



POLK COUNTY, WISCONSIN

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Sharon Jorgenson, County Clerk
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***AMENDED* AGENDA AND NOTICE OF MEETING**

ENVIRONMENTAL SERVICES COMMITTEE

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

Wednesday, February 27, 2019 at 9:00 a.m.

A quorum of the County Board may be present

1 Amendments Added or Revised in Amended Notice Issued February 22, 2019

1. Call to Order – Chairperson Kim O’Connell
2. Approval of Agenda
3. Approval of minutes for February 6, 2019
4. Public Comments – 3 minutes per person – not to exceed 30 minutes total
5. Receipt of Information on Matters Noticed from Supervisors not Seated as Committee Members
6. Open Discussion on Functions Assigned to Committee
7. Land Conservation/Land and Water Resource
Storm Water and Erosion Control Ordinance – Presentation and Set Hearing Date Tim Ritten, Land and Water Resource Director; Scott Geddes, Environmental Engineer
8. Tax Delinquent Properties:
 - a. Old Country Dam Report and Update on Sale of Woodley Dam Property:
Review of Appraisal – Discussion and Action
 - b. Review of Tax Deed Property Inventory
9. Parks, Recreation and Trails
 - a. Resolution No. 10-19: Resolution Concerning the Request of the Village of Luck for Cost-Sharing on Project to Replace South Shore Drive Culvert and Big Butternut Lake Dam
 - b. ¹Update and Discussion on Trails – Gandy Dancer Trail, Stower Seven Lakes State Trail and Cattail Trail

CLOSED SESSION

Pursuant to Wisconsin Statute § 19.85(1)(g), the Committee may convene in closed session for the purpose of conferring with legal counsel for Polk County who is rendering oral or written advice concerning strategy to be adopted by the Committee as a

recommendation to the County Board on with respect to anticipated litigation in which the County is or is likely to become involved.

Following the closed session the Committee will convene in open session to make an announcement on matters acted upon in closed session and to take up, consider and act upon in open session those subject matters noticed for consideration or action on this meeting notice for open session or closed session.

10. Planning and Zoning:

- a. Discussion on Tourist Rooming House Conditions in Shoreland Protection Zoning Ordinance
- b. Progress Report From Staff Regarding Shoreland Ordinance Comprehensive Rewrite

11. Committee Calendar and Identification of Subject Matters for Upcoming Meetings

12. 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.



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MINUTES

Environmental Services Committee

Government Center County Board Room
100 Polk County Plaza Balsam Lake, WI 54810
9:00 A.M. Wednesday, February 6, 2019

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 County Administrator; Malia Malone, Corporation Counsel; members of the public and of the press.

Meeting called to order by Chair O'Connell at 9:07 A.M.

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

Motion (Edgell/Route) to approve the amended agenda carried by unanimous voice vote.

Approval of Minutes – Chair O'Connell called for a **motion** to approve the minutes of the January 23, 2019 meeting. **Motion** (LaBlanc/Olson) to approve the minutes of the January 23, 2019 meeting as published carried by unanimous voice vote.

Public Comment –Four public comments were received by the committee.

Receipt of Information from non-committee Supervisors on Matters Noticed – No Supervisors addressed the committee.

Chairman O'Connell called to the floor, for review and approval, the 2018 Wildlife Damage Abatement Claims and recognized Chad Alberg, USDA for the purpose of receiving information.

Motion (Olson/LaBlanc) to approve all claims, totaling \$9,443.05 as listed on the claims summary.

Chair O'Connell recognized Interim Administrator Jeff Fuge for the purpose of receiving information regarding Trail Management updates. Fuge stated the WDNR is still reviewing the Master Plans for Stower Seven Lakes State Trail and Cattail State Trail. Start date for the

Development of the work plan for revision and variance to the Master Plan for Gandy Dancer State Trail was delayed due to inclement weather.

Chair O'Connell called to the floor consideration of joint offer of Kwik Trip and Dan Tronrud to purchase tax delinquent lands located in the Village of Osceola. Mr. Tronrud and a representative of Kwik Trip spoke to the committee.

Chair O'Connell called for a motion to convene in closed session at 9:32 A.M.

Pursuant to Wisconsin Statute Sec. 19.85(1)(g), for the purpose of conferring with legal counsel for Polk County who is rendering oral or written advice concerning strategy to be adopted by the Committee as a recommendation to the County Board with respect to anticipated litigation in which the County is or is likely to become involved.

And pursuant to Wisconsin Statute Section 19.85 (1)(e), to convene in closed session for the purpose of deliberating upon a negotiation strategy ultimately to be adopted by the County Board with respect to the noticed offer to purchase, because bargaining reasons exist in considering and responding to said offer to purchase such tax delinquent lands.

Chair O'Connell requested the minutes reflect the attendance of Corporation Counsel Malia Malone, Deputy County Clerk Stephanie Fansler, and Interim Administrator Jeffrey Fuge.

CLOSED SESSION 9:32 A.M. (Minutes separate and under seal)

Reconvened in Open Session at 10:10 A.M.

Chair O'Connell declared the meeting back in session at 10:10 A.M.

Chair O'Connell brought to the floor proposed Resolution No. 10-19: Resolution Concerning the Request of the Village of Luck for Cost-Sharing on Project to replace south shore Drive Culvert and Big Butternut Lake Dam. **Motion** (Route/Olson) to approve and recommend passage to the full County Board passed by unanimous voice vote.

Chair O'Connell brought to the floor consideration of joint offer of Kwik Trip and Dan Tronrud to purchase tax delinquent land located in the Village of Osceola. (Parcels 165-00612-0000 and 165-00613-0000). **Motion** (Olson/LaBlanc) to accept the offer and recommend passage to the full County Board passed by unanimous voice vote.

Chair O'Connell called for a break at 10:16 A.M. Chair O'Connell called the meeting back in session at 10:30 A.M.

Corporation Counsel Malone left the meeting.

Public Hearing

Chair O'Connell opened the Public Hearing for proposed amendments to the Polk County Comprehensive Land Use, Shoreland Protection Zoning, and Chapter 18 Subdivision Ordinances @ 10:35 A.M. Jason Kjeseth, Zoning Administrator presented a staff report. Chair O'Connell called for public comments. No public comments offered. Chair O'Connell closed the Public

Hearing at 10:52 A.M. Discussion. **Motion** (Edgell/Route) to enact the proposed amendments to the Zoning Ordinances and recommend passage to the full County Board passed by unanimous voice vote.

Chair O'Connell called to the floor discussion and update on new Shoreland Zoning Map and Ordinance including General Zoning districts and recognized Jason Kjeseth, Zoning Administrator for the purpose of receiving information. Kjeseth showed maps of the changes that could affect the Shoreland and General Zoning Districts. Discussion.

Chair O'Connell called to the floor the preliminary plat review of the Ryan Subdivision; Section 36, Town of Lincoln. **Motion** (LaBlanc/Olson) to approve preliminary plat passed by unanimous voice vote.

Committee received information from Interim Administrator Fuge.

Motion (Route/Edgell) to rescind prior motion - Resolution No. 10-19: Resolution Concerning the Request of the Village of Luck for Cost-Sharing on Project to replace south shore Drive Culvert and Big Butternut Lake Dam passed by unanimous voice vote.

Chair O'Connell brought to the floor consideration of change in Board of Adjustment fees for Variances and Administrative Appeals and recognized Jason Kjeseth, Zoning Administrator for the purpose of receiving information. Kjeseth presented an estimated cost of Board of Adjustments Public Hearing application. The committee requests Kjeseth to do a time study of the amount of time it takes to have a Board of Adjustments Public Hearing.

Chair O'Connell brought to the floor Res. No. 12-19: Resolution to Approve Zoning Ordinance Amendment for the Town of St. Croix Falls (Town of St. Croix Falls Resolution No. 19-02): Recommendation of Town of St. Croix Falls Ordinance amendment – Ordinance 19-01 and recognized Jason Kjeseth, Zoning Administrator for the purpose of receiving information. **Motion** (Olson/Route) to approve and recommend passage to the full County Board passed by unanimous voice vote.

Next Meeting: February 27, 2019 at 9:00 A.M. Possible Future Agenda items: Tax Deed Property inventory, Greenway, tourist rooming house ordinance, Woodley Dam, DNR letter, Shoreland Zoning Map and General Zoning Districts update, closed session regarding Butternut Dam.

Motion (Edgell/LaBlanc) to adjourn. **Motion** carried by unanimous voice vote. Chair O'Connell declared meeting adjourned at 12:15 P.M.

Respectfully submitted,

Stephanie Fansler
Deputy Polk County Clerk

1 vacancy on the county board shall be filled no later than 31 days after the occurrence of
2 any such vacancy.

3
4 5. The chairperson shall provide a monthly report to the county board that will include a
5 report on travel taken and meetings attended with a summary of issues addressed, as well
6 as travel and meetings planned in the future.

7
8 6. The chairperson shall develop an orientation meeting for newly elected supervisors prior
9 to the organizational meeting.

10
11 7. The chairperson shall serve as ex-officio member with voting privileges of a committee,
12 board or commission of the county board when a quorum of the regular members is not
13 present at a meeting.

14

15 **Article 8. County Board Standing Committee System**

16

17 1. **Establishment, Membership and Composition:** Five (5) standing committees are
18 established as follows:

19

20 a. Executive Committee, composed of five (5) members consisting of the county board
21 chairperson, the first vice chairperson, the second vice chairperson, and two members
22 elected from the county board. The county board chairperson shall serve as chairperson
23 of the committee.

24

25 b. Environmental Services Committee, composed of six (6) members, 5 of which are
26 supervisors and one (1) member who shall be the Farm Service Agency (FSA)
27 chairperson or designee of the FSA chairperson. The committee chairperson and vice
28 chairperson shall be a supervisor. The person seated as the FSA chairperson or designee
29 thereof shall have voting rights only on matters concerning land conservation, agriculture
30 and extension education and be considered as a member present for determining the
31 existence of a quorum of the committee on all matters before the committee.

32

33 c. General Government Committee, composed of five (5) supervisors.

34

35 d. Health and Human Services Board, composed of five (5) supervisors and
36 four (4) citizen members meeting the qualifications of Wisconsin Statutes
37 §§ 46.23(4) and 251.03(1).

38

39 e. Public Safety and Highway, composed of five (5) supervisors.

40

41 2. **Appointment:**

42

43 a. The appointment and election of supervisors to said county board standing committees
44 shall occur at the organizational meeting. As reasonably as possible, supervisors shall
45 serve on two county board standing committees. The chairperson shall appoint
46 supervisors to standing committees as selected for appointment by self- nomination and

1 election. The appointments made on the self- nomination and election are subject to
2 confirmation by the county board.

- 3
4 b. Subject to the confirmation of the county board, the county administrator shall appoint
5 citizen members to the county board standing committees.

- 6
7 3. **Executive Committee – Duties and Responsibilities:** The Executive Committee shall
8 have duties, responsibilities and assigned functions, as follows:

- 9
10 a. The fundamental purpose of the Executive Committee shall be advisory to special needs
11 situations. When conflict exists between committees, the Executive Committee shall
12 mediate and recommend solutions prior to the matter being referred to the full county
13 board.

- 14
15 b. The Executive Committee shall serve as the county’s ethics board.

- 16
17 c. The Executive Committee shall consider revisions to the rules of order and provide
18 recommendations to the county board.

- 19
20 d. The Executive Committee shall have other duties and responsibilities as determined
21 through resolution adopted, and amended as appropriate by simple majority of the
22 county board.

- 23
24 e. The Executive Committee shall conduct the annual performance review of the county
25 administrator. In addition, the committee shall review with the administrator his or her
26 goals and objectives for the coming year. Recommendations shall then be forwarded to
27 the county board for consideration.

- 28
29 4. **Duties and Responsibilities Common to Other Standing Committees.** With
30 exception of the Executive Committee, the county board standing committees are
31 responsible for developing policy recommendations to the county board on the functions,
32 programs and services assigned to the respective committee. A standing committee has
33 the responsibility to develop broad outlines and principles of governance concerning the
34 administration and management of respectively assigned functions, programs and
35 services. A standing committee develops such governance by providing advisory
36 recommendations to the county administrator and department heads who are responsible
37 for the administration and management of such assigned functions, programs and
38 services. Each standing committee has the common duties and responsibilities, as
39 follows:

- 40
41 a. **Legislation.** Review and make a recommendation to the county board on all proposed
42 resolutions and ordinances assigned to that committee. This review may incorporate a
43 public hearing or any other action to obtain public input at the discretion of the chair and,
44 as appropriate, the recommendations of the county administrator. Following such review,
45 a committee must vote whether to recommend an ordinance or resolution be adopted or
46 not adopted by the county board and whether that resolution be amended; alternatively a

1 committee may vote to make no recommendation to the county board. A committee may
2 also re-refer a resolution or ordinance to another standing committee. The committee
3 chair is responsible to provide the county board a written report of the recommendation at
4 the time the proposed resolution and ordinance is received by the county board for final
5 action.

- 6
- 7 b. **Budget Development and Execution.** Consistent with financial policies, review and
8 make recommendations on the budget proposed by the county administrator for each
9 assigned function, program or service. This review may incorporate a public hearing or
10 any other action to obtain public input at the discretion of the committee chair or as
11 directed by law or the county board. With respect to the development of the budget, the
12 committee must issue a recommendation to county board to adopt, amend or strike, the
13 proposed budget appropriation and expenditure for respective assigned functions,
14 programs and services. The committee chair must provide the county board a written
15 report on the committee recommendation prior to meeting held to conduct a public
16 hearing on the budget.
- 17
- 18 c. **Program Evaluations.** Periodically evaluate or oversee the evaluation of programs
19 assigned to the committee. The program evaluation will consider compliance of the
20 assigned program with policy as set by the county board, relevance of the program,
21 relative importance of the program, and its efficiency and effectiveness in achieving
22 results. The report on program evaluation must be submitted to the county board and
23 upon receipt made public.
- 24
- 25 d. **Committee Contact of Assigned Outside Agencies and Organizations.** The standing
26 committee makes recommendations to the county board concerning the partnership or
27 business relationship of the County with outside agencies and organizations as assigned
28 to the respective committee by this ordinance or subsequent resolution. The standing
29 committee provides advisory recommendations to county administrator, department
30 heads or other county staff on the administration of the contractual relationship with the
31 respective assigned outside agency or organization.
- 32
- 33 e. **Policy Priorities.** Annually review policy priorities as determined by the county board
34 and make recommendations to the county board on any amendment to these policy
35 priorities including inclusion of a new priority, deletion of an existing priority, or
36 amendment to any existing priority.
- 37
- 38 f. **Policy implementation.** Annually review the key strategies and key performance
39 indicators as developed by the relevant department to implement these policy priorities,
40 assess progress toward that implementation and make recommendations to the county
41 administrator as to their adjustment and related management direction including a review
42 of annual reports on assigned programs.
- 43
- 44 g. **Intergovernmental Relations.** Review pending state and federal legislation that may
45 affect programs over which the committee has oversight responsibility and assist the
46 county board in developing a coordinated response to this legislation including any

1 communication with federal, state and local representatives and municipal officials,
2 assigning a member as a liaison to regional and state governmental organizations as
3 recommended by the committee and authorized by the county board.
4

5 h. **Committee organization and meetings.** Unless previously noticed, committee meetings
6 are to be held monthly at a set time at the Government Center. Although committees
7 may meet jointly, two committees may not independently meet at the same time without
8 the consent of the county board chair.
9

10 i. **Organization.** At the first meeting of each committee following the organizational
11 meeting held in April of even numbered years, a committee must elect officers consisting
12 of committee chair and vice chair and establish a schedule for regular monthly meetings
13 to be held at the same day of the month and time, including alternative or second meeting
14 dates in each month.
15

16 j. **Cancellation.** The committee chair may cancel or reschedule a committee meeting for
17 reasons of weather, lack of a quorum, schedule conflict, lack of committee business, or
18 other operational reasons. Every effort should be made to provide at least four days'
19 notice of any cancellation or rescheduling.
20

21 k. **Work plan.** To implement these priorities, a committee must develop a work plan that
22 organizes committee work on a set calendar and, by December of each year, assess the
23 current work plan and adopt a work plan for the following year. A work plan will
24 identify objectives for the year, including, but not limited to, program evaluations, special
25 presentations and special meetings. The committee shall file with the clerk a report on
26 the assessment of the current year's plan. Said report must include an evaluation of
27 progress against the previous year's work plan.
28

29 l. **Agenda.** The committee chair must oversee the preparation of the agenda for all
30 committee meetings. The county clerk must circulate a copy of the agenda and all
31 relevant ordinances and resolutions plus related supporting documentation noticed in the
32 agenda to committee members at least four calendar days before the meeting. As
33 possible, committee agendas should include approximate time for agenda items for the
34 convenience of the public and other observers and participants.
35

36 m. **Convening a meeting.** The chair shall call the meeting to order at the scheduled time,
37 determining whether a quorum is present. If a quorum is not present, the committee may
38 not convene and business may not be conducted. The chair shall preserve order and
39 decorum. The county board chair may sit as an ex-officio member in the event of a lack
40 of quorum.
41

42 n. **Public comment.** Public comment at committee meetings is allowed after the speaker
43 has been formally recognized by the chair. Each person must identify themselves by
44 name and municipality of residence before addressing the committee. Each person has
45 three minutes to make their presentation. Only county employees or supervisors may
46 distribute literature or handouts. Materials presented by persons speaking during public

comment will be received by the clerk. The chair has the responsibility to conduct the public comment period in an orderly and respectful manner.

- o. **Supervisor Information.** During a committee meeting, a supervisor who is not a member of the committee is allowed to present information that is related to a resolution or ordinance sponsored by such supervisor or on points of interest relevant to those functions, programs or services assigned to the committee. The committee chair shall maintain the decorum of the meeting so as to prevent the supervisor from engaging in debate on matters received from a supervisor or on matters otherwise noticed on the agenda. The clerk will prepare the agenda to afford notice of the receipt of such supervisor information in compliance with the open meeting law.

- p. **Subcommittees.** A committee may create subcommittees to be composed of members of the Polk County Board of Supervisors or citizens as the committee deems expedient in carrying out its responsibility.

5. Environmental Services Committee.

- a. **Assigned Functions.** The functions, programs and services of the Environmental Services Committee are those programs and services administered and managed through the Land and Water Resources Department; Register of Deeds, Parks, Recreation, Trails and Forestry Department; Land Information Department; UW Extension Office; and Lime Quarry.

- b. **Contact Committee.** The Environmental Services Committee serves as the contact committee for the following outside agencies and organizations:

1. Farm Service Agency
2. Gandy Dancer Trail Commission
3. Northern Regional Trail Advisory Committee
4. Polk County Economic Development Corporation
5. Polk County Museum
6. Polk County Tourism Council
7. Revolving Loan Fund/EDC Loan Committee
8. West CAP
9. West Central Wisconsin Regional Planning Committee
10. Wisconsin Department of Natural Resources
11. Wisconsin Department of Agriculture, Trade and Consumer Protection
12. University of Wisconsin Extension

- c. **Specific Duties and Responsibilities.** The Environmental Services Committee carries out the following duties and responsibilities:

1. Serve as the land conservation committee pursuant to Wisconsin Statute Section 92.07.
2. Nominate persons for appointment to serve as commissioners on public inland lake protection and rehabilitation district boards. Supervisors will be nominated and appointed to those districts that are in their supervisor district. Supervisors will have the option of designating a representative in their stead that resides or

owns property within the lake district. Such designation would be brought before the committee for nomination. Supervisors or citizens so appointed will receive no County compensation or reimbursement.

3. Serve as the planning and zoning commission pursuant to Wisconsin Statute Section 59.69
4. Authorize the sale of tax delinquent property and set appraisals of the same pursuant to Wisconsin Statute Section 75.69.
5. Oversee the University Extension Program as established under Wisconsin Statutes Section 59.56(3).
6. Review and authorize claims for damage to domestic animals by dogs pursuant to Wisconsin Statutes Section 174.11.
7. Provide recommendations concerning the development of the following County ordinances: Board of Adjustment Procedures, Comprehensive Land Use (Zoning), Floodplain, Lower St. Croix Riverway, Sanitary, Shoreland Protection Zoning, Subdivision, Telecommunication Towers and Related Facilities and Small Wind Energy Systems. Provide recommendations for those ordinances administered through the Land Information Department.
8. Hear and rule on special exceptions, conditional uses and variances under ordinances assigned to the committee.
9. Provide a recommendation to the county board on the County usage of lands proposed for acquisition.
10. Set price of lime pursuant to Wisconsin Statute Section 59.70(24).

6. General Government Committee.

a. **Assigned Functions.** The assigned functions, programs and services of the General Government Committee are those functions, programs and services administered and managed through Administration; Employee Relations; Corporation Counsel; County Clerk; County Treasurer; and Information Technology Department. The General Government Committee provides policy recommendations to the county board and advisory recommendations to the county administrator and buildings director on the management of County lands and facilities and the Recycling Center.

b. **Committee Contact.** The General Government Committee serves as the contact committee for the following outside agencies and organizations:

1. Polk County Fair Society
2. Arnell Memorial Humane Society
3. Polk County Library Planning Committee
4. Indianhead Federated Library System
5. Salvation Army
6. Endeavors Adult Development Center

c. **Specific Duties and Responsibilities.** The General Government Committee carries out the following duties and responsibilities:

1. Serve as the county finance committee with authority to transfer funds between budgeted items of an individual county office or department, if such budgeted items have been separately appropriated, and to supplement the appropriations for

- 1 a particular office, department, or activity by transfers from the contingent fund,
 2 pursuant to Wisconsin Statute Section 65.90.
- 3 2. Perform all functions described within budget and financial management policies
 4 and state law including making recommendations on the size and financing of the
 5 overall County budget.
- 6 3. Recommend the overall staffing plans developed for authorization in the County
 7 Budget.
- 8 4. Review all claims brought before or filed against the County.
- 9 5. Negotiate all labor contracts for Polk County and recommend to the county board
 10 the approval of these agreements.
- 11 6. Recommend to the full county board the setting of compensation for elected
 12 county officials and appointed employees as provided by Wisconsin Statute
 13 Section 59.22.
- 14 7. Review and make recommendations on any lease agreements between Polk
 15 County and other agencies.
- 16 8. Review and make recommendations concerning County public depositories and
 17 investments.
- 18 9. Recommend the acquisition of real estate for County use.
- 19 10. Hear grievance disputes and appeals of personnel decisions in accordance with
 20 applicable provisions of county personnel policies.
- 21 11. Serve as the grievance committee pursuant to Wisconsin Statute Section 59.26.

- 22
- 23 **7. Health and Human Services Board.**
- 24 a. **Assigned Functions.** The assigned functions, programs and services of the Health and
 25 Human Services Board are those functions, programs and services administered and
 26 managed through the Community Services Division(Health Department, Behavioral
 27 Health Department; Department of Children and Families, and Medical Examiner);
 28 Golden Age Manor Nursing Home; Child Support Agency; and Veterans Services.
- 29
- 30 b. **Committee Contact.** The Health and Human Services Board serves as the contact
 31 committee for the following outside agencies and organizations:
- 32 1. Kinship of Polk County
 33 2. ABC for Rural Health
 34 3. Community Referral Agency
 35 4. Polk County Housing Authority
- 36
- 37 c. **Specific Duties and Responsibilities.** The Health and Human Services Board carries out
 38 the following duties and responsibilities:
- 39 1. Serves as the local board of health pursuant to Wisconsin Statute Section 251.03.
 40 2. Perform all duties as required by Wisconsin Statute Section 46.23(5m).
 41 3. Assist the Public Health Department in assessment of community health needs.
 42 4. Attend as possible public health legislative events, regional Board of Health
 43 trainings and agency professional advisory committee meetings.
 44 5. Understand, respect, and adhere to federal regulations, Wisconsin Statutes and
 45 rules of confidentiality to which the Health and Human Services Board must
 46 adhere.

1 6. Oversee policy as implemented through funding for outside agencies including
 2 the Polk County Housing Authority.
 3

4 **8. Public Safety and Highway Committee.**

5 a. **Assigned Functions.** The assigned functions, programs and services of the Public
 6 Safety and Highway are those functions, programs and services administered and
 7 managed the Polk County Sheriff's Department; Emergency Management; District
 8 Attorney and Victim/Witness Office; and Clerk of Circuit Court.
 9

10 b. **Committee Contact.** The Public Safety and Highway Committee serves as the contact
 11 committee for the following outside agencies and organizations:

- 12 1. Polk County Circuit Court/Judiciary
- 13 2. Polk County Criminal Justice Collaborating Council.
- 14 3. Polk County Local Emergency Planning Committee
- 15 4. Polk County Highway Safety Committee

16
 17 c. **Specific Duties and Responsibilities.** The Public Safety and Highway Committee
 18 carries out the following duties and responsibilities:

- 19 1. Provide a forum for the Polk County Circuit Court judges to discuss issues
 20 involving the court system and public safety.
- 21 2. Conduct an annual tour of the Polk County jail and make recommendations to the
 22 county board for any policy changes relating to that program.
- 23 3. Assign a member of the committee to serve as a liaison to the Polk County
 24 Criminal Justice Collaborating Council, Inc.
- 25 4. Serve as the highway committee pursuant to Wisconsin Statute Section 83.015,
 26 as a policy-making body determining the broad outlines and principles governing
 27 administration of the Highway Department.
- 28 5. Hears permit appeals of the Highway Department decisions pursuant to
 29 Wisconsin Statutes § 86.07.
- 30 6. Establish policy for the Highway Department infrastructure asset management
 31 goals, supporting fixed assets, and business plan.
 32

33 9. **Modification of County Board Standing Committee Provisions.** Notwithstanding
 34 provisions herein to the contrary, the county board may amend, modify, reassign or
 35 transfer the specific provisions under this article, County Board Standing Committee
 36 System, by simple majority vote of supervisors present.
 37

38 **Article 9. Compensation and Reimbursement**
 39

- 40 1. The county board shall consider revisions to the compensation and reimbursement of
 41 members of the county board of supervisors at its annual meeting of odd numbered years
 42 and there fix the compensation of board members to be next elected by two-thirds vote,
 43 consistent with Wisconsin Statute §59.10(3)(f).
 44
- 45 2. The county board chairperson, first vice chairperson and second vice chairperson shall
 46 receive compensation as set by said county board resolution.

- 1
2 3. County board members shall receive per diem plus travel mileage, meals and lodging
3 expenses as established by policy through resolution adopted and amended as appropriate
4 by simple majority of the county board.
5
6 4. Notwithstanding 2., above, supervisors and citizens appointed to serve on the board of
7 commissioners of public inland lake protection and rehabilitation districts shall not
8 receive County paid compensation or reimbursements.
9
10 5. All county board reimbursement requests shall be handled consistent with current Polk
11 County reimbursement policy and presented to the county clerk for review and approval
12 by the county board chair. The county board chairperson's reimbursement requests shall
13 be approved by any county board supervisor.
14
15 6. If a noticed meeting is cancelled because of lack of quorum, per diems and mileage will
16 be paid to those members attending.
17

18 **Article 10. General**
19

- 20 1. County board members shall conduct themselves in a respectful manner at all functions
21 of Polk County interest.
22
23 2. County supervisors are subject to the Polk County Code of Ethics, adopted pursuant to
24 Wisconsin Statute §19.59.
25
26 3. In the event that any provision of these rules of order is in conflict with federal, state or
27 local law, such provision shall be null and void without affecting the validity of the
28 remaining provisions of these rules of order.
29
30 4. All past rules in conflict with these rules of order are hereby rescinded.
31
32 5. In all questions relating to parliamentary procedure on the county board, the latest edition
33 of *Robert's Rules of Order* shall be the final authority.
34
35 6. These rules of order shall be determined by a majority vote at the organizational meeting
36 of a newly elected county board. With exception to the provisions of Article 8, County
37 Board Standing Committee System, amendments of these rules of order shall require a
38 two-thirds vote of the county board of supervisors present at a properly noticed meeting,
39 Amendments to the provisions of Article 8, County Board Standing Committee System,
40 shall require simple majority vote of supervisors present
41
42 7. These rules of order shall be printed and each current and newly elected supervisor shall
43 receive a copy. It will be the duty of the county board chairperson to maintain and update
44 the rules of order as called for by the county board.
45

46 Appendix A found on Page 15.

SUBCHAPTER XXX.XX: STORMWATER AND EROSION CONTROL Ordinance XX-XX

Section 1. Title, Statutory Authority, Declaration of Policy, Jurisdiction, Exemptions and Applicability, Definitions

- 1.01. Title. This ordinance shall be known as the Polk County Stormwater and Erosion Control Ordinance, and is hereinafter referred to as the Ordinance.
- 1.02. Statutory Authority. This ordinance is adopted by the Polk County Board under the authority granted by Sections 59.693 and 92.07(15) and Chapter 236 Wisconsin Statutes
- 1.03. Declaration of Policy.
- a. *Findings*. Uncontrolled storm water runoff and construction site erosion from land development and land disturbing activity can have significant adverse impacts upon local surface and ground water resources and the health, safety and general welfare of the community, and diminish the public enjoyment and use of natural resources within Polk County. Specifically, uncontrolled soil erosion and storm water runoff can:
 1. Degrade stream habitat by increasing stream bank erosion, increasing stream bed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperatures;
 2. Reduce the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loadings of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants;
 3. Alter wetland communities by changing wetland hydrology and increasing pollutant loads;
 4. Reduce the quality of groundwater by increasing pollutant loading;
 5. Threaten public health, safety, property, and general welfare by increasing runoff volumes and peak flood flows and overburdening storm sewers, drainage ways and other storm drainage systems;
 6. Undermine floodplain management efforts by increasing the incidence and levels of flooding.
 - b. *Purpose*. The purpose of this ordinance is to establish regulatory requirements for land development and land disturbing activities aimed to minimize the threats to public health, safety, welfare, and the natural resources of Polk County from construction site erosion and post-construction storm water runoff. Specific purposes are to:
 1. Further the maintenance of safe and healthy conditions.
 2. Prevent and control the adverse effects of storm water; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; establish erosion control and storm water standards for building sites, placement of structures and land uses; and preserve ground cover and scenic beauty.
 3. Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger property.
 - c. *Intent*. Through a single storm water permit process, this ordinance is intended to meet the current construction site erosion control and post-construction storm water management regulatory requirements of Subchapter III of both NR 151 and NR 216 Wis. Admin. Code on the effective date of this ordinance. Nothing in this ordinance prevents the Wisconsin Department of Natural Resources from adopting or enforcing more stringent storm water management requirements in future revisions of Wis. Admin. Code.
 1. Provisions have also been incorporated to coordinate the storm water permit requirements of this ordinance with other county and town zoning and land division regulations.
- 1.04. Jurisdiction
- a. *Jurisdictional Boundaries*. This ordinance applies to all unincorporated lands within the jurisdictional boundaries of Polk County, unless a town board (list available at the LWRD office):
 1. Adopts an ordinance that complies with the minimum standards established by the Wisconsin Department of Natural Resources and is at least as restrictive as this ordinance, as determined by the LWRD; and

2. Provides reasonable notice to the LWRD of the effective date of the town ordinance and the enforcement contact(s), if not the LWRD.
- b. *Newly Annexed Areas.* If any area within the jurisdiction described in (a) above is annexed by a city or village, the provisions of this ordinance shall continue in effect and shall be enforced after annexation by the annexing city or village unless any of the following occurs:
 1. The city or village enacts, administers and enforces an ordinance for the annexed area that complies with the minimum standards established by the Wisconsin Department of Natural Resources and is at least as restrictive as this ordinance, as determined by the LWRD; or
 2. After annexation, the city or village requests that this ordinance, as it applies to the annexed area, continues to be in effect and enforced by the LWRD and the LWRD agrees to enforce the ordinance.

1.05. Exemptions and Applicability

a. *Exemptions.*

1. Exempt From All Requirements. The following activities shall be exempt from all of the requirements of this ordinance:
 - (a). Agricultural facilities and practices.
 - (b). Land development and land disturbing activities exempted by state or federal law, including highway construction and other projects conducted by a state agency, as defined under s. 227.01 (1), Wisconsin Statutes, or under a memorandum of understanding entered into under s. 281.33 (2), Wisconsin Statutes. To recognize an exemption under this paragraph, the LWRD may require documentation of the person(s) and regulatory agency charged with enforcing erosion control and storm water management for the project.
 - (c). Land disturbing activity directly involved in the installation and maintenance of private on-site waste disposal systems.
 - (d). If another regulatory agency is enforcing erosion control and storm water management provisions that the LWRD determines are at least as restrictive as those contained in this ordinance, the applicant may request an exemption from any or all provisions of this ordinance. The LWRD may require the applicant to submit documentation relating to the project, including any or all of the following:
 - (i) A copy of the proposed plans certified as approved by a regulatory agency. Said plans shall also be stamped by a professional engineer licensed in Wisconsin, stating that the design of all best management practices comply with this ordinance and all applicable technical standards.
 - (ii) Contact information for the applicant or for person(s) representing the applicant and charged with overseeing the implementation of the approved plans, including certifying construction.
 - (iii) A copy of the permit issued by the regulatory agency and contact information for the person(s) charged with permit enforcement duties.
 - (iv) A copy of design summaries, as-built documents and construction certification pursuant to Sec. 8 (d) for all storm water BMPs constructed as part of the project.
 - (v) A copy of a recorded maintenance agreement in accordance with Sec.13 for all storm water management facilities constructed as part of the project.
 - (vi) Other items that the LWRD determines are necessary to ensure compliance equal to the requirements of this ordinance.
2. Exempt From Erosion Control Requirements Only. The following land disturbing activities shall be exempt from the erosion control provisions of sub. (a) above:
 - (a). Those activities the LWRD determines are required for the construction of individual one and two family residential buildings under COM. 21.125 Wis. Admin. Code.
 - (b). Nonmetallic mining activities that are covered under a nonmetallic mining reclamation permit under NR 135 Wis. Admin. Code.
 - (c). Placement of underground pipe or other utility that is plowed or bored into the ground outside areas of channelized runoff.

3. Exemption from stormwater requirements only.
 - (a) The LWRD may exempt a site or a portion of a site from meeting certain technical requirements of this ordinance in accordance with Sec. 5.05.

b. *Applicability.*

1. Construction Site Erosion Control. Unless otherwise exempted under this ordinance, a storm water permit shall be required and all erosion control and other provisions of this ordinance shall apply to all proposed land disturbing activity that meets any of the following:
 - (a). Disturbs a total land surface area of 1 acre or more; or disturbs a total land surface area of 0.5 acres within the shoreland district with direct drainage to water resource.
 - (b). Involves excavation or filling, or a combination of excavation and filling, in excess of 500 cubic yards of material; or
 - (c). Involves the laying, repairing, replacing, or enlarging of an underground utility, pipe or other facility, or the disturbance of road ditch, grass swale or other open channel for a distance of 1000 feet or more; or
 - (d). Is a land disturbing activity, regardless of size, that the LWRD determines is likely to cause an adverse impact to an environmentally sensitive area or other property, or may violate any other erosion control standard set forth in this ordinance.
2. Storm Water Management. Unless otherwise exempted in this ordinance, a storm water permit shall be required and all storm water management and other provisions of this ordinance shall apply to all proposed land development activity that meet any of the following:
 - (a). Is a subdivision plat; or
 - (b). Is a certified survey map or any other land development activity that may ultimately result in the addition of 0.5 acres or greater of impervious surfaces, including smaller individual sites that are part of a common plan of development that may be constructed at different times; or
 - (c). Involves the construction of any new public or private road; or
 - (d). Is a land development activity, regardless of size, that the LWRD determines is likely to cause an adverse impact to an environmentally sensitive area or other property. For purposes of this section, adverse impacts shall include causing chronic wetness on other property due to violating any storm water management standard set forth in this ordinance.

1.06. Definitions

- a. “*Applicable review authorities*” means the Town, the County Zoning Administrator or the County Park and Planning Commission, depending on the type of project and its location.
- b. “*Applicant*” means any person or entity holding fee title to the property or their representative. The applicant shall become the “permit holder” once a permit is issued. The applicant shall sign the initial permit application form in accordance with subs. 1 through 5 below, after which the applicant may provide the LWRD written authorization for others to serve as the applicant’s representative:
 1. In the case of a corporation, by a principal executive officer of at least the level of vice president or by the officer’s authorized representative having overall responsibility for the operation of the site for which a permit is sought.
 2. In the case of a limited liability company, by a member or manager.
 3. In the case of a partnership, by the general partner.
 4. In the case of a sole proprietorship, by the proprietor.
 5. For a unit of government, by a principal executive officer, ranking elected official or other duly authorized representative.
- c. “*Best management practice*” (or “BMP”) means structural and non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or other pollutants carried in runoff.
- d. “*Common plan of development*” means all lands included within the boundary of a certified survey map or subdivision plat created for the purpose of development or sale of property where integrated, multiple, separate and distinct land developing activity may take place at different times by future owners.
- e. “*County Zoning Administrator*” means the county staff person designated the County Zoning Administrator.

- f. “CSM” means Certified Survey Map.
- g. “Design storm” means a hypothetical depth of rainfall that would occur for the stated return frequency (i.e. once every 2 years or 10 years), duration (i.e. 24-hours) and timing of distribution (i.e. type II). All values are based on the historical rainfall records for the area. Design storms used in this ordinance are summarized in Sec. 6.
- h. “Dewatering” means the removal of trapped water from a construction site to allow land development or utility installation activities to occur.
- i. “DNR” means Department of Natural Resources.
- j. “Erosion” means the process of detachment, transport and deposition of soil, sediment or rock fragments by action of water, wind, ice or gravity.
- k. “Effective infiltration area” means the area of the infiltration system that is used exclusively to infiltrate runoff and does not include the area used for site access, berms or pretreatment.
- l. “Environmental corridor (primary and secondary)” means a composite of the best individual elements of the natural resource base including surface water, streams, and rivers and their associated floodlands and shorelands; woodlands, wetlands and wildlife habitat; areas of ground water discharge and recharge; organic soils, rugged terrain and high relief topography; and significant geological formations and physiographic features.
- m. “Environmentally sensitive area” means any area that, due to the natural resources present or the lack of filtering capacity, is more susceptible to the adverse impacts of sediment and other pollutants associated with erosion and urban runoff. Examples include environmental corridors, direct hydrologic connections to lakes, streams, wetlands, groundwater or other water resources, or very coarse or shallow soils above groundwater or bedrock.
- n. “Filtering layer” means soil that has at least a 3-foot deep layer with at least 20% that passes through a #200 sieve (fines); or at least a 5-foot deep layer with at least 10% that passes through a #200 sieve (fines); or another medium exists with an equivalent level of protection, as determined by the LWRD.
- o. “Final plat” means a map of a proposed condominium or subdivision to be recorded with the Polk County Register of Deeds pursuant Wisconsin Statutes.
- p. “GIS system of Polk County” means the computerized mapping system that Polk County makes available to the general public over the Internet.
- q. “Groundwater recharge areas” means lands identified as groundwater recharge areas; or where, prior to any land disturbing or land development activity, precipitation or runoff could only leave the area by infiltrating the ground, thereby recharging the groundwater.
- r. “Illicit connection” means any drain or conveyance, whether on the surface or subsurface, which allows an illegal non-storm water discharge to enter the storm drain system, including but not limited to: sewage, process wastewater and wash water, any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been allowed, permitted, or approved by a government agency, prior to the adoption of this ordinance.
- s. “Impervious surface” means an area that releases all or a large portion of the precipitation that falls on it, except for frozen soil. Conventional rooftops and asphalt or concrete sidewalks, driveways, parking lots and streets are typical examples of impervious surfaces. For purposes of this ordinance, typical gravel driveways and other examples listed shall be considered impervious unless specifically designed to encourage infiltration or storage of runoff.
- t. “Impracticable” means that complying with a specific requirement would cause undue economic hardship and that special conditions exist that are beyond the control of the applicant and would prevent compliance.
- u. “In-fill development” means land development that occurs where there was no previous land development and is surrounded by other existing land development;
- v. “Infiltration” means the entry of precipitation or runoff into or through the soil.
- w. “Infiltration system(s)” means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

- x. “*Karst features*” means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.
- y. “*Land development activity*” or “*land development*” means any construction related activity that may ultimately result in the addition of impervious surfaces, such as the construction of buildings, roads, parking lots and other structures.
- z. “*Land disturbing activity*” (or “*disturbance*”) means any man-made alteration of the land surface that may result in a change in the topography or existing vegetative or non-vegetative soil cover, or may expose soil and lead to an increase in soil erosion and movement of sediment. Land disturbing activity includes clearing and grubbing for future land development, excavating, filling, grading, building construction or demolition, and pit trench dewatering.
- aa. “*LWRD*” means the Land & Water Resources Department of Polk County. The LWRD Director supervises the daily activities of the Department, including the administration of this ordinance.
- bb. “*Mannings Equation*” $V = \left[\frac{1.486}{n} \right] R^{2/3} S^{1/2}$
- V= velocity in feet per second
n= roughness coefficient, indicates resistance to flow
R= hydraulic radius, calculated as area in square feet
S= slope of the energy grade
- cc. “*Maximum Extent Practicable or MEP*” means a level of implementing best management practices to achieve a performance standard specified in this ordinance that has been approved by the LWRD. In determining when MEP has been achieved, the LWRD shall take into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
- dd. “*Navigable*” means all lakes, ponds, flowages, rivers and streams in Polk County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources’ publication Surface Waters Resources of Polk County, or are shown on the United States Geological Survey Quadrangle Maps. Lakes, ponds, flowages, rivers and streams not included in these documents may also be determined to be navigable. Also, Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. Under Section 281.31(2)(d), Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated there under, shoreland ordinances required under Section 59.692, Wisconsin Statutes, and Chapter NR 115, Wisconsin Administrative Code do not apply to lands adjacent to farm drainage ditches if:
1. Such lands are not adjacent to a natural navigable stream or river;
 2. The drainage ditch was not a navigable stream before ditching; and such lands are maintained in agricultural use.
- ee. “*No Net Increase*” means no more runoff may leave the site after development, as did before development.
- ff. “*Nonmetallic mining*” means all of the following: (a) Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates or nonmetallic minerals such as stone, sand, gravel, asbestos, beryl, clay, feldspar, peat, talc and topsoil, including such operations or activities as excavation, grading and dredging. (b) On-site processes that are related to the extraction of mineral aggregates or nonmetallic minerals, such as stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, crushing, screening, scalping and dewatering, removed or disturbed, for the purposes of providing adequate vegetative cover and stabilization of soil conditions to achieve a land use specified in an approved nonmetallic mining reclamation plan.
- gg. “*NRCS*” means Natural Resources Conservation Service

- hh. “*Off-site BMP*” means best management practice(s) that are located outside of the boundaries of the site covered by a permit application. Off-site BMPs are usually installed as part of a regional storm water management plan approved by a local government.
- ii. “*Ordinary high water mark (OHWM)*” “means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
- jj. “*Planned land use*” means the land use designated in the latest version of the Polk County land use plan.
- kk. “*Plat*” means a map of a proposed condominium or subdivision,
- ll. “*Pollutant*”, as per s. 283.01(13) Wisconsin Statutes, means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
- mm. “*Pollution*”, as per s. 283.01(10) Wisc. Statutes, means man-made or man- induced alteration of the chemical, physical, biological or radiological integrity of water.
- nn. “*Preliminary plat*” means a map showing the salient features of a proposed condominium or subdivision submitted to an approving authority for purposes of preliminary consideration.
- oo. “*Preventive action limit*”, as per s. NR 140.05(17), Wis. Admin. Code, means a numerical value expressing the concentration of a substance in groundwater which is adopted under s. 160.15, Stats., and s. NR 140.10, 140.12 or 140.20.
- pp. “*Publicly funded*” means a land development, such as a public road or municipal building that is being funded solely by a unit of government. It does not include new roads or other structures built with private funds, or a combination of public and private funds, and subsequently dedicated to a unit of government.
- qq. “*Redevelopment*” means land development that replaces previous land development of similar impervious conditions.
- rr. “*Regulatory agency*” means a public agency that the LWRD recognizes as having the legal authority to review and approve erosion control and storm water management plans and enforce their implementation, with requirements at least as restrictive as this ordinance.
- ss. “*Responsible party*” means any person or entity holding fee title to the property or acting as the owners representative, including any person, firm, corporation or other entity performing services, contracted, subcontracted or obligated by other agreement to design, implement, inspect, verify or maintain the BMPs and other approved elements of erosion control and storm water plans and permits under this ordinance.
- tt. “*Road*” as used in Sec. 6 of this ordinance, means any access drive that serves more than two (2) residences or businesses.
- uu. “*Runoff*” means water from rain, snow or ice melt, or dewatering that moves over the land surface via sheet or channelized flow.
- vv. “*Shoreland*” means the area landward of the ordinary high water mark within the following distances: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
- ww. “*Site*” means the entire area included in the legal description of which the land disturbing or land development activity will occur.
- xx. “*Stabilized*” means that all land disturbing activities are completed and that a uniform, perennial vegetative cover has been established on at least 70% of the soil surface or other surfacing material is in place and the risk of further soil erosion is minimal, as determined by the LWRD.
- yy. “*Storm drainage system*” means a publicly-owned facility by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters,

curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

zz. “*Storm water*” means the same as “*Runoff*.”

aaa. “*Storm water BMP*” means any best management practice that is designed to collect or manage the quantity or quality of storm water runoff for an indefinite time period and is incorporated into an approved storm water management plan to meet the requirements of this ordinance. This term is a subset of the term “best management practice” and distinct in that the BMPs require long-term maintenance. Some examples include, but are not limited to wet or dry detention basin, infiltration trench or basin, bio-retention basin, stilling basin, green roof, filter strip, artificial wetland, rain garden or any combination of these or other permanent storm water management practices, as determined by the LWRD.

bbb. “*Storm water permit*” means a written authorization made by the LWRD to the applicant to conduct land disturbing or land development activities in accordance with the requirements of this ordinance. A storm water permit regulates both construction site erosion and post-construction storm water runoff from a site.

ccc. “*Subdivision*” means a division of a lot, parcel or tract of land by the owner thereof or the owner’s agent for the purpose of sale or of building development that meets the subdivision definition criteria under s. 236.03(12) Wisconsin Statutes or a more restrictive definition adopted by a local unit of government.

ddd. “*Technical standard*” means a document that specifies design, predicted performance and operation and maintenance requirements for a material, device or method.

eee. “*Top of channel*” means an edge, or point on the landscape, commencing landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than 12% continually for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.

fff. “*Unnecessary Hardship*” means present only where, in the absence of a variance, no reasonable use can be made of the property.

ggg. “*Utility*” means a wire, pipe, tube or other conduit designed to distribute or collect a product or service, including but not limited to electricity, natural gas, oil, telecommunications, drinking water, storm water, sewage, or any combination of these items.

hhh. “*Warm season and wetland plantings*” means seed or plant stock that are native to a prairie or wetland setting. These types of plantings usually take a couple of years to get established and require diligent removal of invasive species during this time. Upon maturity, warm season plants generally have a deep root system, which enhances infiltration.

iii. “*Waters of the state*”, as per s. 281.01 (18), Wisconsin Statutes, includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction

jjj. “*Wetlands*” means an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions

kkk. “*Woodland*” means an area where a grouping of 10 or more trees exist that have trunk diameters of at least 4 inches at four feet above the ground surface. The boundaries of a woodland shall be defined by the canopy, commonly referred to as the “drip line”.

lll. “*Working day*” means any day the office of the LWRD is routinely and customarily open for business, and does not include Saturday, Sunday and any official county holidays.

Section 2. Storm Water Permit Process

- 2.01. Permit Required. A storm water permit shall be obtained before any person commences a land disturbing or land development activity, pursuant to the applicability and exemption provisions of Sec. 1. Based upon the scope of the project, a certification of compliance under Sec. 2.03 below will also be required as part of the permit process.

2.02. Storm Water Permit Application.

- a. To request a storm water permit under this ordinance, the applicant shall submit a complete application, which shall include all of the following:
 1. A completed and signed application on a form provided by the LWRD for that purpose;
 2. The applicable fee(s), unless exempted under Sec. 2.04.
 3. A site plan map in accordance with Sec. 5.03;
 4. A final erosion control plan in accordance with Sec. 4;
 5. A final storm water management plan in accordance with Sec. 5 for those land development activities that meet any of the applicability criteria of Sec. 1.05(b)), and the documentation required under Sec. 10(e)2.D. related to a off-site BMP's, if applicable;
 6. A maintenance agreement in accordance with Sec. 7; and
 7. A financial assurance, in accordance with Sec. 3.
- b. The LWRD may require map items listed above to be submitted in a digital form, if available, including geo-referencing map data to the public land survey system in accordance with county mapping standards.
- c. Review procedures for a storm water permit application shall be in accordance with Sec. 2.05.

2.03. Certification of Compliance for Final Plat or CSM.

- a. *Applicability.* The LWRD shall certify compliance with this section prior to county approval of any final plat. In addition, certification of compliance shall be required prior to county approval of any certified survey map (CSM) that meets any one of the following:
 1. The site plan may ultimately result in the addition of 0.5 acres or greater of impervious surfaces, including smaller individual sites that are part of a common plan of development;
 2. Includes the construction of any new public or private road; or
 3. Other land development activities as determined by the LWRD under Sec. 2.
- b. *Review Items.* To obtain certification of compliance, the applicant shall submit a final plat or CSM to the LWRD for review. The LWRD shall review submittals for compliance with all of the following items based on preliminary or final site plans and storm water management plans:
 1. Location and size of drainage easements and other areas set aside for storm water management, and the associated language describing use restrictions;
 2. Setback requirements from wells, structures, steep slopes, road right-of-ways and other items related to the location of storm water management facilities;
 3. Location of access drives and associated easements and use restrictions to ensure adequate access to storm water management facilities for future maintenance;
 4. Utility easements as they may affect the grading and erosion control plans;
 5. The final maintenance agreement in accordance with Sec. 7 for all storm water BMP's; and
 6. Other items that the LWRD determines are necessary to achieve compliance with this ordinance
- c. *Review Process.* Review procedures for certification of compliance for final plat or CSM shall be as described in Sec. 2.05 (a) below.

2.04. Fees. Application and review fees under this ordinance shall be in accordance with the following:

- a. All fees shall be established by the LWRD and approved by the County Board through the annual budget process.
- b. Fee amounts shall be based on the actual and direct LWRD costs of administering this ordinance.
- c. A fee schedule shall be available for review and public distribution.
- d. All publicly funded land disturbing and land development activities within the jurisdiction of this ordinance shall be exempt from the fees under this section.

2.05. Application Review Processes.

- a. *Storm Water Certification of Compliance.* Upon submittal of a complete application under Sec. 2.02 above or a final plat or CSM under Sec. 2.03 above, the applicant is authorizing the LWRD to enter upon the subject site to obtain information needed to administer this ordinance and the following procedures shall apply:

1. The LWRD shall have 15 working days from the date the LWRD receives the application to issue a review letter to the applicable review authorities and the applicant based on the requirements of this ordinance.
 2. If within the 15 working days, the LWRD determines that the application is not complete or requests additional information from the applicant or another source (such as another regulatory agency), the LWRD shall have 10 working days from the date additional information is received to review . The LWRD shall inform the applicant and the applicable review authorities when additional information is requested from another source
 3. If the LWRD does not notify the applicant of missing information within the 15 working days, the applicant may continue pursuing other applicable approvals or deed recording without the certification of compliance.
 4. If within the 15 working days, the LWRD notifies the applicable review authorities that the application under Sec. 2.02(c). above is not complete, information has been requested from another source, or recommended changes or objections to the application need to be addressed before other approvals can proceed, then the applicable review authorities may:
 - (a). At the request of the applicant, grant an extension to the review period, if needed, to allow more time for the LWRD review process to be completed or to address LWRD recommendations, requirements or objections to the application; or
 - (b). Disapprove the application, plat or CSM.
- b. *Storm Water Permit: Less Than 1 Acre But Greater Than One-Half Acre Land Disturbance and Applicability Exemptions.* Upon submittal of a complete permit application under Sec. 2.03 above or applicability exemption application under Sec. 1.05, the applicant is authorizing the LWRD to enter upon the subject site to obtain information needed to administer this ordinance and the following procedures shall apply:
1. Within 15 working days from the date the LWRD receives the application, the LWRD shall inform the applicant whether the application materials are approved or disapproved based on the requirements of this ordinance.
 2. If all requirements of this ordinance have been met through the application, the LWRD shall approve the application and issue a permit or exemption. If all requirements of this ordinance have not been met, the LWRD shall state in writing the reasons for disapproval.
 3. If within the 15 working days, the LWRD determines that the application is not complete or requests additional information from the applicant or another source (such as another regulatory agency), the LWRD shall have 10 working days from the date the additional information is received to review and act on the application. The LWRD shall inform the applicant when additional information is requested from another source.
 4. Failure of the LWRD to inform the applicant of missing information or of a decision within 15 working days shall be deemed to mean approval of the application and the applicant may proceed as if a permit had been issued.
- c. *Storm Water Permit: Equal To Or Greater Than 1 Acre Land Disturbance and Technical Exemptions.* Upon submittal of a complete application under sub. (b) above or a technical exemption application under Sec. 1.05, the applicant is authorizing the LWRD to enter upon the subject site to obtain information needed to administer this ordinance and the following procedures shall apply:
1. Within 20 working days from the date the LWRD receives the application, the LWRD shall inform the applicant whether the application materials are approved or disapproved based on the requirements of this ordinance.
 2. If all requirements of this ordinance have been met through the application, the LWRD shall approve the application and issue a permit. If all requirements of this ordinance have not been met, the LWRD shall state in writing the reasons for disapproval.
 3. If within the 20 working days, the LWRD determines that the application is not complete or requests additional information from the applicant or another source (such as another regulatory agency), the LWRD shall have 20 working days from the date the additional information is received

to review and act on the application. The LWRD shall inform the applicant when additional information is requested.

4. Failure of the LWRD to inform the applicant of missing information or of a decision within the 20 working days shall be deemed to mean approval of the application and the applicant may proceed as if a permit had been issued.

Section 3. Storm Water Permit Requirements

- 3.01. General Permit Requirements. Storm water permits shall be subject to all of the requirements of this section. Violation of any permit requirement shall cause the permit holder and any other responsible party to be subject to enforcement action under Sec. 9. Upon issuance of a storm water permit, the permit holder and any other responsible party shall be deemed to have accepted these requirements. General requirements include all of the following:
- a. *Other Permits.* Compliance with a storm water permit does not relieve the permit holder or other responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations. The LWRD may require the applicant to obtain other permits or plan approvals prior to issuing a storm water permit.
 - b. *Approved Plans.* All best management practices shall be installed and maintained in accordance with approved plans and construction schedules. A copy of the approved plans shall be kept at the construction site at all times during normal business hours.
 - c. *Plan Modifications.* The LWRD shall be notified of any significant modifications proposed to be made to the approved plans. The LWRD may require proposed changes to be submitted for review prior to incorporation into the approved plans or implementation. Any modifications made during plan implementation without prior approval by the project engineer under Sec. 3.01 (f) below and the LWRD are subject to enforcement action.
 - d. *Notification.* The LWRD shall be notified at least 2 working days before commencing any work in conjunction with approved plans. The LWRD shall also be notified of proposed plan modifications under Sec. 3.01 (c), and within 1 working day of completing construction of a storm water BMP. The LWRD may require additional notification according to a schedule established by the LWRD so that practice installations can be inspected during construction.
 - e. *LWRD Access.* The LWRD or its designee shall be permitted access to the site for the purpose of inspecting the property for compliance with the approved plans and other permit requirements.
 - f. *Project Engineer/Landscape Architect/Individual.* An individual permit holder involved in individual construction projects creating an additional 7000 sq. ft. or less of impervious surfaces may obtain a permit for a project that is designed and constructed as outlined in Appendix X – Rain Garden Design. All others shall provide an engineer/ Landscape Architect licensed in the state of Wisconsin to be responsible for achieving compliance with approved construction plans, including the implementation of the approved inspection plan and verification of construction in accordance with Sec. 3.04 below. If warm season or wetland plantings are involved, the permit holder shall also provide a landscape architect or other qualified professional to oversee and verify the planting process and its successful establishment.
 - g. *Inspection Log.* The permit holder shall provide a qualified professional to conduct inspections and maintain an inspection log for the site. All best management practices shall be inspected within 24 hours after each rain event of 0.5 inch or more that results in runoff, or at least once each week. The inspection log shall include the name of the inspector, the date and time of inspection, a description of the present phase of construction, the findings of the inspection, including an assessment of the condition of erosion and sediment control measures and the installation of storm water management BMPs, and any action needed or taken to comply with this ordinance. The inspection log shall also include a record of BMP maintenance and repairs conducted under Sec. 3.01 (h) and Sec. 3.01 (i). The permit holder shall maintain a copy of the inspection log at the construction site or via the Internet, and shall notify the LWRD of the method of availability upon permit issuance. If the inspection log is maintained on site, the LWRD may view or obtain a copy at any time during normal business hours until permit termination under Sec. 3.02. If the inspection log is made available via the Internet, the

permit holder shall notify the LWRD of the appropriate Internet address and any applicable access codes, and shall maintain the availability of the log until permit termination under Sec. 3.02

- h. *BMP Maintenance.* The permit holder shall maintain and repair all best management practices within 24 hours of inspection, or upon notification by the LWRD, unless the LWRD approves a longer period due to weather conditions. All BMP maintenance shall be in accordance with approved plans and applicable technical standards until the site is stabilized and a permit termination letter is issued under Sec. 3.02. The permit holder, upon approval by the LWRD, shall remove all temporary erosion control practices such as silt fence. The permit holder, in accordance with approved plans and applicable technical standards, shall maintain permanent storm water management practices until maintenance responsibility is transferred to another party or unit of government pursuant to the recorded maintenance agreement.
- i. *Other Repairs.* The permit holder shall be responsible for any damage to adjoining properties, municipal facilities or drainage ways caused by erosion, siltation, runoff, or equipment tracking. The LWRD may order immediate repairs or clean-up within road right-of-ways or other public lands if the LWRD determines that such damage is caused by activities regulated by a permit under this ordinance. With the approval of the landowner, the LWRD may also order repairs or clean-up on other affected property.
- j. *Emergency Work.* The permit holder authorizes the LWRD, in accordance with the enforcement procedures under Sec. 9, to perform any work or operations necessary to bring erosion control or storm water management practices into conformance with the approved plans and consents to charging such costs against the financial assurance pursuant to Sec. 3.03 below or to a special assessment or charge against the property as authorized under Subch. VII of Ch. 66, Wisconsin Statutes
- k. *Permit Display.* The permit holder shall display the storm water permit in a manner that can be seen from the nearest public road and shall protect it from damage from weather and construction activities until permit termination under Sec. 3.02.
- l. *Other Requirements.* The LWRD may include other permit requirements that the LWRD determines are necessary to ensure compliance with this ordinance

3.02. Storm Water Permit Issuance, Duration, Amendments, Transfer and Termination.

- a. *Permit issuance.* The LWRD shall issue a permit to the applicant after verifying that all applicable conditions of this ordinance and possibly other related permits have been met, including the submittal of contact information for all responsible parties and the submittal of the financial assurance under Sec. 3.03. The LWRD may delay issuance of a storm water permit if the LWRD determines that the proposed construction timelines and best management practices will not comply with the erosion control plan requirements under Sec. 4 or the purposes of the ordinance under Sec. 1.03.(b), including proposed late season new road construction with grass swales.
- b. *Permit duration.* The LWRD shall establish an expiration date for all storm water permits based on the construction schedules in the approved erosion control and storm water management plans and follows 5 year timelines outlined in Act 243. The applicant shall notify the LWRD of any changes to the proposed schedule prior to permit conflict.
- c. *Permit amendments.* The LWRD may amend any terms of a storm water permit, including extending the permit expiration date, if the LWRD determines it is necessary to ensure compliance with this ordinance. The applicant shall request an amendment to a storm water permit at least 2 weeks before permit expiration on a form provided by the LWRD for that purpose and shall pay the corresponding fee. The LWRD may require additional erosion control or storm water management measures as a condition of granting a permit amendment.
- d. *Permit transfer.* The LWRD may transfer a storm water permit issued under this ordinance to a new applicant upon a written request from the applicant and payment of the corresponding fee. The permit transfer shall not take effect until the LWRD verifies in writing that the new applicant has satisfied all conditions of this ordinance, including an updated list of responsible parties and the submittal of a new financial assurance under Sec. 3.03.

- e. *Permit termination.* The LWRD shall issue a permit termination letter to the permit holder upon releasing the financial assurance under Sec. 3.03 which shall serve as documentation that all conditions of this ordinance have been satisfied and the permit has been terminated. A copy of this letter shall also be sent to the Wisconsin Department of Natural Resources and shall serve as the “Notice of Termination” under s.s. NR 216.55 Wis. Admin. Code.

3.03. Financial Assurance.

- a. *Purpose.* The LWRD shall require the applicant to submit a financial assurance to ensure compliance with the approved erosion control and storm water management plans and other storm water permit requirements.
- b. *Type and Authority.* The LWRD shall determine the acceptable type and form of financial assurance, which may include cash, a bond, an escrow account or irrevocable letter of credit. The LWRD shall, upon written notice to the permit holder, be authorized to use the funds to complete activities required in the approved plans or this ordinance if the permit holder or other responsible party defaults or does not properly implement the requirements.
- c. *Amount.* The amount of the financial assurance shall be determined by the LWRD and shall not exceed the estimated cost of completing the approved erosion control and storm water management plans.
- d. *Exemption.* Publicly funded land disturbing or land development activities shall be exempt from providing a financial assurance.
- e. *Security.* The LWRD shall provide the permit holder or other responsible party a written statement outlining the purpose of the financial assurance, the applicable amount and type received and all of the conditions for release.
- f. *Conditions for Release.* The LWRD shall release the financial assurance, and issue a termination letter in accordance with Sec. 3.02 (e), only after determining full compliance with the permit and this ordinance, including the following:
 1. Accepting an “as-built” survey certified pursuant to Sec. 3.04 (a),
 2. Accepting verification of construction pursuant to Sec. 3.04 (b);
 3. Completing a satisfactory final inspection pursuant to Sec. 3.05;
 4. Receiving a copy of the recorded maintenance agreement pursuant to Sec. 7 of this ordinance.
- g. *Partial Releases.* The permit holder may apply for a partial release of the financial assurance based on the completion or partial completion of various construction components or satisfaction of individual requirements noted above.
- h. *Amounts Withheld.* The LWRD shall withhold from the financial assurance amount released to the permit holder any costs incurred by the LWRD to complete installation or maintenance of best management practices through enforcement action or prior to the transfer of maintenance responsibilities through an approved maintenance agreement, or other unpaid fees or costs incurred by the LWRD associated with the enforcement of this ordinance.
- i. *Other Financial Assurances.* The financial assurance provisions of this ordinance shall be in addition to any other financial assurance requirements of the local community for other site improvements. Any arrangements made to share financial assurances with the local community shall be made at the discretion of the LWRD and shall be at least as restrictive the requirements in this ordinance.

3.04. Construction and Planting Verification.

- a. *As-built Survey.* To ensure compliance with this ordinance and to serve as a basis for the engineering verification under Sec. 3.04 (b), an as-built survey shall be completed in accordance with LWRD standards and certified as accurate by a registered land surveyor or an engineer licensed in the State of Wisconsin. As-built plans shall be submitted to the LWRD for all storm water management BMPs, bridges and culverts pursuant to Sec. 5.04 (f) 4. below, and other permanent best management practices or practice components as deemed necessary by the LWRD to ensure its long-term maintenance. The LWRD may require a digital submittal of the as-built survey, in accordance with LWRD standards.
- b. *Verification.* A professional engineer licensed in the State of Wisconsin shall verify, in accordance with LWRD standards, that the engineer has successfully completed all site inspections outlined in the

approved plans and that the construction of all storm water management BMPs, as determined by the LWRD, comply with the approved plans and applicable technical standards or otherwise satisfy all the requirements of this ordinance. If warm season or wetland plantings are involved, a landscape architect or other qualified professional shall verify the planting process and its successful establishment, in accordance with LWRD standards.

- c. *Design Summaries.* Any changes noted in the as-built survey or final design data compared to the design summaries approved with the final storm water management plans shall be documented and resubmitted to the LWRD as part of the verification under Sec. 3.04 (b).

- 3.05. Final Inspection. After completion of construction, the LWRD shall conduct a final inspection of all permitted sites to determine compliance with the approved plans and other applicable ordinance requirements, including ensuring the site is stabilized. If, upon inspection, the LWRD determines that any of the applicable requirements have not been met, the LWRD shall notify the permit holder what changes would be necessary to meet the requirements. At the request of the permit holder, the LWRD shall provide a notification of noncompliance or a report of final inspection in written or electronic form.

Section 4. Erosion Control Plan Requirements

- 4.01. General Erosion Control Plan Requirements and Performance Standards. An erosion control plan shall describe how the permit holder and other responsible party will minimize, soil erosion and the transport of sediment from land disturbing activities to waters of the state or other property. To meet this requirement, the following performance standards shall apply:
- a. All erosion control plans and associated BMPs shall comply with the planning, design, implementation and maintenance requirements of this ordinance.
 - b. All erosion control plans shall by design, achieve to the maximum extent practicable, a reduction of 80% of the sediment load carried in runoff, on an average annual basis, as compared with no sediment or erosion controls, until the site is stabilized.
 - c. Erosion and sediment control BMPs may be used alone or in combination to meet the 80% sediment reduction goal. Plans that comply with the guiding principles described in Sec. 4.02 below and the specific erosion control plan requirements described in Sec. 4.03 below shall be determined by the LWRD as meeting the 80% sediment reduction goal.
 - d. The LWRD may recognize other methods for determining compliance with the 80% sediment reduction goals as they are standardized, including any methods that may come from the procedures under Subch. V. of Ch. NR 151, Wis. Adm. Code.
- 4.02. Guiding Principles for Erosion Control. To satisfy the requirements of this section, an erosion control plan shall, to the maximum extent practicable, adhere to the following guiding principles:
- a. Propose grading that best fits the terrain of the site, avoiding steep slopes, wetlands, floodplains and environmental corridors;
 - b. Minimize, through project phasing and construction sequencing, the time the disturbed soil surface is exposed to erosive forces.
 - c. Minimize soil compaction, the loss of trees and other natural vegetation and the size of the disturbed area at any one time;
 - d. Locate erosion control BMPs prior to runoff leaving the site or entering waters of the state and outside of wetlands, floodplains, primary or secondary environmental corridors or isolated natural areas
 - e. Emphasize the use of BMPs that prevent soil detachment and transport over those aimed to reduce soil deposition (sedimentation) or repair erosion damage.
- 4.03. Erosion Control Plan Best Management Practices. The following applicable minimum requirements shall be addressed in erosion control plans to the maximum extent practicable.
- a. *Access Drives and Tracking.* Provide access drive(s) for construction vehicles that minimize tracking of soil off site using BMPs such as stone tracking pads, tire washing or grates. Minimize runoff and sediment from adjacent areas from flowing down or eroding the access drive.

- b. *Diversion of Upslope Runoff.* Divert excess runoff from upslope land, rooftops or other surfaces, if practicable, using BMPs such as earthen diversion berms, silt fence and downspout extenders. Prevent erosion of the flow path and the outlet.
- c. *Inlet Protection.* Protect inlets to storm drains, culverts and other storm water conveyance systems from siltation until the site is stabilized.
- d. *Soil Stockpiles.* Locate soil stockpiles away from channelized flow and no closer than 25 feet from roads, ditches, lakes, streams, ponds, wetlands or environmental corridors, unless otherwise approved by the LWRD. Control sediment from soil stockpiles. Any soil stockpile that remains for more than 30 days shall be stabilized.
- e. *Cut and Fill Slopes.* Minimize the length and steepness of proposed cut and fill slopes and stabilize them as soon as practicable.
- f. *Channel Flow.* Trap sediment in channelized flow before discharge from the site using BMPS such as sediment traps and sediment basins. Stabilize open channels in accordance with LWRD standards as soon as practicable.
- g. *Outlet Protection.* Protect outlets from erosion during site dewatering and storm water conveyance, including velocity dissipation at pipe outfalls or open channels entering or leaving a storm water management facility.
- h. *Overland Flow.* Trap sediment in overland flow before discharge from the site using BMPs such as silt fence and vegetative filter strips.
- i. *Site Dewatering.* Treat pumped water to remove sediment prior to discharge from the site, using BMPs such as sediment basins and portable sediment tanks.
- j. *Dust Control.* Prevent excessive dust from leaving the construction site through construction phasing and timely stabilization or the use of BMPs such as site watering and mulch – especially with very dry or fine sandy soils.
- k. *Topsoil Application.* Save existing topsoil and reapply a minimum of 4 inches to all disturbed areas for final stabilization, unless otherwise approved by the LWRD, such as for temporary seeding or storm water infiltration BMPs. If adequate topsoil does not exist on the site to meet this requirement, it shall be imported.
- l. *Waste Material.* Recycle or properly dispose all waste and unused building materials in a timely manner. Control runoff from waste materials until they are removed or reused.
- m. *Sediment Cleanup.* By the end of each workday, clean up all off-site sediment deposits or tracked soil that originated from the permitted site. Flushing shall not be allowed unless runoff is treated before discharge from the site.
- n. *Final Site Stabilization.* All previous cropland areas where land disturbing activities will not be occurring under the proposed grading plans, shall be stabilized upon permit issuance. Stabilize all other disturbed areas within 7 days of final grading and topsoil application. Large sites shall be treated in stages as final grading is completed in each stage. Any soil erosion that occurs after final grading or the application of stabilization measures must be repaired and the stabilization work redone.
- o. *Temporary Site Stabilization.* Any disturbed site that remains inactive for greater than 7 days shall be stabilized with temporary stabilization measures such as soil treatment, temporary seeding or mulching. For purposes of this subsection, “inactive” means that no site grading, landscaping or utility work is occurring on the site and that precipitation events are not limiting these activities. Frozen soils do not exclude the site from this requirement.
- p. *Removal of Practices.* Remove all temporary BMPs such as silt fences, ditch checks and sediment traps as soon as all disturbed areas have been stabilized.
- q. *Site Drainage.* Site drainage plans shall comply with the provisions of Sec. 5.04 (f) below.
- r. *Additional consideration.* The LWRD may establish more stringent erosion and sediment control requirements than the minimums set forth in this section if the LWRD determines that an added level of protection is needed to protect an environmentally sensitive area or other property, or to address a change made during plan implementation.

- 4.04. Final Erosion Control Plan Contents. The following shall be the minimum requirements for items to be included in a final erosion and sediment control plan:
- a. *Sites Less than One Acre of Total Land Disturbance*.
 1. A narrative describing the proposed land disturbing activity, construction timeline and sequencing, temporary BMPs to be used to minimize off-site impacts during the construction phase, and proposed methods to stabilize the site following construction in accordance with the requirements of this ordinance;
 2. A survey map or scaled site plan drawing of sufficient clarity showing a north arrow, the location of proposed land disturbance, direction of flow for runoff entering and leaving the disturbed area, upslope drainage area (if known), proposed BMPs, existing and proposed slopes, ground cover, buildings, roads, access drives, property boundaries, drainage ways, water bodies, trees, culverts, utilities and other structures within 50 feet of the proposed land disturbance;
 3. The name, address and daytime phone number of the person(s) charged with installing and maintaining all best management practices;
 4. For underground utility installations, the plans must delineate where utilities will be installed, show the location of the open cut and the topography in the area, and list the total lineal feet to be installed and the lineal feet that will be done by open cut; and
 5. Other information determined to be necessary by the LWRD to ensure compliance with the requirements of this chapter.
 - b. *Sites One Acre or Greater in Total Land Disturbance*.
 1. A site map in accordance with Sec. 5.03 unless specified or modified below;
 2. A map at a scale of 1 inch equals no more than 100 feet (unless otherwise noted), delineating and labeling the following applicable items:
 - (a). North arrow, graphic scale, draft date, name and contact information for project engineer or planner and designation of source documents for all map features.
 - (b). Proposed site topography at contour intervals not to exceed two feet, proposed percent slope for all open channels and side slopes and all proposed runoff discharge points from the site;
 - (c). Proposed building envelopes and other land area to be disturbed and size in acres;
 - (d). All woodland areas, those proposed to be lost or transplanted during construction and acres or numbers of each. For woodlands proposed to be lost, show individual trees larger than eight (8) inches in diameter that are located within twenty (20) feet of proposed grading boundaries;
 - (e). Temporary access drive and specified surface material and minimum depth;
 - (f). Temporary flow diversion devices for upslope or roof runoff until site is stabilized;
 - (g). Temporary sediment trapping devices for site perimeter and inlets to culverts and storm drains;
 - (h). Temporary settling basin or other BMP to be used for site dewatering during utility or other subsurface work;
 - (i). Temporary soil stockpile sites indicating setbacks from nearby water resources or environmental corridors and the proposed erosion protection methods;
 - (j). Detailed drawings and cross-sections for any sediment traps, basins or other major cut or fill areas requested by the LWRD, showing side slopes and elevations;
 - (k). Final stabilization measures for open channels and erosion protection for pipe and channel inlets, outlets and emergency spillways;
 - (l). Location of proposed utilities, including: standard cross-section for buried utilities, associated easements, labeling the type of utility and notes on erosion control and restoration plans;
 - (m). Final site stabilization instructions for all other disturbed areas, showing areas to be stabilized in acres, depth of applied topsoil, seed types, rates and methodology, fertilizer, sod or erosion matting specifications, maintenance requirements until plants are well established, and other BMPs used to stabilize the site;
 - (n). Detailed construction notes clearly explaining all necessary procedures to be followed to properly implement the plan, including estimated starting date of grading, timing and sequence of construction or demolition, any construction stages or phases, utility installation, dewatering

- plans, refuse disposal, inspection requirements, and the installation, use, and maintenance of best management practices proposed in the plan;
- (o). Location of soil evaluations with surface elevations and unique references to supplemental soil evaluations report forms in accordance with Sec. 6.05. A separate map shall show estimated seasonal water table depths and soil textures down to planned excavation depths with sufficient references to the proposed site plan.
 - (p). Other items specified by the LWRD as necessary to ensure compliance with this ordinance.
3. Summary of design data for any structural BMP such as sediment basins or sediment traps. A professional engineer, licensed in the State of Wisconsin, shall stamp and sign a statement approving all designs and certifying that they have read the requirements of this ordinance and that, to the best of their knowledge, the submitted plans comply with the requirements;
 4. Supporting information for the plan reviewer only:
 - (a). A narrative summary of the erosion control plan, briefly explaining the overall plan and, any unique information that led to the selection of BMPs and how the plan meets the guiding principles under Sec. 4.02 and the specific requirements under Sec. 4.03;
 - (b). Open channel design and stabilization data to support the selected BMPs for stabilization;
 - (c). Soil evaluation reports, in accordance with the standards in Sec. 6.05, with unique references and elevations that match the map under Sec 4.05.(b) 2 (o) above.
 - (d). Estimated time soil stockpiles will exist to support the selected BMPs for erosion control;
 - (e). Documentation that proposed utility locations and installation scheduling has been coordinated with the affected utility companies.
 - (f). Documentation of any other calculations used to demonstrate compliance with the performance standards in this section.

4.05 **The Approved Erosion Control Plan must be followed throughout construction.**

Section 5. Storm Water Management Plan Requirements

- 5.01. **General Storm Water Management Plan Requirements.** A storm water management plan shall describe how the permit holder and other responsible party will meet the storm water management requirements of this section and other related requirements in this ordinance. All storm water management plans and associated BMPs shall comply with the planning, design, implementation and maintenance requirements described in this ordinance to achieve a no net increase in runoff from the disturbed site.
- 5.02. **Guiding Principles for Storm Water Management.** To satisfy the requirements of this section, a storm water management plan shall, to the maximum extent practicable, adhere to the following guiding principles:
 - a. Preserve natural watershed boundaries and drainage patterns;
 - b. Reserve adequately sized areas for storm water infiltration, detention and treatment early in the site planning process;
 - c. Locate storm water BMPs prior to runoff leaving the site or entering waters of the state, and outside of wetlands, floodplains, primary or secondary environmental corridors or isolated natural areas;
 - d. Minimize soil compaction and maintain pre-development groundwater recharge areas;
 - e. Minimize impervious surfaces and have them drain to vegetated areas for pollutant filtering and infiltration;
 - f. Emphasize vegetated swales, warm season and wetland plantings, and low flow velocities for storm water conveyance, treatment and infiltration, especially for transportation related projects;
 - g. Allow for different storm water management strategies for cleaner runoff (i.e. roofs) versus more polluted runoff (i.e. heavily used streets and parking lots);
 - h. Provide for emergency overflow in all storm water BMP designs;
 - i. Distribute storm water bio-retention and infiltration BMPs throughout the site plan for large land developments;

- 5.03. Site Plan Map Requirements. A site plan map and supporting data of site conditions at a scale of 1 inch equals no more than 50 feet (unless otherwise noted) shall delineate or display all the following applicable items:
- a. Development title, graphic scale and north arrow;
 - b. Property location description by public land survey system (1/4 section, section, township, range, county);
 - c. Location map (smaller scale) showing the site location within a public land survey section or subdivision, oriented the same as par. d below;
 - d. Ownership boundaries, bearings, lengths and other survey references that will accurately identify the sites location, in accordance with s. 236 Wisconsin Statutes and county mapping standards for all land divisions;
 - e. Lot numbers and dimensions, including outlots for all land divisions;
 - f. Name and complete contact information for the applicant, landowner, developer and project engineer;
 - g. Surveyor's certificate, signed, dated and sealed for all land divisions;
 - h. Sheet numbers and revision dates on every page;
 - i. Existing site topography at a contour interval not to exceed 2 feet, including spot elevations for physical features such as culvert (invert elevations), retaining walls, road and ditch centerlines and topographic high and low points;
 - j. Location and name, if applicable, of all lakes, streams, channels, ditches, and other water bodies or areas of channelized flow on or adjacent to the site;
 - k. Location and name, if applicable, of all wetlands and identification of source of delineation. For final land divisions, these boundaries shall be field verified;
 - l. Boundaries of shoreland zones and the ordinary high water mark (OHWM) for any navigable water body as defined by the Polk County Shoreland Protection Zoning Ordinance. For final land divisions, the OHWM boundaries shall be field verified;
 - m. Boundaries and elevation of the 100-year floodplains, flood fringes and floodways, as defined by the Polk County Shoreland Protection Zoning Ordinance. For final land divisions, these boundaries and elevations shall be field verified;
 - n. Boundaries and soil symbol for each soil mapping unit and the identification of all hydric soils as defined by the USDA-Natural Resources Conservation Service;
 - o. Locations of all available soil borings or soil profile evaluations with unique references to supplemental data report forms;
 - p. Location of primary and secondary environmental corridors, as defined by the Northwestern Wisconsin Regional Planning Commission. For final land divisions, these boundaries shall be field verified;
 - q. Location and description of isolated natural area boundaries as defined by the Northwestern Wisconsin Regional Planning Commission, woodland areas and other vegetative cover types;
 - r. Location and descriptive notes for existing and proposed structures within 50 feet of the property boundaries and their proposed use, including, but not limited to buildings and foundations, roads, parking areas, fence lines, access lanes, culverts (include size and type), above ground utilities and retaining walls;
 - s. Location and descriptive notes for other known existing site features including, but not limited to rock outcrops or other karst features, tile drains, buried utilities, dumps, landfills, manure or other waste storage facilities;
 - t. Boundaries and descriptive notes for all applicable setbacks and for "protective areas", as specified in Sec. 5.04 of this ordinance;
 - u. Location and descriptive notes for any existing or proposed easements, right-of-ways, vision corners or other known site restrictions. Road right-of ways and building setbacks shall be in compliance with all applicable administrative codes, adopted plans and ordinances;
 - v. Location and descriptive notes for existing and proposed public dedications of parcels or right-of-ways;
 - w. Location and descriptive notes for preplanned building or waste disposal sites, when limited by site features;

- x. Location and documentation of any existing well and delineation of any applicable regulatory setbacks, in accordance with Ch. NR 811 and 812 Wis. Admin. Code;
- y. Notes describing source documents, date and measure of accuracy for all applicable mapping features noted above;
- z. Other site information that the LWRD determines is necessary to administer this ordinance. Note: The LWRD will provide the applicant with a written checklist of the above items, including guidance on which items are applicable to the proposed project. Items may need to be displayed on more than one map for purposes of clarity.

5.04. Specific Storm Water Management Plan Technical Requirements and Performance Standards. All storm water management plans and associated BMPs shall meet the following minimum requirements to the maximum extent practicable. It is highly recommended that the applicant meet with the LWRD prior to preparing a storm water management plan to determine the applicability of these requirements early in the site planning process. A cover sheet stamped and signed by a professional engineer registered in the State of Wisconsin indicating that all plans and supporting documentation have been reviewed and approved by the engineer and certifying that they have read the requirements of this ordinance and that, to the best of their knowledge, the submitted plans comply with the requirements.

- a. *Peak Discharge.*
 - 1. Minimum requirement. To minimize downstream bank erosion and the failure of downstream conveyance systems, the calculated post-development peak storm water discharge rate shall not exceed the calculated pre-development discharge rates for the 2-year, 10-year, and 100-year, 24-hour design storms. Modeling requirements for this provision are further described in Sec. 6.
 - 2. Release Rate Per Acre. The LWRD may establish a maximum allowable release rate on a per acre basis that would supersede the requirements of sub. A. above for certain watersheds after the necessary hydrologic modeling is completed and the maximum release rate is established. Note: A detailed watershed-based hydrologic analysis can generate a more accurate peak discharge rate for the protection of downstream properties from increased flooding due to the addition of impervious surfaces.
 - 3. Peak Discharge Exemptions. Certain sites or portions of sites may be exempted from the peak discharge requirements of this subsection in accordance with sub. (e) below.
- b. *Total Suspended Solids.*
 - 1. By design, each storm water management plan shall meet the following post-development total suspended solids reduction targets, based on average annual rainfalls, as compared to no runoff management controls.
 - (a). For new land development, 80% reduction in total suspended solids load;
 - (b). For redevelopment, 40% reduction of total suspended solids load;
 - (c). For in-fill development, 80% reduction of total suspended solids load.
- c. *Infiltration.* BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with the following requirements, except as provided in subs. E. through H. below.
 - 1. Residential. For residential developments one of the following shall be met:
 - (a). Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 100% of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 1% of the project site is required as an effective infiltration area.
 - (b). Infiltrate 25% of the post-development runoff volume from the 2-year, 24-hour design storm with a type II distribution. Separate runoff curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes, not composite curve numbers, as prescribed in Sec. 6. However, when designing appropriate infiltration systems to meet this requirement, no more than 1% of the project site is required as an effective infiltration area.
 - 2. Non-residential. For non-residential development, including commercial, industrial and institutional development, one of the following shall be met:

- (a). Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60% of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2% of the project site is required as an effective infiltration area.
 - (b). Infiltrate 10% of the post-development runoff volume from the 2-year, 24-hour design storm. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes, not composite curve numbers, as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than 2% of the project site is required as an effective infiltration area.
3. Modeling. Refer to Sec. 6 for details on calculating runoff volumes and pre-development conditions.
4. Pretreatment. Pretreatment shall be required before infiltrating parking lot and road runoff from commercial, industrial and institutional areas. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with sub. H below. Pretreatment options may include, but are not limited to, oil/grease separators, sedimentation or bioretention basins, filtration swales or filter strips. All designs shall comply with the technical standards in Sec. 6. Note: To achieve the infiltration requirement for the parking lots or roads, “maximum extent practicable” should not be interpreted to require significant topography changes that create an excessive financial burden. To minimize potential groundwater impacts, it is desirable to infiltrate the cleanest runoff. To achieve this, a design may propose greater infiltration of runoff from low pollutant sources such as roofs, and less from higher pollutant source areas such as parking lots.
5. Infiltration Exclusions. Infiltration of runoff shall not be credited toward meeting the requirements of this subsection for the following:
 - (a). Runoff from outdoor material storage and loading docks for tier 1 and tier 2 industrial facilities, as identified in NR 216(2) Wis. Admin. Code.
 - (b). Runoff from fueling and vehicle maintenance areas, not including rooftops and canopies.
 - (c). Infiltration of runoff within 1000 feet up-gradient or within 100 feet downgradient of karst features.
 - (d). Infiltration of runoff from any area except rooftops with less than 3 feet separation distance from the top of the filtering layer to the elevation of seasonal high groundwater or the top of bedrock.
 - (e). Infiltration of runoff from industrial, commercial and institutional parking lots and roads and residential arterial roads with less than 5 feet separation distance from top of the filtering layer to the elevation of seasonal high groundwater or the top of bedrock.
 - (f). Areas within 400 feet of a community water system well as specified in s. NR 811.16(4), Wis. Adm. Code, or within 100 feet of a private well as specified in s. NR 812.08(4), Wis. Adm. Code, for runoff infiltrated from commercial, industrial and institutional land uses or regional devices for residential development, not including rooftop runoff.
 - (g). Areas where contaminants of concern, as defined in s. NR 720.03(2), Wis. Adm. Code are present in the soil through which infiltration will occur.
 - (h). Areas associated with tier 1 industrial facilities identified in s. NR 216.21 (2) (a), including storage, loading, rooftop and parking.
 - (i). Any area where the soil does not exhibit one of the following characteristics between the bottom of the infiltration system and the seasonal high groundwater and top of bedrock: at least a 3-foot soil layer with 20% fines or greater; or at least a 5-foot soil layer with 10% fines or greater. This paragraph does not apply where the soil medium within the infiltration system provides an equivalent level of protection and does not prohibit infiltration of roof runoff.
6. Infiltration Exemptions. The infiltration requirements of this subsection do not apply to frozen soil conditions and may be exempted if soils have a measured infiltration rate of less than 0.6 inches per hour and the LWRD determines it would be impracticable to modify existing soil conditions. Other sites may be exempted in accordance with Sec. 5.05.

7. Alternate runoff uses. Where storage and reuse of runoff are employed, such as to support green roofs, landscape watering, toilet flushing, laundry or irrigation, such alternate uses shall be given equal credit toward the infiltration volume required by this section.
8. Groundwater protection.
 - (a). Infiltration systems designed in accordance with this subsection shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with Chapter NR 140 Wis. Adm. Code. However, if site-specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.
 - (b). The discharge from BMPs shall remain below the enforcement standard at the point of standards application.
 - (c). No storm water BMP shall be installed that meets the definition of an injection well under Chapter NR 812 Wis. Admin. Code.
 - (d). All storm water BMPs shall comply with the provisions of any applicable wellhead protection plan for a community water supply under Chapter NR 811 Wis. Admin. Code.
- d. *Protective Areas.*
 1. Definitions. “Protective area” means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this section, “protective area” does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location (minimums listed below).
 - (a). For outstanding resource waters and exceptional resource waters, and for wetlands in areas of special natural resource interest as specified in Chapter NR 103 Wis. Admin. Code, the protective area extends 75ft back from it.
 - (b). For perennial and intermittent streams identified on the Polk County GIS system, 50 feet. If there is a discrepancy between the Polk County GIS system and the applicable United States Geological Survey 7.5-minute series topographic map, the more stringent stream identification shall apply.
 - (c). For lakes, 50 feet.
 - (d). For highly susceptible wetlands, as determined by the LWRD, 50 feet. Highly susceptible wetlands include the following types: fens, sedge meadows, bogs, low prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, deep marshes and seasonally flooded basins. Wetland boundary delineations shall be made in accordance with Chapter NR 103 Wis. Admin. Code. This paragraph does not apply to wetlands that have been completely filled in accordance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in accordance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed.
 - (e). For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass.
 - (f). In Sec. 5.04 (d) 1 (a) (d) (e), determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in Chapter NR 103 Wis. Admin. Code.
 - (g). For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.
 2. Requirements. The following requirements shall be met for all land development activity located within a protective area:
 - (a). Impervious surfaces shall be kept out of the protective area, except for boathouses and walkways authorized under shoreland and floodland zoning. The erosion control plan shall

- contain a written site-specific explanation for any parts of the protective area that are disturbed during construction.
- (b). Where land disturbing activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining vegetative cover of 70% plant density or greater shall be established and maintained. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.
 - (c). Best management practices such as filter strips, swales, or wet detention basins that are designed to control pollutants from non-point sources may be located in the protective area, but shall not encroach into wetlands, floodplains or primary or secondary environmental corridors.
3. Protective Area Exemptions. The protective area requirements of this subsection may be exempted in accordance with sub. (e). below and do not apply to the following:
- (a). Structures that cross or access surface waters such as boat landings, bridges and culverts;
 - (b). Structures constructed in accordance with s. 59.692(1v), Wisconsin Statutes; and
 - (c). Sites where runoff does not enter the surface water, except to the extent that vegetative ground cover is necessary to maintain bank stability.
- e. *Fueling and Vehicle Maintenance Areas.* Fueling and vehicle maintenance areas shall have BMPs designed, installed and maintained to reduce petroleum within runoff, such that the runoff that enters waters of the state contains no visible petroleum sheen.
- f. *Site Drainage.* Measures shall be implemented to ensure proper site drainage, prevent property damage and protect public health and safety, including the following minimum requirements:
1. Drainage easement. Perpetual drainage easements or other deed restrictions shall be recorded on the property to preserve major storm water flow paths and permanent storm water BMP locations. Covenants in these areas shall not allow buildings or other structures and shall prevent any grading, filling or other activities that interrupt or obstruct flows in any way. Covenants shall also specify maintenance responsibilities and authorities in accordance with Sec. 7.
 2. Site grading. Site grading shall ensure positive flows away from all buildings, roads, driveways and septic systems, be coordinated with the general storm water drainage patterns for the area, and minimize adverse impacts on adjacent properties.
 3. Street drainage. All street drainage shall be designed to prevent concentrated flows from crossing the traffic lanes to the maximum extent practicable. Design flow depths at the road centerline for on-street drainage, shall not exceed six (6) inches during the peak flows generated by the 100-year, 24 hour design storm, using planned land use conditions for the entire contributing watershed area.
 4. Bridges and cross-culverts. All new or modified bridges and cross-culverts shall comply with applicable design standards and regulations, facilitate fish passage and prevent increased flooding or channel erosion upstream or downstream from the structure. Design flow depths at the road centerline for all crossings shall not exceed six (6) inches during the peak flows generated by the 100-year, 24-hour design storm, using planned land use conditions for the entire contributing watershed area. All predevelopment runoff storage areas within the flow path upstream of bridges and cross-culverts shall be preserved and designated as drainage easements, unless compensatory storage is provided and accounted for in modeling. As-built documentation shall be submitted in accordance with Sec.3 for all new or modified structures that are located within a mapped floodplain or that the LWRD determines to be necessary to maintain floodplain modeling for the applicable watershed.
 5. Subsurface drainage. Basement floor surfaces shall be built one (1) foot above the seasonal high water table elevation, as documented in the submitted soil evaluations, and shall avoid hydric soils as much as possible. The LWRD shall be notified of any drain tiles that are uncovered during construction, which the LWRD may require to be restored or connected to other drainage systems. No discharge of groundwater from tile lines, sump pumps or other means shall be allowed onto

another person's land or any public space without the written approval of the owner or unit of government.

6. Open channels. All open channel drainage systems shall at a minimum be designed to carry the peak flows from a 10-year, 24-hour design storm using planned land use for the entire contributing watershed area. Side slopes shall be no steeper than 3h: 1v unless otherwise approved by the LWRD for unique site conditions. Open channels that carry runoff from more than 130 acres shall at a minimum be designed to carry the peak flows from a 25-year, 24-hour design storm.
7. Storm sewers. All storm sewers shall be designed in accordance with applicable community technical standards and specifications.
8. Structure protection and safety. Flows generated by the 100-year, 24-hour design storm under planned land use conditions may exceed the design capacity of conveyance systems, but shall not come in contact with any buildings. For buildings designed for human occupation on a regular basis, the following additional requirements shall apply:
 - (a). The lowest elevation of the structure that is exposed to the ground surface shall be a minimum of two (2) feet above the maximum water elevation produced by the 100-year, 24 hour design storm, including flows through any storm water BMP that may temporarily or permanently store water at a depth of greater than one (1) foot; and
 - (b). The structure shall be set back at least 50 feet horizontally from any storm water BMP that may temporarily or permanently store water at a depth of greater than one (1) foot. Setback distance shall be measured from the closest edge of water at the elevation produced by the 100-year, 24-hour design storm.

5.05. Storm Water management Plan Exemptions.

- a. *Exemption Criteria.* Following the provisions of this subsection, the LWRD may exempt a site or a portion of a site from meeting certain technical requirements of this section if the LWRD determines that one or more of the following applies:
 1. Off-Site BMP(s). The requirement has been satisfied through the use of off-site BMP(s). Off-site BMPs could be installed beyond the boundaries of the property covered by the application as part of a regional storm water management plan or through other legal arrangements. However, to be eligible for this exemption, the off-site BMP(s) must treat runoff from the site covered by the application;
 2. Internally Drained Sites. The site is internally drained and will not discharge runoff from the site after development occurs; or
 3. Site Conditions. It is impracticable to meet the requirement due to site conditions such as slopes, soils, proximity to structures or desirable trees, limited site dimensions, surrounding land uses, the potential for groundwater contamination, public health or safety problems, or other factors beyond the control of the applicant. No site shall be entitled to an exemption under this paragraph due solely to the size of the proposed land development activity in relation to the parcel size. However, the LWRD shall provide special consideration in granting exemptions under this paragraph for the following sites:
 - (i) Redevelopment sites.
 - (ii) In-fill development areas less than 5 acres.
 - (iii) Highway projects where limited public right-of-way land is available for the installation of storm water BMPs.
 - (iv) Land developments with less than 10% of the site planned to be impervious surfaces and the total cumulative area of all impervious areas is less than 1 acre using the final build-out condition and 0.5 acres in Shoreland Management Area.
- b. *Appeal.* If the applicant does not agree with any determination of the LWRD under this subsection, the applicant may appeal the decision pursuant to the procedures in Sec. 9.

- 5.06. Storm Water Management Plan Requirements. Final storm water management plans shall contain the following applicable items:
- a. Drafting date and contact information for the project engineer, with all other mapping elements and scale consistent with the site plan map;
 - b. Location of existing and proposed storm water discharge points;
 - c. Delineation and labeling of all proposed impervious areas and accompanying area computations;
 - d. Final design drawings of all proposed storm water BMPs with unique references to support documentation, prepared in accordance with minimum LWRD standards and of sufficient clarity for those responsible for site grading, including:
 1. Plan views showing the location of proposed BMPs in combination with the site plan map at a scale of 1 inch equals no more than 100 feet;
 2. Additional detail plan view drawings at a scale of 1 inch equals no more than 40 lineal feet, showing proposed 2 foot contours and all critical design features and elevations;
 3. Detailed cross-sections and profiles of each BMP showing all critical design features, side slopes, structures, soil profiles and applicable elevations, including seasonal high water table;
 4. Detailed drawings or material specifications for inlets or outlets.
 - e. Type, size, location and cross-sections of all pipes, open channels, grade stabilization structures and other proposed storm water conveyance systems, with unique references to support documentation;
 - f. Location and dimensions of proposed drainage easements;
 - g. Location, dimensions and surfacing material or soils data of proposed access lanes and delineation of easements needed to allow future maintenance of all storm water BMPs in accordance with Sec. 7 below. The minimum width of any access easement shall be 15 feet;
 - h. Location of soil borings and soil profile evaluations with surface elevations and unique references to supplemental data sheets, as needed to determine feasibility of any proposed storm water BMP and to comply with applicable technical standards;
 - i. Detailed construction notes explaining all necessary procedures to be followed to properly implement the plan, including planting and landscaping specifications, timing and sequencing of construction and any temporary measures needed to protect BMPs during the construction phase;
 - j. A detailed construction inspection plan, outlining the critical elements in the plan that need to be surveyed or inspected by a representative of the project engineer, the LWRD or the town, and the timing and notification requirements involved.
 - k. A final storm water BMP maintenance agreement in accordance with Sec. 7
 - l. Support documentation summarized in accordance with LWRD standards, including but not limited to:
 1. A narrative summary of the storm water management plan, briefly explaining any unique information that led to the selection of BMPs, how the proposed plan meets the guiding principles under sub. (b) above, and the specific storm water planning requirements under sub.(d) above.
 2. Maps of existing and proposed watersheds, sub-watersheds, Tc/Tt flow paths, soil types, hydrologic soil groups, land uses/cover type and accompanying runoff curve numbers within the site and draining into the site from adjacent properties, with unique references to hydrology data summaries and a description of the ultimate receiving water body(s) for off-site discharges;
 3. Pre-development and post-development hydrology and pollutant loading (if applicable) data for each watershed, such as peak flows and runoff volumes, as needed to meet the requirements of this ordinance. All major assumptions used in developing input parameters shall be clearly stated and cross-referenced to the maps under par. B. above;
 4. Impervious surface maps and calculations of runoff volumes and effective infiltration areas, in accordance with Sec. 5.04 (c) above.
 5. Hydraulic and hydrologic data summaries for all existing and proposed pipes, open channels, grade stabilization structures and other storm water conveyance systems, and the necessary documentation to demonstrate compliance with the site drainage requirements under Sec. 5.04 (e) above.
 6. BMP design data for each proposed BMP, showing how it complies with applicable technical standards and the requirements of this ordinance;

7. Soil evaluation reports, following the standards in Sec. 6.05, with matching references to map features showing their location and elevations;
8. Cost estimates for the installation of proposed storm water BMPs, which shall serve as a basis for the financial assurance. The applicant may use average costs for BMP installations in the county rather than specific estimates, upon approval by the LWRD.
9. For sites where changes are proposed in storm water flow paths, or where proposed storm water discharges may otherwise have a significant negative impact on downstream property owner(s), the LWRD may require the applicant to submit written authorization or complete other legal arrangements with the affected property owner(s); and
- m. Other items deemed necessary by the LWRD to ensure compliance with the requirements of this ordinance.

Section 6. Technical Standards and Specifications

6.01. Hydrologic and Hydraulic Computations.

- a. *Models.* All computations of runoff volumes and peak flow rates used in the development of erosion control and storm water management plans in accordance with this ordinance shall be based on United States Department of Agriculture - Natural Resources Conservation Service (NRCS) methodology. Models such as SLAMM, P8 or other LWRD approved models may be used to evaluate the efficiency of the design in reducing total suspended solids to meet this ordinance. Models such as RECARGA or other LWRD approved models may be used to evaluate the efficiency of the design in meeting the infiltration requirements of this ordinance.
- b. *Rainfall depths.* Rainfall depths shall be obtained from NOAA Atlas 14.
- c. *Runoff curve numbers.* All computations of pre-development conditions as specified in this ordinance shall use those NRCS runoff curve numbers assigned for a "good" hydrologic condition for each land cover type. For lands where the pre-development land use was cropland, the following NRCS curve number values shall be used as maximums. See NR 152 Appendix B 5.07 (4) (b) (1).
- d. *Average annual rainfalls.* All modeling involving average annual rainfall or runoff volumes shall use rainfall data from the Minneapolis area between March 28 and December 6, 1959 as the typical annual rainfall pattern for Polk County. Note: The data noted above is taken from NR 151.12(b).
- e. *Rainfall distribution.* All peak flow calculations shall use MSE3 or MSE4 as appropriate rainfall distribution patterns, as defined in NRCS methodologies.
- f. *Other methods.* All velocity and peak flow computations for open channels and storm sewer pipe flows shall be based on Manning's Formula. Flow routing, culvert design, weir and orifice flow and other related hydraulic computations used to design storm water management facilities shall be based on standard applicable engineering formulas. Any design data or methodology proposed to be used for hydrologic or hydraulic computations other than those prescribed in this ordinance shall be approved by the LWRD. Revisions or updates to the rainfall depths and distribution prescribed above may be allowed upon approval by the applicable regulatory agencies and the LWRD.

6.02. Best Management Practice (BMP) Design Standards.

- a. The design, installation and maintenance of all BMPs used to meet the requirements of this ordinance shall comply with the technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under subchapter V of ch. NR 151, Wis. Adm. Code.
- b. Where BMP standards have not been identified or developed under Sec. 6.02 (a), the LWRD may approve the use of other available standards, such as those from other states or the USDA-Natural Resources Conservation Service.

6.03. Technical Guidelines. The LWRD may adopt technical guidelines to facilitate the consistent administration of certain provisions of this ordinance.

- a. Examples of technical guidelines that the LWRD has published in the past include sample storm water BMP maintenance agreements, channel & slope stabilization design charts, hydrology and BMP design

data summary tables, as-built survey specifications, outlet design guidance, sample cross-sections and sample storm water management plan documents.

- 6.04. Construction Specifications. The construction or installation of all BMPs and BMP components shall comply with all applicable manufacturers and industry standards and specifications, including but not limited to those published by ASTM and the USDA - Natural Resources Conservation Service (NRCS).
- 6.05. Soil Evaluations. All soil profile evaluations and forms submitted for review by the LWRD under the provisions of this ordinance shall be completed in accordance with Chapter COM 85 Wis. Admin. Code and any applicable standards under Sec. 6.02. Where there are no specific standards for the number, location or depth of soil profile evaluations for a proposed BMP, the LWRD shall determine the minimum requirements based on the design of the BMP and the likely variability of the on-site soils.
- 6.06. Availability. Copies of all technical references made in this section shall be available for review and distribution through the LWRD office during normal business hours, or over the Internet. Fees may be charged for hard copies of these items.
- 6.07. Future Revisions or Updates. The technical references in this section are made a part of this ordinance and shall be updated periodically in order to keep current with field experiences, research, technological advances and the development of related technical standards by other agencies and units of government. Any future revisions of the documents incorporated herein are also made part of this ordinance unless otherwise acted upon by the LWRD.

Section 7. Maintenance of Storm Water BMPs

- 7.01. Maintenance Agreement Required. A maintenance agreement shall be required for all permanent storm water BMPs installed to comply with the requirements of this ordinance. The maintenance agreement shall be independent of all other restrictions or covenants and shall comply with all provisions of this section.
- 7.02. Agreement Provisions. The maintenance agreement shall, at a minimum, contain the following information and provisions:
- a. *Ownership*. Identification of the owner(s) of the land parcel(s) where the storm water BMP(s) is located. Ownership shall be the same as those assigned maintenance responsibilities under Sec. 7.02 (f), unless otherwise designated in a regional storm water management plan and approved by the applicable unit(s) of government. For subdivisions, all storm water BMPs shall be located on outlots. For all privately owned outlots, ownership shall be by proportional undividable interest for all properties that are within the control of the applicant and drain to the BMP. However, the applicant may combine ownership of more than one BMP within the site;
 - b. *Location*. A legal description and survey map of the storm water BMP location(s), showing associated drainage or access easements required to maintain the BMP;
 - c. *Design*. Detailed drawings of each storm water BMP and a general description of its purpose and design, including but not limited to BMP dimensions and elevations, inlet and outlet designs and elevations and the drainage area served by the BMP. If possible, use as-built survey information.
 - d. *Maintenance plan*. A description of all long term maintenance activities that will likely be required for each BMP included in the agreement, and an estimated time interval between each activity;
 - e. *Access*. Authorization for vehicle access, including a minimum 15-foot wide access easement dedicated to the local municipality and connecting to a public road right-of-way, to allow for future BMP maintenance work. The access easement shall be of adequate soil conditions or surfacing to withstand loads produced by standard construction equipment, and shall not include any area where channelized flow of runoff occurs or where storm water may pond to a depth greater than six (6) inches during a 100-year, 24-hour design storm.
 - f. *Maintenance responsibility*. Identification of the person(s), organization, municipality or other entity responsible for long-term maintenance of the storm water BMP. The assignment of maintenance responsibilities for a privately owned storm water BMP shall, at a minimum, include all properties that are within the control of the applicant and drain to the BMP. However, the applicant may combine the maintenance responsibilities of more than one BMP within the site;

- g. *Inspections.* Authorization for access to the property by representatives of the local municipality or their designee and Polk County to conduct inspections of the BMP, monitor its performance and maintenance, and notify the designated entity when maintenance or repair activities are necessary. A statement shall also be included that says, upon written notification by the local municipality or their designee, that the entity under Sec. 7.02 (f) shall, at their own cost and within a reasonable time period, have a BMP inspection conducted by a qualified professional, file a report and complete any maintenance or repair work recommended in the report;
- h. *Municipal maintenance.* Authorization for the local municipality or their designee to carry out any maintenance activities and associated inspections if the entity identified under Sec. 7.02 (f) does not perform the required activity within the specified time period in the notification or if the local municipality does not accept the work conducted by the designated entity;
- i. *Special assessment.* A statement that the applicable local unit of government may exercise their statutory authority to levy and collect a special assessment or charge pursuant to subch. VII of ch. 66 Wisconsin Statutes, or s. 60.0627, Wisconsin Statutes for towns, for any services carried out relating to Sec. 7.02 (g) or Sec. 7.02 (h);
- j. *Binding agreement.* A statement confirming that the entire agreement shall remain binding on all subsequent owners of the property upon which the storm water BMP is located and that the restrictions shall run with the land and on any other property which is subject to maintenance responsibility in the agreement.
- k. *Agreement modifications.* Sole authorization for the unit of government named under sub. i. above to modify the provisions of the agreement upon 30-day notice to the current owner(s) and other parties responsible for maintenance of the storm water BMP. Any changes made to the agreement shall maintain the minimum items listed in this subsection and ensure the long term maintenance of the BMP;
- l. *Other.* Other information as determined to be necessary by the LWRD to ensure compliance with this ordinance. Note: Many of the above noted activities may be carried out in accordance with an intergovernmental working agreement under s. 66.30 Wisconsin Statutes

7.03. Agreement Form, Approval and Recording.

- a. *Form.* The LWRD shall provide the applicant with sample maintenance agreement forms that comply with the requirements of this section.
- b. *Approval.* The LWRD shall review and approve the form and content of all maintenance agreements proposed under this ordinance and ensure compliance with all provisions of this section. If the agreement does not comply, the LWRD shall notify the applicant what changes are needed in order to comply, in accordance with the plan review procedures in Sec. 2.05.
- c. *Recording.* Upon certification of compliance with Sec. 7.03 (a). and Sec. 7.03 (b) by the LWRD, the maintenance agreement shall be recorded at the Polk County Register of Deeds referencing any plat, certified survey or other ownership transfer device pertaining to land which contains the subject storm water BMP or is subject to maintenance responsibility in the approved agreement. For new land divisions, the recording of the maintenance agreement shall occur simultaneously with the recording of the land division. However, no storm water BMP maintenance agreement shall be recorded prior to LWRD approval. The LWRD may require that the County Zoning Administrator or the LWRD record the agreement.
- d. *Copy.* The permit holder shall provide a copy of the recorded agreement, including evidence of the actual recording(s), to the LWRD as a condition of release of the financial assurance under Sec. 3.03

7.04. Maintenance Responsibilities Prior to a Maintenance Agreement. The permit holder and other responsible party shall be responsible for the maintenance of all storm water BMPs prior to permit termination.

Section 8. Illicit Discharges

8.01. Prohibitions.

- a. *Discharges.* Except for storm water and other discharges specifically exempted under Sec. 8.02, no discharge, spilling or dumping of substances or materials shall be allowed into receiving water bodies or onto driveways, sidewalks, parking lots or other areas that drain into the storm drainage system.
- b. *Connections.* The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made prior to the adoption of this ordinance, regardless of whether the connection was permissible under law or practice applicable or prevailing at the time of connection.

8.02. Exemptions. The following activities are exempt from the provisions of this section unless found to have an adverse impact on the storm water:

- a. Discharges resulting from firefighting activities.
- b. Discharges from uncontaminated ground water, potable water source, roof drains, foundation drain and sump pump, air conditioning condensation, springs, lawn watering, individual residential car washing, water main and hydrant flushing and swimming pools if the water has been dechlorinated.

8.03. Notice of Violation. Whenever the LWRD finds a violation of this section, the LWRD may order compliance by written notice of violation to the responsible party. Such notice may require without limitation:

- a. The elimination of illicit connections or discharges;
- b. That violating discharges, practices, or operations shall cease and desist;
- c. The abatement or remediation of storm water pollution or contaminated hazards and the restoration of any affected property;
- d. Any responsible party that fails to comply with a notice of violation under this section, shall be subject to further enforcement action under the provisions of Sec. 9.

Section 9. Enforcement

9.01. Prohibited Practices. Not complying with any requirement of this ordinance shall be deemed a violation, and shall subject the responsible party to enforcement action under this section. Prohibited practices shall include, but are not limited to:

- a. Any land disturbing or land development activity prior to:
 1. Obtaining a storm water permit;
 2. Notifying the LWRD a minimum of 2 working days in advance of land disturbance for sites that have obtained a storm water permit; or
 3. Installing those BMPs identified in the approved plans to be installed prior to any land disturbing or land developing activity.
- b. Failing to obtain LWRD certification of compliance in accordance with section 2 of this ordinance.
- c. Failing to comply with all permit conditions, erosion control or storm water management requirements and approved plans in accordance with this ordinance.
- d. Failing to maintain BMPs until permit termination.
- e. Failing to comply with any notice of violation.

9.02. Violations. The LWRD shall notify the permit holder of any violation in writing, and copy any other known responsible party involved in the violation. The written notice shall be hand delivered to the permit holder or sent to the last known address, with a reasonable attempt to verify that the permit holder received it. The notice shall describe the violation, remedial action(s) needed and a schedule for all remedial action to be completed. Any enforcement measures shall continue until compliance is achieved or as ordered by the court. The LWRD is authorized to use the following methods of

enforcement in any combination thereof against any applicant or responsible party that is found to be in violation of any provision of this ordinance:

- a. *Forfeiture.* Any violator shall be subject to a forfeiture of not less than \$100 or more than \$1000 plus the cost of prosecution for each violation. Each day that a violation exists shall constitute a separate offense.
- b. *Stop Work Order.* Any violator is subject to an order to stop all work except that which is needed as a corrective action to bring the site into compliance.
- c. *Permit Revocation.* The LWRD may revoke a permit issued under this ordinance. Upon loss of the permit, all construction shall cease and the site shall be stabilized, with any costs incurred by the County to be charged against the financial assurance.
- d. *Injunction.* The County, or any person affected by activities regulated under this ordinance, may enforce the provisions of this ordinance by a temporary restraining order, injunction and other such relief as a court may order.
- e. *Declared nuisances.* Any land disturbing or land development activity carried out in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se, and the county may apply to any court of competent jurisdiction to restrain or abate such nuisance.
- f. *Emergency Action.* The LWRD may enter upon the property and take any necessary emergency action if the LWRD determines that the site in violation is an immediate threat to public health, safety, welfare, the environment or downstream property, or if the permit holder or other violator refuses to take the corrective action as ordered by the LWRD. Any cost incurred by the LWRD as a result of this action shall be billed to the permit holder or other responsible party or subtracted from the financial assurance. The LWRD shall provide reasonable notice to the permit holder and other responsible party after exercising this authority.
- g. *Citation.* The County elects to also use the citation method of enforcement under Section 66.0113 of the Wisconsin Statutes for violations of this ordinance, including those for which a statutory counterpart exists. The procedures contained in Section 66.0113(3) of the Wisconsin Statutes, relating to the options of an alleged violator and default are adopted and incorporated herein by reference.
 1. Authority to issue a citation under this ordinance shall be limited to the LWRD Director or his/her designee. The authority delegated to such official or employees to issue citations may only be granted or revoked by the County Board. This subsection does not preclude the County or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance regulation or order.
 2. The schedule of cash deposits including penalty assessment, jail assessment, crime lab assessment, drug/law enforcement assessment, any applicable domestic abuse or consumer information assessments or any other assessment applicable by law for use with citations issued under this section shall be as adopted by the County Board from time to time and such schedule shall be on file in the Offices of the Sheriff, LWRD, County Clerk and Clerk of Court and receipts shall be given for cash deposits. The citation shall contain the following information:
 - (a). The name and address of the alleged violator.
 - (b). The factual allegations describing the alleged violation.
 - (c). The time and place of the offense.
 - (d). The section of the ordinance violated.
 - (e). A designation of the offense in such a manner as can be reasonably understood by a person making a reasonable effort to do so.
 - (f). The time at which the alleged violator may appear in court.
 - (g). A statement which, in essence, informs the alleged violator:
 - (i) That a cash deposit based on the schedule established by the County Board, from time to time, and on file in the office of the County Clerk, be made to and deposited with the Clerk of the Polk County Circuit Court or the Sheriff's Department prior to the time of the scheduled court appearance.
 - (ii) That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned or the citation requests a court appearance.

- (iii) That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest and submitted to a forfeiture, a penalty assessment, a jail assessment crime lab assessment and drug/law enforcement assessment and any applicable domestic abuse or consumer information assessments. If the court does not accept the plea of no contest, a summons will be issued commanding him or her to appear in court to answer the complaint.
- (iv) That if no cash deposit is made and the alleged violator does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment or an action may be commenced to collect the forfeiture, penalty assessment, jail assessment, crime lab assessment and drug/law enforcement assessment and any applicable domestic abuse or consumer information assessments.
- (v) That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered.
- (h). A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under sub. g. above has been read. Such statement shall be sent or brought with the cash deposit.
- (i). Such other information as the County deems necessary.

9.03. Appeals.

- a. *Authority.* The Board of Adjustment shall act as the review and appeal authority for any order, requirement, decision or determination by the LWRD under this ordinance.
- b. *Procedure.* The rules, procedures, duties and powers of the Board of Adjustment shall be as provided in the County Code of Ordinances and the provisions of §59.694, Wisconsin Statutes shall apply to any review or appeal under this ordinance.
- c. *Variations.* Upon appeal, the Board of Adjustment may authorize variations from the provisions of this ordinance which are not contrary to the public interest or the purposes of this ordinance, and where owing to special conditions beyond the control of the applicant, a literal enforcement of this ordinance will result in unnecessary hardship.
- d. *Who May Appeal.* Appeals to the Board of Adjustment may be taken by any aggrieved person or by an officer, department, board, or bureau of the County affected by any decision of the LWRD.

Section 10. Validity

- 10.01. Repeal of conflicting Ordinances. This ordinance repeals all provisions of an ordinance previously enacted under s. 59.693 relating to construction site erosion control and storm water management regulations. Wherever there may be a conflict with other county ordinances relating to erosion control, storm water management or site drainage, the more restrictive provision shall apply, as determined by the LWRD.
- 10.02. Declaration of severability. The several sections, subsections and paragraphs of this Ordinance are hereby declared to be severable. If any section, subsection, or paragraph or subparagraph of this Ordinance shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of the Ordinance, or of the section of which the invalid portion or paragraph may be a part.

APPENDIX X

Rain Garden Design

Assess the site and determine if the runoff from impervious areas will go one or more directions

For each direction impervious surface runoff will travel, calculate the total impervious area in square feet, then multiply by the appropriate factor found in Table 1, based on soil and slope, to get the square footage of rain garden required.

Runoff from impervious surfaces must be piped or channeled to the rain gardens.

Table

	0-4% Slope (3-5" Deep)	5-7% Slope (6-7" Deep)	8-12% Slope (8" Deep)
Rain garden			
Silty or sandy soil	0.34	0.25	0.16
Clayey soil	0.43	0.32	0.20

Examples of rain garden layout and plant lists: (copy out of "Rain Gardens, a how-to manual for homeowners") - available from DNR Service Centers, Publication PUB-WT-776 2003 and from county UW Extension Offices, Publication GWQ037, R-06-03-5M-100-S, also see DNR Practice Standard 1009 Rain Garden. Sept. 2018.

Effective date: Following passage and publication by the County Board, this Ordinance shall be in full force and effect in all areas described in Section 1.04.

All references to the Wisconsin Administrative Code and to Wisconsin Statutes is intended to incorporate any amendments as may occur in the future.

Adoption. Passed and approved by the Board of Supervisors of Polk County, Wisconsin, this XXXXXXXX

Highlighted areas are beyond minimum requirements of NR151

**APPRAISAL REPORT
ON THE
FEE-SIMPLE MARKET VALUE
OF:**

**WOODLEY COUNTRY DAM 24.72 ACRE VACANT PARCEL
981 U.S. HIGHWAY 8
AMERY, WI 54001**



**PREPARED FOR:
POLK COUNTY
100 POLK COUNTY PLAZA, SUITE 244
BALSAM LAKE, WI 54810**

**PREPARED BY:
GARGULAK APPRAISAL SERVICES, LLC
CHRISTOPHER M. DROST
WISCONSIN CERTIFIED GENERAL APPRAISER 1593
801 HAMMOND AVENUE
RICE LAKE, WI 54868**



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 APPRAISAL SERVICES, LLC.
 Real Estate Valuation and Consulting

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 Rice Lake, WI 54868
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 FAX 715.234.8590
 www.gargulakappraisals.com

February 7, 2019

Mr. Emil Norby
 Polk County
 100 Polk County Plaza, Suite 244
 Balsam Lake, WI 54810

Reference: Appraisal report on the fee-simple market value of the Woodley Country Dam
 24.72 Acre Vacant Parcel in Amery, WI.

Dear Mr. Norby:

As you requested, I have performed an appraisal on the Woodley Country Dam 24.72 Acre Vacant Parcel for the purpose of forming an opinion of the fee-simple market value as of January 10, 2019. It is my understanding that the report will be used for to establish market value for county planning purposes.

I have personally viewed the above referenced property and conducted the necessary investigation to enable me to form an opinion of fee-simple market value based on several different disposition strategies. Based upon the investigation, gathering of necessary data and performing appropriate analyses, I have formed the opinion that as of January 10, 2019, the subject has a probable market value of:

Valuation Scenarios			
	Selling North 22 Acres with Polk County Retaining 2.72 Acres, Bridge and Trail Easement		
Premise		High Density Subdivision with Bridge Removed	As-Is in Entirety (24.72 Acres) with Bridge
Value Conclusions	\$96,000	\$117,000	\$120,000

Accompanying this letter is an appraisal report setting forth the pertinent facts, data and reasoning leading to the formulation of the fee-simple market value conclusions including support for each scenario. Please note the section titled Assumptions and Limiting Conditions. This report is made in accordance with the standards outlined in the Uniform Standards of Professional Appraisal Practice (USPAP).

I appreciate the opportunity to provide valuation services in this regard. Please contact me if you have any questions.

Sincerely,

Christopher M. Drost
 Wisconsin Certified General Appraiser 1593

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EXECUTIVE SUMMARY

Property Name: Woodley Country Dam 24.72 Acre Vacant Parcel
 Address: 981 U.S. Highway 8, Amery WI 54001
 Legal Description: Three Parcels, Lengthy Metes and Bounds, See Report
 Assessors Computer #: 004-00772-0000, 004-00774-0000 and 004-00775-0000
 Property Owner: Polk County
 Effective Date of Appraisal: January 10, 2019
 Viewing Date: January 10, 2019
 Purpose of the Appraisal: Form opinion on market value
 Property Rights Appraised: Fee-Simple
 Intended Use: To establish market value for county planning purposes
 Intended User: Polk County
 Site Description: Three vacant parcels providing 24.72 acres and 1,650+/- feet of meandering frontage on the Apple River.
 Zoning: General Purpose/Shoreland Overlay – Polk County
 Use: Publicly owned recreational parcel – County Owned
 Site Improvements: A steel framed recreational vehicle bridge.
 Personal Property: None
 Highest and Best Use: Residential and Recreational Parcel – Owner Occupied
 Extraordinary Assumptions: None
 Hypothetical Conditions: See Report
 Market Value Conclusions:
 North Portion Sale with
 County Retention: \$96,000
 High Density Subdivision: \$117,000
 Single Parcel w/Bridge: \$120,000
 Exposure Time: 6-18 months
 Appraiser: Christopher M. Drost
 Wisconsin Certified General Appraiser 1593

SUBJECT PHOTOGRAPHS



**Apple River Looking West (Subject Land surrounds river)
(Photo taken January 10, 2019)**



**Onsite Recreational Vehicle Bridge
(Photo taken January 10, 2019)**

PROBLEM IDENTIFICATION

Property Identification

A 24.72 acre riparian parcel situated at 981 U.S. Highway 8 in Amery, Wisconsin.

Legal Description

Per Property Tax Statement:

004-00772-0000: Part of the West ½ of SW, Described in Volume 267, Page 325 West of River, Volume 418, Page 126 LC and Volume 515, Page 985, Except Part Described in Volume 989, Page 632 and Included Parcel Described in Volume 989, Page 633.

004-00774-0000: SW/SW East of River Volume 221, Page 365, Except 3 Parcels Described in LC Volume 581, Pages 929 and 932 (Supper Club) Lots A, F & G)

004-00775-0000: Three Parcels in SW/SW East of River Described in LC Volume 581, Pages 929 and 932, Supper Club Lots B, C and E of PDMOS #212 in Survey Office, Town of Apple River, Polk County, Wisconsin.

Property History

The property was historically developed with a dam that was in dilapidated condition and removed in 2005. At that time, an ATV/snowmobile bridge crossing the Apple River was improved. Other than the former dam and current recreational bridge, the property has served as vacant land over the past 40 years.

History of Ownership

According to Judgement Deed in Lieu of Foreclosure #630238 filed by the Polk County Register of Deeds, the subject parcels 004-00772-0000, 004-00774-0000 and 004-00775-0000 were conveyed to Polk County on March 14, 2002. The subject is not encumbered with any known written or verbal purchase agreements and is not marketed to the public for sale.

Appraisal Experience

Christopher M. Drost has not previously appraised the subject of this analysis.

Intended Use

The report is intended for to establish market value for county planning purposes.

Intended User

Polk County is the only intended user of this report. There are no additional intended users of this report.

Extraordinary Assumptions

None

PROBLEM IDENTIFICATION – CONTINUED

Hypothetical Conditions

The various valuation scenarios are based on the retention of the recreation bridge and with the bridge removed. Please review each valuation for the inclusion or exclusion of the bridge.

Property Rights Appraised

The property rights appraised consist of the fee-simple estate, defined in **The Dictionary of Real Estate Appraisal**, (Fifth Edition 2010), and published by the Appraisal Institute as:

Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power and escheat.

Tangible Personal Property

None

Definition of Market Value

The definition of market value can be found in a variety of sources, including appraisal texts, real estate dictionaries and court decisions. The following definition is used in this analysis.

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- *Buyer and seller are typically motivated;*
- *Both parties are well informed or well advised, and acting in what they consider their best interests;*
- *A reasonable time is allowed for exposure in the open market;*
- *Payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and*
- *The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.*

The subject includes a vacant parcel that is attractive in its present condition. The most likely buyer is an owner-user capable of acquiring the property in the open market.

Exposure Time

Exposure is defined in **The Dictionary of Real Estate Appraisal**, (Fifth Edition 2010), and published by the Appraisal Institute as:

PROBLEM IDENTIFICATION – CONTINUED

Exposure Time - Continued

The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.

Market research suggests that an exposure time of 6-18 months is reasonable for the subject.

Scope of Work

In agreement with the client this assignment is based on the following scope of work.

The appraiser:

- i. will view the subject property from readily accessible areas to note the characteristics of the property that are relevant to its valuation; **Christopher M. Drost viewed the property from readily accessible areas on January 10, 2019. Additional information about the subject has been obtained from the various resources within the Polk County Government Center;**
- ii. will investigate available market data for use in the cost approach, sales comparison approach and income capitalization approach. The investigation will include research of public records using commercial sources of data such as printed comparable data services (multiple listing services) and computerized databases (both subscription and proprietary). Search parameters such as data of sales, leases, locations, sizes, types of properties, and distances from the subject will start with relatively narrow constraints and, if necessary, be expanded until sufficient data has been retrieved to determine market value or until the available supply of data has been exhausted. All the sales presented in this report will be viewed from the street for this or a prior assignment and confirmed with available sources such as public records, buyer, seller or representative agent. This analysis will consider appropriate active listings and pending sales. Only the pertinent data is presented in this report; **The Sales Comparison Approach will be utilized in this analysis.**
- iii. will not analyze the property based on any extraordinary assumption or hypothetical condition other than the supplemental valuation as agreed by the client;
- iv. will not include any tangible personal property, intangible assets or business enterprise value as agreed by the client. The value of these items will be determined based on market extracted techniques or information provided by the current owner, prospective buyer or client;

PROBLEM IDENTIFICATION – CONTINUED

Scope of Work - Continued

- v. will investigate and analyze any pertinent easements or restrictions on the fee simple ownership of the subject property. It is the client's responsibility to supply a current title report. This analysis will rely on visual observations only to identify readily apparent easements or restrictions if a title policy is not provided;
- vi. will analyze the data found and form a conclusion regarding the market value, as defined in this report, of the subject property as of the date of value using the appropriate and applicable approaches identified above;
- vii. will prepare an appraisal report in compliance with the Uniform Standards of Professional Appraisal Practice ("USPAP") as promulgated by The Appraisal Foundation and the Code of Professional Ethics and Certification Standard of the Appraisal Institute;
- viii. will not be responsible for ascertaining the existence of toxic waste or other contamination present on or off the subject property. Readily apparent hazardous materials observed during the site visit will be reported. The client is encouraged to engage a professional in the field of identifying hazardous materials if such are suspected;
- ix. will prepare an appraisal report, as defined by USPAP, which will include photographs of the subject, descriptions of the market area and neighborhood, the site, any site improvements, applicable legal constraints (zoning), an inferred highest and best use analysis, summary of relevant land or improved sales and/or applicable lease comparables, a reconciliation and value conclusion. Additional supporting information will include various maps and exhibits that are deemed appropriate for the assignment. Pertinent data and analysis that is not included in the report will be retained in the work file. The final value opinion is not based on a pre-determined value.

THE VALUATION PROCESS

The first step in the valuation process is to define the problem which includes; identifying the real estate, the property rights to be valued, the use of the appraisal, definition of value, date of value, scope of appraisal including other limiting conditions. The second step is to complete preliminary analysis and data selection/collection. The third step is to perform a market/marketability analysis to determine the highest and best use of the property. The fourth step is to project the value of the land and improvements. There are three recognized approaches to use in all valuation assignments. These approaches are the cost approach, the sales comparison approach and the income capitalization approach. One or more of these approaches are used in all valuation assignments and the applicability of each is dependent upon the nature of the land and/or the intended use of the report. The fifth step in the process is to reconcile the values arrived at using the various approaches to value and determine a final opinion of value. The final step is to communicate the results.

The cost approach involves a procedure that projects the current cost to reproduce or replace the existing improvements for a property. Accrued depreciation is calculated and deducted from the cost new. The current land value is added to derive a value conclusion. This approach is based upon the notion that an informed purchaser would not pay more for a property than it would cost to produce an equally substitutable property with the same usefulness. The cost approach is particularly applicable when the property being analyzed involves new or relatively new construction and the land value is well supported. This approach also applies to special use facilities or property that is not bought/sold regularly. The validity of this approach diminishes as the property ages and the assumptions used in the approach become less supportable.

The sales comparison approach involves a procedure that determines the value of a property based upon information obtained on sales of similar properties. An element of comparison is typically determined that enables the appraiser to make an accurate opinion of value. An example of an element of comparison for vacant land is the price per acre or price per front foot. This approach is dependent on the availability of sales data for similar properties, accurate verification of the data, the degree of comparability with the property in question and any non-typical conditions of sale. The sales comparison approach is applicable for vacant land and for property that is in a market that contains numerous similar properties that are bought/sold on a regular basis.

THE VALUATION PROCESS – CONTINUED

The validity of this approach diminishes as the amount of comparability diminishes.

The income capitalization approach measures the present value of the future benefits of owning a parcel of land. This approach assumes there is a correlation between the expected future benefits and value. This approach is typically used for income producing real estate in which an established rental market exists. An appropriate rental rate is derived from the market. Deductions for vacancy and any expenses are applied to arrive at a net operating income. Multiple methods convert the anticipated income into a value conclusion.

ADDITIONAL SUBJECT PHOTOGRAPHS



West Parcel/Trail Entrance from 101st Street



West Parcel Interior Trail & Wooded Land



West Parcel River View Looking South



West Parcel River View Looking North



West Shoreline Looking North



East Parcel Entrance from County Hwy H



East Parcel Meadow



East Parcel Overlooking Apple River

ADDITIONAL SUBJECT PHOTOGRAPHS-CONTINUED



Adjacent Residential Apartment Land Use



Adjacent Salvage Yard Land Use



**U.S. Highway 8 Looking East
(Subject on Left)**



U.S. Highway 8 Looking West



**County Highway H Looking South
(Subject on Right)**



County Highway H Looking North



101st Street Looking South (Subject on Left)



101st Street Looking Northwest

MARKET/MARKETABILITY ANALYSIS - CONTINUED

Property Productivity Analysis-Continued*Physical Attributes-Continued*

Size-Continued: the river bed and overlaying floodplain. The southeast parcel (004-00775-0000) provides 4.59 acre and 495+/- feet of frontage on the east side of the Apple River. The property has 428.70 feet of frontage on U.S. Highway 8, 816 feet of frontage on County Highway H and 720 feet of frontage on 101st Street. The above parcel map indicates this parcel provides 5.34 acres with the variance also attributed to the river bed and overlaying floodplain. In summary for this analysis, the west parcel provides 15.39 acres land area, the northeast parcel provides 4.74 acres and the southeast parcel provides 4.59 acres of land.

Topography: The parcels have a rolling topography with a combination of wooded upland, open meadow and low wetlands with swamp areas.

Access & Visibility: The subject parcel has one improved driveway to the west parcel from 101st Street and one improved driveway to the east parcel from County Highway H. The property has visibility, although, no access from U.S. Highway 8.

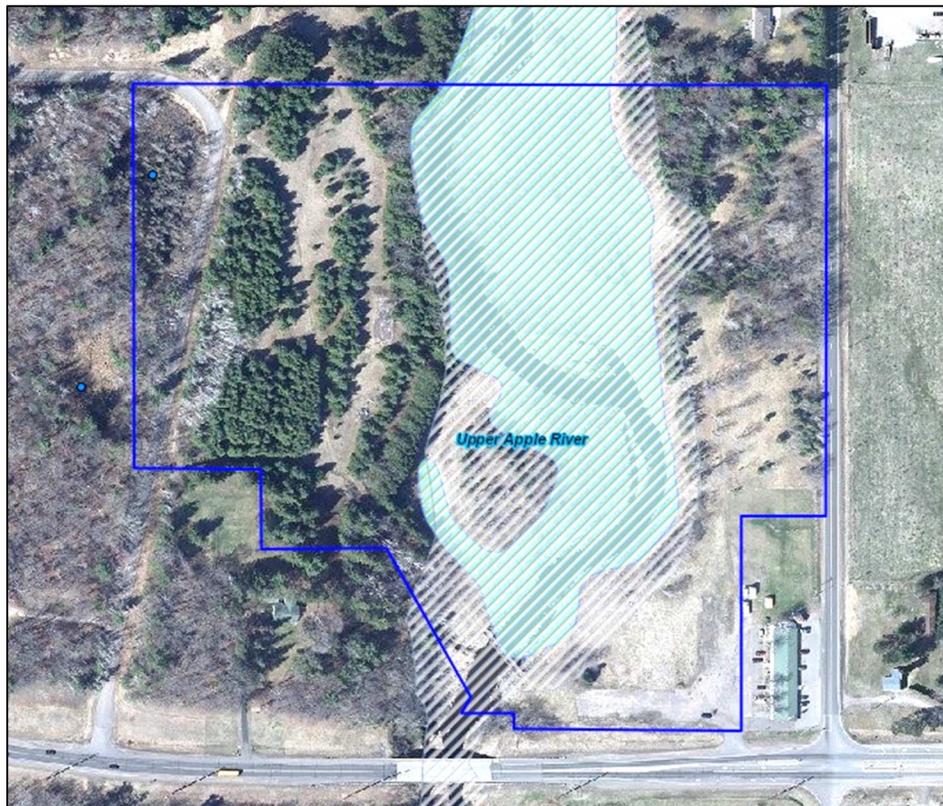
Wetland/Drainage: The subject is comprised of a combination of wooded upland, open meadow and low wetlands and swamp areas. A map on the following page acquired from the Polk County GIS website is highlighted with green indicating the approximate location of the majority of low wetlands and ponds. The purpose of the map is not to delineate wetlands and does not take into account seasonal or abnormal precipitation. The map may not illustrate each individual wetland or pond. The purpose of the illustration is a general guideline to the approximate location of majority of the wetlands and ponds. It is outside the scope of this appraisal assignment to have a professional wetland delineation/survey, a site coverage assessment or timber cruise performed on the subject parcel.

MARKET/MARKETABILITY ANALYSIS - CONTINUED

Property Productivity Analysis-Continued

Physical Attributes-Continued

Wetland/Drainage-Continued:



(Lot lines are for illustration purposes only.)

Flood Zone: According to the FEMA National Flood Hazard Layer online, the subject is classified as "Area of Minimal Flood Hazard, Zone X". Map 55005C0193D, December 3, 2009 illustrates the river bed portions of the site are within the dedicated flood plain. A map on the following page illustrating the subject was acquired from the FEMA online website.

MARKET/MARKETABILITY ANALYSIS - CONTINUED

Property Productivity Analysis-Continued

Physical Attributes-Continued

Flood Zone-Continued:



Soil Description: The USDA-Websoil Survey Online reveals twelve different soil types and the Apple River water feature that are common to the area and Northwestern Wisconsin. A map and table on the following page obtained online from the USDA-Natural Resources Conservation Service Web Soil Survey illustrates and summarizes the various soil types and riparian feature.

MARKET/MARKETABILITY ANALYSIS - CONTINUED

Property Productivity Analysis-Continued

Physical Attributes-Continued

Soil Description-Continued



Summary of Subject Soils

Symbol	Soil Type	% Slopes	% of Total Acreage	Description
ChC2	Chetek Sandy Loam	6-12%	0.6%	Not Prime Farmland
AoD	Amery Complex	12-20%	1.5%	Not Prime Farmland
Uy	Udorthents, Loamy	0	1.3%	Not Prime Farmland
AtA	Antigo Silt Loam	0-2%	2.2%	All Areas Prime Farmland
RoC2	Rosholt Sandy Loam	6-15%	3.7%	Farmland of Statewide Importance
Rf	Rifle Muck	0%	4.0%	Not Prime Farmland
RoB	Rosholt Sandy Loam	2-6%	4.3%	All Areas Prime Farmland
AtB	Antigo Silt Loam	2-6%	5.4%	All Areas Prime Farmland
ScC	Santiago-Antigo Silt Loam	6-12%	7.9%	Farmland of Statewide Importance
AnC	Amery Silt Loam	6-12%	8.6%	Farmland of Statewide Importance
ChB	Chetek Sandy Loam	2-6%	9.1%	Farmland of Statewide Importance
Us	Udorthents, Sandy	0	18.0%	Not Prime Farmland
Water	Apple River	0	33.6%	Farmland of Statewide Importance, If Drained

MARKET/MARKETABILITY ANALYSIS - CONTINUED

Property Productivity Analysis-Continued*Physical Attributes-Continued*

Utilities: The site is not currently improved with municipal water and sanitary sewer laterals. Rural properties typically utilizes private well and sanitary septic systems that would be subject to county and state approval based on soil conditions and appropriate permitting. Aerial electrical service is available along the adjacent roadways and onsite with an aerial line traversing through the western parcel in a north/south orientation. The immediate area provides either buried natural gas service or several private providers of propane gas. Multiple cable, high speed internet and telephone companies adequately serve the area.

Easements/Encroachments: There is an aerial electrical line with assumed easement traversing the west parcel in a north/south orientation. 101st Street also divides the west parcel with a roadway easement. There are no other known easements or encroachments that adversely affect value. A dam formerly existed near the south property line on the Apple River. According to information provided by the Polk County Land Records Department, the dam was removed in 2005 due to a deteriorated condition and the potential price of renovation.

Hazardous Materials: None observed.

Summary: The subject provides three platted lots totaling 24.72 acres. Each parcel has river frontage and well as frontage on the adjacent roadways. A 100+/- foot long steel free-span recreational trail bridge was improved on the site after the demolition of the former dam in 2005. The bridge continues to support the seasonal recreational trail system. The property is bound on the north by improved rural residential properties developed along the Apple River. County Highway H and productive farmland bound the property to the east. U.S. Highway 8 bounds the property to the south. 101st Street, wooded recreational acreage and improved rural residential properties bound the subject to the west. The adjacent roadways provide multiple points of potential ingress and egress. Overall, the site provides adequate land area and utility for a variety of residential and or commercial uses.

Real Estate Tax Analysis: A table on the following page is based on 2018 property tax statements obtained online from the Polk County Treasurer.

MARKET/MARKETABILITY ANALYSIS - CONTINUED

Property Productivity Analysis-Continued
Legal/Political Analysis
Real Estate Tax Analysis-Continued:

PROPERTY TAX SUMMARY-2018				
Tax Identification Number	Land Size (in acres)	Assessed Land Value	Fair Market Value	Property Tax
044-00772-0000	16.60	\$0	\$0	\$0
004-00774-0000	4.74			
004-00775-0000	4.59			
Total	25.93	\$0	\$0	\$0

The subject is owned by Polk County and not assessed for property tax purposes. The current mill rate in the Town of Apple River is 0.8679. Assessment records for lands nearby reveal nearby wooded acreage with Apple River frontage is assessed for \$24 per acre. The annual property taxes are projected to be \$700 based on the current mill rate and anticipated assessed value as a single 24.72 acre site. This calculation is for illustration purposes only. The client is encouraged to contact the town assessor if a more precise determination on the future assessed value is desired.

Zoning: The Polk County Zoning Office confirmed the subject is assigned to the General Purpose zoning district. The lands within 300 feet from a river or stream are also governed by the NR 115-Wisconsin Shoreland Protection Program. A copy of the subject and surrounding zoning districts is retained in the addenda portion of this report.

Conclusion: The legal and political environment does not adversely affect the site. A recreational use is the most probable legal use of the riparian parcel.

Locational Attributes Analysis

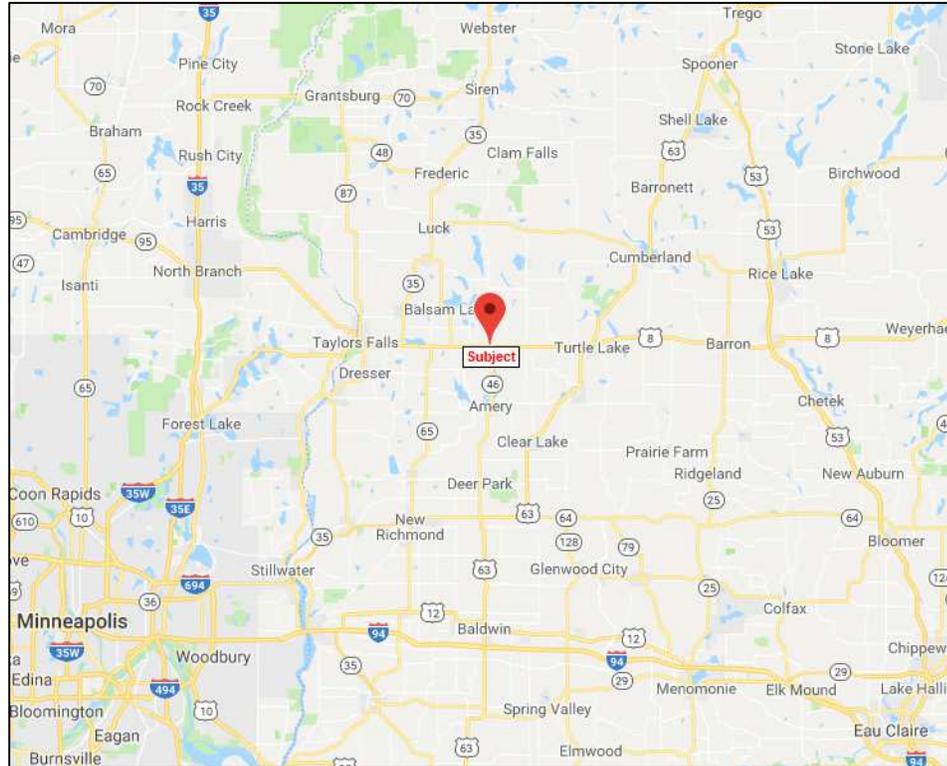
Location Analysis: The subject situated on the Apple River and U.S. Highway 8 in the Town of Apple River, Polk County, Wisconsin. A map on the following page further depicts the location.

MARKET/MARKETABILITY ANALYSIS - CONTINUED

Property Productivity Analysis-Continued

Locational Attributes Analysis-Continued

Subject's Location-Continued:



Neighborhood Description: Land uses on the shores of the Apple River consist of primary and secondary single family dwellings and large tracts of undeveloped privately owned and publicly owned river frontage. The neighborhood perimeter land uses are dominated by rural residential properties, wooded recreational acreage and large tracts of productive farmland. The Apple River is the dominate riparian source near the subject and the surrounding areas to the north and south. According to the Wisconsin Department of Natural Resources, the Apple River originates 20 miles northeast at Staples Lake on the Polk/Barron county line. The river meanders southwesterly past the subject over 55 miles to its confluence with the St. Croix River.

Conclusion: Overall, the subject is situated in an area known for its many clear water recreational lakes and rivers, large tracts of wooded recreational lands and rural residential properties. The neighborhood benefits from its proximity and established roadway network providing less than an hour drive to the St. Paul/Minneapolis, MN, metropolitan area.

MARKET/MARKETABILITY ANALYSIS - CONTINUED

Market Delineation

Overview: Market area is an area in which other properties are effectively competing with the subject. Social, governmental, economic and environmental forces have an effect on property values and the overall stability within market areas.

Description: The primary market area is within a ten-mile radius of the subject.

Market Area Map: The primary market area is all land within a 5 mile radius of the subject. The following map illustrates the land within a 5 and 10 mile radius of the subject.

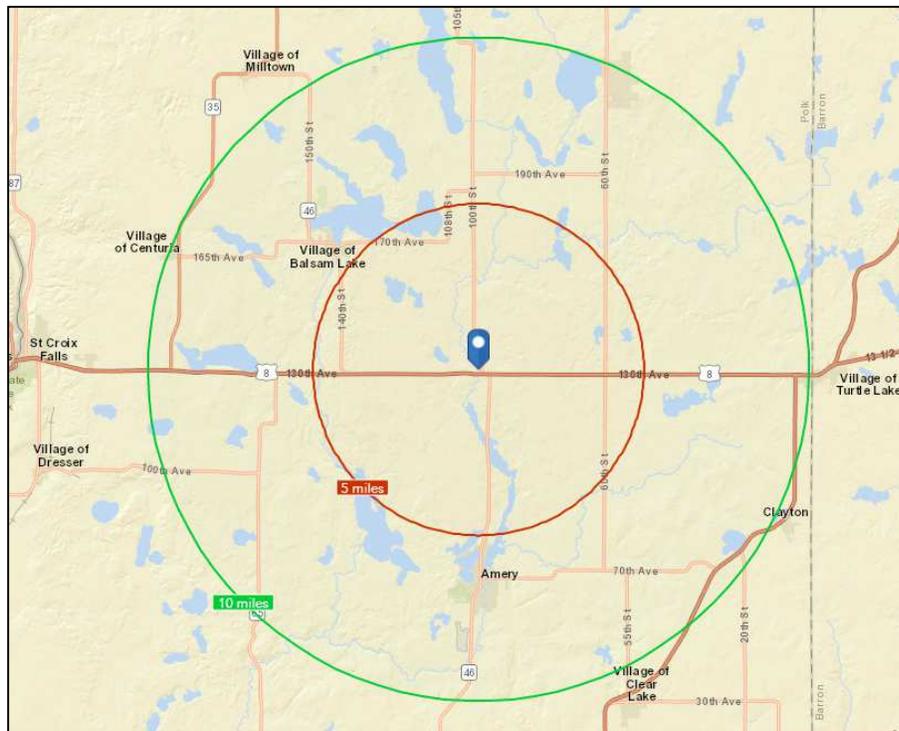


Image Obtained From STDB online

Demographics: The demographics are consistent with other areas of the region and are generally stable at the present time. A market profile and demographic profile outlining the general market area are retained in the addenda portion of this report.

Employment: The market area economy has historically been dependent on a strong forestry and tourism base and diverse group of manufacturing oriented companies. Recent growth in employment has focused substantially on the retail services and medical related industries. The Wisconsin Department of Workforce Development reports the unemployment rate was 3.9% in Polk County as of December 2018. The

MARKET/MARKETABILITY ANALYSIS - CONTINUED

Market Delineation-Continued

Employment: rate has increase from one year prior at 3.7%. The local rate is higher than the State (3.0%) and equals the Nation (3.9%). Unemployment rates in Polk County have stabilized for manufacturing related jobs. Employment in other sectors is seasonal due to the reliance on tourism and other weather related factors. Overall, employment within the market area appears stable at the present time with no known significant plant closings or layoffs.

Transportation: As summarized previously, U.S Highway 8, County Highway H and 101st Street and State Highway 46 serve as the primary roadways in the immediate area. U.S. Highway 8 serves as the essential link for the neighborhood extending west to Minnesota and east to U.S. Highway 53. Overall, the subject is served by an adequate network of federal, state, county and town roadways.

Government: The Town of Apple River and Polk County are governed by elected officials. Overall, the market area relies on a stable government structure and has adequate access to essential services.

Conclusion: In summary, the subject's primary market area is stable at the present time and benefits from its diverse employment and strong agricultural base.

Demand & Supply Analysis

Overview: The next step in this analysis is to gather data on the demand and supply for the most probable use.

Demand Analysis: There are no published surveys for vacant commercial land in Amery, Balsam Lake or the region. The highest and best use of the subject as-vacant is a residential and recreational parcel utilizing the Apple River frontage. A table on the following page outlines ten properties that compete favorably with the subject based on the subject as a single parcel in its entirety or supporting the individual lot price of a high density subdivision. An additional twelve vacant lot sales in Polk County and St. Croix County further bracket the ten outlined properties. The additional data ranges from .34 acres to 79.18 acres selling between \$10,000 to \$322,000 and a price per acre range of \$739 to \$35,611.

MARKET/MARKETABILITY ANALYSIS - CONTINUED**Demand & Supply Analysis-Continued***Demand Analysis-Continued:*

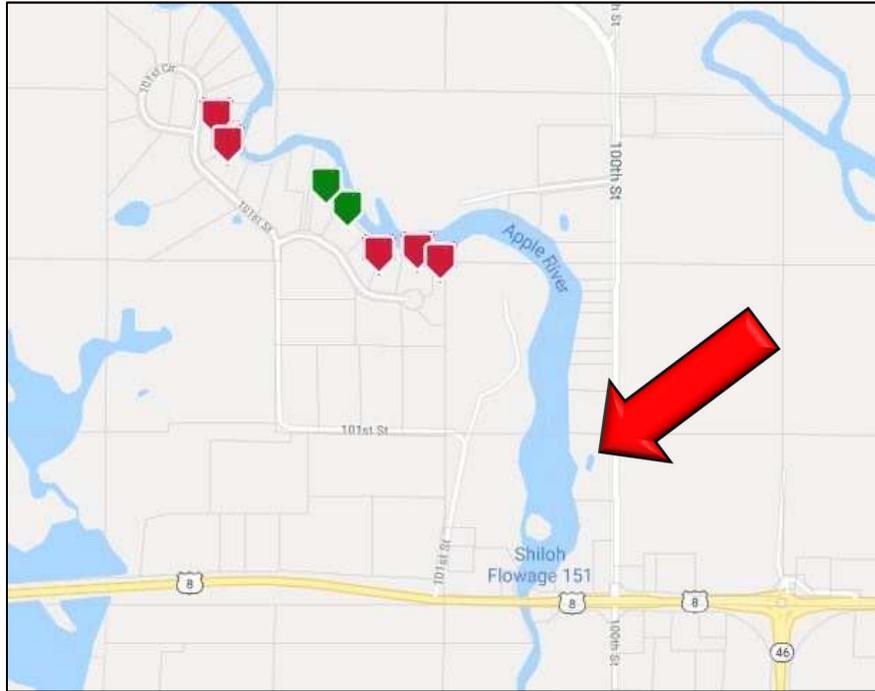
Historical Sales						
Comp #	Frontage (in feet)	Total Size (in acres)	Sale Date	Sale Price	\$ Per Acre	Water Feature
1	186	1.65	Oct-14	\$14,200	\$8,606	Apple River
Remaining lot part of the Apple River Subdivision 1/2 mile north of the subject developed in 2002.						
2	170	1.52	Aug-15	\$15,000	\$9,868	Apple River
Remaining lot part of the Apple River Subdivision 1/2 mile north of the subject developed in 2002.						
3	210	1.55	Dec-17	\$23,000	\$14,839	Apple River
Remaining lot part of the Apple River Subdivision 1/2 mile north of the subject developed in 2002.						
4	103	1.58	Jul-17	\$26,500	\$16,772	Apple River
Remaining lot part of the Apple River Subdivision 1/2 mile north of the subject developed in 2002.						
5	975	8.40	Oct-15	\$15,000	\$1,786	Apple River
A fully wooded land locked parcel situated three miles southwest of Amery.						
6	400	1.83	Jul-17	\$16,000	\$8,743	Twin Lakes
A wooded parcel located three miles east of the subject located on Twin Lakes.						
7	385	2.60	Jul-16	\$39,000	\$15,000	Bridget Lake
A wooded parcel located five miles west of the subject on Bridget Lake.						
8	136	0.53	Sep-17	\$41,000	\$77,358	White Ash Lake
A wooded lakeshore parcel located six miles northeast of the subject on White Ash Lake.						
9	207	2.41	Sep-17	\$48,000	\$19,917	Apple River/Flowage
A vacant parcel of land located five miles south of the subject on the Apple River/Flowage.						
10	322	3.08	Apr-18	\$110,000	\$35,714	Apple River/Flowage
Vacant Lots 1, 2 and 3 that were originally subdivided in 2005 on the Apple River/Flowage.						

A map on the following page further illustrates active listings (green) and sales (red) of lots along the Apple River since January 1, 2015 that are or were marketed utilizing the Northstar Multiple Listing Service.

MARKET/MARKETABILITY ANALYSIS - CONTINUED

Demand & Supply Analysis-Continued

Demand Analysis-Continued:



Market conditions for vacant waterfront lots have been improving as consumer confidence in the economy strengthens and the market conditions for existing improved residential property become more balanced. The cost of construction in relation to the supply of and price point for existing improved properties also affects demand for vacant land. Expanding the search to include land along the Apple River near Amery reveals seven sales since January 1, 2015 that ranged from \$15,000 to \$110,000 with a median of \$38,000. The low end of the range is represented by a 2015 lot sale just north of the subject while the high end of the range is represented by a 2018 sale in the City of Amery.

Two existing dwellings situated north of the subject have sold since January 1, 2015. A three-bedroom, three-bathroom dwelling built in 2004 on the west bank of the Apple River sold for \$203,000 in January 2016. A three-bedroom, one-bathroom home built in 1959 on the east bank sold for \$140,000 in September 2016.

Supply Analysis: The next step is to analyze the supply of available properties in the market. The same search criteria applied to the Demand Analysis is applied. The market indicates ten active listings of river front properties. The parcels are priced from

MARKET/MARKETABILITY ANALYSIS - CONTINUED

Demand & Supply Analysis-Continued

Supply Analysis-Continued:

\$19,500 to \$209,900 and have a price per acre ranging \$7,044 to \$64,647. The properties have a marketing period between 13 days and over 5 years. The following table summarizes the current marketed parcels.

Actively Marketed Vacant Riparian Parcels				
Price	Acreage	Price Per Acre	Location	Marketing Time in Days
\$19,500	1.54	\$12,662	Apple River	502
\$19,500	1.52	\$12,829	Apple River	928
\$24,900	1.16	\$21,466	Apple River	305
\$54,900	4.3	\$12,767	Apple River	130
\$64,900	1.64	\$39,573	Apple River	171
\$75,000	1.2	\$62,500	Apple River	537
\$89,900	2.2	\$40,864	Apple River	13
\$109,900	1.7	\$64,647	Apple Flowage	221
\$158,000	18.62	\$8,485	Apple Flowage	1,920
\$209,900	29.8	\$7,044	Apple Flowage	1,667

Overall, the market provides a limited supply of truly competitive riparian parcels.

Subject Capture

The subject's physical features provide good utility for a residential and recreational use in its entirety. The most likely buyer would be a developer or investor purchasing on speculation to subdivide the subject with each parcel providing Apple River frontage and the adjacent roadways creating ease of access and utility services to each potential parcel.

Highest and Best Use Analysis

Overview: Highest and Best Use is defined in **The Dictionary of Real Estate**

Appraisal, (Fifth Edition 2010), published by the Appraisal Institute as:

The reasonably probable and legal use of vacant land or an improved property that is physically possible, appropriately supported, and financially feasible and that results in the highest value.

Highest and best use analysis involves determining the optimal use of a property and is a key element in the appraisal process. The optimal use is defined as the use that creates the highest value. An inferred analysis rather than a fundamental market analysis is appropriate for this assignment. Determining the highest and best use requires the consideration of the following criteria.

MARKET/MARKETABILITY ANALYSIS - CONTINUED

Highest and Best Use Analysis-Continued*Overview-Continued:*

- **Legally Permissible:** The uses that are permitted by private restrictions, zoning, building codes or environmental regulations.
- **Physically Possible:** The physical capabilities of the site based upon the access, size, design and condition.
- **Financially Feasible:** The possible uses that will produce the highest return to the owner of the site.
- **Maximally Productive:** Of all the feasible uses, the use that produces the highest net return or the highest net present value.

Legally Permissible: The first step in determining the highest and best use is to determine the legally permissible uses. The reader is referred to the Zoning Analysis section of this report that summarizes the applicable zoning ordinances. The subject is governed by the General Purpose Zoning ordinance and the Wisconsin Shoreland ordinance has limited restrictions. A residential and recreational use is the most probable legal use of the site.

Maximally Productive: The final step is to determine the use that maximizes the highest net return or highest present net worth. Selling the subject to a developer or investor for a residential and recreational use is maximally productive.

Physically Possible: The 24.72 acre riparian parcel provides 1,520+/- feet of frontage on the west side of the Apple River and 1,650+/- feet of frontage on the east side of the Apple River. It is physically possible to sell the property as-is in its entirety, or as-is as three divided lots, purchase on speculation of a twelve lot subdivision or a combination thereof.

Financially Feasible: Demand for vacant land has been slowly increasing over the past several years as the economy has continued to improve. The primary buyer is a developer or investor to create a rural residential subdivision on the shores of the Apple river. As indicated in the Supplement Valuation, the high density subdivision provides the greatest return to the while the low density subdivision provides the least return to the land.

MARKET/MARKETABILITY ANALYSIS - CONTINUED

Highest and Best Use Analysis-Continued

Potential Use: A Physically Possible and Financially Feasible proposal for the subject is to relocate the recreational trail to the southwestern lots, keeping the bridge in its current location and retain ownership of the southeastern lots on U.S. Highway 8 for a trail head and parking lot. The County could then sell the northern portion of the site to create future tax base. This scenario is very plausible as it creates a future tax base, continues to provide a recreational attribute and the bridge does not need to be relocated or replaced at a cost between \$2,500 and \$3,500 per linear foot or \$250,000 to \$350,000.

The following parcel map outlines a possible scenario for the subject based on the above description.



A discounted cash flow analysis on the following page provides a market value for the subject based on the above subdivision.

MARKET/MARKETABILITY ANALYSIS - CONTINUED**Highest and Best Use Analysis-Continued***Potential Use-Continued:*

Discounted Cash Flow Analysis					
	Year				
Revenue	1	2	3	4	Total
Riparian Lots					
Beginning Inventory of Lots	12	8	6	4	
Number of Lots Sold	<u>4</u>	<u>2</u>	<u>2</u>	<u>2</u>	10
Ending Inventory of Lots	8	6	4	2	
Gross Proceeds from Sale	\$78,000	\$39,000	\$39,000	\$39,000	\$195,000
Total Potential Gross Income	\$78,000	\$39,000	\$39,000	\$39,000	\$195,000
Expenses					
Roadway	\$0				\$0
Surveying	25,000				\$25,000
Professional Fees	10,000				\$10,000
Real Estate Taxes	3,000	1,500	750	375	\$5,625
Marketing Cost	3,900	1,950	1,950	1,950	\$9,750
Total Expenses	\$41,900	\$3,450	\$2,700	\$2,325	\$50,375
Entrepreneurial Profit	\$19,500	\$9,750	\$9,750	\$9,750	\$48,750
Net Cash Flow	\$16,600	\$25,800	\$26,550	\$26,925	\$95,875
Present Value	\$16,600	\$25,800	\$26,550	\$26,925	\$95,875
Indicated Value					\$96,000
Market Profit Rate	25%				
Market Discount Factor	10%				

The cash flow analysis indicates the property has a market value of \$96,000. The market value is based on the sale of the northern portion of the site and the sites retained by Polk County for continued trail use.

Overall, the above analysis indicates a market value as of January 10, 2019 of \$96,000.

Highest and Best Use Value Conclusions:

Valuation Scenarios				
Premise	Selling North 22			
	Acres with Polk County Retaining 2.72 Acres, Bridge and Trail Easement	Low Density Subdivision with Bridge Removed	High Density Subdivision with Bridge Removed	As-Is in Entirety (24.72 Acres) with Bridge
Value Conclusions	\$96,000	\$87,000	\$117,000	\$120,000

SALES COMPARISON APPROACH

Overview

The sales comparison approach is the method in which market value for a property is determined through research and analysis of comparable sales of similar property. This approach is based on the principle of substitution, which implies that the value of a property is set by the price that would be paid to acquire an equally desirable substitute property within a reasonable amount of time. The reliability of this approach is dependent upon the availability and quality of comparable sales data.

The subject provides three parcels totaling 24.72 acres of partially wooded land on the Apple River in rural Amery, WI. The gently rolling property provides a mixture of hard and soft bottom frontage on the Apple River, wooded upland, meadow areas and low wetland. The Apple River traverses the site in a north/south orientation. The reader is referred to the Site Analysis section of this report for further details regarding the subject. The market research conducted for this assignment included reviewing sales and active listings published in two local multiple listing services, a public records database and reviewing work files of similar property. The initial search was focused on property in close proximity to the subject that has transacted in the last twelve months. The search revealed a limited amount of recent transactions. For this reason, the search area was expanded historically and geographically to include competitive properties along comparable waterways in Polk and Barron County. Individual data sheets presented on the following page summarize the market data most pertinent for this assignment.

SALES COMPARISON APPROACH – CONTINUED**Summary of Comparables**Data Sheet – Comparable 1**Property Identification**

Address: XXX 1 ½ Street, Clear Lake, WI
 Legal Description: Lengthy Metes & Bounds: POB Ex Hwy ROW in 141/257 (MOS #7617 & 7818) Conservation Easement V335, P327, Town of Vance Creek
 Parcel Number: 050-2900-26-000

Sale Data

Grantor:	Terrell	Grantee:	Klugow
Sale Date:	October 31, 2018	Sale Price:	\$65,000
Reference:	850039	Conditions:	Cash to Seller
Property Rights:	Fee Simple	Marketing Time:	35 Days
Verification:	Public Records, Agent		

Land Data

Total Acreage:	18.50	Shoreline:	780 Feet
Wooded Acreage:	15 Acres	Shape:	Essentially Rectangular
Meadow/Farmland:	3 Acres	Zoning:	Agricultural/Shoreland
Wetland/Swamp:	.5 Acres	Topography:	Rolling/Wooded/Open

Sale Indices

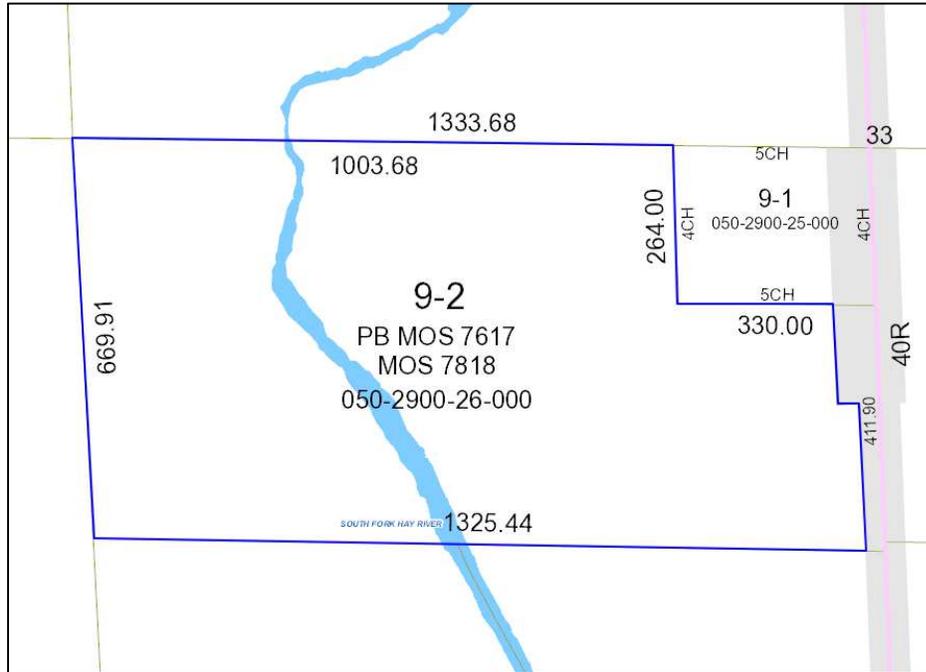
Price/Acre:	\$3,514	Price/River - Lake Frontage:	\$83
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Comments

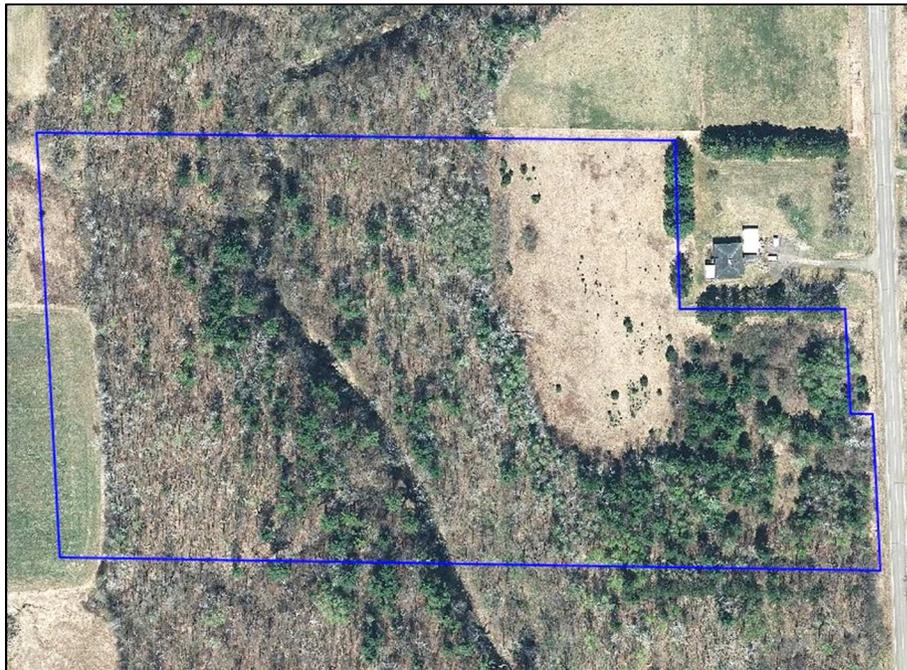
The rural river front property is situated eight miles east of the Village of Clear Lake on 1 ½ Street. According to the Wisconsin DNR the Hay River is classified as a Class One trout stream that is known for its clear water and various population of fish. The site is predominately wooded upland, an open meadow and very little low swampland. The parcel was purchased for its rural location and seasonal recreational attributes.

SALES COMPARISON APPROACH - CONTINUED

Summary of Comparables-Continued
Parcel Map – Comparable 1



Aerial Photograph – Comparable 1



SALES COMPARISON APPROACH - CONTINUED**Summary of Comparables-Continued**Data Sheet – Comparable 2**Property Identification**

Address: 1724 40th Avenue, Amery, WI
 Legal Description: Lot 4, CSM #4491, V20/P43, #681829 SW/SW, Town of Alden
 Parcel Number: 002-00193-0400

Sale Data

Grantor:	Johnson	Grantee:	Toenjes
Sale Date:	July 18, 2016	Sale Price:	\$71,000
Reference:	841978	Conditions:	Cash to Seller
Property Rights:	Fee Simple	Marketing Time:	373 Days
Verification:	Public Records, Agent		

Land Data

Total Acreage:	11.03	Shoreline:	470 Feet
Wooded Acreage:	2 Acres	Shape:	Triangular
Meadow/Farmland:	5 Acres	Zoning:	Agricultural/Shoreland
Wetland/Swamp:	4 Acres	Topography:	Gently Rolling/Open

Sale Indices

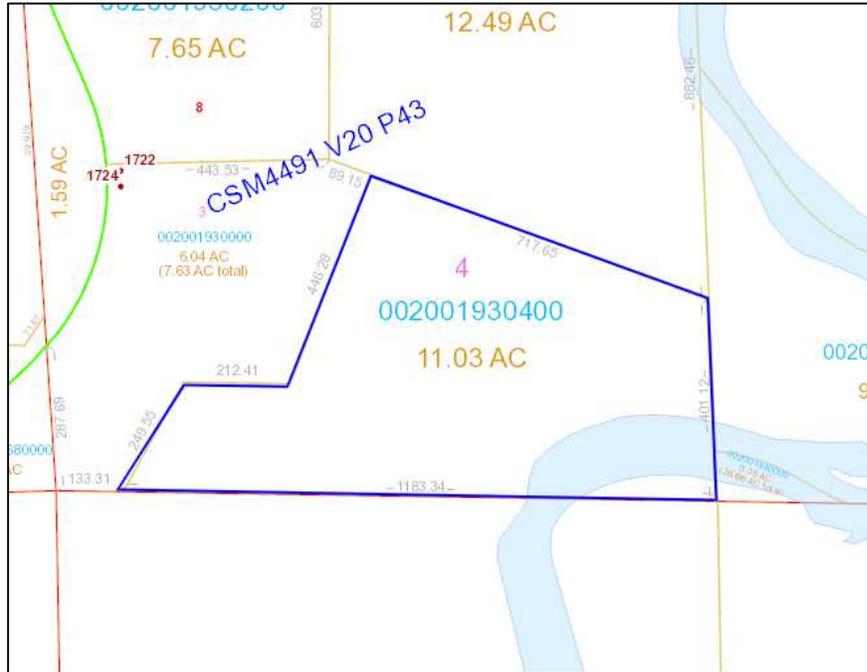
Price/Acre:	\$6,437	Price/River - Lake Frontage:	\$151
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Comments

The rural river front property is situated five miles west of the City of Amery on the Apple River. The property was improved with a dilapidated barn that had very little to no contributory value. The agent confirmed the property was being marketed as vacant river front property with essentially no value given to the structure. The parcel is accessed via an ingress/egress easement from 40th Avenue. The parcel was marketed for approximately one year with limited interest prior to being purchased by the adjacent owner. The site was purchased for its recreational attributes and to secure the site from being further improved. The property was originally marketed for \$89,900 prior to the sale of \$71,000.

SALES COMPARISON APPROACH - CONTINUED

Summary of Comparables-Continued
Parcel Map – Comparable 2



Aerial Photograph – Comparable 2



SALES COMPARISON APPROACH – CONTINUED**Summary of Comparables – Continued**Data Sheet – Comparable 3**Property Identification**

Address: 868 Cameron Bridge Avenue, Amery, WI
 Legal Description: Lots 1, 2 and 3, CSM 6807, V31/P51, #854590, Town of Lincoln
 Parcel Number: 032-00369-0000, 032-00369-0300 and 032-00369-0000

Sale Data

Grantor:	Anderson	Grantee:	Carlson
Sale Date:	July 18, 2016	Sale Price:	\$92,000
Reference:	842034	Conditions:	Cash to Seller
Property Rights:	Fee Simple	Marketing Time:	195 Days
Verification:	Public Records, Agent		

Land Data

Total Acreage:	10.69	Shoreline:	338 Feet
Wooded Acreage:	4.2 Acres	Shape:	Irregular
Meadow/Farmland:	6.5 Acres	Zoning:	Agricultural/Shoreland
Wetland/Swamp:	0 Acres	Topography:	Generally Level/Open

Sale Indices

Price/Acre:	\$8,606	Price/River - Lake Frontage:	\$273
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Comments

The rural river front property is situated two miles north of the City of Amery on the Apple River. The agent confirmed the property was improved with severely dilapidated structures that potential buyers were advised not to enter. The agent further confirmed the property was being marketed as vacant river front property with essentially no value given to the improvements. This portion of the Apple River widens out and is deeper allowing more traditional water sports such as boating and pontooning. The parcel was marketed for approximately seven months with ample interest.

SALES COMPARISON APPROACH – CONTINUED

Summary of Comparables – Continued

Parcel Map – Comparable 3



Aerial Photograph – Comparable 3



SALES COMPARISON APPROACH – CONTINUED**Summary of Comparables – Continued****Data Sheet – Comparable 4****Property Identification**

Address: 1038 153rd Avenue, Balsam Lake, WI
 Legal Description: SW/SE Ex V264/P174 & Ex #821106 Including #821069 & Pt SE/SW
 East of River and the SE/SE, Town of Apple River
 Parcel Number: 004-00522-0000 & 004-00524-0000

Sale Data

Grantor:	Duggan	Grantee:	Clayton/Larson Inc.
Sale Date:	July 2, 2014	Sale Price:	\$322,000
Reference:	821327	Conditions:	Cash to Seller
Property Rights:	Fee Simple	Marketing Time:	One Year
Verification:	Public Records, Adjacent Property Owner		

Land Data

Total Acreage:	79.18	Shoreline:	720 Feet
Wooded Acreage:	75 Acres	Shape:	Rectangular
Meadow/Farmland:	0 Acres	Zoning:	Forestry/Shoreland
Wetland/Swamp:	4 Acres	Topography:	Gently Rolling/Wooded

Sale Indices

Price/Acre:	\$4,067	Price/River - Lake Frontage:	\$447
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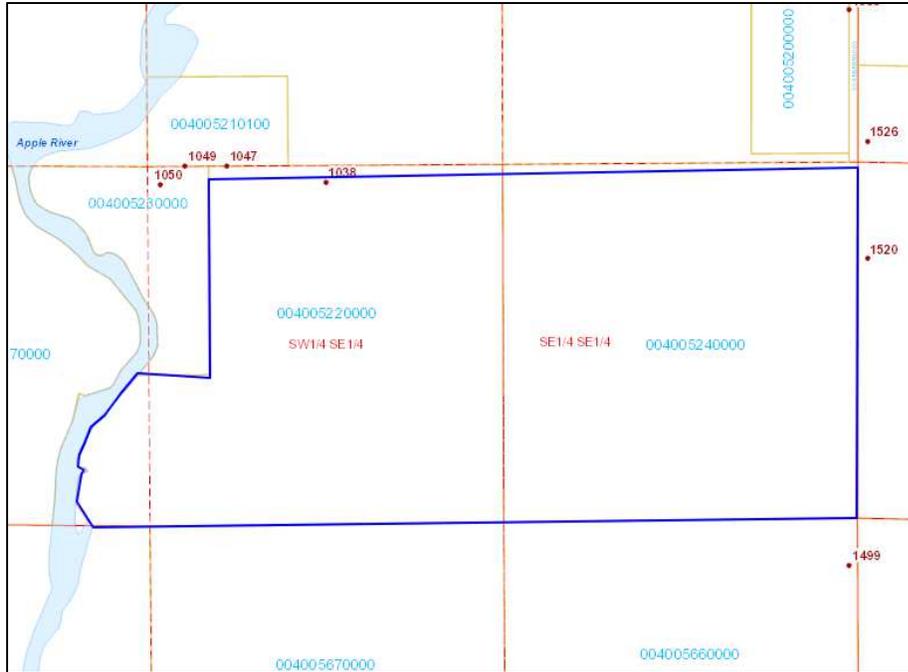
Comments

This rural river front property is situated two miles north of U.S. Highway 8, five miles east of the Village of Balsam Lake and seven miles north of the City of Amery. The vacant land is heavily wooded with a mature stand of deciduous and conifer trees native to Northwestern Wisconsin. The adjacent property owner confirmed they had interest in the parcels, although, the seller was not going to subdivide the property. The property was marketed through a firm associated with Wisconsin Outdoor Life. The parcel was purchased and subsequently improved with a residence and large pole shed.

SALES COMPARISON APPROACH – CONTINUED

Summary of Comparables – Continued

Parcel Map – Comparable 4

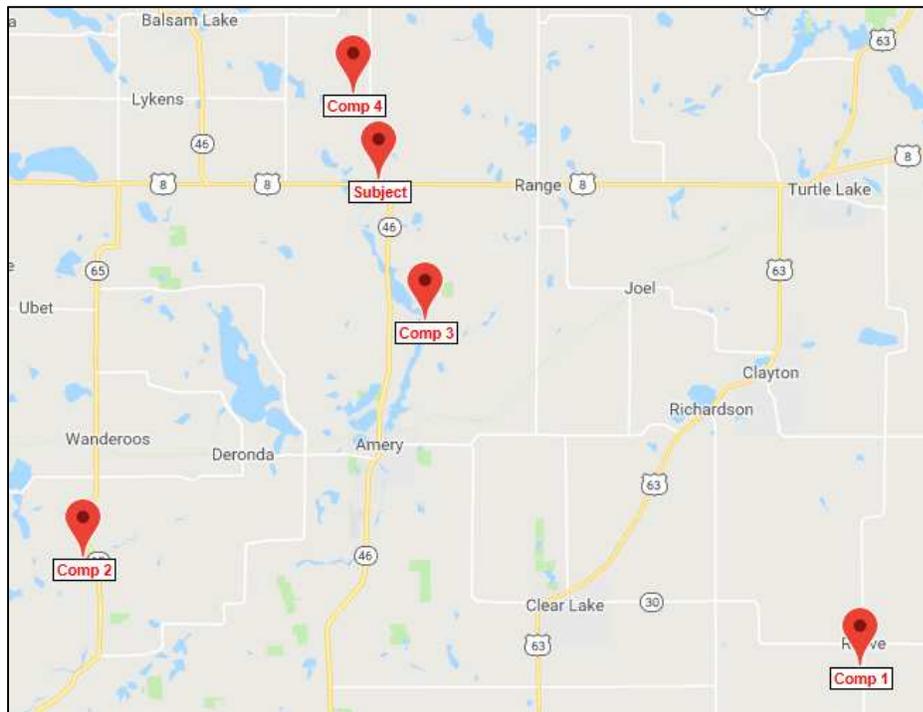


Aerial Photograph – Comparable 4



SALES COMPARISON APPROACH - CONTINUED

Location Map



Analysis of Comparables

Overview:

The market data was compared to the subject property and adjusted for any differences. A detailed adjustment grid was prepared and is presented following the explanation of the adjustments. The comparables were adjusted for 1) Property Rights, 2) Financing Terms, 3) Conditions of Sale, 4) Expenditures After Sale, 5) Market Conditions, 6) Location/Neighborhood and 7) Physical Characteristics. Additional elements of comparison were considered and determined to not apply. Following is a summary of the reasoning used to formulate the adjustments for each category.

Property Rights:

Agreements or laws create partial interests in real estate. If the interest conveyed for a comparable sale is different from the interest being appraised, then a property rights adjustment is necessary. A common adjustment of this type compensates for a lease that disfavors ownership, and negatively affects value. None of the comparables were encumbered with a lease that affected the sale price or terms of sale. No adjustments are required.

SALES COMPARISON APPROACH - CONTINUED

Analysis of Comparables - Continued*Financing Terms:*

The subject property is being valued on a cash or cash-equivalent basis. Comparable sales may require an adjustment if the sale involved atypical financing terms. All the comparables sold on a conventional basis with the buyer paying the seller cash at closing. Therefore, no adjustments are required.

Conditions of Sale:

An adjustment for conditions of sale is necessary when particularly strong buyer or seller motivations influenced the transaction. Strong buyer or seller motivations did not influence any of the sales and no adjustments are required.

Expenditures After Sale:

An adjustment is required if the price was influenced by expenses the buyer expected to incur immediately after the sale. Curing deferred maintenance is the most common component that a buyer would expect to incur. In this instance, none of the comparables were influenced by any known buyer expenses and no adjustments are necessary.

Market Conditions:

Markets change over time. The change can be upward or downward depending upon the nature of the market since the time of the comparable sale and the effective date of appraisal. Inflation, deflation and changes within the supply and demand equation are the most common examples. The comparables utilized in this analysis transacted between July 2014 and October 2018. Several sources were utilized to determine any change in market conditions over the last twelve months. Paired sales analysis and interviewing prominent market participants are the most common methods to determine rates of change. Based on the various sources, no adjustment is concluded for this assignment.

Location and Neighborhood:

Location adjustments typically relate to variations in land value resulting from proximity to the onsite or adjacent riparian feature, major roadways and regional employment. Paired sales of similar property since 2014 was utilized to support an adjustment for this element of comparison. The subject is situated along U.S. Highway 8 in a rural area between Amery and Balsam Lake. Comparable 1 is situated on the Hay River in southeastern Barron County. Paired sales analysis confirms the Hay River and overall location are inferior to the subject. A positive 10% adjustment is required for the riparian

SALES COMPARISON APPROACH - CONTINUED

Analysis of Comparables - Continued*Location and Neighborhood-Continued:*

feature and overall location. Comparable 2 includes a segment of the Apple River five miles west of the City of Amery and twelve miles south of the subject. The location and neighborhood compete favorably with the subject and no adjustment is required.

Comparable 3 is situated five miles south of the subject and includes a segment of the Apple River. This portion of the Apple River becomes a more expansive flowage situation which allows more traditional boating and lake activities. Paired sales analysis confirms a negative 25% adjustment is required for the superior location. Comparable 4 is situated on the Apple River two miles directly north of the subject. The locational attributes compete favorably with the subject and no adjustment is required.

Physical Characteristics:

This adjustment reflects the general difference in the physical characteristics of the property between the subject and comparable. Physical characteristics can include differences in land composition, such as forestry components, productive farmland and or low wetland swamp. Additional variances can include, adjacent land uses, access to roadways, access to utilities or other easements. Comparables 1, 2 and 3 provide similar overall physical features to the subject and no adjustment is required, although, do not provide similar utility for a potential subdivision. Market research supports a positive 10% adjustment for this unit of comparison. Comparable 4 provides substantial wooded acreage in comparison to the subject. The additional acreage enhances recreational opportunities as well as privacy. Paired sales analysis confirms a negative 15% adjustment is required for the superior physical characteristic.

An adjustment grid on the following page summarizes the various sales and adjustment process.

SALES COMPARISON APPROACH - CONTINUED

Adjustment Grid

ADJUSTMENT GRID					
PROPERTY IDENTIFICATION	Subject	Comp 1	Comp 2	Comp 3	Comp 4
	981 U.S. Highway 8, Amery, WI	XXX 1 1/2 Street, Clear Lake, WI	Lot 4, 40th Avenue, Amery, WI	868 Cameron Bridge Drive, Amery, WI	1038 153rd Ave, Balsam Lake, WI
Total Size of Land in Acres	25.93	18.50	11.0	10.69	79.18
River/Lakeshore Frontage	1,650	780	470	338	720
River/Lake Name	Apple River	Hay River	Apple River	Apple River	Apple River
Wooded Upland Site Area (in %)	50%	81%	18%	39%	95%
Meadow/Agricultural Site Area (in %)	11%	16%	45%	61%	0%
Wetland/Lowland Site Area (in %)	39%	3%	36%	0%	5%
Sale Date	N.A.	Oct-18	Jul-16	Jul-16	Jul-14
Confirmed Price		\$65,000	\$71,000	\$92,000	\$322,000
Unadjusted Price per Acre		\$3,514	\$6,437	\$8,606	\$4,067
Unadjusted Price per Front Foot		\$83	\$151	\$273	\$447
ADJUSTMENTS FOR SALE CONDITIONS					
Property Rights		Fee-Simple	Fee-Simple	Fee-Simple	Fee-Simple
Adjustment		0%	0%	0%	0%
Financing Terms		Conventional	Conventional	Conventional	Conventional
Adjustment		0%	0%	0%	0%
Conditions of Sale		Normal	Normal	Normal	Normal
Adjustment		0%	0%	0%	0%
Expenditures After Sale		None	None	None	None
Adjustment		\$0	\$0	\$0	\$0
Cash Equivalent Nominal Price		\$65,000	\$71,000	\$92,000	\$322,000
Cash Equivalent Price Per Acre		\$3,514	\$6,437	\$8,606	\$4,067
ADJUSTMENTS FOR MARKET CONDITIONS					
Months since Comparable Sale		3	30	30	55
Adjustment		0%	0%	0%	0%
Adjusted Nominal Price		\$65,000	\$71,000	\$92,000	\$322,000
Adjusted Price Per Acre		\$3,514	\$6,437	\$8,606	\$4,067
COMPARISON TO SUBJECT					
Location/Neighborhood	Apple River	Hay River	Apple River	Apple River	Apple River
Adjustment		10%	0%	-25%	0%
Physical Characteristics					
Adjustment		10%	10%	10%	-15%
Total Adjustments		20%	10%	-15%	-15%
SUBJECT LAND VALUE INDICATIONS:					
Adjusted Nominal Price		\$78,000	\$78,100	\$78,200	\$273,700
Adjusted Price Per Total Acre		\$4,216	\$7,081	\$7,315	\$3,457
Adjusted Price Per Front Foot		\$100	\$166	\$232	\$380

Correlation

The market data indicates an unadjusted range of \$65,000 to \$322,000 on a nominal basis, \$3,514 to \$8,606 per total acre and \$83 to \$447 per front foot of river. The adjusted nominal sales price ranges from \$78,000 to \$273,700, \$3,457 to \$7,315 per acre and \$100 to \$380 per river front foot. The price per total acreage provides the least

SALES COMPARISON APPROACH - CONTINUED

Correlation-Continued

amount of dispersion and the most reliable source of valuation for the subject.

Comparable 1 is the most recent sale of the competitive riverfront property in the region. One adjustment is required for the location on the Hay River. Comparable 2 is situated on the Apple River in the rural Amery market. No adjustments are required for this property. Comparable 3 is situated on the Apple River five miles south of the subject. The property provides superior attributes resulting from the larger waterway.

Comparable 4 is situated two miles north of the subject on the Apple River. The shoreline and riverway compete favorably with the subject. The comparable required one adjustment for the superior wooded acreage.

Based on the subject's marketability features, the market supports a point value factor mid-point of the market adjusted range. A point value factor of \$4,200 per acre is concluded for the subject. Applying a point value factor of \$4,200 per total acre results in a value of \$108,906, rounded to \$110,000.

Up to this point, the Sales Comparison Approach has addressed selling the subject in its entirety as a single parcel. The Sales Comparison Approach assumes there is no onsite recreational trail. This analysis is being performed with the free-span bridge remaining onsite. A very limited amount of information exists to extract the market value of the bridge to a potential buyer of the site and its contributory value of allowing an owner to transit their own parcel without traveling on the adjacent federal highway. It is reasonable the buyer will reward the value of the bridge only what the market would pay the buyer if they were to sell the bridge. The market indicates a potential price for the 100+/- foot free-span bridge would be \$0 to \$20,000. A contributory value of \$10,000 is applied to the Sales Comparison Approach.

Value Conclusion

In conclusion, the market value of the subject using the sales comparison approach as of January 10, 2019 is:

FEE SIMPLE VALUE USING THE SALES COMPARISON APPROACH
One Hundred Twenty Thousand Dollars
\$120,000

RECONCILIATION AND FINAL VALUE CONCLUSION

Reconciliation

Overview

Final reconciliation presents the strengths and weaknesses of each approach and derives a final value that is best supported. The sales comparison approach and three supplemental valuations were utilized to derive a value conclusion for the subject in its entirety. Per the Scope of this assignment, the subject was valued based on the as-is status and multiple subdivision analysis's. The cost approach and income capitalization approaches were not applied to this analysis. Excluding the cost approach and income capitalization approaches do not diminish the reliability of this analysis.

Conclusion

Valuation Scenarios			
Premise	Selling North 22 Acres with Polk County Retaining 2.72 Acres, Bridge and Trail Easement	High Density Subdivision with Bridge Removed	As-Is in Entirety (24.72 Acres) with Bridge
Value Conclusions	\$96,000	\$117,000	\$120,000

SUPPLEMENTAL VALUATION

Overview

The scope of this assignment agreed upon by the client is to provide a market value of the subject in its entirety, to provide a market value for the subject as a low density three parcel subdivision as the subject is currently divided and a twelve lot high density subdivision. The subject provides river frontage and street side access in its entirety. The Supplemental Valuation is being performed under the assumption that the subdivision has been legally approved by the appropriate entities within the Polk County government center and any State agencies, such as the Wisconsin DNR. Furthermore, the subdivision analysis is being performed as there is no recreational trail and the free-span bridge does not exist. The following map illustrates the subject as it is currently divided into three parcels.



Analysis

West Parcel: The west parcel highlighted red (PIN 004-00772-000) provides approximately 1,520+/- feet of Apple River Frontage and 16.6 acres of land.

SUPPLEMENTAL VALUATION - CONTINUED

Analysis-Continued

Northeast Parcel: According to the Polk County land records, the northeast parcel highlighted yellow (PIN 004-00774-0000) is divided into two parcels. These parcels provide 1,150+/- feet of Apple River frontage and 4.74 acres of land.

Southeast Parcel: The southeast parcel highlighted blue (PIN 004-00775-000) provides approximately 500+/- feet of Apple River Frontage and 4.59 acres of land.

Comparable Data

The following table summarizes the pertinent sales data on similar riparian or littoral properties that support the reconciled market value of the individual lots.

Historical Sales						
Comp #	Frontage (in feet)	Total Size (in acres)	Sale Date	Sale Price	\$ Per Acre	Water Feature
1	186	1.65	Oct-14	\$14,200	\$8,606	Apple River
Remaining lot part of the Apple River Subdivision 1/2 mile north of the subject developed in 2002.						
2	170	1.52	Aug-15	\$15,000	\$9,868	Apple River
Remaining lot part of the Apple River Subdivision 1/2 mile north of the subject developed in 2002.						
3	210	1.55	Dec-17	\$23,000	\$14,839	Apple River
Remaining lot part of the Apple River Subdivision 1/2 mile north of the subject developed in 2002.						
4	103	1.58	Jul-17	\$26,500	\$16,772	Apple River
Remaining lot part of the Apple River Subdivision 1/2 mile north of the subject developed in 2002.						
5	975	8.40	Oct-15	\$15,000	\$1,786	Apple River
A fully wooded land locked parcel situated three miles southwest of Amery.						
6	400	1.83	Jul-17	\$16,000	\$8,743	Twin Lakes
A wooded parcel located three miles east of the subject located on Twin Lakes.						
7	385	2.60	Jul-16	\$39,000	\$15,000	Bridget Lake
A wooded parcel located five miles west of the subject on Bridget Lake.						
8	136	0.53	Sep-17	\$41,000	\$77,358	White Ash Lake
A wooded lakeshore parcel located six miles northeast of the subject on White Ash Lake.						
9	207	2.41	Sep-17	\$48,000	\$19,917	Apple River/Flowage
A vacant parcel of land located five miles south of the subject on the Apple River/Flowage.						
10	322	3.08	Apr-18	\$110,000	\$35,714	Apple River/Flowage
Vacant Lots 1, 2 and 3 that were originally subdivided in 2005 on the Apple River/Flowage.						

SUPPLEMENTAL VALUATION - CONTINUED**Valuation**

Several units of valuation were considered for this analysis such as; the price per front foot of river front or lakeshore, price per acre and nominal sales price. The price per acre and nominal sales price provide the strongest correlation of the value for the subject and has been given equal weight to the supplemental valuation. As indicated by the above tables, the market provides an adequate supply of comparable properties to support the value of the individual components. Expanding the research to Northwestern Wisconsin reveals ample data to reliably conclude a market value for each proposed parcel. The following discounted cash flow analysis illustrates the two year sellout for the subject as a three lot subdivision. The previous table provides the support for the individual market values for each lot. A market extracted 20% profit rate and market extracted 10% discount rate is applied to reflect an investors entrepreneurial incentive and the appropriate discount rate for unknown factors such as extended marketing time, unforeseen market factors such as the onsite aerial high line.

Discounted Cash Flow Analysis			
	Year		
Revenue	1	2	Total
Riparian Lots			
Beginning Inventory of Lots	3	2	
Number of Lots Sold	<u>1</u>	<u>2</u>	3
Ending Inventory of Lots	2	0	
Gross Proceeds from Sale	\$65,000	\$70,000	\$135,000
Total Potential Gross Income	\$65,000	\$70,000	\$135,000
Expenses			
Roadway	\$0		\$0
Surveying	0		\$0
Professional Fees	0		\$0
Real Estate Taxes	700	350	\$1,050
Marketing Cost	3,250	3,500	\$6,750
Total Expenses	\$3,950	\$3,850	\$7,800
Entrepreneurial Profit	\$13,000	\$14,000	\$27,000
Net Cash Flow	\$48,050	\$52,150	\$100,200
Present Value	\$43,682	\$43,099	\$86,781
Indicated Value			\$87,000
Market Profit Rate	20%		
Market Discount Factor	10%		

The market value to an investor as a three lot subdivision with a two year sellout is \$87,000.

SUPPLEMENTAL VALUATION - CONTINUED**Valuation-Continued**

The following map illustrates the approximate lot lines and projected parcels.



A discounted cash flow analysis on the following page illustrates a four year sellout for the subject as a twelve lot subdivision. The previously referenced table provides the support for the individual market values for each lot. The market provides adequate support for a multiple year sellout a market extracted 25% profit rate applies to this analysis with a same 10% discount rate. The following table summarizes the income, applicable expenses and market value as a high density subdivision.

*Note: Similar to the low density subdivision analysis, the high density subdivision analysis provides a market value of the subject parcel to an investor without the recreational trail and without the free-span bridge.

SUPPLEMENTAL VALUATION - CONTINUED
Valuation-Continued

Discounted Cash Flow Analysis					
	Year				
Revenue	1	2	3	4	Total
Riparian Lots					
Beginning Inventory of Lots	12	8	5	2	
Number of Lots Sold	4	3	3	2	12
Ending Inventory of Lots	8	5	2	0	
Gross Proceeds from Sale	\$80,000	\$60,000	\$60,000	\$40,000	\$240,000
Total Potential Gross Income	\$80,000	\$60,000	\$60,000	\$40,000	\$240,000
Expenses					
Roadway	\$0				\$0
Surveying	25,000				\$25,000
Professional Fees	20,000				\$20,000
Real Estate Taxes	3,000	1,500	750	375	\$5,625
Marketing Cost	4,000	3,000	3,000	2,000	\$12,000
Total Expenses	\$52,000	\$4,500	\$3,750	\$2,375	\$62,625
Entrepreneurial Profit	\$20,000	\$15,000	\$15,000	\$10,000	\$60,000
Net Cash Flow	\$8,000	\$40,500	\$41,250	\$27,625	\$117,375
Present Value	\$8,000	\$40,500	\$41,250	\$27,625	\$117,375
Indicated Value					\$117,000
Market Profit Rate	25%				
Market Discount Factor	10%				

The market value to an investor as a twelve lot subdivision with a four year sellout is \$107,000.

Reconciliation

Per client request, a supplemental analysis was performed based on the subject being sold as is as a three lot subdivision and as a high density subdivision situated on the Apple River.

The low density subdivision indicates a market value as of January 10, 2019 of; \$87,000

The high density subdivision indicates a market value as of January 10, 2019 of; \$117,000

***Note:** The client has requested an appraisal of the subject property under the hypothetical condition that the property is subdivided in a low density and high density subdivision. This report cannot be relied upon for an exact location of lot lines or subdivision. The maps are for illustration purposes and generally outline how a potential subdivision may be developed without having to incur additional costs such as

SUPPLEMENTAL VALUATION - CONTINUED

Note-Continued

roadways, easement access or any types of encroachments. The maps have been developed in basic accordance to the General Purpose Shoreland Zoning Guidelines. This report cannot be relied upon for the exact location of lot lines. A professional land surveyor and the Polk County Zoning Office should be consulted regarding any potential and legal subdivision development.

CERTIFICATION

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct;
2. The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased analyses, opinions and conclusions;
3. I have no present or prospective interest in the property that is subject of this report and no personal interest with respect to the parties involved;
4. I have no bias with respect to the property that is the subject of this report or to the parties involved with the assignment;
5. My engagement in this assignment was not contingent upon developing or reporting predetermined results;
6. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal;
7. Christopher M. Drost has not previously appraised the subject of this analysis;
8. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice;
9. I personally viewed the exterior of the subject on January 10, 2019;
10. I have the relevant knowledge and experience of the subject's market and property type to complete this appraisal assignment in a competent manner;
11. The appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan; and
12. The appraiser's state certification has not been revoked, suspended, cancelled or restricted.



Christopher M. Drost
Wisconsin Certified General Appraiser 1593

February 7, 2019
Date

GENERAL ASSUMPTIONS

General Assumptions

1. Legal and Title Consideration: Title to the property is assumed to be good and marketable unless otherwise stated. No responsibility is assumed for the legal description provided or for other matters pertaining to legal or title considerations.
2. Liens and Encumbrances: Unless specific mention to the contrary has been made in the report, the property is appraised as though free and clear of all encumbrances including, but not limited to, mortgages, easements and encroachments.
3. Management of the Property: It is assumed that the property, which is the subject of the report, will be under prudent and competent ownership and management, neither inefficient nor super-efficient.
4. Hidden or Unobservable Conditions: It is assumed the subject property has no hidden or unobservable conditions that render it more or less valuable such as unstable soil conditions. No responsibility is assumed for such conditions or for obtaining the engineering studies that may be required to discover them.
5. Hazardous Materials: Unless otherwise stated in this report, the existence of hazardous materials, including without limitation asbestos, polychlorinated biphenyl, petroleum leakage, or agricultural chemicals, which may or may not be present on, in or nearby the property, were not called to the attention of nor did the appraiser become aware of such during appraiser's inspection. The appraiser has no knowledge of the existence of such materials on or in the property unless otherwise stated. The appraiser, however, is not qualified to test for such substances. The presence of hazardous materials may affect the value of the property. The value opinion reported herein is predicated on the assumption that no such hazardous substances exist on or in the property or in such proximity thereto which would cause a loss in value. No responsibility is assumed for any such hazardous substances, or for any expertise or knowledge required to discover them.

LIMITING CONDITIONS AND COMPETENCY

Limiting Conditions

1. **Limit of Liability:** The liability of Gargulak Appraisal Services, LLC, its employees, subcontractors and Christopher M. Drost “Appraiser” is limited to the fee collected for preparation of this report.
2. **Unauthorized Use:** The report is provided at the request of and prepared for the party listed on the cover page and in the transmittal letter. The use of this report is limited in its use and reliance by that party alone and only for the purposes, which have been explicitly conveyed to Gargulak Appraisal Services, LLC by that party. Gargulak Appraisal Services, LLC has no knowledge of the use of this report for the benefit of any third party and shall not be accountable or liable to any third party that relies upon the report.
3. **Possession, Use, Copies, and Distribution of Report:** Possession of this report or any copy thereof does not carry with it the right of publication, nor may it be used for other than its intended use. The physical report(s) remain the property of the Appraiser for the use of the client. The report may not be used for any purpose by any person, entity or corporation other than the client or the party to whom the report is addressed. It may not be copied without the prior written consent and approval of Gargulak Appraisal Services, LLC and then, only in its entirety.
4. **Public Disclosure:** Neither all nor any part of the contents of this report shall be disseminated to the public through advertising, public relations, news releases or by other means without the prior written consent and approval of Gargulak Appraisal Services, LLC. Disclosure of the contents of the appraisal report is governed by the Bylaws and Regulations of the Appraisal Institute. Should prior written approval be permitted, no reference to the Appraisal Institute is allowed.
5. **Testimony:** The Appraiser is not required to give testimony or appear in court because of having made the appraisal with reference to the property in question, unless other arrangements have been previously made therefore.
6. **Supporting Information:** Information, estimates and opinions furnished to the Appraiser, and contained in this report, were obtained from sources considered

LIMITING CONDITIONS AND COMPETENCY - CONTINUED

Limiting Conditions - Continued

Reliable and believed to be true and correct. However, the Appraiser can assume no responsibility for accuracy of such items furnished to the Appraiser.

7. Appraisal Report: This is an appraisal report on the fee-simple market value of the subject property.

Competency

The appraiser has the relevant knowledge and experience of the subject's market and property type to complete this appraisal assignment in a competent manner. The appraiser has been actively working throughout northwestern Wisconsin over the last sixteen years with an emphasis in St. Croix, Pierce, Barron, Burnett, Washburn, Sawyer, Polk and Rusk County. Within these counties, the appraiser has direct experience with a wide range of vacant developmental land, commercial, industrial, aviation and complex residential properties.

QUALIFICATIONS

Credentials:

Wisconsin Certified General Appraiser – Certificate #1593

Education:

Graduated Rice Lake Senior High School – 1991

Experience:

January 2007 to Present: **Wisconsin Certified General Appraiser/Independent**

Contractor, Gargulak Appraisal Services, LLC. Perform real property appraisals on residential property and small commercial property.

January 2002 to December 2006: **Appraisal Trainee/Wisconsin Licensed**

Appraiser/Independent Contractor, WPS Inc., d/b/a Pam's Appraisal Service, Rice Lake, Wisconsin. Assist with the collection of real property data and preparation of appraisal reports on the residential properties located in Northwestern Wisconsin.

February 2004 to August 2007: **St. Croix Casino and Hotel**, Table games dealer.

July 1998 to January 2002: **Air Compressor/Electric Motor Technician**, Moberg Electric Inc., Rice Lake Wisconsin. Single Phase and Three Phase motor repair. Air compressor sales, installation and repair.

April 1998 to July 1998: **BFI (Browning Ferris Industries)**, Pick-up and removal of residential solid waste.

January 1997 to April 1998: **Air Conditioning/Refrigeration Operator**, Jennie-o-Turkey Store. Operated and maintained plant-wide refrigeration and cooling for the processing of consumer turkey products.

August 1991 to December 1996: **United States Navy**, served on the USS Dwight D. Eisenhower CVN 69. Air Conditioning/Refrigeration mechanic and Hydraulic technician.

Appraisal Courses Completed:

February 2002 – December 2015: Qualifying Education, USPAP and Appraisal Institute Continuing Education Courses

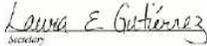
June 2017 – Appraisal Institute, National USPAP Update, Minneapolis, MN

October 2017 – Appraisal Institute, Analyzing Operating Expenses Online

December 2017 – Appraisal Institute, Real Estate Finance Statistics and Valuation Modeling Online

QUALIFICATIONS - CONTINUED**References**

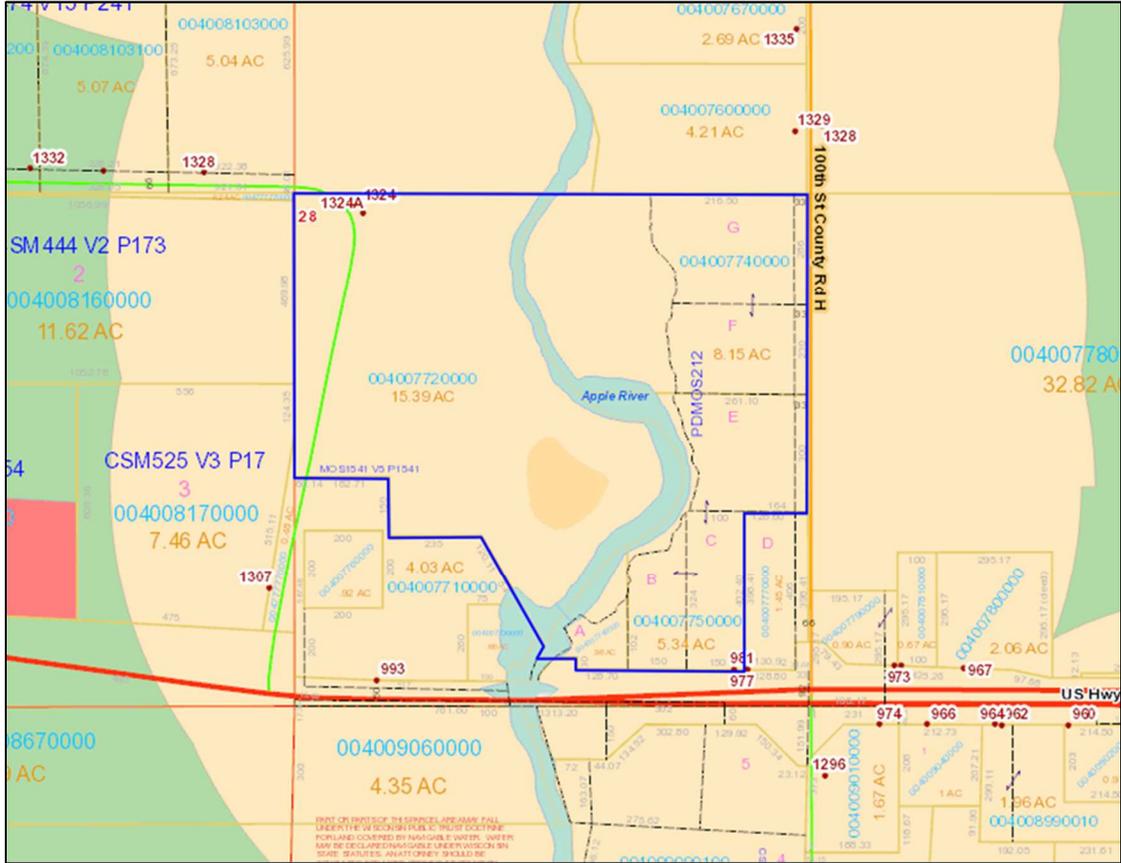
Available on request

NO. 1593 - 10	EXPIRES: 12/14/2019
The State of Wisconsin Department of Safety and Professional Services	
<i>Hereby certifies that</i> CHRISTOPHER M DROST	
<i>was granted a certificate to practice as a</i> CERTIFIED GENERAL APPRAISER ELIGIBLE TO APPRAISE FEDERALLY RELATED TRANSACTIONS IS AQB COMPLIANT	
<i>in the State of Wisconsin in accordance with Wisconsin Law</i> <i>on the 12th day of February in the year 2009.</i>	
<i>The authority granted herein must be renewed each biennium by the granting authority.</i>	
<i>In witness thereof, the State of Wisconsin</i> <i>Department of Safety and Professional Services</i> <i>has caused this certificate to be issued under</i> <i>its official seal.</i>	
	 <small>Secretary</small>

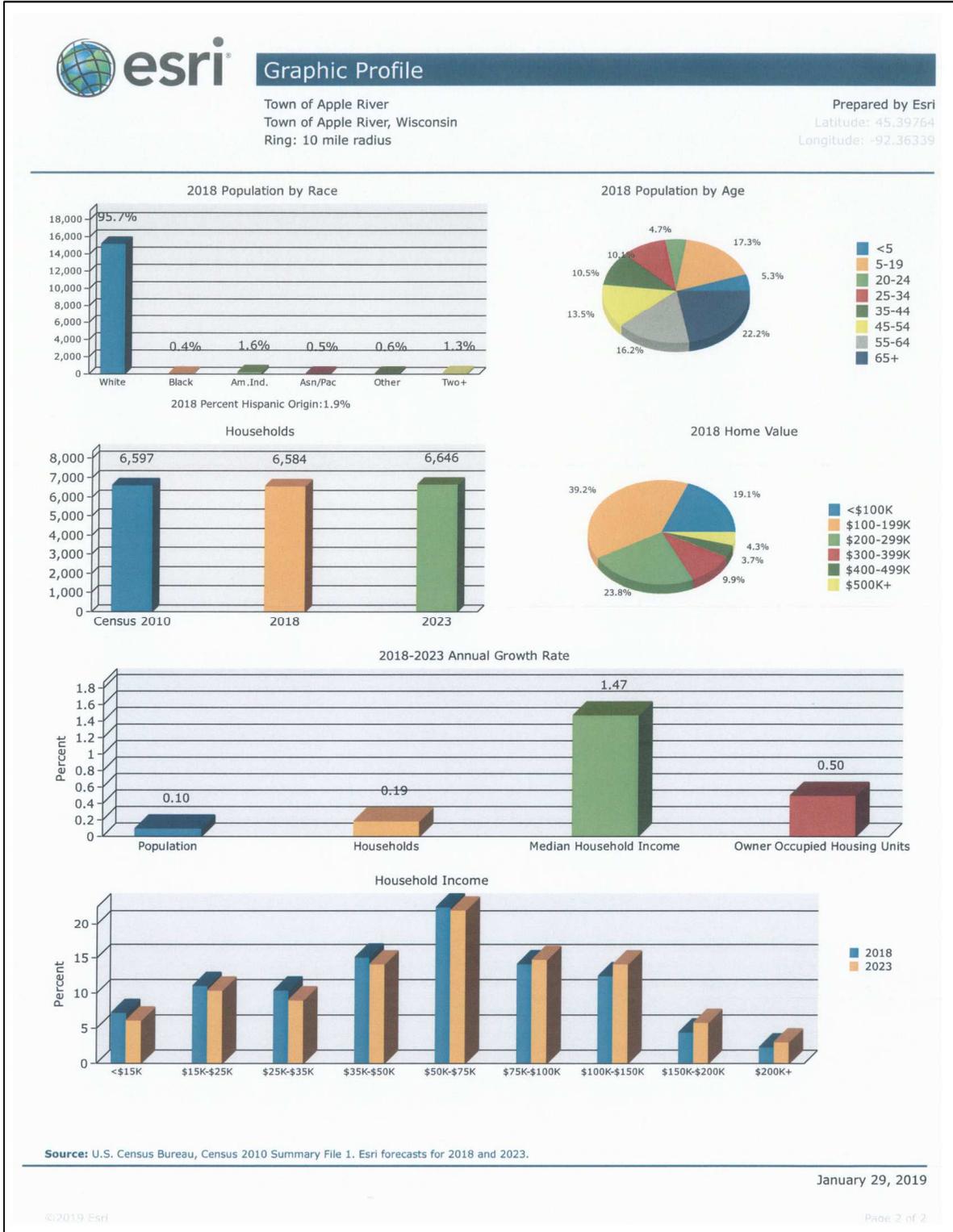
ADDENDA

**Zoning Map
Demographic Report**

Zoning Map



Demographic Report



Demographic Report - Continued

		5 miles	10 miles
 Market Profile			
Town of Apple River Town of Apple River, Wisconsin Rings: 5, 10 mile radii		Prepared by Esri Latitude: 45.39764 Longitude: -92.36339	
Population Summary			
2000 Total Population		2,933	15,456
2010 Total Population		2,995	16,129
2018 Total Population		2,915	15,918
2018 Group Quarters		11	235
2023 Total Population		2,917	15,999
2018-2023 Annual Rate		0.01%	0.10%
2018 Total Daytime Population		1,820	13,961
Workers		398	5,946
Residents		1,422	8,015
Household Summary			
2000 Households		1,149	6,137
2000 Average Household Size		2.54	2.48
2010 Households		1,213	6,597
2010 Average Household Size		2.46	2.41
2018 Households		1,194	6,584
2018 Average Household Size		2.43	2.38
2023 Households		1,200	6,646
2023 Average Household Size		2.42	2.37
2018-2023 Annual Rate		0.10%	0.19%
2010 Families		871	4,486
2010 Average Family Size		2.86	2.88
2018 Families		848	4,419
2018 Average Family Size		2.82	2.84
2023 Families		849	4,438
2023 Average Family Size		2.81	2.83
2018-2023 Annual Rate		0.02%	0.09%
Housing Unit Summary			
2000 Housing Units		1,489	8,810
Owner Occupied Housing Units		68.2%	57.1%
Renter Occupied Housing Units		8.9%	12.6%
Vacant Housing Units		22.9%	30.3%
2010 Housing Units		1,691	9,993
Owner Occupied Housing Units		62.3%	52.6%
Renter Occupied Housing Units		9.4%	13.4%
Vacant Housing Units		28.3%	34.0%
2018 Housing Units		1,691	10,089
Owner Occupied Housing Units		59.3%	49.4%
Renter Occupied Housing Units		11.3%	15.8%
Vacant Housing Units		29.4%	34.7%
2023 Housing Units		1,718	10,270
Owner Occupied Housing Units		59.3%	49.8%
Renter Occupied Housing Units		10.5%	15.0%
Vacant Housing Units		30.2%	35.3%
Median Household Income			
2018		\$57,275	\$54,714
2023		\$62,429	\$58,856
Median Home Value			
2018		\$181,804	\$178,594
2023		\$204,323	\$193,368
Per Capita Income			
2018		\$28,952	\$29,137
2023		\$32,792	\$32,998
Median Age			
2010		44.1	44.3
2018		46.7	46.5
2023		47.8	47.7
<p>Data Note: Household population includes persons not residing in group quarters. Average Household Size is the household population divided by total households. Persons in families include the householder and persons related to the householder by birth, marriage, or adoption. Per Capita Income represents the income received by all persons aged 15 years and over divided by the total population.</p> <p>Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023 Esri converted Census 2000 data into 2010 geography.</p>			
			January 29, 2019
©2019 Esri		Page 1 of 7	

Polk County Board of Supervisors
Resolution No. ~~01~~18

Resolution to Authorize Sale of County Lands Formerly Known as the Old Country Dam

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

Ladies and Gentlemen:

WHEREAS, in 2002, Polk County took by tax foreclosure title to the lands then known as the Old Country Dam, formerly owned by James and Lola Woodley, having tax parcel identification numbers 4-772; 4-774 and 4-775;

WHEREAS, in adopting Resolution No. 58-02, the Polk County Board of Supervisors declared the intent of the County to retain the lands until such time that certain projects, identified in the resolution, had been completed at which time the County Board would then consider and authorize their disposition; and

WHEREAS, the projects identified in Resolution No. 58-02, the removal of the dam and Old Country Dam building and relocation of the snowmobile trail, have all been completed.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors declares that there is no public purpose for which the County lands, formerly known as the Old Country Dam property, having tax parcel identification numbers of 4-772; 4-774; and 4-775, may be retained.

BE IT FURTHER RESOLVED that the Polk County Board of Supervisors authorizes the sale of such County lands and directs the Environmental Committee to cause such sale pursuant to and in accordance with Wisconsin Statute Section 75.69 and Ordinance No. 01-12.

Sponsored and submitted this ____ day of January 2018.

BY: Brad Olson
Brad Olson, Supervisor, District #1

Doug Route
Doug Route, Supervisor, District #2

Dean Johanson
Dean Johanson, Chair,
Supervisor, District #3,

Chris Nelson
Chris Nelson, Supervisor, District #4

Tracy LaBlanc
Tracy LaBlanc, Supervisor, District #5

Brian Masters
Brian Masters, Supervisor, District #6

Michael Pritchard
Michael Pritchard, Supervisor, District #7

James Edgell
James Edgell, Supervisor, District #8

Kim O'Connell
Kim O'Connell, Supervisor, District #9

Larry Jepsen
Larry Jepsen, 1st Vice Chair,
Supervisor, District # 10

Jay Luke
Jay Luke, 2nd Vice Chair,
Supervisor, District #11

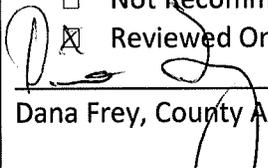
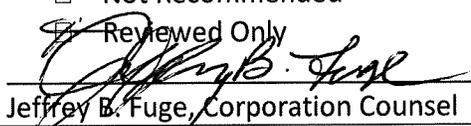
Kate Isaacson
Kate Isaacson, Supervisor, District #12

Russell Arcand
Russell Arcand, Supervisor, District #13

John Bonneprise
John Bonneprise, Supervisor, District #14

Joe DeMulling
Joe DeMulling, Supervisor, District #15

Resolution No. 04-18: Resolution to Authorize Sale of County Lands Formerly Known as the Old Country Dam

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

Acknowledgement of County Board Action

At its regular meeting on the ____ of February 2018, the Polk County Board of Supervisors considered and acted on the above resolution, Resolution No. 04-18: Resolution to Authorize Sale of County Lands Formerly Known as the Old Country Dam, as follows:

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

SIGNED BY:

Dean Johansen, County Board Chairperson

Attest: _____
Sharon E. Jorgenson, County Clerk

Resolution No. 10-19

1 Resolution Concerning the Request of the Village of Luck for Cost-Sharing on Project to
2 Replace South Shore Drive Culvert and Big Butternut Lake Dam

3 TO THE HONORABLE CHAIRPERSON AND SUPERVISORS OF THE COUNTY BOARD OF THE
4 COUNTY OF POLK:

5 Ladies and Gentlemen:

6 WHEREAS, pursuant to Wisconsin Statute section 66.0301(2), municipalities may contract
7 with other municipalities to provide for the cooperative furnishing of services, joint
8 exercise of responsibilities required or authorized by law, and to provide for a proration
9 of expenses involved; and

10
11 WHEREAS, the Village of Luck has approved and authorized a construction project for the
12 reconstruction of South Shore Drive which would involve the replacement of the bridge,
13 the culvert and the Big Butternut Lake Dam; and

14
15 WHEREAS, the Village of Luck has sought the involvement of the County based upon
16 records of the Wisconsin Department of Natural Resources that showed Polk County as the
17 apparent owner of the Big Butternut Lake Dam; and

18
19 WHEREAS, recorded legal documents demonstrate that the Village of Luck is the rightful
20 owner of lands on which rests the Big Butternut Lake Dam and the County has requested
21 the Wisconsin Department of Natural Resources to correct its records consistent with the
22 recorded documents; and

23
24 WHEREAS, the Wisconsin Department of Natural Resources has issued an administrative
25 order to approve a project plan that was submitted by MSA Professional Service without
26 County authorization; and

27
28 WHEREAS, the County has brought a circuit court action to vacate the administrative order
29 of the Wisconsin Department of Natural Resources and the County has filed a formal
30 request with the Wisconsin Department of Natural Resources to vacate its administrative
31 order and those matters remain pending; and

32
33 WHEREAS, the Village of Luck has awarded the contract for the construction project and
34 has requested the County enter into an intergovernmental agreement to cost share the
35 culvert and dam replacement, with estimated replacement costs of \$196,694.58, and to
36 transfer to the Village of Luck any and all ownership interest and responsibility in and
37 related to the Big Butternut Lake Dam.

38
39 WHEREAS, the County's cost share responsibility as requested by the Village of Luck would
40 require an amendment of the 2019 budget in an amount of \$97,391.70

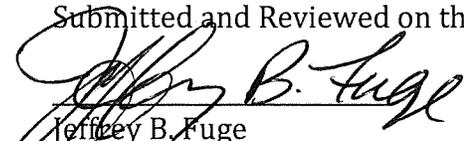
41

42 NOW, THEREFORE, BE IT RESOLVED that, pursuant to Wisconsin Statute Section 66.0301,
43 the Polk County Board of Supervisors authorize the County Administrator to negotiate,
44 execute and administer on behalf of the County an intergovernmental agreement with the
45 Village of Luck to share the culvert and dam replacement cost and to transfer ownership
46 and responsibility of the dam to the Village, with the cost share responsibility of the County
47 not in excess of \$97,391.70.

48
49 BE IT FURTHER RESOLVED that the Polk County Board of Supervisors amends the 2019
50 Operating and Capital Improvement Budget by authorizing an appropriation from the
51 General Fund and an expenditure for the culvert and dam replacement in an amount of
52 \$97,391.70.

53
54 BE IT FURTHER RESOLVED that the Clerk cause notice of the budget amendment to be
55 published within 10 days of passage.

Submitted and Reviewed on this 22nd day of January, 2019.



Jeffrey B. Fuge
Interim County Administrator

Fiscal Impact Note: The financial impacts presented are outlined in the resolution.

Approved as to Form and Execution:



Malia T. Malone, Corporation Counsel

Legal Impact Note: Passage of the resolution authorizes the intergovernmental agreement described.

Excerpt of Minutes

At its regular business meeting on the ____ day of _____, 2019, the Polk County Board of Supervisors acted upon Resolution No. 10-19: Resolution Concerning the Request of the Village of Luck for Cost-Sharing on Project to Replace South Shore Drive Culvert and Big Butternut Lake Dam, as follows:

- Adopted by two-thirds of the members seated on the Board by a vote of _____ in favor and _____ against.
- Adopted by unanimous voice vote.
- Adopted as amended. See Below.
- Defeated
- Other: _____

Insert amendment to resolution according to minutes:

SIGNED BY:

ATTEST:

Dean Johansen, County Board Chairperson

Sharon Jorgenson, County Clerk

ENVIRONMENTAL SERVICES COMMITTEE

2019 WORK PLAN

Date	Scheduled Agenda Items	Program Evaluation/Upcoming Issues
January	<ul style="list-style-type: none"> • Finalize 2019 Work Plan • Timber Sales 	<ul style="list-style-type: none"> • Rules of Order review/suggested changes –Jan thru May
February	<ul style="list-style-type: none"> • Tree Replacement schedule • Wildlife damage/Crop Claims 	<ul style="list-style-type: none"> • Governor’s Budget & impact
March	<ul style="list-style-type: none"> • Business Analysis of Lime Quarry 	
April	<ul style="list-style-type: none"> • Recycling Analysis/review • Tax Deed Listings 	
May	<ul style="list-style-type: none"> • Review of repairs on dams owned by Polk County 	<ul style="list-style-type: none"> • Budget Development – end of May
June	<ul style="list-style-type: none"> • Annual Report Receipt • Review of Functions 	
July	<ul style="list-style-type: none"> • Annual Reports 	
August	<ul style="list-style-type: none"> • Review/Revise Comprehensive Forest Plan 	
September		
October	<ul style="list-style-type: none"> • Budgets/Budget amendments • Annual Forestry Plan 	
November		
December	<ul style="list-style-type: none"> • Develop 2020 Work Plan 	