



# POLK COUNTY, WISCONSIN

[WWW.CO.POLK.WI.US](http://WWW.CO.POLK.WI.US)

Sharon Jorgenson, County Clerk  
100 Polk Plaza, Suite 110, Balsam Lake, WI 54810  
Phone (715) 485-9226 Email Sharon.Jorgenson@co.polk.wi.us

## MINUTES

### Environmental Services Committee

Government Center County Board Room  
100 Polk County Plaza Balsam Lake, WI 54810  
9:00 A.M. Wednesday, September 5, 2018

#### Member Attendance

Attendee Name	Title	Status
Kim O'Connell	Chair	Present
Tracy LaBlanc	Supervisor	Present
Doug Route	Supervisor	Present
Brad Olson	Vice Chair	Present
Jim Edgell	Supervisor	Present
Lyle Doolittle	FSA Representative	Present

Also present were Stephanie Fansler, Deputy County Clerk; Malia Malone, Assistant Corporation Council; and members of the public and of the press.

#### Meeting called to order by Chair O'Connell at 9:00 A.M.

**Approval of Agenda-** Chair O'Connell called for a **motion** to approve the amended agenda. **Motion** (Route/Edgell) to approve the agenda as amended carried by unanimous voice vote.

**Approval of Minutes** – Chair O'Connell called for a **motion** to approve the minutes of the August 22, 2018 meeting. **Motion** (LaBlanc/Olson) to approve the Minutes of August 22, 2018 carried by unanimous voice vote.

**Public Comment** – Thirteen public comments received by committee.

**Receipt of Information from non-committee Supervisors on Matters Noticed** –Supervisor Nelson addressed the committee.

Chair O'Connell recognized Mark Gossman, Forester for the purpose of receiving a status report on the property withdrawal from County Forest Land and AT&T lease of same land.

Chair O'Connell recognized Todd Miller for the purpose of receiving a report of a Special Event Ride. Chair O'Connell called for a break at 9:48 A.M. Chair O'Connell called the meeting back in session at 9:58 A. M.

Chair O'Connell recognized Malia Malone, Assistant Corporation Council for the purpose of receiving information on the status of the Subdivision Ordinance revisions.

Chair O'Connell recognized Jason Kjeseth, Zoning Administrator for the purpose of receiving information. Kjeseth presented the committee with a proposed Plan of Procedures concerning Conditional Use Permit Applications. Kjeseth also addressed the proposed changes to the Ordinance Provisions concerning Private Road Set Backs.

Administrator's Report on Cost Estimates for External Review of Land Use Ordinances is deferred until a future meeting.

Chair O'Connell recognized Brad Olson, Chair of the Trail Planning sub-committee to provide committee with an overview of the Cattail Trail proposed Master Plan. Discussion. **Motion** (Edgell/Route) to forward Cattail Trail proposed Master Plan draft to the full County Board carried by unanimous voice vote.

Chair O'Connell called for a break at 10:38 A.M. Chair O'Connell called the meeting back in session at 10:52 A.M.

Supervisor Olson provided an overview of the proposed Stower Seven Lakes State Recreation Trail Master Plan to the committee. Discussion. Chair O'Connell recognized Debbie Peterson, Director of Parks and Building for the purpose of receiving information. Peterson handed out information regarding costs associated with the Amery to Dresser Trail from October 6, 2009. Discussion.

**Motion** (Route/Edgell) to forward Stower Seven Lakes State Recreation Trail proposed Master Plan draft to the full County Board carried by unanimous voice vote.

The committee discussed adding, to the work plan, update of the Recreation Plan and the Comprehensive Use Plan. Review and Approval of Minutes of the Subcommittee on Trail Planning, August 14, 2018 meeting is deferred until a future meeting.

Recommendation on Proposed Ordinance No. 53-18: Acquisition and Sale of Tax Deeded Lands Concerning the Sale of Tax Deed Property is deferred until a future meeting.

**Identification of Subject Matters for Upcoming Meetings:** Revisions to sub-division ordinances, UW Ext. annual report/update, Public Hearing, Admin. Report re: external review of land use ordinances, new properties for sale, Ordinance No. 53-18: Acquisition and Sale of Tax Deeded Lands-(tax deed ordinance), Storm water erosion ordinance, minutes of the final subcommittee meeting, update the comprehensive and shoreline ordinances to comply with the sub-division ordinance. Second meeting in October – 3 public hearings

**Motion** (Olson/Route) to adjourn. **Motion** carried by unanimous voice vote. Chair O'Connell declared meeting adjourned at 11:24 A.M.

Respectfully submitted,

Stephanie Fansler  
Deputy Polk County Clerk

## Summary of changes to Chapter 18 Polk County Subdivision Ordinance:

- **Amend Table of Contents for removed text**
- **Section 18.03 is amended to read:** The definitions set forth in Chapter 236 of the Wisconsin Statutes are incorporated into this Ordinance. In addition, for purposes of this Ordinance, certain words or phrases used herein are defined as follows:
- **Section 18.03(B) is amended to read:** 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 Zoning Office ~~planning agency~~ under Chapter 236 and Chapter 59 of the 236.02(3), 236.45(2)(a), and 59.69 Wisconsin Statutes.
- **Section 18.03(O) is amended to read:** 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 Wis. Stat. s. 340.01(54), Wis. Adm. Code, or sidewalks as defined in Wis. Stat. s. 340.01(58), Wis. Adm. Code, are not considered impervious surfaces.
- **Section 18.03(P) is amended to read:** 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 County Register of Deeds, or any part of a large parcel when such part complies with the requirements of this O rdinance as to width and area for the district in which it is located.
- **Section 18.03(AA) is created to read:** Subdivider. Any person, partnership, corporation or other entity that submits to the County a proposed Subdivision for review and approval, or any person, partnership, corporation or other entity that executes the final Subdivision Plat or CSM which is recorded and effectuates the Subdivision.
- **Section 18.03(AA) is renumbered to (BB) and amended to read:** Subdivision. A division of a lot, parcel or tract of land ~~existing on June 30, 1996,~~ by the owner thereof or the owner's agent for the purpose of sale 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 require state approval. ~~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 CSM 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.

- **Section 18.03(CC) is amended to read:** Town. Any town within the County.
- **Section 18.04(A) is amended to read:** Chapters 59-69, 87-30, 92, 15, 236, and 281, Wisconsin Statutes.
- **Section 18.04(A) is amended to read:** For state approved subdivision 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.
- **Section 18.04(C) is amended to read:** Statutory requirements ~~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).
- **Section 18.04(D) is amended to read:** Statutory requirements ~~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.
- **Section 18.04(E) is amended to read:** All County and Town land use regulations, including this Ordinance, and all other applicable local and County regulations and plans.
- **Section 18.04(F) is amended to read:** Dedication of lands for streets, highways, and parkways, parks, playgrounds, trails, waterways, and public transit facilities pursuant to an adopted County or Town comprehensive plan or County development plan. 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.
- **Section 18.05(B) is amended to read:** The document, plat, or CSM 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.
- **Section 18.10(A) is amended to read:** Any division of a parcel of land creating a lot or outlot shall be implemented using a CSM or plat prepared as required pursuant to this ordinance by a Wisconsin registered land surveyor unless it is exempted under Section 18.05. Any applicable Town Regulations or County standards that may have

~~been adopted by a Town as its standards shall apply. If such division requires the construction of a road, the design standards found in Section 18.16(C) (Design Standards for Subdivisions) shall apply.~~

- **Section 18.10(B) is amended to read:** A survey is not required for the sale or exchange of parcels of land between owners of abutting property if additional parcels ~~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 of such lot line adjustment 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.
- **Section 18.10(C) is amended to read:** 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 as each may be amended, and any other applicable law or regulation, prior to the County granting final approval.
- **Section 18.11(A)(1) is amended to read:** Before applying for approval of a preliminary plat, the subdivider or agent shall meet with the Director and other County staff for a pre-application meeting 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 land division and/or development. All subdivisions must reference bearings to the Polk County Coordinate System.
- **Section 18.11(A)(2) is amended to read:** ~~{~~ County 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 County staff.
- **Section 18.11(A)(3) is amended to read:** 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 pre-application meeting.
- **Section 18.11(B)(1)(h) is amended to read:** The location and names of adjacent plats, tax parcel number, certified survey maps, parks, and cemeteries, underscored with a dotted or dashed line.
- **Section 18.11(B)(1)(h) is amended to read:** The location, construction plans, and specifications for all public and private roads required by the Town. In addition, the preliminary plat 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.
- **Section 18.11(B)(1)(k) is amended to read:** The locations of all storm water plan soil borings shall be shown with cross-reference to test results within soil test forms (SBD-8330) or other report documents.
- **Section 18.11(B)(1)(l) is amended to read:** 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.

- **Section 18.11(B)(3) is amended to read:** In addition to the above information, the subdivider must submit a completed Town government checklist for each requested Subdivision. ~~The checklist shall include, but not be limited to, the questions set forth in sections (a) (d) below, and may include additional standards if so required by the Town or County. 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 for each requested Subdivision is to involve a Town Boards in the land division review early in the review process and to advise the County and subdivider of all applicable Town 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 on the questions listed below. The checklist does not relieve the Town of acting formally upon proposed land divisions as required under State law or Town ordinances.~~
  - (a) ~~Whether the Town Board will, on behalf of the Town, 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.~~
  - (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.~~
- **Section 18.11(B)(4) is amended to read:** 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 ~~may~~ waive the requirement of the checklist. The Committee shall not, however, waive the site testing requirement described in Section 18.11(B)(3)(d) without written approval of the waiver by the Town.
- **Section 18.11(B)(5) is amended to read:** The County may refuse to approve the subdivision or assess costs if the Town requirements for public improvements are not complied with.
- **Section 18.12(A) is amended to read:** 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.

- **Section 18.11(B)(1)(c) is amended to read:** if a plat is not made pursuant to a CSM, the DOT if the subdivision abuts or adjoins a state trunk highway or a connecting road; and
- **Section 18.13(A) is amended to read:** 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~~ 36 months. Any final plat of a phased development submitted after ~~five (5) years~~ 36 months 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.
- **Section 18.13(C) is amended to read:** The subdivider shall submit all proposed restrictive covenants or deed restrictions in the final ~~draft version~~ plat. ~~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.~~
- **Section 18.13(H) is amended to read:** After the Committee approves a final plat, and the town 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.
- **Section 18.14(A)(3)(b) is amended to read:** The Director shall have the authority to take action on the final CSM without committee approval.
- **Section 18.15(A) is amended to read:** A replat is a change to the exterior boundaries of a previously platted subdivision or part thereof. A replat does not include the changing the interior boundaries within a previously recorded subdivision.
- **Section 18.15(B) is amended to read:** ~~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. If a replat creates one or more lots or outlots, it shall be deemed a subdivision under this ordinance.~~
- **Section 18.16(C)(2) is amended to read:** The Town Board shall determine the applicable public and private 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.~~

- **Section 18.16(C)(3) is amended to read:** 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 outlet or road easement. Any driveways serving not more than two (2) lots shall be located within an outlet or a driveway easement that is no more than at least 20 feet wide.
- **Section 18.16(C)(5 & 6) are removed.**
- **Section 18.16(C)(8) is amended to read:** 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 as part of the Town requirements.
- **Section 18.16(D & E) are removed.**
- **Section 18.16(F)(5) is amended to read:** 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.~~
- **Section 18.16(F)(7) is removed.**
- **Section 18.16(F)(13) is amended to read:** 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.~~
- **Section 18.16(G) is removed.**
- **Section 18.17 is removed.**
- **Section 18.18 is removed.**
- **Section 18.19 is removed.**
- **Section 18.20(A) is amended to read:** 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 by the Town and Committee approval of all plans for improvements, drainage and erosion control measures, ditches and culverts.
- **Section 18.23(E) is amended to read:** Any Subdivider who fails to comply with the provisions of this Ordinance shall, upon adjudication of violation, be subject to penalties and forfeitures issued by county staff as provided in Chapters 236.30, 236.31, 236.32, 236.335, and 236.35, Wisconsin Statutes. These sections provide penalties for:
- **Appendix A is removed.**

➤ *Please note: All other provisions except for the changes listed above remain intact and unchanged in these ordinances.*

# **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**

~~Text=Removed~~

Text= Proposed

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](http://www.co.polk.wi.us/landinfo/zoning)

## Table of Contents

<b>18.01 PURPOSE</b> .....	<b>1</b>
<b>18.02 AUTHORITY</b> .....	<b>2</b>
<b>18.03 DEFINITIONS</b> .....	<b>2</b>
<b>18.04 COMPLIANCE AND REQUIREMENTS</b> .....	<b>5</b>
<b>18.05 EXEMPTIONS</b> .....	<b>6</b>
<b>18.06 ABROGATION AND GREATER RESTRICTIONS</b> .....	<b>7</b>
<b>18.07 INTERPRETATION</b> .....	<b>7</b>
<b>18.08 DISCLAIMER OF LIABILITY</b> .....	<b>7</b>
<b>18.09 SEVERABILITY</b> .....	<b>7</b>
<b>18.10 SURVEY REQUIRED</b> .....	<b>8</b>
<b>18.11 APPLICATION AND REVIEW OF PRELIMINARY PLATS</b> .....	<b>8</b>
<b>18.12 PROCEDURE FOR PRELIMINARY PLAT REVIEW</b> .....	<b>15</b>
<b>18.13 APPLICATION AND REVIEW OF FINAL PLATS</b> .....	<b>16</b>
<b>18.14 MINOR SUBDIVISIONS</b> .....	<b>18</b>
<b>18.15 REPLATS</b> .....	<b>19</b>
<b>18.16 DESIGN STANDARDS FOR SUBDIVISIONS</b> .....	<b>19</b>
<del><b>18.17 REQUIRED LAND DEDICATIONS OR PAYMENTS IN LIEU OF DEDICATIONS</b>.....</del>	<del><b>24</b></del>
<del><b>18.18 REQUIRED INSTALLATIONS FOR SUBDIVISIONS</b>.....</del>	<del><b>25</b></del>
<del><b>18.19 CONSTRUCTION AND MAINTENANCE GUARANTEES</b>.....</del>	<del><b>25</b></del>
<b>18.20 CONSTRUCTION WITHIN SUBDIVISIONS</b> .....	<b>27</b>
<b>18.21 VARIANCES TO DESIGN STANDARDS AND APPEAL PROCESS</b> .....	<b>27</b>
<b>18.22 FEES</b> .....	<b>28</b>
<b>18.23 VIOLATION AND PENALTIES</b> .....	<b>28</b>
<b>18.24 AMENDMENTS</b> .....	<b>29</b>
<b>APPENDIX</b> .....	<b>30</b>

### 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

The definitions set forth in Chapter 236 of the Wisconsin Statutes are incorporated into this Ordinance. In addition, 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~~ zoning agency under Chapter 236 and Chapter 59 of the 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 Wis. Stat. § 340.01(54) or sidewalks as defined in Wis. Stat. § 340.01(58) 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 County 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 pursuant to Wis. Stat. \_\_\_\_\_.
- (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) Subdivider. Any person, partnership, corporation or other entity that submits to the County a proposed Subdivision for review and approval, or any person, partnership, corporation or other entity that executes the final Subdivision Plat or CSM which is recorded and effectuates the Subdivision.
- (BB) Subdivision. A division of a lot, parcel or tract of land ~~existing on June 30, 1996,~~ by the owner thereof or the owner's agent for the purpose of ~~transfer of ownership~~ sale 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 require state approval. ~~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 CSM.

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.

~~(CC) Subdivider. Any person, partnership, corporation, or other entity creating a subdivision.~~

(CC) Town. Any town within the County.

(DD) USDA. The United States Department of Agriculture.

(EE) USGS. The United States Geological Survey, a division of the United States Department of the Interior.

(FF) 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, 87, 92, 15, 236, and 281, Wisconsin Statutes.

(B) For state approved subdivision 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) Statutory requirements 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) Statutory requirements 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 and Town 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 pursuant to an adopted County or Town comprehensive plan or County development plan. 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 ½ SE1/4, NW1/4 and South ½ SE1/4, NW1/4)
  - (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~~ parcels 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;
  - (6) Easements;
  - (7) Mortgages;

- (8) Cemetery plats made under Chapter 157.07, Wisconsin Statutes.
- (9) Assessors' plats made under Chapter 70.27, Wisconsin Statutes.
- (B) The document, Plat, or CSM 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 as required pursuant to this Ordinance by a Wisconsin registered land surveyor unless it is exempted under Section 18.05. Any applicable Town regulations or County standards that may have been adopted by a Town as its standards shall apply. ~~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~~ parcels 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 of such lot line adjustment 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 as each may be amended, and any other applicable law or regulation, 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 County staff for a pre-application meeting 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 land division and/or development. All subdivisions must reference bearings to the Polk County Coordinate System.
  - (2) County 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 County 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 the pre-application 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, tax parcel number, 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 required by applicable Town regulations. ~~In addition, t~~ The preliminary plat 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 contained within the preliminary plat. 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 designation and any proposed or anticipated changes to the land use and/or zoning designation. 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 storm water plan 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..
    - 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 for each requested Subdivision. ~~The checklist shall include, but not be limited to, the questions set forth in sections (a) - (d) below, and may include additional standards if so required by the Town or County. 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 for each requested Subdivision is to involve a Town Boards in the land division review early in the review process and to advise the County and subdivider of all applicable Town 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 on the questions listed below. The checklist does not relieve the Town of acting formally upon proposed land divisions as required under State law or Town ordinances.~~

~~(a) Whether the Town Board will, on behalf of the Town, 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.~~

~~(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~~ may waive the requirement of the checklist. The Committee shall not, however, waive the site testing requirement described in Section 18.11(B)(3)(d) without written approval of the waiver by the Town.

(5) The County may refuse to approve the subdivision or assess costs if the Town requirements for public improvements are not complied with.

(6) 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) if a plat is not made pursuant to a CSM, 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~~ 36 months. Any final plat of a phased development submitted after ~~five (5) years~~ 36 months 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 plat. 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 final 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 the town 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 accomplished by CSM shall be processed under this section:
- (1) County staff may require a pre-application conference between the subdivider and County staff.
  - (2) Subdivider shall submit to the County 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) Subdivider shall submit to the County 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 without committee approval.
    - (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. A replat does not include the changing the interior boundaries within a previously recorded subdivision.
- ~~(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. If a replat creates one or more lots or outlots, it shall be deemed a subdivision under this ordinance.~~
- (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 and private 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 at least 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. 1/40<sup>th</sup> 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 as part of the Town requirements.
- (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		
	<b>Area</b>				
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.		<b>Density Standard</b>		
			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				
<b>Shoreland</b>		<b>Area</b>	<b>Width(ft.)</b>	<b>Area</b>	<b>Width (ft.)</b>
Shoreland	Non-Riparian	1 acre	100	20,000	90
Shoreland Riparian	Class I	1 acre	100	20,000	90
	Class II	60,000 ft <sup>2</sup>	150		
	Class III	100,000 ft <sup>2</sup>	250		

- (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 by the~~ 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 not required under Chapter 236 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 to the proposed Subdivision for which the variance is sought. 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, adjacent landowners and municipality(ies) which were required to receive notice of the public hearing.

- (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 Subdivider who fails to comply with the provisions of this Ordinance shall, upon adjudication of violation, be subject to penalties and forfeitures issued by county staff 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 Subdivider 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.

- (G) Any Subdivider who fails to comply with any provisions or conditions of approval for a Subdivision 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, and the actual costs incurred by the County to cure or otherwise remedy the noncompliance with the conditions of approval. 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;~~

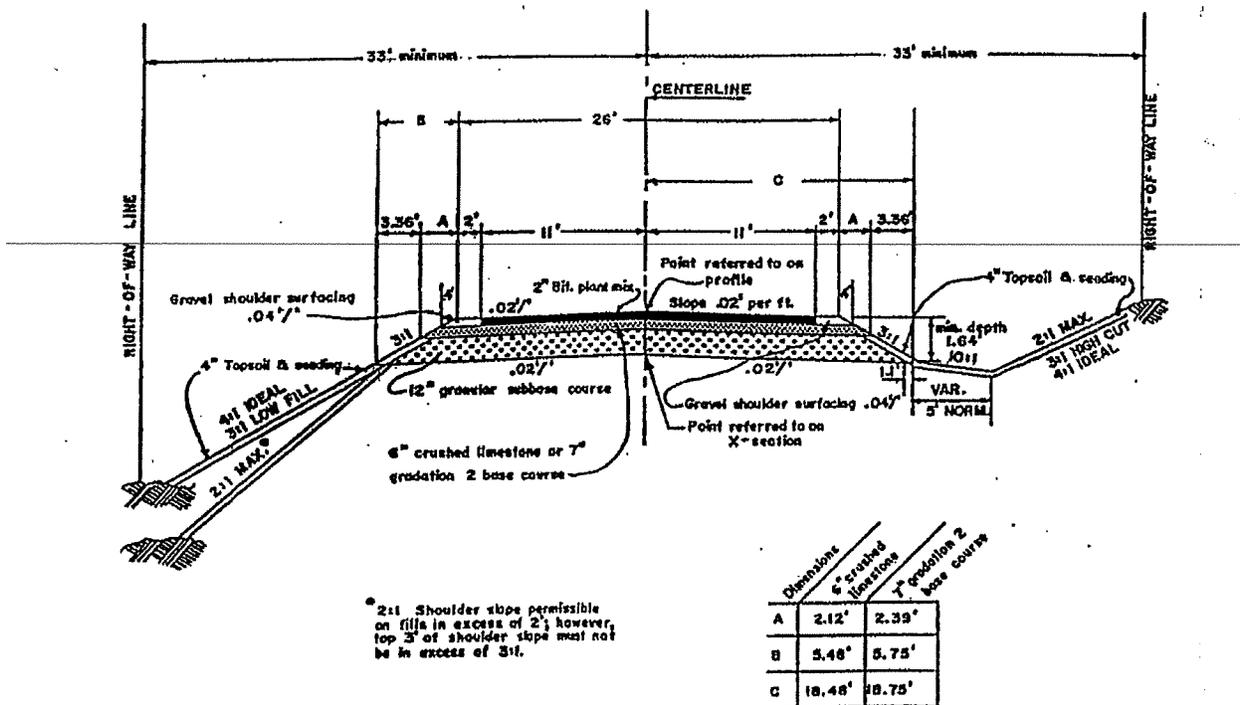
- ~~(8) — 2' shoulders;~~
  - ~~(9) — 12" sub base of sand, measured after being compacted;~~
  - ~~(10) — 6" base of crushed limestone or 7" base of Wisconsin grade #2 gravel, measured after being compacted;~~
  - ~~(11) — Decomposable material shall not be used in construction;~~
  - ~~(12) — Shoulder 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.~~

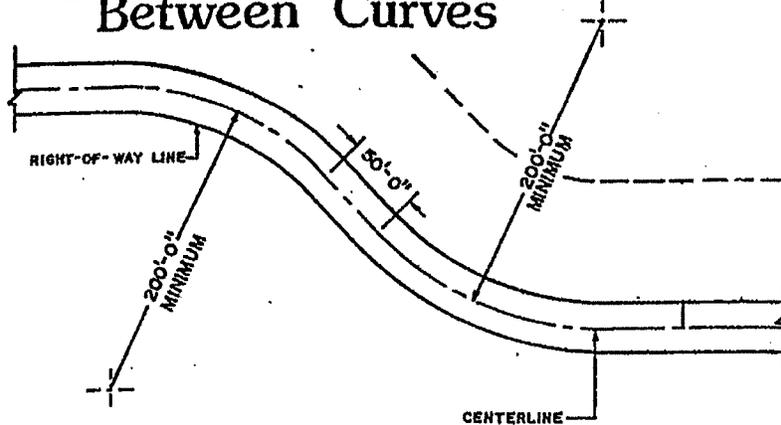
~~(8) The Committee may require joint driveways.~~

ROAD CONSTRUCTION STANDARDS

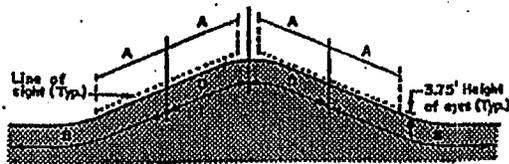


TYPICAL FINISHED SECTION

# 1. Alignment of and Tangent Between Curves

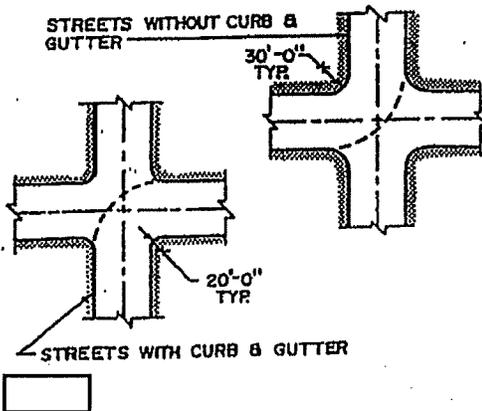


# 3. Vertical Sight Distance

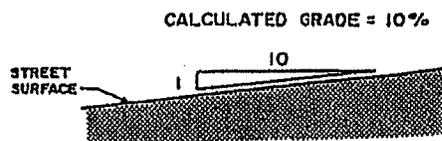


A = 250'-0" MINIMUM SIGHT DISTANCE  
 SUBDIVISION ROAD ACCESS PERMISSIBLE ALONG B AND AT POINT C.  
 SUBDIVISION ROAD ACCESS PROHIBITED ALONG D.

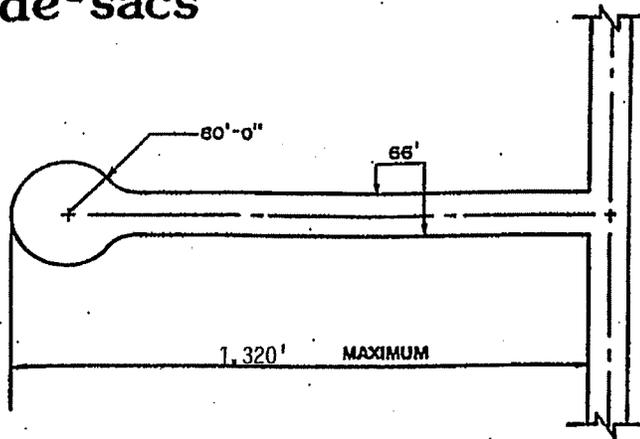
# 2. Corner Radii



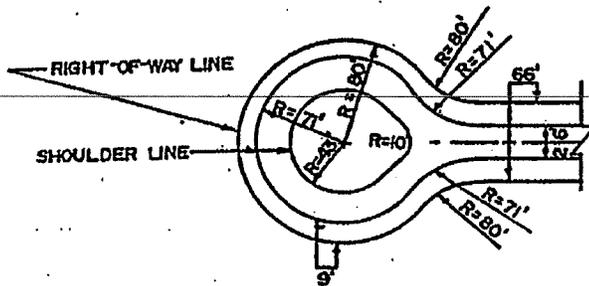
# 4. Grades



# Cul-de-sacs

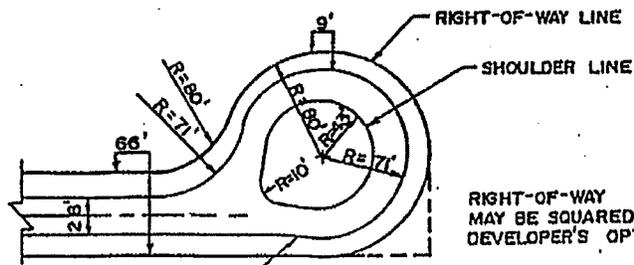


## TYPICAL CUL-DE-SAC



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

## ASYMMETRICAL CUL-DE-SAC



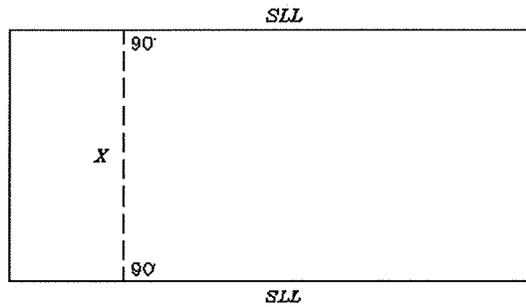
RIGHT-OF-WAY  
MAY BE SQUARED AT  
DEVELOPER'S OPTION.

NOTE:  
WIDENING OR REVERSE CURVE  
ON TRAVELED SURFACE

APPENDIX B LOT WIDTH DETERMINATIONS

---

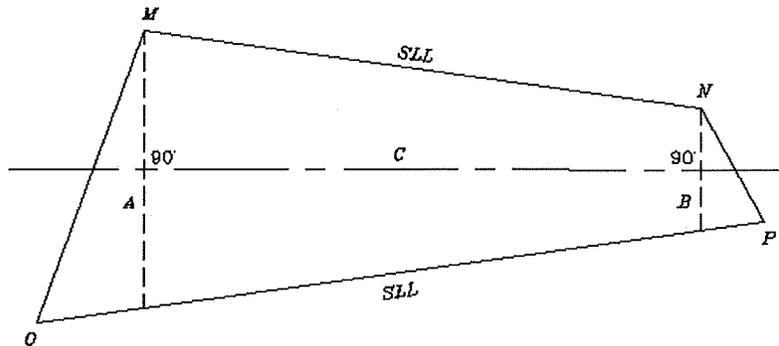
(a) *Parallel Lot Lines*



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

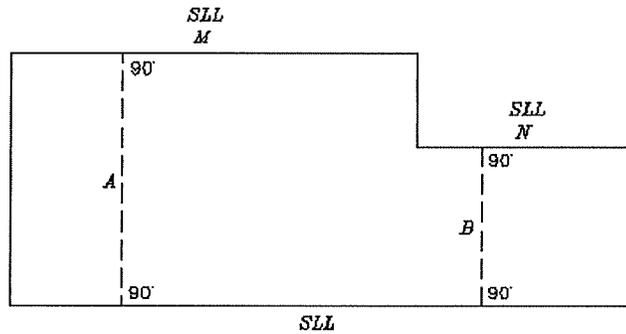
---

(b) *Nonparallel Lot Lines*



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

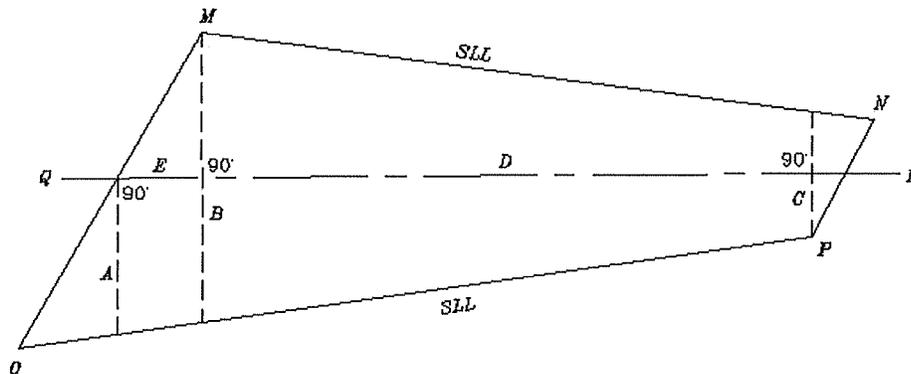
(c) *Parallel Lot Lines, Alternate*



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

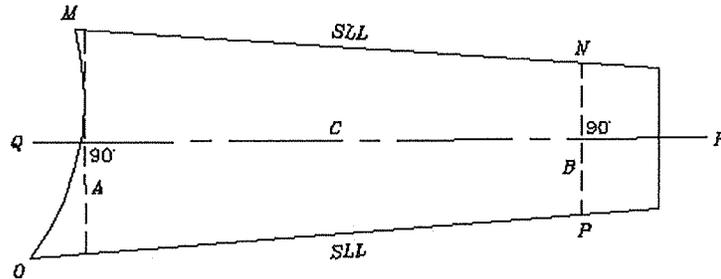
USE ONLY THAT PART OF LENGTH  $N$  THAT, WHEN ADDED TO AREA OF  $M$  PORTION OF LOT, SATISFIES MINIMUM AREA REQUIREMENTS.

(d) *Nonparallel Lot Lines, Alternate 1*



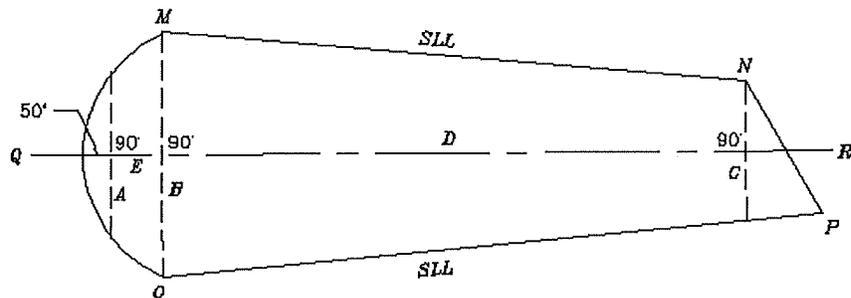
AVERAGE LOT WIDTH IS  $\frac{A+B}{E} \times \frac{E}{E+D} + \frac{B+C}{E} \times \frac{D}{E+D}$  AND LINE  $QR$  BISECTS ANGLE FORMED BY LINES  $MN$  AND  $OP$  EXTENDED.  $D$  IS THE PERPENDICULAR DISTANCE BETWEEN LINES  $B$  AND  $C$ .  $E$  IS THE PERPENDICULAR DISTANCE BETWEEN LINES  $A$  AND  $B$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

(e) Nonparallel Lot Lines, Alternate 2



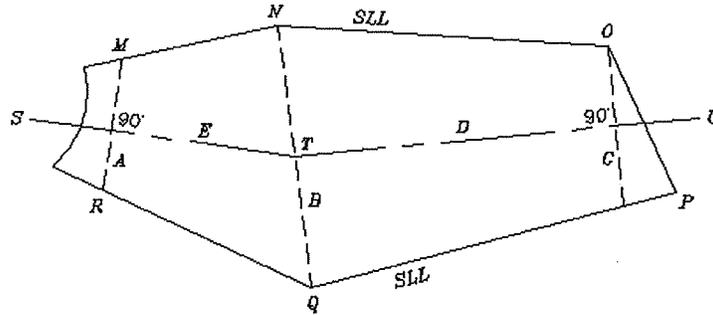
AVERAGE LOT WIDTH IS  $\frac{A + B}{2}$  AND LINE QR BISECTS ANGLE FORMED BY LINES MN AND OP EXTENDED. C IS THE PERPENDICULAR DISTANCE BETWEEN LINES A AND B. LINE NP MAY COINCIDE WITH LOT LINE.

(f) Nonparallel Lot Lines, Alternate 3



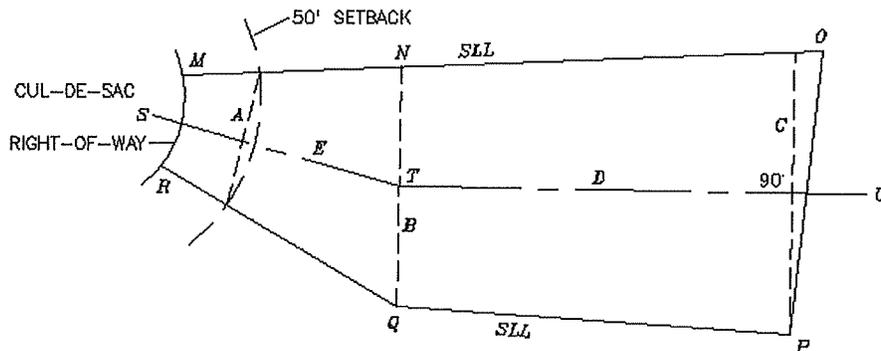
AVERAGE LOT WIDTH IS  $\frac{A + B}{2} \times \frac{E}{E + D} + \frac{B + C}{2} \times \frac{D}{E + D}$  AND LINE QR BISECTS ANGLE FORMED BY LINES MN AND OP EXTENDED. D IS THE PERPENDICULAR DISTANCE BETWEEN LINES B AND C. E IS THE PERPENDICULAR DISTANCE BETWEEN LINES A AND B.

(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



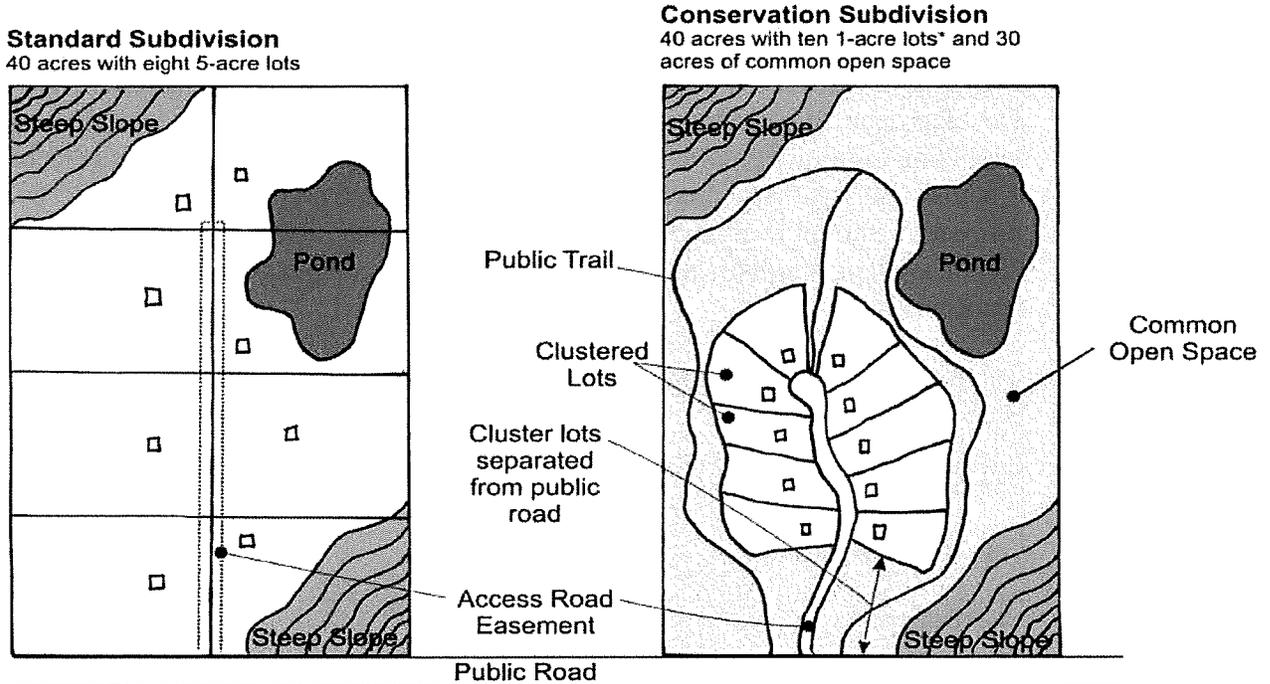
AVERAGE LOT WIDTH IS  $\frac{A+B}{2} \times \frac{E}{E+D} + \frac{B+C}{2} \times \frac{D}{E+D}$ . LINE *ST* BISECTS ANGLE FORMED BY LINES *MN* AND *QR* EXTENDED AND LINE *TU* BISECTS ANGLE FORMED BY LINES *NO* AND *PQ* EXTENDED. *D* IS THE DISTANCE BETWEEN *B* AND *C*. *E* IS THE DISTANCE BETWEEN *A*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

<b>Table 2: Limiting Factor</b>	<b>Separation Distance</b>
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. 1/40<sup>th</sup> 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 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

Steve Geiger, Interim Director

**To: Environmental Services Committee**

**From: Jason Kjeseth**

**Date: September 4, 2018**

**Re: Conditional Use Public Hearing Format and Process**

---

## Conditional use permit application process:

- 1) Review the application with the landowner
- 2) Receipt application and fee
- 3) Prepare the public hearing notice & send to paper for the Class II notification
- 4) Prepare any relevant information and send a copy of application to each committee member

## Hearing day - Committee

- 1) Open public hearing at published time
  - Open the public hearing
  - Read public notice (property information)
- 2) STAFF REPORT: Zoning department will explain each of the following:
  - Conditional use permit application
  - Plat map-aerial photo indicating approximate property lines
  - Pictures of property
  - Wetlands, floodplains, navigable waters on property
  - Sanitary facilities
- 3) Read any Exhibits into the record (direction of the chair)
- 4) Applicants testimony (chair swears in with questions by Committee)
- 5) Public comment/testimony (pro/con/information) (chair swears in with questions by Committee)
- 6) Applicants response to any testimony (chair with questions by Committee)
- 7) Final comments or questions of the zoning department (direction of the chair)
- 8) Close record and hearing (chair)
- 9) Discussion & submit findings of fact
- 10) Decision

**Environmental Services Committee Decision -- Conditional Use Application**  
100 Polk County Plaza, Suite 130; Balsam Lake, Polk County, Wisconsin 54810

**Project: campground/mud bog**

**FINDINGS OF FACT**

Having heard the testimony and considered the evidence presented, the Board determines the facts of this case to be:

- |   |  |
|---|--|
| 1) The applicant or appellant is (name and address):<br>WAYNE D & DEBORAH K BOE<br>1113 55TH ST COUNTY RD D<br>AMERY, WI 54001  | Published hearing date: 9/26/18<br>Site Visit: _____<br>Publications: 9/12/2018, 9/19/2018<br>FilingDate: 8/7/2018 |
| 2) The applicant or appellant is the owner of the following described property which is the subject of the application or appeal:<br><br>Sec 6/T33N/R15W, town of Clayton<br>1113 55th St               | Parcel # 016-00122-0000<br>GOV LOT 9 EXC S 1/2   |
| 3) The applicant requests (news publication): conditional use via Article 8E.3 & 4. Of the Polk County Shoreland Protection Zoning Ordinance to have a recreational camp/campground and mud bog events. |  |
| 4) Additional Findings: _____   |  |

**CONCLUSIONS OF LAW**

The Board shall evaluate the effect of the proposed use upon the following criteria:

- \*The maintenance of safe and healthful conditions.
- \*The prevention and control of water pollution including sedimentation.
- \*Existing topographic and drainage features and vegetative cover on the site.
- \*The location of the site with respect to floodplains.
- \*The erosion potential based upon slope, soil type, & vegetative cover.
- \*The location of the site with respect to existing and future roads.
- \*The need of the proposed use for a shoreland location, if applicable.
- \*Its compatibility with uses on adjacent land.
- \*The amount of septic waste to be generated and adequacy of the proposed disposal system.
- \*Domestic uses shall be generally preferred.

Does this request meet the criteria above? Circle Yes or No

If yes, please list how the request meets the criteria:

---

---

---

---

If no, please list the criteria that are not met:

---

---

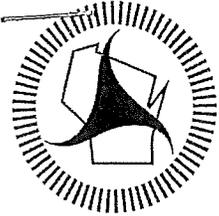
---

Polk County Board of Supervisors amends the Polk County Shoreland Protection Zoning Ordinance as follows:

- Article 11.E.4. is amended to read:  
The setback from any private road shall be 35 feet from the centerline of the road, unless the Town Board approves a reduced setback. A permit may be issued for the reduced setback once written Town approval (i.e. minutes, letter, or resolution) is received if all of the other ordinance requirements are met.

Polk County Board of Supervisors amends the Polk County Comprehensive Land Use Ordinance as follows:

- Section 10.3.5(C)(2) is amended as follows:
  - A permit may be issued for a reduced town road, private road, or driveway setback once written Town approval (i.e. minutes, letter, resolution) is received if all of the other ordinance requirements are met.



Wisconsin Department of Transportation  
www.dot.wisconsin.gov

Jim Doyle  
Governor

Frank J. Busalacchi  
Secretary

Division of Transportation  
Investment Management  
4802 Sheboygan Ave.  
P O Box 7913  
Madison, WI 53707-7913

Telephone: 608-266-0255  
FAX: 608-266-0686

RECEIVED

October 6, 2009

Steve Warndahl  
Highway Commissioner, Polk County  
P.O. Box 248  
Balsam Lake, WI 54810-0248

OUR CO. HIGHWAY DEPT

**SUBJECT: American Recovery & Reinvestment Act (ARRA) Funding Approval**

Dear Mr. Warndahl:

Congratulations on approval of the following *ARRA Local Stage 2 2010* construction project to be let in early CY2010:

Project ID	Project Name	Project Limits
8408-00-00/70	Amery to Dresser Trail	Dresser to Amery

Attached is the fully executed *State Municipal Agreement (SMA)* for the project.

**Successful financial authorization of construction is contingent upon a completed PS&E package being submitted to WisDOT no later than December 1, 2009.**

All Stage 2 projects throughout Wisconsin were capped at the project estimate amount, plus an additional 23%. The project listed above also received a capped amount of ARRA state design oversight funds.

No scope changes or substitutions are allowed on ARRA projects. The State, not the Municipality, will determine the need for, and must approve, all contract change orders.

With WisDOT approval, all eligible construction costs above the 100% ARRA cap will be funded 80% federal and 20% local from the appropriate State subprogram. WisDOT reserves the right to limit the use of 80% federal funding. Entitlement balances will not be impacted.

If you have any funding questions, please contact me at (608) 266-2574 or michelle.scott@dot.wi.gov.

Sincerely,

Michelle Scott  
Statewide Local ARRA Program Manager  
WisDOT Local Transportation Programs & Finance Section

cc: Attachment (SMA)

COPY



**STATE/MUNICIPAL AGREEMENT  
FOR A STAGE 2 LOCAL ARRA 2010  
CONSTRUCTION SEASON  
IMPROVEMENT PROJECT**

**LOCALLY FUNDED DESIGN**

Program Name: **Transportation  
Enhancement**  
Sub-program #: **214**

Date: **July 8, 2009**  
I.D.: **8408-00-00/70**  
Location: **Non Highway**  
Roadway Length/Bridge ID: **14.0 miles**  
Limits: **Amery to Dresser Trail**  
**Dresser - Amery**  
Functional Classification: **N/A**  
Community & County: **City of Amery/Village of  
Dresser/Polk County**

The signatory, Polk County, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 86.25(1), (2), and (3) of the Statutes.

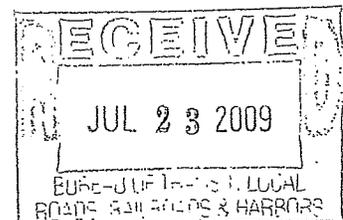
**NEEDS AND ESTIMATE SUMMARY:**

All components of the project must be defined in the environmental document if any portion of the project is federally funded. The Municipality agrees to complete all participating and any non-participating work included in this improvement consistent with the environmental document.

Existing Facility - Describe and give reason for request: There is an abandoned 14 mile stretch of railroad bed connecting the City of Amery to the Village of Dresser.

Proposed Improvement - Nature of work: It is proposed to convert the railroad bed to a bicycle/pedestrian path, with a restroom facility.

Describe non-participating work included in the project and other work necessary to completely finish the project that will be undertaken independently by the Municipality. Please note that non-participating components of a project/contract are considered part of the overall project and will be subject to applicable Federal requirements, including ARRA reporting requirements: None.



The Municipality agrees to the following Stage 2 local ARRA 2010 construction season project funding conditions:

Approved 100% ARRA funding cap is based on:

- 100% locally funded design; -
- State oversight of local design (1.5% of approved construction amount for projects over \$1M, and 2% of approved construction amount for projects \$1M or less); and
- WisDOT initial construction estimate, plus an additional 23%.

No scope changes or substitutions are allowed on ARRA projects. The State, not the Municipality, will determine the need for, and must approve, all contract change orders.

With WisDOT approval, all eligible construction costs above the 100% ARRA cap will be funded 80% federal and 20% local from the appropriate State subprogram. WisDOT reserves the right to limit the use of 80% federal and 20% local funding. Entitlement balances will not be impacted.

Any work performed by the Municipality prior to federal authorization is not eligible for federal funding. The Municipality will be notified by the State that the project is authorized and available for charging.

### SUMMARY FUNDING TABLE

PHASE	ESTIMATED COST				
	Total Est. Cost	Federal Funds	%	Municipal Funds	%
State Oversight	\$13,300	\$13,300	Max	\$0	Balance
Construction	\$665,000	\$665,000	Max	\$0	N/A
Additional 23%	\$152,950	\$152,950	Max	\$0	N/A
Subtotal	\$817,950	\$817,950	Max	\$0	N/A
Non-Participating (if appl.)	\$0	\$0	0%	\$0	100%
Total Est. Cost Distribution	\$831,250	\$831,250	Max	\$0	N/A

This request is subject to the terms and conditions that follow (pages 3-5) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State shall constitute agreement between the Municipality and the State.

Signed for and in behalf of: **Polk County**  
Municipality

Name: [Signature] Title: Finance Director/Auditor Date: 07-17-09

Signed for and in behalf of the State:

[Signature]  
Mary P. Follenza - Local Transportation Programs & Finance Chief

7/20/09  
Date



# **CATTAIL TRAIL**

## **POLK COUNTY, WISCONSIN**

### **MASTER PLAN**

**June, 2018**

**Polk County Environmental Services Committee**

**Kim O'Connell-Chairman**

**Brad Olson -Vice Chairman**

**Jim Edgell**

**Doug Route**

**Tracy LaBlanc**

**Department of Natural Resources**

# Table of Contents

## I. INTRODUCTION AND EXECUTIVE SUMMARY

## II. GOALS AND OBJECTIVES

- A. Goals
- B. Objectives

## III. PROPOSED MANAGEMENT AND LAND DEVELOPMENT

- A. Land Acquisition and Ownership
- B. Uses of the Trail Corridor
  - 1. Encouraged Primary Uses
  - 2. Encouraged Secondary Uses
  - 3. Allowed Uses
  - 4. Prohibited Uses
- C. Development Program
  - 1. Initial Development
  - 2. Development Standards
- D. Operation & Maintenance Program
- E. Interpretation
- F. Wildlife Management
- G. Timber and Vegetative Management
- H. Management Problems
- I. Recreation Needs and Justification

## IV. APPENDIX

- Map 1-Regional Location
- Map 2-Polk County
- A. Memorandum of Agreement-Polk County & State of Wisconsin Department of Natural Resources
- B. County Board Resolution

## **Introduction and Executive Summary**

This Master Plan represents the strategy of Polk County as well as various trail advocates and user groups, and the Wisconsin Department of Natural Resources (WDNR) for the development, operation, and maintenance of an 11.8 mile railroad corridor presently known as the Cattail Trail. The trail is located on a former Minneapolis St. Paul and Sault Ste. Marie Railroad right-of-way which begins in Amery, WI and extends into the Village of Turtle Lake, Wisconsin. In the rural branch of the corridor, the trail width is consistently 100 feet wide. The trail runs in a west to east direction. Map 1 shows the regional location of the trail. Map 2 shows the location of the trail in Polk County.

The trail right-of-way was purchased from Wisconsin Department of Transportation in 2000 by the WDNR. Property was transferred to the WDNR and recorded in quick claim document number 605297. A Memorandum of Understanding (MOU) was signed by the Wisconsin Department of Natural Resources (WDNR) and the County of Polk in 2003 (Appendix A). Under the terms of the MOU, the WDNR will grant a trail easement to Polk County as well as designate the trail as a "State Trail" under section NR 51.73, Wis. Adm. Code. The WDNR will also complete an environmental review of the property pursuant to s. 1.11, Stats., and Chapter NR 150, Wis. Adm. Code. In addition, the WDNR will work with Polk County to identify funding sources for the development and repair of the trail. Under this same MOU, Polk County will be responsible for the development, operation, repair, and maintenance of the trail.

The trail is a year round trail that has a packed gravel surface.

### **Section 1 Goals and objectives**

#### **A. Goals**

To provide and preserve the 11.8 mile recreation trail.

The trail will be available year round use that will provide recreational activities for all to use.

#### **B. Objectives:**

- To complement present economic benefits of trails existing in Polk County and provide opportunities for economic development not reflected in current trail usage.
- To provide recreational opportunities that complement present trail opportunities in Polk County and provide recreational opportunities that presently are underrepresented in the Polk County Trail system.
- To enhance opportunities for tourism in Polk County.

- To respect the wishes and investments of landowners and communities through which the trail passes.
- To provide for recreational opportunities that promotes the health and safety of the community.
- To preserve the rural character and environmental integrity of the trail.
- To anticipate the urbanization of the area through which the trail passes and provide for possible future use of the trail as an alternative transportation system between communities.
- To provide opportunities for the greatest number of projected uses of the trail consistent with the previous objectives.
- Hunting will not be allowed on the trail or with in the right-a way. Signs will be posted to inform the public.

On July 31, 2018 a public hearing was held in Polk County to assess the interested public's desired uses or the trail. The information gained from these public hearings, in combination with information and input from other sources, formed the basis for the proposed recreational trail use.

Polk County and Barron Counties are cooperating on the trail to establish similar uses.

### **III. Proposed Management and Land Development**

#### **A. Land Acquisition and Ownership**

- The Wisconsin Department of Natural Resources (WDNR) acquired the rail grade right-of-way from the Wisconsin Department of Transportation by means of Stewardship funds. The WDNR has paid all costs to acquire the property and will maintain ownership of the entire right-of-way. Under the terms of the MOA, the WDNR will convey a non-exclusive easement to Polk County and other valuable consideration. The WDNR will not issue other easements that will adversely affect the use of the property for the intended trail purposes.
- Additional property may be acquired to support trail functions and unique ecosystems.

#### **B. Uses of the Trail Corridor**

Because the Cattail Trail is a multi-use, multi-season trail that provides recreational trail opportunities to as many different interests as possible, the following was determined by the trail planning subcommittee for encouraged primary and secondary uses, allowed uses and the prohibited uses of the Cattail Trail.

1. Encouraged Primary Uses
    - ATV Use
    - Walking, Hiking, Jogging
    - Horseback Riding: Utilizing a trail tread other than the bicycling/hiking trail tread.
    - Snowmobiling: Snow-cover periods. Restricted to published trail use periods. Only groomed areas may be traveled.
    - Wildlife and bird watching
  2. Encouraged Secondary Uses
    - Cross-Country Skiing and Snowshoeing
    - Bicycling: All Season
  3. Allowed Uses
    - Pets: With restrictions including leashes, feces disposal and closed areas.
    - Public Road Crossings: WDNR rules will govern this, and as landowner, WDNR will be the primary contact.
    - Private Residential Crossings: WDNR rules will govern this, and as landowner, WDNR will be the primary contact.
    - Private Farm and Recreation Crossings: WDNR rules will govern this, and as landowner, WDNR will be the primary contact.
    - Other crossings: WDNR rules will govern this, and as landowner, WDNR will be the primary contact.
    - Utilities: WDNR rules will govern this, and as landowner, WDNR will be the primary contact.
  4. Prohibited Uses
    - Motorized Vehicles: Other than snowmobiles operating as permitted during snow-cover periods and ATV's operating all-season, only administrative and maintenance vehicles, small electric carts used by disabled individuals during snow-free periods and vehicles on designated roadways and parking areas may operate within the trail corridor.
    - Hunting and trapping.
    - Camping: Within the trail corridor except in designated campsites.
    - Private occupancy.
    - Conducting Business, Promotions or Advertising: Within the trail corridor without the express consent of the Polk County Property, Forestry & Recreation Committee and the WDNR.
- C. Development Program

## 1. Initial Development

The MOU specifies that the development of the trail is the responsibility of Polk County. The WDNR will grant an easement to Polk County for the development, maintenance and operation of the trail. It is understood that the WDNR will assist Polk County financially with trail development through available grant/ aid programs.

In 1999 the Wisconsin DNR completed a Feasible Study and Environmental Assessment of the Cattail Trail that can be viewed on the Wisconsin DNR website. The initial development phase of the trail was completed in 2005. Subsequent long-term development activities will occur as demand, opportunity and funding allow.

## 2. Development Standards

In accordance with the MOA, the trail was developed in compliance with the WDNR Design Standards Handbook, Chapter 30 – Trails. WDNR “Bridge Guidelines for New and Replacement Structures – Snowmobile and All-Terrain Vehicle” (Publ-CA-005 89), WDNR “Snowmobile Trail Signing Handbook” (Publ-AA-023), and AASHTO “Guide for the Development of Bicycle Facilities” will also be followed. All structures placed in the WDNR Right-Of-Way will need prior WDNR approval.

Associated facilities, if any, will be designed and constructed in compliance with state and local building codes and the American’s With Disabilities Act.

### D. Operation & Maintenance Program

Polk County will have the primary responsibility for the operation and maintenance of the trail in Polk County. The Parks, Forestry, Buildings, and Solid Waste Department under the direction of the Environmental Service Committee will act as the primary agent of the County. It is the intent of Polk County to encourage the “Friends” of the trail group to assist in planning and accomplishing the operation and maintenance of the trail.

The daily operation of the trail will be directed by Chapters NR 45 (State Parks and State Forests), NR 50 (Administration of Outdoor Recreation Program Grants and State Aids), and NR 65 (All-Terrain Vehicles) of the Wis. Admin. Code. These codes will be supplemented by Polk County ordinances and park directives. Daily operation is directed and performed by the Polk County Parks, Forestry, Buildings and Solid Waste Department and its contractors and cooperators. Daily routine enforcement is the responsibility of Polk County.

User fees will not exceed those established in s. 27.01, Stats., and will be subject to written approval by the WDNR. The standard state trail bicycle fees will be charged and State bicycle trail passes will be honored. Prior to selling trail passes on the trail or in neighboring businesses, a State Trail Pass Agreement will need to be signed with the WDNR.

User information will include maps, brochures and signing that will provide facility, service, safety and emergency information, rules, regulations and advice on a seasonal basis.

Trail maintenance is directed and performed by the Polk County Parks, Forestry, Buildings, and Solid Waste Department and its contractors and cooperators. Primary cooperators are the Polk County Snowmobile/ATV Clubs who oversee trail maintenance and grooming for snowmobile use.

#### E. Interpretation

In Polk County the trail offers many opportunities to make trail users more aware of the landscape they are traveling through. Opportunities exist to provide interpretive information on the geology, the numerous ecosystems, the native wildlife, and the cultural history of the area. Interpretation is a long-term objective that can be accomplished jointly by Polk County and local interest groups.

#### F. Wildlife Management

The trail passes through many ecosystems and will provide many opportunities to observe wildlife. Due to the limited land base, many wildlife management opportunities are precluded. Polk County will cooperate with the WDNR and other groups interested in wildlife management in making the trail corridor available to wildlife management within the overall objectives of the master plan.

#### G. Timber and Vegetative Management

The vegetation adjacent to the trail is representative of the great natural diversity that occurs in Northwestern Wisconsin. Most species are native or are considered to be naturalized thus requiring little vegetative management. Some management will be practiced to promote aesthetics, eradicate invasive species, enhance wildlife, protect prairie and oak savannas, and protect trail users and facilities.

#### H. Management Problems

A number of management problems have been identified that will need to be dealt with as they occur.

- Control of non-allowed uses will be achieved through a combination of public information, using Park and Sheriff's Department personnel, and peer pressure as use of the trail increases.
- Vandalism to signs, bridges and the trail surface will be addressed through regular inspections, rapid repair, enforcement, and peer pressure as the use of the trail increases.

- Trail crossings will require much attention. All existing crossing agreements will require review and modification to reflect the present and future uses. Requests for new crossings will be handled on an individual basis in accord with the WDNR “Department Design Standards Handbook”. Routine inspection will insure compliance to crossing agreements and will ensure control of unauthorized crossings.
- Trespass, both to and from the trail corridor may require the use of various control options including planting, fencing, signing, surveying and law enforcement.
- Invasive species management

I. Recreation Needs and Justification

Following is Wisconsin’s 2011-2016 Statewide Compliance Outdoor Recreation Plan (SCORP) identifying participants by participation rate (Age 16+), 5 year view of various outdoor recreation activities.

Activity	2005–2009 Participation	
	Percent Participating	Number of Participants (1,000s)
Walk for pleasure	87.7	3,947
View/photograph natural scenery	65.3	2,939
Attend outdoor sports events	65.0	2,926
Family gathering	63.5	2,858
Visit nature centers, etc.	63.5	2,858
View/photograph other wildlife	57.9	2,606
Driving for pleasure	52.8	2,377
View/photograph wildflowers, trees, etc.	52.4	2,359
Sightseeing	50.6	2,278
Bicycling	48.7	2,192
Picnicking	47.0	2,115
Visit historic sites	46.7	2,102
Snow/ice activities (any type)	45.9	2,066
Gather mushrooms, berries, etc.	42.8	1,926

Activity	2005–2009 Participation	
	Percent Participating	Number of Participants (1,000s)
Off-highway vehicle driving	19.8	891
Trail running	18.6	773
Snowmobiling	18.3	824
Cross country skiing	8.8	396
Horseback riding on trails	6.6	297
Snowshoeing	6.1	275
Inline skating	2.5	113
Day hiking	36.7	1,652
Running or jogging	32.1	1,445
Mountain biking	30.7	1,382
Sledding	28.2	1,269

APPENDIX

DRAFT

## Appendix A



**MEMORANDUM OF AGREEMENT  
BETWEEN POLK COUNTY AND  
THE STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES**

**I. Introduction**

The purpose of this Memorandum of Agreement, (MOA) is to set forth the agreements and understandings which have been reached between POLK County, (County) and the State of Wisconsin Department of Natural Resources (DNR) regarding the acquisition, development, and operation of approximately 11.7 miles of abandoned rail property located in POLK County known as the CATTAIL STATE TRAIL. The corridor is presently owned by the WISCONSIN DEPARTMENT OF NATURAL RESOURCES.

The DNR is interested in preserving the corridor for recreational trail purposes. POLK County is interested in developing, maintaining, and operating a recreational trail on the corridor provided the DNR acquires the same. POLK County and the DNR agree to work together to achieve their mutual goals as set forth below.

**II. Description of the Property**

The map attached to this MOA describes in general the recreation corridor. An exact legal description of the property will be agreed upon prior to the execution of trail easements.

**III. Consideration**

The DNR HAS acquired the grade from ALMENA to AMERY from the corridor owners. The DNR will execute trail easements with the County for one dollar or other valuable consideration. The County will develop, operate, maintain, and police the trail.

**IV. Obligations of the DNR**

1. The DNR will purchase the CATTAIL TRAIL, and additional parcels necessary for trail purposes as identified in the master plan, from willing sellers as the property and funds become available. All acquisitions may be subject to Natural Resource Board and Governor's approvals.
2. The DNR will pay all reasonable and allowable costs to acquire the property.
3. The DNR will purchase all parcels, (except those lands presently under local public ownership acquired with the state or federal recreation aid grants) which may be necessary to obtain clear title to the property and pay all reasonable and allowable

costs associated therewith. DNR will not accept title to or purchase land which have been acquired by the County for trail purposes through the eminent domain process.

4. The DNR will convey by easement to the County the right to develop, maintain, repair and operate a recreational trail as a component of the state trail system. The County accepts the trail "as is" on the date of transfer.
5. The DNR agrees to complete the environmental review process for the purchase of the property pursuant to s.1.11, Stats. and Chapter NR 150, Wisconsin Administrative Code, and the DNR represents that it has made reasonable inquiry and has no reason to believe that hazardous waste, noxious waste, or any other condition of the land subject to this MOA exists that would inhibit the ability of the County to possess and improve the property as contemplated by this MOA. If, however, such prohibitive conditions are discovered, either the DNR shall take all steps reasonably necessary to remove such conditions or the intent of this MOA being frustrated, the MOA shall terminate.
6. The County will coordinate the official naming of the Trail, with final approval of the name resting with the Department of Natural Resources Board. The NRB has approved of buying this trail as the "Cattail State Trail".
7. The DNR will designate the trail as a "State Trail", and will make any signing or indication of designated state trail status available to the County.
8. The DNR will make its "Adopt-a-Trail" program available to the County. The DNR has an application process for groups interested in adopting a section of trail. Applications are valid for a year. This program is similar to the DOT Adopt-a-Highway segment.
9. The DNR shall hold harmless and indemnify the County and its employees against all claims, damages, costs, and expenses, including reasonable attorney's fees, that may arise from the performance of the duties of the DNR by the DNR, its officers, employees, agents, contractors, subcontractors, permittees, volunteers, and servants under the terms of the MOA. In any action or proceeding brought against the County, or its employees by reason of any such claim, the DNR shall defend the County.

**V. Obligations of the County**

1. The County will participate in or conduct public meetings, which may be necessary for the establishment and development, management, and improvements of the trail project.
2. The County may identify, and in cooperation with the DNR, make initial contacts with landowners whose property is available for purchase for trail corridor purposes. A description of the property identified for purchase shall be forwarded to the DNR and include the name, address, and phone number of the seller(s). The County may cooperate with other local units of government and organizations in this process.

3. The County, with the assistance of the DNR will coordinate and prepare a master plan consistent with Chapter NR 44, Wisconsin Administrative Code, for the project. The master plan is to be completed prior to any trail development that utilizes state or federal grant funding. Specific recreational uses will be determined through the master planning process.
4. The County shall convey to the DNR merchantable title as evidenced by title insurance to all lands within or adjacent to the above described recreation corridor currently owned by the County necessary for development of the trail as called for in the Master Plan. The DNR will pay for such lands at current market value. Transfers of lands purchased by federal aid grants shall be without cost.
5. The County will enter into an easement in perpetuity with the DNR to accomplish the purposes contained in paragraph V. 6.
6. The County, within 5 years of the date of acquisition, will develop, maintain, repair, fence where necessary, operate the project lands located within the County for recreational trail purposes, as funding becomes available. Until development occurs, the County will assume all monitoring, enforcement, and maintenance responsibilities on the trail corridor.
7. The County agrees the trail will meet or exceed DNR trail standards as identified in the DNR's Design Standards Handbook. The DNR has no obligation to develop and operate the trail at any time.
8. The County agrees that any advertising or display material relating to the trail shall clearly identify the property is owned by the DNR and under the management and control of the County.
9. The County, in connection with this MOA, shall open the facilities to the general public subject to reasonable rules and regulations, fees and charges, as the DNR deems necessary for the management and operation of the trail.
  - A. Rules and regulations.  
Pursuant to NR 45, Wisconsin Administrative Code, the DNR retains management, supervision, and control over the premises for the purpose of enforcing Chapter 45, Wisconsin Administrative Code, when needed to protect the property. Daily routine enforcement remains the responsibility of the County.
  - B. Admission Fees, if any, charged by the County shall not exceed those Established in Chapter NR 45.12, Wisconsin Administrative Code for the State Trail Pass. Fees shall be subject to written approval by the DNR. The County may establish its own admission fee program as payment for its services under this MOA. If admission fees are charged, the State Trail Pass, both annual and seasonal, the conservation patron license and senior citizen recreation card issued by the DNR shall be honored without additional admission charges.

The County may utilize and sell the State Trail Pass and retain (up to) a 70% commission to be used for trail operations and maintenance. The County may

use vendors to sell the pass. (A separate Trail Pass Sales Agreement between the County and the DNR will be executed, detailing the sales and remittance procedures.)

10. In the performance of its rights and duties hereunder, including the operation of the recreational trail, exercise of its right herein, including but not limited to the operation of the eased property as a recreational trail, the County shall not discriminate against any member of the public on the basis of age, race, creed, color, handicap, sex, marital status, arrest or conviction records, ancestry, sexual orientation or membership in the National Guard, state defense force or any other reserve successors or designees.
11. The County may enter into agreements with the Friends Groups which meet the criteria in Chapter NR 1.71, Wisconsin Administrative Code. In recognition of the status of this trail as a State Trail, and of the DNR's substantial financial involvement, the DNR shall also be a co-signor of any Friends agreement.
12. The County may enroll volunteers for the Adopt-a-Trail program sponsored by the DNR, following DNR policies and procedures. Any volunteers of the Adopt-a Trail program shall be considered as volunteers of the DNR and not either employees or volunteers of the County.
13. The County will indemnify and hold harmless the DNR and its employees against all claims, damages, costs, and expenses, including reasonable attorney's fees, arising from the performance of this MOA by the County, its agents, contractors, servants, licensees, permittees, or employees. In case any action or proceeding is brought against the DNR or its employees by reason of any such claim, the County upon notice from the DNR will defend such action or proceeding.

#### **VI. General**

1. This Memorandum of Agreement is subject to all applicable laws and regulations. The establishment of this trail is subject to approval by the Natural Resource Board and Governor.
2. This Memorandum of Agreement may be revised by mutual written agreement of the DNR and the County.
3. The DNR must approve all land transactions, trail crossings and easements for the trail corridor, but the County will be the first point of contact for inquiries from the public and/or private entities on these matters. Guidelines relating to easements for the driveways and road crossings will be provided to the County. If requests conform to the guidelines, they will be referred to the DNR for executing an easement, lease, or agreement. If the requests do not conform to DNR guidelines, the County will deny the request. All proceeds from these transactions shall be payable to the DNR.
4. An annual meeting between the County and DNR will take place to review development and acquisition progress, operational problems and maintenance

standards needing attention and to exchange ideas and information for the good of the trail project,

5. This MOA shall not be construed as creating a public debt on the part of the DNR in contravention of Article VIII, Wisconsin Constitution and all payments or obligations hereunder are subject to the availability of future appropriations.

## VII. Termination

1. County. The County may terminate their Memorandum of Agreement or the easement from the DNR by providing to DNR ninety (90) days written notice of said termination. In the event the County terminates this Memorandum of Agreement or the easement from the DNR, the County will assume compliance responsibility for any state or federal recreation grant fund assisted areas. A payment equal to any land and water conservation grant awarded through the community assistance program for development shall be paid to the DNR by the defaulting County(s). A payment equal to any other grant amount awarded through the community assistance program for development shall be paid to the DNR by the defaulting County(s) based on remaining useful life values of the improvements.
2. DNR. The DNR may terminate this Memorandum of Agreement or the easement with the County in the event that:
  - A. The County breached any term or condition in the Memorandum of Agreement or the easement and said breach remains uncorrected for a period of sixty (60) days from the receipt of the DNR's written notification of said breach by the County. In the event the County breached any term or condition of their Memorandum of Agreement or the easement from the DNR the County will assume compliance responsibility for any state or federal recreation grant fund assisted areas.
  - B. The DNR determines that the continued use of the premises as a recreational trail would be inconsistent with the management needs or objectives of the DNR or the State of Wisconsin. In exercising its termination rights under this provision the DNR shall give the County(s) 180 days notice of termination and reimburse the County(s) for developed improvements, subject to the availability of future appropriations.

IN WITNESS WHEREOF, DNR and the County have caused this memorandum to be executed in their respective names by their respective duly authorized representatives.

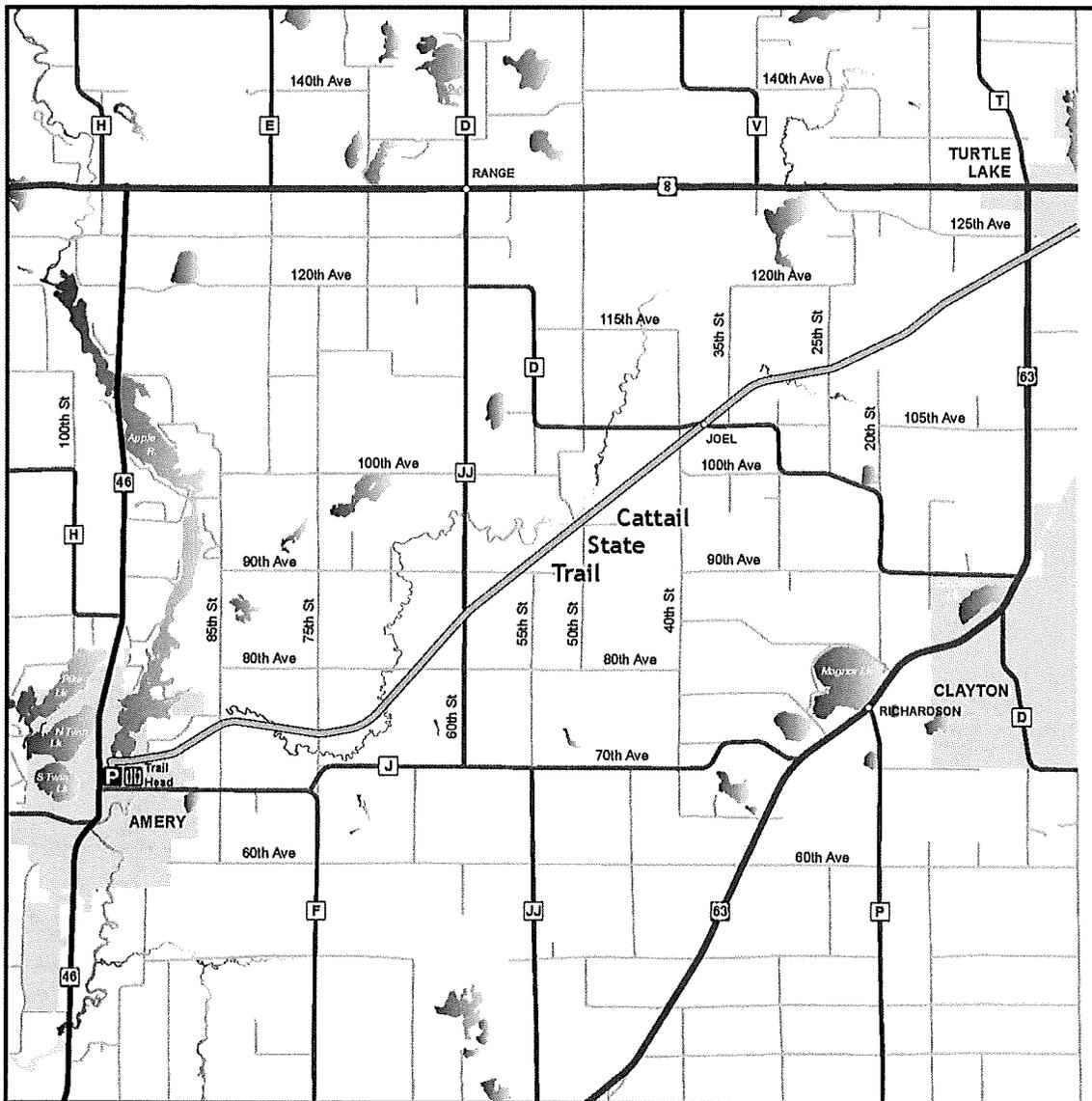
STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Scott Hassett 12-18-03  
Scott Hassett, Secretary Dated  
Polk COUNTY

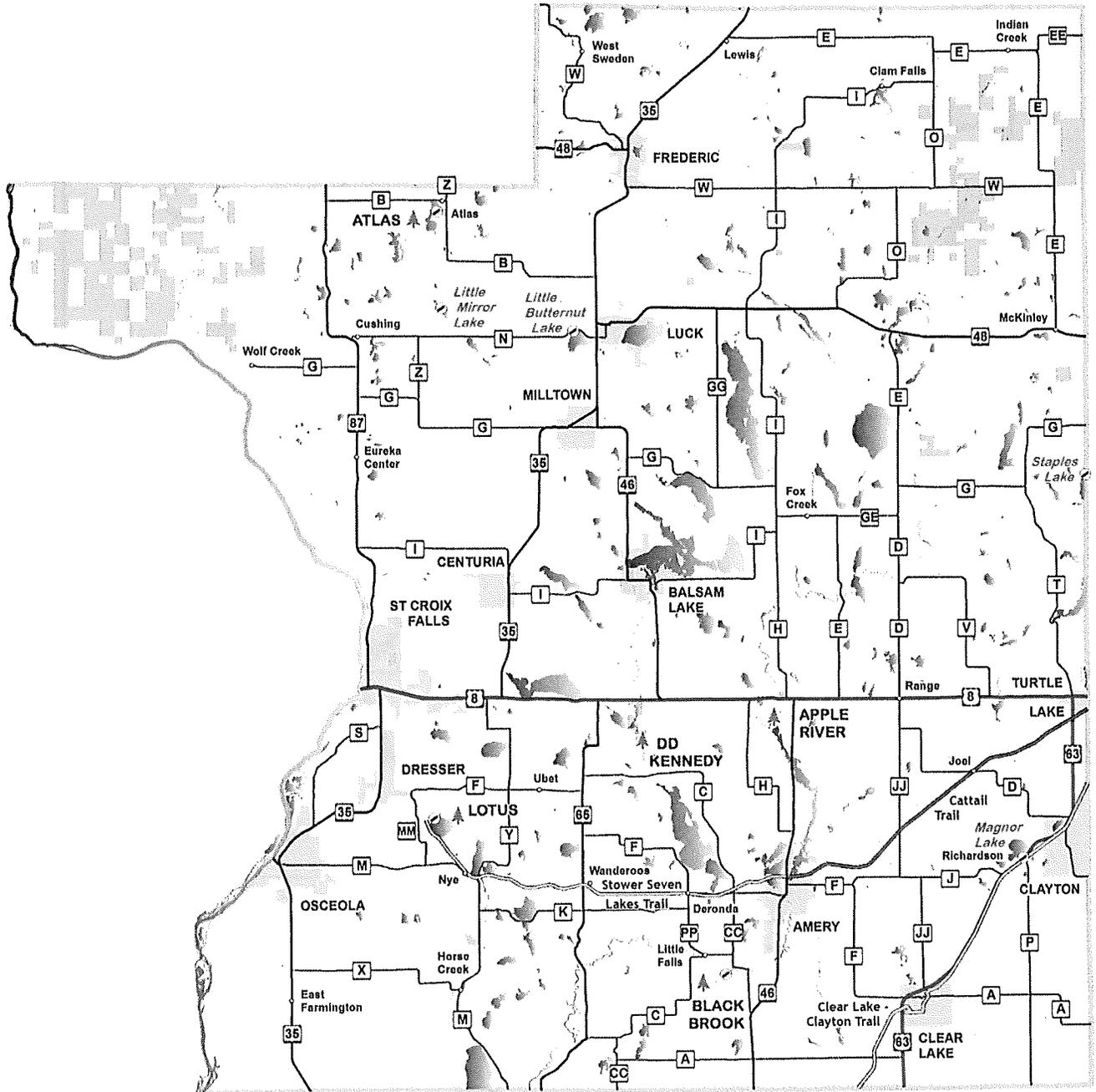
By *Richard C. [Signature]* 8-22-02  
County Board Chairperson Dated

*Richard C. [Signature]*

Map 1



Map 2





- 38 3. The Environmental Services Committee is authorized and directed to engage in and conduct  
39 a comprehensive trail plan development process for the purpose of preparing a state trail plan  
40 for the Stower Seven Lakes State Trail and a trail plan for the Polk County segment of the Cattail  
41 Trail.
- 42 4. The Environmental Services Committee is authorized and directed to form a  
43 subcommittee to develop and provide advisory recommendations to the Committee in the  
44 course of the comprehensive trail planning process, including, but not limited to, the  
45 formation of the trail plans that would be presented for public hearing conducted by the  
46 Committee.
- 47 5. Such subcommittee shall be composed of 5, 7 or 9 members as determined and appointed  
48 by the Environmental Services Committee.
- 49
- 50 6. The membership of the subcommittee shall include one member of the Environmental  
51 Services Committee, who shall serve as subcommittee chairperson; at least one  
52 authorized representative of the Friends of the Stower Seven Lakes Trail; and the  
53 remaining members as persons who are affected by or interested in the use, management  
54 and operation of either the Stower Seven Lakes State Trail or the Polk County segment of  
55 the Cattail Trail.
- 56 7. Notwithstanding present resolution to the contrary, the members of the subcommittee  
57 may receive per diem compensation as determined by the County Board after the  
58 Committee has formed the subcommittee and appointed its members.
- 59 8. The comprehensive planning process authorized herein and the trail plans prepared  
60 through such process shall be consistent with Chapter NR 44, Wis. Adm. Code to the  
61 extent practicable and the applicable terms and conditions of the memorandum of  
62 understanding between Polk County and the Wisconsin Department of Natural Resources  
63 Department.
- 64 9. The provisions of Resolution No. 59-17 not affected herein shall remain in effect.

*Fiscal Note: This resolution does not require additional appropriation from the General Fund for the 2017 fiscal year to carry out the organizational matters of the resolution. The costs to carry out the organizational matters can be covered with the budgets of the County Board and the county department designated to administer and manage the trails. The costs to gather data and analysis and preparation for public involvement participation events are unknown at this time and will be addressed when the Environmental Services Committee prepares a public involvement plan.*

*Legal Note: The resolution presents no legal impacts and provides for compliance with administrative regulation and contractual obligations concerning the County's management and operation of the respective trails.*

Signed and sponsored by:

Brad Olson, Supervisor, District #1

James Edgell, Supervisor, District #8

Doug Route, Supervisor, District #2

Kim O'Connell, Supervisor, District #9

Dean Johansen, Chair,  
Supervisor, District #3,

Larry Jepsen, 2<sup>nd</sup> Vice Chair,  
Supervisor, District # 10

Chris Nelson, Supervisor, District #4

Jay Luke, 1<sup>st</sup> Vice Chair,  
Supervisor, District #11

Tracy LaBlanc, Supervisor, District #5

Kate Isakson, Supervisor, District #12

Brian Masters, Supervisor, District #6

Russell Arcand, Supervisor, District #13

Michael Prichard, Supervisor,  
District #7

John Bonneprise, Supervisor, District #14

Joe DeMulling, Supervisor, District #15

Effective Date:	Upon Passage
Dated Submitted To County Board	March 20, 2018
Reviewed and Approved as to Form:	Second Reading:
<u>Jeffrey B. Fyge</u> Jeffrey B. Fyge, Interim County Administrator/Corporation Counsel	Fiscal Impact and Legal Impacts: As stated in the resolution.
<p>At its regular business meeting on the 20th day of March, 2018, the Polk County Board of Supervisors acted on Resolution No.28-18: Resolution In Resolution Providing for Comprehensive Planning Process for Stower Seven Lakes State Trail Plan and Cattail <del>State</del> Trail (Polk County Segment) Plan , as follows:</p> <p><input checked="" type="checkbox"/> Adopted by simple majority of the board of supervisors by a vote of <u>8</u> in favor and <u>10</u> against. <u>1 absent</u></p> <p><input type="checkbox"/> Enacted by unanimous vote.</p> <p><input type="checkbox"/> Defeated</p>	
<p>SIGNED BY: <u>Dean Johansen</u> Dean Johansen, County Board Chairperson</p> <p>Attest: <u>Sharon E. Jorgenson</u> Sharon E. Jorgenson, County Clerk</p>	



**STOWER SEVEN LAKES  
STATE RECREATION TRAIL**

**POLK COUNTY, WISCONSIN**

**MASTER PLAN  
June, 2018**

**Polk County Environmental Services Committee**

**Kim O'Connell-Chairman  
Brad Olson -Vice Chairman  
Jim Edgell  
Doug Route  
Tracy LaBlanc**

**Department of Natural Resources**

# Table of Contents

- I. INTRODUCTION AND EXECUTIVE SUMMARY
- II. GOALS AND OBJECTIVES
  - A. Goals
  - B. Objectives
- III. PROPOSED MANAGEMENT AND LAND DEVELOPMENT
  - A. Land Acquisition and Ownership
  - B. Uses of the Trail Corridor
    - 1. Encouraged Primary Uses
    - 2. Encouraged Secondary Uses
    - 3. Allowed Uses
    - 4. Prohibited Uses
  - C. Development Program
    - 1. Initial Development
    - 2. Long term Development
    - 3. Development Schedule
    - 4. Development Standards
  - D. Operation & Maintenance Program
  - E. Interpretation
  - F. Wildlife Management
  - G. Timber and Vegetative Management
  - H. Management Problems
  - I. Recreation Needs and Justification
  - J. Analysis of Services
- IV. APPENDIX
  - Map 1-Regional Location
  - Map 2-Polk County
  - A. Memorandum of Agreement-Polk County & State of Wisconsin Department of Natural Resources
  - B. Environmental Site Impact Assessment
  - C. County Board Resolution

## **Introduction and Executive Summary**

This draft Stower Seven Lakes Trail Master Plan is a modification of the 2004 Master Plan in order to reflect current uses allowed and prohibited on the trail. Aspects of this draft are currently incomplete and will be developed by the Subcommittee, as part of the trail planning process chosen by the Environmental Services Committee of the Polk County Board of Supervisors. Throughout the process, updates to this plan will be made as decisions are approved by the Subcommittee. See the Public Participation section of this plan for more details on the process.

This Master Plan represents the strategy of Polk County as well as various trail advocates and user groups, and the Wisconsin Department of Natural Resources (WDNR) for the development, operation, and maintenance of a 13.48 mile railroad corridor presently known as the Stower Seven Lakes Trail. The trail is located on a former Minneapolis St. Paul and Sault Ste. Marie Railroad right-of-way which begins two miles east of Dresser and extends into the City of Amery, Wisconsin. Within the City of Amery, the corridor width ranges from 60 feet wide to 180 feet wide, whereas in the rural branch of the corridor, the trail width is consistently 100 feet wide. The trail consists of approximately 174 acres and generally runs in a west to east direction. Map 1 shows the regional location of the trail. Map 2 shows the location of the trail in Polk County.

The trail right-of-way was acquired from Wisconsin Central Limited in 2003 by the WDNR under the Stewardship Program. Subsequently, a Memorandum of Understanding (MOU) was signed by the Wisconsin Department of Natural Resources (WDNR) and the County of Polk (Appendix A). Under the terms of the MOU, the WDNR will grant a trail easement to Polk County as well as designate the trail as a "State Trail" under section NR 51.73, Wis. Adm. Code. The WDNR will also complete an environmental review of the property pursuant to s. 1.11, Stats., and Chapter NR 150, Wis. Adm. Code. In addition, the WDNR will work with Polk County to identify funding sources for the development and repair of the trail. Under this same MOU, Polk County will be responsible for the development, operation, repair, and maintenance of the trail.

The trail will be developed in phases depending on trail usage and funding availability.

## **II. Goals and Objectives\***

A. Goals:

- Provide and preserve a recreational trail at least 13 miles in length stretching from Dresser to Amery. The all-season trail will have a dual surface to provide two-way traffic for bicycling, hiking, horseback riding and winter snowmobile use.

B. Objectives:

- To complement present economic benefits of trails existing in Polk County and provide opportunities for economic development not reflected in current trail usage.
- To provide recreational opportunities that complement present trail opportunities in Polk County and provide recreational opportunities that presently are underrepresented in the Polk County Trail system.
- To enhance opportunities for tourism in Polk County.
- To respect the wishes and investments of landowners and communities through which the trail passes.
- To provide for recreational opportunities that promotes the health and safety of the community.
- To preserve the rural character and environmental integrity of the trail.
- To anticipate the urbanization of the area through which the trail passes and provide for possible future use of the trail as an alternative transportation system between communities.
- To provide opportunities for the greatest number of projected uses of the trail consistent with the previous objectives.

On July 31, 2018 a public hearing was held in Polk County to assess the interested public's desired uses of the trail. The information gained from these public hearings, in combination with information and input from other sources, formed the basis for the proposed recreational trail use.

### III. Proposed Management and Land Development

#### A. Land Acquisition and Ownership

- The Wisconsin Department of Natural Resources (WDNR) acquired the rail grade right-of-way from the Wisconsin Central Limited by means of Stewardship funds. The WDNR has paid all costs to acquire the property and will maintain ownership of the entire right-of-way. Under the terms of the MOA, the WDNR will convey a non-exclusive easement to Polk County and other valuable consideration. The WDNR will not issue other easements that will adversely affect the use of the property for the intended trail purposes.
- Additional property may be acquired to support trail functions and unique ecosystems.

#### B. Uses of the Trail Corridor

##### 1. Encouraged Primary Uses

- Bicycling
- Walking, Hiking, Jogging
- Dog sledding
- Nature and scenery viewing
- Snowmobiling: Snow covered periods. When permitted by the Polk County Parks department. Only groomed areas maybe traveled

##### 2. Encouraged Secondary Uses

- Cross country skiing
- Snowshoeing
- Horseback riding

##### 3. Allowed Uses

- Only administrative and maintenance vehicles
- Pets: With restrictions including leashes, feces disposal and closed areas.
- Small electric carts used by disabled individuals during snow-free periods
- Vehicles on designated roadways and parking areas may operate within the trail corridor.
- Public Road Crossings: WDNR rules will govern this, and as landowner, WDNR will be the primary contact.
- Private Residential Crossings: WDNR rules will govern this, and as landowner, WDNR will be the primary contact.

- Private Farm and Recreation Crossings: WDNR rules will govern this, and as landowner, WDNR will be the primary contact.
- Other crossings: WDNR rules will govern this, and as landowner, WDNR will be the primary contact.
- Utilities: WDNR rules will govern this, and as landowner, WDNR will be the primary contact.

4. Prohibited Uses

- Motorized Vehicles including but not limited to:
  - ATV's/UTV's every season
  - Off-highway motorcycles.
  - Hunting and trapping.
  - Camping: Within the trail corridor except in designated campsites.
  - Private occupancy.
  - Conducting Business, Promotions or Advertising: Within the trail corridor without the express consent of the Polk County Environmental Services Committee and the WDNR.

True

C. Development Program

1. Initial Development

The MOU specifies that the development of the trail is the responsibility of Polk County. The WDNR will grant an easement to Polk County for the development, maintenance and operation of the trail. It is understood that the WDNR will assist Polk County financially with trail development through available grant/aid programs.

Under the terms of the MOU, the trail will be managed by Polk County Buildings, Solid Waste and Parks Department. The planned development was phased to allow for orderly and financially affordable development.

2. Development Standards

In accordance with the MOU, the trail was developed in compliance with the WDNR Design Standards Handbook, WDNR "Snowmobile Trail Signing Handbook" (Publ-AA-023), and AASHTO "Guide for the Development of Bicycle Facilities" will also be followed. All structures placed in the WDNR Right-Of-Way will need prior WDNR approval.

Associated facilities, if any, will be designed and constructed in compliance with state and local building codes and the American's With Disabilities Act.

#### D. Operation & Maintenance Program

Polk County will have the primary responsibility for the operation and maintenance of the trail in Polk County. The Buildings, Solid Waste and Park Department under the direction of the Environmental Services Committee will act as the primary agent of the County. The Friends of the Stower Seven Lakes Trail group has been established and will assist in planning and accomplishing the operation and maintenance of the trail along with the Polk County Snowmobile Council for winter snowmobile use.

The daily operation of the trail will be directed by Chapters NR 45 (State Parks and State Forests) and NR 50 (Administration of Outdoor Recreation Program Grants and State Aids). These codes will be supplemented by Polk County ordinances and park directives. Daily operation is directed and performed by the Polk County Buildings, Solid Waste and Park Department and its contractors and cooperators. Daily routine enforcement is the responsibility of Polk County.

User fees will not exceed those established in s. 27.01, Stats., and will be subject to written approval by the WDNR. The standard state trail bicycle fees will be charged and State bicycle trail passes will be honored.

User information will include maps, brochures and signing that will provide facility, service, safety and emergency information, rules, regulations and advice on a seasonal basis.

Trail maintenance is directed and performed by the Polk County Buildings, Solid Waste and Park Department and its contractors and cooperators. Primary cooperators are the Friends of the Stower Seven Lakes Trail Group who oversee trail maintenance.

#### E. Interpretation

In Polk County the trail offers many opportunities to make trail users more aware of the landscape they are traveling through. Opportunities exist to provide interpretive information on the geology, the numerous ecosystems, the native wildlife, and the cultural history of the area. Interpretation is a long-term objective that can be accomplished jointly by Polk County and local interest groups.

#### F. Wildlife Management

The trail passes through many ecosystems and will provide many opportunities to observe wildlife. Due to the limited land base, many wildlife management opportunities are precluded. Polk County will cooperate with the WDNR and other groups interested in wildlife management in making the trail

corridor available to wildlife management within the overall objectives of the master plan.

G. Timber and Vegetative Management

The vegetation adjacent to the trail is representative of the great natural diversity that occurs in Northwestern Wisconsin. Most species are native or are considered to be naturalized thus requiring little vegetative management. Some management will be practiced to promote aesthetics, eradicate invasive species, enhance wildlife, protect prairie and oak savannas, and protect trail users and facilities.

H. Management Problems

A number of management problems have been identified that will need to be dealt with as they occur. More may be updated through the trail planning process.

- Control of non-allowed uses will be achieved through a combination of public information, using Park and Sheriff's Department personnel, and peer pressure as use of the trail increases.
- Vandalism to signs, bridges and the trail surface will be addressed through regular inspections, rapid repair, enforcement, and peer pressure as the use of the trail increases.
- Trail crossings will require much attention. All existing crossing agreements will require review and modification to reflect the present and future uses. Requests for new crossings will be handled on an individual basis in accord with the WDNR "Department Design Standards Handbook". Routine inspection will insure compliance to crossing agreements and will ensure control of unauthorized crossings.
- Trespass, both to and from the trail corridor may require the use of various control options including planting, fencing, signing, surveying and law enforcement.
- Invasive species management

I. Recreation Needs and Justification

Following is Wisconsin's 2011-2016 Statewide Compliance Outdoor Recreation Plan (SCORP) identifying participants by participation rate (Age 16+), 5 year view of various outdoor recreation activities. The following counties are part of the Great Northwest Region: Ashland, Barron, Bayfield, Burnett, Douglas, Polk, Rusk, Sawyer, and Washburn. From the input received during this process, the following chart shows the identified recreation needs:

Activity	2005–2009 Participation	
	Percent Participating	Number of Participants (1,000s)
Walk for pleasure	87.7	3,947
View/photograph natural scenery	65.3	2,939
Attend outdoor sports events	65.0	2,926
Family gathering	63.5	2,858
Visit nature centers, etc.	63.5	2,858
View/photograph other wildlife	57.9	2,606
Driving for pleasure	52.8	2,377
View/photograph wildflowers, trees, etc.	52.4	2,359
Sightseeing	50.6	2,278
Bicycling	48.7	2,192
Picnicking	47.0	2,115
Visit historic sites	46.7	2,102
Snow/ice activities (any type)	45.9	2,066
Gather mushrooms, berries, etc.	42.8	1,926

Activity	2005–2009 Participation	
	Percent Participating	Number of Participants (1,000s)
Off-highway vehicle driving	19.8	891
Trail running	18.6	773
Snowmobiling	18.3	824
Cross country skiing	8.8	396
Horseback riding on trails	6.6	297
Snowshoeing	6.1	275
Inline skating	2.5	113
Day hiking	36.7	1,652
Running or jogging	32.1	1,445
Mountain biking	30.7	1,382
Sledding	28.2	1,269

## J. Analysis of Services

The potential need and demand for trail support services and facilities such as equipment rental and service, bicycle pass outlets, food, beverages, lodging, accessories, memorabilia, etc. will occur to some degree in the future. As it is quite difficult to accurately predict either the future use of the trail or the corresponding ability of the public sector to respond to it, the recommended alternative is (b) public/private cooperation. The public sector will encourage the private sector to provide for trail user needs. When necessary, the public sector will cooperate in the provisions of support facilities and services. The issue of public participation in the provision of the trail support facilities and services should be closely reviewed at least every five years and the trail Master Plan revised accordingly.

APPENDIX

DRAFT

True

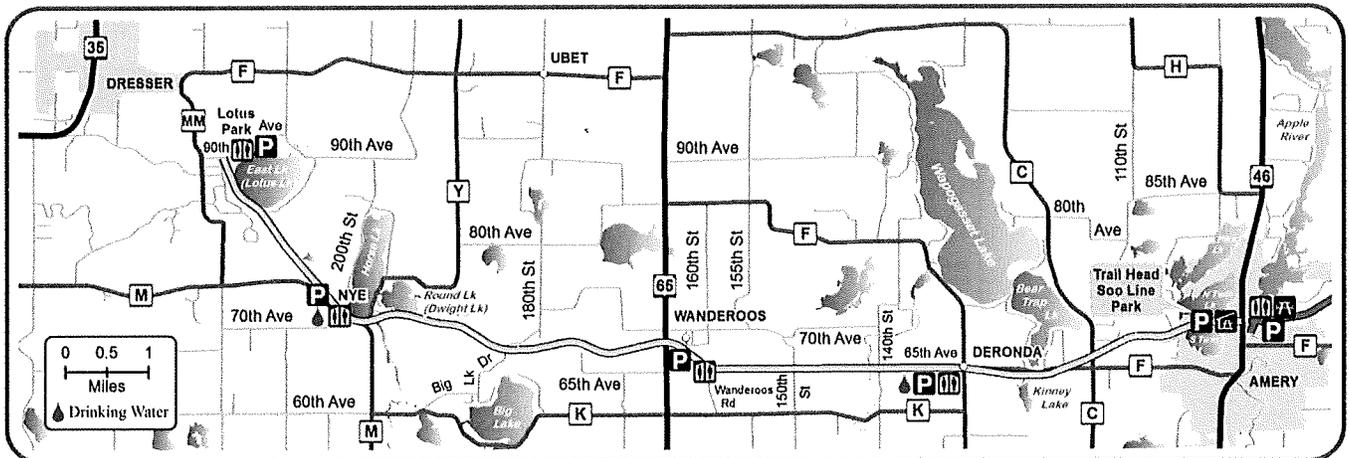
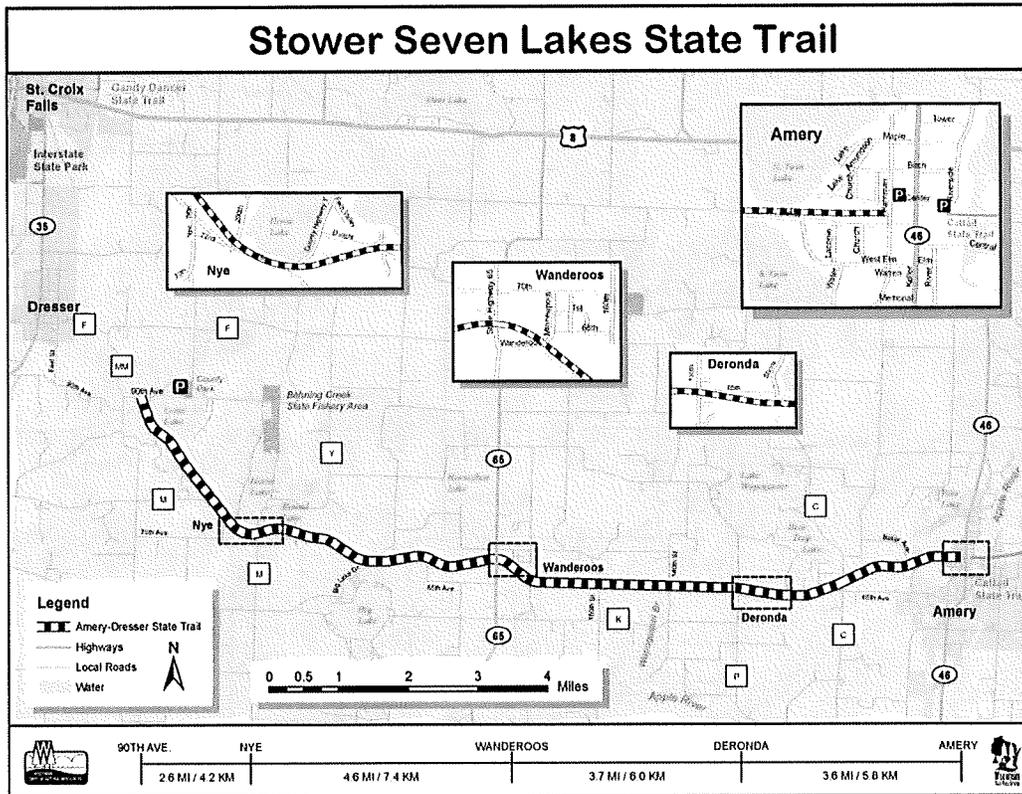
True

True

True

True

Map 1





APPENDIX A: MOU

**MEMORANDUM OF UNDERSTANDING  
BETWEEN POLK COUNTY AND  
THE STATE OF WISCONSIN, DEPARTMENT OF NATURAL RESOURCES**

**I. Introduction**

The purpose of this Memorandum of Understanding (MOU) is to set forth the agreements and understandings which have been reached between Polk County (County) and the State of Wisconsin Department of Natural Resources (Department) regarding the development and operation of approximately 13.48 miles of former rail corridor located in Polk County formerly known as the Amery to Dresser State Trail and now known as the Stower Seven Lakes State Trail (Trail). The property on which the Trail is located (Property) is presently owned by the Department.

The Department is interested in preserving former rail corridors for trail purposes and in creating trails for public use. The County has developed the Trail through earlier agreements with the Department, and is interested in continuing to maintain and operate the Trail as a public recreational trail. The County and the Department agree to work together to achieve their mutual goals as set forth below, and they agree that this MOU and the trail easement it references shall replace and supersede all earlier agreements between the Department and the County that pertain to the Trail.

**II. Description of the Property**

The property subject to this MOU is described generally as the grade from Amery to a point just southeast of Dresser, Wisconsin (Property). An exact legal description of the property is attached to this document as Exhibit A and a map of the Property attached hereto as Exhibit B. The trail easement referred to in this MOU, when executed, shall include and incorporate this MOU and all of its exhibits.

**III. Consideration**

The Department has acquired the grade from Amery to Dresser from the corridor owner. The Department will execute a trail easement with the County for the purposes contained in this document. The County will develop, operate, repair, and maintain the Trail.

**IV. Obligations of the Department**

1. The Department will convey by easement to the County the right to develop and to continue to operate, repair, and maintain the Trail as a component of the State Trail System. The County accepts the property "as is" on the date of conveyance.
2. The Department represents that it has made reasonable inquiry and has no reason to believe that hazardous waste, noxious waste, or any other condition of the land subject to this MOU exists that would inhibit the ability of the County to possess and improve the property as contemplated by this MOU. If, however, such prohibitive conditions are discovered, either the Department shall take all steps reasonably

necessary to remove such conditions or the intent of this MOU being frustrated, the MOU shall terminate.

VENDOR

BERNICKS

2622

3. The Department will work with the County to identify funding sources for the development and repair of the Trail.
4. The Department will continue to designate the Trail as a "State Trail" under section NR 51.73, Wis. Adm. Code. The Trail will be included in any appropriate list of State Trails.
5. The Department will continue to make its Adopt-A-Trail program available to the County. The Department has an application process for groups interested in adopting a section of State Trail. This program is similar to the Department of Transportation's Adopt-A-Highway program.
6. The Department and the Natural Resources Board, with input from the County, will determine the allowable hunting, fishing, and trapping opportunities on the Property pursuant to section 29.089, Wis. Stats.

**V. Obligations of the County**

1. The County, with the assistance of the Department, will coordinate and prepare a plan for the Trail that describes trail management and development within two years of the conveyance of the easement. Specific recreational uses will be determined through the planning process. Per section NR 44.04 (13), Wis. Adm. Code, this plan is not required to comply with Chapter NR 44, Wis. Adm. Code; however, the plan shall be consistent with Chapter NR 44, Wis. Adm. Code to the extent practicable. The County shall review its Trail plan every 15 years to determine if the plan should be amended, revised or extended for another 15-year period. The County shall take measures to reasonably notify interested persons of said review, and then shall use an appropriate public involvement process to determine or examine issues related to management and use of the property and the need for plan revision. The plan shall contain a provision providing that it remains in effect until the County takes action to modify it.
2. The plan must include, at a minimum:
  - a. A public notification and participation process allowing for public comments on the draft plan.
  - b. A list of allowed trail uses, including where and when they are allowed (e.g. winter bicycling is allowed from Hwy Y to the Main Street trailhead, only when snow cover is 6" or greater). Year-round bicycling is encouraged and may be allowed in conjunction with snowmobile use (if allowed) Walking must be allowed on the Property at all times (section NR 1.61, Wis. Adm. Code).
  - c. A list of hunting, fishing, and trapping activities and areas as determined by the Department and Natural Resources Board pursuant to section 29.089, Wis. Stats. (shown on a map).

- d. A list of existing and anticipated support facilities (e.g. restrooms, parking lots).
  - e. A map showing locations of existing and anticipated support facilities and use zones.
  - f. Projected development costs.
  - g. Plans to address any identified environmentally sensitive or culturally or historically significant areas.
  - h. A set of management alternatives for the Trail, with a preferred alternative (the alternative that will be used) identified.
  - i. An estimated number of users per year.
  - j. The name and address of the office that will be managing the Trail.
  - k. An emergency action plan to include protocols and procedures for responding to reports of potentially hazardous conditions on the Trail.
  - l. The identification of desired vegetation types along the Trail.
3. The County will participate in or conduct public meetings, which are necessary for the establishment and development, management, and improvements of the Trail project, including for any major changes to the trail plan, such as eliminating or adding allowed trail uses or authorizing special events not addressed by the trail plan. The County should make its best efforts to comply with the intent of Chapter NR 44, Wis. Adm. Code, as it relates to public participation.
  4. The County shall provide a copy of the completed plan, with all of its exhibits, to the Department.
  5. The County shall develop, maintain, repair, and operate the Trail located within the County for recreational purposes, as funding becomes available.
  6. The County agrees that the development, construction, maintenance, and repair of the Trail will meet or exceed Department trail standards and any applicable standards mandated by state or federal law. The County further agrees that in operating the Trail, the County will comply with all applicable state and federal laws.
  7. The County shall comply with statutory inspection requirements in accordance with section 23.115(2), Wis. Stats., further described in Department Manual Code 2527.20, and shall provide the Department with copies of all inspection reports.
  8. Vegetative management.
    - a. Trees.
      1. Forest cover. Trees on the Property remain the property of the Department. Any proposed commercial timber sale must be reviewed by the Department. Although cooperative state trails are specifically excluded from forest certification, sustainable forestry practices are encouraged to maintain desired forest cover types. Depending on the desired cover type, different commercial or non-commercial practices may be used. When active management is proposed, the County shall

coordinate review of the proposed management activity with appropriate Department staff.

2. Hazard tree management. Hazard trees should be identified during the biannual property inspections (further described in Section V. 8. herein). If the volume of hazard trees is too large for County staff to handle, it agrees to consider contracting a commercial sale or other approach. Such work shall be coordinated with the Department.
- b. Non-tree vegetation including saplings, shrubs, and herbaceous vegetation.
1. Management for routine trail maintenance. A minimum maintained (clear) shoulder of at least 2 feet on either side of the trail tread (the traveled portion of the trail) is recommended. Acceptable maintenance techniques can include mowing, brushing, chainsaw work, and or pesticide application.
  2. Habitat conversion or establishment. If there is an opportunity to develop or enhance native habitat types, as established in the trail plan, the County will consult with the Department in the development of habitat projects. Such projects may include developing a prairie on a larger block of land within the trail right-of-way or along the trail corridor. Projects will be considered for approval by the Department if they are not adverse to existing laws or Department policy, and if they do not negatively impact an existing use.
- c. Pesticide application. Any pesticide application should be in accordance with Department Manual Code 4230.1 concerning DATCP (Department of Agriculture, Trade and Consumer Protection) certification and Department policy. The Department shall be notified of any proposed pesticide application in early fall of the year preceding the proposed application, to ensure that the required process can be followed for pesticide use on Department lands (Department Manual Code 4230.1).
9. The County shall secure and comply with all federal, state and local permits and licenses required for the construction, installation, operation, maintenance, repair, and/or reinstallation of the Trail including, without limitation, zoning, building, health, environmental permits or licenses. The County shall indemnify the Department against payment of the costs therefor and against any fines or penalties that may be levied for the County's failure to procure or to comply with such permits or licenses, and the County shall pay any remedial costs to cure violations of federal, state or local laws. The Department agrees to cooperate with the County in securing any such permits or licenses by providing information and data upon request.
10. The County agrees that any signage or display material relating to the Trail shall clearly identify the property is a State Trail owned by the Department and under the management and control of the County. No commercial advertising shall be allowed on the Property, unless the signage and its placement are in accordance with Department policy. The County may allow signs providing directional information about Trail-related services. No specific business names, commercial logos or fonts,

trademarks, or other advertising shall appear in signage within the Trail corridor. The Department reserves the right to remove non-compliant signage located on the Property. In the event that the Department's signage policy is modified, the above section on signage shall automatically reflect the modification.

11. The County, in connection with this MOU, shall open Trail-related facilities to the general public subject to reasonable rules and regulations, fees, and charges, as outlined below, for the management and operation of the Trail.

A. Rules and regulations.

Pursuant to section NR 45.02, Wis. Adm. Code, the Department retains management, supervision, and control over the Property for the purpose of enforcing Chapter NR 45, Wis. Adm. Code, when needed to protect the public or the Property. Daily routine enforcement remains the responsibility of the County. The County and other local units of government may adopt Chapter NR 45, Wis. Adm. Code provisions by ordinance.

B. Admission Fees.

The County must use the Department's trail pass fee program if it charges a fee for use of the Trail. If admission fees are charged, the State Trail Pass (both annual and daily), the conservation patron license, and senior citizen recreation card issued by the Department shall be honored without additional admission charges. The County shall agree to waive all admission fees on State Parks Open House Day, whose date is determined by the Department, and on National Trails Day. National Trails Day is the first Saturday in June.

If the County uses the Department's trail pass fee program, the County may retain a commission that must be used for Trail operations and maintenance as provided for in section 27.01 (8m), Wis. Stats. A separate Trail Pass Sales Agreement between the County and the Department will be executed, detailing the sales and remittance procedures. The County may use sub-vendors to sell the passes.

If section 27.01(8) or (8m), Wis. Stats., is modified, this section on admission fees shall automatically reflect the modification.

12. In the exercise of its rights herein, including but not limited to the operation of the Property as a Trail, the County shall not discriminate against any member of the public on the basis of age, race, creed, color, handicap, sex, marital status, arrest or conviction records, ancestry, sexual orientation, or membership in the National Guard, state defense force or any other reserve successors or designees.

13. The County may enter into an agreement with a Friends Group which meets the criteria in section NR 1.71, Wis. Adm. Code, and Department policy. In recognition of the status of this Trail as a State Trail, the County agrees that the Department shall also be a co-signer of any Friends agreement.

14. The County may enroll volunteers in the Department's Adopt-A-Trail program, in accordance with Department policies and procedures.
15. The County will indemnify and hold harmless the Department and its employees against all claims, damages, costs, and expenses, including reasonable attorney's fees, arising from the performance of this MOU by the County, its agents, contractors, servants, licensees, permittees, or employees. In case any action or proceeding is brought against the Department or its employees by reason of any such claim, the County, upon notice from the Department, will defend such action or proceeding.
16. Any contract between the County and a third party to perform duties authorized by this MOU must bind the third party to the County's obligations under this MOU.

**VI. General**

VISITOR

HUMAN SERVICES

2655

True

1. This MOU is subject to all applicable laws and regulations.
2. This MOU may be revised or amended by mutual written agreement of the Department and the County.
3. The Department must approve, and has sole discretion over, all land transactions, crossings, and easements for the Property, but the County will be the first point of contact for inquiries from the public and/or private entities on these matters. Guidelines relating to easements for driveway and road crossings will be provided to the County. If a request conforms to the guidelines, it will be referred to the Department. If a request does not conform to Department guidelines, the County will deny the request. The Department retains the right to issue other non-conflicting easements, leases, or permits, but shall make every effort to refrain from entering into agreements that would physically alter the Trail or limit its use. The Department shall retain all proceeds from these transactions.
4. An annual meeting between the County and Department will take place to review development and acquisition progress, operational problems and maintenance standards needing attention and to exchange ideas and information for the good of the Trail project.
5. This MOU shall not be construed as creating a public debt on the part of the Department in contravention of Article VIII, Wisconsin Constitution and all payments or obligations hereunder are subject to the availability of future appropriations.
6. The County assumes complete responsibility for the development, operation, maintenance, and repair of the Trail. The Department has no obligation to develop, operate, maintain, or repair the Trail at any time.

True

7. This MOU does not create an employment or agency relationship between the Department and the County, any employees or agents of the County, or any third parties.

**VII. Termination**

1. County. The County may terminate this MOU by providing to Department ninety (90) days written notice of said termination. In the event the County terminates this MOU or the easement from the Department, the County will retain compliance responsibility for any state or federal grant obtained for Trail development and support purposes.
2. Department. The Department may terminate this MOU or the easement with the County in the event that:
  - A. The County breached any term or condition in the MOU or the easement and said breach remains uncorrected for a period of sixty (60) days from the receipt of the Department's written notification of said breach by the County. In the event the County breached any term or condition of this MOU or the easement from the Department, the County will retain compliance responsibility for any state or federal grant assisted areas.
  - B. The Department determines that the continued use of the premises as a Trail would be inconsistent with the management needs or objectives of the Department or the State of Wisconsin. In exercising its termination rights under this provision the Department shall give the County 180 days' notice of termination and reimburse the County for developed improvements, subject to consideration of any state or federal grant funds used in the development of the improvements and the availability of future appropriations. The Department will assume compliance responsibility for any federal grant obtained for Trail development purposes.

IN WITNESS WHEREOF, Department and the County have caused this instrument to be executed in their respective names by their respective duly authorized representatives.

POLK COUNTY

By *Jay Luke*  
~~Dean Johanson~~, County Board Chair  
*Jay Luke*

*12/27/17*  
Date

By *Sharon E. Jorgenson*  
Sharon E. Jorgenson, County Board Clerk

*12-27-17*  
Date

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Ed Elvick  
Daniel L. Meyer, Secretary

2-28-18  
Date

12/04/17

2670

True

True

True

## APPENDIX B: IMPACT ASSESSMENT

### **Executive Summary**

Polk County, P.O. Box 623, Balsam Lake, WI 54810-0623, retained Ayres Associates to conduct a Phase I Environmental Site Assessment (ESA) of the abandoned Central Ltd. railroad corridor beginning 3 miles south of Dresser and extending to Amery, in Polk County, Wisconsin. Polk County intends to use the corridor for a recreational trail.

We prepared this Phase I ESA generally following procedures established by the American Society for Testing and Materials (ASTM). The ASTM publication that documents the ESA procedures is entitled *E1527-00 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*. The scope of services is in Appendix A.

### **Summary of Findings**

Findings of this Phase I ESA are based on a site reconnaissance visit to view the subject property and adjoining properties, review of regulatory records and historical documents, and conducting interviews. The corridor was divided into seven separate sections for discussion purposes in the main report. Refer to Table 1 in the main report for a summary of findings for each of the seven sections along the railroad corridor. General findings are as follows:

- The subject property includes approximately 173.685 acres in portions of Sections 28, 29, 31, 32, 33, Township 33 North, Range 16 West; Sections 31, 32, 33, 34, 35, 36, Township 33 North, Range 17 West; and Sections 21, 25, 26, 27, 26, Township 33 North, Range 18 West, Polk County, Wisconsin.
- The subject property is currently owned by the Wisconsin Central Ltd. Railroad and is an abandoned railroad corridor constructed prior to the early 1900s. The railroad tracks have been removed from the subject property within the last 5 years. Right-of-way widths throughout the corridor are predominantly 100 feet with some variance in width from 40 feet to 200 feet in urban areas. The corridor runs generally in a west to east direction.
- Land use along the railroad corridor is primarily rural; however, the corridor runs through the unincorporated communities of Nye, Wanderoos, and Deronda, and the City of Amery.
- The railroad grade consists of an elevated railbed with a gravel surface. Rural sections of the corridor are covered with vegetation that is encroaching along both sides of the railbed.
- Topography is generally flat to gently sloping and varies approximately 90 feet in elevation from west to east. Surface water features include Lotus Lake, Round Lake, Horse Lake, Bear Trap Lake, Kinney Lake, Mud Lake, North and South Twin Lakes, Sucker Branch Creek, and the Apple River. The depth to ground water varies from near surface to about 10 feet below ground surface on the subject property.
- Lowlands, recreational lakes, farmland and farmsteads, woodlands, fallow grasses, and residences border rural areas of the subject property. The urban areas in Nye, Wanderoos, Deronda, and Amery include residential and commercial development.
- No building structures, aboveground storage tanks (ASTs), underground storage tanks (USTs), hazardous waste, soil staining, or stressed vegetation were observed on the subject property.

- Occasional piles of solid waste (refrigerators, freezers, and other materials) are scattered along the borders of the subject property. This waste appears to have been disposed by local residents and not by railroad use.
- This assessment did not reveal any sources of contamination originating on the subject property. Environmental records searches did reveal nine recognized environmental concerns (RECs) associated with properties that adjoin or are near the subject property. All of these properties pose a potential contamination threat to the subject property through migration from these off-site sources. Refer to Table 1 for a listing of these properties.

## Conclusions

We performed this Phase I ESA of 13.48 miles of railroad corridor beginning 3 miles south of Dresser extending to Amery, in Polk County, Wisconsin, in general conformance with the scope and limitations of ASTM Practice E 1527-00. Any exceptions to, or deletions from, this practice are described in the "Limitations and Exceptions of Assessment" section of this report. This Phase I ESA revealed evidence of 10 recognized environmental conditions (RECs) that have the potential to affect the subject property. The following is a list of the RECs:

Nye Store LUST site	Section 1	(See Figure 7 for location)
Wanderoos Gift & Grocery LUST site	Section 4	(See Figure 7 for location)
Anderson Property ERP site	Section 7	(See Figure 7 for location)
Gorres Oil Co. Bulk Plant ERP site	Section 7	(See Figure 7 for location)
Equity Cooperative DATCP site	Section 7	(See Figure 7 for location)
Superlocker LUST site	Section 7	(See Figure 7 for location)
Amoco bulk plant site	Section 7	(See Figure 7 for location)
Railroad section house site	Section 7	(See Figure 7 for location)
City of Amery LUST site (Center Street)	Section 7	(See Figure 7 for location)

These sites are within close proximity to the subject property and are still under investigation, remediation, or environmental monitoring. They pose a potential threat to soil and ground water quality on the subject property. They should not impede the use of the property as a recreational trail; however, there is a risk that excavation or installation of a potable water supply near these sites could encounter contamination.

The discarded solid waste along the subject property is a business environmental risk that should be taken into account when purchasing this property. Other than the solid waste, no environmental concerns originating from the subject property were discovered in this assessment.

## Introduction

Polk County, P.O. Box 623, Balsam Lake, WI 54810-0623, retained Ayres Associates to conduct a Phase I Environmental Site Assessment (ESA) of an approximately 13.48-mile railroad corridor beginning 3 miles south of Dresser and extending to Amery, in Polk County, Wisconsin. The Wisconsin Central Ltd. Railroad currently owns the corridor. Polk County intends to use the corridor for a recreational trail.

A book of figures (Exhibit A) supplied by Polk County is in Appendix A. The figures define the area of sale. The corridor is referred to as the subject property in this Phase I ESA report. To facilitate discussion, the corridor was divided into seven sections. The sections are as follows:

Section 1	90 <sup>th</sup> Avenue (start) to CTH Y (Nye)
Section 2	CTH Y (Nye) to Big Lake Drive
Section 3	Big Lake Drive to HWY 65 (Wanderoos)
Section 4	Hwy 65 (Wanderoos) to CTH P (Deronda)
Section 5	CTH P (Deronda) to CTH C
Section 6	CTH C to 105 <sup>th</sup> Avenue
Section 7	105 <sup>th</sup> Avenue to Apple River (finish)

Table 1 summarizes the location, length, and report figures that pertain to each section.

This Phase I ESA has generally been prepared following procedures established by the American Society for Testing and Materials (ASTM). The ASTM publication that documents the ESA procedures is entitled *E1527-00 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*. The scope of services is in Appendix B.

## Purpose

The purpose of this Phase I ESA is to investigate the property with respect to the potential for petroleum contamination and the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This Phase I ESA identifies recognized environmental conditions (REC). The term "recognized environmental conditions" means the presence, or likely presence, of hazardous substances or petroleum products under conditions that indicate an existing release, a past release, or a material threat of a release into the ground, ground water, or surface water of the subject property. This Phase I ESA also identifies historical recognized environmental conditions (HRECs). The term "historical recognized environmental condition" means an environmental condition that in the past would have been considered a REC; however, due to remediation or case closure, the condition is not currently considered to be a REC.

## Limitations and Exceptions of Assessment

This ESA does not include a certified asbestos survey, asbestos sampling, analyzing drinking water or painted surfaces for lead content, a naturally occurring radioactive materials (NORM) survey, or any other environmental sampling or testing (e.g., soil, water, air, building materials).

Weather conditions were overcast and warm on the day of the site reconnaissance visit and did not limit observations on the subject property. The entire property was viewed by driving a 4-wheel drive ATV along the corridor.

## Site Description

### Site Location and Property Description

The subject property covers portions of Sections 28, 29, 31, 32, 33, Township 33 North, Range 16 West; Sections 31, 32, 33, 34, 35, 36, Township 33 North, Range 17 West; Sections 21, 25, 26, 27, 28, Township 33 North, Range 18 West, in Polk County, Wisconsin. The general property location is shown on U.S. Geological Survey quadrangle maps in Figures 1, 2, and 3.

The subject property is approximately 13.48 miles long and encompasses approximately 173.685 acres. The tracks have been removed from subject property. No buildings are currently associated with the subject property. The approximate property boundaries are shown in Figures 4 through 20.

The property right-of-way width is generally 100 feet throughout the corridor. In urban areas including Nye, Wanderoos, Deronda, and Amery, the right-of-way varies from 40 feet to 200 feet in width.

### Site and Vicinity Characteristics

The entire property consists of an elevated gravel railroad grade with vegetation protruding along the length of the corridor. Vegetation included grasses, weeds, and trees.

The subject property traverses rural and urban areas in a generally west to east direction. Rural areas include occasional residences, farmsteads and farm fields, lowlands, lakes, streams, and woodlands. In urban areas, numerous residences and businesses border the property. Urban areas include Nye, Wanderoos, Deronda, and Amery. Businesses include a gas station in Nye, a bread store and storage shed in Wanderoos, Anderson Construction and Supply east of Deronda, a refurbished train depot (Bear Trap School No. 6) east of CTH C, Ferrell Gas east of 105<sup>th</sup> Avenue, and an elementary school, chiropractor, Lamperts Lumber and a closed meat packing plant and deli in Amery.

### Current and Past Uses of Subject Property

The tracks have been removed from the railroad grade and local residents are currently using the property as a recreational trail. Portions of the property have been washed out or are partially overgrown by vegetation. In the past, the property was used as an active railroad track to haul freight. Before the property was a railroad, it was either undeveloped or used as farmland. The subject property does not currently have any building structures or improvements other than culverts, bridges, and utility crossings.

### Current and Past Uses of Neighboring Properties

Current land uses on neighboring properties include the following:

Section 1—Farmland, lowland, fallow grasses, recreational lakes, commercial, woodland and residential

Section 2—Recreational lake, lowland, farmland, woodland, fallow grasses, and residential

Section 3—Farmland, woodland, lowland, fallow grasses, and residential

Section 4—Lowland, farmland, woodland, fallow grasses, residential, and commercial

Section 5—Lowland, farmland, recreational lake, woodland, fallow grasses, and commercial

Section 6—Woodland, lowland, fallow grasses, residential, and a refurbished train depot

Section 7—Farmland, lowland, fallow grasses, recreational lakes, commercial, woodland, and residential, and includes the City of Amery

The general area has historically been farmland, woodland, and lowland with commercial areas near Nye, Wanderoos, Deronda, and Amery. Occasional residences have historically been located along the corridor and have become more numerous in recent years.

---

DRAFT

APPENDIX C: RESOLUTION

1 Resolution No. 28-18  
2 Resolution Providing for Comprehensive Planning Process for Stower Seven Lakes State Trail Plan  
3 and Cattail Trail (Polk County Segment) Plan

4 TO THE HONORABLE CHAIRPERSON AND SUPERVISORS OF THE COUNTY BOARD OF  
5 THE COUNTY OF POLK;

6 Ladies and Gentlemen:

7 WHEREAS, in coordination with the Wisconsin Department of Natural Resources (WDNR), Polk  
8 County manages and operates the Stower Seven Lakes State Trail and the Polk County segment of  
9 the Cattail Trail without a valid trail plan for the use of either trail as otherwise required by  
10 applicable Natural Resources regulation and specific provisions of the respective memorandum of  
11 understanding with WDNR; and

12 WHEREAS, it is beneficial to the citizens of Polk County and other users of these trails and in the  
13 interest of the County for Polk County to continue as sponsor and managing coordinator of the  
14 Stower Seven Lakes State Trail and the Polk County segment of the Cattail Trail; and

15 WHEREAS, the Environmental Services Committee has recommended to the County Board to  
16 provide for a comprehensive trail plan development process involving the two connected trails of the  
17 Stower Seven Lakes State Trail and the Polk County segment of the Cattail Trail, and to conduct  
18 such comprehensive process in accordance with Natural Resources administrative regulations  
19 concerning trail plan development, including, but not limited to Chapter NR 44 and the applicable  
20 provisions of the memorandum of understanding for each respective trail.

21 NOW, THEREFORE, the Polk County Board of Supervisors resolves as follows:

- 22 1. Resolution No. 43-17, Authorizing the Development of a Multi-Use, Multi-Season Trail  
23 Management Plan for Stower Seven Lakes Trail, is rescinded.  
24 2. Resolution 59-17, Affirming Polk County As Sponsor and Managing Coordinator of The  
25 Stower Seven Lakes State Trail, is amended, at Lines 23-28, as follows:

26 "NOW, THEREFORE BE IT RESOLVED that the Polk County Board  
27 of Supervisors affirms the commitment of Polk County to serve as  
28 sponsor and managing coordinator of the Stower Seven Lakes State Trail  
29 and the Polk County segment of the Cattail Trail and to perform or  
30 carry-out all responsibilities of sponsor and managing coordinator of the  
31 Trail each such trail consistent with applicable federal and state law,  
32 regulatory provisions, and grant conditions, and terms and conditions of  
33 the respective memorandum of understanding.

34 BE IT FURTHER RESOLVED that the Polk County Board of  
35 Supervisors agrees to the terms of the Memorandum of Understanding  
36 and Cooperative Easement, ~~attached hereto,~~ concerning the Stower  
37 Seven Lakes State Trail."

- 38 3. The Environmental Services Committee is authorized and directed to engage in and conduct  
39 a comprehensive trail plan development process for the purpose of preparing a state trail plan  
40 for the Stower Seven Lakes State Trail and a trail plan for the Polk County segment of the Cattail  
41 Trail.
- 42 4. The Environmental Services Committee is authorized and directed to form a  
43 subcommittee to develop and provide advisory recommendations to the Committee in the  
44 course of the comprehensive trail planning process, including, but not limited to, the  
45 formation of the trail plans that would be presented for public hearing conducted by the  
46 Committee.
- 47 5. Such subcommittee shall be composed of 5, 7 or 9 members as determined and appointed  
48 by the Environmental Services Committee.
- 49
- 50 6. The membership of the subcommittee shall include one member of the Environmental  
51 Services Committee, who shall serve as subcommittee chairperson; at least one  
52 authorized representative of the Friends of the Stower Seven Lakes Trail; and the  
53 remaining members as persons who are affected by or interested in the use, management  
54 and operation of either the Stower Seven Lakes State Trail or the Polk County segment of  
55 the Cattail Trail.
- 56 7. Notwithstanding present resolution to the contrary, the members of the subcommittee  
57 may receive per diem compensation as determined by the County Board after the  
58 Committee has formed the subcommittee and appointed its members.
- 59 8. The comprehensive planning process authorized herein and the trail plans prepared  
60 through such process shall be consistent with Chapter NR 44, Wis. Adm. Code to the  
61 extent practicable and the applicable terms and conditions of the memorandum of  
62 understanding between Polk County and the Wisconsin Department of Natural Resources  
63 Department.
- 64 9. The provisions of Resolution No. 59-17 not affected herein shall remain in effect.

*Fiscal Note: This resolution does not require additional appropriation from the General Fund for the 2017 fiscal year to carry out the organizational matters of the resolution. The costs to carry out the organizational matters can be covered with the budgets of the County Board and the county department designated to administer and manage the trails. The costs to gather data and analysis and preparation for public involvement participation events are unknown at this time and will be addressed when the Environmental Services Committee prepares a public involvement plan.*

*Legal Note: The resolution presents no legal impacts and provides for compliance with administrative regulation and contractual obligations concerning the County's management and operation of the respective trails.*

Signed and sponsored by:

Brad Olson, Supervisor, District #1

James Edgell, Supervisor, District #8

Doug Route, Supervisor, District #2

Kim O'Connell, Supervisor, District #9

Dean Johansen, Chair,  
Supervisor, District #3,

Larry Jepsen, 2<sup>nd</sup> Vice Chair,  
Supervisor, District # 10

Chris Nelson, Supervisor, District #4

Jay Luke, 1<sup>st</sup> Vice Chair,  
Supervisor, District #11

Tracy LaBlanc, Supervisor, District #5

Kate Isakson, Supervisor, District #12

Brian Masters, Supervisor, District #6

Russell Arcand, Supervisor, District #13

Michael Prichard, Supervisor,  
District #7

John Bonneprise, Supervisor, District #14

Joe DeMulling, Supervisor, District #15

Effective Date:	Upon Passage
Dated Submitted To County Board	March 20, 2018 Second Reading:
Reviewed and Approved as to Form: <u>Jeffrey B. Fuge</u> Jeffrey B. Fuge, Interim County Administrator/Corporation Counsel	Fiscal Impact and Legal Impacts: As stated in the resolution.
<p>At its regular business meeting on the 20th day of March, 2018, the Polk County Board of Supervisors acted on Resolution No.28-18: Resolution In Resolution Providing for Comprehensive Planning Process for Stower Seven Lakes State Trail Plan and Cattail <del>State</del> Trail (Polk County Segment) Plan , as follows:</p> <p><input checked="" type="checkbox"/> Adopted by simple majority of the board of supervisors by a vote of <u>8</u> in favor and <u>6</u> against. <i>1 absent</i></p> <p><input type="checkbox"/> Enacted by unanimous vote.</p> <p><input type="checkbox"/> Defeated</p> <p>SIGNED BY: <u>Dean Johansen</u> Dean Johansen, County Board Chairperson</p> <p>Attest: <u>Shaaron E. Jorgenson</u> Shaaron E. Jorgenson, County Clerk</p>	



# POLK COUNTY, WISCONSIN

WWW.CO.POLK.WI.US

Sharon Jorgenson, County Clerk  
100 Polk Plaza, Suite 110, Balsam Lake, WI 54810  
Phone (715) 485-9226 Email Sharon.Jorgenson@co.polk.wi.us

---

## AMENDED AGENDA AND NOTICE OF MEETING

### ENVIRONMENTAL SERVICES COMMITTEE

Government Center, 100 Polk County Plaza, Balsam Lake, WI 54810

County Board Room

Wednesday, September 5, 2018 at 9:00 a.m.

A quorum of the County Board may be present

Materials: August 22, 2018 Minutes

Bike/Pedestrian Plan

<sup>1</sup>Amendments Added or Revised in Amended Notice Issued August 31, 2108

1. Call to order
2. Approval of agenda
3. Approval of minutes for August 22, 2018
4. Public Comments – 3 minutes per person – not to exceed 30 minutes total
5. Receipt of Information from non-committee Supervisors on Matters Noticed
6. Update work plan
7. Parks, Recreation, Trails and Forestry:
  - Update from Forester
  - Report of Special Event Ride – Todd Miller
  - <sup>1</sup>Develop Recommendations on Proposed Plans for Cattail/Stower Seven Lakes Trails
  - <sup>1</sup>Review and Approval of Minutes of the Subcommittee on Trail Planning, August 14, 2018 meeting

#### Planning and Zoning:

- <sup>1</sup>Continued Review of Revisions to Subdivision Ordinance
  - <sup>1</sup>Development of Procedures Concerning Conditional Use Permit Applications
  - <sup>1</sup>Consideration of Ordinance Provisions Concerning Private Road Set Back and Develop Recommendation for Proposed Amendments
  - <sup>1</sup>Administrator's Report on Cost Estimates for External Review of Land Use Ordinances
8. Tax Delinquent Properties
    - Recommendation on Proposed Ordinance Concerning the Sale of Tax Deed Property
  9. Identification of Subject Matters for Upcoming Meetings and Public Hearings
  10. Adjourn

Items on the agenda not necessarily presented in the order listed. This meeting is open to the public according to Wisconsin State Statute 19.83. Persons with disabilities wishing to attend and/or participate are asked to notify the County Clerk's office (715-485-9226) at least 24 hours in advance of the scheduled meeting time so all reasonable accommodations can be made. Requests are confidential.



# POLK COUNTY, WISCONSIN

[WWW.CO.POLK.WI.US](http://WWW.CO.POLK.WI.US)

Sharon Jorgenson, County Clerk  
100 Polk Plaza, Suite 110, Balsam Lake, WI 54810  
Phone (715) 485-9226 Email [Sharon.Jorgenson@co.polk.wi.us](mailto:Sharon.Jorgenson@co.polk.wi.us)

---

## AGENDA AND NOTICE OF MEETING

### ENVIRONMENTAL SERVICES COMMITTEE

Government Center, 100 Polk County Plaza, Balsam Lake, WI 54810

County Board Room

Wednesday, September 5, 2018 at 9:00 a.m.

A quorum of the County Board may be present

Materials: August 22, 2018 Minutes

Bike/Pedestrian Plan

1. Call to order
2. Approval of agenda
3. Approval of minutes for August 22, 2018
4. Public Comments – 3 minutes per person – not to exceed 30 minutes total
5. Receipt of Information from non-committee Supervisors on Matters Noticed
6. Update work plan
7. Parks, Recreation, Trails and Forestry:
  - Update from Forester
  - Report of Special Event Ride – Todd Miller
  - Recommendation on Proposed Cattail/Stower Seven Lakes Master Trail Plan
8. Planning and Zoning:
  - Update on Subdivision Ordinance
  - Recommendation on Proposed Conditional use Procedures
  - Private road set back
  - Report on cost of outsourcing proposed Zoning Ordinance changes
9. Tax Delinquent Properties
  - Recommendation on Proposed Ordinance Concerning the Sale of Tax Deed Property
10. Identification of Subject Matters for Upcoming Meetings and Public Hearings
11. Adjourn

Items on the agenda not necessarily presented in the order listed. This meeting is open to the public according to Wisconsin State Statute 19.83. Persons with disabilities wishing to attend and/or participate are asked to notify the County Clerk's office (715-485-9226) at least 24 hours in advance of the scheduled meeting time so all reasonable accommodations can be made. Requests are confidential.



# POLK COUNTY, WISCONSIN

[WWW.CO.POLK.WI.US](http://WWW.CO.POLK.WI.US)

Sharon Jorgenson, County Clerk  
100 Polk Plaza, Suite 110, Balsam Lake, WI 54810  
Phone (715) 485-9226 Email Sharon.Jorgenson @co.polk.wi.us

## MINUTES

### Environmental Services Committee

Government Center County Board Room  
100 Polk County Plaza Balsam Lake, WI 54810  
9:00 A.M. Wednesday, August 22, 2018

#### Member Attendance

Attendee Name	Title	Status
Kim O'Connell	Chair	Present
Tracy LaBlanc	Supervisor	Present
Doug Route	Supervisor	Present
Brad Olson	Vice Chair	Present
Jim Edgell	Supervisor	Present
Lyle Doolittle	FSA Representative	Present

Also present were Stephanie Fansler, Deputy County Clerk; Jeff Fuge, Interim Administrator; and members of the public and of the press.

**Meeting called to order by Chair O'Connell at 9:03 A.M.**

**Approval of Agenda-** Chair O'Connell called for a **motion** to approve the amended agenda.

**Motion** (Olson/LaBlanc) to approve the agenda as amended carried by unanimous voice vote.

**Approval of Minutes** – Chair O'Connell called for a **motion** to approve the minutes of the August 8, 2018 meeting. **Motion** (LaBlanc/Route) to approve the Minutes of the August 8, 2018 carried by unanimous voice vote.

**Public Comment** – no public comments received by committee.

**Receipt of Information from non-committee Supervisors on Matters Noticed** – none

Chair O'Connell called to the floor, for Discussion or Action.

**Land Conservation:** Chair O'Connell recognized Tim Ritten, Director of Land and Water Dept. for the purpose of receiving information regarding the Storm Water Erosion Ordinance. Ritten present the committee with a hand out of the proposed changes to the ordinance due to new DNR standards. The changes are not yet approved by the DNR. This will be brought back to committee for action at a later date. Ritten advised the committee on the status of projects-in-progress.

**Property:** Chair O'Connell recognized Debbie Peterson, Director of Parks and Buildings Dept. for the purpose of receiving information regarding the recent property sale. Peterson handed out a

summary of the recent property sale. Administrator Fuge informed the committee that all Federal Tax liens have been removed from the Woodley/Old Country Dam property.

Chair O'Connell called for a break at 9:35 A.M. Chair O'Connell called the meeting back in session at 10:43 A. M.

Chair O'Connell recognized Amanda Nissen, Polk County Treasure for the purpose of discussing the Proposed Ordinance Concerning the Sale of Tax Deed Property. This item will come back to the committee for action at a later date.

**Planning and Zoning:** Chair O'Connell recognized Supervisor Olson, Chair of the Trail Planning sub-committee, for the purpose of receiving information. Olson summarized the two basic changes to the existing plans. The Trail Planning sub-committee will hold an Open House on August 28, 2018. The proposed Master Plan will be available on the Polk County web site August 24, 2018. The committee requests that future agendas indicate that public comments are not to exceed 30 minutes and individuals are limited to 3 minutes per person. Chair O'Connell recognized Jason Kjeseth, Zoning Administrator for the purpose of receiving information. Kjeseth presented a list of Staff Recommended Changes to Chapter 18 of the Polk County Subdivision Ordinance for the committee's consideration. Kjeseth discussed with the committee, their role in the conditional use process.

**Identification of Subject Matters for Upcoming Meetings:** Next meeting: Update work plan, Tax Deed Ordinance (53-18), Master Trail Plan, Conditional use procedures, private road set-backs, out-sourcing Zoning Ordinance Changes, update ordinances referring to Town roads. 2<sup>nd</sup> meeting in Sept. Revisions to sub-division ordinance, new properties for sale, Woodley appraisal, Storm water erosion ordinance, update the comprehensive and shoreline ordinances to comply with the sub-division ordinance.

**Motion** (LaBlanc/Edgell) to adjourn. Motion carried by unanimous voice vote. Chair O'Connell declared meeting adjourned at 11:50 A.M.

Respectfully submitted,

Stephanie Fansler  
Deputy Polk County Clerk

# Bicycle and Pedestrian Master Plan

Compiled for the City of Amery, Wisconsin



Prepared by:

Stephen Clark and Amery Bike and Pedestrian Task Force

**Adopted by Amery City Council, July 25th, 2018**

## Executive Summary

This *Amery Bicycle and Pedestrian Plan* has been completed by Stephen Clark, a bicycle and transportation consultant who has worked with hundreds of communities in the United States. Steve was hired by the 2017-18 Amery Bicycle/Pedestrian Task Force, whose stakeholders include the Amery Economic Development Corporation, Amery Hospital's Health and Wellness Committee, Amery City Hall, Amery Community Club, Farm Table Foundation and Friends of Stower Seven Lakes Trail. No public monies were spent in the production of this report.

Amery, Wisconsin (population @3,000), sits on a wealth of water (North and South Twin and Pike Lakes, and the Apple River) in southern Polk County (population @43,000). Typical of communities in western Wisconsin, its economic base is a mix of light industrial and manufacturing plants, a hospital, a school district and a plethora of professional service businesses, including accounting, banking, chiropractic, legal and investment firms. It is surrounded by farmland, woodlots and abundant lakes, and the area's population swells seasonally due to tourism, hunting and fishing and visits from second-home owners.

State Highway 46 (Keller Avenue within Amery), a designated long-truck route, runs north and south, bifurcating the community with traffic flows that average @8,000 vehicles a day. The city has two Wisconsin State Trails, Cattail and Stower Seven Lakes, one motorized and one for silent recreational users, and both currently emanate out of downtown.

The downtown's historic district is composed of two city blocks, with buildings dating from the late settlement-period. Property values downtown are comparatively low, their physical plants outdated, with a high percentage of them currently for sale. The downtown is pinched by water, but the community has been able to transition land, including Apple River waterfront, into parks with community structures, such as the music stage in Michael Park, a disc golf course in North Park and railroad pavilion in Soo Line Park.

At 60 miles from Minneapolis and St. Paul, midway between a popular outdoor venue in St. Croix Falls (Interstate State Park on the Federally designated St. Croix River), a casino in Turtle Lake (St. Croix Tribal Casino), and the rapidly growing ex-urban community of New Richmond (population @10,000), Amery is more after-thought than destination. While the school district is large enough (1,000 students) and well-supported, and the hospital has a new facility and is well-regarded, there is, nonetheless, other than lots of water, a dearth of attractions that make Amery stand apart or which drive tourist visits.

This report identifies four specific opportunities within Amery that can help change that:

1. Take advantage of the 2020 Keller Avenue Safety mill-and-overlay to create a cornerstone bicycle corridor, with striped bike lanes, safe crosswalks and which brands Amery as a community that values recreation, safety and family fun.
2. Utilize portions of each State Trail in Amery to create a one-of-a-kind 10K community bike and pedestrian loop that links Amery parks, the school campus, Amery golf course, Keller Avenue and the historic downtown via a paved trail system.
3. Reimagine Amery's current trailhead with architectural and infrastructure elements that promote and grow recreational tourism, brand Amery as a hub for outdoor activity, and highlight Amery's community festivals.
4. ~~Relocate the current County recycling facility and Cattail Trailhead to reduce congestion and unsightliness in Amery's historic district and beautify the Apple River downtown, connecting~~

~~it to existing parks and infrastructure.~~ (Per City Council vote July 25, 2018, the lined out sections above are not adopted by Amery Municipal Government.)

A note about paving bicycle trails. Asphalt surfaces are the gold standard of recreational trails for a host of reasons: safety, keeping bikes clean, reduced insect pressure, smoothness of ride, reduced tire flats, reduced herbicide treatments, and over the long term, reduced maintenance expense. Even duration of snow-pack in winter is longer on asphalt surfaces due to ice adhesion. Because paved surfaces result in much higher trail usage rates — expanding the age range and mode of trail users (in-line skaters, wheel chairs, strollers, etc.) — it is essential for the success of the Stower, Cattail (City portion) and Warrior 10K Trails that, over time, each trail gets paved.

In addition, this report proposes an on-going program by which the City can capture opportunities to extend bicycle and pedestrian access going forward, continue regular Task Force Meetings for new initiatives, address statutory language that improves bicycle access and create school and community events utilizing bicycle/pedestrian infrastructure for wellness and building community cohesion.

The initiatives described in this report will require community investment. However, it is crucial to understand that such investments, when part of a well-articulated vision, constitute leverage and can generate additional monies from government agencies and foundations. In other words, a small commitment to a plan today can grow into a foundational project tomorrow simply by being part of a well-elaborated vision of where Amery wants to go. That's what this Bicycle/Pedestrian Plan is all about. When it comes to funding: uniqueness, community cohesion and a strong vision equate to winning substantial financial support from sources beyond Amery.

And nothing makes the case for Amery as a bicycle/pedestrian/outdoor recreation hub more than the Keller Avenue Redesign slated for 2020. At virtually no cost to Amery, the State of Wisconsin is committed to narrower vehicle travel lanes and full bicycle lanes through town, creating a signature statement for this community. The net effect of the new design will be to slow traffic and make Keller Avenue safer for everyone.

As well, by outlining Amery's historic district with best-practice crosswalks, tinted bike lanes and curb bump-outs, Amery communicates to every vehicle, visitor and potential home buyer that it values smart and inclusive design as a first principle. There is not a better marker to put out to the world than smart, forward-thinking municipal infrastructure.

Paired with a dynamic and attractive trailhead structural element that pulls in more visits to the Seven Lakes Trail, and a series of in-town bicycle and pedestrian loops that become talking points for residents and visitors alike, Amery will represent itself as a community that gets it right, from linking its school campus to a State Bike Trail, from being on the water to being in an historic downtown — safe, convenient, purposeful, fun — ready for families that value all of this in a small-town setting.

## A “WOW” Plan for Walking and Bicycling in Amery

### Creating WOW for the City of Amery

This *Bicycle and Pedestrian Master Plan* for the City of Amery, Wisconsin employs the WOW approach, as described by the League of American Bicyclists:

*Creating conditions that compel residents and visitors to fully recognize and appreciate walking and bicycling as attractive options for everyday recreation and transportation... a place where walkways and bikeways are impossible not to notice – the kind of place that as one drives (or bikes) into town one can't help but say 'wow!' and instead of continuing to drive through, they are struck with the urge to get out of their car and walk about, the kind of place that many look for when choosing a vacation, a new residence, or starting a business.*

Amery, Wisconsin has the potential to be that kind of place. The purpose of this plan is to show how that vision can become a reality. The WOW approach is broken into three components:

The **W**hy

The **O**pportunities

The **W**in-over projects

**The Why:** A 2015 study, *Walkability: Pedestrian and Cyclist Conditions in the City of Amery*, by Megan Will, lists the benefits a community accrues when it becomes more walkable and bike-friendly. Several pages are devoted to carefully outlining positive health, environmental, safety and economic outcomes associated with increased walking and bicycling. Simply stated, many of our society's most pressing and complex problems could be greatly reduced by more walking and bicycling and less driving, especially in cities.

Understanding this *Why* is essential if a community is going to make the investments and policy changes that help alleviate obstacles to walking and bicycling and create safer and more welcoming conditions. While walking and bicycling facilities and programs cost a fraction of other forms of transportation, they still compete with traditional expenditures not typically recognized as favoring motorized transportation over the less expensive and healthier non-motorized options. These lopsided budget priorities often result in increased distances and additional barriers to walking and bicycling.

The “*Why*” for this plan is also supported by several already adopted initiatives – including the goal (adopted by Resolution in 2009) for the City of Amery to become an “Eco-municipality.” The intent of the resolution was to utilize the *Natural Step Program* embracing the four principles of sustainability. The adoption and implementation of this plan will go a long way toward putting into practice all four principles, leading to a reduction in fossil fuel consumption, a greater conservation of essential

resources, and the overall enhancement of the environment and quality of life for the people of Amery. (See Appendix A).

In short, Amery has always been a leader in understanding that ecology and the economy are inextricably linked. That, when individuals and families are given opportunities to recreate, this promotes a healthy lifestyle, draws outside visitors, builds a community ethos that supports outdoor recreation and athletics, and all of this is attractive to home buyers and businesses looking for a new start or an ideal business environment.

But beyond the economic, health and environmental benefits of increased walking and bicycling, perhaps the most persuasive *WHY* is found by viewing those cities that have become recognized as bicycle and pedestrian friendly: they have become more popular and prosperous places! More than ever before, people want to live, work and play in communities that have a good trail system and safe streets. Quality of life matters and nothing is a better indicator of quality of life than how comfortable a parent is in allowing a child to bike or walk to school, to a park or even downtown. It's a *Why* we can all appreciate!

**The Opportunities:** The most cost-effective manner to create a more walkable and bikeable community is to take advantage of opportunities, such as when a street is scheduled for any kind of pavement resurfacing or modification. Adding bike lanes after a street has had a mill-and-overlay can be done at little or no additional expense, especially in situations where lane-widths can be narrowed or entire travel-lanes eliminated. Understanding that such modifications benefit all road-users by providing important safety improvements is key to implementation of this "*Complete Streets*" policy.

This plan will focus on perhaps the greatest opportunity ever presented to Amery when it comes to transportation and economic revitalization: the planned mill-and-overlay of Keller Avenue in 2020. Keller (State Highway 46) is the major corridor through the city, including the historic downtown district, and WisDOT is going to reduce the number of travel lanes from four-to-two with a shared center left-turn-lane. This is a great example of an opportunity to enhance/expand pedestrian and bicycle infrastructure at virtually no expense to the City.

As well, WDNR and Polk County have embarked on a planning process to reconsider uses and design for the two State Trails that come through Amery: the Cattail State Trail and the Stower Seven Lakes Trail. This is an unprecedented moment for Amery to imagine a fully integrated trail system and corridor that provides recreational and transportation opportunities to residents and visitors alike. Such an integrated trail system is the gold standard in community development as young families and older adults search for forward-thinking communities that provide world-class recreational options without having to get in a car.

~~As part of creating cohesive, integrated municipal bicycle and pedestrian loops, this Plan recommends relocating the current site of the Cattail State Trailhead and County recycling bins. These facilities are located in a valuable area along the Apple River and within the historic downtown district. This part of Amery is already congested and in need of more space. By drawing frequent truck and trailer traffic, the~~

County facility represents both a burden and a squandered opportunity for the city of Amery. Reclaiming and beautifying the river front and linking downtown via a paved bike trail to the Amery School campus and neighborhoods to the east is a low cost, vital component of both trail connectivity and downtown development. We suggest given written notice to Polk County that Amery expects the facility to be relocated within three years. Volunteer assistance and raising modest funds for the relocation could be extended to Polk County to help with this process. (Per City Council vote, the lined out portion above is not adopted by City of Amery municipal government.)

Because there are significant Federal, State and foundation monies that are regularly made available to fund such initiatives, the best time to start looking for funding is once this Plan has been approved and adopted by the City. Without a thoughtful vision and a comprehensive plan for getting there, applications for grants or matching funds are moved to the bottom of the pile. With a solid plan in place, the opportunities to earn funds are much greater.

#### The Win-Over Projects:

A "win-over project" is one that the majority of people in a community will notice, talk about, and feel compelled to experience. Win-over projects are those that are repeatedly photographed by visitors and



Figure 1 The Stower Seven Lakes Trail attracts both walkers and bicyclists, and is especially family friendly

residents, and visitors frequently show their photographs to encourage similar projects where they reside. Win-over projects instill a sense of community pride and, quite often, a city becomes known for one or more of their win-over projects.

The Stower Seven Lakes State Trail is an example of a good facility that has the potential to be in the category of a “win-over” project. Certainly, it has already won over many residents in Amery who began walking or biking more because of its development. Several times in summer 2017, this consultant talked to visitors whose only reason for coming to Amery was to ride on this non-motorized multi-use limestone trail. The Twin Cities Bicycle Club (TCBC) has posted numerous bike tours that now feature Seven Lakes Trail, and current events, The Half-Marathon and Triathlon, attract participants from across the Midwest.



But unlike a true win-over project, a traveler or even resident who doesn't already know something about the trail is unlikely to discover it simply on a trip to or through the city. It does little to attract the kind of attention that would allow it to be much more popular, and “win over” tourists on a regional scale. And although it is well-maintained and of suitable width, the crushed limestone as a surface limits its use and may deter some riders who prefer pavement.

Figure 2. Coin operated shower facilities at trailhead in Sisters, Oregon – an example of a “win-over” project

This plan calls for paving the sections of the Stower and Cattail State Trails within Amery's city limits to facilitate development of the *Warrior 10K Trail* which would include additional developed trailways as a center-piece “win-over” project. Two smaller loops using the Stower and Cattail Trail as their foundation are also part of this plan: a two-mile northern loop and a 5K southern “School Loop” that both serve as “Safe Routes to School” infrastructure.

But, the corridor with the greatest potential as a “win-over” project is Keller Avenue, since it is the major roadway into Amery and is unavoidable for anyone desiring to experience the vast majority of social,

recreational, civic and commercial opportunities Amery offers.

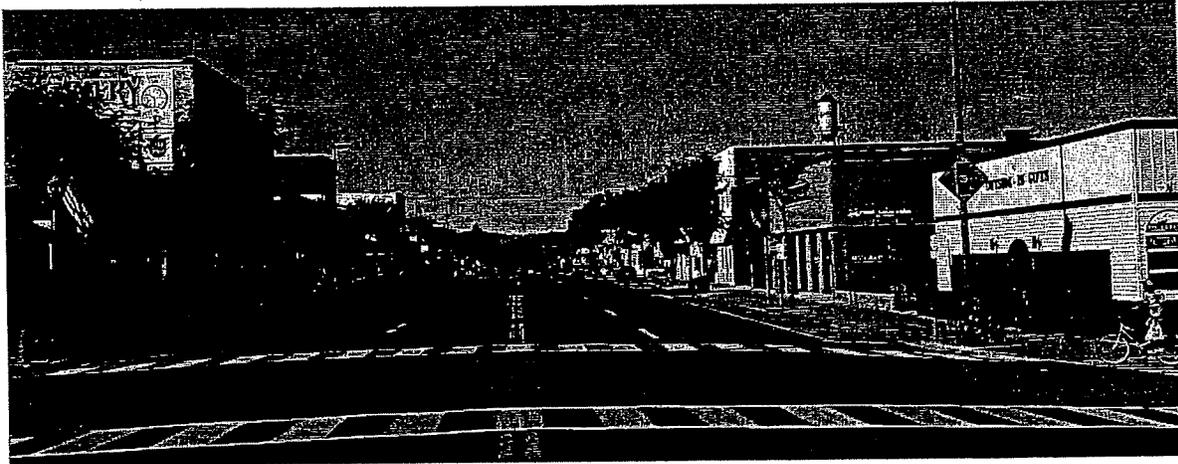
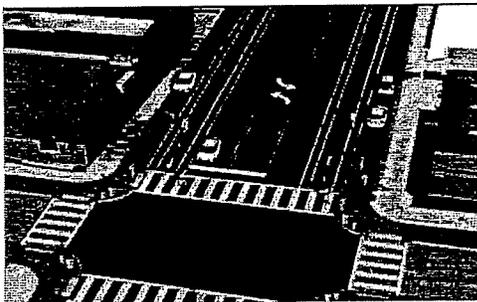


Figure 3 With the current, inherently dangerous four lane configuration, motorists are more apt to speed through Amery than appreciate all that it has to offer. Difficulty in crossing the four lanes also undermines the pedestrian environment.

And arguably, its transformation into a bike and pedestrian friendly street would have the additional benefit of drawing more attention and users to the Stower Trail and the proposed *Warrior Loop*. This plan will show some configurations and design elements for Keller Avenue to ensure that it rises to the level of a win-over project.

In addition, constructing some type of architectural element to memorialize and promote the start of the Seven Lakes Trail, visible from Keller Avenue, would be a great example of a community win-over project. Whether an actual building (changing area with showers?), some type of public sculpture or a landscaped area with attractive signage, this type of project galvanizes a community around the pride of hosting visitors and can create signature photo opportunities for every resident and traveler to Amery.

Overlaying all of these infrastructure “win-overs” within Amery is the reality of demographic trends. More and more a younger generation of Americans prize recreational activities, especially when they look to raise their own family. They seek schools that stress an active lifestyle and a community that values athletics and getting out-of-doors. This demographic trend extends to tourism, where visitors want to park their vehicle and use vacation time as an opportunity to be active, create memorable experiences and come home in a little better shape than they left.



Importantly, by winning over this “active” demographic to Amery, both property owners and visitors -- whether to bike, hike, boat, or ski -- Amery would be attracting the most sought-after people in the United States: those willing to spend healthily in pursuit of recreation, unique experiences and one-of-a-kind products or services. Study after study shows the positive and unmatched economic impact of winning this demographic. This plan imagines these recommendations as promoting and propelling Amery toward a community that individuals and businesses view as highly desirable: a great place to work, visit and live because of its recreational assets and welcoming infrastructure.

“When it comes to the reasons 30- to 40-year-olds say they want to move to a rural area, jobs isn’t even in the top 10,” Winchester said.

“Quality of life is number one. ... Many of these people are creating their own jobs.”

Rural Sociologist Ben Winchester,  
University of Minnesota

Figure 4 The proposed safety conversion would dramatically transform Keller Avenue from a high speed corridor to a bike and pedestrian friendly street

## Background

This Plan was commissioned and supported by a private/public partnership involving the Amery Hospital, Amery Economic Development Corporation, Amery Community Club, Farm Table, City of Amery and Friends of Stower Seven Lakes Trail. A task force with representatives from these groups first met in August of 2017. There was an understanding that with Keller Avenue slated for modification in 2020, having a community supported bicycle and pedestrian Master Plan in place could help facilitate the development of bike and pedestrian facilities transforming Amery into a safer and more enjoyable place to walk and bike and helping to revitalize the historic downtown district.

Public involvement has been a key aspect of plan development including: 1) a city-wide public meeting held in November of 2017; 2) interviews with walkers and bicyclists in Fall 2017; 3) six regular meetings of the Task Force over nine months in 2017-18; and 4) interviews with key community leaders and city officials in 2017.

## Terms and Descriptions

Throughout this Plan, there will be repeated references to *Complete Streets*, *Walkability and Bicycle Friendliness*. Community understanding and support of these three concepts will be essential to Plan implementation.

**What are Complete Streets?** A “Complete Street” is one that enables a safe and viable transportation access to all types of roadway users. Complete streets, or a complete street network, allow bicycles, pedestrians, seniors, transit riders and individuals with disabilities to conveniently and safely meet their needs as easily as motor vehicle users. Cities that embrace

*complete streets view roadways as the 'public right of ways' they were originally conceived to be – for the safe and free movement of people. A Complete Streets policy typically calls for the consideration and enactment of new design elements (such as bike lanes or wider sidewalks) to allow for a more balanced transportation system whenever a roadway is set to be modified (including resurfacing/ pavement preservation).*

*The many benefits of Complete Streets:*

- *Fosters an active and healthy lifestyle by giving people more options to walk and bike.*
- *Empowers children with opportunities for greater self-reliance; allowing them to reach nearby destinations with less dependence on adults with cars.*
- *Allows everyone, particularly people with disabilities and older adults, to be mobile and stay connected to their community.*
- *Increases the safety of all road users; crashes that cause injuries are greatly reduced when a roadway is made safer and more appealing for pedestrian and bicyclists.*
- *Reduces the need to use motor vehicles resulting in cleaner air and reduced carbon emissions.*

***What is a Walkable City?*** *Beyond being a safe and pleasant place to walk, a city that is walkable is defined as one where a person can conveniently meet most of their needs (social, recreational, educational, vocational, and as consumers) utilizing their own human power. Hence, a walkable city is one where key destinations are within a walkable distance from residential areas, and major barriers do not exist that compel people to access places by motor vehicle only. As described in the aforementioned "Walkability" study prepared for the City of Amery by Megan Will, walkability is a "measurement of the ease of walking or cycling to a particular designation" hence walkable cities "are denser than drivable suburban developments" with smaller lots and shorter blocks and have more mixed use development. Interestingly, most cities in the United States including Amery, began as walkable communities before zoning codes, investment incentives that favored sprawl and roadway expansion projects began to create barriers to walking.*

***What is a Bicycle Friendly City?*** *A Bicycle Friendly Community is a designation a city can earn from the League of American Bicyclists when they have shown that bicyclists are welcomed to their locale by providing "safe accommodations for bicycling and encouraging people to bike for transportation and recreation." Typically, cities who have achieved the BFC award understand that making bicycling safe and convenient are keys to improving public health, reducing traffic congestion, improving air quality and improving quality of life. BFC's tend to attract more visitors than non BFCs, have greater economic vitality and a healthier population. The League urges communities interested in pursuing greater bicycle friendliness to incorporate what they call the five Es into their planning documents.*

The 5 E's are Engineering, Education, Encouragement, Enforcement and Evaluation. This plan will cover each one of these in detail and include existing conditions, opportunities for improvements and

DRAFT COPY FOR REVIEW PURPOSES ONLY

recommendations. These sections will be followed by Plan Implementation which will also look at funding sources and timeframes for delivery.

## MAJOR GOALS AND INITIATIVES OF THIS PLAN

The following goals and initiatives were identified through a community planning process beginning with the Bike/Walk Amery Task Force established in August 2017 for the purpose of producing a bicycle/pedestrian plan for the City of Amery.

### GOAL I:

Achieve recognition for the City of Amery as a community that welcomes people on foot, in chair, and on bicycles and strives to be a safe, convenient and fun place for residents and visitors to walk and bike for transportation or recreation.

#### Initiatives:

1. Use the transformative power of the 2020 Keller Avenue redesign to brand Amery as the most bike-friendly community in northwestern Wisconsin.
2. Preserve the Stower Seven Lakes Trail as a non-motorized, silent sports corridor and advertise it as the only such State Trail in the region. Use the auspices of the non-profit Friends of Stower Seven Lakes State Trail to raise and disburse funds to pave sections of both the Stower and Cattail State Trails in the city limits of Amery first, and then, the entire Stower Trail over time.
3. Use the Stower Trail along with the Cattail Trail within (or just beyond) the city limits of Amery to create three complete loop multi-use trail systems, connecting schools, hospital, parks and commercial centers.
4. Develop and promote several walking loops to tie together parks, trails, schools, the historic district and the hospital utilizing wellness, recreational and historical themes.
5. Ensure that Keller Avenue in its 2020 redesign is as bicycle and pedestrian friendly as funding and project parameters will allow.
6. Apply for Bicycle Friendly Community recognition through the League of American Bicyclists.

### GOAL II:

Create a model "Complete Streets" project in partnership with WisDOT with the Keller Avenue 4-3 safety conversion planned for 2020, providing benefits to all road users while improving the downtown historic district curb-appeal.

#### Initiatives:

1. Utilizing best-practices, incorporate buffered green bike lanes, narrowed travel lanes, curb extensions and other design elements that reduce speeds and increase safety for all road users.
2. Obtain additional funding as necessary to ensure the Keller Avenue project reaches its full potential as a model "win-over" complete streets project.

### GOAL III:

Identify and be responsive to the needs of pedestrians and bicyclists on an on-going basis.

Initiatives:

1. Support the continuation of the Bike and Walk Amery Task Force to ensure plan implementation.
2. Encourage strong public participation when new projects are proposed.
3. Conduct counts and intercept surveys on an annual basis at key locations, particularly on the Stower Trail and Keller Avenue to document impact of new programs, policies and facilities.

**GOAL IV:**

Increase the level of safety and convenience for bicyclists and pedestrians throughout Amery.

Initiatives:

1. Adopt a *Complete Streets* policy so that whenever a roadway is being modified, including resurfacing, the needs of bicyclists and pedestrians will be considered
2. Implement and enforce a sidewalk policy that ensures safe pedestrian travel. Sidewalks should be required in residential areas and business districts, and, on all streets where the street itself is deemed unsuitable for children on foot or wheel chair occupants.
3. Eliminate the discrepancies between state and local laws governing the use of bicycles in the City of Amery, especially those provisions that restrict travel for pedestrians and bicyclists.
4. Improve safety using signs and markings where needed.
5. Provide shortcuts to bicyclists and pedestrians where possible, through continuing paths from dead end roads, or across railroad tracks and other barriers (see suggested short cuts on attached Bikeway/Walkway Map).

**GOAL V.**

Increase walking and bicycling in the City of Amery.

Initiatives:

1. Construct a network of contiguous pathways, lanes and routes (See attached maps).
2. Develop and distribute maps and brochures.
3. Provide sufficient bike parking at all public buildings.
4. Consider special incentives to encourage public employees to walk or bike.
5. Encourage employers to adopt incentives.
6. Support the national "Bike to work day". Promote it locally.
7. Support the national "Bike to school day". Promote it through the school district.

**GOAL VI:**

Reduce the incidence of bicycle and pedestrian crashes in Amery and minimize the severity of injuries.

Initiatives:

DRAFT COPY FOR REVIEW PURPOSES ONLY

1. Ensure the completion of the 4-3 lane conversion for Keller Ave with curb extensions and bike lanes (see *Goal II*).
2. Target enforcement at motorists to protect cyclists and pedestrians.
3. Implement a "Safe routes to school" program and include a safety-education component
4. Construct safe facilities using NACTO, State and AASHTO standards.

**GOAL VII:**

Improve conditions for bicyclists and pedestrians in a cost-effective manner with a focus on connectivity and continuity with surrounding communities.

Initiatives:

1. Acquire right of ways (ROWs) and require construction of facilities in developing and redeveloping areas as part of the annexation and/or building permit process.
2. Consider City ROWs, utility easements, rail ROWs, etc. for possible use as bikeway/walkway corridors.
3. Institutionalize safe access for bicyclists and pedestrians through design standards and new policies.
4. Integrate bike routes with new subdivisions and plat approvals in townships and City.
5. Work with surrounding communities and with Polk, Barron and St. Croix counties in all relevant bikeway and trail planning efforts.

## The Five E's

### Engineering

As the first of the "six Es" that the League of American Bicyclists uses for determining if a community should be designated as a Bicycle Friendly Community, engineering mainly denotes the physical infrastructure to support cycling. However, because infrastructure is inherently dependent upon standards, zoning regulations and overall policies, in this chapter we also delve into these issues with corresponding recommendations.

### Existing Conditions

Branded as the "City of Lakes," Amery has long been noted for its many boating and fishing opportunities. More recently the City is becoming recognized for its bicycling and cross country skiing attributes, largely due to the 2010 surfacing of the Stower Seven Lakes State Trail. The trail is a popular bicycling and walking corridor during Spring, Summer and Fall, and is used for cross country skiing and "fat bike" riding during the months with sufficient snow accumulation. Outside of this trail – which heads in a westerly direction to Dresser, Wisconsin -- there are no other signed or marked bikeways in Amery, either on-street or off-street. This lack of facilities correlates with the low use of bicycles for transportation – especially among adults.<sup>1</sup> Middle school students currently have the highest use rate of bikes among Amery residents.<sup>2</sup> But even among this population, many more children are being driven to the school by their parents or guardians than those bicycling. Walking is also relatively low among adults and children on the existing transportation network in Amery.

Counts conducted in September and October of 2017 provides evidence that the Stower Trail is the most heavily used bike facility in Amery. The 14-mile trail is County managed, but maintenance and oversight is done largely by local volunteers through a "friends of the trail" non-profit entity. Built on a former railroad, the trail begins at Harriman Avenue in Amery, and runs through Deronda, Wanderoos and Nye, before ending about one mile east of Dresser on 90th Avenue.

The trail is named after the many lakes the trail traverses and Harvey Stower -- who served in the Wisconsin Legislature and as Mayor of Amery for many years. Stower was the Mayor when the City adopted the resolution establishing Amery as an "Eco-Municipality".

The trail surface is currently comprised of crushed limestone which is suitable for medium width tires but after a rain, or during spring months is not conducive to narrower tires that many with road bikes often prefer. It is also a less than desirable surface for those in chairs and incompatible with roller skates, roller-skis, or in-line skates that were designed to be used on smooth pavement.

---

<sup>1</sup> In fact, according to the American Community Study (ACS) 0.0% of adults used a bicycle as their primary mode of transportation to get to work (2012-2016 aggregated data).

<sup>2</sup> This conclusion is based on bike counts taken at bike parking facilities at each school

During winter months the trail is maintained for cross-country skiing, and fat bikes (bicycles with tires four inches or wider) also allowed use on the trail. ATVs, snowmobiles and other motorized vehicles are prohibited on the Stower Seven Lakes State Trail. Accessing the trail within the City of Amery is limited to existing road crossings (Harriman, Baker Terrace and Baker Street). Implementation of this plan would create two additional non-motorized access points to allow for greater connectivity to neighborhoods north and south of the trail.

#### LAND USE AND TRANSPORTATION ISSUES:

Relative to more urban or suburban locations, Amery, like most rural cities, has low motor vehicle traffic volumes and therefore would seem ideal for safe walking and bicycling. However, without defined space for bicyclists, or continuous, well-maintained sidewalks with adequate width for pedestrians, there is a widely held perception that Amery is better suited for movement by automobile. Indeed, with Keller's four travel lanes, new subdivisions where streets dead-end with cul-de-sacs, strip malls and other sprawl-inducing types of developments, the city has favored the motor vehicle, even for short trips among residents. This [link](#) and the google map shown on the left shows how a person who is literally a stone's throw from Minneapolis Avenue, must add nearly a half mile to his or her trip, and cross over and use a roadway that has higher speeds and more traffic than Minneapolis Avenue. Hence, what could have been an easy and safe walk to school for children in this subdivision --had the cul-de-sacs provided pathways to the closest street -- instead fosters car-dependency, reducing a child's ability for self-reliance.



Research has shown that the best urban design for walking and bicycling is the traditional city with a well-connected grid system utilizing short blocks. Because of the impressive bodies of water in Amery (five lakes and a river), the geography of Amery could never support a grid pattern and many streets dead-end at a lake, river, or even the rail trail. To the extent that connections (through purchasing easements or other means) can be made from these dead-end roads to schools, parks or a trail system, bicycling and walking will grow accordingly.

Keller Avenue, a Wisconsin State Highway (STH 46) with an annual average daily traffic volume of 9,200, is the busiest street in Amery and the only north-south roadway that allows for continuous, non-interrupted travel through the city. The same is true for County Road F for east-west travel, except that F utilizes three distinct streets through the city -- Deronda, Keller and Broadway. Each of these streets is essential for efficient non-motorized movement, but currently inhibits safe walking and bicycling. A lack of defined space for bicycling and incomplete sidewalks combined with lack of ease in being able to cross these streets safely (especially on Keller Avenue and particularly, where speed limits increase to 45 mph) are the major shortcomings. The pavement width is currently adequate for bike-lanes without

needing to widen the roadway. Travel lanes in Amery tend to be wider than necessary, affording many opportunities for cost-effective installation of bike lanes as described below.

### **Opportunities for Improvements**

As discussed in the introduction, there are a number of significant opportunities for Amery to become recognized as the most walkable and bikeable city in northwestern Wisconsin.

First: with the transformation of Keller Avenue from 4 lanes to 3, striping comfortable bike lanes on each side of the street -- utilizing green pavement within the Historic Downtown District -- and greatly enhancing the pedestrian experience with curb extensions at key locations.

Second: create a trail network that includes three different loops to enable safe connections to schools, parks and retail centers. The backbone of these loops will be the existing Stower Seven Lakes Trail west of Keller Avenue and the Cattail Trail east of Keller Avenue. To create the desired conditions meeting the needs of all residents (including those with physical disabilities) this plan calls for the paving of both of these trails for the portion that constitute the loop segments (identified on the map below). It should be noted that the City of Amery passed a resolution prior to trail construction calling for the paving of this trail, for its entire 14 mile stretch. (See Appendix C).

The third opportunity is longer term, and that is with the changes that will occur with the implementation of new policies as recommended in Table 1 below.

### **Recommendations:**

1. In conjunction with the Keller Avenue mill-and-overlay project planned for 2020, install bike lanes, curb extension and high visibility crosswalks as shown in Appendix B; present to WisDOT for their final approval.

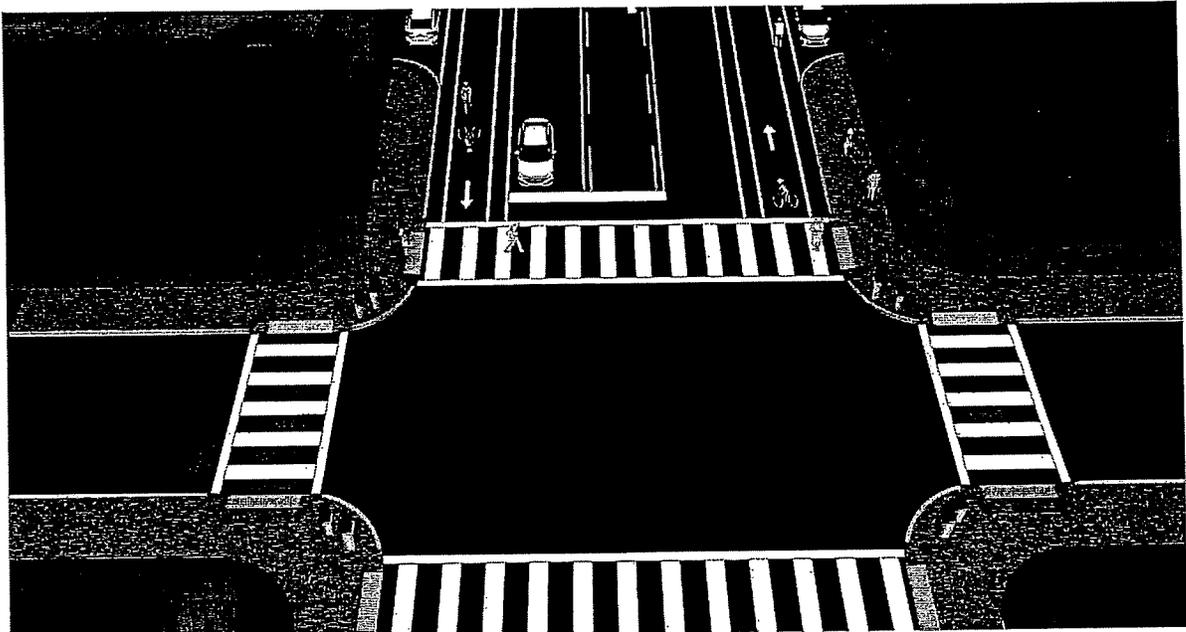


Figure 5 This rendering is an example of how Keller Ave could look. See Appendix A for specific preliminary plans showing lane widths and other details

2. Begin to develop the *Warrior 10K*, 5K and 2 mile loops beginning with marking bike lanes on Minneapolis and Griffin and identifying funding sources for the paving of the Stower Seven Lakes Trail and Cattail Trail within Amery city limits.
3. Institutionalize long term improvements through adopting a *Complete Streets* policy and making changes to current zoning ordinances and other regulations.

**Table 1: Recommended Changes to Current Ordinances or Regulations affecting Engineering (Infrastructure)**

REG #	Shortcomings/ Concerns	Recommended Change
6-2-2	Requires property owner to cover costs of any sidewalk repair or reconstruction	Add section that would allow Common Council to waive this requirement under certain circumstances if deemed in the best interest of the City; possibly when such sidewalk is part of a community designated walking trail.
14-1-23	No mention of bicycle accommodations, either in terms of bikeways or need for parking facilities	Add language to require developers to consider the bicycle accommodations.

14-1-36	No bicycle parking requirements	Add requirement for bicycle parking per APBP guidelines for new developments – major retailers, larger employers and apartment complexes
14-1-55	No language pertaining to the accommodation of pedestrians and bicyclists as part of the transportation system	Adopt and add “complete streets” policy to consider the needs of bicyclists and pedestrians in all new and reconstruction/resurfacing projects
14-1-55	Prescribes installation of sidewalks in accordance to a non-existent Sidewalk Master Plan	Codify that all developments need to have sidewalks or dedicated space for movement by foot or wheelchair.
14-1-70	Cul-de-sac streets and dead end streets are only considered in terms of impacts on motor vehicles. No consideration for making them through streets for non-motorized use (trail connections)	Add language that would suggest, “wherever possible dead end streets and cu-de-sacs should retain a public right of way to allow for the ingress and egress of bicyclists and pedestrians to the next nearest intersection or street or public destination (schools, parks, etc).
14-1-70 subsect. J	Requires overly wide travel lanes (18’ for arterials) yet narrow sidewalks (4’); 66’ paved roads for minor streets should be reduced to 48’ – which would still allow for bike lanes and parking	Review and rewrite this entire section to allow for greater flexibility for narrower streets with inclusion of complete streets language. Change sidewalk width required here to be consistent with section 6-2-2 (calling for 5’)
14-1-72	Pedestrian pathway could be construed as a sidewalk only facility	Add “and/or bikeways” or change to pedestrian to “Multiple Use Pathways

### Education

This section looks at the existing programs and past projects that have been put into place to ensure the safety, comfort and convenience of walkers, cyclists and fellow road-users. Recommendations for their continuation, enhancement or replacement, follows. It is understood that a solid education program is a far-reaching endeavor, covering everything from teaching the rules of the road to children, or new riders how to fix a flat, to sending public works staff to conferences focusing on livable streets.

### **Existing Conditions**

The City of Amery has made an effort to provide bicycle education to youth consistently for many years. Some years have seen stronger programs than others. The main activity for the last few years has been an annual "bicycle rodeo" for elementary school aged children organized and conducted by the Amery Police Department. At the bike rodeo the children learn safe cycling skills, the rules of the road, and the importance of predictable, law-abiding behavior. Other efforts to reach children have been made possible by special grants and initiatives. Five years ago the PD had three bikes for a bike patrol program. A summer intern was hired working 20 hours/week to provide education, warning

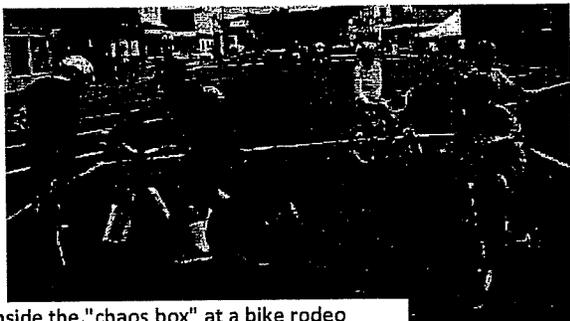


Figure 6 Inside the "chaos box" at a bike rodeo

tickets for law violations and rewards for good bicycling behavior. In the last few years the Amery Regional Medical Center has teamed up with Friends of the Stower Trail to host bicycle safety clinics which also included helmet giveaways.

There is currently no local Safe Routes to School program, nor any specific instruction being provided by the Amery School District. There also has not been any initiative or classes to teach adults safe

cycling skills. When conducting counts for this plan, observers noted that the majority of the cyclists using Keller Ave chose the sidewalk which is not recommended by bicycle safety experts.

### Opportunities for Improvements

Currently the elementary and secondary schools are the strongest bicycle trip generators in the City of Amery. Counts taken in late September and October at bicycle parking racks revealed that the middle school in particular, has significant bicycling activity. This is also the age group that is often over-represented in bicycle crashes, with a majority of the crashes being the fault<sup>3</sup> of the cyclist. Yet, the good news is in the last five years there have been no reported crashes involving children on bikes with motor vehicles.

Amery has a long history of a strong volunteer and community centered ethic among its residents and this ethic seems especially prevalent among the physically active adult population. The fact that the Stower Trail is maintained by volunteers is just one example of this ethic at work. Drawing from this community spirit it should not be difficult to strengthen existing educational efforts. As new facilities are added and growth in walking and bicycling accelerates, there will be a stronger demand for such efforts. The best education programs are melded with creative encouragement activities. For instance, maps showing the best routes could be developed to help bicyclists not only to find the safest routes, but as a way to promote existing trails like the Stower Trail. At the same time they can be used to convey bicycle laws and provide riding tips. Since people are more apt to keep a map than a safety brochure, it makes sense to use maps to both provide both encouragement and education.

---

<sup>3</sup> Fault defined by an unlawful action, e.g., running a stop sign, or wrong-way riding. While youth crash victims tend to be more at fault than the operators of motor vehicles, it is the opposite for adult cyclists involved in crashes; they are more likely to be the victims of drivers at fault.

## Recommendations

1. Expand bike safety instruction in the schools through bike rodeos and other programs utilizing trained adult cyclists (volunteers), school staff if possible and the continued support of the Amery PD. Focus on 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> graders for on-bike instruction and introduce bike mechanics at the middle school as an elective. Sponsor interested elementary teachers, police officers and park leaders to attend WisDOTs "Teaching the teachers" bike safety workshops.
2. Enlist a certified League Cycling Instructor (LCI) to teach at course on safe cycling skills through Community Education
3. As new pathways and on-street bikeways are developed, and after changes are made to current bicycle laws in Amery (see Table 2 under Enforcement section) provide maps to promote the network and include safety information with user-friendly graphics.

## Encouragement

A close cousin to education, the third "E", encouragement, focuses on incentives, promotions and opportunities that inspire and enable people to ride. For a city like Amery that has great potential to attract bicycle tourists, encouragement includes trail promotion, the hosting of events and other marketing initiatives.

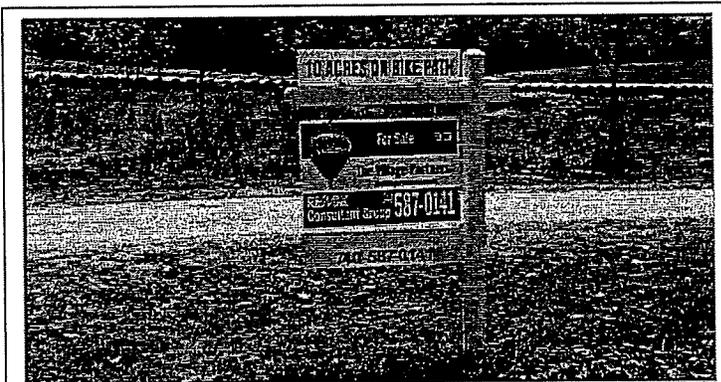


Figure 7 Sometimes encouragement occurs simply out of self-interest. Realtors have long known that non-motorized trails sell properties. One study found that adjacent to trails property values increased by 11%.

## Existing Conditions

Amery residents are the primary benefactors of the Stower Seven Lakes State Trail and appear to be well aware of what it has to offer as a quiet, safe and attractive facility for walking and bicycling, as well as cross country skiing in the winter time. Efforts to encourage use by people outside of Amery appears to be limited. The City of Amery website

promotes the trail but has yet to be updated since before the surfacing with crushed limestone. Hence, it still describes the trail as mostly for hiking. A more robust campaign has been provided by the Polk County Tourism Council, which has promoted both the Stower Trail and the Gandy Dancer Trail in tourism publications as well as at tourism fairs and conferences. Various events have taken place in Amery over the years, including running competitions, fun walks and bicycle rides that have had varying degrees of success in terms of turn out, but typically have had good coverage (with photos and results) in area newspapers.

Incentives to encourage walking or bicycling to school, or to work, appear to be non-existent. At this time, no discernible effort is being made by the school district, employers, or public agencies to

encourage the use of bicycles or walking as a means of transportation. With minimal traffic congestion, no shortage of parking, no perceived air pollution problem and little awareness of the negative health impacts of driving, there does not seem to be any demand at this time for such incentive programs.

On the other hand, increasingly people in Amery and surrounding communities are realizing the health benefits of walking and bicycling and while they may still not consider it as a practical means to get to school or work, they have voiced their support for safer facilities and are using existing walkways and trails for fitness and recreation. As discussed in the Engineering chapter, as new facilities are developed, especially bike lanes on Keller, the awareness of being able to use bikes for transportation purposes will grow, and at that time incentive programs and other encouragement efforts to reduce driving – especially for short trips – will become much more readily embraced and successful.

### **Opportunities for Improvements**

Social media is an extremely cost-effective method to attract visitors and keep residents fully informed of events, programs, workshops, campaigns and changing infrastructure. The City of Amery can easily become a role model in promoting bicycling and walking among its staff and elected officials. Having a bicycle available for city employees for on the job use in lieu of a personal motor vehicle is a simple way to increase public awareness about the viability of bicycle transportation. A bike check out program at the Amery Public Library (for residents only) that works similar to checking out books is another creative way to begin changing perceptions and to get people excited about a future that includes bikes and fitness.

### **Recommendations**

1. Continue to support events that contribute to community fitness/health goals involving trails and streets for walking and bicycling.
2. Increase understanding and access to bikes through a bike share/check out program through the public library.
3. Ensure that information about the Trails in Amery are accurate and updated as needed on all social media sites beginning with the City's website. Use the city's website to provide a calendar of events and highlight special attractions.
4. Take advantage of any and all new facilities as they are developed by naming them (branding), conducting ribbon cutting ceremonies and special events and providing wayfinding signs or other markings.

### **Enforcement**

It has been said that the most effective safety education program begins with enforcing existing laws. When motorists are cited for not yielding for pedestrians in a crosswalk, or a bicyclist is given a ticket for running a red light, friends and families pay attention and the word spreads. Enforcement is truly an important component of a bicycle friendly community.

### **Existing Conditions**

The most important reason for a strong enforcement presence in a city is to reduce the incidence of traffic crashes – particularly those crashes that result in serious injury or death. The key to having an effective enforcement program that prevents such collisions is a clear understanding of the causes of crashes and the best ways to prevent them. Since some collisions are associated with certain types of street design and intersection types, it is also imperative that all police crash reports be routinely shared with public works staff.

And in fact, historically in Amery crash reports are shared and analyzed. Having knowledge of the poor safety record of Keller Avenue is what led to a request by Amery Public Works director for WisDOT to consider the four to three lane safety conversion (AKA road diet).

Currently there does not exist any active enforcement campaign targeting specific traffic violations. Interestingly, all but one of the crashes involving a bicyclist occurred as the cyclist came off a sidewalk and entered either a crosswalk or crossed over a driveway.

A number of local ordinances aimed at bicyclist behavior would be problematic if there was any attempt to enforce them as they are wholly inconsistent with state bicycle ordinances (the ones that most visitors would be familiar with and typically follow) and are also in conflict with the National Uniform Vehicle Code. For example, an Amery ordinance mandates that cyclists ride as far to the right as possible, providing no option for the cyclist to control a lane that is too narrow to be safely shared by an overtaking motorist, or to avoid common surface hazards that are frequently on the far right side of a street. Another ordinance states that sidewalk riding is okay for children 10 or younger, or if one is on a bike with 20" wheels, as long as it's not a BMX bike! Under this rule, an adult on a folding bike that has no problem traveling at 20 mph (despite its 20" wheels) could legally ride the sidewalk, while an 11 year old on a BMX bike riding at 8 mph could be ticketed. See table 5 below for more examples of why Chapter 10 of the Regulations in Amery need to be overhauled before a proper enforcement campaign and education program can be effectively launched.

### Opportunities for Improvements

There are still three police bikes that conceivably could be tuned up and put back into use. Beyond basic bike safety patrol and traffic law enforcement, officers on bikes can enhance community relations, and there are many types of law enforcement that have been proven to be more effective from the seat of a bike than behind a steering wheel of a squad car. Police officers on bikes also help legitimize bicycling as an acceptable and normal part of a transportation system. But again, the first need is to overhaul the current local ordinances so that officers on bikes can be good role models without having to break the law!

**Table 5 Review of City of Amery bicycle related ordinances**

REG #	Shortcomings/ Concerns	Recommended Change
10-2-5	Inconsistent with state statutes and best practices for bicycle safety; mandates single file riding at all times, requires	Simply substitute entire section with State statutes (see Appendix D)

	cyclists to enter a bike lane by walking, allows adults on 20" bikes to ride on the sidewalk with no regard to speed of travel, makes no mention of electric assist bikes but excludes all bikes with motors from bikeways, and more....	
10-2-6	Requires the registration of all bicycles; discourages bicycle tourism and is likely not cost-effective	Eliminate requirement and encourage statewide or national program

**Recommendations**

1. Substitute Chapter 2 local ordinances governing bicycle riding practices with state statutes governing the operation of bicycles.
2. Continue to review all crash reports and causes of crashes and use a team approach to develop safety countermeasures that may include education, enforcement and engineering.
3. Bring back the bike patrol program; put officers on bikes especially during special events and community activities like farmers' markets, high school sports' contests, fairs, and large bike rides.

**Evaluation**

Understanding what is working and what is not is key for the advancement of any program. For each of the 4 E's described above, having a solid evaluation process is the only way to continue making improvements. Development of this plan could be considered the first step toward looking at data in a meaningful way for evaluation and planning purposes. A Master Plan requires the establishment of a baseline and from there setting out measurable goals and initiatives. Conducting bike and pedestrian counts at key locations, reviewing American Fact Finder data through the US Census reports, analyzing crash data and monitoring public attitudes through surveys and other means are all part of this undertaking.

**Existing Conditions**

There are many facets of data collection and analysis and without a paid city employee to routinely oversee such tasks, it will necessarily need to fall upon volunteers or consultants. Currently there is not a protocol for ongoing evaluation associated with improving the walking or bicycling environment in the City of Amery. This remains true for the goal of using the "Natural Step" program for becoming an "Eco-Municipality". There does not appear to be any process developed for ensuring the implementation of the four steps, or any agreed upon measurement tools. Hence, it would be difficult today to determine if the City of Amery is any closer to becoming a true Eco-Municipality than it was when the resolution was adopted in 2009.

**Opportunities for Improvements**

The most important resource a plan has are passionate people willing to change policies and put things in place for real change to occur. The Bike and Pedestrian Task Force that helped to shape this plan from the beginning is comprised of such individuals. It will be largely up to that group to maintain the momentum to continue to evaluate and strive for the improvements that this plan seeks to deliver.

Many of the necessary evaluation tools that will need to be employed for the success of this plan can be readily accessed by city employees as well as volunteers. The new effort recently announced by Polk County for a trails plan will further create a need for on-going evaluation efforts and quantitative measurements regarding trail use, potential for growth, etc.

### **Recommendations**

1. Provide greater legitimacy to the Bike-Walk Amery! Steering Committee behind this plan by providing it with a formal partnership role within the City and granting it permanent status as an advisory committee.
2. Conduct pedestrian and bicycle counts at least once a year at key locations utilizing the National Walking and Bicycling Documentation Program developed by ITE and Alta planning.
3. Revisit this plan annually to determine progress being made and modifications that should be considered based on on-going evaluation.

### **Plan Implementation**

It is recommended that upon adoption of this Bicycle and Pedestrian Master Plan, secondary planning begins for plan implementation. This chapter presents a basic outline of next steps, including consideration for policy changes and the funding requirements for major infrastructure work. It also includes a description of existing funding sources that local units of government can apply for. Some of these opportunities are just for programs and others just for physical improvements. A few can be used for both.

### **Policy Changes**

As described in the section on Engineering, there are many instances where current policy and regulations serve to perpetuate a non-sustainable infrastructure that creates barriers to increased walking and bicycling. Like many municipalities, the City of Amery has already demonstrated a commitment to reexamine existing zoning regulations and building codes to remove such barriers. There is an understanding that cities must do more with less, and in fact, doing more with less will benefit all residents and attract new residents. Examples include narrower travel lanes for more livable streets, the encouragement of mixed used development and a Complete Streets policy that will allow essential improvements to take place during a resurfacing project – for much less expense than doing a retrofit years later.

This plan urges the adoption of Complete Streets language within the context of all planning and engineering decisions, which quite simply means that the needs of all road users – motorists, bicyclists

and pedestrians – will be considered equally important in all developments or whenever public funds are being spent.

### **Funding Requirements**

A crucial next step will be to determine the funding requirements for the key elements of this Plan and to develop a budget for fund acquisition. As discussed earlier the opportunity for transforming Keller Ave into a bicycle and pedestrian friendly corridor, and one that is also much safer for motorists, will be extremely low-cost, through state funding already allocated for 2020. Other major infrastructure projects identified in this Plan including the three loop trails (Warrior 10K, School Loop 5K and the Northern Lakes 2 miler) will have varying degrees of capital needs. It is beyond the scope of this Plan to determine those costs. It is recommended that each of these projects be “launched” in stages. Stage 1 would simply be to install low-cost signage and bike lane markings coupled with “branding” each loop with maps and brochures, utilizing existing infrastructure. Where easements or fee titles need to be procured for trail development, streets or sidewalks that currently exist can be used temporarily and signed accordingly. Stage 2 would involve actual trail development and engineering with Stage 3 the execution of trail construction once funding and easements are procured.

In terms of the non-infrastructure elements of this Plan (education, enforcement, encouragement and evaluation) all could conceivably be executed upon adoption, with little change in city budget allocations, since many depend on other entities (schools, hospital, civic groups) and volunteer efforts for success. And city lead initiatives can mostly be achieved through existing staff resources simply through an acceptance of their importance in one’s job description.

### **Funding Sources**

#### **Transportation Alternatives Program (TAP)**

The Transportation Alternatives Program (TAP) is a legislative program that was authorized in Fixing America's Surface Transportation Act (or "FAST Act"), the federal transportation act that was signed into law on December 4, 2015. With certain exceptions, projects that met eligibility criteria for the Safe Routes to School Program, Transportation Enhancements, and/or the Bicycle & Pedestrian Facilities Program are eligible TAP projects.

All TAP projects require sponsors to pay 20% of approved projects costs. TAP projects are capped. A TAP project may not be substituted for another project. TAP projects must commence within four years of the award date.

TAP projects within the jurisdiction of a Transportation Management Area (TMA) are selected at the regional level by TMAs, which are metropolitan planning organizations with a population over 200,000. Amery, Wisconsin is in the Northwest Region and TMA contact is: Bill Zimmer [william.zimmer@dot.wi.gov](mailto:william.zimmer@dot.wi.gov), (715) 635-5014.

The next anticipated opportunity to submit an application will occur in the fall of 2019. WisDOT has been utilizing a two year cycle for application submittals. The last one was fall of 2017.

### **The Recreational Trails Program and Stewardship Local Assistance Grants**

The Wisconsin Department of Natural Resources (WDNR) provides a number of grants to non-profits and local units of government for trail acquisition, development, construction and maintenance on an annual basis, usually with a May 1<sup>st</sup> application deadline. The primary program that the City of Amery may want to receive support from would be the Recreational Trails Program which is federally sponsored, but managed by the DNR. Funds are available for both motorized and non-motorized trails and generally require a 50% match.

[http://dnr.wi.gov/topic/stewardship/documents/2018\\_fy19.pdf](http://dnr.wi.gov/topic/stewardship/documents/2018_fy19.pdf)

Eligible sources of matching funds vary depending on the grant program but commonly allow for in-kind donations such as volunteer labor, or the donation of 50% of the appraised value of land. Many recreational trails in Wisconsin including the Ice Age Trail, have been built largely through these funding opportunities.

### **PeopleForBikes Community Grant Program**

Funded by the bicycle industry, The PeopleForBikes Community Grant Program provides funding for "important and influential projects that leverage federal funding and build momentum" to increase bicycling. In the past, projects have included bike paths and rail trails, as well as mountain bike trails, bike parks, BMX facilities, and large-scale bicycle advocacy initiatives.

Since 1999, 395 grants totaling more than \$3.3 million have been awarded to non-profit organizations and local governments in all 50 states. PeopleForBikes estimates that these grants have leveraged nearly \$770 million in public and private funding.

The application process is all done on-line here: <https://peopleforbikes.org/apply-now/>

The next opportunity has been set with the following timeline:

#### **Fall 2018 Grant Cycle**

Online application opens:	June 11, 2018
Online Letter of Interest due:	July 23, 2018
Notification of LOI status:	August 31, 2018
Full Applications due:	October 19, 2018
Grant Award notifications:	by December 3, 2018

### **FTA Program & Bicycle Related Funding Opportunities**

Multiple FTA grant programs are able to help cities, towns and rural areas invest in bicycle infrastructure, which improves personal mobility and helps more people access public transportation. The Federal Highway Administration (FHWA) also provides funding for bicycling –including bikesharing. It may be worthwhile to apply for an FTA grant for a bike share program that could be operated through the Amery Public Library. Patrons could check out a public bike the same way they check out a book. In

particular, it may be useful to provide electric assist 3 wheelers for an elderly population that is increasingly searching for alternatives to driving.

The Federal Transit Administration (FTA) posts all competitive grant and cooperative agreement opportunities on Grants.gov, the comprehensive government-wide website for announcing competitive grant opportunities. Grants.gov is the single, secure Federal website unifying 1,000 grant programs from 26 Federal grant-making agencies.

#### **The Wisconsin Healthy Communities Designation program**

The Wisconsin Healthy Communities Designation is a completely new initiative of the Mobilizing Action Toward Community Health (MATCH) group's Making Wisconsin the Healthiest State project at the University of Wisconsin Population Health Institute, funded by the Wisconsin Partnership Program of the UW School of Medicine and Public Health. The purpose is to understand and improve health across Wisconsin. To receive the small grants, applicants must first submit a letter of intent. Those that rise to the top are then provided with an opportunity to complete an on-line application. The next round is expected to occur beginning December 2018. The grants themselves are a strategy to recognize and encourage local efforts to improve overall community health and well-being, and focuses on promoting cooperation between economic development and health improvement.

#### **The Specialized Foundation 'Riding for Focus' program**

Specialized, a bicycle manufacturer provides grants to schools who want to use cycling as a tool to help students "achieve academic, health, and social success". The "Riding for Focus" program was specifically developed to help those children who have a hard time concentrating in class and are often labeled with ADHD. Now working with schools across the United States, a major goal of this new program is to document how cycling can positively affect student learning, health, and wellbeing, primarily focusing on those with learning differences.

The school-based program is designed to provide schools with everything they need to get middle school students riding, including a turnkey physical education curriculum, comprehensive teacher training, and a fleet of bike and safety equipment. Riding for Focus provides a combination of cycling, fitness, and academic performance, and strives to instill a lifelong passion for cycling for students who participate in the program.

The 2018 window for the Riding for Focus core grants has passed. However, according to the website there are more partners looking to sponsor schools throughout the year. By filling out a pre-qualification form, a school can be matched to one of their private or corporate partners and also be added to their pool of future Riding for Focus Schools.

#### **Next Steps**

This report recommends the following for achieving the desired goals and outcomes of this plan:

1. Working with City Administration, members of the Task Force or any community members tapped by the City Council, select one of the recommendations listed in the Executive Summary to pursue.

DRAFT COPY FOR REVIEW PURPOSES ONLY

2. This group develops the overall strategy for achieving that particular objective and breaks it down into practical tasks, listing them item by item and assigning an individual or a small group to pursue each task.
3. Regular meetings that assess progress, obstacles or additional tasks will be needed as the overall strategy is pursued.

Fundraising, lobbying, grant applications, relationship building – all of the nuts and bolts work of tackling a goal should be anticipated and appropriate resources and personnel assigned to make certain each outcome is fully pursued. Only people, not a report or recommendation, can make progress toward achieving outcomes.

But having a plan is instrumental; in fact, it is indispensable when it comes to pursuing funds from outside sources. Amery now has that. The rest is up to the passion, energy and enthusiasm of people who believe in what the plan proposes. Those people need to come forward at this point, pick up a piece of the plan, and lead the way if anything included here is to come to fruition.

## RESOLUTION 5-2009

### Eco-Municipality Designation Resolution

Whereas, the earliest settlers to Wisconsin did, by necessity, live life with economy and thrift, in concert with the land, seasons and resources of this area, and

Whereas, today, the natural resources in Wisconsin, and around the world, including the very stability of earth's climate, are being strained by overuse, population increase and damaging human consumption patterns, and

Whereas, the over-dependence of American society upon fossil fuels creates significant pollution, unhealthy dependence upon foreign governments, and economic insecurity from price shocks and potential supply interruptions, and

Whereas, a healthy natural environment, a diverse, self-reliant local economy, and a forward-thinking citizenry which participates responsibly in the world community are desirable and significant ends in themselves, and

Whereas, clean, abundant and diverse natural resources are, in fact, fundamental to our economy, welfare and very survival, as well as that of future generations,

Whereas, these realizations are leading many communities across Wisconsin, and the world, to initiate new strategies and programs to prepare for likely changes to their economies, lifestyle and living patterns, and

Whereas, many organizations (American Planning Association), corporations (Walmart), and even nations (Sweden), have adopted principles whose purpose is to avert large-scale economic or ecological disaster, and

Whereas, Amery is currently required to submit goals and plans for its future under the Smart Growth law and other state initiatives.

### **NOW, THEREFORE, BE IT RESOLVED,**

That Amery, Wisconsin declares itself to be an eco-municipality and embraces the goals and objectives detailed in The Natural Step Program's four principles of sustainability:

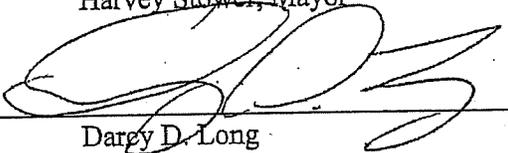
1. Reduce dependence upon fossil fuels and extracted underground metals and minerals, as these create hazardous and unwanted effects on us and to our natural environment;
2. Reduce dependence on chemicals and other manufactured substances that accumulate in Nature, degrade, and reduce the health and vitality of ourselves and our natural environment;

3. Reduce dependence upon social and economic activities that produce harmful effects on valuable and life-sustaining ecosystems, like lakes, rivers and soil; and
4. Meet present and future human needs as fairly and efficiently as possible, and act in a way that allows others to do the same.

STATEMENT OF PURPOSE: This resolution announces policies to be used in running the city in a manner that is sustainable and consistent with being an eco-municipality. Areas within the reach of this resolution are housing codes, municipal planning, departmental practices, sewage disposal, as well as advisories and information provided to residents.

  
\_\_\_\_\_  
Harvey Stovner, Mayor

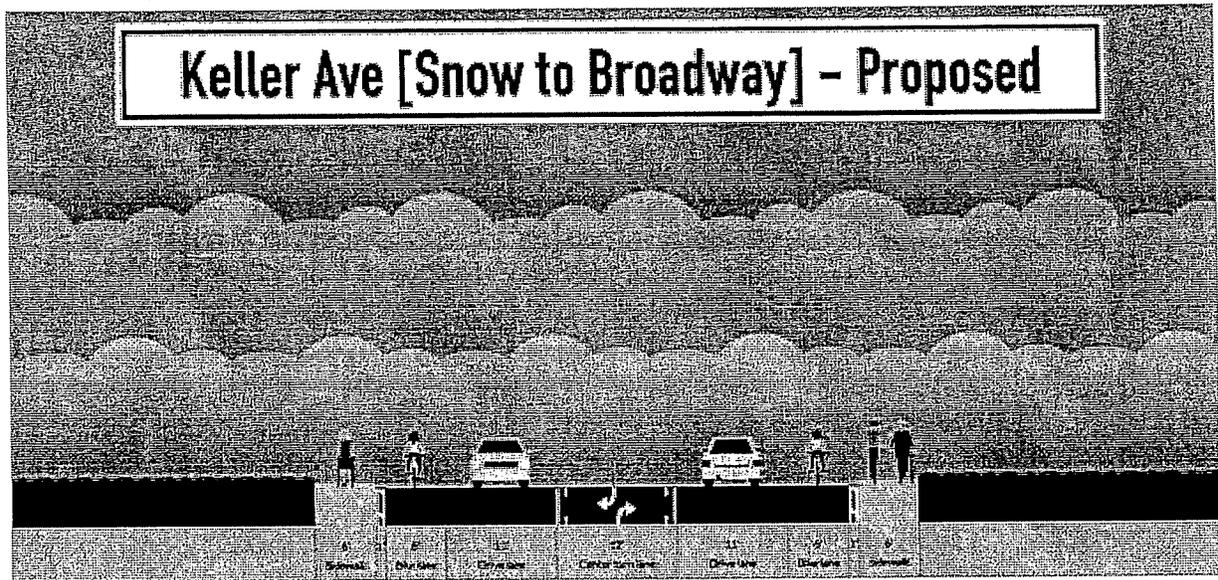
4-1-2009  
Date

  
\_\_\_\_\_  
Darcy D. Long  
City Administrator

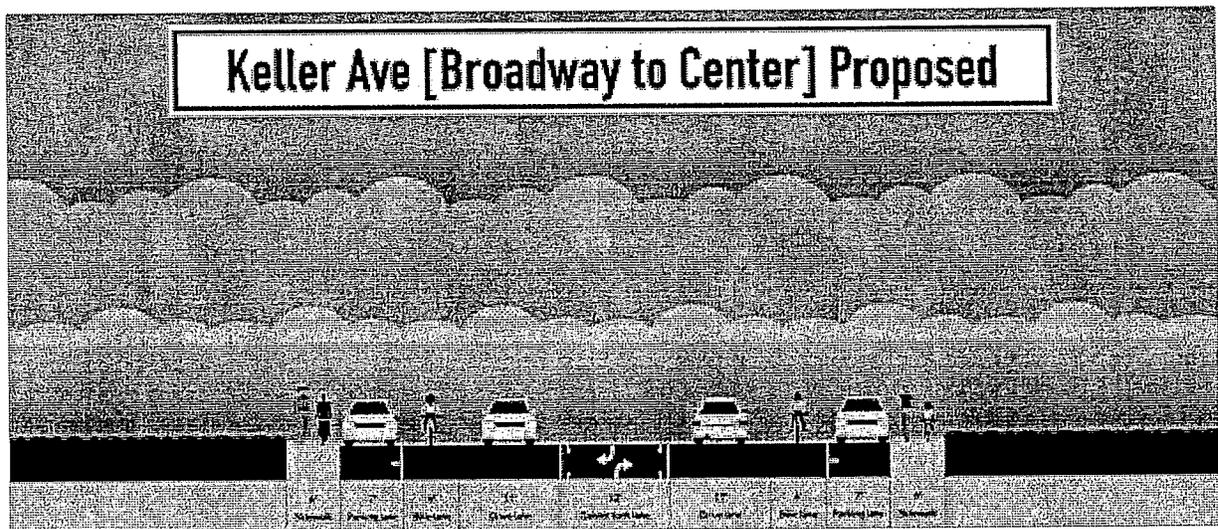
4-1-2009  
Date

Appendix B

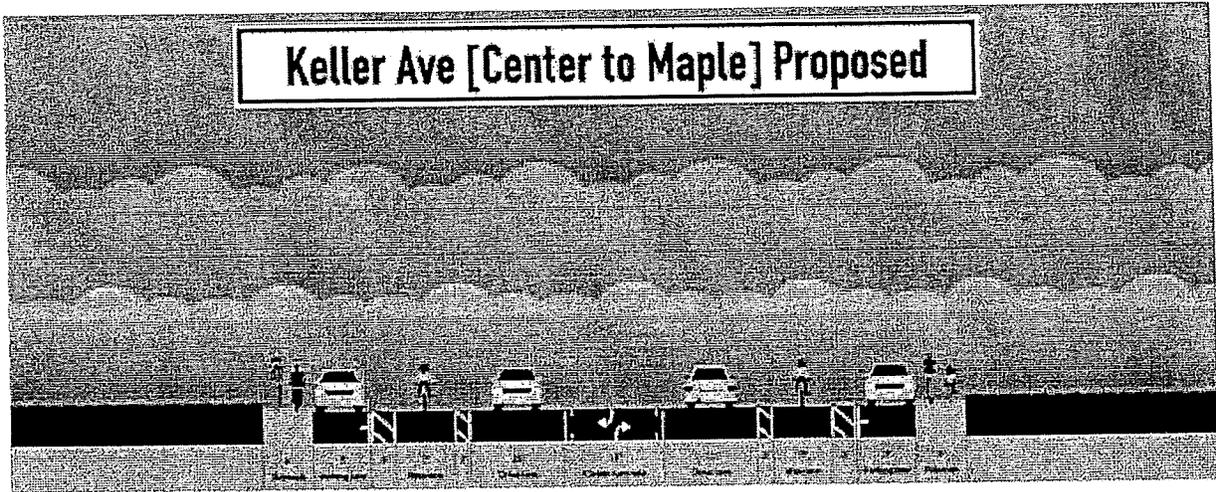
Recommended design for Keller Ave 2020 resurfacing 4-3 Lane Project



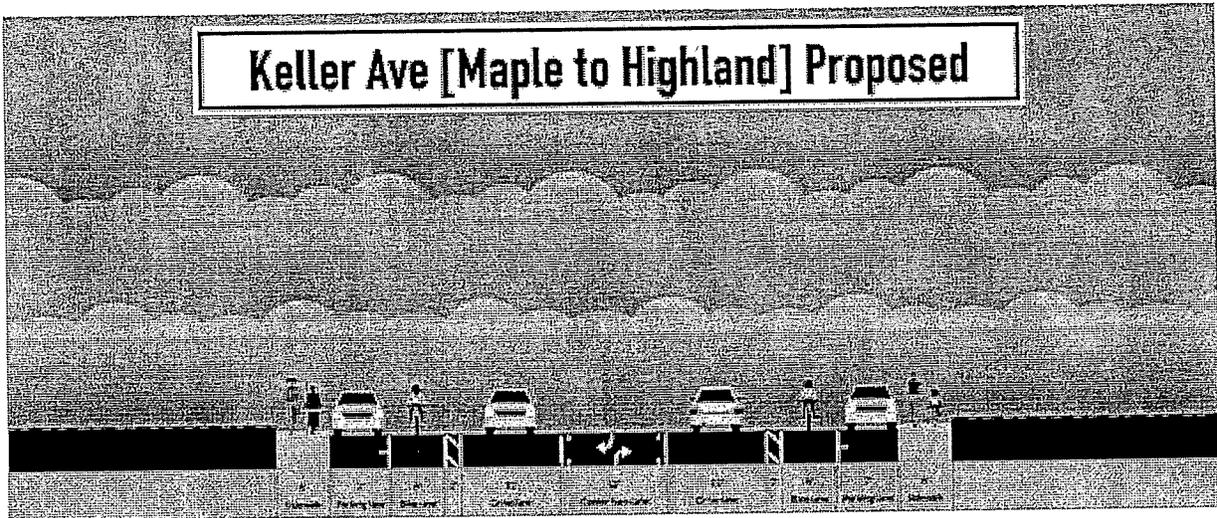
Proposed: 1' gutter pan 6' bike lane, 11' travel lane, 12' TWLTL, 11' travel lane, 6' green bike lane, 1' gutter pan



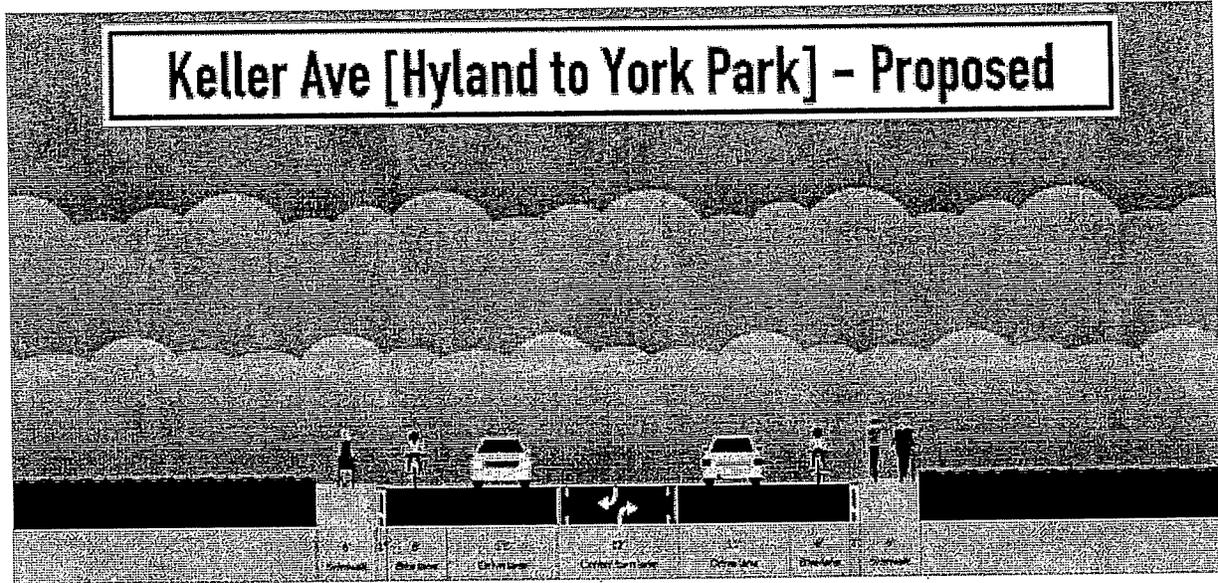
7' parking lane, 6' bike lane, 11' travel lane, 12' TWLTL, 11' travel lane, 6' bike lane, 7' parking lane (60' total width)



7' parking lane, 3' buffer zone, 7' green bike lane, 2' buffer zone, 11' travel lane, 12' TWLTL, 11' travel lane, 2' buffer zone, 7' green bike lane, 3' buffer zone, 7' parking lane (72' total width)

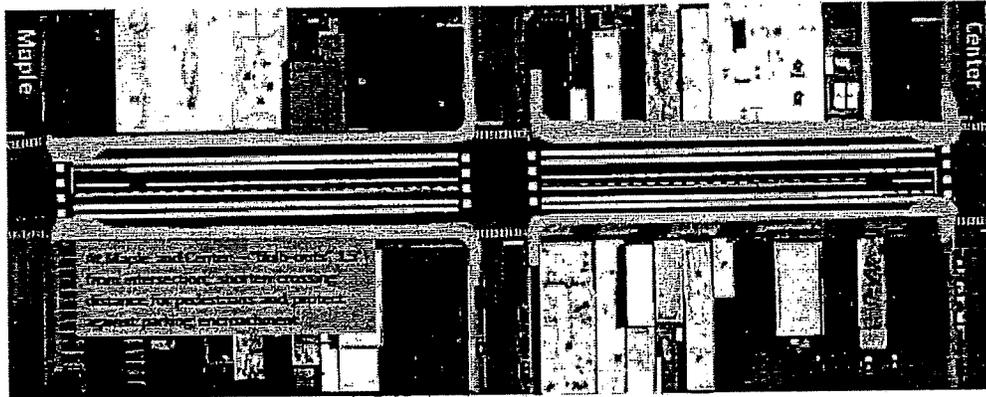


7' parking, 6' bike lane, 2' buffer, 11' travel lane, 12' TWLTL, 11' travel lane, 2' buffer, 6' bike lane, 7' parking lane (50')



1' gutter pan 6' bike lane, 11' travel lane, 12' TWITL, 11' travel lane, 6' green bike lane. 1' gutter pan (48' total)

### Curb extensions at Maple and Center



Proposed: 7' parking lane, 3' buffer zone, 7' green bike lane, 2' buffer zone, 11' travel lane, 12' TWITL, 11' travel lane, 2' buffer zone, 7' green bike lane, 3' buffer zone, 7' parking lane [7' x 15' curb extensions at Center and Maple]

DRAFT COPY FOR REVIEW PURPOSES ONLY

## Appendix C

### **Resolution for Paving the Stower Seven Lakes Trail**

RESOLUTION 1-2010 OF THE AMERY CITY COUNCIL A Resolution Supporting The Paving of Amery-Dresser WHEREAS The City of Amery supports the paving of the Amery-Dresser Trail; and WHEREAS A paved trail will make the Amery-Dresser Trail a destination for the region; and WHEREAS The paved trail will be a vital tourist attraction for the City of Amery and for Polk County; and WHEREAS The City of Amery is committed to lobby the State to help influence a change in the grant acquired by Polk County to develop a paved trail and to work with the County in its efforts to develop and promote the Amery-Dresser Trail. WHEREAS The City Council authorizes City Staff to assist in lobbying for a paved trail, now, therefore, be it. IT IS THEREFORE RESOLVED THAT: The City of Amery supports paving the Amery-Dresser Trail and efforts to lobby the State of Wisconsin to modify the grant acquired by Polk County to develop the trail Adopted the 6th day of January, 2010

Appendix D

**Necessary Changes to Current Bicycle Law in the City of Amery**

The following changes are proposed in order to bring the City of Amery up to date on current state and national bicycle law provisions which will result in increased clarity, easier enforcement and a safer walking and cycling environment.

**Replace 10-2-5 with current state statutes governing use of Bicycles for consistency, clarity and ease of enforcement.**

46.80 Riding bicycle or electric personal assistive mobility device on roadway.

(1) In this section, "substandard width lane" means a lane that is too narrow for a bicycle or electric personal assistive mobility device and a motor vehicle to travel safely side by side within the lane.

(2)

(a) Any person operating a bicycle or electric personal assistive mobility device upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand edge or curb of the unobstructed traveled roadway, including operators who are riding 2 or more abreast where permitted under sub. (3), except:

1. When overtaking and passing another vehicle proceeding in the same direction.
2. When preparing for a left turn or U-turn at an intersection or a left turn into a private road or driveway.
3. When reasonably necessary to avoid unsafe conditions, including fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards or substandard width lanes that make it unsafe to ride along the right-hand edge or curb.

(b) Notwithstanding par. (a), any person operating a bicycle or electric personal assistive mobility device upon a one-way highway having 2 or more lanes available for traffic may ride as near the left-hand edge or curb of the roadway as practicable.

(c) Any person operating a bicycle or electric personal assistive mobility device upon a roadway shall exercise due care when passing a standing or parked vehicle or a vehicle proceeding in the same direction and, when passing a standing or parked vehicle that is a school bus that is not displaying flashing red warning lights as provided in s. 346.48 (1) or a motor bus, shall allow a minimum of 3 feet between the bicycle or electric personal assistive mobility device and the vehicle.

(3)

(a) Persons riding bicycles or electric personal assistive mobility devices upon a roadway may ride 2 abreast if such operation does not impede the normal and reasonable movement of traffic. Bicycle or electric personal assistive mobility device operators riding 2 abreast on a 2-lane or more roadway shall ride within a single lane.

(b) Persons riding bicycles upon a roadway may not ride more than 2 abreast except upon any path, trail, lane or other way set aside for the exclusive use of bicycles and electric personal assistive mobility devices.

(4) No person may operate a bicycle, electric personal assistive mobility device, or moped upon a roadway where a sign is erected indicating that bicycle, electric personal assistive mobility device, or moped riding is prohibited.

(5) Except as provided in ss. 346.23, 346.24, 346.37, and 346.38, every rider of a bicycle or electric personal assistive mobility device shall, upon entering on a highway, yield, and every personal delivery device operator shall ensure that the personal delivery device, upon entering on a highway, yield the right-of-way to motor vehicles.

History: 1973 c. 182; 1977 c. 208, 288; 1979 c. 197; 1985 a. 69; 1995 a. 138; 2001 a. 90; 2009 a. 22, 97; 2017 a. 13.

346.803 Riding bicycle or electric personal assistive mobility device on bicycle way.

(1) Every person operating a bicycle or electric personal assistive mobility device upon a bicycle way shall:

(a) Exercise due care and give an audible signal when passing a bicycle or electric personal assistive mobility device rider or a pedestrian proceeding in the same direction.

(b) Obey each traffic signal or sign facing a roadway which runs parallel and adjacent to a bicycle way.

(2) Every person operating a bicycle or electric personal assistive mobility device upon a bicycle way open to 2-way traffic shall ride on the right side of the bicycle way.

(3) Every operator of a bicycle or electric personal assistive mobility device entering a bicycle way shall yield the right-of-way to all bicycles and pedestrians in the bicycle way.

(4) Except as provided in s. 349.236 (1) (bm), a person may operate an electric personal assistive mobility device upon any bicycle path.

History: 1973 c. 182; 2001 a. 90.

346.804 Riding bicycle on sidewalk. When local authorities under s. 346.94 (1) permit bicycles on the sidewalk, every person operating a bicycle upon a sidewalk shall yield the right-of-way to any pedestrian and shall exercise due care and give an audible signal when passing a bicycle or electric personal assistive mobility device rider or a pedestrian proceeding in the same direction.

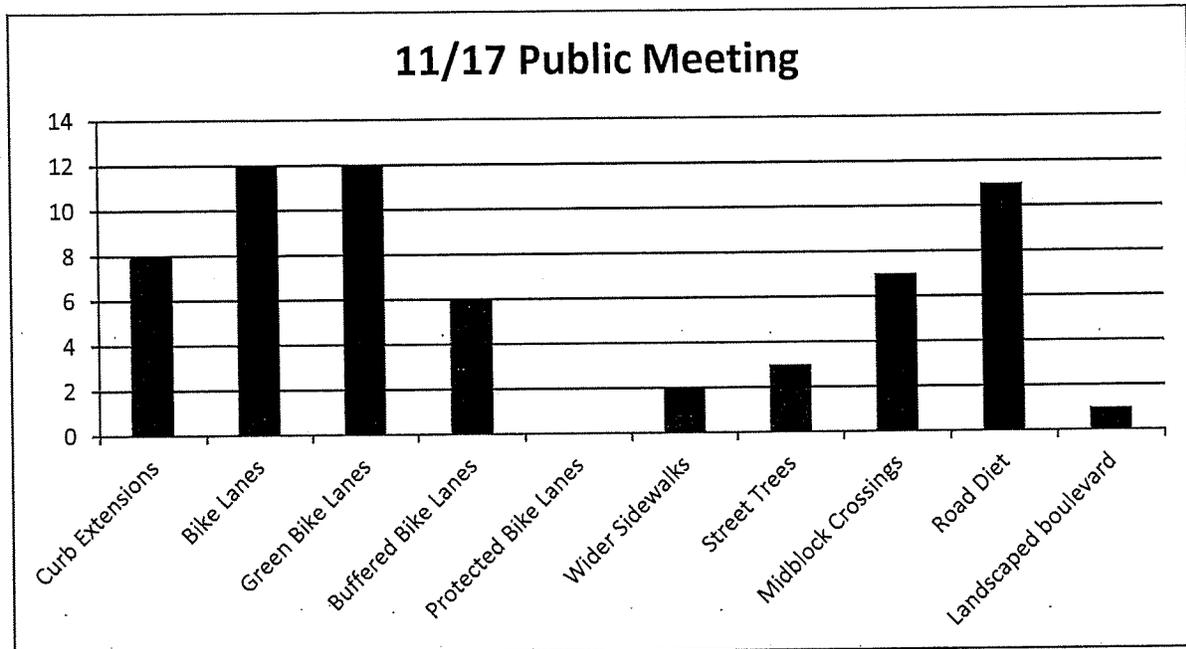
History: 1973 c. 182; 2001 a. 90.

346.805 Riding electric personal assistive mobility device on sidewalk. Except as provided in ss. 346.94 (18) (a) 2. and 349.236 (1) (b), a person may operate an electric personal assistive mobility device upon any sidewalk. Every person operating an electric personal assistive mobility device upon a sidewalk shall yield the right-of-way to any pedestrian or bicyclist and shall exercise due care and give an audible signal when passing a bicycle or other electric personal assistive mobility device or a pedestrian proceeding in the same direction.

Appendix E

Public Comments from first public meeting regarding bike and pedestrian plan

100% of respondents supported green bike lanes; 11 of 12 respondents supported the 4-3 lane safety conversion (road diet)



12 surveys were returned

7 of 12 also stated that they would support increased public funding for sidewalk improvements

Appendix F

## Bike and Pedestrian Counts Fall 2017

Sunday, October 8, 2017

3 PM – 4 PM

Weather: 68\* F, Partly sunny with 9-14 mph SE winds

Location: Stower Seven Lakes Trail – west of Trailhead in Amery, Wisconsin

Activity	Male	Female	Child	Helmet	Total
Walkers	5	12			17
Bicyclists	10	14	8	12	24

Notes: Screen line method was used. No individual (walking or bicycling) was identified as having been counted more than once. Hence, those that were counted close to 3 PM were on the trail for an hour or more.

According to data collected through the National Bicycle and Pedestrian Documentation Project, October represents an average month for bicycling and walking, and Sunday tends to be a less popular day for bicycling than Saturday<sup>4</sup>. The 3 PM to 4 PM is not the peak hour for weekend cycling or walking but may represent as much as 6 percent of the daily use. Based on national data we can estimate that if the weekend represents half of all bicycling activity on an average week, with Sunday accounting for 1/4<sup>th</sup> of the total (50% of the weekend) and if October accounts for 1/12<sup>th</sup> of the annual total – consistent with national findings<sup>5</sup>, then approximately 19,200 people bike on this trail on an annual basis and 13,536 use it for walking (during winter months walking would also include snowshoeing and skiing).

$$24 \times 0.06 \times 0.25 \times 0.8333 = 19,200$$

$$17 \times 0.06 \times 0.25 \times 0.8333 = 13,536$$

Total estimated annual use: 32,736

---

<sup>4</sup> Nevertheless for the purposes of this estimate we will assume that Sunday and Saturday are equally popular days for walking and bicycling

<sup>5</sup> It is recommended that counts are conducted 3 to 4 times per year at varying times, including a 12 hour count during a peak day in September, consistent with the National Bicycle and Pedestrian Documentation Project developed by the Institute of Traffic Engineers (ITE) and Alta Planning and Design.