



# POLK COUNTY, WISCONSIN

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

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

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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, April 10, 2019 at 9:00 a.m.

A quorum of the County Board may be present

**Amendments: <sup>1</sup> Matters Added or Revised by Initial Amended Notice of Meeting**

1. Call to Order – Chairperson Kim O’Connell
2. Approval of Agenda
3. Approval of minutes for March 27, 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. Parks, Recreation and Trails
  - a. Kennedy Dam update
  - b. Update and discussion on all State and County Trails
  - c. Discussion and Possible Action Regarding Resolution No. 20-19:  
Resolution to Urge a Joint Planning Process Between Polk and Burnett County for the Gandy Dancer Trail Formerly the Soo Line Rail Bed
  - d. Update and discussion regarding Offer to Transfer Clam Falls Dam to Polk County
  - e. Updates Regarding Big Butternut Lake Dam

### 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.

7. Land Information
  - a. Review BOA applications
  - b. Discussion on conservation design development – Subdivision ordinance
  - c. <sup>1</sup>Review/Discussion and Preliminary Approval of Wood Ridge Preliminary Plat
  - d. Tourist Rooming House Ordinance Provisions - Review and discussion
  - e. Resolution No. 19-19: Resolution to approve zoning ordinance amendment for the Town of St. Croix Falls – Town of St. Croix Falls Resolution No. 19-06: Recommendation on Town of St. Croix Falls ordinance amendment – Ordinance No. 19-02.
  - f. Update and discussion on new Shoreland zoning maps (next step – town input)
8. Tourism – Review and discussion
9. Forestry – discussion regarding accepting 120 acres into the County Forest in the Town of Sterling – Mark Gossman.
10. Review and discussion of Functional Areas assigned to the Committee for the Purpose of scheduling Program Evaluation of Functional Assigned Areas
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, March 27, 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; Nick Osborne, County Administrator; Malia Malone, Corporation Counsel; members of the public and of the press.

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

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

**Motion** (LaBlanc/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 March 13, 2019 meeting. **Motion** (Olson/Edgell) to approve the minutes of the March 13, 2019 meeting as published carried by unanimous voice vote.

**Public Comment** – Three (3) public comments were received by the committee.

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

Chair O'Connell recognized Nick Osborne, Administrator and Steve Geiger, Interim Land Information Officer for the purpose of receiving information. Osborne indicated he is still waiting for information regarding Big Butternut Dam. Geiger is trying to find a 3<sup>rd</sup> party to assist in Trail Planning as Master Plans are much more complex now than they were in the past. Osborne indicated he has been in contact with Burnett County, as requested, regarding the possibility of engaging in Joint Planning for the Gandy Dancer Trail. Burnett County is asking for a formal request from Polk County in that regard. The committee, by consensus, recommended going forward with asking Burnett County to enter into a Joint Planning Agreement for the Gandy Dancer Trail.

Administrator Osborne discussed the process of and time frame for placing items on Board and Committee agendas.

Chair O'Connell called for a break at 9:50 A.M. Chair O'Connell called the meeting back in session at 10:07 A.M

Public Hearing

Chair O'Connell opened the Public Hearing for the Revised Polk County Stormwater and Erosion Control Ordinance at 10:07 and recognized Tim Ritten, Director of Land & Water, who provided a staff report regarding the changes to the Ordinance. Chair O'Connell then called for public comments. No Public comments offered. Chair O'Connell declared the Public Hearing closed at 10:10 A.M. **Motion** (Edgell/Olson) to approve the Revised Polk County Stormwater and Erosion Control Ordinance and recommend passage to the full county board passed by unanimous voice vote.

The committee discussed possible amendments to Rules of Order Ordinance in regard to nomination/recruitment of Board of Adjustment members. Corporation Counsel Malone will write a short procedure for the process of nomination/recruitment of Board of Adjustment members.

Next Meeting: April 10, 2019 at 9:00 A.M. Possible Future Agenda items: Trails update, Big Butternut Dam update, Comprehensive Plan Update & Tourist Rooming house ordinance, Tourism, Kennedy Dam, BOA applicants, conservancy.

**Motion** (Olson/Edgell) to adjourn. **Motion** carried by unanimous voice vote. Chair O'Connell declared meeting adjourned at 10:53 A.M.

Respectfully submitted,

Stephanie Fansler  
Deputy Polk County Clerk

## ENVIRONMENTAL SERVICES COMMITTEE

### 2019 WORK PLAN

Date	Scheduled Agenda Items	Program Evaluation/Upcoming Issues
January	<ul style="list-style-type: none"> <li>• Finalize 2019 Work Plan</li> <li>• Timber Sales</li> </ul>	<ul style="list-style-type: none"> <li>• Rules of Order review/suggested changes – Jan thru May</li> </ul>
February	<ul style="list-style-type: none"> <li>• Tree Replacement schedule</li> <li>• Wildlife damage/Crop Claims</li> </ul>	<ul style="list-style-type: none"> <li>• Governor's Budget &amp; impact</li> </ul>
March		
April	<ul style="list-style-type: none"> <li>• Recycling Analysis/review</li> <li>• Tax Deed Listings</li> </ul>	
May	<ul style="list-style-type: none"> <li>• Review of repairs on dams owned by Polk County</li> <li>• Business Analysis of Lime Quarry</li> </ul>	<ul style="list-style-type: none"> <li>• Budget Development – end of May</li> </ul>
June	<ul style="list-style-type: none"> <li>• Annual Report Receipt</li> <li>• Review of Functions</li> <li>• Tax Deed Update (1<sup>st</sup> mtg in June)</li> <li>• Set Prices for tax deed sales (2<sup>nd</sup> mtg in June)</li> </ul>	
July	<ul style="list-style-type: none"> <li>• Annual Reports</li> </ul>	
August	<ul style="list-style-type: none"> <li>• Review/Revise Comprehensive Forest Plan</li> </ul>	
September		
October	<ul style="list-style-type: none"> <li>• Budgets/Budget amendments</li> <li>• Annual Forestry Plan</li> </ul>	
November		

December	<ul style="list-style-type: none"><li data-bbox="423 239 792 268">• Develop 2020 Work Plan</li></ul>	

Resolution No. 20-19

RESOLUTION TO URGE A JOINT PLANNING PROCESS BETWEEN  
POLK AND BURNETT COUNTY FOR THE GANDY DANCER TRAIL  
FORMERLY THE SOO LINE RAIL BED

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

Ladies and Gentlemen:

WHEREAS, 29 miles of the Gandy Dancer Trail cross Polk County and 20.2  
miles cross Burnett County.

WHEREAS, the Gandy Dancer Trail is a regional recreation asset used year round by  
residents and tourists of all counties; and

WHEREAS, the Wisconsin Department of Natural Resources encourages counties to  
develop master plans that detail how the trail is used and maintained; and

WHEREAS, aspects of the master plan development process, such as public input  
meetings, could be held jointly to reach a wider audience; and

WHEREAS, if both counties agree, a consistent use for the trail could be less  
confusing to the residents of both counties; and

NOW, THEREFORE, BE IT RESOLVED, that the Polk County Board of Supervisors  
urge Burnett County and the DNR to consider a joint planning process in developing a  
master plan for the Gandy Dancer Trail formerly the Soo Line Rail Bed.

BY:

\_\_\_\_\_  
Brad Olson, Supervisor, District #1

\_\_\_\_\_  
James Edgell, Supervisor, District #8

\_\_\_\_\_  
Doug Route, Supervisor, District #2

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

\_\_\_\_\_  
Dean Johansen, Chair,  
Supervisor, District #3,

\_\_\_\_\_  
Larry Jepsen, Supervisor, District #10

\_\_\_\_\_  
Chris Nelson, Supervisor, District #4

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

\_\_\_\_\_  
Tracy LaBlanc, Supervisor, District #5

\_\_\_\_\_  
Michael Larsen, Supervisor, District #12

\_\_\_\_\_  
Brian Masters, Supervisor, District #6

\_\_\_\_\_  
Russell Arcand, Supervisor, District #13

\_\_\_\_\_  
Michael Prichard, Supervisor, District #7

\_\_\_\_\_  
John Bonneprise, 2<sup>nd</sup> Vice Chair,

Supervisor, District #14

\_\_\_\_\_  
Joe Demulling, Supervisor, District #15

Reviewed By County Administrator:

*Nick Osborne*  
Nick Osborne  
County Administrator

Fiscal Impact Note: *None*

Approved as to Form and Execution:

*Malia T. Malone*  
Malia T. Malone, Corporation Counsel

Legal Impact Note: *No legal impact*

Excerpt of Minutes

27 At its regular business meeting on the 16<sup>th</sup> of April 2019, the Polk County Board of  
28 Supervisors acted upon Resolution No. 20-19: Resolution to Urge a Joint Planning  
29 Process Between Polk and Burnett County for the Gandy Dancer Trail, Formerly the  
30 Soo Line Rail Bed.  
31

- Adopted by a majority of the members present 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



**Administrative Office**  
 1001 Stephenson Street  
 Norway, MI 49870  
 Phone: 855-99HYDRO  
 Fax: 906-563-9344  
 www.renewableworldenergies.com

March 28, 2019

**Polk County Administration and Board of Supervisors**  
 Polk County, WI

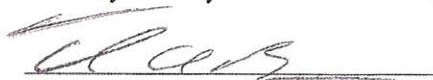
Re: Offer to Transfer Clam Falls Dam to Polk County

Dear Polk County,

We hereby offer to transfer the Clam Falls Dam in Clam Falls, Wisconsin to Polk County. This dam is owned by Northwestern Wisconsin Electric Company ("NWE") and leased to Flambeau Hydro LLC, a subsidiary of Renewable World Energies (collectively, "RWE") under that certain Commercial Lease dated April 3, 2001, as amended. For this transfer to be viable the following four items must be achieved:

1. Polk County must agree to take ownership of the Clam Falls Dam if the DNR gives the dam an exemption from the hazard rating rules outlined in WDNR Chapter NR 333 that allows the dam to be overtopped by a 500-year flood.
2. If item #1 is achieved, then a stability analysis will be performed by Ayres Associates, paid for by RWE and NWE (no cost to Polk County). This analysis must show that the dam can safely be overtopped by a 500-year flood. If the analysis shows that the dam can be safely overtopped with the completion of certain modifications, those costs would be identified and be taken from the "Certified Funds" described below. The expenditure to complete those modifications would only be made if there are assurances that the WDNR would grant the exemption upon the completion of the modifications.
3. If items #1 and #2 are achieved, AND the WDNR issues an exemption allowing the dam to be overtopped by the 500-year flood.
4. When all the 3 items above have been achieved, Polk County takes ownership of the dam and, simultaneously, RWE and NWE will deliver "Certified Funds" in the amount of \$650,000 to Polk County (less any costs of modifications).

Thank you for your consideration,

  
 Thomas A. Berutti  
 President & CEO, RWE

  
 David M. Dahlberg  
 President, NWE

## RESOLUTION \_\_\_\_-19

Resolution to Approve Zoning Ordinance Amendment for the Town of St Croix Falls

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

1 WHEREAS, the Town of St. Croix Falls administers their own Zoning Ordinance; and

2  
3 WHEREAS, paragraph 3 of Wisconsin Statute Chapter 60.62 relating to town zoning authority, if  
4 exercising village powers, reads: "In counties having a county zoning ordinance, no zoning ordinance or  
5 amendment of a zoning ordinance may be adopted under this section unless approved by the county  
6 board;" and

7  
8 WHEREAS the Town of St. Croix Falls adopted Zoning Ordinance No. 1 on August 5, 1965,  
9 amended in its entirety on May 12, 1994 and subsequent amendments including the amendment on March  
10 20, 2001; January 16, 2008; February 18, 2009; May 20, 2009; October 21, 2009; March 17, 2010; April  
11 21, 2010; August 18, 2010; March 16, 2011; April 20, 2011; October 19, 2011; November 16, 2011;  
12 August 21, 2013; March 18, 2015; April 15, 2015; March 16, 2016; March 15, 2017; November 15, 2017;  
13 June 20, 2018; October 17, 2018; January 16, 2019; and

14  
15 WHEREAS, the Town Board of the Town of St. Croix Falls passed Resolution 19-06 adopting  
16 Ordinance 19-02 amending Zoning Ordinance No. 1 at their January 16, 2019 meeting; and

17  
18 WHEREAS, the Town Board of the Town of St. Croix Falls deems it advisable and necessary to  
19 amend Zoning Ordinance No. 1, Chapter I- Administration and Enforcement, Section I- Special  
20 Exceptions, 7. adding that commercial design guidelines may be required for commercial type projects in  
21 any district; Chapter II-Definitions- adding a definition for church; Chapter III- Agricultural district  
22 ,Section C.2. identifying specific uses that can be applied for as a special exception; Chapter IV- Highway  
23 Setbacks and Access, Section D, clarifying when a structure is permitted within the setback lines in the  
24 Residential district; and Chapter V-Sign Regulations and Restrictions, Section D.2. adding language for  
25 when an abandoned sign structure does not need to be removed; and

26  
27 WHEREAS, the Polk County Board of Supervisors must also approve any zoning ordinance  
28 amendments for the town; and

29  
30 NOW, THEREFORE, BE IT RESOLVED, that the Polk County Board of Supervisors hereby  
31 approves Resolution 19-06 adopting Ordinance 19-02 amending Zoning Ordinance No. 1.

---

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

Submitted & sponsored by the Environmental Services Committee:

\_\_\_\_\_  
Kim O'Connell  
Environmental Services Committee Chairperson

# TOWN of ST. CROIXFALLS

www.townofstcroixfalls.org  
POLK COUNTY, WISCONSIN

FRANK BEHNING, CHAIRPERSON  
KATIE APPEL, SUPERVISOR 13  
MICHAEL DORSEY, SUPERVISOR  
SHARON KELLY, SUPERVISOR  
GARY KOECHER, SUPERVISOR  
JANET KRUEGER, CLERK  
MAXINE (MAX) SPIESS, TREASURER

March 21, 2019

Land Information  
Attention Director  
100 Polk County Plaza, Ste 130  
Balsam Lake, WI 54810

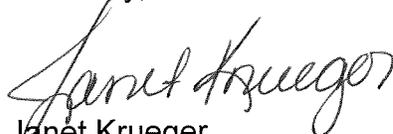
***RE: Amendment to Town Zoning Ordinance***

Dear Land Information Director,

The Town Board of the Town of St. Croix Falls passed Ordinance 19-02 amending the Town's Zoning Ordinance No. 1, Chapter I (Administration & Enforcement) Section I with the addition that the commercial design guidelines may be required for commercial type projects in any district; Chapter II (Definitions) adding a definition for church; Chapter III, Section C, 2 (Agricultural District) identifying specific uses that can be applied for as a special exception; Chapter IV (Highway Setbacks & Access) Section D clarifying when a structure is permitted in the setback lines in the residential district; and Chapter V (Sign Regulations) Section D. 2 adding language for when an abandoned sign structure does not need to be removed.

Please present the Town of St. Croix Falls Town Board approved Ordinance 19-02 amending the Town's zoning ordinance to the Polk County Board of Supervisors for their approval.

Sincerely,



Janet Krueger  
Town Clerk

Enclosure

Ordinance 19-02 Zoning Ordinance No. 1 Amendment & Resolution 19-06

TOWN  
Of  
**ST. CROIX FALLS**  
Polk County, Wisconsin

**AMENDING ZONING ORDINANCE No. 1 ENTITLED "TOWN ZONING ORDINANCE"  
ORDINANCE 19-02**

**Section 1: Purpose**

The purpose of this ordinance is to amend Chapter I - Administration and Enforcement, Section I – Special Exceptions, 7. – Conditions, with the addition of n. to read as follows:

***n. Commercial Design Guidelines may be required for Commercial type projects in any district.***

And

Amend Chapter II – Definitions, with the addition of:

***Church – A building used for public worship.***

And

Amend Chapter III – General Zoning, Section C – Districts, 2. – Agricultural District, f. – Special Exceptions, with the following deletions and additions.

1. Any use not listed in the permitted uses or prohibited uses may be applied for as a special exception.  
***Cemetery***
2. ***Child Care Facility***
3. ***Churches***
4. ***Commercial Stables***
5. ***Concrete or hot mix plants engaged in public highway related projects provided that such operations are of a temporary nature not exceeding one hundred-twenty (120) days.***
6. ***Event Center***
7. ***Feedlot, dairying, and livestock raising of herds over four hundred (400) animal units, with one contiguous acre available for grazing, feed production, and waste disposal for each animal unit in the combined herd.***
8. ***Feed Mill***
9. ***Governmental uses such as police or fire stations, town halls, highway storage garages, solid waste disposal and sewage treatment plants, schools, public parks and campgrounds, public recreational use, or airports or landing strips.***
10. ***Health Care Facility***
11. ***Implement Dealer***
12. ***Kennels, when located not less than three hundred (300) feet from any lot line shared with premises devoted to residential use, nor closer than one thousand (1,000) feet from any residential building other than that of the owner of the kennel, his agent or employee.***
13. ***Licensed game management as set forth in Chapter 29 of Wisconsin State Statutes.***
14. ***Mini Storage. A series of bays, no wider than twenty (20) feet, no longer than forty (40) feet, connected to each other with common walls and separated overhead doors with no utilities. No commercial or retail uses other than the original lease of space is permitted. The retail sale of storage, packing and moving supplies by the owner/operator of the mini storage facility is permitted in the facility office area.***
15. ***Non Metallic mining subject to Chapter I.I.10***
16. ***One additional single family dwelling when occupied by persons earning a substantial livelihood from the single entity owned farm operation.***

15

**TOWN**  
Of  
**ST. CROIX FALLS**

Polk County, Wisconsin

**Resolution 19-06**

**A RESOLUTION ADOPTING ORDINANCE 19-02  
AMENDING ZONING ORDINANCE No. 1**

WHEREAS the Town Board of the Town of St. Croix Falls has village powers under Section 60.10(2)(c), Stats., that grants police powers as set forth in Section 61.34(1), Stats., to act for the good order of the Town, for its commercial benefit and for the health, safety, and welfare of the public; and

WHEREAS the Town of St. Croix Falls adopted Zoning Ordinance No. 1 on August 5, 1965, amended in its entirety on May 12, 1994 and subsequent amendments including the amendments on March 20, 2001; January 16, 2008; February 18, 2009; May 20, 2009; October 21, 2009; March 17, 2010; April 21, 2010; August 18, 2010; March 16, 2011; April 20, 2011; October 19, 2011; November 16, 2011; August 21, 2013; March 18, 2015; March 15, 2017; June 20, 2018; October 17, 2018; January 16, 2019; and

WHEREAS the Town Board of the Town of St. Croix Falls deems it advisable and necessary to amend Zoning Ordinance No. 1, Chapter I - Administration and Enforcement, Section I - Special Exceptions, 7 adding that commercial design guidelines may be required for commercial type projects in any district; Chapter II - Definitions adding a definition for church; Chapter III - Section C. 2 - Agricultural District identifying specific uses that can be applied for as a special exception; Chapter IV - Highway Setbacks and Access, Section D, clarifying when a structure is permitted within the setback lines in the residential district; and Chapter V - Sign Regulations and Restrictions, Section D. 2 adding language for when an abandoned sign structure does not need to be removed; and

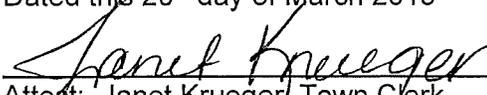
WHEREAS the Plan Commission of the Town of St. Croix Falls held a public hearing on the proposed amendments on March 13, 2019, the first reading of the proposed amendments was had on February 20, 2019, and a second reading was held on March 20, 2019.

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, does approve Ordinance 19-02 amending Zoning Ordinance No. 1; Chapter I, I, 7; Chapter II; Chapter III C, 2, f; Chapter IV, D,7; and Chapter V, D, 2; and

BE IT FURTHER RESOLVED that the Town Board of the Town of St. Croix Falls hereby petitions the Polk County Board of Supervisors to concur and ratify the amendments; and

BE IT FURTHER RESOLVED that Ordinance 19-02 become effective upon passage and publication and/or posting according to Wisconsin State Statute.

Dated this 20<sup>th</sup> day of March 2019

  
Attest: Janet Krueger, Town Clerk

  
Frank Behning, Chairperson

Approved by:

5 Yeas; 0 Nays; 0 Absent/Abstain  Roll Call Vote:

**Sample Conditions for a Special Exception from Article 8D1 & 8D1(a)  
of the Polk County Shoreland Protection Zoning Ordinance –  
Operating a Tourist Rooming House/Transient Lodge**

*-Please be aware that these are some of the conditions that the Board of Adjustment may address during the public hearing as they are considering your request. Every special exception application is different and this list is only some example conditions. If your special exception is granted, the conditions could vary from this list. A special exception permit from the zoning office is required before the new use is allowed on the property.*

1. Accessory building must not have sleeping accommodations.
2. No RVs, campers, tents or other means of overnight stay allowed.
3. All parking must be contained on the property.
4. Applicant must obtain all proper licensing.
5. All fires & embers are to be extinguished by 11:00 p.m., with no unattended fires.
6. Applicant must have 24-hour contact number available to the public.
7. Property must remain free from citation and charges for nuisance, disorderly conduct, or any other illegal activity.
8. Quiet hours shall be imposed from 11:00 p.m. to 7:00 a.m.
9. Property must remain in compliance with any changes or modification to the Shoreland Protection Zoning Ordinance.
10. Applicant and renters must comply with ALL applicable laws and regulations:
  - a. Department of Natural Resources lake regulations to be included in rental information.
  - b. Lake association rules to be included in rental information.
  - c. Owner is responsible to state and local jurisdictions for compliance with firework regulations.
11. All pets must be contained on the property.
12. Property lines must be clearly delineated.
13. All conditions that apply to renters shall be included in rental information.
14. Existing septic system to be inspected and approved.

**Tourist Rooming House Provisions of Shoreland Ordinance**

**Previous Language from 2010-2016**

Article 4.

“TOURIST ROOMING HOUSE” means single family tourist cabins and cottages in which sleeping accommodations are offered for pay to a maximum of 2 tourists or transients per bedroom plus 2, not to exceed 8. It does not include private boarding or rooming houses not accommodating tourists or transients, bed and breakfast establishments regulated under ch. HFS 197, or hotels and motels.

“TRANSIENT LODGING” means any bed & breakfast, hotel or motel that requires a license from the State Department of Health and Family Services.

Article 8.D. Special Exceptions –

The following uses are authorized upon the issuance of a special exception permit according to the procedure set forth in Article 17. Unless a greater distance is specified, any structure shall be at least 100 feet from a residence other than that of the owner of the lot, his/her agent, or employee; 75 feet from a residential property line; or 25 feet from a lot line. Erosion control plans and storm water management plans shall be required.

1. Hotels, transient lodging, condominiums, including 2 or more single family dwellings for rent or lease, motels, restaurants, dinner clubs, taverns, private clubs, power generating stations, churches and cemeteries.
  - (a) Tourist Rooming Houses are exempt from Article 8.D.1. setbacks. The side yard setback as defined in Article 11.C. Table 1. for Principal Structures shall apply to tourist rooming houses.

**Current Language**

Article 4.

“TOURIST ROOMING HOUSE” means single family dwelling in which sleeping accommodations are offered for pay to a maximum of 2 tourists or transients per bedroom plus 2.

“TRANSIENT LODGING” means any bed & breakfast, hotel or motel that requires a license from the State Department of Health and Family Services.

Article 8.D.

Changes in use that require a land use permit- These uses require a permit from the zoning office prior to these uses being an allowed use.

1. Tourist Rooming House provided they meet the following conditions:
  - (a) No RVs, campers, tents or other means of overnight stay allowed.
  - (b) All sleeping accommodations must be within the dwelling unit.
  - (c) All parking must be contained on the property.
  - (d) Applicant must obtain all proper licensing.
  - (e) Applicant must have 24-hour contact number available to the public.

**Possible Text (Option 2):**

Article 4. Definition of Tourist Rooming House is amended to read:

“TOURIST ROOMING HOUSE” means a single family dwelling in which sleeping accommodations are offered for pay to a maximum of 2 tourists or transients per bedroom based on the sanitary system serving the dwelling. plus 2.

Amend Article 8.D.1 as it currently reads:

2. Tourist Rooming House with a maximum occupancy of eight, provided they meet the following conditions:
  - (g) No RVs, campers, tents or other means of overnight stay allowed.
  - (h) All sleeping accommodations must be within the dwelling unit.
  - (i) All parking must be contained on the property.
  - (j) Applicant must obtain all proper licensing.
  - (k) Applicant must have 24-hour contact number available to the public.
  - (l) Property must remain free from citation and charges for nuisance, disorderly conduct or any other illegal activity, and in compliance with county ordinances, state and local laws.

Amend Article 8.E to read as follows:

- E. Conditional Uses- The following uses are authorized upon the issuance of a conditional use permit according to the procedure set forth in Article 18. Unless a greater distance is specified, any structure shall be at least 100 feet from a residence other than that of the owner of the lot, his/her agent, or employee; 75 feet from a residential property line; or 25 feet from a lot line. Erosion control plans and storm water management plans shall be required.
  1. Hotels, motels, restaurants, dinner clubs, taverns, private clubs, power generating stations, churches and cemeteries/burial sites.
    - a. Tourist Rooming Houses with a maximum occupancy more than eight. Tourist rooming houses are exempt from Article 8.E. setbacks. The side yard setback as defined in Article 11.C.Table 1. for Principal Structures shall apply to tourist rooming houses.
  2. Institutions of a philanthropic or educational nature.

\*Rest of Article 8.E. remains unchanged\*

Amend Article 18.C to read as follows:

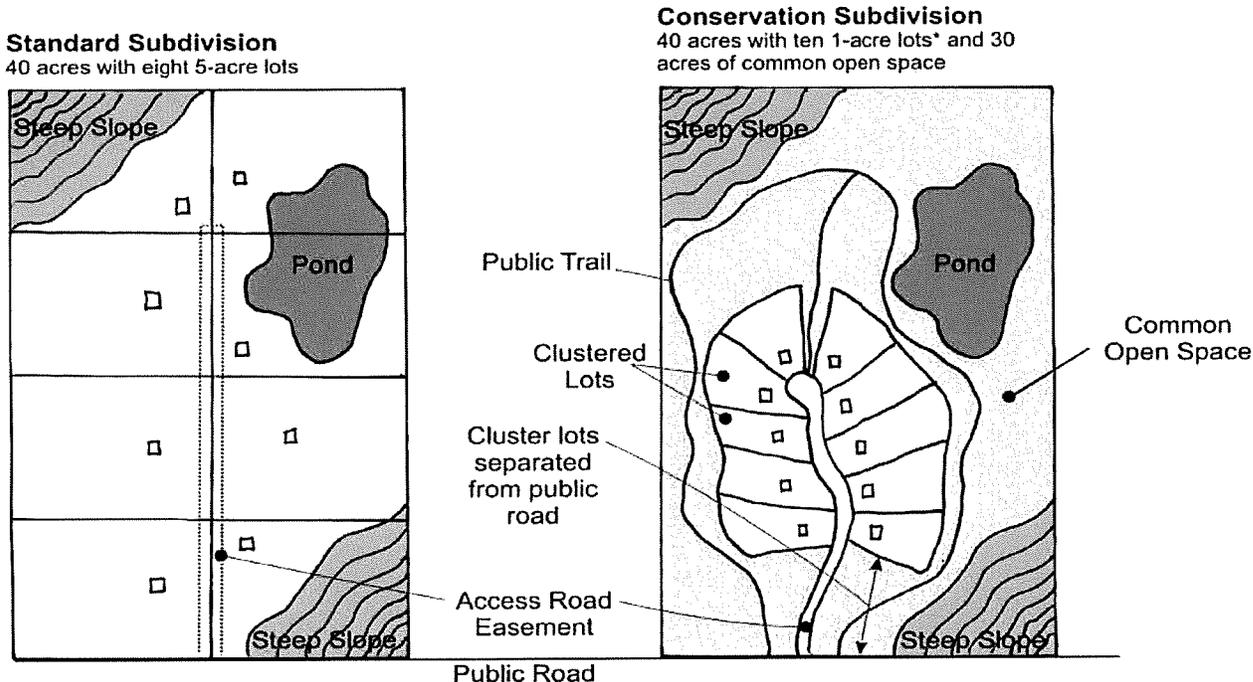
- C. Revocation - Where the conditions of a zoning permit, conditional use permit or a variance are violated, the same are deemed revoked.
  1. Conditional and Permitted Uses: A warning shall be issued when a documented complaint is received and verified by the zoning office directly related to the conditional/permitted use. If the zoning office receives a second documented

**APPENDIX C CONSERVATION DESIGN DEVELOPMENT FOR MAJOR SUBDIVISIONS**

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

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



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

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

Table 1: Minimum Required Open Space Percentage

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

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

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

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

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

## (G) LANDSCAPING FOR CONSERVATION DESIGN DEVELOPMENT

- (1) Preservation of existing native vegetation.
  - (a) For the purpose of conserving native vegetation and in recognition of the time value of existing native vegetation, the preservation of existing native, noninvasive vegetation shall generally be preferred to the installation of new plant material, and the excavation of sites shall be minimized.
  - (b) Within all required separation areas between cluster groups and external roads and site boundaries, existing woodlands and hedgerows shall be retained to the maximum extent possible.
  - (c) Suitable existing native vegetation shall be credited toward the landscaping requirements of this ordinance when it would equal or exceed the desirable visual impact of the new required plant material after two years of growth.
  - (d) All new landscaping to be installed and existing native vegetation to be preserved shall be protected in accordance with the standards specified in this ordinance.
- (2) Trees Along Roads.
  - (a) Trees of native species shall be planted along internal roads within cluster groups.
  - (b) Trees may be planted, but are not required, along internal roads passing through common open space.
  - (c) Informal, irregular or natural arrangements are encouraged for trees along roads, to avoid the urban appearance that regular spacing may evoke.
  - (d) Trees shall be located so as not to interfere with the installation and maintenance of utilities and paths, trails, or sidewalks that may parallel the road.
  - (e) Tree plantings shall comply with all applicable regulations in this ordinance.
- (3) Buffers
  - (a) Within all required separation areas between external roads and cluster groups, a vegetated buffer area at least 25 feet in width shall be maintained or established. Where no natural trees and shrubs exist, native plant materials shall be planted.
  - (b) Where native vegetated buffers do not exist within separation areas between cluster groups, planted buffers using native species are encouraged, to enhance privacy and a rural appearance between cluster groups.

3. All navigable waters, including a 75ft setback measured from the ordinary high water mark of the water.
  4. Perennial and intermittent streams, springs and drainage ways that contain running water during spring runoff, during storm events or when it rains, including filter strips as defined in the NRCS Filter Strip practice standard
  5. Areas of steep slopes greater than 20 percent
- (b) Secondary Conservation Areas. These are features of the site that should be protected or integrated into the development to enhance open space values such as:
1. Rural character, wildlife habitat, native vegetation and agricultural production.
  2. Mature native woodlands.
  3. Hedgerows and rock or boulder fences or walls.
  4. Freestanding trees or groups of trees of native, non-invasive species.
  5. Grasslands, pastures, meadows and identified native prairie remnants.
  6. Farmland.
  7. Historic or archeological features.
  8. Old farmsteads and farm buildings.
  9. Scenic views onto the site.
  10. Geologic features.
  11. Steep slopes 12 percent to 19.9 percent.
  12. River or stream valleys.
  13. Other natural or cultural elements of the site that have enough significance or value to be spared from cleaning, clearing, grading and development.
- (c) Potential development areas.
1. These areas of the site completely avoid the principal conservation areas and are sensitive to the visual and physical impacts of development on the secondary conservation areas.
  2. Potential development areas that do not comprise either principal or secondary conservation areas should be the first portions of the site to look to place development.
  3. The remainder of the potential development area should be placed to meet minimum open-space area requirements, maximize open space views onto the site and protect the most significant natural and cultural features of the site

conform to those uses allowed in Polk County Zoning Ordinance § 10.3.8

- (c) The Director can consider other legal restrictive agreements for protecting common open space, such as deed restriction, only if such other restrictive agreements permanently restrict the use of common open space to those uses allowed in Polk County Zoning Ordinance § 10.3.8, and Polk County is only obligated to enforce the use restrictions of the restrictive agreement and County ordinances.

(5) OWNERSHIP OF COMMON FACILITIES AND OPEN SPACE.

- (a) Ownership of common facilities and open space shall not be transferred to another entity except in compliance with this subsection.
- (b) Documentation of the proposed ownership arrangement for the common facilities and open space shall accompany the preliminary plat, including any draft contracts, articles of incorporation, by-laws, etc.
- (c) Ownership of common open space and facilities shall be in the form of a fractional interest in the common area assigned to each lot, based on the number of lots in the proposed subdivision, (i.e. 1/40<sup>th</sup> interest in the common open space per lot when there is a 40-lot subdivision).

(6) MAINTENANCE OF COMMON FACILITIES AND COMMON OPEN SPACE. To ensure adequate management, operation and/or maintenance of common facilities and open space a Management Plan shall be prepared and recorded for the property in the Polk County Register of Deeds Office.

(7) ADDITIONAL INFORMATION: CONCEPT, PRELIMINARY AND CONSERVATION DESIGN DEVELOPMENT REVIEW. The approving authority, either the Director or Committee, may require any additional data or detail relevant to review. Descriptive data shall be sufficiently precise to allow the approving authority to determine compliance. Existing features shall be shown as such by distinctive underscoring or other identifiers.