

AGENDA
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE
DECISION MEETING

George Jaeckel, Chair; Steve Nass, Vice-Chair; Blane Poulson, Secretary; Matt Foelker, Cassie Richardson

SUBJECT: Planning and Zoning Committee Decision Meeting
DATE: Monday, April 28, 2025
TIME: 8:30 a.m.
PLACE: Room C1021, County Courthouse, Jefferson WI

[Join the Teams meeting now](#)

Meeting ID: 271 159 818 17

Passcode: uv3kE9Fn

1. Call to Order
2. Roll Call (Establish a Quorum)
3. Certification of Compliance with Open Meetings Law
4. Approval of the Agenda
5. Public Comment (Not to exceed 15 minutes and not to include petitions slated for decision. Members of the public who wish to address the Committee on specific agenda items must register their request at this time)
6. Approval of meeting minutes from **March 27**, March 31, April 11, April 17
7. Communications
8. March Monthly Financial Report for Register of Deeds
9. April Monthly Financial Report for Planning & Development
10. Discussion on Solar Energy Facilities
 - a. Crawfish River Solar
 - b. Badger State River
 - c. Sinnissippi Solar
 - d. Whitewater Solar Project
 - e. Rock Lake Solar Project
11. Discussion and Possible Action on lot line adjustment at W9035 County Road B, PIN 018-0713-0842-000 in the Town of Lake Mills owned by Twohig Trust
12. Discussion and Possible Action on The Preserve at Oakland Subdivision Preliminary Plat
13. Discussion and Possible Action on an Amendment to the Zoning Ordinance Regarding Solar Energy Systems
14. Discussion and Possible Action on Riverbend RV Resort at W6940 Rubidell Road in the Town of Milford
15. Discussion and Possible Action on Amending the Floodplain Ordinance
16. **Discussion and Possible Action on Updating the County Comprehensive Plan and Farmland Preservation Plan to update the Town of Ixonia Farmland Preservation Area Map**
17. **Discussion and Possible Action on a Public Participation Plan for updating the County Comprehensive Plan and Farmland Preservation Plan Maps for the Town of Ixonia**
18. Discussion on Accessory Dwelling Units (ADU)
19. Discussion and Possible Action on Petitions Presented in Public Hearing on April 17, 2025:

R4595A-25 – Yupeng Xiong: Rezone from A-1 to A-3 approximately 2.8-acres around the house and outbuildings at **N6319 Hilltop Lane** in the Town of Farmington, PIN 008-0715-1624-000 (34.950 ac), in accordance with ss. 22-339 – 22-350 of the Jefferson County Zoning Ordinance.

R4596A-25 – Stefan Gieryn: Rezone from A-1 to A-3 to create a 1-acre residential lot at **N138 McMillen Road** in the Town of Koshkonong, PIN 016-0514-3433-001 (30.0 ac), in accordance with ss. 22-339 – 22-350 of the Jefferson County Zoning Ordinance.

R4597A-25 – BKTK Properties LLC: Rezone from A-T to R-1 the 3.103-acre lot (CSM 6368, Lot 3) north of **N1046 Olson Road** in the Town of Sumner, PIN 028-0513-1943-057 (3.103 ac), in accordance with ss. 22-122 – 22-132 of the Jefferson County Zoning Ordinance.

R4598A-25 – Paul Oliver: Rezone from B to R-1 a 1.488-acre vacant lot at **W9298 US Highway 18** in the Town of Oakland, PIN 022-0613-0532-002 (1.488 ac), in accordance with ss. 22-122 – 22.132 of the Jefferson County Zoning Ordinance. Property is owned by Josh Huston and Stephanie Kind.

CU2160-25 – Trevor Knaack: Conditional Use to allow for a 2000 sq ft, 21 ft high extensive onsite storage structure for personal use in an R-2 zone at **N1587 Knaack Ct** in the Town of Koshkonong, PIN 016-0514-1514-028 (1.616 ac), in accordance with ss. 22-581 – 22-587 of the Jefferson County Zoning Ordinance.

CU2161-25 – Bradley Danto: Conditional Use to allow for keeping dogs as household pets on a non-commercial basis in excess of two per premises in an R-1 zone locate at **W9018 Lakeview Drive** in the Town of Oakland, PIN 022-0613-0813-086 (.393 ac).

CU2162-25 – Dunneisen Sand and Gravel LLC: Conditional Use renewal of existing sand and gravel pit business at **W8215 US Highway 18** in the Town of Oakland, PIN 022-0613-1012-000 (34.263 ac), 022-0613-1013-000 (85.178 ac) & 022-0613-1011-001(18.985 ac), in accordance with ss. 22-581 – 22-587 of the Jefferson County Zoning Ordinance.

20. Planning and Development Department Update

21. Possible Future Agenda Items

22. Discussion on Upcoming Meeting Dates:

May 9, 8:00 a.m. – Site Inspections leaving from Courthouse Room C1049

May 15, 7:00 p.m. – Public Hearing in Courthouse Room C2063

May 27, 8:30 a.m. – Decision Meeting in Courthouse Room C1021

June 13, 8:00 a.m. – Site Inspections leaving from Courthouse Room C1049

June 19, 7:00 p.m. – Public Hearing in Courthouse Room C2063

June 30, 8:30 a.m. – Decision Meeting in Courthouse Room C1021

23. Adjourn

If you have questions regarding the petitions, please contact the Zoning Department at 920-674-7131. Petition files referenced on this agenda may be viewed in Courthouse Room C1040 at 311 S Center Ave between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays. Materials covering other agenda items can be found at www.jeffersoncountywi.gov.

A quorum of any Jefferson County Committee, Board, Commission, or other body, including the Jefferson County Board of Supervisors, may be present at this meeting.

Individuals requiring special accommodation for attendance at the meeting should contact the County Administrator at 920-674-7101 at least 24 hours prior to the meeting so that appropriate arrangements can be made.

A digital recording of the meeting will be available in the Zoning Department upon request.

MINUTES
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE
DECISION MEETING

George Jaeckel, Chair; Steve Nass, Vice-Chair; Blane Poulson, Secretary; Matt Foelker, Cassie Richardson

SUBJECT: Planning and Zoning Committee Decision Meeting
DATE: Monday, March 31, 2025
TIME: 8:30 a.m.
PLACE: Room C1021, County Courthouse, Jefferson WI

1. Call to Order

The meeting was called to order by Chairman Jaeckel at 8:30 a.m.

2. Roll Call (Establish a Quorum)

All committee members were present in person with Supervisor Richardson arriving at 8:37 a.m. Other County staff in attendance were Corporation Counsel Danielle Thompson and via Zoom Operation Manager Brian Udovich and County Administrator Michael Luckey. Department staff present were Sarah Elsner, Haley Nielsen, Trevor Quandt and Shari Fischback. Members of the public present was Anita Martin and via Zoom was Torri Riedl.

3. Certification of Compliance with Open Meetings Law

Supervisor Poulson confirmed that the meeting was being held in compliance.

4. Approval of the Agenda

Motion by Supervisor Poulson, second by Supervisor Foelker to approve the agenda. Motion passed on a voice vote, 4-0.

5. Public Comment (Not to exceed 15 minutes and not to include petitions slated for decision. Members of the public who wish to address the Committee on specific agenda items must register their request at this time)

Steve Nass reported that he had a conversation with one of the owners from Rubidell HOA and was told they held a meeting in which they were expecting push back on some citations that were issued but there were only two. The owner felt that things were moving in the right direction, and wants to hold people accountable, so they are making progress. Steve advised the owner that he would pass along that information.

Anita Martin (261 Pinnacle Drive, Lake Mills) had a few questions regarding the Badger State Solar project. Asked what is the status on cleaning out the ditches for the property owners in the public drain that have contracts with the solar company? What is the status of the proposed solar ordinance that went out to the Towns? What kind of feedback has been received so far?

6. Approval of meeting minutes from February 20, February 24, March 14

Motion by Foelker/Nass to approve February 20, 2025, minutes as written.

Motion passed on a voice vote 4-0.

Motion by Poulson/Foelker to approve February 24, 2025, minutes as written.

Motion passed on a voice vote 4-0.

Motion by Foelker/Poulson to approve March 14, 2025, minutes as written.

Motion passed on a voice vote 4-0.

7. Communications

Elsner spoke about creating a floodplain ordinance amendment draft for review next month that includes updating campground language from the DNR model ordinance. She also provided an update status from Towns about the solar text amendment input. Michael Luckey had nothing to add.

8. February Monthly Financial Report for Register of Deeds

Staci Hoffman was absent, but her report was included in the meeting packet.

9. March Monthly Financial Report for Planning & Development

Elsner reported that permits for the month are behind from this time last year, but March is higher than what January and February was, and permits are picking up with Spring coming.

10. Discussion on Solar Energy Facilities

- a. **Crawfish River Solar** – No major updates. Will be reaching out for a final site visit soon.
- b. **Badger State River** – On track for mid-summer construction to begin.
- c. **Sinnissippi Solar** – No major updates.
- d. **Whitewater Solar Project** – The PSC process continues with a public hearing in July and with final PSC decision expected this Fall.
- e. **Rock Lake Solar Project** – Zoning permit was issued. Pre-construction meeting was held a couple weeks ago with discussion about road & lot line concerns being addressed.

11. Discussion and Possible Action on Petitions Presented in Public Hearing on March 27, 2025:

See rezone and conditional use file for complete decision

APPROVED R4588A-25 & CU2152-25 –Arthur Krueger Trust: Rezone 7.6-acres from A-1 to A-2 to allow for existing salvage yard at **W1955 State Road 16** in Town of Ixonia, PIN 012-0816-1731-000 (33.110 ac) and 012-0816-1734-000 (40.0 ac.), in accordance with ss. 22-304 – 22.310 of the Jefferson County Zoning Ordinance. Motion by Jaeckel/Richardson to approve the rezone request with conditions. Motion approved on a 5-0 voice vote.

POSTPONED R4589A-25 – B&B Trust: Rezone from A-1 to A-3 to create a 1-acre lot farm consolidation around the house at **W1281 Sunnyside Drive** in the Town of Concord, PIN 006-0716-2733-000 (45.802 ac), in accordance with ss. 22-339 – 22.350 of the Jefferson County Zoning Ordinance. *No petitioner or representative was present at public hearing for this petition. This will be put back on a future agenda.*

APPROVED R4590A-25 – David Rehm: Rezone from A-1 to A-3 to create a 3.5-acre lot around the house and buildings and a 2.0-acre lot at **N9650 Dewey Road** in the Town of Ixonia, PIN 012-0816-0411-000 (30.350 ac), in accordance with ss. 22-339 – 22.350 of the Jefferson County Zoning Ordinance. Motion by Nass/Foelker to approve the rezone request with conditions. Motion approved on a 5-0 voice vote.

APPROVED R4591A-25 – Barry & Pauline Stephan: Rezone from A-1 to A-3 to create a 2-acre residential lot at **N4062 County Road E** in the Town of Sullivan, PIN 026-0616-1422-005 (31.965 ac), in accordance with ss. 22-339 – 22.350 of the Jefferson County Zoning Ordinance. Motion by Jaeckel/Foelker to approve the rezone request with conditions. Motion approved on a 5-0 voice vote.

APPROVED R4592A-25 – Helen M Weihert: Rezone from A-1 to A-3 to create a 2-acre residential lot north of **N8817 West Road** in the Town of Watertown, PIN 032-0814-1521-000 (30.0 ac), in accordance with ss. 22-339 – 22.350 of the Jefferson County Zoning Ordinance. Motion by Foelker/Poulson to approve the rezone request with conditions. Motion approved on a 5-0 voice vote.

APPROVED R4593A-25 – Eric Gustafson: Rezone .11 acres from A-1 to A-3 from PIN 026-0616-2843-002 (9.899) and from R-2 to A-3 from PIN 026-0616-2843-003 (.522 ac) and 026-0616-2743-004 (.421 ac) to be combined into an approximate 1-acre lot at **N2874 Roger Road** in Town of Sullivan, PIN 026-0616-2843-003 (.522 ac)., in accordance with ss. 22-339 – 22.350 of the Jefferson County Zoning Ordinance. Motion by Foelker/Poulson to approve the rezone request with conditions. Motion approved on a 5-0 voice vote.

APPROVED R4594A-25 & CU2153-25 –Arthur Krueger Trust: Rezone 1.1-acres from A-2 to A-3 to allow the existing duplex located at **W1951/W1953 State Road 16** in Town of Ixonia, PIN 012-0816-1731-000 (33.110 ac), in accordance with ss. 22-339 – 22.350 of the Jefferson County Zoning Ordinance. Motion by Jaeckel/Foelker to approve the rezone request with conditions. Motion approved on a 5-0 voice vote.

APPROVED CU2154-25 – Beer Cave Properties LLC: Conditional Use to allow for a barndominium in B-zone to store concession equipment and supplies, management offices and sleeping quarters at **N4976 Business 26** in the Town of Aztalan, PIN 002-0714-3543-001(28.207 ac), in accordance with ss. 22-581 – 22.587 of the Jefferson County Zoning Ordinance. Motion by Nass/Poulson to approve the conditional use request with conditions. Motion approved on a 5-0 voice vote.

APPROVED CU2155-25– Gallitz Trust: Conditional Use to allow for a mineral extraction mining operation in A-1-zone at **N6131 County Road Y** in the Town of Farmington, PIN 008-0715-1922-001 (25.630 ac), in accordance with ss. 22-581 – 22.587 of the Jefferson County Zoning Ordinance. Motion by Foelker/Poulson to approve the conditional use request with conditions. Motion approved on a 5-0 voice vote.

APPROVED CU2156-25 – Anthony &Angela Caminata: Conditional Use to allow for a 1360 sq. ft., 16 ft. high extensive on-site storage structure in R-2 zone at **N3729 Riverside Lane** in the Town of Jefferson, PIN 014-0614-1443-012 (1.170 ac), in accordance with ss. 22-581 – 22.587 of the Jefferson County Zoning Ordinance. Motion by Jaeckel/Poulson to approve the conditional use request. Motion approved on a 5-0 voice vote.

APPROVED CU2157-25 – Brummond Trust: Conditional Use to allow for a 1300 sq. ft., less than 18 ft. high extensive on-site storage structure in R-1 zone at **N6959 Lake View Rd** in the Town of Lake Mills, PIN 018-0713-0233-023 (.344 ac), in accordance with ss. 22-581 – 22.587 of the Jefferson County Zoning Ordinance. Motion by Jaeckel/Poulson to approve the conditional use request. Motion approved on a 5-0 voice vote.

APPROVED CU2158-25– CRW Company LLC: Conditional Use to allow for a landscape supply business in C-zone at **N7008 Rock Lake Road** in the Town of Lake Mills, PIN 018-0713-0233-030 (1.454 ac), in accordance with ss. 22-581 – 22.587 of the Jefferson County Zoning Ordinance. Motion by Poulson/Nass to approve the conditional use request. Motion approved on a 5-0 voice vote.

APPROVED CU2159-25 – David H Gorton: Conditional Use to allow for a 4500 sq. ft., 18 ft. high extensive on-site storage structure in R-2 zone at **N8446 Pleasant Valley Lane** in the Town of Watertown, PIN 032-0815-2422-001 (2.923 ac), in accordance with ss. 22-581 – 22.587 of the Jefferson County Zoning Ordinance. Motion by Jaeckel/Richardson to approve the conditional use request with conditions. Motion approved on a 5-0 voice vote.

12. Planning and Development Department Update

Elsner reported that staff attended conference last week. She introduced new employee, Trevor Quandt. The Land Information Office has been busy implementing Daniel's Law which goes into effect on April 1st.

- 13. Consider motion to convene in closed session pursuant to Wis. Stat. s. 19.85(1)(g) for the purposes of conferring with legal counsel who, either orally or in writing, will advise the government body on strategy to be adopted with respect to litigation in which it is likely to become involved regarding rezone petition R4379A-2022.**

Roll call vote to move into closed session. Motion by Poulson, second by Foelker to convene in closed session. Motion passed 5-0.

- 14. Reconvene in open session for discussion and possible action on items discussed in closed session.**
Motion by Poulson, second by Nass to reconvene in open session. Motion passed 5-0. No action was taken on items discussed in closed session.

- 15. Possible Future Agenda Items**

Continue with updates on Riverbend RV Resort, solar ordinance input from Towns, and ADU topic.

- 16. Discussion on Upcoming Meeting Dates:**

April 11, 8:00 a.m. – Site Inspections leaving from Courthouse Room C1049

April 17, 7:00 p.m. – Public Hearing in Courthouse Room C2063

April 28, 8:30 a.m. – Decision Meeting in Courthouse Room C1021

May 9, 8:00 a.m. – Site Inspections leaving from Courthouse Room C1049

May 15, 7:00 p.m. – Public Hearing in Courthouse Room C2063

May 27, 8:30 a.m. – Decision Meeting in Courthouse Room C1021

- 17. Adjourn**

Supervisor Poulson/Foelker made a motion to adjourn the meeting. Meeting adjourned at 9:33 a.m.

If you have questions regarding the petitions, please contact the Zoning Department at 920-674-7131. Petition files referenced on this agenda may be viewed in Courthouse Room C1040 at 311 S Center Ave between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays. Materials covering other agenda items can be found at www.jeffersoncountywi.gov.

A quorum of any Jefferson County Committee, Board, Commission, or other body, including the Jefferson County Board of Supervisors, may be present at this meeting.

Individuals requiring special accommodation for attendance at the meeting should contact the County Administrator at 920-674-7101 at least 24 hours prior to the meeting so that appropriate arrangements can be made.

A digital recording of the meeting will be available in the Zoning Department upon request.

MINUTES OF PUBLIC HEARING
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE
George Jaeckel, Chair; Steve Nass, Vice-Chair; Blane Poulson, Secretary; Matt Foelker; Cassie Richardson

SUBJECT: Map Amendments to the Jefferson County Zoning Ordinance and Requests for Conditional Use Permits
DATE: Thursday, March 27, 2025
TIME: 7:00 p.m. (Doors will open at 6:30)
PLACE: JEFFERSON COUNTY COURTHOUSE, ROOM C2063
311 S. CENTER AVE, JEFFERSON, WI 53549
OR Via Zoom Videoconference

PETITIONERS OR MEMBERS OF THE PUBLIC MAY ATTEND THE MEETING VIRTUALLY BY FOLLOWING THESE INSTRUCTIONS IF THEY CHOOSE NOT TO ATTEND IN PERSON:

You are invited to a Zoom meeting.
When: March 27, 2025, at 07:00 PM Central Time (US and Canada)
Meeting ID: 856 6292 4252
Passcode: Zoning

Register in advance for this meeting:

<https://us06web.zoom.us/join/tp4g3M26TtCHOJOvLHQvXQ>

After registering, you will receive a confirmation email containing information about joining the meeting.

1. Call to Order

The meeting was called to order by Chairman Jaeckel at 7 p.m.

2. Roll Call

All members of the Committee were present at 7 p.m. with Supervisor Richardson attending via Zoom. Staff members Haley Nielsen, Trevor Quandt and Shari Fischback were also present. Also attending via Zoom were Deanna Cannon, Tom Gallitz and Mary Walgren.

3. Certification of Compliance with Open Meetings Law

Poulson affirmed that the meeting was being held in compliance with Open Meetings Law.

4. Approval of Agenda

Motion by Supervisor Poulson and seconded by Supervisor Foelker to approve the agenda as presented.
Motion passed 5-0.

5. Public Hearing

Nielsen read aloud the following:

NOTICE IS HEREBY GIVEN that the Jefferson County Planning and Zoning Committee will conduct a public hearing at 7 p.m. on Thursday, March 27, 2025, in Room C2063 of the Jefferson County Courthouse, Jefferson, Wisconsin. Members of the public will be allowed to be heard regarding any petition under consideration by the Planning and Zoning Committee. **PETITIONERS, OR THEIR REPRESENTATIVES SHALL BE PRESENT EITHER IN PERSON OR VIA ZOOM.** Matters to be heard are petitions to amend the official zoning map and applications for conditional use permits. A map of the properties affected may be obtained from the Zoning Department. Individual files, which include staff finding of fact, are available for viewing between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. If you have questions regarding these matters, please contact Zoning at 920-674-7131.

Decisions on Conditional Use Permits will be made on **March 31, 2025**

Recommendations by the Committee on Rezones, will be made on **March 31, 2025**

Final decision will be made by the County Board on **April 8, 2025**

**FROM A-1 EXCLUSIVE AGRICULTURAL TO A-2, AGRICULTURAL AND RURAL BUSINESS
WITH CONDITIONAL USE**

All are in accordance with ss. 22-304 – 22.310 of the Jefferson County Zoning Ordinance

R4588A-25 & CU2152-25 –Arthur Krueger Trust: Rezone 7.6-acres from A-1 to A-2 to allow for existing salvage yard at **W1955 State Road 16** in Town of Ixonia, PIN 012-0816-1731-000 (33.110 ac) and 012-0816-1734-000 (40.0 ac.).

PETITIONER: Arthur Krueger (W1949 State Road 16, Ixonia, WI) presented himself as the petitioner for this rezone. Krueger explained the request to change zoning for existing salvage yard and duplex.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Given by Nielsen and in the file. Nielsen noted that two variances were approved to allow existing duplex to remain within 500 feet of salvage yard and to allow for four lots without 66 feet of road frontage. Krueger confirmed there are no plans to expand or make any changes.

TOWN: In favor with no conditions.

FROM A-1 EXCLUSIVE AGRICULTURAL TO A-3, AGRICULTURAL/RURAL RESIDENTIAL

All are in accordance with ss. 22-339 – 22.350 of the Jefferson County Zoning Ordinance

R4589A-25 – B&B Trust: Rezone from A-1 to A-3 to create a 1-acre lot farm consolidation around the house at **W1281 Sunnyside Drive** in the Town of Concord, PIN 006-0716-2733-000 (45.802 ac).

PETITIONER: **No petitioner or representative was present at public hearing for this petition.**

COMMENTS IN FAVOR: N/A

COMMENTS OPPOSED: N/A

REBUTTAL: N/A

QUESTIONS FROM THE COMMITTEE: N/A

STAFF REPORT: N/A

TOWN: N/A

R4590A-25 – David Rehm: Rezone from A-1 to A-3 to create a 3.5-acre lot around the house and buildings and a 2.0-acre lot at **N9650 Dewey Road** in the Town of Ixonia, PIN 012-0816-0411-000 (30.350 ac).

PETITIONER: David Rehm (W335N6520 Lakeview Drive, Oconomowoc, WI) presented himself as the petitioner for this rezone. Rehm explained the request to create residential lots.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Given by Nielsen and in the file.

TOWN: In favor with no conditions.

R4591A-25 – Barry & Pauline Stephan: Rezone from A-1 to A-3 to create a 2-acre residential lot at **N4062 County Road E** in the Town of Sullivan, PIN 026-0616-1422-005 (31.965 ac).

PETITIONER: Barry Stephan (N4062 County Road E, Sullivan, WI) presented himself as the petitioner for this rezone. Stephan explained that the request is to create a 2.3-acre residential lot of family.

COMMENTS IN FAVOR: Deanna Cannon (140 Hillside Dr, Marshall, WI) spoke in favor.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Given by Nielsen and in the file.

TOWN: In favor with no conditions.

R4592A-25 – Helen M Weihert: Rezone from A-1 to A-3 to create a 2-acre residential lot north of **N8817 West Road** in the Town of Watertown, PIN 032-0814-1521-000 (30.0 ac).

PETITIONER: Helen Weihert (N8890 West Rd, Watertown, WI) presented herself as the petitioner for this rezone. Weihert explained the request to create a lot for a house and agricultural shed.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Given by Nielsen and in the file.

TOWN: In favor with no conditions.

**FROM A-1 EXCLUSIVE AGRICULTURAL & R-2 RESIDENTIAL-UNSEWERED TO A-3,
AGRICULTURAL/RURAL RESIDENTIAL**

All are in accordance with ss. 22-339 – 22.350 of the Jefferson County Zoning Ordinance

R4593A-25 – Eric Gustafson: Rezone .11 acres from A-1 to A-3 from PIN 026-0616-2843-002 (9.899) and from R-2 to A-3 from PIN 026-0616-2843-003 (.522 ac) and 026-0616-2743-004 (.421 ac) to be combined into an approximate 1-acre lot at **N2874 Roger Road** in Town of Sullivan, PIN 026-0616-2843-003 (.522 ac).

PETITIONER: Eric Gustafson (N2874 Roger Road, Helenville, WI) presented himself as the petitioner for this rezone. Gustafson explained the request to rezone to make a one-acre square lot that will include the house and laterals that were outside current lot lines when house was built in 1970. He bought house in 1991.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Given by Nielsen and in the file.

TOWN: In favor with no conditions.

**A-2, AGRICULTURAL AND RURAL BUSINESS TO A-3, AGRICULTURAL/RURAL RESIDENTIAL
WITH CONDITIONAL USE**

All are in accordance with ss. 22-339 – 22.350 of the Jefferson County Zoning Ordinance

R4594A-25 & CU2153-25 –Arthur Krueger Trust: Rezone 1.1-acres from A-2 to A-3 to allow the existing duplex located at **W1951/W1953 State Road 16** in Town of Ixonia, PIN 012-0816-1731-000 (33.110 ac).

PETITIONER: Arthur Krueger (W1949 State Road 16, Ixonia, WI) presented himself as the petitioner for this rezone. Krueger explained the request rezone and conditional use at beginning of meeting. Supervisor Jaeckel did not have him repeat.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Given by Nielsen and in the file.

TOWN: In favor with no conditions.

CONDITIONAL USE PERMIT APPLICATIONS

All are in accordance with ss. 22-581 – 22.587 of the Jefferson County Zoning Ordinance

CU2154-25 – Beer Cave Properties LLC: Conditional Use to allow for a barn-dominium in a B-zone to store concession equipment and supplies, management offices and sleeping quarters at **N4976 Business 26** in the Town of Aztalan, PIN 002-0714-3543-001(28.207 ac).

PETITIONER: Miodrag Petrovic (N4976 Business 26, Jefferson, WI) presented himself as the petitioner for this rezone. Petrovic explained the request to build a barn-dominum for summer concession business. Used for offices,

equipment storage and employee living quarters. There would be no customers. Property will have new well and septic also.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Given by Nielsen and in the file.

TOWN: In favor.

CU2155-25– Gallitz Trust: Conditional Use to allow for a mineral extraction mining operation in an A-1-zone at **N6131 County Road Y** in the Town of Farmington, PIN 008-0715-1922-001 (25.630 ac).

PETITIONER: Tom Gallitz (W4546 US Highway 18, Jefferson, WI) presented himself via Zoom as the petitioner for this conditional use. Gallitz explained the request is for renewal of conditional use that has been in place for the last ten years.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Given by Nielsen and in the file. Gallitz also confirmed that there are no plans right now for future expansion and business hours would be 7am – 5pm.

TOWN: In favor with no conditions.

CU2156-25 – Anthony & Angela Caminata: Conditional Use to allow for a 1360 sq. ft., 16 ft. high extensive on-site storage structure in a R-2 zone at **N3729 Riverside Lane** in the Town of Jefferson, PIN 014-0614-1443-012 (1.170 ac).

PETITIONER: Anthony Caminata (N3729 Riverside Ln, Jefferson, WI) presented himself as the petitioner for this conditional use. Caminata explained the request for a 34' x40' extensive onsite storage structure for personal storage.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Given by Nielsen and in the file. Caminata verified that there are no proposed bathrooms or business use, and a standard outdoor light is proposed. Nielsen noted that mitigation must be completed if impervious surfaces are increasing over 15% on the lot.

TOWN: In favor with no conditions.

CU2157-25 – Brummond Trust: Conditional Use to allow for a 1300 sq. ft., less than 18 ft. high extensive on-site storage structure in a R-1 zone at **N6959 Lake View Rd** in the Town of Lake Mills, PIN 018-0713-0233-023 (.344 ac).

PETITIONER: James Brummond (N6959 Lake View Rd, Lake Mills, WI) presented himself as the petitioner for this conditional use. Brummond explained the request is to remove both existing buildings and replace with new extensive onsite storage building in the same footprint for personal storage.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Given by Nielsen and in the file. Nielsen noted that a variance was approved for a reduced road setback. Brummond also verified that there are no proposed bathrooms or business use, and a standard outdoor light is proposed. Structure would be 18' high.

TOWN: In favor with no conditions.

CU2158-25– CRW Company LLC: Conditional Use to allow for a landscape supply business in a C-zone at **N7008 Rock Lake Road** in the Town of Lake Mills, PIN 018-0713-0233-030 (1.454 ac).

PETITIONER: Chandler White (N7619 Rock Lake Rd, Lake Mills, WI) presented himself as the petitioner for this conditional use. White explained the request for a landscape supply retail business. with hours being 8am-4pm with one employee. There would be a porta-potty onsite and no outdoor lighting except for a digital sign.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Given by Nielsen and in the file. White verified hours of operation will be 8am – 4pm, with one employee. There will be no outdoor lighting but there will be a digital sign. He will have a porta-potty on the property.

TOWN: In favor with no conditions.

CU2159-25 – David H Gorton: Conditional Use to allow for a 4500 sq. ft., 18 ft. high extensive on-site storage structure in a R-2 zone at **N8446 Pleasant Valley Lane** in the Town of Watertown, PIN 032-0815-2422-001 (2.923 ac).

PETITIONER: David Gorton (N8446 Pleasant Valley Ln, Watertown, WI) presented himself as the petitioner for this conditional use. Gorton explained the request is to knock down the current garage and build a new extensive onsite storage structure for personal use. The proposed structure will be 50' x 90' and 18' in height with one bathroom in the structure.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Given by Nielsen and in the file. Gorton verified there will be no business use. There will be a standard yard light at entryway for outdoor lighting. Nielsen explained that a sanitary permit will be needed due to the bathroom.

TOWN: In favor with no conditions.

A second call for B&B Trust was made at this time, and no petitioner or representative was present.

6. Adjourn

Motion by Supervisor Poulson and seconded by Supervisor Foelker to adjourn the meeting. Motion passed 5-0 and the meeting was adjourned at 7:36 p.m.

A quorum of any Jefferson County Committee, Board, Commission or other body, including the Jefferson County Board of Supervisors, may be present at this meeting.

Individuals requiring special accommodation for attendance at this meeting should contact the County Administrator 24 hours prior to the meeting at 920-674-7101 so appropriate arrangements can be made.

A digital recording of the meeting will be available in the Zoning Department upon request.

MINUTES
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE
SITE INSPECTIONS

George Jaeckel, Chair; Steve Nass, Vice-Chair; Blane Poulson, Secretary; Matt Foelker, Cassie Richardson

SUBJECT: Planning and Zoning Committee Site Inspections
DATE: April 11, 2025
TIME: 8:00 a.m.
PLACE: Jefferson County Courthouse, 311 S. Center Ave., Jefferson, WI in Room C1049

1. **Call to Order** - The meeting was called to order by Supervisor Jaeckel at 8:00 a.m.
2. **Roll Call (Establish a Quorum)** – Supervisors Jaeckel, Poulson and Foelker were present. Supervisors Nass and Richardson arrived at 8:03 a.m. Zoning staff present were Matt Zangl, Trevor Quandt and Sharyl Fischback.
3. **Certification of Compliance with Open Meetings Law** - Supervisor Poulson confirmed the meeting is in compliance.
4. **Approval of the Agenda** – Supervisor Poulson made motion to approve agenda, seconded by Supervisor Foelker. Motion passed on voice vote, 3-0.
5. **Public Comment (Not to exceed 15 minutes and not to include petitions slated for decision. Members of the public who wish to address the Committee on specific agenda items must register their request at this time)** - There was no public comment.
6. **Communications** – Zangl had nothing to report.
7. **Site Inspections for Petitions to be Presented in Public Hearing on April 17, 2025:**
Committee left for site inspections at 8:03 am.

R4595A-25 – Yupeng Xiong: Rezone from A-1 to A-3 approximately 2.8-acres around the house and outbuildings at **N6319 Hilltop Lane** in the Town of Farmington, PIN 008-0715-1624-000 (34.950 ac), in accordance with ss. 22-339 – 22.350 of the Jefferson County Zoning Ordinance.

CU2162-25 – Dunneisen Sand and Gravel LLC: Conditional Use renewal of existing sand and gravel pit business at **W8215 US Highway 18** in the Town of Oakland, PIN 022-0613-1012-000 (34.263 ac), 022-0613-1013-000 (85.178 ac) & 022-0613-1011-001(18.985 ac), in accordance with ss. 22-583 of the Jefferson County Zoning Ordinance.

R4598A-25 – Paul Oliver: Rezone from B to R-1 a 1.488-acre vacant lot at **W9298 US Highway 18** in the Town of Oakland, PIN 022-0613-0532-002 (1.488 ac), in accordance with ss. 22-122 – 22.132 of the Jefferson County Zoning Ordinance. Property is owned by Joshua Huston and Stephanie Kind.

CU2161-25 – Bradley Danto: Conditional Use to allow for keeping dogs as household pets on a non-commercial basis in excess of two per premises in an R-1 zone locate at **W9018 Lakeview Drive** in the Town of Oakland, PIN 022-0613-0813-086 (.393 ac).

R4597A-25 – BKTK Properties LLC: Rezone from A-T to R-1 the 3.103-acre lot (CSM 6368, Lot 3) north of **N1046 Olson Road** in the Town of Sumner, PIN 028-0513-1943-057 (3.103 ac), in accordance with ss. 22-122 – 22.132 of the Jefferson County Zoning Ordinance.

R4596A-25 – Stefan Gieryn: Rezone from A-1 to A-3 to create a 1-acre residential lot at **N138 McMillen Road** in the Town of Koshkonong, PIN 016-0514-3433-001 (30.0 ac), in accordance with ss. 22-339 – 22.350 of the Jefferson County Zoning Ordinance.

CU2160-25 – Trevor Knaack: Conditional Use to allow for a 2000 sq ft, 21 ft high extensive onsite storage structure for personal use in an R-2 zone at **N1587 Knaack Ct** in the Town of Koshkonong, PIN 016-0514-1514-028 (1.616 ac), in accordance with ss. 22-149 of the Jefferson County Zoning Ordinance.

8. **Adjourn**– Motion made by Supervisor Poulson seconded by Supervisor Richardson to adjourn at 9:58 a.m.
Motion passed on voice vote, 5-0.

If you have questions regarding the petitions, please contact the Planning & Development Department at 920-674-7131. Petition files referenced on this agenda may be viewed in Courthouse Room C1040 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays. Materials covering other agenda items can be found at www.jeffersoncountymi.gov.

A quorum of any Jefferson County Committee, Board, Commission, or other body, including the Jefferson County Board of Supervisors, may be present at this meeting.

Individuals requiring special accommodation for attendance at the meeting should contact the County Administrator at 920-674-7101 at least 24 hours prior to the meeting so that appropriate arrangements can be made.

A digital recording of the meeting will be available in the Planning & Development Department upon request.

NOTICE OF PUBLIC HEARING
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE
George Jaeckel, Chair; Steve Nass, Vice-Chair; Blane Poulson, Secretary; Matt Foelker; Cassie Richardson

SUBJECT: Map Amendments to the Jefferson County Zoning Ordinance and Requests for Conditional Use Permits
DATE: Thursday, April 17, 2025
TIME: 7:00 p.m. (Doors will open at 6:30)
PLACE: **JEFFERSON COUNTY COURTHOUSE, ROOM C2063**
311 S. CENTER AVE, JEFFERSON, WI 53549
OR Via Zoom Videoconference

PETITIONERS OR MEMBERS OF THE PUBLIC MAY ATTEND THE MEETING VIRTUALLY BY FOLLOWING THESE INSTRUCTIONS IF THEY CHOOSE NOT TO ATTEND IN PERSON:

You are invited to a Zoom meeting.
When: April 17, 2025, at 07:00 PM Central Time (US and Canada)
Meeting ID: 856 6292 4252
Passcode: Zoning
Register in advance for this meeting:
<https://us06web.zoom.us/join/tp4g3M26TtCHOJOvLHQvXQ>
After registering, you will receive a confirmation email containing information about joining the meeting.

1. Call to Order
The meeting was called to order by Chairman Jaeckel at 7 p.m.
2. Roll Call
All members of the Committee were present at 7 p.m. Staff members Sarah Elsner and Trevor Quandt were also present. Also attending via Zoom were; Dardong Xiong, Josh Huston, Bradley Danto, and Cassie Richardson
3. Certification of Compliance with Open Meetings Law
Supervisor Poulson affirmed that the meeting was being held in compliance with Open Meetings Law.
4. Approval of Agenda
Motion by Supervisor Poulson and seconded by Supervisor Foelker to approve the agenda as presented.
Motion passed by a voice vote of 5-0.
5. Public Hearing
Elsner read aloud the following:

NOTICE IS HEREBY GIVEN that the Jefferson County Planning and Zoning Committee will conduct a public hearing at 7 p.m. on Thursday, April 17, 2025, in Room C2063 of the Jefferson County Courthouse, Jefferson, Wisconsin. Members of the public will be allowed to be heard regarding any petition under consideration by the Planning and Zoning Committee. **PETITIONERS, OR THEIR REPRESENTATIVES SHALL BE PRESENT EITHER IN PERSON OR VIA ZOOM.** Matters to be heard are petitions to amend the official zoning map and applications for conditional use permits. A map of the properties affected may be obtained from the Zoning Department. Individual files, which include staff finding of fact, are available for viewing between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. If you have questions regarding these matters, please contact Zoning at 920-674-7131.

Decisions on Conditional Use Permits will be made on **April 28, 2025**
Recommendations by the Committee on Rezones will be made on **April 28, 2025**
Final decision will be made by the County Board on **May 13, 2025**

FROM A-1 EXCLUSIVE AGRICULTURAL TO A-3, AGRICULTURAL/RURAL RESIDENTIAL

All are in accordance with ss. 22-339 – 22-350 of the Jefferson County Zoning Ordinance

R4595A-25 – Yupeng Xiong: Rezone from A-1 to A-3 approximately 2.8-acres around the house and outbuildings at **N6319 Hilltop Lane** in the Town of Farmington, PIN 008-0715-1624-000 (34.950 ac).

PETITIONER:

Dardong Xiong. His brother, Yupeng, is trying to split the property in two separate parcels. One 2.8 acres lot, and the remaining left farmland. Stated the farmland would continue to be used by the current farmer and the families mother who enjoys keeping a garden.

COMMENTS IN FAVOR:

None

COMMENTS OPPOSED:

None

REBUTTAL:

None

QUESTIONS FROM THE COMMITTEE:

None

STAFF REPORT: Given by Elsner and in the file.

TOWN: In favor 2-1

R4596A-25 – Stefan Gieryn: Rezone from A-1 to A-3 to create a 1-acre residential lot at **N138 McMillen Road** in the Town of Koshkonong, PIN 016-0514-3433-001 (30.0 ac).

PETITIONER:

Stefan Gieryn, N138 McMillen Rd, Town of Koshkonong.
Looking to rezone to create a 1-acres lot for his son to build a home on.

COMMENTS IN FAVOR:

None

COMMENTS OPPOSED:

None

REBUTTAL:

None

QUESTIONS FROM THE COMMITTEE:

None

STAFF REPORT: Given by Elsner and in the file.

TOWN:

In favor 5-0, no conditions.

FROM A-T AGRICULTURAL TRANSITION TO R-1, RESIDENTIAL-SEWERED

All are in accordance with ss. 22-122 – 22-132 of the Jefferson County Zoning Ordinance

R4597A-25 – BKTK Properties LLC: Rezone from A-T to R-1 the 3.103-acre lot (CSM 6368, Lot 3) north of **N1046 Olson Road** in the Town of Sumner, PIN 028-0513-1943-057 (3.103 ac).

PETITIONER:

Blair Kransberger, W9466 Lake Dr, Edgerton
Owns the property and is looking to rezone to sell for someone to build on.

COMMENTS IN FAVOR:

None

COMMENTS OPPOSED:

None

REBUTTAL:

None

QUESTIONS FROM THE COMMITTEE:

None

STAFF REPORT: Given by Elsner and in the file.

TOWN:

In favor 5-0, no conditions.

FROM B-BUSINESS TO R-1, RESIDENTIAL-SEWERED

All are in accordance with ss. 22-122 – 22-132 of the Jefferson County Zoning Ordinance

R4598A-25 – Paul Oliver: Rezone from B to R-1 a 1.488-acre vacant lot at **W9298 US Highway 18** in the Town of Oakland, PIN 022-0613-0532-002 (1.488 ac). Property is owned by Joshua Huston and Stephanie Kind.

PETITIONER:

Josh Huston, 311 England St, Cambridge
Looking to rezone from business to residential (sewer available to hook-up) to build a home.

COMMENTS IN FAVOR:

None

COMMENTS OPPOSED:

None

REBUTTAL:

None

QUESTIONS FROM THE COMMITTEE:

None

STAFF REPORT: Given by Elsner and in the file.

TOWN:

In favor 5-0. Town noted it meets growth plan, road setbacks, and is a positive use of an empty lot.

CONDITIONAL USE PERMIT APPLICATIONS

All are in accordance with ss. 22-581 – 22-587 of the Jefferson County Zoning Ordinance

CU2160-25 – Trevor Knaack: Conditional Use to allow for a 2000 sq ft, 21 ft high extensive onsite storage structure for personal use in an R-2 zone at **N1587 Knaack Ct** in the Town of Koshkonong, PIN 016-0514-1514-028 (1.616 ac).

PETITIONER:

Jeff Begovatz, N2551 Strunk Rd, Fort Atkinson explained the petition.

COMMENTS IN FAVOR:

None

COMMENTS OPPOSED:

None

REBUTTAL:

None

QUESTIONS FROM THE COMMITTEE:

None

STAFF REPORT: Given by Elsner and in the file.

TOWN:

In favor 5-0

(Approval of 15 ft setback to the north side of the lot. The building is 2,000 sq ft, 21ft high, no restrooms, and standard lighting.)

CU2161-25 – Bradley Danto: Conditional Use to allow for keeping dogs as household pets on a non-commercial basis in excess of two per premises in an R-1 zone locate at **W9018 Lakeview Drive** in the Town of Oakland, PIN 022-0613-0813-086 (.393 ac).

PETITIONER:

Bradley Danto, W9018 Lakeview Dr, Town of Oakland
Currently have 4 dogs registered with the town. Looking for approval of conditional use to keep the current dogs.

COMMENTS IN FAVOR:

None

COMMENTS OPPOSED:

None

REBUTTAL:

None

QUESTIONS FROM THE COMMITTEE:

None

STAFF REPORT: Given by Elsner and in the file.

TOWN:

Unanimously in favor. (No conditions)

CU2162-25 – Dunneisen Sand and Gravel LLC: Conditional Use renewal of existing sand and gravel pit business at **W8215 US Highway 18** in the Town of Oakland, PIN 022-0613-1012-000 (34.263 ac), 022-0613-1013-000 (85.178 ac) & 022-0613-1011-001(18.985 ac).

PETITIONER:

Randy Dunneisen, W8215 US Hwy 18, Town of Oakland
Looking for approval to renew 10 year conditional use permit. No change to the business or hours

COMMENTS IN FAVOR:

None

COMMENTS OPPOSED:

None

REBUTTAL:

None

QUESTIONS FROM THE COMMITTEE:

None

STAFF REPORT: Given by Elsner and in the file.

TOWN:

In favor 5-0

Conditions; No blasting, no change of use from current CU, same hours (see file)

6. Adjourn

Motion by Supervisor Foelker and seconded by Supervisor Nass to adjourn the meeting. Motion passed 5-0 on a voice vote and the meeting was adjourned at 7:20 p.m.

A quorum of any Jefferson County Committee, Board, Commission or other body, including the Jefferson County Board of Supervisors, may be present at this meeting.

Individuals requiring special accommodation for attendance at this meeting should contact the County Administrator 24 hours prior to the meeting at 920-674-7101 so appropriate arrangements can be made.

A digital recording of the meeting will be available in the Zoning Department upon request.

Register of Deeds

March 2025

Program/Service Description	Output Measures			YR to Date	Current Yr. Target
	2023	2024	2025	Totals	%
Documents Recorded	777	711	862	2,384	24%
Vital Records Filed	159	197	194	572	24%
Vital Record Copies	1,475	1,084	1,614	4,763	35%
ROD Revenue (Gross Total)	\$ 131,116.45	\$ 123,469.89	\$ 138,995.93	\$ 628,381.41	33%
Transfer Fees	\$ 17,304.18	\$ 17,111.40	\$ 18,224.10	\$ 98,718.84	36%
LIO Fees	\$ 6,983.00	\$ 6,388.00	\$ 7,771.00	\$ 21,431.00	25%
Document Copies	\$ 5,816.55	\$ 5,308.61	\$ 4,745.43	\$ 15,942.39	25%
Laredo	\$ 5,032.00	\$ 3,704.28	\$ 5,910.00	\$ 14,829.82	29%
ROD Revenue to General Fund	\$ 45,239.73	\$ 40,706.29	\$ 47,685.53	\$ 182,414.05	30%
Percentage of Documents eRecorded	57%	63%	70%	71%	
Budget Goals Met	Y	N	Y	Yes	30%
Back Indexed	12,121	2,302	791	4,711	24%

Wisconsin Register of Deeds Association:

Continue legislative trailer legislation for 2023 WI Act 235, working on legislation to amend the transfer fee split and additional funding to the WLIP, also working on updates to Chapter 59.43.

Register of Deeds Office:

The staff continues to work on back indexing documents for easier access. Giving our searchers and staff the ability to search documents by name and legal description back to mid 1936.

Wisconsin Counties Association Board of Directors:

2025 WCA Annual business meeting resolutions should be submitted soon.

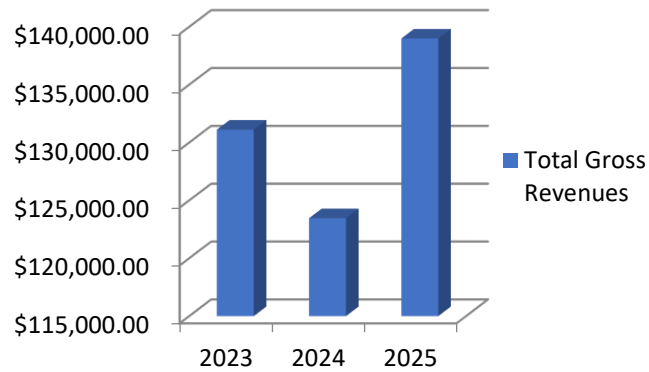
Wisconsin Public Records Board:

Unfortunately due to short staff, I was unable to participate in the quarterly meeting. They reviewed 79 records retention disposition authorizations (RDAs).

Register of Deeds Year to Date Budget Report

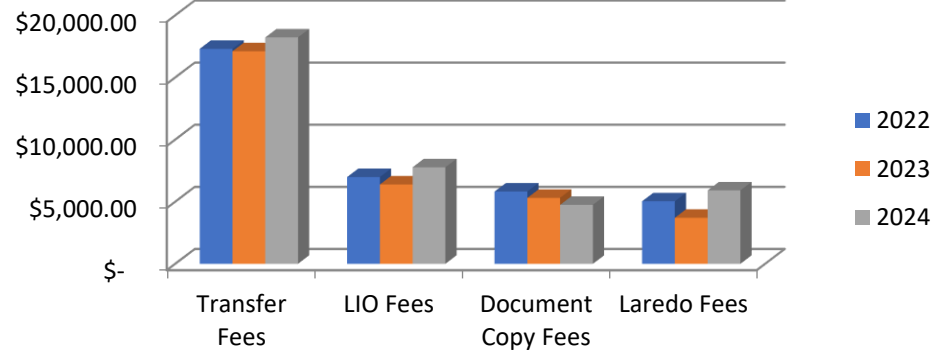
March

ROD Total Gross Revenues

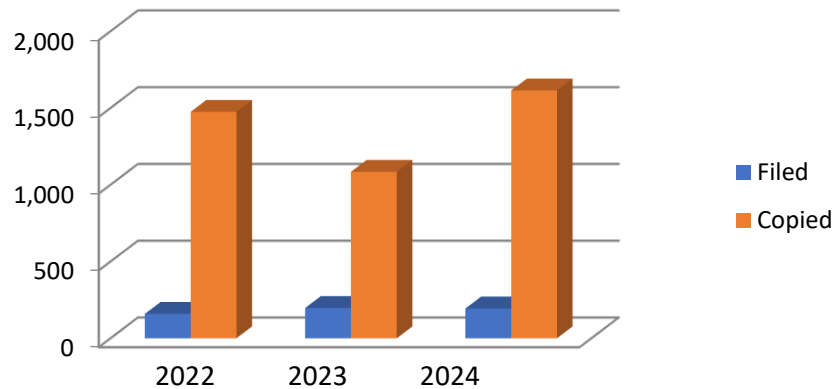


2025

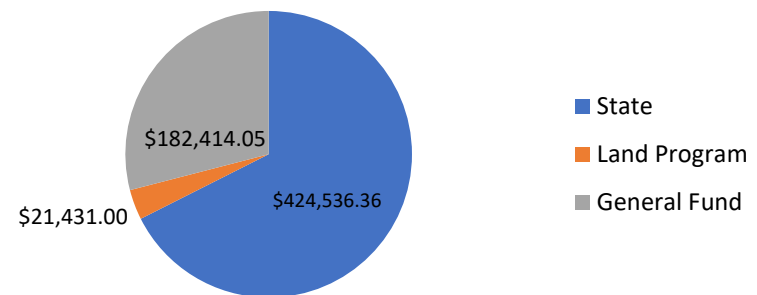
Land Related Revenue



Vital Records



Year to Date Revenue Payout





Public Service Commission of Wisconsin
RECEIVED: 4/18/2025 3:08:37 PM

Environmental Assessment: Whitewater Solar, LLC Project

Application of Whitewater Solar, LLC for a Certificate of Public Convenience and Necessity to Construct Solar Electric Generation Facilities located within the City of Whitewater and Town of Cold Spring, Jefferson County, and the Towns of Whitewater and LaGrange, Walworth County, Wisconsin

Public Service Commission of Wisconsin Docket 9828-CE-100
March 2025

Office of Environmental Analysis
Division of Digital Access, Consumer, and Environmental Affairs
Public Service Commission of Wisconsin

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6. Recommendation

This EA informs the Commissioners, the affected public, and other interested people about the proposed project and its potential environmental and social impacts. Through data requests, additional analyses, and a review of public comments, Commission staff has provided very thorough, factual, and up-to-date information about the project, potential impacts of the proposed project, and the mitigation measures that could address some of those potential impacts.

The EA concludes that construction and operation of the project would be likely to have a range of environmental effects. Commission staff has not identified any potential environmental effects of the proposed project that could be considered significant. This evaluation is arrived at assuming that some, if not all, of the mitigation measures proposed by the applicant and Commission or DNR staff are used.

This assessment finds that approval and construction of this project is unlikely to have a significant impact on the human environment as defined by Wis. Stat. § 1.11, therefore the preparation of an EIS is not required.

 X Environmental review complete. Preparation of an environmental impact statement is not necessary.

 Prepare an environmental impact statement.

Submitted by: Emily Thompson
PSC Environmental Analysis and Review Specialist
Date: March 13, 2025

This environmental assessment complies with Wis. Stat. § 1.11, and Wis. Admin. Code § PSC 4.20.



Adam Ingwell
PSC Environmental Affairs (WEPA) Coordinator – Supervisor
Date: April 18, 2025



Public Service Commission of Wisconsin

Summer Strand, Chairperson
Kristy Nieto, Commissioner
Marcus Hawkins, Commissioner

4822 Madison Yards Way
P.O. Box 7854
Madison, WI 53707-7854

March 20, 2025

Re: Application of Whitewater Solar, LLC for a Certificate of Public Convenience and Necessity to Construct Solar Electric Generation Facilities located within the City of Whitewater and Township of Cold Spring, Jefferson County, and the Townships of Whitewater and LaGrange, Walworth County, Wisconsin 9828-CE-100

To the Recipient,

On October 14, 2024, Whitewater Solar, LLC (Whitewater Solar or applicant), filed an application with the Public Service Commission of Wisconsin (PSC or Commission), to receive a Certificate of Public Convenience and Necessity (CPCN) for the authority to construct and place in service a new utility-scale solar electric generating facility consisting of a project substation, 138 kilovolt (kV) generator tie-line, 34.5kV collector circuits, solar array areas, inverters, and other associated facilities. The applicant's request to receive the CPCN was filed with the PSC pursuant to Wis. Stat. §§ 196.02, 196.491, 196.52, and 196.795, and Wis. Admin. Code PSC chs. 4 and 112.

Whitewater Solar proposes to construct a new solar electric generation facility and associated facilities in the City of Whitewater and Township of Cold Spring, Jefferson County, and the Townships of Whitewater and LaGrange, Walworth County, Wisconsin. The site control area includes 2,567 acres of land, with 996 acres required for the proposed array area. There are about 232 acres that could be used alternatively if issues are found within the proposed array area during application review.

The Commission is sending this letter to property owners near the proposed solar facility site or associated facilities, as well as individuals who have asked to be placed on our mailing list or have expressed interest in the project. This letter is also being sent to public officials in the project area. If you are a municipal clerk and receive this letter, please post it in a location where it can be viewed by the public.

PSC and Wisconsin Department of Natural Resources (DNR) staff have completed a joint environmental review of the proposed project and prepared an environmental assessment (EA) to determine if an environmental impact statement (EIS) is necessary. The EA is written following the guidelines in Wis. Admin. Code PSC 4.20 and is a review of the potential environmental effects of the proposed project that would affect the quality of the human environment as described in Wis. Stat. § 1.11(2)(c). The EA also describes ways of mitigating or avoiding some of the expected impacts and concludes with the evaluation of ten items described in Wis. Admin. Code § PSC 4.20(2)(d).



The preliminary determination indicates that no significant impacts on the human or natural environment are likely to occur because of the construction and operation of this project. Therefore, preparation of an EIS is not required. Comments regarding this determination can be directed to the contact person listed at the end of this letter.

The remainder of this letter describes the primary impacts of the project and summarizes the conclusions of the EA. To obtain a copy of the EA, please request a copy from the contact person listed at the end of this letter.

Construction

There would be temporary impacts during construction such as increased traffic, noise, and air pollution in the construction areas. Construction of the project would cause temporary increases to traffic in the project area because of workers, heavy equipment, and material deliveries using local roads. Construction would also create loose or disturbed soils that could be susceptible to erosion and cause dust. The applicant provided plans to reduce construction impacts on traffic.

Aesthetics and Noise

After construction, the project would create impacts to the local environment resulting from the new facility and the change in land use. The project would affect the aesthetics of the area for as long as it is in operation, which may be looked at favorably or unfavorably depending on the viewer. The applicant stated that it would work with surrounding neighbors to reduce aesthetic impacts. These measures could involve construction of fences and tree-screen between residences and the panels.

The applicant performed a glint and glare study to estimate any potential impacts. Out of the 96 houses included in the analysis, one house may experience glint or glare due to certain sun angles in combination with specific solar panel angles at certain times of the day. The applicant provided a procedure to investigate and address glare complaints with residents within or outside of the project area boundary.

The applicant completed a noise study to estimate any potential sound impacts. The study estimated the impact of the proposed project using the specifications of planned equipment measured versus the area's pre-construction sound levels. The results found that the highest maximum noise level would be 43 A-weighted decibels (dBA) during both daytime and nighttime periods at the nearest residences. According to the study, predicted sound levels during operation of the proposed project would be below the PSC 128 Wind Noise standards of 50 dBA for daytime hours and 45 dBA for nighttime hours.

Wildlife and Natural Resources

The project would affect the animal and plant species that currently use the land. The applicant completed a certified endangered resources (ER) review with DNR to identify any protected species within the proposed project area. The ER Review for the proposed facility recommended actions to help conserve Wisconsin's endangered resources for 23 plant species, one bird species,

one fish species, two snake species, and one herptile species. There were no required actions to be taken to comply with state and/or federal endangered species laws. The applicant anticipates incorporating time of year restrictions and avoidance and/or mitigation measures (such as exclusion fencing) into their project design.

Based on this information as well as information available from the DNR and USFWS, the solar facilities and planned activities as described in the application are not expected to have a significant impact on rare species.

The applicant intends to replant the project area with low-growing perennial plants as well as native flowering to benefit pollinators. The change in habitat from agriculture to grassland would negatively affect certain animals while benefiting some others. The project applicant also plans to use fencing that allows small animals passage under or through fences.

Wetlands and waterways were field delineated within the project area. The primary project area would require temporarily impacting two wetlands (1.44 acres) due to the potential placement of construction matting for panel facilities and installation of fencing. There would be no permanent impacts to wetlands. The alternative project area includes permanently impacting 0.10 acres of wetland for the placement of two access roads, if this area were to be chosen.

Archaeological and Historic Resources

There are no previously recorded archaeological or burial/cemetery sites within the area of potential effect (APE). Eight Architecture History Inventory (AHI) properties were identified within the visual APE, assumed to be a 0.25-mile area around the APE, all of which were unevaluated for the National Register for Historic Places. A historic architectural survey was conducted by Stantec in November 2024 which concluded one property is eligible for listing in the National Register of Historic Places. However, due to the distance of the project from this property, Stantec concluded that the project would have No Adverse Effect on historic properties.

Conclusion

The project as proposed in the application and subsequent filings, including use of the stated construction methods and implementation of the mitigation plans, is not expected to cause any significant environmental effects. No significant impacts on the human environment that would warrant the preparation of an EIS are expected if this project were constructed using some combination of the currently proposed array sites. Thus, preparation of an EIS, as described in Wis. Stat. § 1.11, is not required for this project.

Copies of the EA are available upon request, either in electronic or paper format (for a paper copy, an address must be provided). Requests for a copy of the EA should be made to Adam Ingwell at the Public Service Commission of Wisconsin by telephone at (608) 267-9197, by e-mail at adam.ingwell@wisconsin.gov, or by regular mail directed to the Public Service Commission, P.O. Box 7854, Madison, Wisconsin 53707-7854.



Comments

Comments on the finding of no significant impact for this proposed project should be made to Adam Ingwell at the address above or through the Commission's web comment form. Go to the Commission's website at <https://psc.wi.gov>, click on "Commission Actions," then click on "File a Public Comment." On the next page, select "File a comment" for case 9828-CE-100.

Please provide any comments by Friday, April 11, 2025.

Sincerely,

A handwritten signature in cursive script, appearing to read "Adam Ingwell".

Adam Ingwell
Environmental Affairs Coordinator – Supervisor
Division of Digital Access, Consumer and Environmental Affairs

AI:bs DL: 02051623

JEFFERSON COUNTY PRELIMINARY REVIEW FOR CERTIFIED SURVEY

A division of land located in the NW 1/4, SE 1/4, of Section 08, Town 07 N, Range 13 E,
Town of LAKE MILLS, Jefferson County, Wisconsin, on parcel Number(s) 018-0713-0842-000
& 018-0713-0842-003

Date Submitted: _____

Revised: _____

Owner: TWOHIG TRUST
Address: W9035 COUNTY ROAD B
City, ST Zip: WATERLOO, WI 53594
Phone: 608-220-2053

Note to Be Placed on Final CSM:

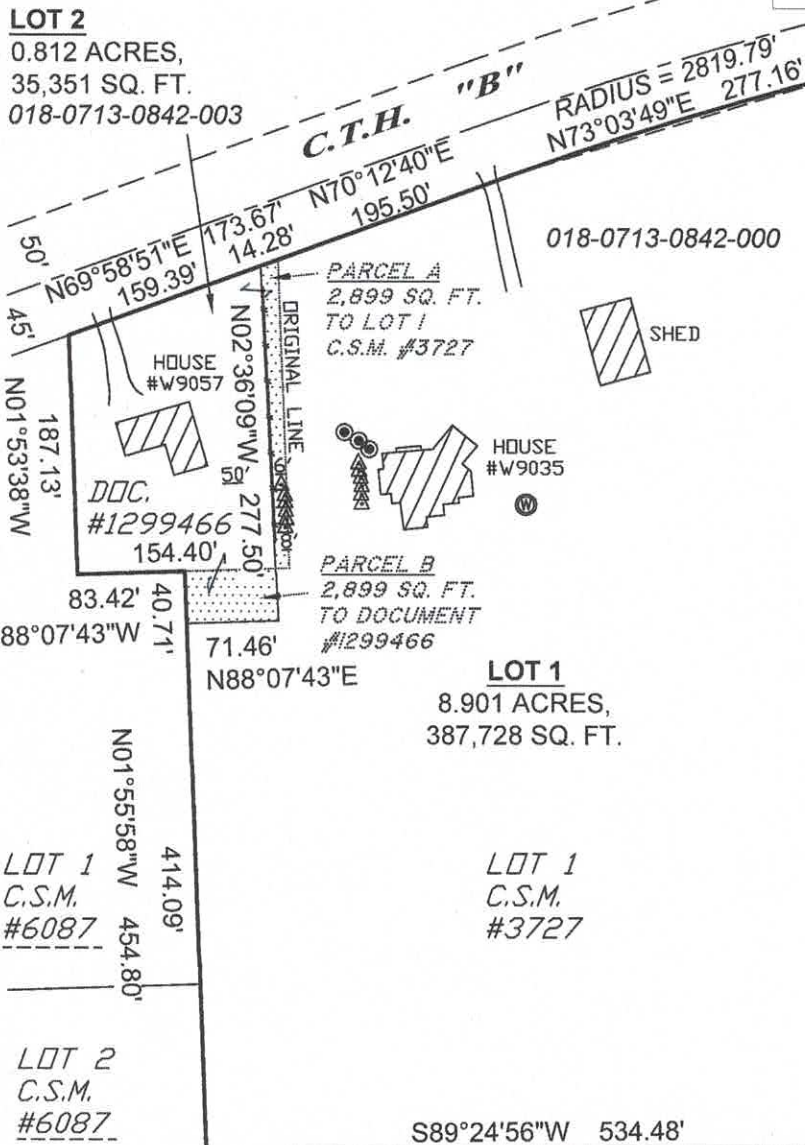
Petition # _____ Zoning _____
Check for subsequent zoning changes with
Jefferson County Planning and Zoning Department

Surveyor: Wisconsin Mapping
Address: 306 West Quarry Street
City, Zip: Deerfield, WI 53531
Phone: 608-764-5602

In addition to the info required by Section 236.34 of State
Statutes, Sec. 15(f) of the Jefferson County Land
Division/Subdivision Ordinance requires that the following be
shown:

- ☐ Rezoning
☐ Allowed Division within an Existing Zoning District
☒ Survey of Existing Parcel

- Existing buildings, watercourses, drainage ditches and
- other features pertinent to the proper division.
- Location of access to a public road, approved by the
- agency having jurisdiction over the road.
- All lands reserved for future public acquisition.
- Date of the map
- Graphic Scale



Intent and Description of Parcel to be Divided
Exchange equal lands to make septic
system conform. NEW LINE, 6 FOOT
FROM VENTS

Town Board Approval
(Includes Access approval if applicable)

Date _____

County Highway Approval
(if applicable)

Date _____

Extraterritorial Approval
(if applicable)

Date _____

County Surveyor Approval

Date _____

Zoning Office Approval

Date _____

Legend:

- + = Woven wire fence
- Δ = Septic vent
- = Septic lid
- ⊙ = Well

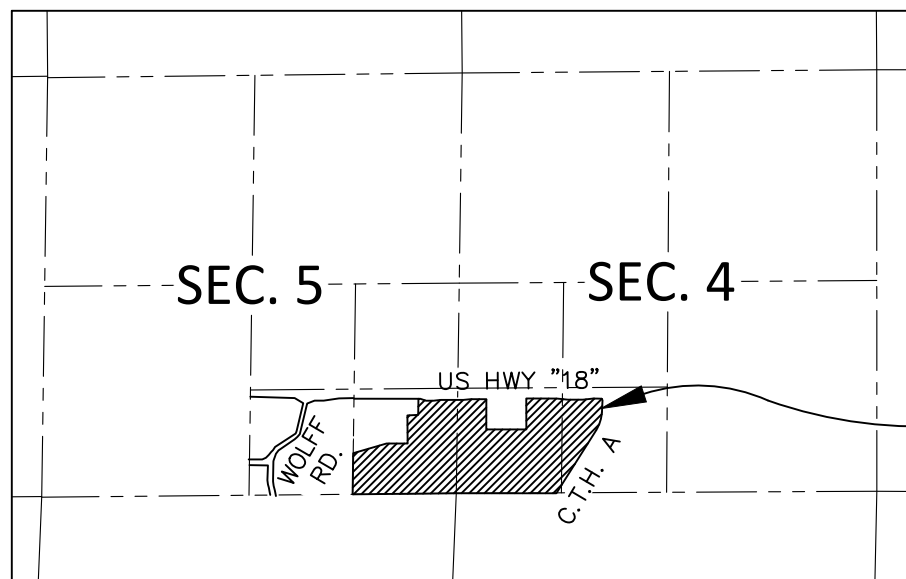
Scale : 1"=150'



THE PRESERVE AT OAKLAND

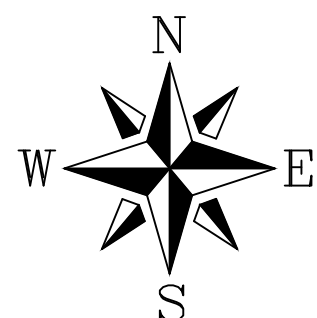
A Part of the SE 1/4 of the SW 1/4 and the SW 1/4 of the SW 1/4, Section 4, and a Part of the SE 1/4 of the SE 1/4, Section 5, all of Township 6 North, Range 13 East, Town of Oakland, Jefferson County, Wisconsin

PRELIMINARY PLAT

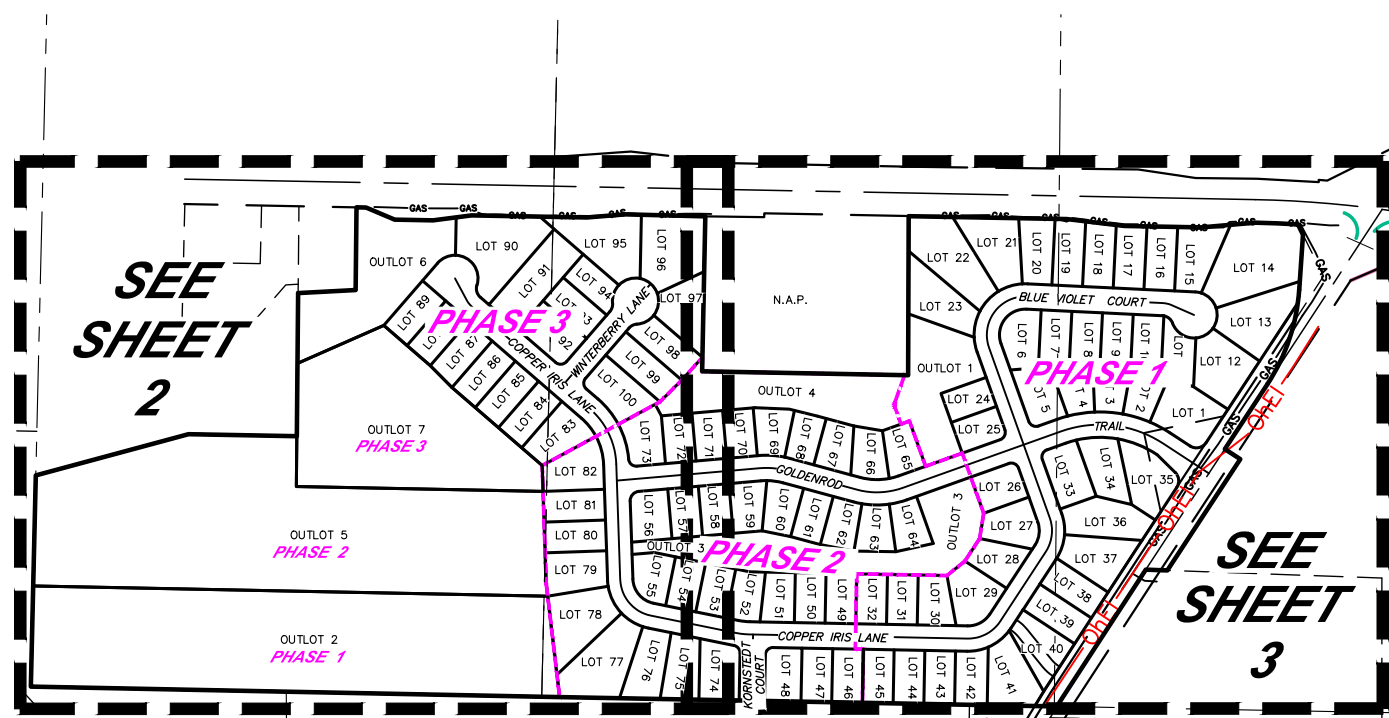


Vicinity Map

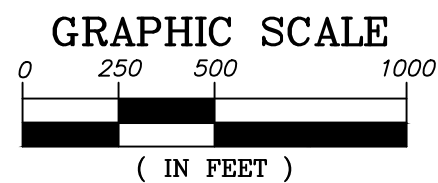
Not to Scale



Bearings are referenced to the South line of the Southwest 1/4 of Section 4, which bears N88°55'38"W on the Jefferson County County Coordinate System NAD 83(2011).



Sheet Index Map



There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20____

Department of Administration



Legal Description:

A part of the Southeast one-quarter of the Southwest one-quarter and part of the Southwest one-quarter of the Southwest one-quarter, of Section 4, and part of Southeast one-quarter of the Southeast one-quarter, of Section 5, all of Town 6 North, Range 13 East, in the Town of Oakland, Jefferson County, Wisconsin, being more particularly described as follows:

BEGINNING at the Southwest corner of said Section 4, thence, along the South line of said Southeast one-quarter of Section 5, North 88°51'29" West 1330.62 feet to the Southwest corner of said Southeast one-quarter of the Southeast one-quarter;

thence, along the West line of said Southeast one-quarter of the Southeast one-quarter, North 01°21'03" East, 550.16 feet to the Southwest corner of Lot 1 of Certified Survey Map (CSM) No. 1860, recorded as Document No. 807902;

thence, along the Southerly line of said Lot 1, North 74°53'38" East, 411.69 feet;

thence, continuing along said Southerly line, South 88°55'03" East, 282.32 feet to the Southeast corner of said Lot 1;

thence, along the East line of said Lot 1, North 00°31'45" East, 372.71 feet to the Southwest corner of the Parcel described in Document No. 674881;

thence, along the Southerly line of said Parcel, North 86°58'53" East, 150.00 feet to the Southeast corner of said Parcel;

thence, along the East Line of said Parcel, North 00°36'10" East, 215.38 feet to a point on the Southerly right-of-way line of U.S. Highway 18 per Document Nos. 455662 and 865163;

thence, along said Southerly right-of-way line, the following courses:

1. thence South 88°54'10" East, 24.91 feet;
2. thence South 66°59'37" East, 80.77 feet;
3. thence South 88°57'15" East, 99.93 feet;
4. thence North 82°37'18" East, 101.11 feet;
5. thence South 88°56'34" East, 300.25 feet;
6. thence North 85°17'07" East 100.62 feet;
7. thence South 88°32'59" East, 208.26 feet to the Northwest corner of Lot 1 of CSM No. 1873, recorded as Document No. 810059;

thence, leaving said Southerly right-of-way line along the West line of last said Lot 1, South 01°09'36" West, 403.72 feet to the Southwest corner of last said Lot 1;

thence, along the South line of last said Lot 1, South 88°55'14" East, 536.37 feet to the Southeast corner of last said Lot 1;

thence, along the East line of last said Lot 1, North 00°12'04" East, 414.14 feet to the Northeast corner of last said Lot 1, lying on aforesaid Southerly right-of-way line of U.S. Highway 18;

thence, along said Southerly right-of-way line, the following courses:

1. thence South 88°56'44" East, 412.32 feet;
2. thence South 83°11'59" East, 150.75 feet;
3. thence South 88°54'37" East, 200.00 feet;
4. thence North 84°55'43" East, 140.21 feet to the beginning of a non-tangent curve, being concave Southerly, having a radius of 2804.79 feet and a chord which bears South 87°45'19" East, 112.34 feet;
5. thence Easterly, 112.34 feet along the arc of said curve through a central angle of 02°17'42";
6. thence South 25°45'19" East, 30.06 feet to its intersection with the Westerly line of the Parcel conveyed to the Town of Oakland by Document No. 665208, which was subsequently conveyed to the Wisconsin Department of Transportation by Document No. 864207;

thence, along said Westerly line, South 03°53'39" West, 143.76 feet to the beginning of a tangent curve, being concave Westerly, having a radius of 510.27 feet and a chord which bears South 18°35'12" West, 258.79 feet;

thence, continuing along said Westerly line, Southerly, 261.65 feet along the arc of said curve through a central angle of 29°22'46" to the Point of Tangency thereof, lying on the centerline of County Road "A";

thence, along said centerline, South 33°16'35" West, 202.59 feet;

thence, leaving said centerline, South 56°43'25" East, 48.00 feet to a line lying 48.00 feet Southeasterly, as measured at right angles and parallel to, said centerline;

thence, along said parallel line, South 33°16'35" West, 346.46 feet to a point on the North line of the Parcel described in Document No. 1358659;

thence, along said North line, North 87°57'35" West, 56.05 feet to a point lying on said centerline;

thence, along said centerline, South 33°03'20" West, 404.78 feet;

thence, continuing along said centerline, South 31°20'33" West, 19.75 feet to its intersection with the South line of aforesaid Southwest one-quarter of Section 4;

thence, along said South line, North 88°55'38" West, 1342.18 feet to the **POINT OF BEGINNING**.

The above-described Parcel contains 3,175,196 sq. feet or 72.892 acres, more or less, and is **SUBJECT** to all easements and agreements of record and/or fact.

ACCESS RESTRICTION CLAUSE:

All lots and blocks are hereby restricted so that no owner, possessor, user, licensee, or other person may have any right of direct vehicular ingress from or egress to any highway lying within the right-of-way of U.S.H. "18". It is expressly intended that this restriction constitute a restriction for the benefit of the public as provided in s.236.293, Wisconsin Statutes, and shall be enforceable by the Wisconsin Department of Transportation or its assigns. Any access shall be allowed only by special exception. Any access allowed by special exception shall be confirmed and granted only through the driveway permitting process and all permits are revocable.

HIGHWAY SETBACK RESTRICTION:

No improvements or structures are allowed between the right-of-way line and the highway setback line. Improvements and structures include, but are not limited to signs, parking areas, driveways, wells, septic systems, drainage facilities, buildings and retaining walls. It is expressly intended that this restriction is for the benefit of the public as provided in Section 236.293, Wisconsin Statutes, and shall be enforceable by the Wisconsin Department of Transportation or its assigns. Contact the Wisconsin Department of Transportation for more information. The phone number may be obtained by contacting the County Highway Department.

NOISE NOTATION:

The lots of this land division may experience noise at levels exceeding the levels in s. Trans 405.04, Table 1. These levels are based on federal standards. The Department of Transportation is not responsible for abating noise from existing state trunk highways or connecting highways, in the absence of any increase by the Department to the highways' through-lane capacity.

OUTLOT CONVEYANCE:

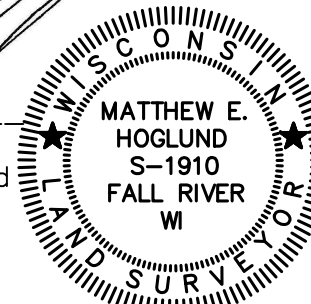
All conveyances of any lot in this subdivision shall be deemed to include as an appurtenance, an undivided fractional interest in Outlots 1, 3, 4 and 6, the storm water management areas, as stipulated in the The Reserve at Oakland Homeowner's Association, Inc. declarations - document(s) to be recorded separately.

SURVEYOR'S CERTIFICATE:

I hereby certify, to the best of my knowledge and belief, that I have surveyed the property shown hereon at the direction of John Didion; that this map represents an accurate survey of said property, that this map is a correct representation of all existing land divisions and features, and that I have complied with the applicable requirements of Wisconsin Administrative Code Chapter A-E 7 and Chapter 16, Article II - Subdivisions and Platting of the Jefferson County Ordinances.

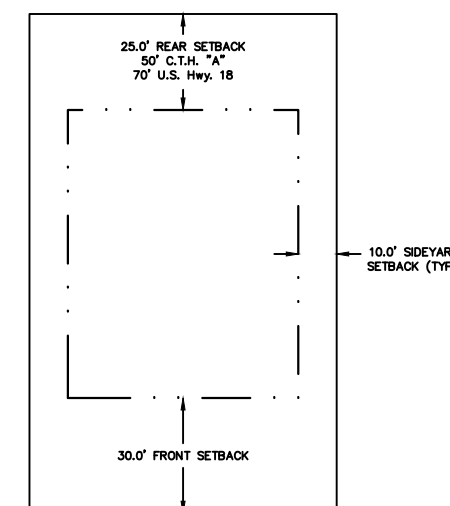
Dated this 1st day of April, 2025.

Quam Engineering, LLC
By: Matthew E. Hogleund
P.L.S. S-1910



NOTES:

1. Total parcel of land included in this plat contains 72.892 ± acres.
2. This Parcel is not in a flood hazard are per FEMA flood map 55055C0163f, effective 02/04/2015.
3. All lots to be served by sanitary sewer provided by the Town of Oakland Sanitary District.
4. Access to all storm water maintenance and drainage easements are granted to the The Preserve at Oakland Homeowner's Association, Inc, the Town of Oakland and Jefferson County.
5. See Sheets 2 and 3 for Existing Topography.
6. Soils taken from Jefferson County G.I.S. Website, Jan 29, 2023.
7. The environmental corridor taken from Jefferson County G.I.S. Website Jan 29, 2023.
8. Wetlands delineated by Wetland & Waterway Consulting, LLC on Oct. 27, 2021.
9. See Sheet 3 for tangent and curve table.
10. Proposed Zoning for Lots 1 through 100 and Outlots 1, 3, 4 and 6 is R-1 Residential - Sewered.
11. Proposed Zoning for Outlots 2, 5 and 7 is A-T Agricultural Transition.
12. All streets are dedicated to the public and will be owned and maintained by the Town of Oakland.
13. No direct vehicular access to County Road "A" is allowed excepted for Goldenrod Trail and the temporary Emergency Access drive shown.



Proposed Zoning:
R-1 Residential
Sewered

Owner/Subdivider:

John Didion
W8961 Ripley Road
Cambridge, WI 53523
(608)444-6922

REVISIONS

1. 3-28-25 Revised plat name, revised Outlot numbers, revised proposed Final Plat Phasing.
2. 4-1-25 Revised in response to Strand review comments.

PRELIMINARY PLAT

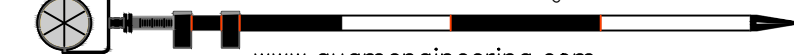
THE PRESERVE AT OAKLAND

MARCH 13, 2025

PROJECT NO: JD-20-24

QUAM ENGINEERING, LLC

Residential and Commercial Site Design Consultants

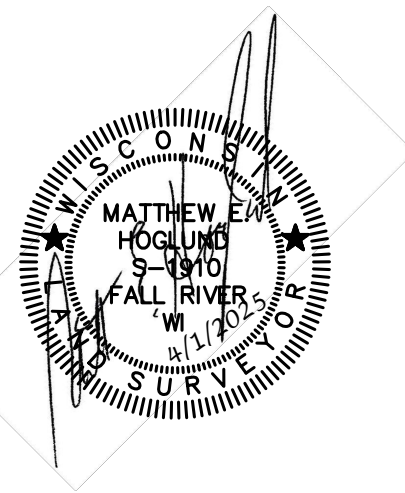


www.quamengineering.com

4604 Siggelkow Road, Suite A - McFarland, Wisconsin 53558
Phone (608) 838-7750; Fax (608) 838-7752

THE PRESERVE AT OAKLAND

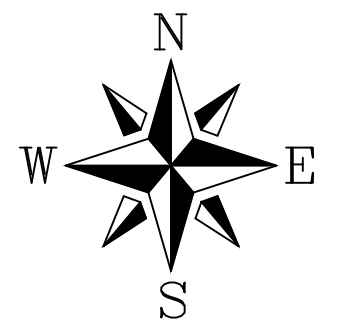
A Part of the SE 1/4 of the SW 1/4 and the SW 1/4 of the SW 1/4, Section 4, and a Part of the SE 1/4 of the SE 1/4, Section 5, all of Township 6 North, Range 13 East, Town of Oakland, Jefferson County, Wisconsin



There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20____

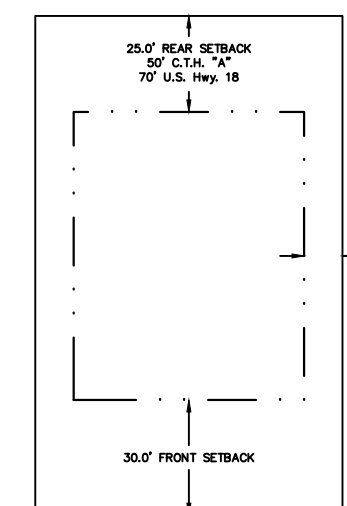
Department of Administration



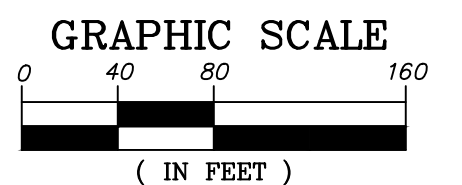
Bearings are referenced to the South line of the Southwest 1/4 of Section 4, which bears N88°55'38"W on the Jefferson County Coordinate System NAD'83(2011).

LEGEND

- 3/4" Rebar Found
- 1-1/4" Iron Pipe Found (unless noted)
- 1-1/4" by 18" Iron Rebar Set Weighing 4.30 lbs./ft.
- All other Lot and Outlot Corners are Set 3/4" by 18" Iron Rebar Weighing 1.50 lbs./ft. (43.12')
- Record Dimensions (if different)
- Boundary Lines per this Survey
- Deed/Survey Line of Record
- Existing R/W Line
- Sectional Subdivision Line
- Building Setback line (See Note 7)
- Existing Easement Line
- Wetland Line
- 75' Wetland Buffer
- Approx. 100-Year Floodplain Line
- Lot or R/W Line
- Centerline
- Public Utility Easement Line Dedicated Hereon (6' Wide Unless Noted)
- Storm Sewer/Stormwater Management Easement Line Dedicated Hereon



Proposed Zoning:
R-1 Residential
Sewered



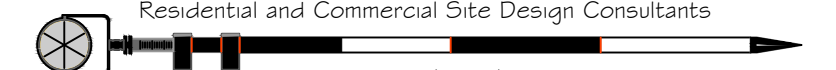
Owner/Subdivider:
John Didion
W8961 Ripley Road
Cambridge, WI 53523
(608)444-6922

SHEET 2 OF 3

PRELIMINARY PLAT THE PRESERVE AT OAKLAND

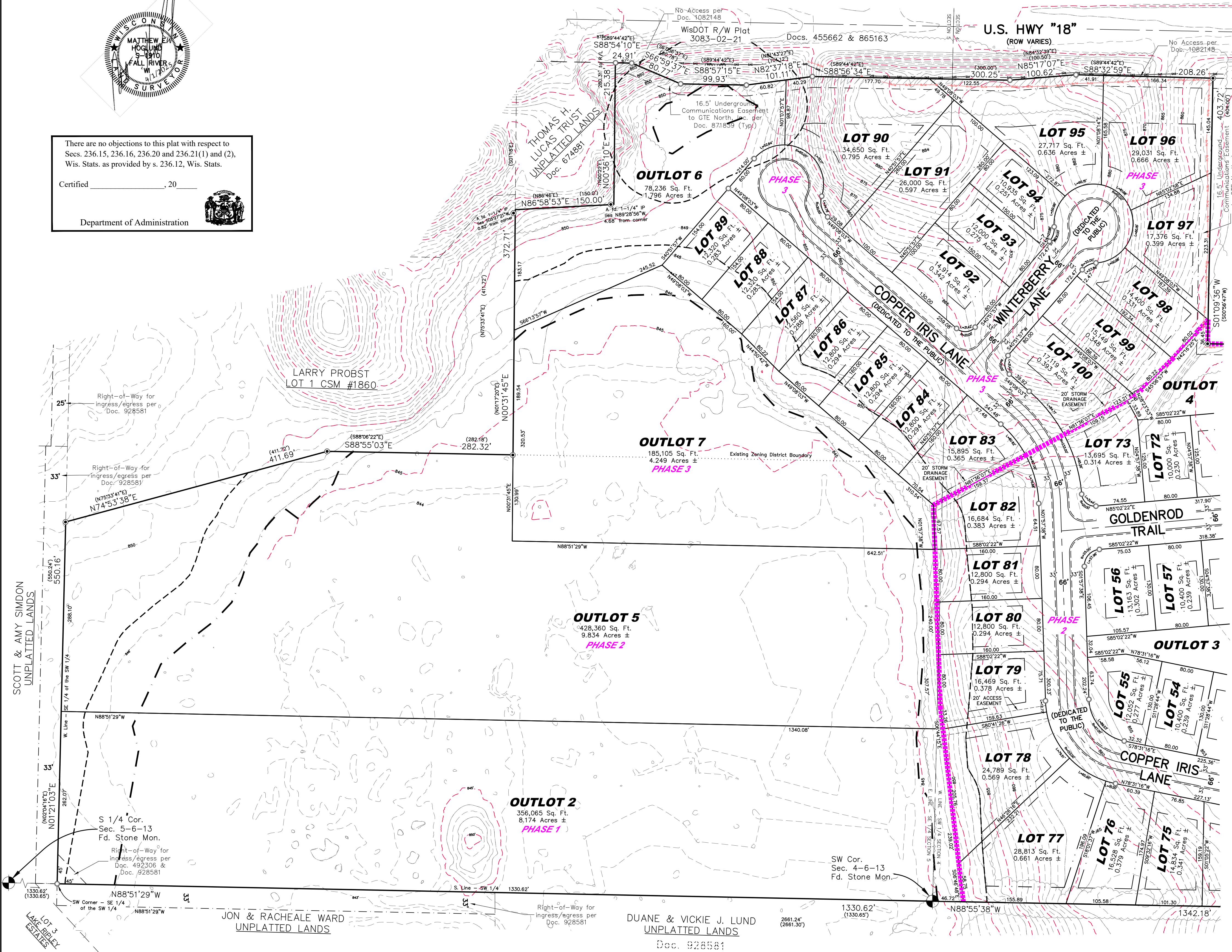
MARCH 13, 2025
PROJECT NO: JD-20-24

QUAM ENGINEERING, LLC
Residential and Commercial Site Design Consultants



www.quamengineering.com

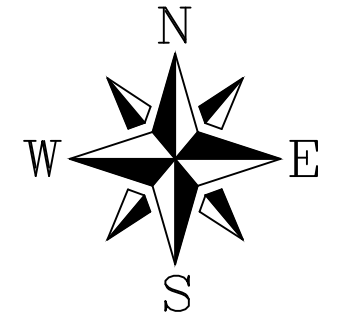
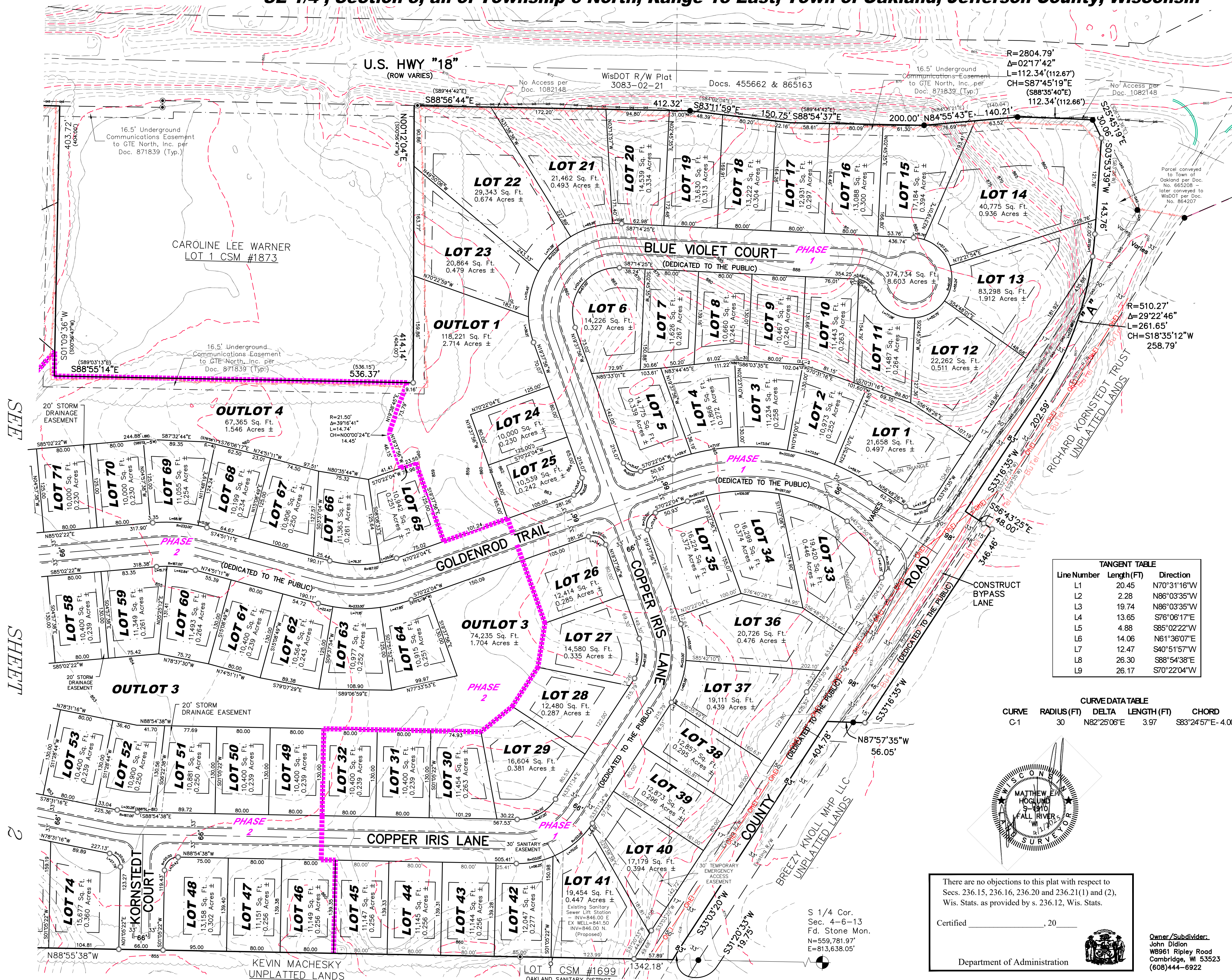
4604 Siggelkow Road, Suite A - McFarland, Wisconsin 53558
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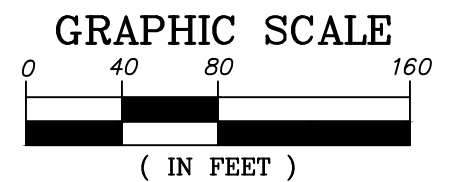
THE PRESERVE AT OAKLAND

A Part of the SE 1/4 of the SW 1/4 and the SW 1/4 of the SW 1/4, Section 4, and a Part of the SE 1/4 of the SE 1/4, Section 5, all of Township 6 North, Range 13 East, Town of Oakland, Jefferson County, Wisconsin

Total Area
3,175,196 Sq. Ft.
72.8924 Acres±



Bearings are referenced to the South line of the Southwest 1/4 of Section 4, which bears N88°55'38\"W on the Jefferson County Coordinate System NAD 83(2011).

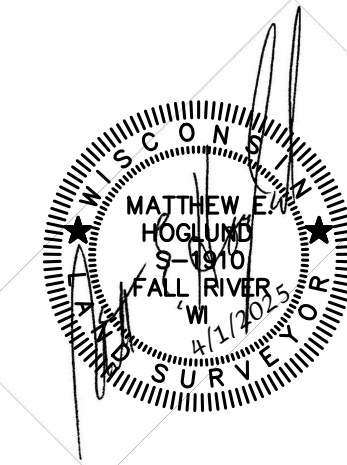


LEGEND

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- 1-1/4\" by 18\" Iron Rebar Set Weighing 4.30 lbs./ft.
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- Boundary Lines per this Survey
- Deed/Survey Line of Record
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- Sectional Subdivision Line
- Building Setback Line (See Note 7)
- Existing Easement Line
- Wetland Line
- 75' Wetland Buffer
- Approx. 100-Year Floodplain Line
- Lot or R/W Line
- Centerline
- Public Utility Easement Line Dedicated Hereon (6' Wide Unless Noted)
- Storm Sewer/Stormwater Management Easement Line Dedicated Hereon

TANGENT TABLE		
Line Number	Length (FT)	Direction
L1	20.45	N70°31'16\"W
L2	2.28	N86°03'35\"W
L3	19.74	N86°03'35\"W
L4	13.65	S76°06'17\"E
L5	4.88	S85°02'22\"W
L6	14.06	N61°36'07\"E
L7	12.47	S40°51'57\"W
L8	26.30	S38°54'38\"E
L9	26.17	S70°22'04\"W

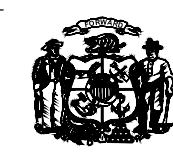
CURVED DATA TABLE			
CURVE	RADIUS (FT)	DELTA	LENGTH (FT)
C-1	30	N82°25'06\"E	3.97
			S33°24'57\"E-4.00'



There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20____

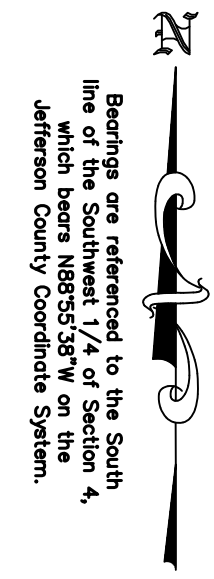
Department of Administration



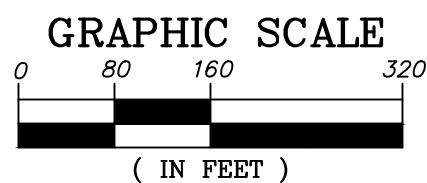
Owner/Subdivider:
John Didion
W8961 Ripley Road
Cambridge, WI 53523
(608)444-6922

PRELIMINARY PLAT
THE PRESERVE AT OAKLAND
MARCH 13, 2025
PROJECT NO: JD-20-24
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Phone (608) 838-7750; Fax (608) 838-7752

A part of the SE 1/4 of the SW 1/4 and the SW 1/4 of the SW 1/4, Section 4, and a part of the SE 1/4 of the SE 1/4, Section 5, all of Township 6 North, Range 13 East, Town of Oakland, Jefferson County, Wisconsin



Sheet Index Map



Total Area
1,343,357 Sq. Ft.
30.8392 Acres±

Owner/Subdivider:
Oakland Hills, LLC
c/o John Didion
W8961 Ripley Road
Cambridge, WI 53523
(608)444-6922

ACCESS RESTRICTION CLAUSE:
All lots and blocks are hereby restricted so that no owner, possessor, user, licensee, or other person may have any right of direct vehicular ingress from or egress to any highway lying within the right-of-way of U.S.H. "18". It is expressly intended that this restriction constitute a restriction for the benefit of the public as provided in s. 236.293, Wisconsin Statutes, and shall be enforceable by the Wisconsin Department of Transportation or its assigns. Any access shall be allowed only by special exception. Any access allowed by special exception shall be confirmed and granted only through the driveway permitting process and all permits are revocable.

HIGHWAY SETBACK RESTRICTION:
No improvements or structures are allowed between the right-of-way line and the highway setback line. Improvements and structures include, but are not limited to signs, parking areas, driveways, wells, septic systems, drainage facilities, buildings and retaining walls. It is expressly intended that this restriction is for the benefit of the public as provided in Section 236.293, Wisconsin Statutes, and shall be enforceable by the Wisconsin Department of Transportation or its assigns. Contact the Wisconsin Department of Transportation for more information. The phone number may be obtained by contacting the County Highway Department.

NOISE NOTATION:
The lots of this land division may experience noise at levels exceeding the levels in s. Trans 405.04, Table 1. These levels are based on federal standards. The Department of Transportation is not responsible for abating noise from existing state trunk highways or connecting highways, in the absence of any increase in the Department to the highways' through-lane capacity.

OUTLOT CONVEYANCE:
All conveyances of any lot in this subdivision shall be deemed to include as an appurtenance, an undivided fractional interest in Outlots 1, 3, 4 and 6, the storm water management areas, as stipulated in the The Reserve at Oakland Homeowner's Association, Inc. declarations - document(s) to be recorded separately.

NOTES:

1. Lots of this plat are subject to Deed Restrictions, document(s) to be recorded separately.
2. Outlot 1 is private and will be owned & maintained by the The Reserve at Oakland Homeowner's Association, Inc. for stormwater management purposes.
3. Outlot 2 will be dedicated to the public for wetland preservation and open space purposes to be owned & maintained by the Lake Ripley Lake Management District.
4. Private Utility Easements (PUE) set forth herein are for the use of public bodies and private quasi-public utilities having the right to serve this subdivision and for street lighting purposes and are 12' wide unless otherwise noted. No utility pole, pedestal or cable shall be placed so as to disturb any survey monument or obstruct vision along any lot or street line. The unauthorized disturbance of a survey monument is a violation of s.236.32 of Wisconsin Statutes.
5. All lots to be served by sanitary sewer provided by the Town of Oakland Sanitary District.
6. Access to all storm water maintenance and drainage easements are granted to the The Preserve at Oakland Homeowner's Association, Inc, the Town of Oakland and Jefferson County.
7. Wetlands delineated by Wetland & Waterway Consulting, LLC on Oct. 27, 2021.
8. Proposed Zoning for Lots 1 through 45 is R-1 Residential - Sewered.
9. Proposed Zoning for Outlot 2 is A-T Agricultural Transition.
10. All streets are dedicated to the public and will be owned and maintained by the Town of Oakland.
11. No direct vehicular access to County Road "A" is allowed excepted for Goldenrod Trail and other access points approved by Jefferson County and the Town of Oakland.

REVIEWS


FINAL PLAT

THE PRESERVE AT OAKLAND

APRIL 1, 2025
PROJECT NO: JD-20-24

QUAM ENGINEERING, LLC

Residential and Commercial Site Design Consultants



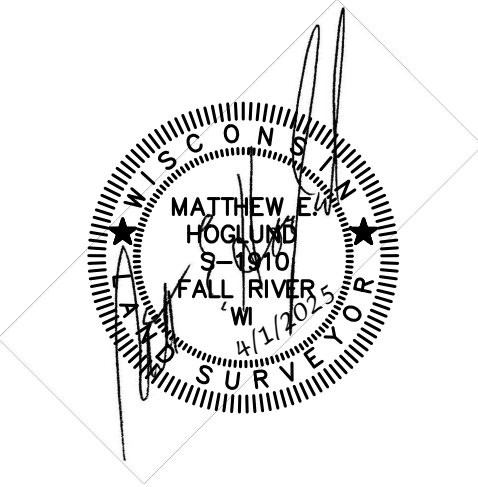
www.quamengineering.com

4604 Sigelkow Road, Suite A – McFarland, Wisconsin 53558
Phone (608) 838-7750; Fax (608) 838-7752

THE PRESERVE AT OAKLAND

A part of the SE 1/4 of the SW 1/4 and the SW 1/4 of the SW 1/4, Section 4, and a part of the SE 1/4 of the SE 1/4, Section 5, all of Township 6 North, Range 13 East, Town of Oakland, Jefferson County, Wisconsin

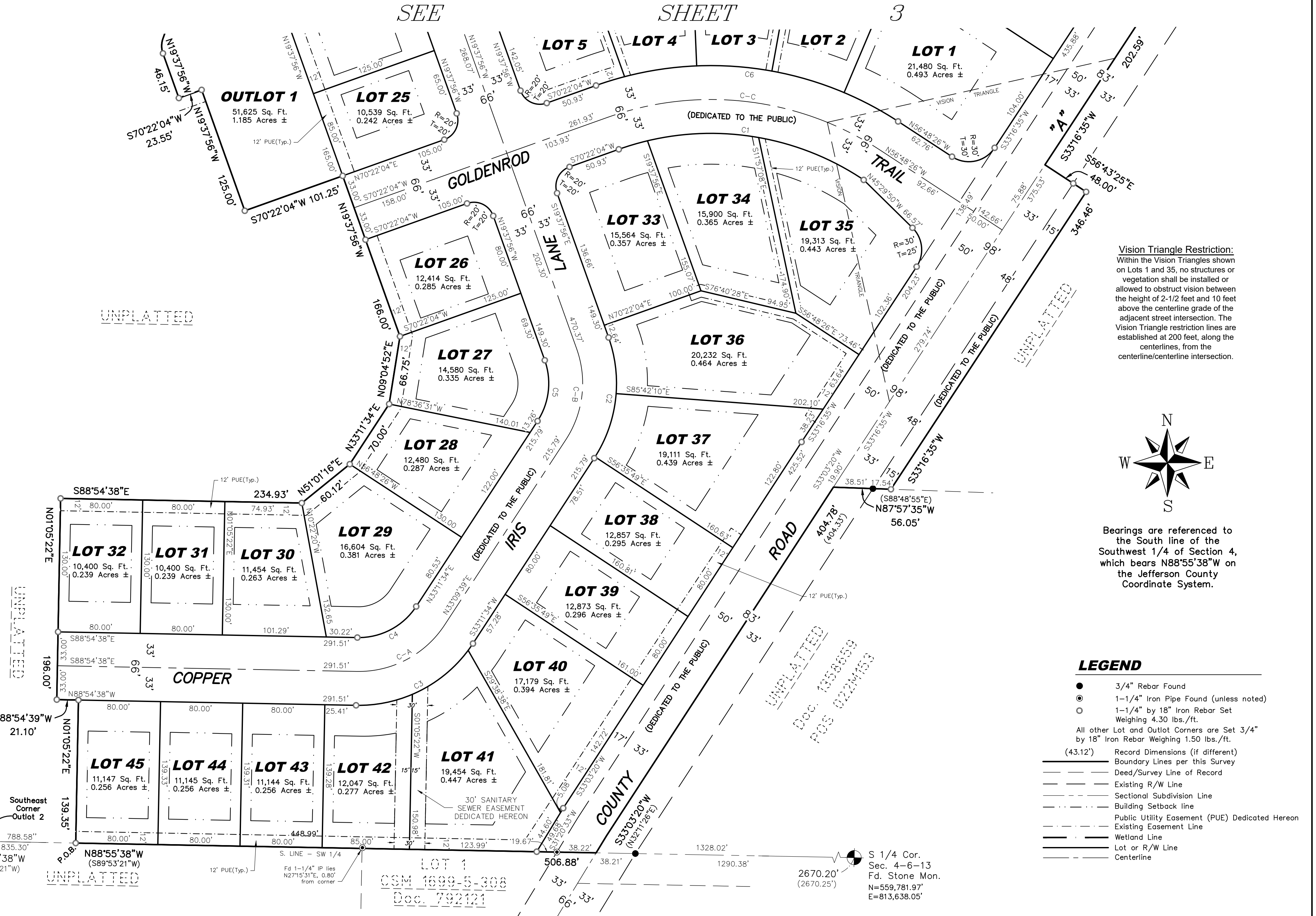
CURVE DATA TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	TANGENT BEARINGS
C1	267.00'	53°30'08"	249.32'	N82°52'52"W - 240.36'	N56°07'48"W S70°22'04"W
LOT 35	23°50'41"	111.12'	N68°03'08"W - 110.32'	-	-
LOT 34	23°24'26"	109.08'	S88°19'18"W - 108.32'	-	-
LOT 33	06°15'01"	29.13'	S73°29'34"W - 29.11'	-	-
C2	133.00'	52°49'30"	122.62'	S06°46'49"W - 118.33'	S19°37'56"E S33°11'34"W
LOT 36	23°55'46"	55.55'	S07°40'03"W - 55.14'	-	-
LOT 37	28°15'14"	65.59'	S18°25'27"W - 64.92'	-	-
LOT 38	00°38'30"	1.49'	S32°52'19"W - 1.49'	-	-
C3	133.00'	57°53'48"	134.40'	S62°08'28"W - 128.75'	S33°11'34"W N88°54'38"W
LOT 40	03°29'51"	8.12'	S34°56'30"W - 8.12'	-	-
LOT 41	30°09'55"	70.02'	S51°46'23"W - 69.22'	-	-
LOT 42	24°14'02"	56.25'	S78°58'21"W - 55.84'	-	-
C4	67.00'	57°53'48"	67.70'	N62°08'28"E - 64.86'	S88°54'38"E N33°11'34"E
C5	67.00'	52°49'30"	61.77'	N06°46'49"E - 59.61'	N33°11'34"E N19°37'56"W
C6	333.00'	52°49'30"	307.02'	N83°13'11"W - 296.26'	N56°48'26"W S70°22'04"W
LOT 1	10°16'24"	59.71'	N61°56'38"W - 59.63'	-	-
LOT 2	12°39'10"	73.54'	N73°24'25"W - 73.39'	-	-
LOT 3	12°39'10"	73.54'	N86°03'35"W - 73.39'	-	-
LOT 4	12°14'17"	71.13'	S81°29'41"W - 70.99'	-	-
LOT 5	05°00'29"	29.11'	S72°52'18"W - 29.10'	-	-
C-A	100.00'	57°53'48"	101.05'	N62°08'28"E - 96.80'	S88°54'38"E N33°11'34"E
C-B	100.00'	52°49'30"	92.20'	N06°46'49"E - 88.97'	N33°11'34"E N19°37'56"W
C-C	300.00'	52°49'30"	276.59'	S83°13'11"E - 266.90'	N70°22'04"E S56°07'48"E



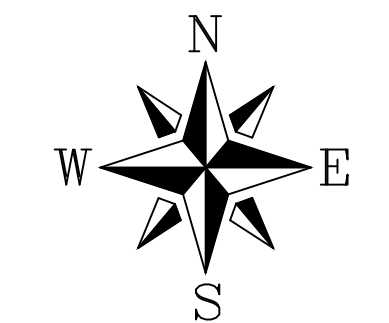
SEE SHEET 4
FOR OUTLOT 2

Total Area
1,343,357 Sq. Ft.
30.8392 Acres ±

Owner/Subdivider:
Oakland Hills, LLC
c/o John Didion
W8961 Ripley Road
Cambridge, WI 53523
(608)444-6922



Vision Triangle Restriction:
Within the Vision Triangles shown on Lots 1 and 35, no structures or vegetation shall be installed or allowed to obstruct vision between the height of 2-1/2 feet and 10 feet above the centerline grade of the adjacent street intersection. The Vision Triangle restriction lines are established at 200 feet, along the centerlines, from the centerline/centerline intersection.

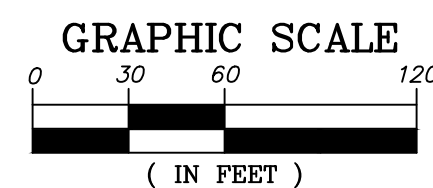


Bearings are referenced to the South line of the Southwest 1/4 of Section 4, which bears N88°55'38"W on the Jefferson County Coordinate System.

LEGEND

- 3/4" Rebar Found
- ⊙ 1-1/4" Iron Pipe Found (unless noted)
- 1-1/4" by 18" Iron Rebar Set Weighing 4.30 lbs./ft.
- All other Lot and Outlot Corners are Set 3/4" by 18" Iron Rebar Weighing 1.50 lbs./ft.
- (43.12') Record Dimensions (if different)
- Boundary Lines per this Survey
- Deed/Survey Line of Record
- Existing R/W Line
- Sectional Subdivision Line
- Building Setback line
- Public Utility Easement (PUE) Dedicated Hereon
- Existing Easement Line
- Wetland Line
- Lot or R/W Line
- Centerline

SHEET 2 OF 4



There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

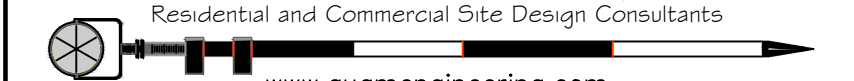
Certified _____, 20____

Department of Administration



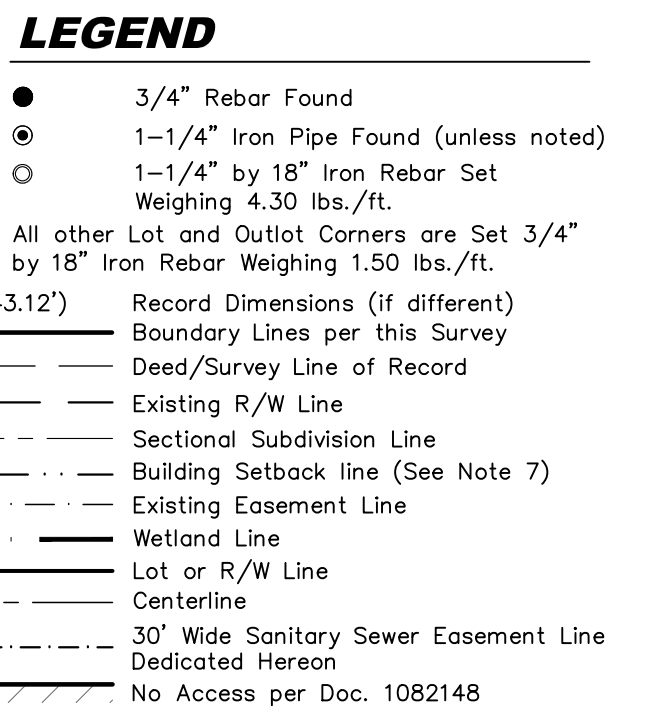
FINAL PLAT THE PRESERVE AT OAKLAND

APRIL 1, 2025
PROJECT NO: JD-20-24
QUAM ENGINEERING, LLC
Residential and Commercial Site Design Consultants



www.quamengineering.com
4604 Siggekow Road, Suite A - McFarland, Wisconsin 53558
Phone (608) 838-7750; Fax (608) 838-7752

A part of the SE 1/4 of the SW 1/4 and the SW 1/4 of the SW 1/4, Section 4, and a part of the SE 1/4 of the SE 1/4, Section 5, all of Township 6 North, Range 13 East, Town of Oakland, Jefferson County, Wisconsin



Total Area
1,343,357 Sq. Ft.
30.8392 Acres±

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CURVE	RADIUS	DELTA	LENGTH	CHORD	TANGENT BEARINGS	CURVE	RADIUS	DELTA	LENGTH	CHORD	TANGENT BEARINGS
C1	267'00"	53°30'08"	249.32	N82°52'52"W - 240.36'	N56°07'48"W S70°22'04"W	C9	60.00'	246°25'11"	258.05	N35°58'15"E - 100.40'	S20°49'08"E N87°14'25"W
LOT 35		23°50'44"	111.12	N68°03'08"W - 110.32'	-	LOT 11		73°36'33"	77.08'	S57°32'22"E - 71.89'	-
LOT 34		23°24'26"	109.08	S88°19'18"W - 108.32'	-	LOT 12		50°22'22"	52.75'	N60°23'10"E - 51.07'	-
LOT 33		06°15'01"	29.13'	S73°29'34"W - 29.11'	-	LOT 13		52°44'46"	55.24'	N80°49'36"E - 53.31'	-
C6	333.00'	52°49'30"	307.02'	N83°13'11"W - 296.26'	N56°48'26"W S70°22'04"W	LOT 14		54°38'39"	57.22'	N44°52'06"W - 55.08'	-
LOT 1		10°16'24"	59.71'	N61°56'38"W - 59.63'	-	LOT 15		15°02'59"	15.76'	N79°42'55"W - 15.72'	-
LOT 2		12°39'10"	73.54'	N73°24'25"W - 73.39'	-	C10	133.00'	112°23'31"	260.89	S36°33'50"W - 221.03'	N87°14'25"W S19°37'56"W
LOT 3		12°39'10"	73.54'	N86°03'35"W - 73.39'	-	LOT 20		05°59'33"	13.91'	S89°45'49"W - 13.90'	-
LOT 4		12°41'17"	71.13'	S81°29'14"W - 70.99'	-	LOT 21		28°24'39"	65.95'	S72°33'43"W - 65.28'	-
LOT 5		05°00'29"	29.14'	S72°52'18"W - 29.40'	-	LOT 22		30°45'00"	71.38'	S42°58'54"W - 70.53'	-
C7	67.00'	112°23'31"	131.43'	N36°33'50"E - 111.36'	N19°37'56"W S87°14'25"E	LOT 23		30°26'11"	70.45'	S12°25'59"W - 69.63'	-
C8	30.00'	66°25'19"	34.78'	S54°01'45"E - 32.86'	S87°14'25"E S20°49'08"E	LOT 24		16°53'39"	39.24'	S11°11'16"E - 39.07'	-
LOT 10		30°34'54"	39.97'	S83°26'58"E - 39.97'	-	C-C	300.00'	52°49'30"	276.59	S83°13'11"E - 366.90'	N70°22'04"E S56°07'48"E
LOT 11		58°50'24"	30.81'	S50°14'18"E - 29.47'	-	C-D	100.00'	112°23'31"	196.16	N36°33'50"E - 166.19'	S19°37'56"W S87°14'25"E
						C-E	63.00'	70°50'56"	72.92'	S26°53'45"E - 72.89'	S87°14'25"E S66°12'29"E

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20____

Department of Administration



FINAL PLAT
THE PRESERVE AT OAKLAND
APRIL 1, 2025
PROJECT NO: JD-20-24
QUAM ENGINEERING, LLC
Residential and Commercial Site Design Consultants

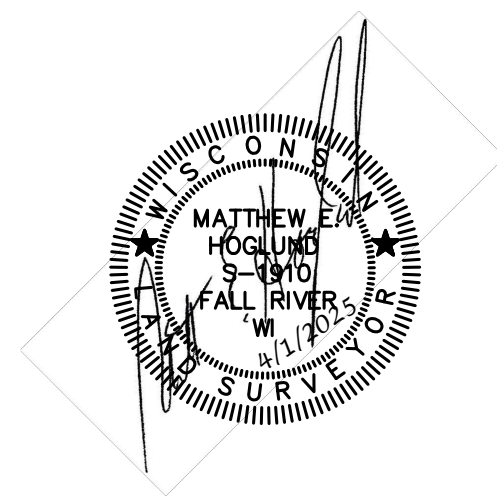


www.quamengineering.com

4604 Siggekow Road, Suite A – McFarland, Wisconsin 53558
Phone (608) 838-7750; Fax (608) 838-7752

SHEET 3 OF 4

Owner/Subdivider:
Oakland Hills, LLC
c/o John Didion
W8961 Ripley Road
Cambridge, WI 53523
(608)444-6922



THE PRESERVE AT OAKLAND

A part of the SE 1/4 of the SW 1/4 and the SW 1/4 of the SW 1/4, Section 4, and a part of the SE 1/4 of the SE 1/4 , Section 5, all of Township 6 North, Range 13 East, Town of Oakland, Jefferson County, Wisconsin

OWNER'S CERTIFICATE:

Oakland Hills, LLC, a Limited Liability Company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said company caused the land described on this plat to be surveyed, divided, mapped, and dedicated as represented on this plat. Serenity Estates at Token Creek, LLC does further certify that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

- 1) Town of Oakland
- 2) Jefferson County
- 3) Department of Administration
- 4) Department of Transportation

IN WITNESS WHEREOF, the said Oakland Hills, LLC has caused these presents to be

signed by John A. Didion - Manager at _____, Wisconsin,

and its company seal to be hereunto affixed on this ____ day of _____, 20__.

In the presence of: _____ (Seal)
John A. Didion - Manager

STATE OF WISCONSIN)
COUNTY OF _____) SS

Personally came before me this ____ day of _____, 20__, the above named John A. Didion, to me known to be the same person(s) who executed the foregoing instrument as Manager of Oakland Hills, LLC and acknowledged the same.

(Notary Seal) _____ Notary Public, _____, Wisconsin

My commission expires _____.

COUNTY TREASURER'S CERTIFICATE:

STATE OF WISCONSIN)
COUNTY JEFFERSON) SS

I, Kelly Stade , being the duly elected, qualified and acting treasurer of the County of Jefferson, do hereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or unpaid special assessments as of _____(date) affecting the lands included in the plat of Oaklan Hills.

Date: _____
Kelly Stade - County Treasurer

JEFFERSON COUNTY APPROVAL CERTIFICATE:

This plat of Oakland Hills, in the Town of Oakland, John A. Didion and Ann E. Didion, owners, is hereby approved by the Planning and Zoning Committee of Jefferson County.

Date: _____ Approved _____
Matthew Zangl Director of Planning and Development

REGISTER OF DEEDS CERTIFICATE:

Received for recording this ____ day of _____, 20__, at _____ o'clock __M. and recorded in Volume _____ of Plats on

Pages _____ as Document No. _____.

Staci M. Hoffman, Jefferson County Register of Deeds

TOWN TREASURER'S CERTIFICATE:

STATE OF WISCONSIN)
COUNTY JEFFERSON) SS

I, Susan Dascenzo, being the duly appointed, qualified and acting Town Treasurer of the Town of Oakland, do hereby certify that in accordance with the records in my office, there are no unpaid taxes or unpaid special assessments as of _____(date) on any of the land included in the plat of Oakland Hills

Date: _____ Signed _____
Susan Dascenzo Town of Oakland Treasurer

TOWN OF OAKLAND APPROVAL CERTIFICATE:

Resolved that the plat of Oakland Hills, in the Town of Oakland, John A. Didion and Ann E. Didion, owners, is hereby approved and dedications accepted by the Town Board.

Date: _____ Approved _____
Laura Payne Town Chairman

I hereby certify that the foregoing is a copy of a Resolution adopted by the Town Board of the Town of Oakland.

Date: _____ Signed _____
Susan Dascenzo Town Clerk

SURVEYOR'S CERTIFICATE:

I, Matthew E. Hoglund, Professional Land Surveyor, do hereby certify to the best of my knowledge and belief:

That I have surveyed, divided, and mapped The Preserve at Oakland, being a part of the Southeast one-quarter of the Southwest one-quarter and part of the Southwest one-quarter of the Southwest one-quarter of Section 4, and part of the Southeast one-quarter of the Southeast one-quarter of Section 5, Town 6 North, Range 13 East, in the Town of Oakland, Jefferson County, Wisconsin, being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 4; thence, along the South line of said Southwest one-quarter of Section 4, South 88°55'38" East, 835.30 feet to the **POINT OF BEGINNING**;

thence North 01°05'22" East, 139.35 feet;
thence North 88°54'38" West, 21.10 feet;
thence North 01°05'22" East, 196.00 feet;
thence South 88°54'38" East, 234.93 feet;
thence North 51°01'16" East, 60.12 feet;
thence North 33°11'34" East, 70.00 feet;
thence North 09°04'52" East, 66.75 feet;
thence North 19°37'56" West, 166.00 feet;
thence South 70°22'04" West, 101.25 feet;
thence North 19°37'56" West, 125.00 feet;
thence South 70°22'04" West, 23.55 feet;
thence North 19°37'56" West, 46.15 feet to the beginning of a tangent curve, being concave Easterly, having a radius of 21.50 feet and a chord which bears North 00°00'24" East, 14.45 feet;
thence Northerly, 14.74 feet along the arc of said curve through a central angle of 39°16'41" to the Point of Tangency thereof;
thence North 19°38'45" East, 73.79 feet to a point on the South line of Lot 1 of Certified Survey Map (CSM) No. 1873, recorded as Document No. 810059;
thence, along said South line, South 88°55'14" East, 9.16 feet to the Southeast corner of said Lot 1;
thence, along the East line of Lot 1, North 00°13'46" East 414.48 feet to the Northeast corner of said Lot 1, lying on the Southerly right-of-way line of U.S. Highway 18;
thence, along said Southerly right-of-way line, South 88°53'49" East, 412.13 feet;
thence, continuing along said Southerly right-of-way line, South 83°11'59" East, 150.75 feet;
thence, continuing along said Southerly right-of-way line, South 88°54'37" East, 200.00 feet;
thence, continuing along said Southerly right-of-way line, North 84°55'43" East, 140.21 feet to the beginning of a non-tangent curve, being concave Southerly, having a radius of 2804.79 feet and a chord which bears South 87°45'19" East, 112.34 feet;
thence, continuing along said Southerly right-of-way line, Easterly, 112.34 feet along the arc of said curve through a central angle of 02°17'42";
thence, continuing along said Southerly right-of-way line, South 25°45'19" East, 30.06 feet to its intersection with the Westerly line of the Parcel conveyed to the Town of Oakland by Document No. 665208, which was subsequently conveyed to the Wisconsin Department of Transportation by Document No. 864207;
thence, along said Westerly line, South 03°53'39" West, 143.76 feet to the beginning of a tangent curve, being concave Westerly, having a radius of 510.27 feet and a chord which bears South 18°35'12" West, 258.79 feet;
thence, continuing along said Westerly line, Southerly, 261.65 feet along the arc of said curve through a central angle of 29°22'46" to the Point of Tangency thereof, lying on the centerline of County Road "A";
thence, along said centerline, South 33°16'35" West, 202.59 feet;
thence, leaving said centerline, South 56°43'25" East, 48.00 feet to a line lying 48.00 feet Southeasterly, as measured at right angles and parallel to, said centerline;
thence, along said parallel line, South 33°16'35" West, 346.46 feet to a point on the North line of the Parcel described in Document No. 1358659;
thence, along said North line, North 87°57'35" West, 56.05 feet to a point lying on said centerline;
thence, along said centerline, South 33°03'20" West, 404.78 feet;
thence, continuing along said centerline, South 31°20'33" West, 19.75 feet to its intersection with aforesaid South line of the Southwest one-quarter of Section 4;
thence, along said South line, North 88°55'38" West, 506.88 feet;
thence, continuing along said South line, North 88°55'38" West, 788.58 feet;
thence, continuing along said South line, North 88°55'38" West, 46.72 feet to aforesaid Southwest corner of Section 4;
thence, along the South line of aforesaid Southeast one-quarter of Section 5, North 88°51'29" West, 1330.62 feet to the Southwest corner of said Southeast one-quarter of the Southeast one-quarter of Section 5;
thence, along the West line of said Southeast one-quarter of the Southeast one-quarter, North 01°21'03" East, 262.06 feet;
thence, leaving said West line, South 88°51'29" East, 1340.08 feet;
thence South 06°44'15" East, 205.76 feet;
thence South 06°46'48" East, 58.75 feet to a point on aforesaid South line of the Southwest one-quarter of Section 4, lying South 88°55'38" East, 46.72 feet along said South line from said Southwest corner of said Section 4;
thence, along said South line, South 88°55'38" East, 788.58 feet to the **POINT OF BEGINNING**.

The above-described Parcel contains 1,343,357 square feet or 30.8392 acres, more or less, and is **SUBJECT TO** all easements and agreements of record and/or fact.

That I have made such survey, land division, and plat by the direction of John A. Didion of Oakland Hills, LLC, the owner of said land. That such plat is a correct representation of the exterior boundaries of the land surveyed and the subdivision thereof made; that I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and Chapter 16, Article II - Subdivisions and Platting of the Jefferson County Ordinances in surveying, dividing, and mapping the same.

Dated this 1st day of April, 2025.

MATTHEW E. HOGGLUND
S-1910
FALL RIVER
WI
Quam Engineering, LLC
By: Matthew E. Hoglund
P.L.S. S-1910

SHEET 4 OF 4

FINAL PLAT
THE PRESERVE AT OAKLAND

APRIL 1, 2025

PROJECT NO: JD-20-24

QUAM ENGINEERING, LLC

Residential and Commercial Site Design Consultants

www.quamengineering.com

4604 Siggelkow Road, Suite A - McFarland, Wisconsin 53558

Phone (608) 838-7750; Fax (608) 838-7752

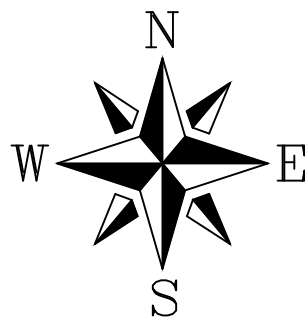
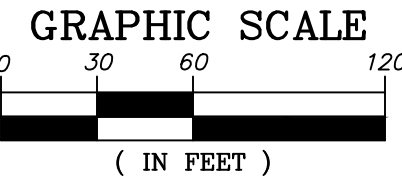
LEGEND

- 3/4" Rebar Found
- ⊙ 1-1/4" Iron Pipe Found (unless noted)
- 1-1/4" by 18" Iron Rebar Set Weighing 4.30 lbs./ft.
- All other Lot and Outlot Corners are Set 3/4" by 18" Iron Rebar Weighing 1.50 lbs./ft.
- (43.12') Record Dimensions (if different)
- Boundary Lines per this Survey
- Deed/Survey Line of Record
- Existing R/W Line
- Sectional Subdivision Line
- Building Setback line (See Note 7)
- Existing Easement Line
- Wetland Line
- Lot or R/W Line
- Centerline

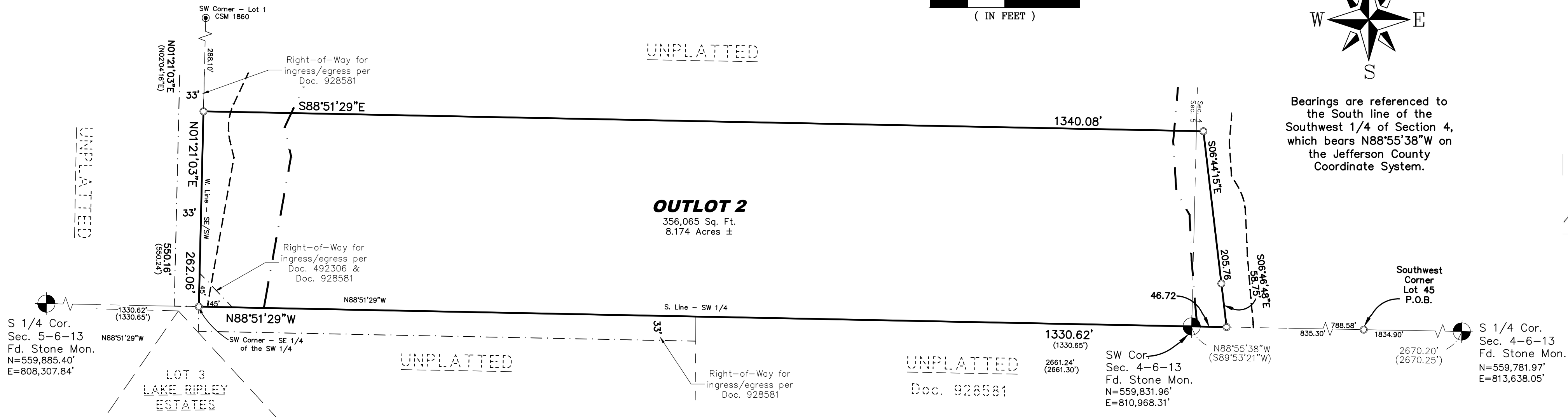
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W8961 Ripley Road
Cambridge, WI 53523
(608)444-6922



Bearings are referenced to the South line of the Southwest 1/4 of Section 4, which bears N88°55'38"W on the Jefferson County Coordinate System.



Matt Zangl

From: Susan Dascenzo <susan.dascenzo@tn.oakland.jefferson.wi.gov>
Sent: Thursday, April 17, 2025 12:27 PM
To: Haley Nielsen; Matt Zangl
Subject: Town of Oakland decisions
Attachments: 20250417122144.pdf

This Email has originated from outside Jefferson County's Email Domain. Please verify the Sender before opening any links or attachments. - Jefferson County MIS

Good afternoon,

Attached is the decision for the Brandon Zieglemeier request. The board motion is as follows:

Brandon Zieglemeier updated the board on the how the conditions discussed at the April 8 plan committee meeting were being met. Supervisor DeGidio moved to approve the conditional use permit and rezone request for the property located at W8396 Perry Road, 022-0613-1031-002 including the map, inventory list and list of conditions with the sentence added, "trees planted no later than June 1, 2025". Supervisor Drews seconded the motion. Motion carried 5-0.

The additional documents requested are included in the attachment.

The Preserve at Oakland preliminary plat was also approved. The board motion is as follows:

Deann Schneider, representing The Preserve at Oakland, gave a presentation on the preliminary plat and the updates that have been made since December. Ms. Schneider addressed board questions on outlets. Chair Payne moved to approve the preliminary plat for the Preserve at Oakland subject to Jefferson County Preliminary Plat Plan approval, Strand Engineering and Grading Plan review response letter approval, donation of land to the LRMD or DNR, and the execution of the Town developer and Town Stormwater maintenance agreement. Supervisor Jensen seconded the motion. Motion carried 5-0. The town plan committee is scheduled to review the phase 1 final plat at their next meeting on May 6, 2025.

Let me know if you need additional information.

Susan Dascenzo
Clerk/Treasurer
Town of Oakland
N4450 County Road A
Cambridge, WI 53523
608-423-9635
susan.dascenzo@tn.oakland.jefferson.wi.gov
www.oaklandtown.com

Population 3,230



JEFFERSON COUNTY
PLANNING AND DEVELOPMENT DEPARTMENT
ZONING DIVISION

Room C1040
311 S Center Ave
Jefferson, WI 53538

zoning@jeffersoncountywi.gov

Phone: 920-674-7130

Fax 920-674-7525

Public Participation Plan
For an Amendment of the Comprehensive Plan and
Farmland Preservation Plan

Wisconsin State Statute requires the County Board to adopt a public participation plan to foster public input and participation while updating or amending a Comprehensive Plan or Farmland Preservation Plan. Jefferson County plans to amend the County Comprehensive Plan and Farmland Preservation Plan as it relates to update the Town of Ixonia Farmland Preservation area map. The Town of Ixonia recently updated their Comprehensive Plan which created inconsistencies between the Town and County future land use maps. This proposed amendment will update the County Plan based on feedback from the Town of Ixonia and County Planning and Zoning Committee.

Pursuant to Wisconsin Statutes 66.1001 and Chapter 91, two public hearings will be held to discuss the proposed amendment. A public hearing will be held for any member of the public that would like to express interest or opposition to update the Town of Ixonia Farmland Preservation area map. The public hearings will be noticed as open meetings.

The Jefferson County Planning and Zoning Committee will hold a public hearing and the Jefferson County Board of Supervisors will hold a public hearing. A Class I Notice will be published at least 30 days prior to the County Board public hearing. Written comments may be submitted to the Planning and Zoning Department at any point prior to County Board action. Written notice of the proposed amendment will be sent to property owners and lease holders of property with nonmetallic mineral resources.

Please contact the Jefferson County Planning and Development Department at 920-674-7131 with any questions or wish to submit written comments.

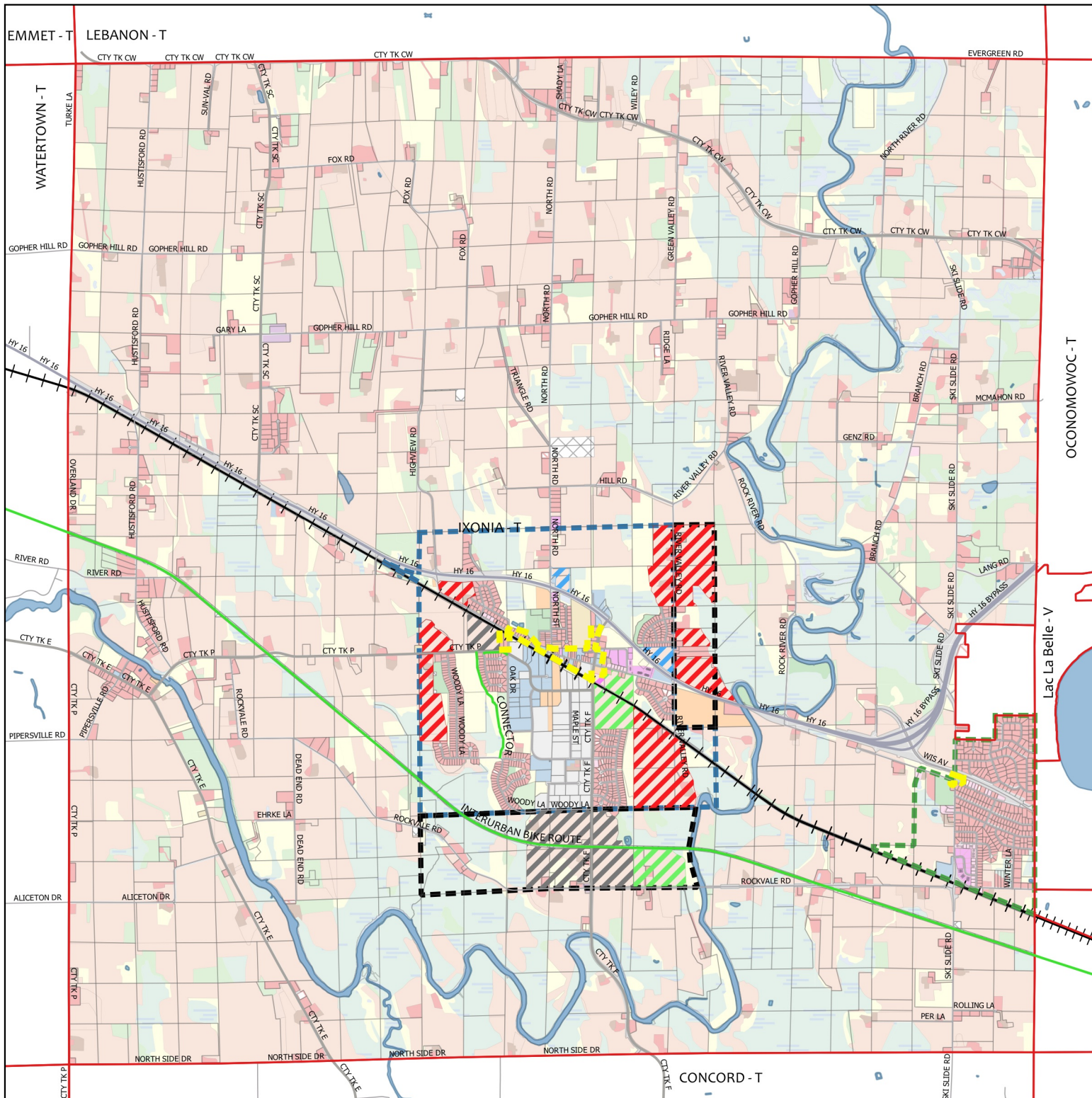
Map 16

Town of Ixonia

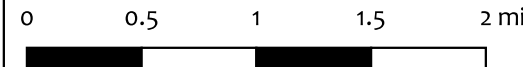
Planned Land Use

Legend

-  Municipal Borders
- Sanitary Districts**
 -  Sanitary District No. 1
 -  Sanitary District No. 2 (Oconomowoc Service Area)
 -  Future Expansion Area
- Planned Land Use**
 -  Residential
 -  Mixed Use (Res./Bus.)
 -  Business
 -  Industrial
 -  Municipal Use
 -  Infill/Redevelopment



TRILOGY
CONSULTING, LLC
MUNICIPAL & UTILITY ADVISORS

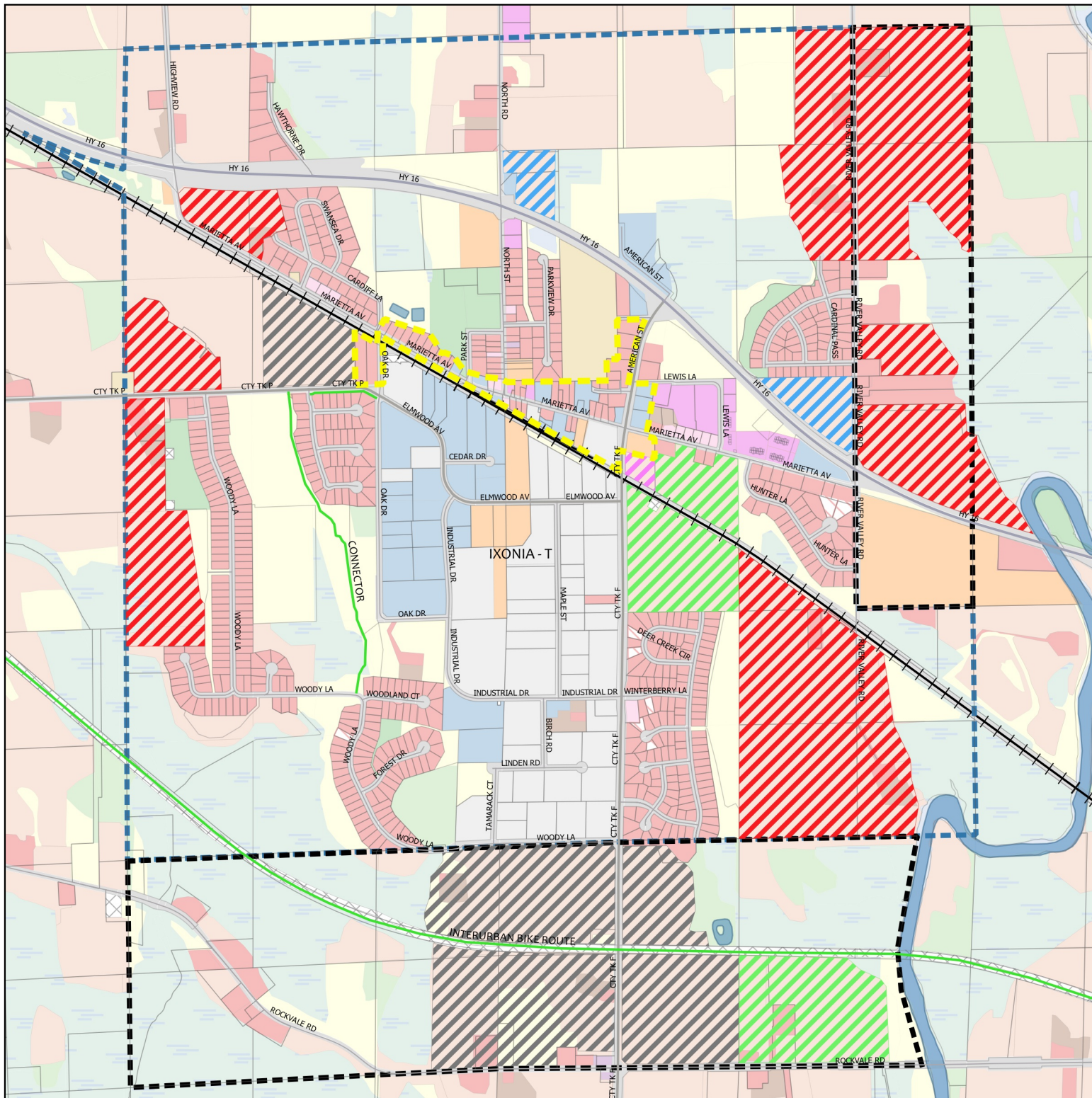


Sources: WI State Cartographer's Office, Jefferson County, Town of Ixonia, Trilogy Consulting, LLC

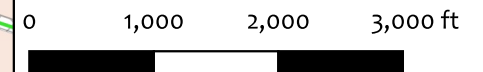
Map 15 Town of Ixonia Planned Land Use Village Hamlet

Legend

-  Municipal Borders
- Sanitary Districts
 -  Sanitary District No. 1
 -  Future Expansion Area
- Planned Land Use
 -  Residential
 -  Mixed Use/Residential
 -  Business
 -  Industrial
 -  Municipal Use
 -  Infill/Redevelopment



TRILOGY
CONSULTING, LLC
MUNICIPAL & UTILITY ADVISORS



Sources: WI State Cartographer's Office, Jefferson County, Town of Ixonia, Trilogy Consulting, LLC

Jefferson County Land Information



- | | | | | | |
|---------------------------|----------------------|--|-----------------------------------|--|------------------------|
| | PLSS Sections | | Old Lot/Meander/Other Carto-Lines | | Personal Property |
| | Municipal Boundaries | | Rail Right of Ways | | |
| | Right of Ways | | Surface Water | | |
| Cartographic Lines | | | | | |
| | Property Boundary | | Map Hooks | | Tax Parcel Information |



Jefferson County Geographic Information System

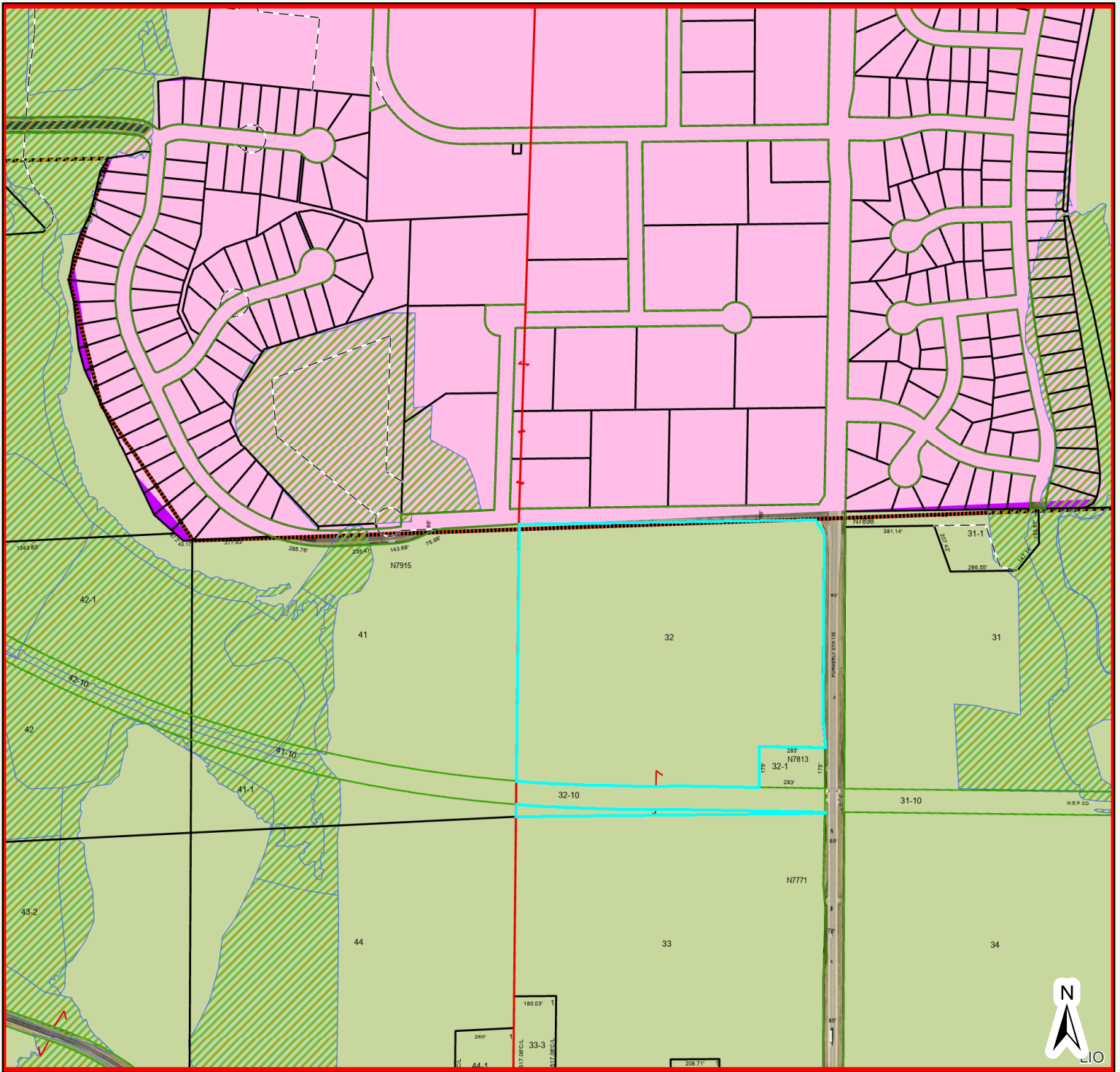
DISCLAIMER: This map is not a substitute for an actual field survey or onsite investigation. The accuracy of this map is limited to the quality of the records from which it was assembled. Other inherent inaccuracies occur during the compilation process. Jefferson County makes no warranty whatsoever concerning this information.

600 300 0 600 Feet
1 inch = 600 feet

Printed on: April 24, 2025

Author: Public User

Jefferson County Land Information



- | | | | |
|-----------------------------------|------------------------|-----------------------------|------------------------------------|
| PLSS Sections | Rail Right of Ways | Limited Urban Service Areas | Farmland Preservation Areas |
| Municipal Boundaries | Surface Water | Environmental Corridors | |
| Right of Ways | Map Hooks | Potential Growth Areas | 15 Year Growth Area |
| Cartographic Lines | | Urban Service Areas | |
| Property Boundary | Tax Parcel Information | Rural Development Areas | |
| Old Lot/Meander/Other Carto-Lines | Personal Property | | |
| | Rural Hamlets | | |



Jefferson County Geographic Information System

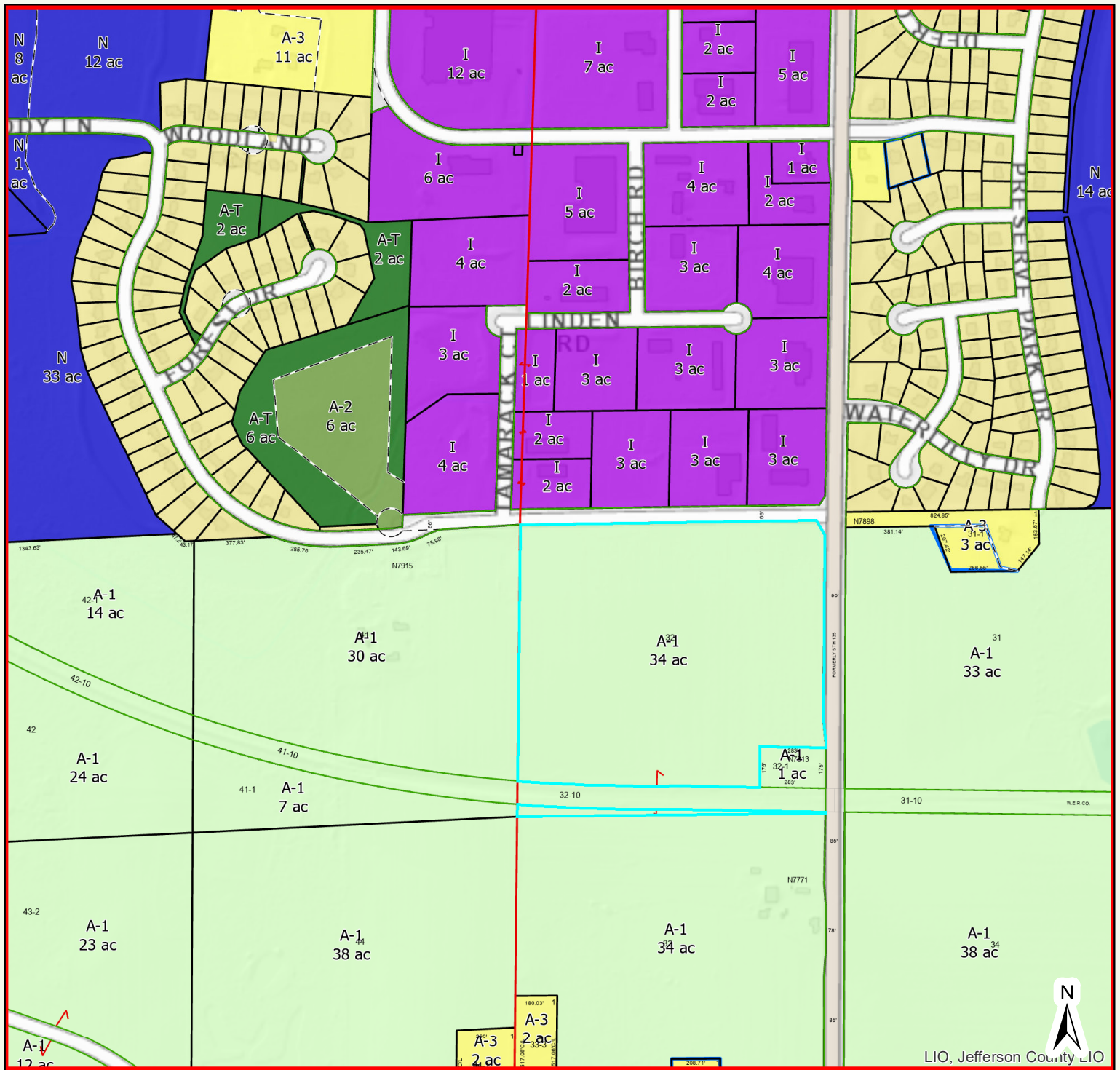
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Jefferson County Land Information



- PLSS Sections
- Municipal Boundaries
- Right of Ways

Cartographic Lines

- Property Boundary
- Old Lot/Meander/Other Carto-Lines
- Rail Right of Ways

- Surface Water
- Map Hooks
- Tax Parcel Information
- Personal Property
- Preliminary Surveys
- Scuppernon Ag-Enterprise Area (AEA)

County Zoning

- | | |
|--|---|
| A-1 Ag | I Industrial |
| A-2 Ag Bus | N Natural Resource |
| A-3 Rural Res | R-1 Res Sewer |
| A-T Ag Transition | R-2 Res No-Sew |
| B Business | R/R Res/Rec |
| C Community | W Waterfront |

600 300 0 600 Feet
1 inch = 600 feet

Jefferson County Geographic Information System

DISCLAIMER: This map is not a substitute for an actual field survey or onsite investigation. The accuracy of this map is limited to the quality of the records from which it was assembled. Other inherent inaccuracies occur during the compilation process. Jefferson County makes no warranty whatsoever concerning this information.

Printed on: April 24, 2025

Author: Public User

JEFFERSON COUNTY FLOODPLAIN ZONING ORDINANCE

Effective: _____ (Please fill out)

A cooperative effort of
WI Department of Natural Resource (DNR)
and
Federal Emergency Management Agency (FEMA)

Key for editing:

- Blue highlights are instructional for the ordinance writer and can be deleted once the item is completed
- Yellow highlights are places where the ordinance needs to be filled in with community specific information
 - Most of these I have already filled in for you!
- Grey highlights are ordinance additions for communities that choose to implement Act 175
 - I deleted this section (it would be located at section 6.1 (4))
- Red highlights are ordinance additions for communities that have existing Cranberry Farms (FA-C) (when applicable)
 - I deleted this section for you
- Green highlights are ordinance additions for communities that have adopted a Flood Storage District (when applicable)
 - Jefferson CO has flood storage so this section is still in the ordinance
- Pink highlights are ordinance additions for communities that have adopted a Coastal Floodplain District (CFD) (Great Lakes when applicable)
 - I deleted this section as there is no coastal areas in Jefferson CO
- Comment bubbles indicate Community Rating System (CRS)-required higher standards. CRS is a voluntary federal program. If you received this ordinance document as a pdf, the comment bubbles containing the CRS language will not show. For more information on CRS go to <https://www.fema.gov/floodplain-management/community-rating-system>. To obtain an editable version of the ordinance that shows the comment bubbles, or to obtain more information about CRS, please reach out to DNRfloodplain@wisconsin.gov
 - I have deleted the comment bubbles instructing where the CRS requirements would be added

Adoption schedule tracking

1. Date of Public Hearing: _____
 - a. (Requires a Class 2 Hearing Notice of Publication or Posting)
2. Date of Adoption: _____
3. Dates of Publication or Posting: _____
 - a. (Second/last date must be at least 7 days before hearing, see definition, Ch 985 Stats)
4. Date of Publication or Posting of Notice of Enacted Ordinance:
 - a. _____

STATUTORY APPROVAL REQUIREMENTS

****This whole page can be deleted. It is for informational purposes and does not need to remain in the ordinance**

The public hearing notice must be published for 2 consecutive weeks , THE SECOND TIME AT LEAST 7 DAYS BEFORE THE HEARING, to meet statutory notice requirements to legally adopt any floodplain zoning ordinance or amendment. The community must also furnish a certified copy of the ordinance and proof of publication or posting of the amended ordinance.

There are places in this document where blanks must be completed. After filling in those blanks (and putting in proper map references), publishing a Class 2 public hearing notice, and conducting the hearing, this document may be adopted by the municipality's governing body.

This model ordinance includes both the minimum regulatory standards required in ch. NR 116, Wis. Admin. Code, and those of the National Flood Insurance Program 44 CFR 59-72. Section 87.30(1)(b), Stats., permits a county, city, village, or town to adopt a floodplain zoning ordinance that is more restrictive than the provisions required by the State, but not less restrictive. If a municipality desires to adopt higher standards, we recommend crafting the language and asking DNR to review to confirm that the higher standard language meet exceed state and federal minimums.

- For municipalities that are required to update their floodplain zoning ordinance as part of a FEMA floodplain map update, please submit the updated ordinance to the DNR central office floodplain zoning specialist 3 to 4 months before the federal deadline.
- For municipalities that are updating their floodplain zoning ordinance for reasons OTHER than a FEMA floodplain map update please submit the proposed ordinance to the DNR central office floodplain zoning specialist for review at least 30 days before the public hearing to determine whether it meets all minimum standards.

Please submit your draft ordinance electronically. If you have made any changes to the model ordinance, please note the location of those changes in the draft.

After public hearing and adoption, it is an added expense for the municipality to change unacceptable ordinance language. No floodplain zoning ordinance amendment is effective until officially approved by DNR. All amendments are submitted to the Federal Emergency Management Agency by the DNR on behalf of the municipality.

Model ordinances and FEMA flood insurance maps are periodically revised. Contact the DNR before public hearing or adoption to assure you are using the most recent and accurate map and ordinance text available.

A handbook entitled *The Floodplain-Shoreland Management Guidebook* has been developed and distributed to all counties, cities and villages with floodplain or shoreland zoning ordinances. Look for publication in your municipal zoning office for answers to many questions about floodplain, wetland and shoreland zoning, dam safety, and the NFIP. The *Guidebook* is also available for download on the DNR website.

If possible, please submit your draft ordinance electronically. If you have made any changes to the model ordinance, please note the location of the changes in the draft.

!! Instructional Information Only !!

[Please delete THIS ENTIRE PAGE when ordinance update is complete.]

After all updates are done, you will need to update the table of contents. Because this is a linked function within document, the page references will update automatically when you tell it to do so:

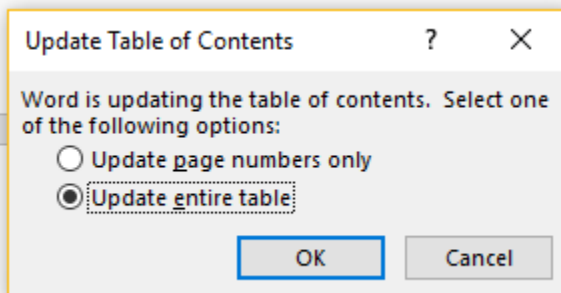
1. Click anywhere in the table of contents so that gray shows up behind the words.

I.	GENERAL INFORMATION	
A.	DESCRIPTION OF DAM	
B.	KEY PERSONNEL RESPONSIBILITIES	
II.	INSPECTION	
A.	ROUTINE INSPECTIONS	
B.	EQUIPMENT	

2. Right click anywhere in the table of contents so that a window pops up. Select "Update Field"

I.	GENERAL INFORMATION	4
A.	DESCRIPTION OF DAM	4
B.	KEY PERSONNEL RESPONSIBILITIES	5
II.	INSPECTION	6
A.	ROUTINE INSPECTIONS	6
B.	EQUIPMENT	6
C.	PROCEDURES	7
1)	ANNUAL INSPECTION	7
2)	WINTER INSPECTIONS	8
III.	OPERATION	9
A.	WATER LEVELS	9
B.	COORDINATION OF FLOWS	9

3. Select "Update entire table" so that both the headings and page numbers update. If you changed heading names you may notice that some of the headings will not be capitalized correctly – you will need to find them in the document for formatting and then repeat steps 1-3.



If you make further changes (like deleting this page) and just need to update the page numbers, repeat steps 1-3...this time, you can select "Update page numbers only".

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

1.1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization s. 59.69, s. 59.692, and s. 59.694 for counties and the requirements in s. 87.30, Stats.

1.2 FINDING OF FACT

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

1.3 STATEMENT OF PURPOSE

This ordinance is intended to regulate floodplain development to:

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

1.4 TITLE

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

1.5 GENERAL PROVISIONS

(1) AREAS TO BE REGULATED

This ordinance regulates all areas of special flood hazard identified as zones A, AO, AH, A1-30, or AE on the Flood Insurance Rate Map. Additional areas identified on maps approved by the Department of Natural Resources (DNR) and local community may also be regulated under the provisions of this ordinance, where applicable.

(2) OFFICIAL MAPS & REVISIONS

Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH, or AO on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in subd. (a) below. Additional flood hazard areas subject to regulation under this ordinance are identified on maps based on studies approved by the DNR and listed in subd. (b) below. These maps and revisions are on file in the office of the Planning and Development Department, Jefferson County Courthouse.

- (a) OFFICIAL MAPS: Based on the Flood Insurance Study (FIS): **[select all of the following map citations that apply to your community; contact your DNR office if you have questions, or go to the [FEMA Flood Map Service Center | Search All Products](#) to access the maps]**

1. Flood insurance rate map (FIRM) panel numbers: 55055C0019E, 55055C0066E, 55055C0092E, 55055C0195E, 55055C0210E, 55055C0305E, 55055C0310E, 55055C0407E, 55055C0430E, 55055C0435E, 55055C0460E, dated June 2, 2009.

2. Panel numbers: 55055C0017F, 55055C0028F, 55055C0029F, 55055C0033F, 55055C0034F, 55055C0036F, 55055C0037F, 55055C0040F, 55055C0041F,

55055C0042F, 55055C0043F, 55055C0044F, 55055C0053F, 55055C0055F, 55055C0061F, 55055C0063F, 55055C0065F, 55055C0067F, 55055C0068F, 55055C0069F, 55055C0079F, 55055C0083F, 55055C0086F, 55055C0087F, 55055C0088F, 55055C0089F, 55055C0091F, 55055C0093F, 55055C0094F, 55055C0104F, 55055C0108F, 55055C0111F, 55055C0112F, 55055C0113F, 55055C0114F, 55055C0116F, 55055C0118F, 55055C0134F, 55055C0135F, 55055C0142F, 55055C0144F, 55055C0153F, 55055C0154F, 55055C0155F, 55055C0156F, 55055C0157F, 55055C0158F, 55055C0159F, 55055C0161F, 55055C0162F, 55055C0163F, 55055C0167F, 55055C0170F, 55055C0176F, 55055C0177F, 55055C0178F, 55055C0179F, 55055C0181F, 55055C0182F, 55055C0183F, 55055C0184F, 55055C0186F, 55055C0187F, 55055C0188F, 55055C0189F, 55055C0191F, 55055C0193F, 55055C0205F, 55055C0207F, 55055C0215F, 55055C0220F, 55055C0226F, 55055C0227F, 55055C0228F, 55055C0229F, 55055C0231F, 55055C0233F, 55055C0239F, 55055C0240F, 55055C0243F, 55055C0245F, 55055C0257F, 55055C0260F, 55055C0267F, 55055C0269F, 55055C0276F, 55055C0280F, 55055C0285F, 55055C0286F, 55055C0287F, 55055C0288F, 55055C0289F, 55055C0291F, 55055C0292F, 55055C0293F, 55055C0294F, 55055C0302F, 55055C0304F, 55055C0306F, 55055C0308F, 55055C0311F, 55055C0312F, 55055C0313F, 55055C0314F, 55055C0316F, 55055C0317F, 55055C0318F, 55055C0319F, 55055C0329F, 55055C0330F, 55055C0331F, 55055C0332F, 55055C0333F, 55055C0334F, 55055C0336F, 55055C0337F, 55055C0338F, 55055C0339F, 55055C0341F, 55055C0343F, 55055C0345F, 55055C0351F, 55055C0352F, 55055C0353F, 55055C0354F, 55055C0356F, 55055C0363F, 55055C0364F, 55055C0365F, 55055C0368F, 55055C0370F, 55055C0382F, 55055C0401F, 55055C0402F, 55055C0406F, 55055C0432F, 55055C0434F, 55055C0451F, 55055C0452F, 55055C0453F, 55055C0454F, 55055C0476F, 55055C0477F, dated February 4, 2015,

3. Flood Insurance Study (FIS) for Jefferson County, panel numbers 55055CV001B and 55025CV002B, dated February 4, 2015

4. Conditional Letter CLOMR 24-05-0085R for Gosdeck Lane Bridge Crossing dated 6/3/24.

Approved by: The DNR and FEMA

(b) OFFICIAL MAPS: Based on other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development. ***(The following are examples of other types of maps you may need to adopt.)***

1. Old Stone Mill Dam Failure analysis, prepared by Ayres Associates, and approved by the Department of Natural Resources on 11/11/2013, including:
 - a. Map dated August 2012 and titled "Exhibit 6: 100-Year Flood Map – Dam in Place with Failure (Hydraulic Shadow)";
 - b. Floodway data table (not dated) titled "Table 4 – Hydraulic Shadow Floodway Data"; and
 - c. Flood profile (not dated) labeled "WS Max WS – Q100BR-Aug" as it appears in "Exhibit 7: Flood profiles."
2. Carlin (Upper Spring Lake) Dam Failure analysis, prepared by AECOM and approved by the Department of Natural Resources on 10/30/2009, including:

- a. Map dated 11/19/2009 and titled “Carlin Dam – Condition 1. Dam In-Place, Dam Failure Inundation Map”;
 - b. Floodway data table dated 11/19/09 and titled “Carlin Dam – Condition 1. Dam In-Place, Dam Failure Inundation Map. HEC-RAS Standard Output Table”; and
 - c. Flood profiles dated 9/17/09 and titled Scuppernong Plan: 1) Condition_1. Scuppernong Carlin Dam”
3. Blue Spring Lake Dam Failure analysis, prepared by General Engineering Co. (GEC) and approved by the Department of Natural Resources on 6/4/2012, including:
 - a. Map (not dated) appearing as Exhibit 3 of the approved study, titled “Blue Springs Lake Dam Failure [sic] Analysis – Hydraulic Shadow Map”;
 - b. Floodway data table (not dated) appearing as Exhibit 5 of the approved study, titled “Blue Springs Lake Dam Failure Analysis Floodway Data”; and
 - c. Flood profiles (not dated) appearing as Exhibit 4 of the approved study, titled “Blue Springs Lake Dam Failure Analysis – Dam Failure Flood Profile”.
4. Rice Lake Dam Failure analysis, prepared by Ayres Associates and approved by the Department of Natural Resources on 8/12/2010, including:
 - a. Map dated March 2010 and titled “Rice Lake Dam Failure Analysis – Hydraulic Shadow Map”;
 - b. Floodway data table (not dated) titled “Table 4 – Hydraulic Shadow Floodway Data”; and
 - c. Flood profiles dated March 2010 and titled “Rice Lake Dam Failure Analysis – Dam Break Flood Profiles.” The line labeled “Breach” depicts the failure shadow profile.
5. Lake Mills Dam Failure analysis, prepared by Mead & Hunt and approved by the Department of Natural Resources on 1/7/2014, including:
 - a. Map dated December 2013 and titled “Inundation Map – Hydraulic Shadow – Dam Failure”;
 - b. Floodway data table (not dated) titled “Table 4. Floodway Data Table for the Hydraulic Shadow (Dam Failure)”;
 - c. Flood profiles (not dated) titled “Hydraulic Profile for the Hydraulic Shadow (Dam Failure)”
6. Rome Dam Failure analysis, prepared by Woodward-Clyde Consultants and approved by the Department of Natural Resources on 10/8/1992, including:
 - a. Map dated September 1992 and titled “Dam Failure Analysis - Rome Dam.” The mapping labeled “Inundation – Failure Scenario” depicts the regulatory hydraulic shadow;
 - b. Floodway data table (not dated) titled “Table 2-1. Results of Downstream Routing.” The “max stage” data within the columns labeled “W/ Failure” depict the regulatory hydraulic shadow; and

- c. Flood profiles dated September 1992 titled "Rome Dam - Dam Failure Analysis Flood Profiles." The line labeled "100-Year Flood with Failure" depicts the regulatory hydraulic shadow profile.
- 7. Floodplain study for (Name of Waterway) completed by (name of person or consulting firm) and approved by the Department of Natural Resources on (approval date).
 - a. Map dated (Insert date as shown on the map) and titled ("Insert map title"). (If necessary, indicate which boundary to use and/or start and end stations of the regulatory profile).
 - b. Floodway data table dated (Insert date as shown on the table) and titled ("Insert floodway data table title"). If necessary, indicate what column (table if more than one included) to use and start and end stations of the regulatory profile.
 - c. Flood profiles dated (Insert date as shown on the flood profiles) and titled ("Insert flood profiles title and if necessary, indicate which profile to use and start and end stations of the regulatory profile").
- 8. Flood Storage Map, panel numbers 1 through 13, dated 02/04/2015 approved by the DNR.

(3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

The flood hazard areas regulated by this ordinance are divided into districts as follows:

- a) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters, within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to s. 5.1(5).
- b) The Floodfringe District (FF) is that portion of a riverine special flood hazard area outside the floodway within AE Zones on the FIRM, or, when floodway limits have been determined according to s. 5.1(5), within A Zones shown on the FIRM.
- c) The General Floodplain District (GFP) is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.
- d) The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between the exterior boundaries of zones A1-30, AE, AH, or A on the official floodplain zoning map and actual field conditions may be resolved using the criteria in subd (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 8.0 *Amendments*. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 7.3(3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s. 8.0 *Amendments*.

- a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

- b) Where flood profiles do not exist for projects, including any boundary of zone A, or AO the location of the boundary shall be determined by the map scale.

(5) REMOVAL OF LANDS FROM FLOODPLAIN

- a) Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 8.0 *Amendments*.
- b) The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:
 - 1. The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;
 - 2. The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F;
- c) Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

(6) COMPLIANCE

- a) No structure or use within areas regulated by this ordinance shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.
- b) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with s. 9.0.
- c) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Floodplain Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with s. 9.0.

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies. Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards. If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under s. 30.2022, then the road project design documents (including appropriate detailed plans and profiles) may

be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply: The applicant provides documentation to the Floodplain Administrator that the proposed project is a culvert replacement or bridge replacement under 20' span at the same location, the project is exempt from a DNR permit under s. 30.123(6)(d), the capacity is not decreased, the top road grade is not raised, and no floodway data is available from a federal, state, or other source. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

(8) ABROGATION AND GREATER RESTRICTIONS

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

(9) INTERPRETATION

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

(10) WARNING AND DISCLAIMER OF LIABILITY

The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur, or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) SEVERABILITY

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

(12) ANNEXED AREAS FOR CITIES AND VILLAGES

The Jefferson County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, *National Flood Insurance Program* (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding and assure that all necessary permits have been received from those governmental agencies whose approval is required by federal or state law.

- 1) If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:

- a. be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. be constructed with flood-resistant materials;
 - c. be constructed by methods and practices that minimize flood damages; and
 - d. Mechanical and utility equipment must be elevated to or above the flood protection elevation.
- 2) If a subdivision or other proposed new development is in a flood-prone area, the community shall assure that:
- a. such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area;
 - b. public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. adequate drainage is provided to reduce exposure to flood hazards.

All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. 7.1(2).

2.1 HYDRAULIC AND HYDROLOGIC ANALYSES

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

2.2 WATERCOURSE ALTERATIONS

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

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

2.3 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT

Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as

docks, piers, wharves, bridges, culverts, dams, and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to s. 8.0 *Amendments*.

2.4 PUBLIC OR PRIVATE CAMPGROUNDS

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

- 1) The campground is approved by the Department of Agriculture, Trade and Consumer Protection;
- 2) A land use permit for the campground is issued by the zoning administrator;
- 3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
- 4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the floodplain zoning agency or zoning administrator, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- 5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state Department of Agriculture, Trade and Consumer Protection and all other applicable regulations;
- 6) All mobile recreational vehicles placed on site must meet one of the following:
 - a. Be fully licensed, if required, and ready for highway use; or
 - b. Not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or
 - c. Meet the requirements in either s. 3.0, 4.0, or 5.1 for the floodplain district in which the structure is located;

A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

- 7) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit consistent with 2.4(6) and shall ensure compliance with all the provisions of this section;
- 8) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- 9) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and

10) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation; and

11) Standards for structures in a campground:

- a. All structures must comply with section 2.4 or meet the applicable requirements in ss. 3.0, 4.0, or 5.1 for the floodplain district in which the structure is located;
- b. Deck/landing-a portable landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with section 2.4(4). Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- c. Decks/patios that are constructed completely at grade may be allowed but must also comply with applicable shoreland zoning standards.
- d. Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with section 2.4(4).
- e. Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with section 2.4(4).

12) A land use permit shall be obtained as provided under 7.1(2) before any development; repair, modification, or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated.

3.0 FLOODWAY DISTRICT (FW)

3.1 APPLICABILITY

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 5.1(5).

3.2 PERMITTED USES

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

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

- 1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
- 2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
- 3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap, and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).
- 4) Uses or structures accessory to open space uses or classified as historic structures that comply with s. 3.3 and 3.4.
- 5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).
- 6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
- 7) Public utilities, streets and bridges that comply with s. 3.3(3).
- 8) Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code.
- 9) Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.
- 10) Wastewater treatment ponds or facilities permitted under s. NR 110.15(3)(b), Wis. Adm. Code.
- 11) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

3.3 STANDARDS FOR DEVELOPMENT IN THE FLOODWAY

1) GENERAL

- a. Any development in the floodway shall comply with s. 2.0 and have a low flood damage potential.
- b. Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to s. 2.1 and 7.1(2)(c). The analysis must be completed by a registered professional engineer in the state of Wisconsin.
- c. Any encroachment in the regulatory floodway is prohibited unless the data submitted for subd. 3.3(1)(b) above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in s. 1.5(5).

2) STRUCTURES

Structures accessory to permanent open space uses, including utility and sanitary facilities, or functionally dependent on a waterfront location may be allowed by permit if the structures comply

with the following criteria:

- a. Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
- b. Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:
 1. Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;
 2. Have structural components capable of meeting all provisions of Section 3.3(2)(g) and;
 3. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 3.3(2)(g).
- c. Must be anchored to resist flotation, collapse, and lateral movement;
- d. Mechanical and utility equipment must be elevated to or above the flood protection elevation; and
- e. Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- f. For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets s. 3.3(2)(a) through 3.3(2)(e) and meets or exceeds the following standards:
 1. The lowest floor must be elevated to or above the regional flood elevation;
 2. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 3. the bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.
 4. The use must be limited to parking, building access or limited storage.
- g. Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:
 1. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
 2. Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in Sections 3.4(4) and 3.4(5);

3. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
4. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
5. Placement of utilities to or above the flood protection elevation.

3) **PUBLIC UTILITIES, STREETS AND BRIDGES**

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

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

4) **FILLS OR DEPOSITION OF MATERIALS**

Fills or deposition of materials may be allowed by permit, if:

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

3.4 PROHIBITED USES

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

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

4.0 FLOODFRINGE DISTRICT (FF)

4.1 APPLICABILITY

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 5.1(5).

4.2 PERMITTED USES

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

4.3 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE

Section 2.0 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of s. 6.0 *Nonconforming Uses*;

(1) RESIDENTIAL USES

Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards;

- a) All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet s. 1.5(5).
- b) Notwithstanding s. 4.3 (1)(a), a basement or crawlspace floor may be placed at the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed below the regional flood elevation;
- c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (d).
- d) In developments where existing street or sewer line elevations make compliance with subd. (c) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 1. The municipality has written assurance from police, fire and emergency services that rescue, and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 2. The municipality has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.

(2) ACCESSORY STRUCTURES OR USES

In addition to s. 2.0, new construction and substantial improvements of Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(3) COMMERCIAL USES

In addition to s. 2.0, any commercial structure which is erected, altered, or moved into the floodfringe shall meet the requirements of s. 4.3(1). Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(4) MANUFACTURING AND INDUSTRIAL USES

In addition to s. 2.0, any manufacturing or industrial structure which is erected, altered, or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s 7.5. Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish, or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 7.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(6) PUBLIC UTILITIES, STREETS AND BRIDGES

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

- a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 7.5.
- b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(7) SEWAGE SYSTEMS

All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 7.5(3), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

(8) WELLS

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 7.5(3), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(9) SOLID WASTE DISPOSAL SITES

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(10) DEPOSITION OF MATERIALS

Any deposited material must meet all the provisions of this ordinance.

(11) MANUFACTURED HOMES

- a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval, and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
- b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - 1. have the lowest floor elevated to the flood protection elevation; and
 - 2. be anchored so they do not float, collapse, or move laterally during a flood;
- c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 4.3(1).

(12) MOBILE RECREATIONAL VEHICLES

All mobile recreational vehicles must be on site for less than 180 consecutive days and be either:

- a) fully licensed and ready for highway use; or
- b) shall meet the elevation and anchoring requirements in s. 4.3 (11)(b) and (c).

A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

5.0 OTHER FLOODPLAIN DISTRICTS

5.1 GENERAL FLOODPLAIN DISTRICT (GFP)

1) APPLICABILITY

The provisions for the General Floodplain District shall apply to development in all floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in s. 1.5(2)(a).

2) FLOODWAY BOUNDARIES

For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in s. 1.5(2)(a), the boundaries of the regulatory floodway shall be determined pursuant to s. 5.1(5). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of s. 3.0. If the development is located entirely within the floodfringe, the development is subject to the standards of s. 4.0.

3) PERMITTED USES

Pursuant to s. 5.1(5) it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (s. 3.2) and Floodfringe (s. 4.2)

Districts are allowed within the General Floodplain District, according to the standards of s. 5.1(4) provided that all permits or certificates required under s. 7.1 have been issued.

4) STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT

Section 3.0 applies to floodway areas, determined to pursuant to 5.1(5); Section 4.0 applies to floodfringe areas, determined to pursuant to 5.1(5).

- a) New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basement, elevated:
 - 1. To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade; or
 - 2. If the depth is not specified on the FIRM, two feet (2) above the highest adjacent natural grade or higher.
- b) New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation.
- c) In AO/AH zones, provide adequate drainage paths to guide floodwaters around structures.
- d) All development in zones AO and zone AH shall meet the requirements of s. 4.0 applicable to flood fringe areas.

5) DETERMINING FLOODWAY AND FLOODFRINGE LIMITS

Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the zoning administrator shall:

- a) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures and the flood zone as shown on the FIRM.
- b) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
 - 1. A Hydrologic and Hydraulic Study as specified in s. 7.1(2)(c).
 - 2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.
 - 3. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

5.2 FLOOD STORAGE DISTRICT

The flood storage district delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district

protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

(1) **APPLICABILITY**

The provisions of this section apply to all areas within the Flood Storage District (FSD), as shown on the official floodplain zoning maps.

(2) **PERMITTED USES**

Any use or development which occurs in a flood storage district must meet the applicable requirements in s. 4.3.

(3) **STANDARDS FOR DEVELOPMENT IN FLOOD STORAGE DISTRICTS**

- a. Development in a flood storage district shall not cause an increase equal or greater than 0.00 of a foot in the height of the regional flood.
- b. No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage, which is lost, (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.
- c. If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district – on this waterway – is rezoned to the floodfringe district. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per s. 8.0 *Amendments* of this ordinance.
- d. No area may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

6.0 NONCONFORMING USES

6.1 GENERAL

1) Applicability

- a) The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with s. 87.30, Stats. and §§ NR 116.12-14, Wis. Adm. Code and 44 CFR 59-72., these standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.
 - b) As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value, and a list of the costs of those activities associated with changes to those buildings.
- 2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
- a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not

limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

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

- b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
- d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- e) No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.
- f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1).
- g) Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in

order to restore it to the size and use in effect prior to the damage event, provided that the following minimum requirements are met, and all required permits have been granted prior to the start of construction:

1. Residential Structures

- a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts, or perimeter walls. Perimeter walls must meet the requirements of s. 7.5(2).
- b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.
- c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. In A Zones, obtain, review, and utilize any flood data available from a federal, state or other source.
- e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.1(4).
- f. in AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

2. Nonresidential Structures

- a. Shall meet the requirements of s. 6.1(2)(h)1a-f.
 - b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 7.5 (1) or (2).
 - c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.1(4).
- 3) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with s. 3.3 (1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 6.1 (2)(h)1 if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

6.2 FLOODWAY DISTRICT

- 1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
 - a) Has been granted a permit or variance which meets all ordinance requirements;
 - b) Meets the requirements of s. 6.1;

- c) Shall not increase the obstruction to flood flows or regional flood height;
- d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation; and,
- e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - 4. The use must be limited to parking, building access or limited storage.
- 2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and Ch. SPS 383, Wis. Adm. Code.
- 3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair, or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and chs. NR 811 and NR 812, Wis. Adm. Code.

6.3 FLOODFRINGE DISTRICT

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

- e) Flood velocities shall not exceed two feet per second; and
 - f) The structure shall not be used for storage of materials as described in s. 4.3(5).
- 3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, s. 7.5 (3) and ch. SPS 383, Wis. Adm. Code.
 - 4) All new wells, or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this ordinance, s. 7.5 (3) and ch. NR 811 and NR 812, Wis. Adm. Code.

6.4 FLOOD STORAGE DISTRICTS (RESERVED - WHEN APPLICABLE)

No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in 5.2(3) are met.

7.0 ADMINISTRATION

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

7.1 ZONING ADMINISTRATOR

1) DUTIES AND POWERS

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

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

3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- g) Submit copies of amendments to the FEMA Regional office.

2) LAND USE PERMIT

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

a) GENERAL INFORMATION

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

b) SITE DEVELOPMENT PLAN

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

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

c) HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT

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

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

1. Zone A floodplains and in AE zones within which a floodway is not delineated:

- a. Hydrology
 - i. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
- b. Hydraulic modeling

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

 - i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
 - ii. channel sections must be surveyed.
 - iii. minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
 - iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
 - v. the most current version of HEC-RAS shall be used.
 - vi. a survey of bridge and culvert openings and the top of road is required at each structure.
 - vii. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
 - viii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high-water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
 - ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
- c. Mapping

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

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

2. Zone AE Floodplains

a. Hydrology

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

b. Hydraulic model

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

i. Duplicate Effective Model

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

ii. Corrected Effective Model.

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

iii. Existing (Pre-Project Conditions) Model.

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

iv. Revised (Post-Project Conditions) Model.

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

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

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

c. Mapping

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

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

d) EXPIRATION

All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.

3) CERTIFICATE OF COMPLIANCE

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

- a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- b) Application for such certificate shall be concurrent with the application for a permit;
- c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;

- d) The applicant shall submit a certification signed by a registered professional engineer, architect, or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 7.5 are met.
 - e) Where applicable pursuant to s. 5.1(4), the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.
 - f) Where applicable pursuant to s. 5.1(4), the applicant must submit certifications by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by s. 5.1(4).
- 4) **OTHER PERMITS**
Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

7.2 ZONING AGENCY

- 1) The **Director of Planning and Development** shall:
 - a) oversee the functions of the office of the zoning administrator; and
 - b) review and advise the governing body on all proposed amendments to this ordinance, maps, and text.
 - c) publish adequate notice pursuant to Ch. 985, Stats., specifying the date, time, place, and subject of the public hearing.
- 2) The **Director of Planning and Development** shall not:
 - a) grant variances to the terms of the ordinance in place of action by the Board of **Adjustment**; or
 - b) amend the text or zoning maps in place of official action by the governing body.

7.3 BOARD OF ADJUSTMENT

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

1) POWERS AND DUTIES

The Board of **Adjustment** shall:

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

2) APPEALS TO THE BOARD

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

b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

1. Notice - The board shall:

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

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

- a. Resolve boundary disputes according to s. 7.3(3);
- b. Decide variance applications according to s. 7.3(4); and
- c. Decide appeals of permit denials according to s. 7.4.

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

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

3) BOUNDARY DISPUTES

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

- a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.
- b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
- c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 8.0 *Amendments*.

4) VARIANCE

- a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 - 1. Literal enforcement of the ordinance will cause unnecessary hardship;
 - 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 - 3. The variance is not contrary to the public interest; and
 - 4. The variance is consistent with the purpose of this ordinance in s. 1.3.
- b) In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met:
 - 1. The variance shall not cause any increase in the regional flood elevation;
 - 2. The applicant has shown good and sufficient cause for issuance of the variance;
 - 3. Failure to grant the variance would result in exceptional hardship;
 - 4. Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
 - 5. The variance granted is the minimum necessary, considering the flood hazard, to afford relief.
- c) A variance shall not:
 - 1. Grant, extend or increase any use prohibited in the zoning district;
 - 2. Be granted for a hardship based solely on an economic gain or loss;
 - 3. Be granted for a hardship which is self-created.
 - 4. Damage the rights or property values of other persons in the area;
 - 5. Allow actions without the amendments to this ordinance or map(s) required in s. 8.0 *Amendments*; and
 - 6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- d) When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

7.4 TO REVIEW APPEALS OF PERMIT DENIALS

- (1) The Zoning Agency (s. 7.2) or Board shall review all data related to the appeal. This may include:

- a. Permit application data listed in s. 7.1(2);
 - b. Floodway/floodfringe determination data in s. 5.1(5);
 - c. Data listed in s. 3.3(1)(b) where the applicant has not submitted this information to the zoning administrator; and
 - d. Other data submitted with the application or submitted to the Board with the appeal.
- (2) For appeals of all denied permits the Board shall:
- a. Follow the procedures of s. 7.3;
 - b. Consider zoning agency recommendations; and
 - c. Either uphold the denial or grant the appeal.
- (3) For appeals concerning increases in regional flood elevation the Board shall:
- a. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s. 8.0 *Amendments*; and
 - b. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

7.5 FLOODPROOFING STANDARDS

- (1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA Floodproofing Certificate. Floodproofing is not an alternative to the development standards in ss. 2.0, 3.0, 4.0, or 5.1.
- (2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
- a. certified by a registered professional engineer or architect; or
 - b. meeting or exceeding the following standards:
 - 1. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2. the bottom of all openings shall be no higher than one foot above grade; and
 - 3. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (3) Floodproofing measures shall be designed, as appropriate, to:
- a. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - b. Protect structures to the flood protection elevation;
 - c. Anchor structures to foundations to resist flotation and lateral movement;

- d. Minimize or eliminate infiltration of flood waters;
- e. Minimize or eliminate discharges into flood waters;
- f. Placement of essential utilities to or above the flood protection elevation; and
- g. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - 4. The use must be limited to parking, building access or limited storage.

7.6 PUBLIC INFORMATION

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

8.0 AMENDMENTS

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

- (1) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1. Any such alterations must be reviewed and approved by FEMA and the DNR.
- (2) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 8.1.

8.1 GENERAL

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

- (1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;

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

8.2 PROCEDURES

Ordinance amendments may be made upon petition of any party according to the provisions of **s. 59.69, Stats., for counties**. The petitions shall include all data required by s. 5.1(5) and 7.1(2). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of **s. 59.69, Stats., for counties**.
- (2) No amendments shall become effective until reviewed and approved by the Department.
- (3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

9.0 ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance, and the creation may be enjoined, and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

10.0 DEFINITIONS

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

1. A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones

may or may not be reflective of flood profiles, depending on the availability of data for a given area.

2. AH ZONE – See “AREA OF SHALLOW FLOODING”.
3. AO ZONE – See “AREA OF SHALLOW FLOODING”.
4. ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building. An accessory structure shall not be used for human habitation.
5. ALTERATION – An enhancement, upgrade or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
6. AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
7. BASE FLOOD – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
8. BASEMENT – Any enclosed area of a building having its floor sub-grade on all sides.
9. BUILDING – See STRUCTURE.
10. BULKHEAD LINE – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
11. CAMPGROUND – Any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
12. CAMPING UNIT – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.
13. CERTIFICATE OF COMPLIANCE – A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
14. CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
15. CRAWLWAYS or CRAWL SPACE – An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
16. DECK – An unenclosed exterior structure that has no roof or sides and has a permeable floor which allows the infiltration of precipitation.
17. DEPARTMENT – The Wisconsin Department of Natural Resources.

18. **DEVELOPMENT** – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
19. **DRYLAND ACCESS** – A vehicular access route which is above the regional flood elevation, and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
20. **ENCROACHMENT** – Any fill, structure, equipment, use or development in the floodway.
21. **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)** – The federal agency that administers the National Flood Insurance Program.
22. **FLOOD INSURANCE RATE MAP (FIRM)** – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
23. **FLOOD or FLOODING** – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
- The overflow or rise of inland waters;
 - The rapid accumulation or runoff of surface waters from any source;
 - The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
 - The sudden increase caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
24. **FLOOD FREQUENCY** – The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
25. **FLOODFRINGE** – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
26. **FLOOD HAZARD BOUNDARY MAP** – A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
27. **FLOOD INSURANCE STUDY** – A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

28. **FLOODPLAIN** – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.
29. **FLOODPLAIN ISLAND** – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
30. **FLOODPLAIN MANAGEMENT** – Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
31. **FLOOD PROFILE** – A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
32. **FLOODPROOFING** – Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
33. **FLOOD PROTECTION ELEVATION** – An elevation of two feet of freeboard above the Regional Flood Elevation. (Also see: **FREEBOARD**.)
34. **FLOOD STORAGE** – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
35. **FLOODWAY** – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
36. **FREEBOARD** – A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
37. **HABITABLE STRUCTURE** – Any structure or portion thereof used or designed for human habitation.
38. **HEARING NOTICE** – Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
39. **HIGH FLOOD DAMAGE POTENTIAL** – Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
40. **HIGHEST ADJACENT GRADE** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
41. **HISTORIC STRUCTURE** – Any structure that is either:
- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - Individually listed on a state inventory of historic places in states with historic preservation

- programs which have been approved by the Secretary of the Interior; or
 - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
42. INCREASE IN REGIONAL FLOOD HEIGHT – A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
 43. LAND USE – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
 44. LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.
 45. LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement).
 46. MAINTENANCE – The act or process of ordinary upkeep and repairs, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems, or structures.
 47. MANUFACTURED HOME – A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
 48. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
 49. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
 50. MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
 51. MOBILE RECREATIONAL VEHICLE – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
 52. MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

53. MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
54. MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
55. MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
56. MODEL, REVISED (POST-PROJECT) – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
57. MUNICIPALITY or MUNICIPAL – The county, city or village governmental units enacting, administering, and enforcing this zoning ordinance.
58. NAVD or NORTH AMERICAN VERTICAL DATUM – Elevations referenced to mean sea level datum, 1988 adjustment.
59. NGVD or NATIONAL GEODETIC VERTICAL DATUM – Elevations referenced to mean sea level datum, 1929 adjustment.
60. NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective date of a floodplain zoning regulation adopted by this community and includes any subsequent improvements to such structures.
61. NON-FLOOD DISASTER – A fire or an ice storm, tornado, windstorm, mudslide, or other destructive act of nature, but excludes a flood.
62. NONCONFORMING STRUCTURE – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
63. NONCONFORMING USE – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
64. OBSTRUCTION TO FLOW – Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
65. OFFICIAL FLOODPLAIN ZONING MAP – That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.
66. OPEN SPACE USE – Those uses having a relatively low flood damage potential and not involving structures.
67. ORDINARY HIGHWATER MARK – The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion,

destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

68. **PERSON** – An individual, or group of individuals, corporation, partnership, association, municipality, or state agency.
69. **PRIVATE SEWAGE SYSTEM** – A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.
70. **PUBLIC UTILITIES** – Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer, and storm sewer.
71. **REASONABLY SAFE FROM FLOODING** – Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
72. **REGIONAL FLOOD** – A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
73. **START OF CONSTRUCTION** – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
74. **STRUCTURE** – Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lakebed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
75. **SUBDIVISION** – Has the meaning given in s. 236.02(12), Wis. Stats.
76. **SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
77. **SUBSTANTIAL IMPROVEMENT** – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations

identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

- 78. **UNNECESSARY HARDSHIP** – Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
- 79. **VARIANCE** – An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
- 80. **VIOLATION** – The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- 81. **WATERSHED** – The entire region contributing runoff or surface water to a watercourse or body of water.
- 82. **WATER SURFACE PROFILE** – A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- 83. **WELL** – means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.