the zoning department with the proper forms and plans signed by the new plumber.
2. Sanitary permits requiring state plan approval shall not be issued to a different plumber unless the plan bears the stamp of a plumbing designer or a new state plan approval is received with the new plumber.
3. The change of plumbers shall take place prior to the installation of the POWTS.

L. Revision of sanitary permit

1. Revisions as outlined in SPS 383.22(4)(a), Wis. Adm. Code shall also include the change of plumbers responsible for the POWTS installation.
2. It is the responsibility of the plumber to provide plan revisions that detail any additions, alterations, or other modifications to the original permit.

M. Transfer of sanitary permit.

1. Transfer of ownership of a property for which a valid sanitary permit exists shall be subject to the following:
 - a. The applicable state transfer form shall be submitted to the County.
 - b. The sanitary permit card shall be returned to the County so that a new permit card may be issued.

- c. Transfer of ownership shall not affect the expiration date or renewal requirements

Section 8: County Sanitary Permits

- A. A county sanitary permit shall be issued by the zoning office prior to the land use permit when reconnecting an existing sewer system to a new dwelling to verify that the system is properly connected and functioning properly.
- B. A county sanitary permit shall be issued by the zoning office before a non-plumbing sanitary system is installed including but not limited to: privy, composting toilet, chemical toilets, and incinerating toilets.
- C. Reconnection
 - 1. Reconnection permits do not apply to mobile home parks and campgrounds that are licensed by the State of Wisconsin.
 - 2. A county sanitary permit for a reconnection to an existing POWTS shall be obtained prior to the following, however, the reconnection shall not allow the wastewater load and/or contaminate load of the structure to exceed the limitations of the existing system:
 - a. Construction of a structure to be connected to an existing POWTS.
 - b. Disconnection of a structure from an existing POWTS and connection of another structure to the system.
 - c. Rebuilding a structure that is connected to a POWTS.
 - 3. Prior to issuing a county sanitary permit, the existing POWTS shall be examined to:
 - a. Determine if it is functioning properly or whether it is a failing system.
 - b. Determine if it will be capable of handling the proposed wastewater flow and contaminant load from the building to be served.
 - c. Determine that all minimum setback requirements of SPS 383, Wis. Adm. Code, will be maintained. Well setbacks are pursuant to NR 811 and NR 812 Wis. Adm. Code.
 - 4. Application for a county sanitary permit for a reconnection shall include the following:
 - a. For all systems that utilize in situ soil for a treatment or disposal, a Soil and Site Evaluation report verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater elevation and bedrock complies with SPS 383, Wis. Admin. Code, unless a valid report meeting these criteria is on file with the county;

- b. A report provided by a licensed plumber, certified septage servicing operator or a POWTS inspector relative to the condition, capacities, baffles and manhole covers for any existing treatment or holding tanks;
- c. A report provided by a licensed plumber or POWTS inspector relative to the condition and capacities of all other system components and verifying that the system is not a failing system;
- d. Complete plans indicating location of piping and existing components.
- e. Reconnection to existing holding tanks may require a new servicing contract and an updated holding tank agreement which meets the requirements of this ordinance;
- f. Reconnection to an existing system other than a holding tank may require a new maintenance agreement or contract.
- g. Replacing a structure with a new or different structure within two years of the date of permit issuance will only require statements indicating that the system has not been altered, that a modification in wastewater flow or contaminant load will not occur, and a plot plan that documents all setbacks between the structure and system components.

Section 9: Maintenance and Management

- A. All private sewage systems and non-plumbing sanitation systems shall be managed and maintained in accordance with SPS 383, 384, and 391, Wisconsin Administrative Code, and this ordinance.
- B. The property owner shall report to the county each inspection, maintenance or servicing event, in accordance with SPS 383, Wisconsin Administrative Code, and this ordinance.
- C. The property owner shall submit a copy of an appropriate maintenance agreement to the county prior to sanitary permit issuance.
- D. The property owner shall submit a new or revised maintenance agreement to the county whenever there is a change to such document.
- E. Circumstances such as inclement weather, road weight restrictions and site limitations may necessitate a delay in septic tank maintenance until conditions permit.

Section 10: Septic Tank Maintenance Program

- A. The applicant for a sanitary permit shall be provided with written notice of the maintenance program at the time the sanitary permit is issued. The records of this notification shall be maintained by the issuing agent. Upon sale of the property, the owner shall provide written notification of the maintenance program to the buyer.
- B. All septic tanks permitted and installed on or after April 21, 1987 shall be visually inspected by a plumber, POWTS inspector, or a person licensed under Sec. 281.48 Wis. Stats., and pumped within three (3) years of the date of installation and at least once every three (3) years thereafter, unless upon inspection the tank is found to have less than 1/3 of the volume occupied by sludge and scum.

- C. Pumping of a septic tank shall be done by a certified septage servicing operator in accordance with NR113, Wisconsin Administrative Code.
- D. Visual inspection of a private sewage system may be conducted by a plumber, a person licensed under § 281.48, Wisconsin Statutes, or by an authorized county or state employee to determine the condition of the tank and whether wastewater or effluent from the POWTS is ponding on the ground surface.
- E. The owner of such septic tank shall furnish the county with a copy of the inspection report, verifying the condition of the tank, whether wastewater or effluent from the POWTS is ponding on the ground surface, and the date of pumping within 30 days of the date of inspection and/or pumping. Reports shall include all information required in SPS 383.55, Wisconsin Administrative Code, and be signed by the person(s) inspecting and pumping the private sewage system. Other maintenance or management reports required by SPS 383 or 84, Wisconsin Administrative Code, should be included with this report.

Section 11: Holding Tank Maintenance Program

- A. The owner of the holding tank shall enter into a maintenance agreement with the appropriate city, village, or town, guaranteeing that the local governmental unit which signed the agreement will service the holding tank, if the owner fails to have the holding tank properly serviced in response to orders issued by the county. The maintenance agreement shall be binding upon the owner, their heirs, and assignees of the owner. The holding tank agreement shall be filed with the Register of Deeds.
- B. The owner or agent shall submit a copy of the holding tank agreement and management plan when plans are submitted to the county for review.

Section 12: Construction Changing Wastewater Flow

- A. Prior to commencing the construction of an addition to or modification of a structure, which will affect the wastewater flow and/or contaminant load to an existing POWTS, the owner(s) of the property shall:
 - 1. Possess a sanitary permit to construct a new POWTS system or modify an existing POWTS to accommodate the modification in wastewater flow or contaminant load or;
 - 2. Provide the following to the County:
 - a. Documentation that a Private Sewage System of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, as specified in SPS 383, Wis. Adm. Code;
 - b. Documentation showing that the location of the proposed structure conforms to the applicable setback distances to all of the existing POWTS components; and

- c. An undersized system affidavit that is recorded in the Register of Deeds office prior to the issuance of the land use permit.
3. If the existing private sewage system is found not to be compliant with this ordinance, construction of the building addition or modification shall be allowed only if a sanitary permit has been issued to modify or replace the existing POWTS.
4. Any installation, addition, modification of a POWTS must be completed and accepted before the addition or modified area of the structure may be occupied.

Section 13: Non-plumbing Sanitary Systems

- A. A portable restroom (satellite) is exempt from the requirements of this ordinance.
- B. An affidavit shall be recorded in the Register of Deeds office for any non-plumbing sanitary system.
- C. A non-plumbing sanitary system must meet all the requirements of SPS 381-387 and SPS 391, and be state approved if applicable.
- D. A site plan shall be submitted along with the county sanitary permit application for all non-plumbing sanitary systems.
- E. Privies
 1. A county sanitary permit is required prior to the construction or location of a privy.
 2. Privies and portable restrooms shall be constructed and maintained in a clean condition so that insects and rodents cannot enter the vault.
 3. No plumbing shall be installed in the privy.
 4. Privies and portable restrooms shall be located at a minimum horizontal distance of; 25 feet from dwellings, 25 feet from the lot line, 50 feet from the open pit privy to the well or 25 feet from a vault privy to the well, 75 feet from a stream, lake or other water course, and 25 feet from the edge of a slope greater than 20%.
 5. Pit privy permit applications shall be accompanied by a soil test provided by a certified soil tester to determine compliance with SPS 391, Wis. Adm. Code.
 6. The structure that is placed over the vault or pit shall be constructed to these minimum standards:
 - a. The structure over the vault or pit shall have a minimum of 12 sq. ft. in floor area.
 - b. The height of the interior walls shall be at least 6.5 feet or 78" in height.
 - c. The vault or pit shall be provided with a vent pipe with a minimum diameter of 3 inches and shall extend at least one foot above the roof.
 - d. The storage chamber of a vault privy shall have a minimum storage capacity of 200 gallons or one cubic yard and shall comply with DSPS 384.25.
 - e. All windows, vents and other openings shall be screened to prevent entrance of insects and rodents and the door shall be self-closing.

Section 14: Inspections

- A. The plumber must give notice for final inspection of all POWTS installed to the zoning department in accordance with SPS 383.
- B. The entire system shall be left completely open until it has been inspected, unless the zoning department fails to inspect within the time period specified in SPS 383.
- C. The plumber shall provide the proper equipment and assistance to complete the inspection.
- D. POWTS may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the inspector.

Section 15: Failing Systems

- A. When a failing private sewage system is identified, it shall be brought into compliance with current code requirements, replaced with a code compliant system, or its use discontinued within that period of time required by county order.
- B. Unlawfully modified private sewage systems, a private sewage system that has sewage bypassed, or a holding tank which is discharging untreated or partially treated sewage to the ground surface or surface waters, may be ordered by the county or the department to be corrected or replaced with a code compliant system.

Section 16: Abandonment of Private Sewage Systems

- A. The components of an existing private sewage system that are not part of the approved design of a replacement system shall be abandoned at the time of the installation of the replacement system by the plumber responsible for the installation of the system. The abandonment shall comply with DSPS 383, Wis. Adm. Code.

Section 17: Administrative Provisions

- A. The Zoning Administrator or designee shall act as the Polk County issuing agent of the statutes and is hereby assigned the duties of administering the POWTS program.
- B. In accordance with state law (e.g. Ch. 145 Wis. Stats. And SPS 383 Wis. Adm. Code) the Zoning Administrator may inspect at any time, with or without notice, the construction, installation, operation or maintenance of a POWTS to ascertain whether the POWTS conforms to plans approved, the conditions of approval and this chapter, or any applicable law, regulation or rule.
- C. Appeals
 - 1. Any person aggrieved by a written administrative decision made by the Zoning Administrator, or his/her designee, may appeal the decision to the Board of Adjustment within 30 days of the date of a written decision.

2. An appeal shall be in writing and shall be made on a form provided by the zoning department.
3. The Zoning Department will prepare proper notices and schedule the appeal with the Board of Adjustment.

Section 18: Fees

- A. Fees shall be as determined and adjusted from time to time by the Environmental Services Committee and as maintained by the Land Information Department in its "Polk County Land Information Department Fee Schedule." Pursuant to Wis. Stat. § 66.0628(2), any fee imposed shall have a reasonable relationship to the service for which the fee is imposed.

Section 19: Enforcement

- A. Any person who fails to comply with the provisions of this ordinance, or any order of the County issued in accordance with this ordinance, or resists enforcement, shall be subject to a citation, after the fact fees, or other enforcement action.
- B. As authorized by Wis. Stat. Chapter 66, the Zoning Administrator or the County Zoning Agency shall issue citations for any violations of this Ordinance. 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 two-hundred (\$200.00) dollars nor more than one-thousand (\$1000.00) dollars per offense, together with the taxable costs of action. Each day of continued violation shall constitute a separate offense. Every violation of this Ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance there may be abated by action at suit of the county, the state, or any citizen thereof pursuant to Section 87.30(2), Wisconsin Statutes. The County also retains the summons and complaint avenue for forfeitures and remedial action as provided by Wis. Stat. Section 59.69(11).
- C. There shall be a penalty fee of five-hundred (\$500.00) dollars added to the regular fee in those cases where work is commenced without first obtaining a sanitary permit.
- D. The Zoning Department may issue an on-site stop work order, as appropriate, whenever it determines that a violation of this Ordinance or the sanitary permit is taking place.

Polk County Ordinance No. 11-17, Ordinance to Enact Amended Polk County Private Sewage System Ordinance

And

Polk County Ordinance No. 12-17, Ordinance to Enact Amended Polk County Floodplain Zoning Ordinance

And

Polk County Ordinance No. 13-17, Ordinance to Enact Amended Polk County Chapter 18 Subdivision Ordinance

Notice is hereby given that the Polk County Board of Supervisors, did adopt the above listed ordinances during the Tuesday, March 21, 2017, regular meeting of the Polk County Board of Supervisors.

Ordinance No. 11-17, No. 12-17, and No. 13-17 shall be effective on March 29, 2017.

The purpose of the Private Sewage System Ordinance is to promote and protect public health and safety through proper siting, design, installation, inspection, maintenance, and management of private onsite wastewater treatment systems.

The Floodplain Zoning Ordinance is intended to regulate floodplain development to protect public health, safety, and property through minimizing expenditures, rescue and relief efforts, and damage to structures or facilities within the floodplain.

The purpose of the Chapter 18 Subdivision Ordinance is to regulate and control subdivision development within Polk County in order to promote public health, safety, general welfare, water quality, and aesthetics. This can be accomplished by orderly layout and use of land, providing safe access to highways, roads and streets, facilitating adequate water, sewer, transportation and surface drainage systems, parks, playgrounds and other public facilities.

Complete copies of Ordinance No. 11-17, No. 12-17, and No. 13-17 may be obtained by contacting the Polk County Clerk office, located at 100 Polk County Plaza, Suite 110, Balsam Lake, Wisconsin or by calling 715-485-9226. The complete documents may also be viewed on line on the Polk County Website at: www.co.polk.wi.us under the Division of Zoning.

Ordinance No. 12-17

Ordinance To Enact Amended Polk County Floodplain Zoning Ordinance

TO THE HONORABLE MEMBERS OF THE POLK COUNTY BOARD OF SUPERVISORS:

Ladies and Gentlemen:

WHEREAS, on August 16, 2011, the Polk County Board of Supervisors enacted the Ordinance No. 38-11, entitled as Polk County Floodplain Zoning Ordinance; and

WHEREAS, Wisconsin Administrative Code NR 116, was amended to include provisions that changed the regulatory authority of the county in mapped floodplain areas; and

WHEREAS, on January 25, 2017, the Polk County Zoning Administrator filed pursuant to Wisconsin Statute Section 59.69(5)(e) a petition that sought to amend Polk County Floodplain Zoning Ordinance, through the enactment of the proposed Amended Polk County Floodplain Zoning Ordinance; and

WHEREAS, amendment of the floodplain related provisions of the Polk County Floodplain Zoning Ordinance, will revise County floodplain zoning provisions to conform to state statutes and applicable Wisconsin Department of Natural Resources regulation and provide for a floodplain zoning ordinance that may be administered and enforced consistent with state law.

WHEREAS, on February 15, 2017, the Polk County Environmental Services Committee, as the planning and zoning committee, opened and held a public hearing on the petition to amend the Polk County Floodplain Zoning Ordinance; and

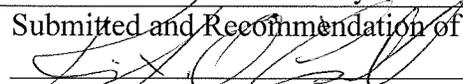
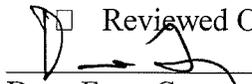
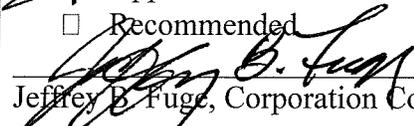
WHEREAS, after considering public input received in the public hearing and incorporating such public input and recommendations of the Wisconsin Department of Natural Resources, as appropriate, the Polk County Environmental Services Committee recommended that the Polk County Board of Supervisors enact as and for the county's floodplain zoning ordinance under Wisconsin Statute Sections 59.69, 59.692, 59.694, and 87.30 the attached proposed ordinance, entitled "Amended Polk County Floodplain Zoning Ordinance".

NOW, THEREFORE, pursuant to Wisconsin Statute Sections 59.692(2)(a) and 59.69(5)(e), the Polk County Board of Supervisors ordains as follows:

1. The Amended Polk County Floodplain Zoning Ordinance, attached hereto and incorporated herein, is enacted.
2. The Polk County Zoning Administrator is directed to forward the Amended Polk County Floodplain Zoning Ordinance to the Wisconsin Department of Natural Resources.
3. Pursuant to Wisconsin Statute Sections 59.14(1) and 985.01(5), the County Clerk is directed to cause to be published the ordinance enacted herein.

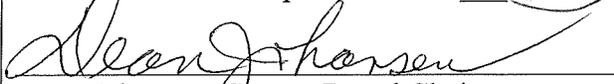
31
32

4. The Amended Polk County Floodplain Zoning Ordinance shall be effective upon passage and publication as provided by law.
(Said ordinance attachment can be obtained by contacting the Polk County Clerk Office or by viewing it on the Polk County Website.)

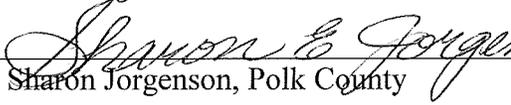
Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon Passage and Publication
Dated Submitted To County Board	March 21, 2017
Submitted and Recommendation of the Polk County Environmental Services Committee:  _____ Kim O'Connell, Committee Chair	
Review by County Administrator:	Review By Corporation Counsel
<input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only  Dana Frey, County Administrator	<input checked="" type="checkbox"/> Approved as to Form <input type="checkbox"/> Recommended  Jeffrey B. Fuge, Corporation Counsel

County Board Action

At its regular business meeting on ~~April 18,~~ ^{March 21,} 2017 the Polk County Board of Supervisors enacted the above-entitled ordinance: Ordinance No. ~~18-17.~~ Ordinance To Enact Amended Polk County Floodplain Zoning Ordinance, by majority vote of the entire membership of a vote of in favor and — against. *unanimous vote in favor of.*


Dean Johansen, County Board Chairperson

Dated: 3/23/17

Attest: 
Sharon Jorgenson, Polk County

Dated: 3-23-17

Certification of Publication

The above-enacted ordinance, Ordinance No. ~~18-17.~~ Ordinance To Enact Amended Polk County Floodplain Zoning Ordinance, was published in the Inter-County Leader on the 29th day of March, ~~2016.~~ 2017


Sharon Jorgenson, County Clerk

Dated: 3-23-17

CERTIFIED COPY OF POLK COUNTY ORDINANCE

STATE OF WISCONSIN)

) SS

COUNTY OF POLK)

I, Sharon E. Jorgenson, Polk County Clerk, do hereby certify that the attached hereto and incorporated herein is a full, true and correct copy of Polk County Ordinance -

*Ordinance to Enact Amended Polk County Floodplain
Zoning Ordinance*

No. 12-17 that was adopted by the Polk County Board of Supervisors on

the 21st day of March, 2017.

Sharon E. Jorgenson 3/22/17
Sharon E. Jorgenson Date
Polk County Clerk

March 14, 2017

Floodplain Zoning Ordinance Required Amendments

Page 9, Section 1.5 Definitions:

"START OF CONSTRUCTION" - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within ~~1-year~~ 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Page 31, Section 7.1(3) Expiration

All permits issued under the authority of this ordinance shall ~~commence within one year from the date of approval and be completed within two years, after which time the permit expires.~~ expire no more than 180 days after issuance. The permit may be extended upon review of the zoning administrator for a maximum of another 180 days if the FIRM and FIS have not changed from the date of issuance.

JK

POLK COUNTY FLOODPLAIN ZONING ORDINANCE

Ordinance No. 12-17

Polk County Floodplain Zoning Ordinance

Enacted: March 21, 2017; Published: March 29, 2017

Effective Date: March 29, 2017

Polk County Land Information Department
Polk County Government Center
100 Polk County Plaza, Suite 130
Balsam Lake, WI 54810
715-485-9111
715-485-9246 Fax

SEC 1.0	STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS	1
1.1	Statutory Authorization.....	1
1.2	Finding of Fact.....	1
1.3	Statement of Purpose	1
1.4	Title	1
1.5	Definitions.....	1
1.6	General Provisions.....	10
SEC 2.0	GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN.....	14
2.1	Hydraulic and Hydrologic Analyses.....	14
2.2	Watercourse Alterations.....	15
2.3	Chapter 30, 31, WIS. Stats. Development	15
2.4	Public or Private Campgrounds	15
SEC 3.0	FLOODWAY DISTRICT (FW).....	16
3.1	Applicability	16
3.2	Permitted Uses	16
3.3	Standards for Development in Floodway	17
3.4	Prohibited Uses	18
SEC 4.0	FLOODFRINGE DISTRICT (FF).....	18
4.1	Applicability	18
4.2	Permitted Uses	18
4.3	Standards for Development in Floodfringe District.....	19
SEC 5.0	GENERAL FLOODPLAIN DISTRICT (GFP).....	21
5.1	Applicability	21
5.2	Permitted Uses	21
5.3	Standards for Development in the General Floodplain District.....	21
5.4	Determining Floodway and Floodfringe Limits	21
SEC 6.0	NONCONFORMING USES.....	22
6.1	General.....	22
6.2	Floodway District.....	24
6.3	Floodfringe District.....	25
SEC 7.0	ADMINISTRATION	26
7.1	Zoning Administrator.....	26
7.2	Zoning Agency.....	31
7.3	Board of Adjustment.....	32
7.4	To Review appeals of Permit Denials.....	34
7.5	Floodproofing	35
7.6	Public Information	35
SEC 8.0	AMENDMENTS	35
8.1	General.....	36
8.2	Procedures.....	36
SEC 9.0	ENFORCEMENT AND PENALTIES.....	37
APPENDIX A	FLOODPLAIN STUDY	38
APPENDIX B	AMENDMENTS TO THE FLOODPLAIN ZONING ORDINANCE	39

POLK COUNTY FLOODPLAIN ZONING ORDINANCE
(Effective _____)

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

1.1 Statutory Authorization

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

1.2 Finding of Fact

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

1.3 Statement of Purpose

This ordinance is intended to regulate floodplain development to:

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

1.4 Title

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

1.5 Definitions

Unless specifically defined below, words and phrases used in this ordinance shall have the same meaning as they have at common law and to give this ordinance it's most reasonable application. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

"A ZONES" - Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

"AH ZONE" – See "AREA OF SHALLOW FLOODING".

"AO ZONE" – See "AREA OF SHALLOW FLOODING".

"ACCESSORY STRUCTURE OR USE" - A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

"ALTERATION" – An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

"AREA OF SHALLOW FLOODING" – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

"BASE FLOOD" - Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

"BASEMENT" - Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.

"BUILDING" - See STRUCTURE.

"BULKHEAD LINE" - A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary high water mark, except where such filling is prohibited by the floodway provisions of this ordinance.

"CAMPGROUND" - Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

"CAMPING UNIT" - Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.

"CERTIFICATE OF COMPLIANCE" - A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

"CHANNEL" – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

"CRAWLWAYS" OR "CRAWL SPACE" - An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.

"DECK" – An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

"DEPARTMENT" - The Wisconsin Department of Natural Resources.

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

"DRYLAND ACCESS" - A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

"ENCROACHMENT" - Any fill, structure, equipment, building, use or development in the floodway.

"FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)" - The federal agency that administers the National Flood Insurance Program.

"FLOOD" or "FLOODING" – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- The overflow or rise of inland waters,
- The rapid accumulation or runoff of surface waters from any source,
- The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or

The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

"FLOOD FREQUENCY" - The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.

"FLOOD HAZARD BOUNDARY MAP" - A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

"FLOOD INSURANCE RATE MAP" (FIRM) - A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

"FLOOD INSURANCE STUDY" (FIS) - A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

"FLOOD PROFILE" - A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

"FLOOD PROTECTION ELEVATION" - An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD).

"FLOOD STORAGE" - Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

"FLOODFRINGE" (FF) - That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

"FLOODPLAIN" - Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

"FLOODPLAIN ISLAND" - A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

"FLOODPLAIN MANAGEMENT" - Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

"FLOODPROOFING" - Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

"FLOODWAY" (FW) - The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

"FREEBOARD" - A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

"HABITABLE STRUCTURE" - Any structure or portion thereof used or designed for human habitation.

"HEARING NOTICE" - Publication or posting meeting the requirements of Ch. 985, Wis. Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

"HIGH FLOOD DAMAGE POTENTIAL" - Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

"HIGHEST ADJACENT GRADE" – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"HISTORIC STRUCTURE" - Any structure that is either:

Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,

Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district

preliminarily determined by the Secretary to qualify as a registered historic district,
Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

"INCREASE IN REGIONAL FLOOD HEIGHT" - A calculated upward rise in the regional flood elevation, greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

"LAND USE" - Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

"LOWEST ADJACENT GRADE" – Elevation of the lowest ground surface that touches any of the exterior walls of a building.

"LOWEST FLOOR" – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

"MAINTENANCE" – The act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

"MANUFACTURED HOME" - A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

"MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION" – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

"MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING" A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective

date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

“MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING” The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

"MOBILE RECREATIONAL VEHICLE" - A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

“MODEL, CORRECTED EFFECTIVE” – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

“MODEL, DUPLICATE EFFECTIVE” – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

“MODEL, EFFECTIVE” – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

“MODEL, EXISTING” (PRE-PROJECT) – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

“MODEL, REVISED” (POST-PROJECT) – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

"MUNICIPALITY" or "MUNICIPAL" - The County of Polk.

"NGVD" or "NATIONAL GEODETIC VERTICAL DATUM" - Elevations referenced to mean sea level datum, 1929 adjustment.

"NEW CONSTRUCTION" - For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective

date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

"NONCONFORMING STRUCTURE" - An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

"NONCONFORMING USE" - An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

"OBSTRUCTION TO FLOW" - Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

"OFFICIAL FLOODPLAIN ZONING MAP" - That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.

"OPEN SPACE USE" - Those uses having a relatively low flood damage potential and not involving structures.

"ORDINARY HIGHWATER MARK" (OHWM) - The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

"PERSON" - An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

"PRIVATE SEWAGE SYSTEM" - A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services listed in SPS382-387, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

"PUBLIC UTILITIES" - Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

"REASONABLY SAFE FROM FLOODING" - Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

"REGIONAL FLOOD" - A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

"START OF CONSTRUCTION" - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"STRUCTURE" - Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

"SUBDIVISION" - Has the meaning given in s. 236.02(12), Wis. Stats.

"SUBSTANTIAL DAMAGE" - Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

"SUBSTANTIAL IMPROVEMENT" - Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any

alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

"UNNECESSARY HARDSHIP" - Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

"VARIANCE" - An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

"VIOLATION" - The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

"WATER SURFACE PROFILE" - A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

"WATERSHED" - The entire region contributing runoff or surface water to a watercourse or body of water.

"WELL" - means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

1.6 General Provisions

(1) Areas to be regulated

This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) and other maps approved by the DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study and are shown as AE, A 1-30, and AH zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional flood elevations may be derived from other studies.

(2) Official Maps & Revisions

The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below and the revisions in the Polk County Floodplain Appendix. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the Flood

Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see s. 8.0) before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Polk County Zoning Department. If more than one map or revision is referenced, the most restrictive information shall apply.

OFFICIAL MAPS based on the FIS:

- (a) Flood Insurance Rate Map (FIRM), panel numbers 55095C0020D, 55095C0040D, 55095C0045D, 55095C0065D, 55095C0070D, 55095C0085D, 55095C0090D, 55095C0095D, 55095C0105D, 55095C0110D, 55095C0115D, 55095C0120D, 55095C0130D, 55095C0135D, 55095C0140D, 55095C0145D, 55095C0155D, 55095C0160D, 55095C0165D, 55095C0170D, 55095C0185D, 55095C0205D, 55095C0210D, 55095C0215D, 55095C0220D, 55095C0230D, 55095C0235D, 55095C0240D, 55095C0255D, 55095C0260D, 55095C0270D, 55095C0280D, 55095C0285D, 55095C0290D, 55095C0295D, 55095C0305D, 55095C0310D, 55095C0315D, 55095C0320D, 55095C0330D, 55095C0355D, 55095C0360D, 55095C0370D, 55095C0385D, 55095C0390D, 55095C0395D, 55095C0405D, 55095C0410D, 55095C0415D, 55095C0420D, 55095C0430D, 55095C0435D, 55095C0440D, 55095C0445D, 55095C0455D, 55095C0465D, 55095C0470D, 55095C0492D, 55095C0494D, 55095C0502D, 55095C0504D, 55095C0506D, 55095C0510D, 55095C0511D, 55095C0520D, 55095C0530D, 55095C0535D, 55095C0540D, 55095C0545D, 55095C0555D, 55095C0560D, 55095C0565D, 55095C0570D, 55095C0576D, 55095C0577D, 55095C0578D, 55095C0579D, 55095C0585D, 55095C0586D, 55095C0590D, 55095C0595D, 55095C0605D, 55095C0610D, 55095C0632D, 55095C0634D, 55095C0651D, 55095C0653D, 55095C0680D, 55095C0685D, 55095C0705D, 55095C0710D, 55095C0730D, 55095C0735D, 55095C0755D dated September 16, 2011; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated September 16, 2011, Volume number 55095CV000A, Approved by: The DNR and FEMA
- (b) Official maps based on other studies approved by the DNR that are more restrictive than those based on the FIS at the site of the proposed development. (See Appendix)

(3) Establishment of Floodplain Zoning Districts

The regional floodplain areas are divided into three districts as follows:

- (a) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within the AE Zones as shown on the FIRM.

- (b) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway and displayed as the AE Zones on the FIRM.
- (c) The General Floodplain District (GFP) are those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH, and AO zones on the FIRM.

(4) Locating Floodplain Boundaries

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

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

(5) Removal of Lands from Floodplain

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

(6) Compliance

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

(7) Municipalities and State Agencies Regulated

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State

agencies are required to comply if s. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s. 30.2022 Wis. Stats. applies.

(8) Abrogation and Greater Restrictions

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

(9) Interpretation

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

(10) Warning and Disclaimer of Liability

The flood protection standards in this ordinance are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) Severability

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

(12) Annexed Areas for Cities and Villages

The Polk County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, National Flood Insurance

Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

SEC 2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials to minimize flood damages; and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. 7.1(2). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

2.1 Hydraulic and Hydrologic Analyses

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

Note: This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.

2.2 Watercourse Alterations

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

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

2.3 Chapter 30, 31, WIS. Stats. Development

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

2.4 Public or Private Campgrounds

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

- (1) The campground is approved by the Department of Health and Family Services;
- (2) A land use permit for the campground is issued by the zoning administrator;
- (3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
- (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state department of health and family services and all other applicable regulations;
- (6) Only camping units are allowed that are fully licensed and ready for highway use are allowed;
- (7) The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;

- (8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;
- (9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- (10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either s. 3.0, 4.0, or 5.0 for the floodplain district in which the structure is located;
- (11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- (12) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

SEC 3.0 FLOODWAY DISTRICT (FW)

3.1 Applicability

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

3.2 Permitted Uses

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

They are not prohibited by any other ordinance;
 They meet the standards in s. 3.3 and 3.4; and
 All permits or certificates have been issued according to s. 7.1;

- (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
- (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
- (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).
- (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. 3.3 and 3.4.
- (5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).
- (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30, 31, Wis. Stats.

- (7) Public utilities, streets and bridges that comply with s. 3.3(3).

3.3 Standards for Development in Floodway

(1) General

- (a) Any development in the floodway shall comply with s. 2.0 and have low flood damage potential.
- (b) Applicants shall provide the following data to determine the effects of the proposal according to s. 2.1:
 - 1. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - 2. An analysis calculating the effects of this proposal on regional flood height.
- (c) The zoning administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for sub. (b) above.

(2) Structures

Structures accessory to permanent open space uses, classified as historic structures, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- (a) The structures are not designed for human habitation, do not have a high flood damage potential, and is constructed to minimize flood damage.
- (b) The structures are constructed and placed on the building site causing no increase in flood heights during the occurrence of the regional flood and must not obstruct flow of flood waters.
- (c) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (d) The structures are properly anchored to resist flotation, collapse, lateral movement; and
- (e) Mechanical and utility equipment is elevated or flood proofed to or above the flood protection elevation.

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

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

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

3.4 Prohibited Uses

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

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

SEC 4.0 FLOODFRINGE DISTRICT (FF)

4.1 Applicability

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

4.2 Permitted Uses

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

4.3 Standards for Development in Floodfringe District

- (1) All of the provisions of s. 2.1 shall apply. In addition, the following requirements shall apply according to the use requested. Any existing structure in the flood fringe must meet the requirements of s. 6.0 Nonconforming Uses;
- (2) Residential Uses: Any structure, including a manufactured home, which is to be newly constructed, or moved into the floodfringe, shall meet or exceed the following standards;
 - (a) The elevation of the lowest floor, shall be at or above the flood protection elevation on fill unless the requirements of s 4.3 (1)
 - (b) (b) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
 - (c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in sub. (d).
 - (d) In developments where existing street or sewer line elevations make compliance with sub. (c) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 1. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 2. The municipality has a DNR-approved emergency evacuation plan.
- (3) Accessory Structures or Uses: Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
- (4) Commercial Uses: Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of s. 4.3(1). Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (5) Manufacturing and Industrial Uses: Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s. 7.5. Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (6) Storage of Materials: Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 7.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- (7) Public Utilities, Streets and Bridges: All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

- (a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 7.5;
 - (b) Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- (8) Sewage Systems: All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 7.5(3), to the flood protection elevation and shall meet the provisions of all local ordinances and SPS 383, Wis. Adm. Code.
- (9) Wells: All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 7.5(3), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.
- (10) Solid Waste Disposal Sites: Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- (11) Deposition of Materials: Any deposited material must meet all the provisions of this ordinance.
- (12) Manufactured Homes
- (a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
 - (b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 1. Have the lowest floor elevated to the flood protection elevation; and
 2. Be anchored so they do not float, collapse or move laterally during a flood.
 - (c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 4.3(2).
- (13) Mobile Recreational Vehicles: All mobile recreational vehicles that are not located in a public or private campground will not be allowed on any lot for more than one fourteen (14) day period in any sixty (60) consecutive days. They must be fully licensed and ready for highway use. They shall meet the elevation and anchoring requirements in s.4.3(12)(b) and (c). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

SEC 5.0 GENERAL FLOODPLAIN DISTRICT (GFP)

5.1 Applicability

The provisions for this district shall apply to all floodplains mapped as A, AO, or AH zones, or AH Zones.

5.2 Permitted Uses

Pursuant to s. 5.4, it shall be determined whether the proposed use is located within the floodway or floodfringe.

Those uses permitted in the Floodway (s. 3.2) and Floodfringe (s. 4.2) Districts are allowed within the General Floodplain District, according to the standards of s. 5.3, provided that all permits or certificates required under s. 7.1 have been issued.

5.3 Standards for Development in the General Floodplain District

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

- (1) In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:
 - (a) at or above the flood protection elevation; or
 - (b) two (2) feet above the highest adjacent grade around the structure; or
 - (c) the depth as shown on the FIRM
- (2) In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

5.4 Determining Floodway and Floodfringe Limits

Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

- (1) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations, flood proofing measures, and the flood zone as mapped on the FIRM.
- (2) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:

- (a) A Hydrologic and Hydraulic Study as specified in s. 7.1(2)(c).
- (b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
- (c) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

SEC 6.0 NONCONFORMING USES

6.1 General

(1) Applicability

If these standards conform to s. 59.69(10), Wis. Stats., they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

- (2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions: Note: The nonconforming provisions of this ordinance may vary from the nonconforming provisions of the Polk County Shoreland Protection Zoning Ordinance and NR 115 Wis. Admin. Code.

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

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

- (b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- (c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all

modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

- (d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(2). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- (e) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1).
- (f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1).
- (g) Except as provided in sub. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition exceeds 50% of the structure's present equalized assessed value.
- (h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

1. Residential Structures

- (a) Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of s. 7.5(2).
- (b) Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the

effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.

- (c) Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (d) In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
- (e) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.3(1).
- (f) In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

2. Nonresidential Structures

- (a) Shall meet the requirements of s. 6.1(2)(h)1 a-b and e-g.
- (b) Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 7.5(1) or (2).
- (c) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.3(1).

- (I) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with s. 3.3 (1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 6.1(2)(h)1 if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

6.2 Floodway District

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
 - (a) Has been granted a permit or variance which meets all ordinance requirements;
 - (b) Meets the requirements of s. 6.1;
 - (c) Shall not increase the obstruction to flood flows or regional flood height; and
 - (d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation; and
- (e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 4. The use must be limited to parking, building access or limited storage.
- (2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and SPS 383, Wis. Adm. Code.
- (3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and NR 811 and NR 812, Wis. Adm. Code.

6.3 Floodfringe District

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of s. 4.3, except where s. 6.3(2) is applicable.
- (2) Where compliance with the provisions of sub.(1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with high flood damage potential, the Board of Adjustment, using the procedures established in s. 7.3, may grant a variance from those provisions of sub. (1) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
- (a) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (b) Human lives are not endangered;
 - (c) Public facilities, such as water or sewer, shall not be installed;
 - (d) Flood depths shall not exceed two feet;
 - (e) Flood velocities shall not exceed two feet per second; and
 - (f) The structure shall not be used for storage of materials as described in s. 4.3(5).

- (3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, 7.5(3) and SPS 383, Wis. Adm. Code.
- (4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, s. 7.5(3) and NR 811 and NR 812, Wis. Adm. Code.

SEC 7.0 ADMINISTRATION

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

7.1 Zoning Administrator

(1) Duties and Powers

The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

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

- (f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- (g) Submit copies of amendments and biennial reports to the FEMA regional office.

(2) Land Use Permit

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

(a) General Information

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

(b) Site Development Plan

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

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

(c) Hydraulic and hydrologic studies to analyze development

All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the state. The study contractor

shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

1. Zone A floodplains:

a. Hydrology

- i. The appropriate method shall be based on the standards in NR116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

b. Hydraulic modeling

The regional flood elevation shall be based on the standards in NR116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

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

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

- c. Mapping

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

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

- 2. Zone AE Floodplains

- a. Hydrology

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

- b. Hydraulic model

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

- i. Duplicate Effective Model

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

- ii. Corrected Effective Model.

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

- iii. Existing (Pre-Project Conditions) Model.

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

iv. Revised (Post-Project Conditions) Model.

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

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

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

c. Mapping

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

- i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
- ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
- iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
- iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
- v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
- vii. Both the current and proposed floodways shall be shown on the map.

viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

(3) Expiration

All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended upon review of the zoning administrator for a maximum of another 180 days if the FIRM and FIS have not changed from the date of issuance.

(4) Certificate of Compliance

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

- (a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- (b) Application for such certificate shall be concurrent with the application for a permit;
- (c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- (d) The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or registered architect that the requirements of s. 7.5 are met.

(5) Other Permits

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

7.2 Zoning Agency

(1) The Polk County Environmental Services Committee shall:

- (a) Oversee the functions of the office of the zoning administrator; and
- (b) Review and advise the governing body on all proposed amendments to this ordinance, maps and text.

(2) The zoning agency shall not:

- (a) Grant variances to the terms of the ordinance in place of action by the Board of Adjustment; or
- (b) Amend the text or zoning maps in place of official action by the governing body.

7.3 Board of Adjustment

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

(1) Powers and Duties: The Board of Adjustment shall:

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

(2) Appeals to the Board

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

(b) Notice and Hearing for Appeals Including Variances

1. Notice - The board shall:

- a. Fix a reasonable time for the hearing;
- b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
- c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

2. Hearing - Any party may appear in person or by agent or attorney. The board shall:

- a. Resolve boundary disputes according to s. 7.3(3).
- b. Decide variance applications according to s. 7.3(4).

c. Decide appeals of permit denials according to s. 7.4.

(c) Decision: The final decision regarding the appeal or variance application shall:

1. Be made within a reasonable time;
2. Be sent to the Department Regional office within 10 days of the decision;
3. Be a written determination signed by the chairman or secretary of the Board;
4. State the specific facts which are the basis for the Board's decision;
5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) Boundary Disputes

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

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

(4) Variance

- (a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 1. Literal enforcement of the ordinance provisions will cause unnecessary hardship;
 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 3. The variance is not contrary to the public interest; and
 4. The variance is consistent with the purpose of this ordinance in s. 1.3.
- (b) In addition to the criteria in sub. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:
 1. The variance shall not cause any increase in the regional flood elevation;

2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and
 3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
- (c) A variance shall not:
1. Grant, extend or increase any use prohibited in the zoning district.
 2. Be granted for a hardship based solely on an economic gain or loss.
 3. Be granted for a hardship which is self-created.
 4. Damage the rights or property values of other persons in the area.
 5. Allow actions without the amendments to this ordinance or map(s) required in s. 8.0 Amendments; and
 6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- (d) When a floodplain variance is granted the Board shall notify the applicant in writing that it may risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

7.4 To Review appeals of Permit Denials

- (1) The Board shall review all data related to the appeal. This may include:
 - (a) Permit application data listed in s. 7.1(2).
 - (b) Floodway/floodfringe determination data in s. 5.4.
 - (c) Data listed in s. 3.3(1)(b)2. where the applicant has not submitted this information to the zoning administrator; and
 - (d) Other data submitted with the application, or submitted to the Board with the appeal.
- (2) For appeals of all denied permits the Board shall:
 - (a) Follow the procedures of s. 7.3;
 - (b) Consider zoning agency recommendations; and
 - (c) Either uphold the denial or grant the appeal.
- (3) For appeals concerning increases in regional flood elevation the Board shall:
 - (a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s. 8.0 Amendments; and

- (b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

7.5 Floodproofing

- (1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA floodproofing certificate.
- (2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
 - (a) Certified by a registered professional engineer or architect; or
 - (b) Meets or exceeds the following standards;
 - 1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2. The bottom of all openings shall be no higher than one foot above grade; and
 - 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.
- (3) Floodproofing measures shall be designed, as appropriate, to:
 - (a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - (b) Protect structures to the flood protection elevation;
 - (c) Anchor structures to foundations to resist flotation and lateral movement; and
 - (d) Minimize or eliminate infiltration of flood waters.

7.6 Public Information

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

SEC 8.0 AMENDMENTS

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

In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1. Any such alterations must be reviewed and approved by FEMA and the DNR.

In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 8.1.

8.1 General

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

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

8.2 Procedures

Ordinance amendments may be made upon petition of any interested party according to the provisions of s. 59.69, Wis. Stats. The petitions shall include all data required by ss. 5.4 and The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 59.69, Wis. Stats.
- (2) No amendments shall become effective until reviewed and approved by the Department.

- (3) All persons petitioning for a map amendment that obstructs flow, causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

SEC 9.0 ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a maximum daily penalty of \$50.00, with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Wis. Stats.

APPENDIX A FLOODPLAIN STUDY

Atlas Feed Mill Dam Hydraulic Map, dated September, 1992, prepared by Ayres Associates, Approved by: DNR

Lower Balsam Lake Dam Hydraulic Map, dated July 2000, prepared by Ayres Associates, Approved by: DNR

Kennedy Dam Hydraulic Map, dated February 2003, prepared by SEH, Short Elliott Hendrickson, Inc., Approved by: DNR

Skinaway Lake Dam Hydraulic Map, dated January 2000, prepared by Cooper Engineering Company, Inc., Approved by: DNR

Long Lake Regional Flood Elevation, dated April 10, 2003, prepared by Department of Natural Resources, Approved by: DNR

Lotus Lake Regional Flood Elevation, dated July 2, 1996, prepared by J. McCluskey and P. Ries

Wapogasset Branch and Wapogasset Lake Regional Flood Elevation, dated April 30, 2002, Prepared by Department of Natural Resources, Approved by DNR

Bohn Dam, Dam Failure Analysis Maps, dated February 21, 2012, prepared by Cooper Engineering

Godfrey Lake, Dam Failure Analysis Maps, dated April, 1995, prepared by Ayres Associates, Approved by: DNR

St Croix River, St Croix Falls Dam Failure Analysis Maps, dated January 2013, prepared by Ayres Associates, Approved by: DNR

Big Rock Creek Farm Dam Failure Analysis Maps, dated November 22, 1994, prepared by Barr Engineering, Approved by: DNR

Lower Balsam Lake Dam Failure Analysis Maps (restudy), dated September 2011, prepared by Ayres Associates, Approved by: DNR

Clam River, Clam Falls Dam Failure Analysis Maps, dated July 19, 2016, prepared by Rick Voigt of Voigt Consultants, LLC, Approved by: DNR

North Branch Beaver Creek, Joel Marsh Dam Failure Analysis, dated September 2005, prepared by Northern Environmental, Approved by: DNR

APPENDIX BAMENDMENTS TO THE FLOODPLAIN ZONING ORDINANCE

- 1990, JunePolk County Floodplain Ordinance adopted
- 1991, JuneLargon Lake regional flood elevation (RFE) at 1246.7' mean sea level (MSL)
- 1993, FebruaryAtlas Feed Mill Hydraulic Map -- amended Flood Insurance Study (FIS) maps with corresponding profiles in the FIS, dated June 4, 1990
-Sand Lake (Section 2/T33N/R18W) RFE at 1124' MSL
- 2001, MarchClam Falls Flowage RFE at 1029.4' National Geodetic Vertical Datum (NGVD-29)
-Big Butternut Lake RFE at 1215.4' (NGVD-29)
.....Little Butternut Lake RFE at 1210.3' (NGVD-29)
-Lower & Upper White Ash Lake RFE at 1123.08' USGS (US Geological Survey)
- 2002, October.....Balsam Branch floodplain map & Balsam Branch floodplain data table from Kennedy Dam to Lake Wapogasset
- 2010, MarchLower Balsam Lake Dam Hydraulic Shadow map dated November, 2002
- 2013, JanuaryDam Failure Analysis for Bohn Dam, DNR approval September 13, 2012
- 2013, October.....Dam Failure Analysis for Godfrey Lake Dam, DNR approval July 11, 1995
- 2015, SeptemberDam Failure Analysis for St Croix Falls Dam, on the St Croix River, DNR approval August 8, 2013
- 2015, DecemberDam Failure Analysis for Big Rock Creek Farm Dam, DNR approval November 22, 1994.
- 2015, December... ..Dam Failure Analysis for Lower Balsam Lake Dam (restudy), DNR approval March 7, 2012.
- 2016, October.....Dam Failure Analysis for Clam Falls Dam, DNR approval July 19, 2016.
- 2017, February.....Dam Failure Analysis for Joel Marsh Dam, DNR approval September 2005.

Polk County Ordinance No. 11-17, Ordinance to Enact Amended Polk County Private Sewage System Ordinance

And

Polk County Ordinance No. 12-17, Ordinance to Enact Amended Polk County Floodplain Zoning Ordinance

And

Polk County Ordinance No. 13-17, Ordinance to Enact Amended Polk County Chapter 18 Subdivision Ordinance

Notice is hereby given that the Polk County Board of Supervisors, did adopt the above listed ordinances during the Tuesday, March 21, 2017, regular meeting of the Polk County Board of Supervisors.

Ordinance No. 11-17, No. 12-17, and No. 13-17 shall be effective on March 29, 2017.

The purpose of the Private Sewage System Ordinance is to promote and protect public health and safety through proper siting, design, installation, inspection, maintenance, and management of private onsite wastewater treatment systems.

The Floodplain Zoning Ordinance is intended to regulate floodplain development to protect public health, safety, and property through minimizing expenditures, rescue and relief efforts, and damage to structures or facilities within the floodplain.

The purpose of the Chapter 18 Subdivision Ordinance is to regulate and control subdivision development within Polk County in order to promote public health, safety, general welfare, water quality, and aesthetics. This can be accomplished by orderly layout and use of land, providing safe access to highways, roads and streets, facilitating adequate water, sewer, transportation and surface drainage systems, parks, playgrounds and other public facilities.

Complete copies of Ordinance No. 11-17, No. 12-17, and No. 13-17 may be obtained by contacting the Polk County Clerk office, located at 100 Polk County Plaza, Suite 110, Balsam Lake, Wisconsin or by calling 715-485-9226. The complete documents may also be viewed online on the Polk County Website at: www.co.polk.wi.us under the Division of Zoning.

Ordinance To Enact Amended Polk County Chapter 18 Subdivision Ordinance

TO THE HONORABLE MEMBERS OF THE POLK COUNTY BOARD OF SUPERVISORS:

Ladies and Gentlemen:

WHEREAS, on July 1, 1996 the Polk County Board of Supervisors enacted the Ordinance No. 49-96, entitled as Polk County Chapter 18 Subdivision Ordinance; and

WHEREAS, the Polk County Chapter 18 Subdivision Ordinance had subsequent amendments in 2001 and 2005; and

WHEREAS, on January 25, 2017, the Polk County Zoning Administrator filed pursuant to Wisconsin Statute Section 59.69(5)(e) a petition that sought to amend Polk County Chapter 18 Subdivision Ordinance, through the enactment of the proposed Amended Polk County Chapter 18 Subdivision Ordinance; and

WHEREAS, amendment of the ordinance provisions of the Polk County Chapter 18 Subdivision Ordinance will revise County subdivision regulations to conform to state statutes and provide for a subdivision ordinance that may be administered and enforced consistent with state law.

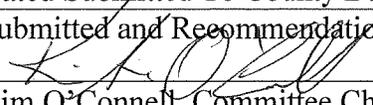
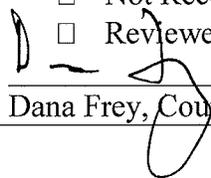
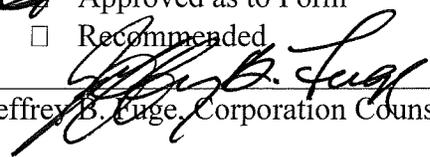
WHEREAS, on February 15, 2017, the Polk County Environmental Services Committee, as the planning and zoning committee, opened and held a public hearing on the petition to amend the Polk County Chapter 18 Subdivision Ordinance; and

WHEREAS, after considering public input received in the public hearing and incorporating such public input and recommendations, as appropriate, the Polk County Environmental Services Committee recommended that the Polk County Board of Supervisors enact as and for the county's subdivision ordinance under Wisconsin Statute Chapter 236, the attached proposed ordinance, entitled "Amended Polk County Chapter 18 Subdivision Ordinance".

NOW, THEREFORE, pursuant to Wisconsin Statute Section 59.69(5)(e), the Polk County Board of Supervisors ordains as follows:

1. The Amended Polk County Chapter 18 Subdivision Ordinance, attached hereto and incorporated herein, is enacted.
2. Pursuant to Wisconsin Statute Sections 59.14(1) and 985.01(5), the County Clerk is directed to cause to be published the ordinance enacted herein.
3. The Amended Polk County Chapter 18 Subdivision Ordinance shall be effective upon passage and publication as provided by law.

(Said ordinance attachment can be obtained by contacting the Polk County Clerk Office or by viewing it on the Polk County Website.)

Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon Passage and Publication
Dated Submitted To County Board	March 21, 2017
Submitted and Recommendation of the Polk County Environmental Services Committee:  _____ Kim O'Connell, Committee Chair	
Review by County Administrator:	Review By Corporation Counsel
<input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only  _____ Dana Frey, County Administrator	<input checked="" type="checkbox"/> Approved as to Form <input type="checkbox"/> Recommended  _____ Jeffrey B. Cuge, Corporation Counsel

County Board Action

At its regular business meeting on ~~April 18~~, ^{March 21,} 2017 the Polk County Board of Supervisors enacted the above-entitled ordinance: Ordinance No. 13-17: Ordinance To Enact Amended Polk County Chapter 18 Subdivision Ordinance, by majority vote of the entire membership of a vote of (in favor and ~~_____~~ against. *unanimous voice vote*

Dean Johansen Dated: 3/23/17
Dean Johansen, County Board Chairperson

Attest: Sharon E. Jorgenson Dated: 3-23-17
Sharon Jorgenson, Polk County

Certification of Publication

The above-enacted ordinance, Ordinance No. 13-17: Ordinance To Enact Amended Polk County Chapter 18 Subdivision Ordinance, was published in the Inter-County Leader on the 29th day of March, 2016.2017

Sharon E. Jorgenson Dated: 3-23-17
Sharon Jorgenson, County Clerk

POLK COUNTY CHAPTER 18 SUBDIVISION ORDINANCE

Ordinance No. 13-17

Polk County Chapter 18 Subdivision Ordinance

Enacted: March 21, 2017; Published: March 29, 2017

Effective Date: March 29, 2017

Polk County Land Information Department
Polk County Government Center
100 Polk County Plaza, Suite 130
Balsam Lake, WI 54810
715-485-9111
715-485-9246 Fax
www.co.polk.wi.us/landinfo/zoning

Table of Contents

18.01 PURPOSE..... 1

18.02 AUTHORITY..... 2

18.03 DEFINITIONS..... 2

18.04 COMPLIANCE AND REQUIREMENTS 5

18.05 EXEMPTIONS..... 6

18.06 ABROGATION AND GREATER RESTRICTIONS 7

18.07 INTERPRETATION 7

18.08 DISCLAIMER OF LIABILITY..... 7

18.09 SEVERABILITY 7

18.10 SURVEY REQUIRED..... 7

18.11 APPLICATION AND REVIEW OF PRELIMINARY PLATS..... 8

18.12 PROCEDURE FOR PRELIMINARY PLAT REVIEW 14

18.13 APPLICATION AND REVIEW OF FINAL PLATS 15

18.14 MINOR SUBDIVISIONS..... 17

18.15 REPLATS 17

18.16 DESIGN STANDARDS FOR SUBDIVISIONS..... 18

**18.17 REQUIRED LAND DEDICATIONS OR PAYMENTS IN LIEU OF
DEDICATIONS..... 23**

18.18 REQUIRED INSTALLATIONS FOR SUBDIVISIONS..... 24

18.19 CONSTRUCTION AND MAINTENANCE GUARANTEES..... 24

18.20 CONSTRUCTION WITHIN SUBDIVISIONS 25

18.21 VARIANCES TO DESIGN STANDARDS AND APPEAL PROCESS 26

18.22 FEES 26

18.23 VIOLATION AND PENALTIES..... 27

18.24 AMENDMENTS 27

APPENDIX 28

18.01 PURPOSE

The purpose of this Ordinance is to regulate and control subdivision development within Polk County in order to promote public health, safety, general welfare, water quality, and aesthetics. This can be accomplished by requiring an orderly layout and use of land, providing safe access to highways, roads and streets, facilitating adequate provision of water, sewer, transportation and surface drainage systems and parks, playgrounds and other public facilities.

18.02 AUTHORITY

This Ordinance is adopted under the authority granted by Chapters 59.69, 87.30, 92, 145, 236, and 281, Wisconsin Statutes.

18.03 DEFINITIONS

For purposes of this Ordinance, certain words or phrases used herein are defined as follows:

- (A) County. The County of Polk, a political subdivision of the State of Wisconsin.
- (B) Committee. The subcommittee of the Polk County Board of Supervisors responsible for the administration of land use regulations including subdivisions. The name of the Committee at the time of the adoption of this ordinance is the Environmental Services Committee. The Committee is the County planning agency under Chapters 236.02(3), 236.45(2)(a), and 59.69 Wisconsin Statutes.
- (C) CSM. A Certified Survey Map showing division of land prepared in accordance with sec. 236.34, Wisconsin Statutes, and this Ordinance.
- (D) Director. The county staff person responsible for the implementation and administration of land use ordinances in Polk County.
- (E) DNR. The Wisconsin Department of Natural Resources. Wisconsin Administrative Code rules promulgated by DNR are preceded by "NR", as in NR 115.
- (F) DOA. The Wisconsin Department of Administration. Wisconsin Administrative Code rules promulgated by DOA are preceded by "Adm", as in Adm 47.
- (G) DSPS. The Wisconsin Department of Safety and Professional Services. Wisconsin Administrative Code rules promulgated by DSPS are preceded by "SPS", as in SPS 383.
- (H) DOT. The Wisconsin Department of Transportation. Wisconsin Administrative Code rules promulgated by DOT are preceded by "Trans", as in Trans 233.
- (I) Driveway. An access used for purposes of ingress and egress serving not more than two (2) lots.
- (J) Dwelling. A main building or principle structure designed for human habitation. This includes manufactured homes, mobile homes, camping units, travel trailers, bunkhouses, and other temporary sleeping units.

- (K) Easement. Part of a lot so designated on a CSM or plat and utilized for a specific purpose.
- (L) Extraterritorial subdivision approval jurisdiction. The unincorporated area or within one and one half (1-1/2) miles of the corporate limits of a city of the fourth class or a village if the city or village has a subdivision ordinance or official map.
- (M) FEMA. The Federal Emergency Management Agency responsible for implementing the National Flood Insurance Program.
- (N) Flag Lot. A lot where access to the public road system is by a narrow strip of land, easement, or private right-of-way, greater than 100 feet in length.
- (O) Impervious Surface. An area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surface excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in s. 340.01(54), Wis. Adm. Code, or sidewalks as defined in s. 340.01(58), Wis. Adm. Code, are not considered impervious surfaces.
- (P) Lot. A parcel of land occupied or designed to provide space necessary for one principal building and its accessory buildings or uses, including the open spaces required by this ordinance and abutting on a public street or other officially approved means of access. A lot may be a parcel designated in a plat or described in a conveyance recorded in the office of the Register of Deeds, or any part of a large parcel when such part complies with the requirements of this ordinance as to width and area for the district in which it is located.
- (Q) LWRD. The Polk County Land and Water Resources Department.
- (R) Navigable waters. Waters deemed navigable under the navigable-in-fact principle of Chapter 30, Wisconsin Statutes.
- (S) Net project area. The area of a lot exclusive of wetlands, ponds, lakes, drainage ways, dedicated road rights-of-way or road easements, floodplains, and slopes of 20% or greater. (Note: Building within floodplains and on slopes of 20% or greater is not restricted, however, further erosion control measures may be necessary)
- (T) NRCS. The Natural Resource Conservation Service, a division of the USDA.
- (U) OHWM. The ordinary high water mark is the point on the banks or shore up to which the presence and action of water is so continuous as to have a distinct mark either by erosion, destruction of terrestrial vegetation, or other easily recognized characteristics.

- (V) Outlot. A lot remnant or parcel of land within a plat remaining after platting, which is intended for open space use, for which no development is intended other than that which is accessory to the open space use. An Outlot may not be developed for any use or structure that requires a private, onsite wastewater treatment system.
- (W) Parcel. Contiguous land not separated by road or railroad rights-of-way.
- (X) Plat. A map of a major or state subdivision.
- (Y) Road. A public or private way for vehicular traffic that includes the following:
 - (1) Cul-de-sac roads have a turn-around at one end.
 - (2) Dead-end roads are closed at one end.
- (Z) Shoreland area. All land within 300 feet of the OHWM of a navigable river or stream and within 1,000 feet of the OHWM of a navigable lake, pond, or flowage or to the landward side of the flood plain, whichever is greater.
- (AA) Subdivision. A division of a lot, parcel or tract of land existing on June 30, 1996, by the owner or the owner's agent for the purpose of transfer of ownership or building development where the act of division creates or results in one or more parcels, lots, outlots, or building sites. Subdivisions are further defined as:
 - (1) Major subdivision. A subdivision creating five (5) or more lots and/or outlots, within a 5-year period from a parcel of land existing on June 30, 1996. Subdivisions that have five (5) or more lots or outlots of 1½ acres or less shall be considered state subdivisions.
 - (2) Minor subdivision. A subdivision creating one (1) to four (4) lots and/or outlots, within a 5-year period from a parcel of land existing on June 30, 1996.
 - (3) State subdivision. The division of a lot, parcel, or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of one and one-half (1-1/2) acres each or less in area, or where the act of division creates five (5) or more parcels or building sites of one and one-half (1-1/2) acres each or less in area by successive division within a period of five (5) years.

A subdivision can be created by the following means (not an exclusive list):

Recording a state or major subdivision plat or a certified survey map.

Recording any other document or instrument that creates a parcel not previously created pursuant to this Ordinance or its predecessor.

Foreclosure of a mortgage or a land contract if the foreclosure creates and/or conveys a parcel not previously created pursuant to this Ordinance.

- (BB) Subdivider. Any person, partnership, corporation, or other entity creating a subdivision.
- (CC) USDA. The United States Department of Agriculture.
- (DD) USGS. The United States Geological Survey, a division of the United States Department of the Interior.
- (EE) Wetland. An area where water is at, near, or above the land surface long enough to support aquatic or hydrophytic (water-loving) vegetation and has soils indicative of wet conditions.

18.04 COMPLIANCE AND REQUIREMENTS

No person, partnership, corporation or other entity shall subdivide any land in the unincorporated areas of the County subject to this Ordinance without complying with the applicable rules and regulations listed below:

- (A) Chapters 59.69, 87.30, 92, 15, 236, and 281, Wisconsin Statutes.
- (B) For state plats, the rules of the Wisconsin Department of Administration (DOA) regarding that agency's administration of Chapters 236.13(2m), 236.15, 236.16, 236.20, and 236.21(1) and (2), Wisconsin Statutes.
- (C) Rules of the DOT relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting road (Trans 233, Wisconsin Administrative Code).
- (D) Rules of the DNR regulating development within floodplain, wetland, shoreland areas, and Standard Best Management Practices, including Chapter 30, Wisconsin Statutes, and NR 102, 103, 115, 116, 118, and 151 Wisconsin Administrative Code.
- (E) All County land use regulations, including this Ordinance, and all other applicable local and County regulations and plans.
- (F) Dedication of lands for streets, highways, and parkways, parks, playgrounds, trails, waterways, and public transit facilities. Whenever a parcel of land to be divided within the jurisdiction of this Ordinance encompasses all or any part of a road, highway, parkway, park, playground, trail, waterway, or public transit facility that has been designated on a duly adopted city, village, town or County comprehensive plan,

public facilities plan, or park plan, it shall be made a part of the subdivision and dedicated in the locations and dimensions indicated in said plan and as set forth in Section 18.17 of this Ordinance.

- (G) Regulations applicable to the St. Croix Riverway district and/or to the banks, bluffs and blufftops of the Lower St. Croix River, as provided in the Polk County Lower St. Croix Scenic Riverway Ordinance.

18.05 EXEMPTIONS

- (A) The following subdivisions are exempt from Sections 18.11-14, 18.18(B) &(C), 18.20, and 18.22 of this Ordinance:
 - (1) The single division of a fractional or full quarter-quarter section into two (2) equal parcels. (Ex. North $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ and South $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$)
 - (2) Lots created by CSM for utility and/or telephone transmission facilities not to exceed 10,000 square feet in size.
 - (3) The sale or exchange of parcels of land between owners of abutting property if additional lots are not thereby created and the parcels resulting are not reduced below minimum lot sizes required by this Ordinance or other applicable laws or regulations.
 - (4) Transfers of land by will or court order except when a division of land occurs in said transfer.
 - (5) Leases creating less than five parcels for terms not to exceed ten years; easements; or mortgages.
 - (6) Cemetery plats made under Chapter 157.07, Wisconsin Statutes.
 - (7) Assessors' plats made under Chapter 70.27, Wisconsin Statutes.
- (B) The document, plat, or survey map shall identify the specific exemption claimed. Anyone using an exemption described in this section shall be subject to prosecution under this Ordinance if the Committee subsequently determines that the exemption was not available.
- (C) A parcel created by virtue of any exemption under this section is not exempt from other applicable regulations. Any parcel that does not satisfy the standards of any regulation or law as to characteristics, such as parcel size or dimension, standards governing waste disposal, or the like, shall not be eligible for relief from such standards by variance.

18.06 ABROGATION AND GREATER RESTRICTIONS

This Ordinance does not repeal, abrogate, annul, impair, or interfere with easements, covenants, agreements, rules, regulations, local ordinances, or permits. Where this Ordinance or local regulations or ordinances imposes greater restrictions, those greater restrictions shall govern.

18.07 INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes.

18.08 DISCLAIMER OF LIABILITY

The County does not guarantee, warrant, nor represent that only those areas delineated as floodways or flood fringe areas on plats and CSM's will be subject to periodic inundation. Nor does the County guarantee, warrant, nor represent that the soils shown to be unsuitable for a given land use from tests required by this Ordinance are the only unsuitable soils on the parcel. The County asserts that there is no liability on the part of the County, its agencies, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this Ordinance.

18.09 SEVERABILITY

If any section, provision or portion of this Ordinance is determined to be invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

18.10 SURVEY REQUIRED

- (A) Any division of a parcel of land creating a lot or outlot shall be implemented using a CSM or plat prepared by a Wisconsin registered land surveyor unless it is exempted under Section 18.05. If such division requires the construction of a road, the design standards found in Section 18.16(C) (Design Standards for Subdivisions) shall apply.

- (B) A survey is not required for the sale or exchange of parcels of land between owners of abutting property if additional lots are not thereby created and the parcels resulting are not reduced below the minimum lot sizes required by this Ordinance or other applicable laws or regulations. However, the legal description or preliminary map shall be reviewed by the County prior to recording any document evidencing the contemplated sale or exchange of real estate under this exemption. The legal description or preliminary map shall clearly describe or indicate the parcel to which it is to be attached.

- (C) Whenever a subdivision requires the perpetuation, restoration, or use of a U.S. Public Land Survey System corner the Land Surveyor shall comply with Wisconsin Administrative Code A-E 7.08, U.S. Public Land Survey Monument Record, prior to the County granting final approval.

18.11 APPLICATION AND REVIEW OF PRELIMINARY PLATS

- (A) Pre-application meeting.

- (1) Before applying for approval of a preliminary plat, the subdivider or agent shall meet with the Director and other staff to receive advice and assistance, and review the procedures and requirements of this Ordinance, other regulations, and any plans or data that may affect the proposed development. All subdivisions must reference bearings to the Polk County Coordinate System.
- (2) (Staff may require the subdivider to bring a sketch-concept drawing of the proposed subdivision to the pre-application meeting, along with a USGS quadrangle map and County soils map for the proposed subdivision and relevant adjacent land. As part of the pre-application review, the proposal may be referred to DNR or other appropriate state agencies for review and comment. Pre-application procedures may include a site visit by staff.
- (3) A principal function of the pre-application procedure shall be to review the concept of the proposed subdivision, the characteristics of the parcel proposed to be subdivided and relevant adjacent land to identify and document suitability questions. The assignment of the vertical datum will be discussed at this meeting.

- (B) Preliminary plat application.

- (1) The preliminary plat shall cover the entire contiguous area owned or controlled by the subdivider even if only a portion is proposed for development. The preliminary plat application shall show or identify the original parcel of which the proposed subdivision was part on the effective date of this ordinance, and the present status of the remainder of the original parcel as it existed on the effective date of this ordinance. Each preliminary plat shall be based upon a boundary survey by a Wisconsin registered land surveyor at a scale of not more than 100 feet to one inch and shall show, at a minimum, the data identified below on its face or in accompanying materials:
 - (a) The date, graphic scale and north point.
 - (b) The name of the proposed plat.

- (c) The name, address and telephone number of the subdivider and, if different, the person to be contacted regarding the plat.
- (d) The owner of record.
- (e) A scale drawing of the exterior boundaries of the proposed subdivision referenced to a line established in the U.S. Public Lands Survey, and the total acreage encompassed thereby.
- (f) The location and names of adjacent plats, certified survey maps, parks, and cemeteries, underscored with a dotted or dashed line.
- (g) The location, right-of-way width and names of any existing roads or other public ways, easements, railroad or utility rights-of-way, and any existing access control limitations included within or adjacent to the proposed plat, underscored with a dotted or dashed line.
- (h) The location, construction plans, and specifications for all public and private roads. In addition, the subdivider shall identify areas suitable for driveways and shall require the subdivider to dedicate access restrictions and such restrictions shall be explained within the application material, and noted on the face of the plat.
- (i) Dimensions, size and numbers of all lots. Where applicable, size shall be indicated with inclusion and exclusion of rights-of-way and areas below the OHWM of navigable waters.
- (j) A general statement indicating the existing land use and zoning and any proposed changes. Each lot description shall identify the net project area and the driveway access to the abutting road. In some cases, the County may require the subdivider to show all required setbacks for each lot.
- (k) The locations of all soil borings shall be shown with cross-reference to test results within soil test forms (SBD-8330) or other report documents.
- (l) Specific identification of all proposed outlots, indicating purpose and proposed ownership and control. Any lot or outlot owned by a homeowners association or commonly owned, and any private road shall have deed restrictions or covenants against all lots within the subdivision providing for assessments against the lots within the subdivision for taxes and maintenance of the road. The plat shall reference these deed restrictions.

- (2) County staff shall conduct an on-site review. The following information may be required by the County based on that review:
- (a) (The surveyed location of existing property lines, buildings, streams, rivers, watercourses, ponds, and lakes as identified in the DNR "Inland Waters Inventory". The locations of other significant features within the proposed subdivision such as, wetlands, rock outcrops, wooded areas, etc.
 - (b) (The water elevations referenced to the assigned datum, of on-site lakes, ponds or streams at the date of the survey, the OHWM, and depicted flood areas from "FEMA" maps and floodplain zoning maps.
 - (c) The contours at vertical intervals of not more than two (2) feet for a slope less than 20% and five (5) feet for a slope of 20% or more. Land areas with 20% slope or greater shall be shaded or otherwise clearly indicated.
 - (d) The location and dimensions of all land proposed to be dedicated for parks, playgrounds, trails, and drainage ways.
 - (e) Stormwater Management and Erosion and Sediment Control plans. The Director may waive the requirements of Sections 18.11 (B)(2)(c) and (e), and Section 18.12 (B)(1) for LWRD review, under authority of Sections 18.11 (B)(2), and 18.14(A)(2).
 - 1. Stormwater Management and Erosion and Sediment Control Plans shall meet or exceed the design criteria, standards, specifications and Best Management Practices identified in paragraphs (2) through (9) below and in the following documents or their subsequent revisions:
 - a. NR 151 Subchapters I, III, and IV.
 - b. The Wisconsin Stormwater Manual, DNR WR-349-94.
 - c. The Wisconsin Construction Site Best Management Practices Handbook, DNR WR-222-93.
 - d. DOT Erosion Control Product Acceptability List.
 - e. DOT Standard Specifications for Highway and Structure Construction Manual.

- f. DOT Facilities Development Manual, Chapter 10.
 - g. USDA Technical Guide 4.
 - h. LWRD Policy Procedures.
 - i. Any erosion and sediment control measures shall be installed before land disturbing activities commence.
2. Stormwater management and erosion and sediment control plans shall be certified by a registered professional engineer.
 3. A developer's agreement (if required) shall contain a provision that requires the registered professional engineer to do the following:
 - a. Commit to oversee installation of all stormwater management and erosion and sediment control features shown on the approved plans.
 - b. Submit a set of record drawings upon completion.
 - c. Certify that all required improvements have been installed in substantial conformance with the approved plans. (This certification shall not release the subdivider from the responsibility to construct improvements in accordance with approved plans until Town and County inspections have been made, and approval of the substantial conformance conditions has been given by the respective public agencies).
 4. Post development runoff volume must be maintained or reduced compared to pre-development conditions for the 25-year, 24-hour, Type II storm event.
 5. Peak runoff discharge rates must be maintained or reduced compared to pre-development conditions for the 2-, 10-, and 100-year, 24-hour, Type II storm event.
 6. A maintenance plan shall be submitted for all designed stormwater ponds.
 7. Perennial and intermittent streams, springs, and drainage ways that contain concentrated flow water or during a 10-year, 24-

hour, Type II storm event shall be required to have a minimum filter strip for sediment trapping as defined in NRCS Filter Strip Practice Standard, Code 393.

8. Constructed drainage swales shall be designed at a minimum to accommodate a 10-year, 24-hour, Type II storm event.
- (f) Wetlands, floodplains and lands within shoreland jurisdiction proposed for filling and grading.

(Note: Wetland depictions on final plats shall be based on field identification and on-site staking performed by a wetland delineator hired by the subdivider and may be reviewed for accuracy by the DNR and/or County. Floodplain boundaries are to be based on maps approved by the County.)

- (3) In addition to the above information, the subdivider must submit a completed town government checklist. The checklist shall be a standard form established by the Committee and shall communicate the judgment of the Town Board on the questions listed below. The purpose of the checklist is to involve town boards in the land division review early in the review process and to advise the County and subdivider of Town Board standards. The checklist shall bear the signature of the three Town Board members or of the Town Clerk. The Town Clerk shall attest that his/her signature represents the official position of the Town Board on the questions listed below. The checklist does not relieve the Town Board of acting formally upon proposed land divisions as required under State law or Town ordinances.
 - (a) Whether the Town Board will accept ownership and responsibility for all or specified portions of the streets and roads involved in the land division.
 - (b) Whether the subdivider will be obliged to construct roads to standards specified by the Town Board.
 - (c) The standards the Town wants applied to any culverts involved in the land division.
 - (d) Whether the Town Board wants each lot in a land division to be tested for ability to meet the Sanitary Code requirements for installation of an on-site waste disposal system prior to approval of the land division.
- (4) If a subdivider or the surveyor engaged by the subdivider demonstrates to the satisfaction of the Committee that the appropriate Town officials were or

should have been aware of a request to complete a checklist and the Town officials failed, refused or neglected to complete the checklist, despite diligent efforts by the subdivider or surveyor to convince the Town officials to do so, the Committee shall waive the requirement of the checklist. The Committee shall not, however, waive the site testing requirement described in Section 18.11(B)(3)(e) without written approval of the waiver by the Town.

- (5) The Committee may require additional data or details relevant for proper review. Descriptive data shall be sufficiently precise to allow the Committee to determine compliance. Existing features shall be shown as such by distinctive underscoring or other identifiers.

(C) Condominiums

- (1) A condominium plat prepared pursuant to Wisconsin Statutes § 703.11, and other applicable statutes, shall be subject to this ordinance. The condominium plat shall be reviewed by the Director in the same manner as a subdivision plat, comply with applicable design standards, and provide for the installation of required improvements.
 - (a) Common facilities and open space may be held as common elements described in condominium instruments. The condominium instruments shall conform to the requirements of Wisconsin Statutes Chapter 703, as amended.
 - (b) The applicant shall provide to the Director a description of the condominium association, including draft condominium instruments, and all documents governing maintenance and use of common facilities and common open space.
 - (c) The condominium plat shall follow the same design and installation standards for the common open space that are found in this ordinance.

18.12 PROCEDURE FOR PRELIMINARY PLAT REVIEW

- (A) The subdivider shall submit two (2) legible copies of the preliminary plat or survey to the Director and the required number of legible copies for each of the reviewing agencies, as deemed necessary by the Director, listed in (B), below. In addition to the procedures set forth below, any state subdivision must comply with the provisions of Section 18.11 and Chapter 236.12 of the Wisconsin Statutes.
- (B) The Director shall transmit copies of the preliminary plat as follows:
 - (1) Two (2) copies to the following:
 - (a) the LWRD;
 - (b) the town(s) within which the proposed subdivision is located;
 - (c) the DOT if the subdivision abuts or adjoins a state trunk highway or a connecting road; and
 - (d) the DNR if shorelands or floodplains are contained within the proposed subdivision.
 - (2) One (1) copy to the following:
 - (a) the Lake Protection and Rehabilitation District if within the District's sub-watershed; and,
 - (b) any city or village having extraterritorial subdivision approval jurisdiction.
- (A) With the exception of state subdivisions, the agencies listed above are not considered to be objecting agencies, however, the County reserves the right to consider all comments and/or reports received by the above, in the County's review process. In addition, the County shall determine compliance of the plat with Chapters 236.16, 236.20, and 236.21, Wisconsin Statutes, for plats that are not reviewed by the DOA.
- (B) The Director shall notify each agency listed above when the copies are sent that it has 45 days from receipt to submit comments and/or reports to the Director.
- (C) The Director shall compile comments and/or reports from (B) above, and issue a written evaluation report on all relevant aspects of the preliminary plat within 60 days of submittal of the preliminary plat, with copies made available to the town(s), the Committee, the Lake District (if applicable), and the subdivider.
- (F) The subdivider may include a phasing plan for a preliminary plat, subject to approval by the Committee. All future phases of the plan must be approved and recorded as

final plats within the timeframe of the phasing plan, not to exceed five (5) years. If any portions of a preliminary plat have not been approved and recorded as a final plat within five (5) years, the remaining unrecorded portions of the preliminary plat are null and void, and must be resubmitted as a preliminary plat, subject to any and all regulations in effect at the time of re-submittal.

- (G) Within ninety (90) days from the date of submittal of the preliminary plat, the Committee shall approve, approve conditionally, or reject the preliminary plat. The Committee shall not approve a state subdivision or plat unless the state agencies have issued approvals or have notified the Committee that the agencies have no objection to the plat or unless the approval or non-objection has been deemed to occur by state law. Action by the Committee may be postponed past the 90-day limit by written agreement between the Committee and the subdivider, or upon a determination by the Committee that additional information is required. A postponement shall not exceed 40 days. The Committee's action shall be provided, in writing, to the Town(s), Lake District (if applicable), and subdivider. (Note: Postponements shall not constitute approval. Plats meeting the statewide definition of subdivision in Chapter 236.02(12), Wisconsin Statutes, shall be subject to the provisions of Chapter 236.11, Wisconsin Statutes, with respect to time available for review and approval of the preliminary plat.)

18.13 APPLICATION AND REVIEW OF FINAL PLATS

- (A) A final plat shall substantially conform to the preliminary plat. An exception to this is the incorporation of written recommendations by the review committee. The subdivider may submit a final plat on a portion of the preliminary plat as part of a phased development. Subsequent final plats of a phased development shall conform to the approved preliminary plat, and shall be submitted within a timeframe approved by the Committee (or earlier), not to exceed five (5) years. Any final plat of a phased development submitted after five (5) years of the initial approval of the preliminary plat shall be reviewed as a new preliminary plat and shall conform to any and all regulations in effect at the time of the new submittal. Wetlands shall be shown on the final plat and be based upon on-site staking by a wetland delineator that may be reviewed by the County and/or DNR. CSM's shall not be accepted for final plats of major subdivisions, or for intermediate phases of phased final plats.
- (B) The subdivider shall submit two (2) legible copies of the final plat, accompanying materials, and whenever a subdivision requires the perpetuation or restoration of a U.S. Public Land Survey System corner(s), the U.S. Public Land Survey Monument Record of each corner set, to the Director. The final plat shall conform to the standards of Chapter 236.20, Wisconsin Statutes regarding the legibility of documents. For state subdivisions, the subdivider shall comply with the provisions of Chapter 236.12, Wisconsin Statutes, as they apply to the submission of final plats. Additional requirements can be found in Appendix B.

- (C) The subdivider shall submit all proposed restrictive covenants or deed restrictions in the final draft version. It is a condition of approval of a final plat that the Director receives one (1) copy of such instrument after they are recorded, along with one (1) copy of the recorded plat.
- (D) If the final plat not subject to a phasing agreement is not submitted within twelve (12) months of the approval of the preliminary plat, the Committee may refuse to approve the final plat, based on major land use changes affecting the plat, significant ordinance revisions, or legal implications. Final plats shall be submitted within eighteen (18) months of the approval of the preliminary plat. If the final plat is not submitted within eighteen (18) months of the approval of the preliminary plat, the plat shall be reviewed as a new preliminary plat.
- (E) The agencies to whom the final plat is sent shall be notified in writing that their comments or reviews must be submitted to the Director within 30 days of receipt unless a shorter deadline is established for "objecting agencies" under state law. The Director shall compile all comments and reviews and incorporate them into a comprehensive report on the proposed final plat to the Committee.
- (F) The Committee shall examine the final plat for conformance with the approved preliminary plat, any conditions of approval of the preliminary plat, this Ordinance, and all laws, rules, regulations, comprehensive plans and comprehensive plan components which apply to it. The Committee shall approve, approve conditionally or reject the plat within 45 days of its submission. Failure of the Committee to take action on the plat within 45 days shall be deemed approval unless other agencies have not responded within the allowable time, there remain unsatisfied objections by other agencies, or unless the Committee's review time has been extended by written agreement with the subdivider.
- (G) The Committee shall, at the time it approves, approves conditionally, or rejects the plat, give written notice of its decision to the town(s) and Lake District (if applicable) where the proposed plat is located and any municipality having extraterritorial subdivision approval jurisdiction. For state subdivisions, the Committee shall not approve the plat unless the state agencies have issued approvals or have notified the Committee that the agencies have no objection to the plat or unless the approval or non-objection has been deemed to occur by state law.
- (H) After the Committee approves a final plat, and required improvements have either been installed, or an agreement and sureties insuring their installation has been filed, the Director shall certify the approval upon the plat. After certification of approval, the subdivider shall record the plat and all documents relating to the plat with the County Register of Deeds. The subdivider must provide to the Director, one (1) copy of the recorded plat and recorded documents. If copies of the recorded plat and other recorded documents are not provided to the Director within 30 days of the date of certification of final approval, the County approval of the plat is terminated.

18.14 MINOR SUBDIVISIONS

- (A) Minor subdivisions shall be processed under this section:
- (1) A pre-application conference may be required between the subdivider and staff.
 - (2) A preliminary CSM and accompanying application materials shall be submitted for review and approval.
 - (a) The content of the submittal and the process of review by the County shall be the same as for a preliminary plat, except that the Director shall have the authority to take action on the preliminary CSM, unless the subdivider requests Committee review.
 - (b) Based upon the on-site review required under Section 18.11 (B)(2), and any other relevant information, the Director may waive the requirements of Sections 18.11 (B)(2)(b), (c), and (e), and Section 18.12 (B)(1) for the LWRD review.
 - (c) The procedures and standards of Chapter 236.34, Wisconsin Statutes, shall apply to a minor subdivision.
 - (d) The Director must take action on the preliminary CSM within 45 days of submittal, unless waived in writing by the subdivider.
 - (3) A final CSM shall be submitted for each minor subdivision.
 - (a) Any applicable procedures and standards of Section 18.13 shall apply to a minor subdivision.
 - (b) The Director shall have the authority to take action on the final CSM.
 - (c) The form of the CSM shall comply with Chapter 236.34, Wisconsin Statutes, and shall also contain any additional information required by the Director at either the preliminary or final review stage.
 - (d) The Director must take action on the final CSM within 30 days of submittal, unless waived in writing by the subdivider. If approved, the Director shall certify the approval on the final CSM.

18.15 REPLATS

- (A) A replat is a change to the exterior boundaries of a previously platted subdivision or part thereof.
- (B) Changing the interior boundaries within a previously recorded subdivision shall be deemed a subdivision under this ordinance, if the change creates one or more lots or outlots of nineteen (19) acres or less and is not a replat.
- (C) A replat that does not alter areas dedicated to the public, or lots and/or outlots owned in common by the owners of lots and/or outlots within the subdivision, shall be processed as a subdivision under this ordinance. Whether it is processed as a major or minor subdivision depends on the number of lots and/or outlots created.
- (D) A replat that proposes to alter lands dedicated to the public, or lots or outlots owned in common by the owners of lots within the subdivision, shall be processed as a subdivision under this Ordinance. The approval of the replat by the Committee shall be conditioned upon approval by a court of the alterations of the areas dedicated to the public, pursuant to Chapters 236.40 - 236.44, Wisconsin Statutes.

18.16 DESIGN STANDARDS FOR SUBDIVISIONS

- (A) The purpose of subdivision design is to create a functional and attractive development, to minimize adverse effects on persons and land, and to ensure that a project will be an asset to the community. To promote this purpose, the subdivision shall conform to the standards of this section.
- (B) General Design Standards.
 - (1) Subdivision design shall take into consideration existing local, County and regional plans and existing and proposed developments in the surrounding areas.
 - (2) Design shall be based on a site analysis. To the maximum extent practicable, the design shall: preserve the natural features of the site; avoid adverse effects on ground water and aquifer recharge; minimize effects of cut and fill; and prevent flooding.
- (C) Roads and Driveways.
 - (1) The road system shall be designed to meet the following objectives: to permit the safe, efficient, and orderly movement of traffic; to respect natural features and topography; and, to permit proper drainage.
 - (2) The Town Board shall determine the applicable public road standards for any subdivisions within their jurisdiction. In the absence of any local standards, the provision of Chapter 82.50 Wisconsin Statutes and the standards

contained within Appendix A to this ordinance shall apply. The Town Board shall also approve the construction standards for private roads. All private roads must meet the same construction standards as public roads as required by the Town. Under no circumstances will the minimum width of right-of-way or easement for any public or private road be less than 66 feet.

- (3) Any public road shall be located within a 66-foot right-of-way, which has been dedicated to the Town. Any private road serving more than two (2) lots shall be located within a 66-foot wide outlot or road easement. Any driveways serving not more than two (2) lots shall be located within an outlot or a driveway easement that is no more than 20 feet wide.
- (4) Proposed roads shall extend to the boundary lines of the lot, parcel, or site being subdivided or developed unless prevented by topography or other physical conditions, or unless, in the opinion of the Committee, such extension is not necessary nor desirable for the coordination of the layout of the land division or for the advantageous development of adjacent lands.
- (5) All road extensions shall be constructed to the boundary lines of each phase at the time of the development's initial road construction for phased development plats.
- (6) The termination of roads to be extended at a later date shall be accomplished with the construction of a temporary "T"-shaped turnabout contained within the road right-of-way.
- (7) Roads may be dedicated to a public entity provided they meet said entity's road specifications. If a road is kept as private, then it shall be recorded that each lot shall hold a fractional interest in the private road (i.e. 1/40th interest in the private road when there is a 40-lot subdivision).
- (8) A resolution acknowledging a town road right-of-way width less than 66 feet but at least 49.5 feet from the Town Board may be required for a subdivision review at the discretion of the Director.
- (9) Road Numbering.
 - (a) The existing County program for numbering shall be used.
 - (b) Where a road maintains the same general direction except for curvilinear changes for short distances, the same number shall be used for the entire length of the road.

- (c) A road that is not presently a through road due to intervening land over which a road extension is planned shall use the same number for existing and planned sections.

(D) Utility Easements.

- (1) The subdivider shall provide the Committee with correspondence from all relevant utility companies identifying their needs, if any, for easements. Easement areas shall be identified on the plat or certified survey map unless the Committee determines that the easement is not necessary or consolidates easement areas.
- (2) As a general rule, the width of easements shall be 12 ft., 6 ft. of which shall be on each side of the joint lot line.
- (3) Utility lines and equipment within an easement, whether overhead or underground, shall not be closer than one (1) ft. to a lot line or three (3) ft. to any survey monument.
- (4) Vegetative screens shall not be planted in utility easements and vision triangles.

(E) Drainage easements.

- (1) Drainage easements may be required to accommodate preexisting and post-development runoff identified in the stormwater management plan under Section 18.11.(B)(2)(e).
- (2) Drainage easements may include designed stormwater ponds, drainage swales, closed depressions, and other natural watercourses.
- (3) In most instances, the property covered by a drainage easement shall be privately owned as part of a lot(s).
- (4) All regional stormwater ponds shall be located on outlots.
- (5) The County shall approve the terms of a drainage easement.
- (6) The County shall be granted authority to enforce easement rights, covenants, and/or deed restrictions regarding drainage easements.

(F) Lots.

- (1) Design criteria for any lot or lots shall meet the following minimum requirements unless local standards are more restrictive.

- (2) The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (3) The minimum lot size of each lot created shall conform to the following minimum dimensions for each zoning district in the Polk County Comprehensive Land Use and Polk County Shoreland Protection Zoning Ordinance. The density standards must also be met along with the minimum lot size for each district. (If a Town has not adopted county zoning, the Residential or Shoreland (if applicable) area dimensions apply):

Zoning District		Without public sewer		With public sewer	
		Area			
Residential (R-1)		1 acre			
Hamlet (H-1)		30,000 sq. ft.		10,000 sq. ft.	
General Business/Commercial (B-1)		1 acre		.5 Acre (21,780 sq. ft.)	
Recreational Business/Commercial (B-2), Small Business/Commercial (B-3), Industrial (I-1)		1 acre			
Residential-Agricultural 5 (RA-5)		1 acre min.		Density Standard	
		8 dwellings/forty acres			
Agricultural 10 (A-1)		1 acre min.		4 dwellings/forty acres	
Agricultural 20 (A-2)		1 acre min.		2 dwellings/forty acres	
Farmland Preservation (A-3)		35 acres			
Natural Resources (N-1)		1 acre			
Mining District (M-1)		5 acres			
Shoreland		Area		Width(ft.)	
Shoreland Non-Riparian		1 acre		100	
Shoreland Riparian		Class I		100	
		Class II		150	
		Class III		250	
		1 acre		20,000	
		60,000 ft ²		90	
		100,000 ft ²			

- (4) Each lot shall have a minimum contiguous net project area of 30,000 square feet (20,000 square feet minimum with a soil loading test rate of .5 or greater), unless served by a public sewer system. The Committee may require that the plat or certified survey map contain notice to prospective purchasers that wetlands, floodplains, or steep slopes within lots may limit building or driveway locations.
- (5) All lots shall front on a public or private road or driveway easement. No more than two (2) lots may be served by a driveway easement. A lot not on a cul-de-sac shall have a minimum frontage of 66 ft. to facilitate the possible

development of a public right-of-way that could service additional lots. A lot on a cul-de-sac shall have a minimum of 33 ft. of frontage on the cul-de-sac. No lot shall be approved that does not have access as specified in this Ordinance.

- (6) Lot width as measured at the building setback line, and lot area for improvements, shall conform to the requirements of the County Comprehensive Land Use Ordinance, Shoreland Protection Ordinance, or any other Ordinance regulating lot size.
- (7) A reduction of the lot size requirement via a Special Exception Permit, **may** be granted when subdividing an existing riparian lot that was created prior to September 15, 2016, provided that the subdivider comply with the provisions of Article 11(J) of the Polk County Shoreland Protection Zoning Ordinance regarding the Special Exception Procedure, and pay the applicable fee for a Special Exception Permit hearing.
- (8) The ratio of depth to width of a lot shall not exceed 4.5:1.
- (9) Side lot lines shall be substantially at right angles or radial to street lines.
- (10) A corner lot shall have extra width over the minimum requirement to permit adequate building setbacks from side streets. As a general rule, the side yard setback under this circumstance shall equal the front yard setback for the side street.
- (11) To the extent feasible, lot lines shall follow political, school district, local jurisdictional and zoning boundary lines rather than cross them.
- (12) Lots having frontage on two non-intersecting roads shall be avoided except where essential to provide separation of residential development from arterial roads or to overcome specific disadvantages of topography and orientation. Direct access from an arterial road to a lot with double frontage is prohibited.
- (13) Flag lots are allowed. The access strip must be a minimum of 66 feet in width (33 feet on a cul-de-sac) or 33 feet in width when developed adjacent to another flag lot. The area of the access strip shall not be included in the calculation for minimum lot size nor net project area.
- (14) An impervious surface calculation of 2,500 square feet must be included for each lot when calculating storm water volumes for stormwater management plans. If more than 2,500 square feet of impervious surface is proposed for a lot, additional runoff reduction measures approved by the LWRD will be required.

- (G) Parks, Parkways, and Trails.

As set forth in Section 18.04 (G), the Committee may require the subdivision to have parks, parkways, or trails, and shall determine whether such areas are to be shown as lots, outlots or dedication areas upon a determination that the parks or parkways are reasonably required to serve the needs generated by the subdivision or by subdividing within the area. The Committee shall designate the site, configuration and shape of parks, parkways, and trails within the subdivision.

- (H) Design standards may be increased for those subdivisions intended for Commercial or Industrial use. The appropriateness of a commercial or industrial use within unincorporated portions of the County is primarily addressed through land use planning and zoning.

18.17 REQUIRED LAND DEDICATIONS OR PAYMENTS IN LIEU OF DEDICATIONS

- (A) All public road rights-of-way that are included within the design of a subdivision shall be dedicated to the town or other designated local unit of government. The Committee shall approve such designation. Once dedicated, the unit accepting the dedication may control vegetation within the right-of-way.
- (B) The Committee, in consultation with the Town in which the subdivision is located, may require that not more than 10 percent of the total area of a subdivision be dedicated to the town or County to provide appropriate sites for parks, playgrounds, public access points, trails, or other public open spaces. The Committee shall specify the unit of government that will receive the dedication. Such dedication shall be required only upon a determination of need, consistent with approved plans as set forth in Section 18.04(G), subject to acceptance by the unit of government to whom the dedication is to be made. The subdivider may dedicate more than 10% of the total area of the subdivision upon approval of the government unit that will receive the dedication.
- (C) In lieu of a land dedication, the Committee shall require payment by the subdivider as determined by the current fee schedule applicable to this ordinance per residential unit. The funds will be used for park or open space land acquisition and/or improvements or equipment that meet the requirements of the Park Fund Redistribution (PFR) Policy adopted by the Parks, Buildings, and Solid Waste Committee, and approved by the County Board. The County shall deposit the funds in a segregated account and shall keep a record of payments for each town and subdivision.
- (D) If a Town has a subdivision ordinance, and requires payment in lieu of a land dedication, the Committee shall reduce the Town portion of the park fee by the amount paid directly to the Town.

18.18 REQUIRED INSTALLATIONS FOR SUBDIVISIONS

- (A) The subdivider shall install survey monuments in accordance with the requirements of Chapter 236.15, Wisconsin Statutes, or as may be required by the County.
- (B) The subdivider shall install all required storm water drainage features, ponds, alterations to wetlands and improvements within conservancy areas.
- (C) The subdivider shall construct or install all erosion control measures specified in the approved stormwater management plan, when required. If the erosion control features are damaged or altered by any means, the maintenance or restoration of them shall be the responsibility of the subdivider unless the subdivider has, by written agreement, assigned responsibility for maintenance to the lot owner(s).
- (D) Any public road intersecting with another public road shall be improved by the subdivider, including necessary bridges, culverts and ditches, to standards established by the town or standards found within 18.16(C), whichever is more exacting. Paving shall be required by the County.

18.19 CONSTRUCTION AND MAINTENANCE GUARANTEES

- (A) Guarantees shall be provided to ensure the proper construction, installation and maintenance of required roads, utilities, erosion control measures, wetland mitigation, and other improvements. The nature and duration of the guarantee shall be structured to achieve this requirement without adding unnecessary costs to the subdivider. If a Town has a requirement for performance guarantees under their own subdivision ordinance, the Committee shall not require guarantees for the same improvements, but will require guarantees for any improvements required by the Committee that are not required by the Town. The time allowed for installation of the improvement for which the performance guarantee has been provided may be extended by the Committee, in consultation with the Town, if applicable.
- (B) Before the construction of a required improvement, or as a condition of preliminary subdivision approval, the Committee may require the following guarantees:
 - (1) A performance guarantee in an amount not to exceed 120% of the cost of installing an improvement;
 - (2) A maintenance guarantee for a period not to exceed two (2) years after final acceptance of an improvement, in an amount not to exceed 15% of the cost of the improvement. In the event that other governmental agencies or public utilities will automatically own the improvement, or the improvement is covered by a maintenance agreement or other guarantee to another governmental agency, no maintenance guarantee shall be required by the Committee.

- (C) The performance or maintenance guarantees shall be secured. The Committee may select from a variety of means including, but not limited to, the following:
 - (1) A surety bond from a bonding company authorized to do business in this state;
 - (2) An irrevocable letter of credit from a bank or lending institution acceptable to the Committee;
 - (3) Cash or an instrument readily convertible into cash.
- (D) Upon substantial completion of all required improvements, the subdivider shall notify the Director of the completion of the improvements in writing, by certified mail. The Director, in consultation with staff and appropriate experts, shall inspect the improvements and shall file a written report with the Committee or Town recommending approval, partial approval, or rejection of such improvements, and a statement of reasons for rejection and corrective action.
- (E) After notice and opportunity for the subdivider to be heard, the Committee or Town shall approve, partially approve, or reject the improvements. If a Town is reviewing the improvements, they shall forward their decision to the Committee. The subdivider shall receive notice in writing, by certified mail, of the Committee action not later than 10 days after the action is taken. If the Committee or Town takes no action to approve, partially approve, or reject the improvements within 30 days of receipt of the notice of substantial completion, the improvements shall be deemed to have been approved, and the subdivider and/or surety, if any, shall be released from the performance guarantees for such improvements.
- (F) If the improvements are rejected, the Committee or Town Board, after consultation with the subdivider and Director, may extend the time limit in which to complete the improvements provided that the performance guarantee remains in force.
- (G) Where partial approval is granted, the subdivider shall be released from liability under the performance guarantee to the extent of the approval.
- (H) If approval is denied, the Committee or Town shall utilize the performance guarantee to see that improvements are properly completed.

18.20 CONSTRUCTION WITHIN SUBDIVISIONS

- (A) No land grading or site preparation, alteration of drainage ways, waterways or water features, or commencing the construction of any roads, ditches, ponds, swales, drainage ways or the like, shall occur prior to approval of the preliminary plat or

preliminary certified survey map, including Town and Committee approval of all plans for improvements, drainage and erosion control measures, ditches and culverts.

- (B) Any activity listed in paragraph (A) that is conducted prior to preliminary plat approval is taken at the Subdivider's own risk. The subdivider shall comply with approved plans and mitigate, restore, or otherwise repair the parcel to conditions outlined in the approved plan. The subdivider may be subject to fines and/or other remedial action in accordance to Section 18.23 Violation and Penalties.
- (C) No building, zoning, or sanitary permit shall be issued for any lot until all the requirements of this Ordinance have been satisfied.

18.21 VARIANCES TO DESIGN STANDARDS AND APPEAL PROCESS

- (A) The Committee may grant variances to design standards during the review and approval stages upon a showing that the subdivider will suffer unnecessary hardship if strict compliance with the standard is required. The granting of a variance shall not violate the spirit or intent of this Ordinance or other county land use regulations.
- (B) Unnecessary hardship can be defined as whether compliance with the strict letter of the restrictions governing area, setback, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with these restrictions unnecessarily burdensome.
- (C) The Committee shall hold a public hearing on a request for a variance. A Class 2 notice shall be published for the hearing. Additionally, notice shall be mailed to the town(s) and lake district (if applicable) in which the proposed subdivision is located, any municipality with extraterritorial subdivision approval jurisdiction, and adjacent landowners. The Director shall be responsible for providing all notices. The subdivider shall pay the applicable hearing fee as established by the Committee or Polk County Board of Supervisors before the hearing is scheduled.
- (D) The Committee shall make a decision on the request for variance within ten (10) days of the hearing. Written findings of fact, conclusions, and the reasons for the decision shall be prepared, and signed by the Committee Chair. The original decision shall be filed in the Director's office. A copy of the decision shall be mailed to the subdivider, the town(s), the lake district and municipality(ies).
- (E) Any person aggrieved by the decision of the Director and/or the Committee may commence an action in circuit court seeking the remedy available by certiorari. The procedures in Chapter 59.69(10), Wisconsin Statutes, apply to this action.

18.22 FEES

Application and review fees as set forth by the Committee or the Polk County Board of Supervisors shall be paid in full at the time of application. Payments in lieu of dedications must be submitted prior to recording of final plats or CSM's. The Director shall not certify the approval upon any plat or CSM until payments are submitted.

18.23 VIOLATION AND PENALTIES

- (E) Any person, partnership, corporation or other entity who fails to comply with the provisions of this Ordinance shall, upon adjudication of violation, be subject to penalties and forfeitures as provided in Chapters 236.30, 236.31, 236.32, 236.335, and 236.35, Wisconsin Statutes. These sections provide penalties for:
- (1) Improperly recording or causing to be recorded a final plat that does not comply with submittal requirements of state statutes or County regulations.
 - (2) Offering for sale lots in a final plat that has not been recorded unless the offer or contract for sale includes language making the sale contingent upon approval of the final plat, and the sale void if the plat is not approved.
 - (3) Disturbing survey monuments in violation of state law or County regulations, or not placing survey monuments as prescribed by state law or County regulations.
 - (4) Subdividing lots that fail to conform to Chapter 236, Wisconsin Statutes, or any applicable DOA, DSPS, or DNR administrative rules, or this Ordinance.
 - (5) Selling land that abuts on a road that has not been accepted as a public road unless the seller informs the purchaser in writing that the road is not a public road and maintenance is not required to be performed by the County or Town.
- (F) Any person, partnership, corporation or other entity who fails to comply with any provisions of this Ordinance that are not covered by the statutory sections identified in paragraph (A) shall, upon adjudication of violation, be subject to court costs, to a forfeiture of not less than \$500 nor more than \$5,000 and/or to an injunction. Each day that a violation exists shall constitute a separate offense.

18.24 AMENDMENTS

The Polk County Board of Supervisors may make amendments to this ordinance in the manner prescribed by the Wisconsin Statutes.

The following are the **minimum road standards adopted as part of this ordinance. Where Town road standards are more restrictive, they shall apply.**

(A) All public and private roads shall be designed and constructed in accordance with road standards adopted by the Town or standards set forth in Chapter 82.50, Wisconsin Statutes, and shall also satisfy the following:

- (1) Sixty-six (66) foot (4-rod) right-of-way minimum;
- (2) Eighteen-inch (18") culverts, or as otherwise specified, with a minimum cover of one foot to the top of the sand lift. All culverts shall be constructed of materials in conformance with DOT and American Association of State Highway Transportation Officials' (AASHTO) specifications;
- (3) Widths, radii and grades.

	Arterial & Collector Roads	Local Roads* Serving More Than One Lot
Min. Width of ROW	80 feet	66 feet
Min. Radius of Curvature from Centerline for deflections of .7° or More	300 feet	200 feet
Maximum Grade	8%	10%
Maximum Grade within 50 feet of "T" Intersection	2%	2%

* Includes public and private local roads.

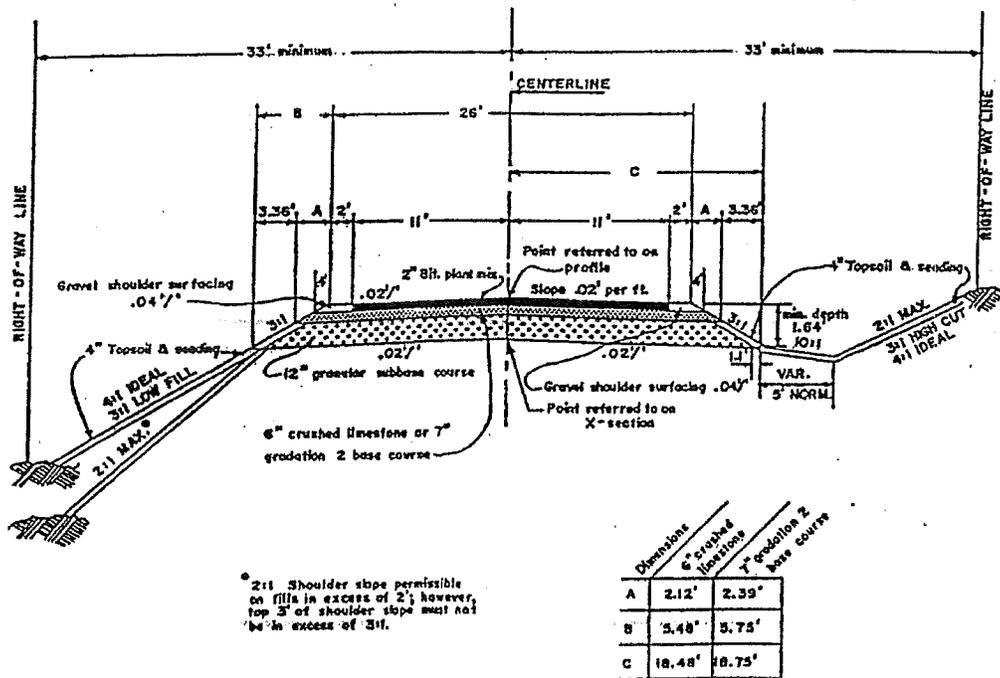
- (4) 3' to 5' ditch bottom;
- (5) 31' minimum road width before gravel or base course;
- (6) 27' road width after base course;
- (7) 22' surface excluding shoulders paved with a minimum of 2" of bituminous mix, exact pavement widths and thickness may be adjusted by specific town standards;

- (8) 2' shoulders;
 - (9) 12" sub base of sand, measured after being compacted;
 - (10) 6" base of crushed limestone or 7" base of Wisconsin grade #2 gravel, measured after being compacted;
 - (11) Decomposable material shall not be used in construction;
 - (12) Shoulder slopes of 3:1 on fills to 3'; 2:1 maximum below the top 3';
 - (13) Fill slopes of 3:1 on fills to 3'; 2:1 maximum below top 3';
 - (14) Back slopes 3:1 or flatter desirable; 2:1 maximum.
- (B) The Director shall examine the design of roads and the location of driveways to assure that lots are laid out in a way that will produce intersections, grades and other features satisfying the following standards:
- (1) The intersection angle of a driveway to a road, and a road to a road, shall not be less than 75 degrees.
 - (2) The Director shall require intersection vision clearances.
 - (3) Roads at the perimeter of the subdivision shall extend to the subdivision boundary. Narrow strips of land between the road and the subdivision boundary (spite strips) shall not be permitted unless conditions under which the adjacent parcel can be connected to the road are established.
 - (4) The vertical alignment of the centerline shall be based on the minimum safe stopping sight distance in accordance with the design standards of the DOT and the AASHTO.
 - (5) A dead-end road or cul-de-sac shall not exceed 1,320 feet in length unless it is part of a phased development, under the same ownership, that will eventually have an outlet. The Committee may require that provision be made for the extension of the dead-end road to the boundary of the subdivision. If the committee requires the extension to the boundary, it shall not fall under the 1,320-foot length restriction. This provision is made to allow for future extensions of road to neighboring properties to provide possibilities for future through roads. This is in addition to the requirement that arterial and collector roads be built to the boundary of the subdivision.
 - (6) A dead-end road serving three or more lots shall have a cul-de-sac turn-around with a minimum right-of-way radius of 80 ft. The traveled way within

the cul-de-sac shall provide a minimum radius of 50 ft. Appropriate arrangements shall be made for those parts of a temporary turn-around outside of a road right-of-way to revert to the abutting lot owners at such time as the road shall be extended. Where cul-de-sacs are provided, the right-of-way line connecting the road right-of-way with the 80 ft. cul-de-sac bulb radius shall be 80 feet in radius. Towns may require a "T"-shaped turnaround instead of cul-de-sac. If the town requires a "T"-shaped turnaround, a cul-de-sac is not required.

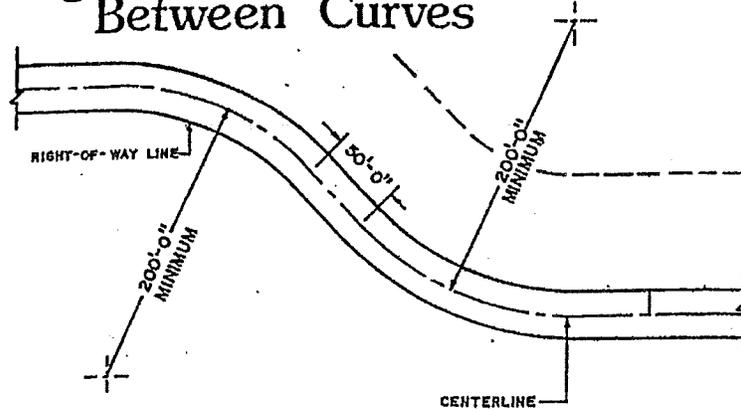
- (7) The planning, location and designations of roads in an area shall not allow the continuation of traffic from residential developments directly into commercial or industrial developments or vice versa.
- (8) The Committee may require joint driveways.

ROAD CONSTRUCTION STANDARDS

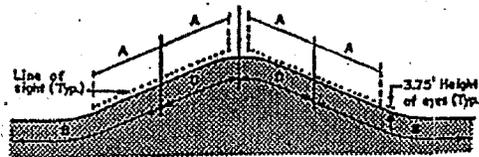


TYPICAL FINISHED SECTION

1. Alignment of and Tangent Between Curves

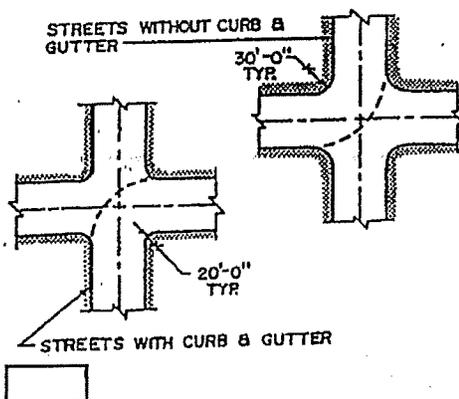


3. Vertical Sight Distance

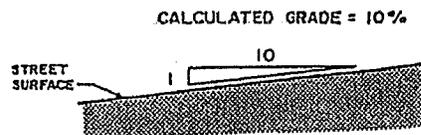


A = 250'-0" MINIMUM SIGHT DISTANCE
 SUBDIVISION ROAD ACCESS PERMISSIBLE ALONG B AND AT POINT C.
 SUBDIVISION ROAD ACCESS PROHIBITED ALONG D.

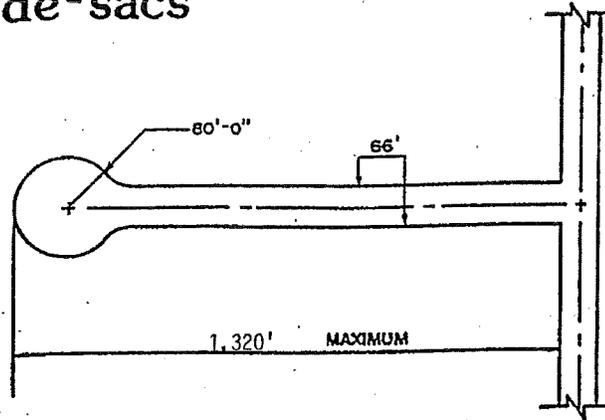
2. Corner Radii



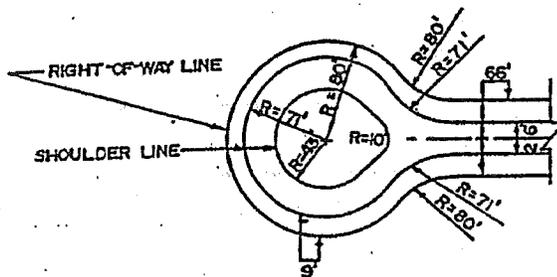
4. Grades



Cul-de-sacs

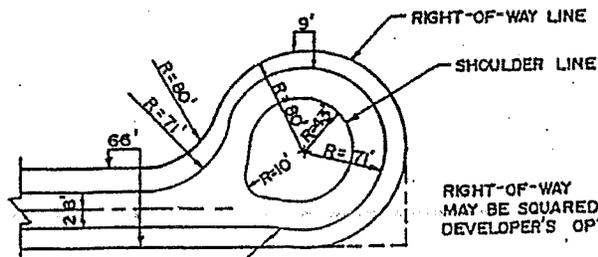


TYPICAL CUL-DE-SAC



* ISLAND IS NOT REQUIRED AND IN SOME TOWNSHIPS IS FORBIDDEN.

ASYMMETRICAL CUL-DE-SAC

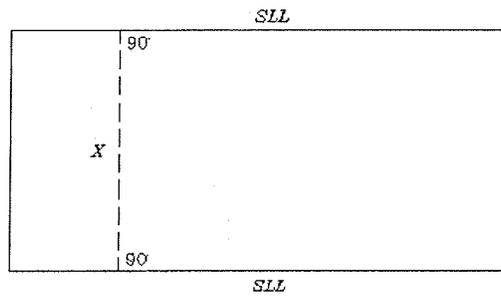


RIGHT-OF-WAY MAY BE SQUARED AT DEVELOPER'S OPTION

NOTE:
WIDENING OR REVERSE CURVE ON TRAVELED SURFACE

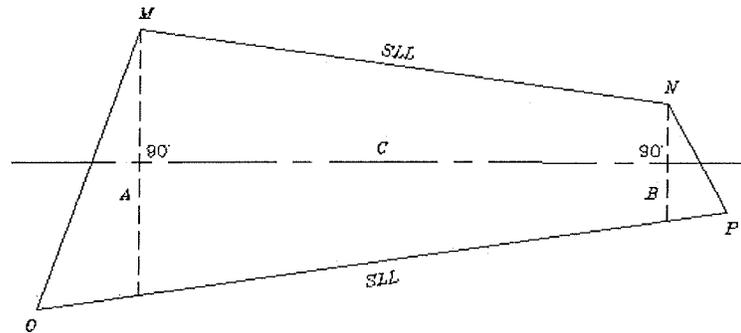
APPENDIX B LOT WIDTH DETERMINATIONS

(a) *Parallel Lot Lines*



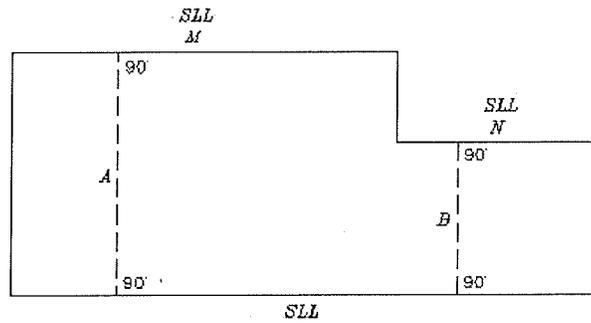
AVERAGE LOT WIDTH IS THE PERPENDICULAR DISTANCE (X) BETWEEN SIDE LOT LINES (SLL)

(b) *Nonparallel Lot Lines*



AVERAGE LOT WIDTH IS $\frac{A + B}{2}$ AND LINE C BISECTS
 ANGLE FORMED BY LINES MN AND OP EXTENDED

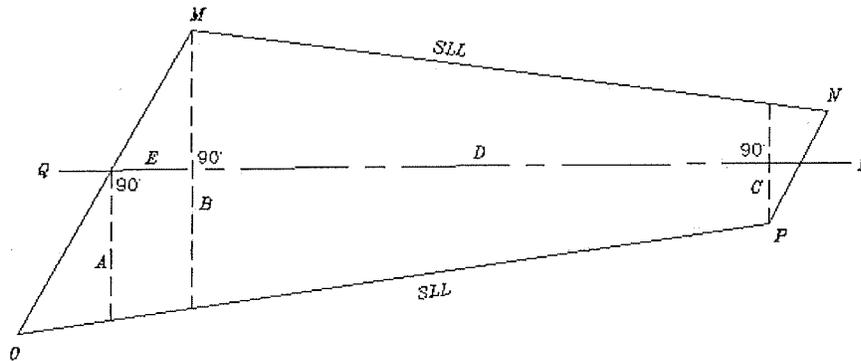
(c) *Parallel Lot Lines, Alternate*



AVERAGE LOT WIDTH IS $A \times \frac{M}{M + N} + B \times \frac{N}{M + N}$

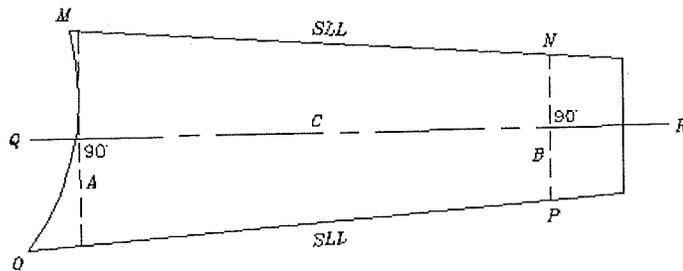
USE ONLY THAT PART OF LENGTH *N* THAT, WHEN ADDED TO AREA OF *M* PORTION OF LOT, SATISFIES MINIMUM AREA REQUIREMENTS.

(d) *Nonparallel Lot Lines, Alternate 1*



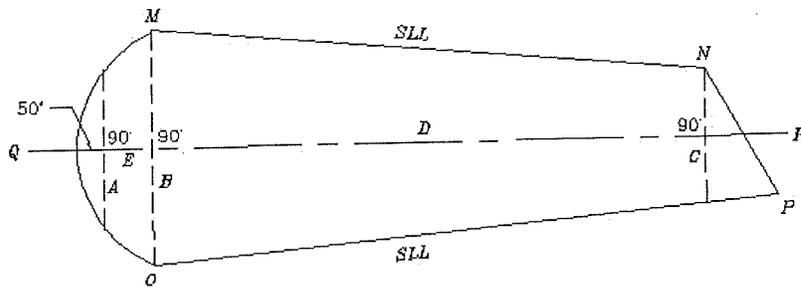
AVERAGE LOT WIDTH IS $\frac{A + B}{2} \times \frac{E}{E + D} + \frac{B + C}{2} \times \frac{D}{E + D}$ AND LINE *QR* BISECTS ANGLE FORMED BY LINES *MN* AND *OP* EXTENDED. *D* IS THE PERPENDICULAR DISTANCE BETWEEN LINES *B* AND *C*. *E* IS THE PERPENDICULAR DISTANCE BETWEEN LINES *A* AND *B*.

(e) *Nonparallel Lot Lines, Alternate 2*



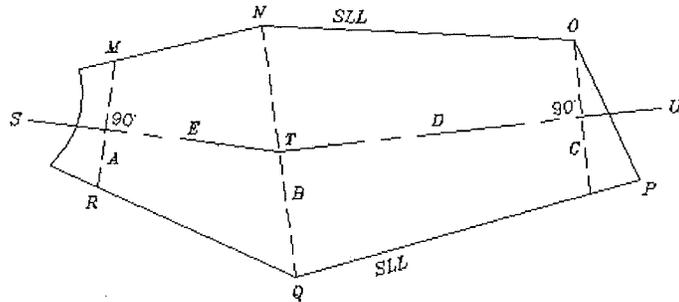
AVERAGE LOT WIDTH IS $\frac{A + B}{2}$ AND LINE *QR* BISECTS ANGLE FORMED BY LINES *MN* AND *OP* EXTENDED. *C* IS THE PERPENDICULAR DISTANCE BETWEEN LINES *A* AND *B*. LINE *NP* MAY COINCIDE WITH LOT LINE.

(f) *Nonparallel Lot Lines, Alternate 3*



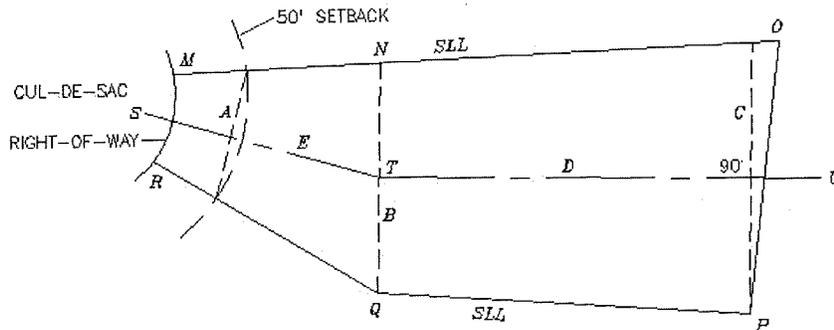
AVERAGE LOT WIDTH IS $\frac{A + B}{2} \times \frac{E}{E + D} + \frac{B + C}{2} \times \frac{D}{E + D}$ AND LINE *QR* BISECTS ANGLE FORMED BY LINES *MN* AND *OP* EXTENDED. *D* IS THE PERPENDICULAR DISTANCE BETWEEN LINES *B* AND *C*. *E* IS THE PERPENDICULAR DISTANCE BETWEEN LINES *A* AND *B*.

(g) Nonparallel Lot Lines, Alternate 4



AVERAGE LOT WIDTH IS $\frac{A+B}{2} \times \frac{E}{E+D} + \frac{B+C}{2} \times \frac{D}{E+D}$. LINE ST BISECTS ANGLE FORMED BY LINES MN AND QR EXTENDED AND LINE TU BISECTS ANGLE FORMED BY LINES NO AND PQ EXTENDED. D IS THE DISTANCE BETWEEN B AND C . E IS THE DISTANCE BETWEEN A AND B . M OR R , WHICHEVER IS AT SETBACK LINE WILL DETERMINE POSITION OF MR .

(h) Nonparallel Lot Lines, Alternate 5

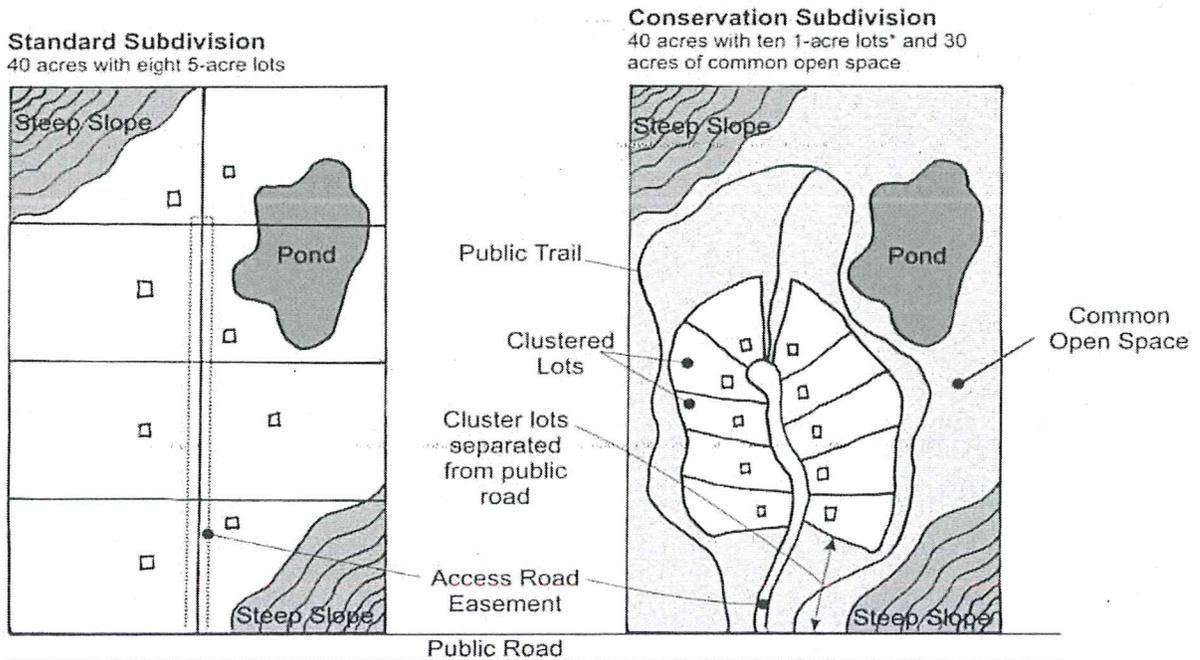


AVERAGE LOT WIDTH IS $\frac{A+B}{2} \times \frac{E}{E+D} + \frac{B+C}{2} \times \frac{D}{E+D}$. LINE ST BISECTS ANGLE FORMED BY LINES MN AND QR EXTENDED AND LINE TU BISECTS ANGLE FORMED BY LINES NO AND PQ EXTENDED. D IS THE DISTANCE BETWEEN B AND C . E IS THE DISTANCE BETWEEN A AND B .

APPENDIX C CONSERVATION DESIGN DEVELOPMENT FOR MAJOR SUBDIVISIONS

APPLICABILITY. Conservation Design Development (CDD) provides an alternative set of design objectives and standards for major subdivision for residential development.

- (A) **PURPOSE.** In addition to the purposes outlined in SS 18.01, the purpose of Conservation Design Development is to allow for clustering of residential housing and permanently preserving open space. This protected open space can be any or all of the landscape elements Polk County feels are important, including but not limited to: woodlands, river and stream corridors, drainageways, wetlands, closed depressions, floodplains, shorelands, prairies, ridgetops, steep slopes, critical species habitat, scenic views, productive farmland, and other areas to be preserved as identified in the Polk County Comprehensive Plan by setting them aside from development. Also to provide greater design flexibility in siting dwellings and other development features than would be permitted by the application of standard regulations in order to minimize the disturbance of rural landscape elements and sensitive areas. To create groups of dwellings with direct visual and physical access to common open space.



*The conservation design development diagram also shows a 25% lot bonus of 2-lots for using these provisions.

- (B) **DENSITY STANDARDS.** The total number of dwelling units that are allowed in a Conservation Design Development is referred to as the Residential Base Density. See Polk County Comprehensive Zoning Ordinance § 10.3.8(C). For the purposes of this provision in determining allowed density, two-family dwellings shall count as 2 dwellings and multi-family dwellings shall count for as many families as designed for (i.e. 4-plex = 4 dwellings).
- (1) **RESIDENTIAL BASE DENSITY.** The base density or the base number of allowable dwelling units is determined by the yield plan pursuant to § 10.3.8(C) of the Polk County Comprehensive Zoning Ordinance. Existing dwellings that will be retained shall be counted toward the base density.
- (2) **RESIDENTIAL GROSS DENSITY.** The residential gross density, or the total number of dwelling units that are allowed in a Conservation Design Development, is the residential base density plus 25 percent of the number of dwelling units prescribed by the residential base density.
- (C) **PRESCRIBED LOT AREA.** The lot size allowed under Conservation Design Development (CDD) is called the prescribed lot area. The prescribed lot area of new lots shall be that which results from meeting all of the standards and requirements of Conservation Design Development and Chapter 10, Polk County Comprehensive Zoning Ordinance. The prescribed lot area cannot be less than one-half acre.
- (D) **MINIMUM COMMON OPEN SPACE AREA.** For Conservation Design Development, the minimum amount of common open space of the total site area excluding existing rights-of-way and utility easements shall be as described in Table 1 below. The required common open space designated above can be reduced by the minimum amount necessary to prevent any allowable lot from being reduced to an area less than one-half acre in the attempt to meet those common open space requirements.

Table 1: Minimum Required Open Space Percentage

Zoning District	Minimum Open Space Percentage
Residential	40%
Residential-Agricultural 5	60%
Agricultural-1	70%
Agricultural-2	75%

(E) DESIGN AND DIMENSIONAL STANDARDS FOR CLUSTER GROUPS. All dwelling units shall be in cluster groups. The number of dwelling units in each cluster group shall be determined as follows:

- (1) For Conservation Design Developments on a site 40 acres or smaller, each cluster group shall be no more than 40 percent of the total number of dwelling units in the development and no less than 15 percent of the total number of dwelling units in the development, except as provided in (3), below.
- (2) For any Conservation Design Developments over 40 acres, each cluster group shall be between 6 and 16 dwelling units.
- (3) A Conservation Design Development with a total number of 16 dwelling units or less may contain a single cluster group if all other standards in § B are met.
- (4) The number of dwelling units in a cluster group may be decreased or increased and each cluster group may be assembled into smaller or larger groupings, provided that the applicant can demonstrate that such an alternative design is more appropriate for the site, and will meet both the general intent and design objectives of this ordinance and the goals and objectives of the Polk County Comprehensive Plan.
- (5) A plat may contain one or more cluster groups.
- (6) All lots in a cluster group shall take access from interior roads.
- (7) Each cluster group shall be defined by the outer perimeter of contiguous lots or abutting roads and may contain lots, roads, and cluster group interior open space. When the development does not include individual lots, such as a condominium, the outer perimeter shall be defined as an area encompassed by a line drawn around the units, no point of which is closer to any unit than 75 feet.
- (8) The outer boundaries of the lot lines of each cluster group shall conform to the separation distances in the following Table 2:

Table 2: Limiting Factor	Separation Distance
1. From other cluster group outer boundaries	100 ft.
2. From all subdivision site boundaries	100 ft.
3. From cropland or pastureland	100 ft.
4. From active recreation areas, such as courts or playing fields	100 ft.

- (9) The dimensional standards specified in § F(8) may be reduced under the following circumstances:
 - (a) Separation distances in § F(8) may be reduced up to 50 percent if the applicant can demonstrate that such reduced setbacks are more appropriate for the site concerned and will improve the project's

conformance with the design objectives in § B, the intent of this ordinance, and the goals, objectives and policies of the Polk County Comprehensive Plan.

- (b) All separation areas for cluster groups along existing roads shall be landscaped in accordance with § H (landscaping and buffer standards)
- (c) All cluster groups shall be surrounded by open space.
- (d) All lots in a cluster group shall abut common open space to the front or rear. Cluster group internal open space and common open space across from a road shall qualify for this requirement.
- (e) Cluster groups shall be defined and separated by common open space in order to provide direct access to common open space and privacy to individual lots or yard areas. Roads may separate cluster groups if the road right-of-way is designed as a vegetated center median.
- (f) Cluster groups containing 11 or more dwelling units must provide internal open space at a minimum rate of 2,000 square feet per dwelling unit. Such open space shall meet the following standards:
 - 1. Internal common open space located within cluster groups shall be counted toward meeting the overall minimum common open-space area requirement.
 - 2. The internal open space should be configured as a cul-de-sac island, a loop lane, an island within a larger loop or an “eyebrow” (a semi-circular loop), an island in a center median road, a common green area, or other configurations that yield internal open space within cluster groups. Common green areas surrounded by lots on up to three sides shall be designed as a common space for use by all residents within the cluster group.
 - 3. Internal open space may contain pervious surface parking areas, but these shall not be included in the required minimum 2,000 square feet of internal open space per dwelling unit or minimum common open space area requirement.
- (g) Cluster groups smaller than 11 dwelling units may contain internal open space that is consistent with § F (9)(f)(2) Such internal open space may be included in the minimum common open-space area requirement if it contains at least 2000 square feet. Such internal open space may contain parking areas, but these shall not be included in the minimum common open-space area requirement.
- (h) Internal open space within cluster groups is not subject to the design standards for common open space areas in § G.
- (i) In locating cluster groups, disturbance to woodlands, hedgerows, and individual mature trees shall be minimized. When the objective is to

preserve productive agricultural land and large areas of contiguous land suitable for agricultural use, dwellings may be located within woodlands, provided that some of the canopy on individual wooded lots is maintained. See § G(8).

- (F) DESIGN STANDARDS FOR COMMON OPEN SPACE AREAS. On all sites developed under the Conservation Design Development regulations, the minimum amount of common open space area, as set forth in § E, shall be set aside as protected common open space. Common open space shall comply with the following design standards:
- (1) The location of common open space shall be consistent with the design objectives in § B, and the goals, objectives and policies of the Polk County Comprehensive Plan.
 - (2) All open space areas shall be part of a larger continuous and integrated open space system. At least 75 percent of the common open space areas shall be contiguous to another common open space area. For the purposes of this section, contiguous shall be defined as either physically touching or located within 100 feet across a public right-of-way, for example, on opposite sides of an internal road.
 - (3) Common open space shall, to the greatest extent possible, protect site features identified in the site inventory and analysis as having particular value in preserving rural character and conserving natural resources in compliance with the intent of this ordinance and consistent with the goals, objectives and policies of the Polk County Comprehensive Plan.
 - (a) The protection of rural natural and cultural resources and potentially productive agricultural land as identified in the Polk County Comprehensive Plan is particularly significant.
 - (b) It is recognized that there may be different open space preservation objectives that will result in different areas being set aside as open space. Developments designed to preserve rural character values may look much different from developments striving to preserve viable agricultural land.
 - (c) Applicants must provide an explanation of the open space objectives achieved with their proposed development.
 - (4) Natural features shall generally be maintained in their natural condition. If recommended by a professional with pertinent qualifications, the Director may authorize a modification to improve the natural features' appearance or restore their overall condition and natural processes, in compliance with a recorded management plan.
 - (5) All wetlands, floodplains, unique wildlife habitat areas, slopes 20 percent or greater, closed depressions and at least 80 percent of a prime farmland, as

identified in the Polk County Comprehensive Plan and Polk County Farmland Preservation Plan, shall be contained in common open space. The requirement that at least 80 percent of a prime farmland be contained in common open space can be reduced under the following conditions:

- (a) The site is predominantly prime farmland and development at the permitted density would not be possible without encroaching further on the primary environmental corridor.
 - (b) It can be demonstrated that additional development within prime farmland meets the overall objectives of this ordinance.
 - (c) All wetlands, floodplains, unique wildlife habitat areas, slopes 20 percent or greater, and closed depressions remain in common open space.
 - (d) Any reduction of prime farmland included in common open space below 80 percent shall be the minimum needed to achieve maximum permitted density or a stated open space objective.
- (6) Common boundaries with existing or future open space on adjacent sites shall be maximized.
- (7) In order to preserve scenic views, ridgetops and hilltops should be contained within common open space wherever possible.
- (8) At least 80 percent of the area of existing woodlands shall be contained within common open space; 20 percent of the area of existing woodlands may be used for lots and residential development. This limitation may be exceeded under the following conditions:
- (a) The site is primarily wooded, and development at the permitted density would not be possible without encroaching further on the woodlands.
 - (b) It can be demonstrated that additional development within the woodlands meets the overall objectives of this ordinance.
 - (c) The stated objective is to preserve productive agricultural land.
 - (d) Any encroachment on the woodlands beyond 20 percent shall be the minimum needed to achieve maximum permitted density or a stated open space objective.
- (9) Any development of woodlands 40 acres or larger with at least one-quarter mile of width shall have cluster groups arranged around the periphery of the woodlands to preserve as much of the woodlands interior habitat as possible. The arrangement of the cluster groups around the periphery shall preserve natural undisturbed corridors to the interior.
- (10) No common open space area shall be less than 10,000 square feet in area and not less than 30 feet at its smallest dimension, with the exception of internal open space within cluster groups, as described in § F(9)(g) and (h). Open

space not meeting this standard shall not be counted toward the total required minimum common open space area.

- (11) Under no circumstances shall all common open space be isolated in one area of the development. Common open space shall be distributed appropriately throughout the development to properly serve and enhance all dwelling units, cluster groups, and other common facilities.
- (12) Common open space shall include lands located along existing public roads in order to preserve existing rural landscape character as seen from these roads, and shall, in no case, contain less than the required buffer, setback area, or separation distance.
- (13) To ensure adequate protection of natural and cultural features, no more than 25 percent of common open space shall be used for active recreational purposes.
- (14) When common open space is utilized for some or all of the permitted sewer and water facilities, then an easement shall be granted which describes the right of the individual property owner to have access to the common open space to construct, maintain, gain access and/or replace a private sewer or water facility. Additionally, the restrictive agreement on the common open space utilized for sewer or water facilities will include appropriate limitations to prevent compaction of the soils used for sewage treatment.
- (15) Safe and convenient pedestrian access and access for maintenance and emergency purposes shall be provided to common open space areas that are not used for agricultural purposes, in accordance with the following:
 - (a) At least one access point per cluster group shall be provided, having a width equal to or greater than 50 feet within the cluster group.
 - (b) This width may be reduced to no less than 16 feet if the applicant can demonstrate that, due to natural site conditions, meeting the above requirement would run counter to the objectives of this ordinance.
 - (c) This access may be in the form of an easement.
 - (d) Access to common open space used for agriculture may be restricted for public safety and to prevent interference with agricultural operations.
- (16) The following areas shall not be included in common open space areas:
 - (a) Private lot areas.
 - (b) Road and highway rights-of-way, public or private.
 - (c) Railroad and utility rights-of-way, except underground pipeline rights-of-way.
 - (d) Parking areas.
 - (e) Areas not meeting the requirements of § G(10).

(G) LANDSCAPING FOR CONSERVATION DESIGN DEVELOPMENT

(1) Preservation of existing native vegetation.

- (a) For the purpose of conserving native vegetation and in recognition of the time value of existing native vegetation, the preservation of existing native, noninvasive vegetation shall generally be preferred to the installation of new plant material, and the excavation of sites shall be minimized.
- (b) Within all required separation areas between cluster groups and external roads and site boundaries, existing woodlands and hedgerows shall be retained to the maximum extent possible.
- (c) Suitable existing native vegetation shall be credited toward the landscaping requirements of this ordinance when it would equal or exceed the desirable visual impact of the new required plant material after two years of growth.
- (d) All new landscaping to be installed and existing native vegetation to be preserved shall be protected in accordance with the standards specified in this ordinance.

(2) Trees Along Roads.

- (a) Trees of native species shall be planted along internal roads within cluster groups.
- (b) Trees may be planted, but are not required, along internal roads passing through common open space.
- (c) Informal, irregular or natural arrangements are encouraged for trees along roads, to avoid the urban appearance that regular spacing may evoke.
- (d) Trees shall be located so as not to interfere with the installation and maintenance of utilities and paths, trails, or sidewalks that may parallel the road.
- (e) Tree plantings shall comply with all applicable regulations in this ordinance.

(3) Buffers

- (a) Within all required separation areas between external roads and cluster groups, a vegetated buffer area at least 25 feet in width shall be maintained or established. Where no natural trees and shrubs exist, native plant materials shall be planted.
- (b) Where native vegetated buffers do not exist within separation areas between cluster groups, planted buffers using native species are encouraged, to enhance privacy and a rural appearance between cluster groups.

- (c) Required buffers around wetlands, all waterbodies and drainageways, and closed depressions must be naturally vegetated or planted with native plant species appropriate to the surrounding landscape.
 - (d) Buffers consisting of an informal, irregular or natural arrangement of native plant species combined with infrequent or prescriptive mowing are strongly encouraged, to create a low-maintenance, naturalized landscape.
- (H) ADDITIONAL SUBMITTAL REQUIREMENTS FOR CONSERVATION DESIGN DEVELOPMENT.

To aid the Director in determining whether the applicant has accomplished the design objectives for Conservation Design Development (CDD) as described in § B. and has met the design standards for cluster groups and common open space in Conservation Design Development as described in § E and F., the preliminary plat application shall include the following information:

- (a) All the information required in § 18.11.
 - (b) Vegetation of the site by general land cover type, including woodland, brush, hedgerows, grasslands, rowcrop, non-rowcrop, stand-alone trees with a diameter at 4 ½ feet from the ground of 18 inches or more, native prairie remnants, and other relevant land cover types. Plant community or predominant species present, relative age and general condition shall be described.
 - (c) A written description of existing wildlife habitat and the likely species of birds, mammals, amphibians, fish, and reptiles present. The presence of rare or endangered species shall be noted.
 - (d) Visual resources, showing viewsheds onto the site from surrounding roads and public areas. Photographs can be used to demonstrate viewsheds.
- (I) CONSERVATION DESIGN DEVELOPMENT SITE ANALYSIS. The information required in § 18.11. and (I), shall be the basis for an analysis of the site to determine principal conservation areas, secondary conservation areas, and potential development areas. Each result, (a) through (c) below, shall be mapped at a scale of no less than one inch equals 100 feet, accompanied with a narrative describing the information on the maps.
- (a) Principal Conservation Areas are lands that shall be protected. No structures, buildings or developed facilities, except approved Best Management Practices are allowed in these areas. Principal Conservation Areas consist of:
 1. All wetlands, including a 25 ft. buffer from any delineated wetland
 2. Floodplains

3. All navigable waters, including a 75ft setback measured from the ordinary high water mark of the water.
 4. Perennial and intermittent streams, springs and drainage ways that contain running water during spring runoff, during storm events or when it rains, including filter strips as defined in the NRCS Filter Strip practice standard
 5. Areas of steep slopes greater than 20 percent
- (b) Secondary Conservation Areas. These are features of the site that should be protected or integrated into the development to enhance open space values such as:
1. Rural character, wildlife habitat, native vegetation and agricultural production.
 2. Mature native woodlands.
 3. Hedgerows and rock or boulder fences or walls.
 4. Freestanding trees or groups of trees of native, non-invasive species.
 5. Grasslands, pastures, meadows and identified native prairie remnants.
 6. Farmland.
 7. Historic or archeological features.
 8. Old farmsteads and farm buildings.
 9. Scenic views onto the site.
 10. Geologic features.
 11. Steep slopes 12 percent to 19.9 percent.
 12. River or stream valleys.
 13. Other natural or cultural elements of the site that have enough significance or value to be spared from cleaning, clearing, grading and development.
- (c) Potential development areas.
1. These areas of the site completely avoid the principal conservation areas and are sensitive to the visual and physical impacts of development on the secondary conservation areas.
 2. Potential development areas that do not comprise either principal or secondary conservation areas should be the first portions of the site to look to place development.
 3. The remainder of the potential development area should be placed to meet minimum open-space area requirements, maximize open space views onto the site and protect the most significant natural and cultural features of the site

(2) CONSERVATION DESIGN DEVELOPMENT YIELD PLAN.

For the purposes of determining the number of allowable dwelling units and related lots for the Conservation Design Development, a yield plan is required. The applicant shall determine the yield plan using the following method, substantiated by sufficient plans and data to verify the calculations.

- (a) The yield plan is a concept review sketch drawing of a conventional subdivision using the conventional subdivision and development regulations of the Polk County Subdivision Ordinance and the Polk County Comprehensive Zoning Ordinance. It will include: the sanitary, general zoning, shoreland zoning districts, floodplain overlay district and subdivision ordinances, minimum lot size, suitability of lands for subdivision, prescribed lot area for existing dwellings, contiguous buildable area, approximate building locations, and road layout. For sites that are in the Lower St. Croix Riverway Ordinance, the Lower St. Croix Riverway Ordinance regulations also apply to the yield plan.
- (b) The number of allowable dwelling units and related lots under the conventional subdivision regulations determines the base number of allowable dwelling units and related lots of the Conservation Design Development subdivision.

(3) OPEN SPACE USES AND AMOUNT

- (a) The minimum amount of common open space shall be 50 percent of the gross land area of the parcel to be subdivided, excluding existing rights-of-way and utility easements.
- (b) A maximum of ten percent of the common open space area can be used for active recreational uses, including structures for facilities that serve such uses.
- (c) All or part of the common open space area can be used as list in the Polk County Comprehensive Zoning Ordinance § 10.3.8(A)(2) and § 10.3.8(B)(2) and (3).
- (d) Common open space shall be contained in an outlot or outlots

(4) RESTRICTIVE AGREEMENT ON COMMON FACILITIES AND COMMON OPEN SPACE.

- (a) Common open space shall be restricted in perpetuity from further subdivision or land development by conservation easement pursuant to Wisconsin Statutes § 700.40, and such conservation easement shall be recorded in the office of the Polk County Register of Deeds.
- (b) To ensure the permanence of the legal instrument designed to restrict the division, use or development of common open space, Polk County shall be a joint holder of a conservation easement that prohibits, in perpetuity, development of the common open space that does not

conform to those uses allowed in Polk County Zoning Ordinance § 10.3.8

- (c) The Director can consider other legal restrictive agreements for protecting common open space, such as deed restriction, only if such other restrictive agreements permanently restrict the use of common open space to those uses allowed in Polk County Zoning Ordinance § 10.3.8, and Polk County is only obligated to enforce the use restrictions of the restrictive agreement and County ordinances.
- (5) OWNERSHIP OF COMMON FACILITIES AND OPEN SPACE.
- (a) Ownership of common facilities and open space shall not be transferred to another entity except in compliance with this subsection.
 - (b) Documentation of the proposed ownership arrangement for the common facilities and open space shall accompany the preliminary plat, including any draft contracts, articles of incorporation, by-laws, etc.
 - (c) Ownership of common open space and facilities shall be in the form of a fractional interest in the common area assigned to each lot, based on the number of lots in the proposed subdivision, (i.e. 1/40th interest in the common open space per lot when there is a 40-lot subdivision).
- (6) MAINTENANCE OF COMMON FACILITIES AND COMMON OPEN SPACE. To ensure adequate management, operation and/or maintenance of common facilities and open space a Management Plan shall be prepared and recorded for the property in the Polk County Register of Deeds Office.
- (7) ADDITIONAL INFORMATION: CONCEPT, PRELIMINARY AND CONSERVATION DESIGN DEVELOPMENT REVIEW. The approving authority, either the Director or Committee, may require any additional data or detail relevant to review. Descriptive data shall be sufficiently precise to allow the approving authority to determine compliance. Existing features shall be shown as such by distinctive underscoring or other identifiers.

Polk County Board of Supervisors
Resolution No. 18-17

Resolution in Support of Efforts to Close Commercial Property Assessment Loopholes

TO THE HONORABLE SUPERVISORS OF THE COUNTY BOARD OF THE COUNTY OF
POLK:

Ladies and Gentlemen:

WHEREAS, homeowners in Wisconsin already pay 70% of the total statewide property tax
levy; and

WHEREAS, the disproportionate burden is about to get much worse unless the Legislature
addresses tax avoidance strategies that national chains like Walgreens, and big box establishments
like Target and Lowe's are using across the country to gain dramatic reductions in their property tax
bills at the expense of homeowners and other taxpayers; and

WHEREAS, a carefully-orchestrated wave of hundreds of lawsuits in Wisconsin is forcing
assessors to slash the market value of thriving national retail stores, shifting their tax burden to local
mom and pop shops and homeowners; and

WHEREAS, Walgreens and CVS stores in Wisconsin have argued in communities across the
state that the assessed value of their property for property tax purposes should be less than half of
their actual sale prices on the open market; and

WHEREAS, in many cases the courts have sided with Walgreens and CVS, requiring
communities to refund tax revenue back to the stores; and

WHEREAS, there are over 200 Walgreens stores located in Wisconsin; and.

WHEREAS, Target, Lowes, Meijer, Menards and other big box chains are using what is
known as the "Dark Store Theory" to argue that the assessed value of a new store in a thriving
location should be based on comparing their buildings to sales of vacant stores in abandoned
locations for a different market segment; and

WHEREAS, the Indiana Legislature has on two occasions in the last two years
overwhelmingly passed legislation prohibiting assessors from valuing new big box stores the same as
nearby abandoned stores from a different market segment; and

WHEREAS, the Michigan State House overwhelmingly passed similar legislation in May of
2016.

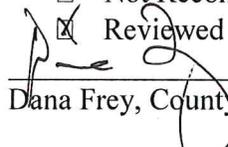
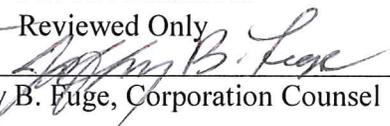
NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors does
hereby urge the Governor and State Legislature to protect homeowners and main street businesses
from having even more of the property tax burden shifted to them by passing legislation clarifying
that:

1. Leases are appropriately factored into the valuation of leased properties; and

36
37
38
39
40
41
42
43

- 2. When using the comparable sale method of valuation, assessors shall consider as comparable only those sales within the same market segment exhibiting a similar highest and best use rather than similarly sized but vacant properties in abandoned locations.

BE IT FURTHER RESOLVED that the County Clerk cause to be forwarded a certified copy of this resolution to the offices of Governor Scott Walker, State Senator Sheila Harsdorf, State Senator Janet Bewley, Assembly Representative Adam Jarchow, Assembly Representative Romaine Quinn and the Wisconsin Counties Association.

Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon passage
Dated Submitted To County Board	March 21, 2017
Submitted By: 	_____
Review By County Administrator: <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input checked="" type="checkbox"/> Reviewed Only  Dana Frey, County Administrator	Review By Corporation Counsel: <input checked="" type="checkbox"/> Approved as to Form <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input checked="" type="checkbox"/> Reviewed Only  Jeffrey B. Fuge, Corporation Counsel

Acknowledgement of County Board Action

Mark As Appropriate:

At its regular business meeting on the 21st of March 2017, the Polk County Board of Supervisors considered and acted on the above resolution, Resolution No. ~~18~~-17: Resolution in Support of Efforts to Close Commercial Property Assessment Loopholes, as follows:

- Adopted by simple majority of the board of supervisors by a vote of 11 in favor and 2 against. *2 absent*
- Adopted by unanimous vote.
- Defeated by a vote of _____ in favor and _____ against.
- Defeated by voice vote.
- Action Deferred by Procedural Action, as follows: _____

SIGNED BY:


Dean Johansen, County Board Chairperson

Attest: 
Sharon Jorgenson, County Clerk

1 Polk County Board of Supervisors

2 Resolution No. 15-17

3 Resolution To Amend 2017 County Budget To Provide For Leasing of Bleacher Seating for 2017
4 County Fair and To Secure Polk County Fairground Grandstand

5 TO THE HONORABLE SUPERVISORS OF THE COUNTY BOARD OF THE COUNTY OF
6 POLK:

7 Ladies and Gentlemen:

8 WHEREAS, in adopting Resolution No. 2-17, the Polk County Board of Supervisors authorized the
9 Parks and Buildings Director to reserve the lease of temporary bleacher seating for the 2017 County
10 Fair, subject to County Board approval of the rental contract amount at the March 2017 regular
11 meeting; and

12 WHEREAS, after review of three formal written proposals in accordance with the purchasing
13 provisions of the County Finance policy, the Parks and Building Director has reserved temporary
14 bleachers for the 2017 County Fair through an equipment lease and installment contract with Always
15 Available Seating, LLC.; and

16 WHEREAS, it will be necessary for the County to secure the fairgrounds grandstand to provide for
17 public safety until the grandstand is properly repaired or restored; and

18 NOW, THEREFORE, BE IT RESOLVED that, pursuant to Wisconsin Statute Section 65.90(5)(a),
19 the Polk County Board of Supervisors authorizes an amendment to the 2017 County Budget to
20 transfer the sum of \$11,900 from County Fund Balance to the Fair Operating Budget and allocate the
21 sum of \$11,500 to Rental and Lease of Equipment (101-20-55460-533) and the sum of \$400 to
22 Other Operating Supplies (101-20-55460-349), to provide for the lease and installation of bleacher
23 seating at the 2017 County Fair and to provide for the purchase of materials to secure the grandstands
24 until repairs or restoration is undertaken.

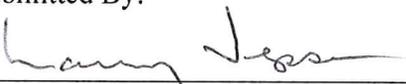
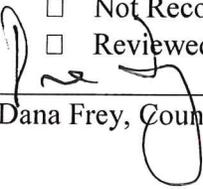
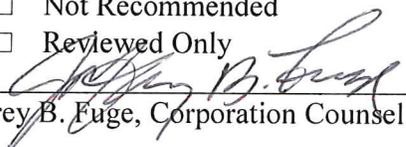
25 BE IT FURTHER RESOLVED that, pursuant to Wisconsin Statute Section 65.90(5)(a), the Polk
26 County Board of Supervisors directs the Clerk to publish this resolution by Class 1 notice under
27 Sections 985.02 and 985.07(1) within 15 days of passage and post the adopted resolution on the
28 County's website.

(Continued on Page 2)

Polk County Board of Supervisors

Resolution No. 15-17

Resolution To Amend 2017 Budget To Provide For Leasing of Bleacher Seating for 2017 County Fair and To Secure Polk County Fairground Grandstand

Funding Source/ Funding Amount:	Fund Balance: \$11,900 \$11,500 - Always Available Seating, Bleacher Lease and Installation; and \$400 Material Cost to Secure Grandstand
Date Reviewed as to Appropriations:	March 9, 2017 General Government Committee
Committee Recommendation as To Appropriation:	
Effective Date:	Upon Passage and Publication
Dated Submitted To County Board	March 21, 2017
Submitted By:	
Review By County Administrator: <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only  Dana Frey, County Administrator	Review By Corporation Counsel: <input checked="" type="checkbox"/> Approved as to Form <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only  Jeffrey B. Fuge, Corporation Counsel

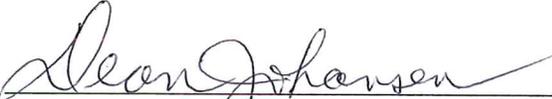
Acknowledgement of County Board Action

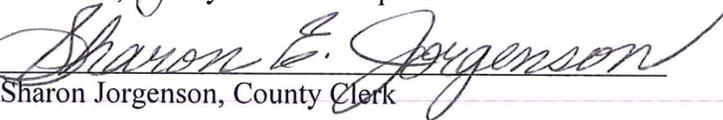
Mark As Appropriate:

At its regular business meeting on the 21 of March 2017, the Polk County Board of Supervisors considered and acted on the above resolution, Resolution No. 15-17: Resolution To Amend 2017 County Budget To Provide For Leasing of Bleacher Seating for 2017 County Fair and To Secure Polk County Fairground Grandstand, as follows:

- Enacted by two-thirds majority of the board of supervisors by a vote of _____ in favor and _____ against.
- Enacted by unanimous vote. *voice vote*
- Defeated by a vote of _____ in favor and _____ against.
- Defeated by voice vote.
- Action Deferred by Procedural Action, as follows: _____

SIGNED BY:


Dean Johansen, County Board Chairperson

Attest: 
Sharon Jorgenson, County Clerk

