



ADAM JARCHOW

STATE REPRESENTATIVE • 28TH ASSEMBLY DISTRICT

Testimony – AB 399

Assembly Committee on Natural Resources and Sporting Heritage

Wednesday, July 19, 2017 – 10:00 a.m.

Thank you, Mr. Chairman and committee members.

Economic development in Northwestern Wisconsin is not something that happens every day. When a small business wants to invest in our area, it is exciting and makes a huge difference in the local economy. Current law does not allow a county or municipality to grant a variance from local zoning ordinances on the Lower St. Croix River without DNR approval. This bill cleans up the inflexibility in the law and allows a county to grant a variance without DNR approval, thus restoring local control to those counties on the Lower St. Croix River.

I learned about this issue last year when I met Brad Hansen and his family, who you will hear from very soon. The Hansen Family had the intention of operating a premier wedding/event facility on the site of an old church camp. By grandfathering this facility and others like it, we are fostering economic development and providing certainty to anyone who purchases similar facilities in the future. If another entrepreneur has the peace of mind knowing that church camps such as the Hansens' property are grandfathered, they are more likely to invest in this area. This brings more jobs, economic development, tourism, and tax revenue.

Growing up in Northwestern Wisconsin, I understand just as well as anyone that we must protect and respect our natural resources. However, there needs to be a balance. There can be a balance struck between environmental protection and economic development. Allowing event facilities on the St. Croix River has the potential to bring hundreds of thousands of dollars per year tourism dollars and tax revenue to this area. Our part of the state relies on folks from across the river to come here and spend their money. The more opportunities there are for people to do that, the better. The St. Croix River is not to be just enjoyed and used by a select group of people for a select few activities. Allowing the river to be used for a variety of things such as events and weddings is what our natural resources are meant for. They are meant to be used by all for a variety of reasons – and that can all be done while protecting the environment.

AB 399 restores local control by allowing any county within the St. Croix National Scenic Riverway to grant a variance for event facility projects without approval from the Wisconsin DNR. It will be up to those counties to decide, in the future, whether variances should be granted or not. If locals are unhappy with a proposed project in the St. Croix National Scenic Riverway, should this bill get signed into law, they will have the opportunity to lobby their county government to not approve the variance.

There are St. Croix County Board members, Somerset Town Board members, and local citizens who are happy to see this economic development on the St. Croix River. You will hear from reasonable people who understand that disguising opposition to this bill behind environmental protection is nothing more than hyperbole.



State Senator Sheila Harsdorf

Date: July 19, 2017
To: Assembly Committee on Natural Resources and Sporting Heritage
From: State Senator Sheila Harsdorf
Re: Assembly Bill 399

Dear Chair Kleefisch and Committee Members:

Thank you for holding a public hearing on Assembly Bill 399 (AB 399). While I am unable to attend today's hearing, I appreciate the opportunity to share my testimony in support of this legislation.

In 1972 the federal government designated the Lower St. Croix River as a Wild and Scenic River. This designation under the Wild and Scenic Rivers Act provides protection to the riverway to maintain its scenic and natural beauty and is done so through a cooperative agreement between Wisconsin, Minnesota and the National Park Service.

Maintaining the scenic beauty of the St. Croix riverway is important and greatly valued by both those who live in and visit the region. While this designation limits what can be done in the riverway, I do not believe it was intended to stop all economic development.

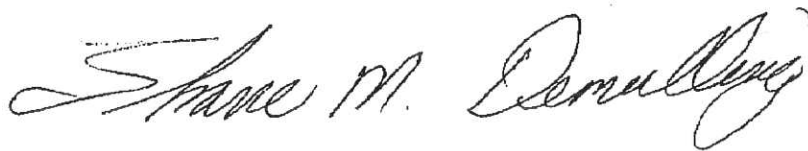
This legislation would allow for a narrow grandfathering in of certain uses that existed previously and restore local control by enabling counties and municipalities to approve variances without approval by the DNR.

AB 399 strikes a balance between maintaining the scenic beauty of the Lower St. Croix riverway while allowing for compatible development. Thank you for your consideration.

Dear Committee on Natural Resources and Sporting Heritage:

My name is Shane Demulling and I currently am one of the five members of the Somerset Town Board. I am writing this letter today to inform the committee that I am in full support of SB 309 as it gives more control back to our local municipalities. On Monday, July 10 2017, our town board held a "special meeting" and voted on the topic of standing in opposition of this bill. After reviewing it more carefully, I still stand in favor of SB309 and Assembly bill 399.

Thank you




7/18/17

Shane M. Demulling

Dear Committee on Natural Resources and Sporting Heritage:

My name is Lenny Germain and I currently am one of the five members of the Somerset Town Board. I am writing this letter today to inform the committee that I am in full support of SB 309 as it gives more control back to our local municipalities. On Monday, July 10 2017, our town board held a "special meeting" and voted on the topic of standing in opposition of this bill. After reviewing it more carefully, I still stand in favor of SB309 and Assembly bill 399.

Thank you


Lenny Germain
7/17/17

Representative Stafsholt,

Thank you for signing on to the Assembly version of this bill. We have a unique opportunity in Wisconsin to welcome employers from other states - especially Minnesota and Illinois. This is due to the great progress that Governor Walker and the legislature have made over the last sessions to reduce regulatory confusion. We need a "one stop" system so property and business owners can appear at one desk to lawfully affirm their rights. This bill is another step in the right direction. Please include this statement in the official record of the hearing(s) on these bills.

Thank you!

Tom Coulter

Tom Coulter, 715 781 9103
St Croix County Supervisor, District 4
Member – St. Croix County Community Development Committee
Member – St Croix County Health and Human Services Board
Commissioner - Western Wisconsin Regional Planning Commission
639 8th St N
Hudson, WI 54016

Senator Sheila Harsdorf,

7/15/2017

Thank you for supporting SENATE BILL 309

As a resident who occupies land in the Lower St Croix Riverway. (Neighbor of the former church camp/now Brad Hanson's property) I support this bill, allowing the local town and county leaders to make decisions guiding the development of our area.

Approving this bill promotes keeping the decisions local, preserving this area of the Lower St Croix Riverway. Keeping the pristine nature, while still being accessible for more people to enjoy.

Although this bill may increase traffic in the area during events, the impact is minimal in comparison to other options of the land.

It is in alignment with the intentions of the Lower St Croix Riverway to allow a lodging and event facility to operate. This keeps the impact low on the land and is in alignment with how it has been used in the past.



Denise Gunderson
333 Rice Lake Rd
Somerset, WI 54025

July 18, 2017

To: Wisconsin Senate

From: David Ward, Homeowner at 301 221st Ave, Somerset, WI. 54025

Re: Vote No to AB 399

To Whom It May Concern,

I am writing this letter to strongly urge you to vote NO to AB 399 *relating to: zoning ordinances in the Lower St. Croix riverway.*

The St Croix is the nation's first designated Wild and Scenic Riverway and about to celebrate the 50th year as a national treasure. It's been the model for cooperative management at the federal, state and local levels. Land use on non-public lands within the Riverway is governed by state and local governments today. The states have established special Riverway land use regulations that must be adopted and implemented by local units of government for both the federal and state administered portions of the Lower St. Croix. This has worked for 49+ years and has set precedent for the relationship between public and private landholders, industry, researchers and many coordinating and less formal partnerships to address specific resources or resource issues. The relationship between the National Park Service and the Wisconsin and Minnesota Departments of Natural Resources share administrative responsibility for the Riverway working with local governments, and it works.

We believe there is no need or sound reasoning to change the current laws surrounding any of the current responsibilities from the Wisconsin Department of Natural Resources (land use, water quality, wildlife areas, state parks, state forests, public landings, trails, law enforcement). In particular, AB 399 proposes that Wisconsin Department of Natural Resources be relieved of it's current land use responsibility. Instead, as we are coming up on the 50th anniversary of the St Croix's designation as a national Wild and Scenic Riverway; there is a need for renewed commitment to the St Croix Riverway and protect our national resource.

Those who float, paddle, fish, live within the St Croix Riverway or otherwise enjoy a wild and scenic river should be it's greatest advocates but Wisconsin, Minnesota and Federal legislatures must also effectively communicate and legislate to maintain the national and regional significance of the river, and uphold the actions that are needed to protect its unique characteristics. This includes voting down AB 399 and the specific removal of the Wisconsin Department of Natural Resources from being an equal member as the Minnesota Department of Natural Resources in land use governance, and also enabling a specific legal loophole to weaken land use governance for a single historic land use. AB 399 clearly is aimed at undermining the 49 year cooperative management agreement that has worked so well and sets a weak precedence for the future and the undermining of the wildness and scenic beauty of the Riverway. AB 399 has no legal precedence and contains no common, practice sense as it clearly puts the residents

of the state of Wisconsin and the nation in a weaker position to protect their side of the Riverway via public governance.

My wife, Kim and I bought scenic riverfront property at 301 221st Ave, Somerset, WI in 2002. We moved here from the cities to this property specifically because it was a beautiful, quiet and protected piece of property. We reside on the river, and enjoy a boat at our house. It is a home we entertain family and friends almost every weekend. We especially enjoy sitting in our screened porch at night, listening to the fish jump, and at any time, hearing a deer, beaver, otter, bear, or some form of wild life swimming in the river or on it's banks. We have worked with researchers from the St Croix Research Station on a native prairie restoration project adjacent to our property and the Wisconsin Department of Natural Resources in exotic species remediation. We have felt very blessed living so close to nature. We have been respectful of this privilege and have lived by the rules of the protected river way all of these years. As have all other residents on the river for 49 years.

This bill is being brought to you because of one family and their desire to turn a profit at everyone else's expense. So you have a clear idea of where we live in proximity to the Hansen's, we live on the adjacent parcel. We share the road access to our homes and we have seen the illegal land use changes that have been made and understand they have lost legal actions concerning these land use changes.

In 2011 the Hansen's purchased the residential property from the Fourth Baptist Church. Immediately, they informed me on their plan to create a large business where weddings and events could take place and alcohol to be served. It wasn't zoned for commercial business as the land use was protected by both state and federal guidelines. They asked us if we would support them in getting permission from the town to move forward with their plan. We declined. We had been property owners for 9 years prior to them being there and do not want to live in a commercial area. Once they knew we were not going to aide them in their plan, they became hostile towards us. Land use governance was in place for over 40 years before they purchased the property and they were aware of that fact. We have no interest in changing the land use patterns or laws along the Riverway. They have protected the river very well.

Please realize that this bill is being introduced to strengthen one property owner at the detriment of all residents in the area and the residents of Wisconsin, Minnesota and the USA. It's nothing more than one family trying make a profit on the Riverway at the expense of all others. There is plenty of commercial land to have a business in our town or county without destroying the Riverway or the laws that protect it. There is no reason to take "Wild and Scenic" out of the St Croix Riverway and away from the people of Somerset, Wisconsin, Minnesota or the USA.

Please do not allow AB 399 to become law.

With sincere regards,

David Ward
Resident

Town of Somerset
P.O. Box 248
Somerset, WI 54025
Email: townsom@somtel.net

July 19, 2017

To: **Assembly Committee on Natural Resources and Sporting Heritage**

Representative Kleefisch, Chair
Representative Quinn, Vice Chair
Representative Tittl
Representative Edming
Representative Nerison
Representative Mursau
Representative Skowronski
Representative Ripp
Representative Tusler
Representative Stafsholt
Representative Milroy
Representative Hesselbein
Representative Spreitzer
Representative Stuck
Representative Brostoff

Re: AB 399 - Opposition

The Town of Somerset is **opposed** to Assembly Bill 399. Attached are documents for your review.

1. Town Resolutions in opposition to AB399 & SB309: Towns of Somerset, St. Joseph and River Falls
2. Letters from Town residents in opposition.
3. Map of Scenic Easement (LOSA Tracts) & Scenic Easement Document Numbers 406211 recorded in October 1985 (LOSA 09-164) and 489047 recorded in September 1992 (LOSA 09-166). Especially note the location of the deck and buildings (yellow) in LOSA tract #09-166 recorded in September 1992.
4. Town Comprehensive Land Use Plan adopted March 2015 with highlighted areas. A full copy of the plan is available on the Town's website: www.townofsomersetwi.org
5. Pictures showing trees cut and deck from St. Croix River.
6. Aerial picture showing differences in property between 2010 (camp) & 2015.
7. Pictures showing pre-2013 (camp) and post-2013(current owners) of buildings.
8. St. Croix County Stipulation & Order for Judgment filed 12-27-16.

Ed Schachtner, Town Chair & Lawrence Rauch, Town Supervisor testified before you today. Douglas Plourde, Town Supervisor, submitted written opposition.

Town of Somerset

Resolution 2017-01

Opposition to Senate Bill 309 & Assembly Bill 399

WHEREAS, The State of Wisconsin requires all Towns to adopt a Comprehensive Land Use Plan under WSS 66.1001; and

WHEREAS, adoption of County zoning is a fiscally responsible decision for Towns as it places all costs related to ordinance administration and enforcement on the county; and

WHEREAS, Senate Bill 309 & Assembly Bill 399 both call for an amendment to WSS 30.27(3) and to create WSS 30.27 (2)(d) relating to zoning ordinances in the Lower St. Croix Riverway; and

WHEREAS, Adoption of County zoning is consistent with the Town of Somerset's Comprehensive Land Use Plan and the Town of Somerset has been under County Zoning since 1976; and

WHEREAS, the local government officials who live and reside in the counties and communities are best suited to make determinations as to what zoning is best for their community; and

WHEREAS, Senate Bill 309 & Assembly Bill 399 both call for an amendment to WSS 30.27(3) and to create WSS 30.27 (2)(d) relating to zoning ordinances in the Lower St. Croix Riverway; and

WHEREAS, Senate Bill 309 & Assembly Bill 399 both prohibit a county and subsequently towns relying on county zoning from implementing its own zoning code; and

WHEREAS, Senate Bill 309 and Assembly Bill 399 are the antithesis of the design our founding fathers who drafted the laws of the state to benefit the state as a whole and who saw it crucial most authority should be at the local level, and

WHEREAS, Senate Bill 309 & Assembly Bill 399 will negatively impact the Town of Somerset's rural character and impact the quality of life in the lower St. Croix Riverway by taking zoning control out of the local control; and

WHEREAS, Senate Bill 309 and Assembly Bill 399 were introduced into the Legislature without any knowledge or advisement by local officials in the towns or counties in whom this property lies and in whom may be affected by the amendment of WSS 30.27 (3) and creation of WSS 30.27(2)(d); and

THEREFORE BE IT RESOLVED, it is deemed advisable, useful, beneficial, and in the best interest of the people and the beauty, protection and economic impacts of the Lower St. Croix Scenic Riverway that the Town Board of the Town of Somerset strongly oppose Senate Bill 309 and Assembly Bill 399; and

BE IT FURTHER RESOLVED, the Town Board of the Town of Somerset is requesting the Legislature reject the notion that the State begin engaging in rezoning of property and instead allow the County to enforce their own zoning ordinances; and

BE IT FURTHER RESOLVED, the Town Board of the Town of Somerset is requesting it is imperative that the state leaders continue their commitment to the Wild and Scenic Rivers Program and the aesthetic and consequent impacts related to tourism; and

BE IT FURTHER RESOLVED, the Town Board of the Town of Somerset is strongly opposed to a non-fiscal bill being incorporated into the Budget Bill.

BE IT FURTHER RESOLVED, the Town Board of the Town of Somerset directs the Clerk to send a copy of this resolution to the Wisconsin Towns Association, our State Legislators and to Governor Scott Walker.

Ed Schachtner

, Ed Schachtner, Town Chair, Town of Somerset

_____, Shane Demulling, Town Supervisor, Town of Somerset

_____, Lenny Germain, Town Supervisor, Town of Somerset

Douglas Plourde

, Douglas Plourde, Town Supervisor, Town of Somerset

Larry Rauch

, Larry Rauch, Town Supervisor, Town of Somerset

I hereby certify that this is a true and correct copy of Resolution 2017-01 passed and adopted by the Town Board of the Town of Somerset this 10th day of July, 2017 by a vote of 3 to 2.

Attest: Jeri Koester, Jeri Koester, Clerk/Treasurer Town of Somerset.

Town of St. Joseph

Resolution 2017-11

Opposition to Senate Bill 309 & Assembly Bill 399

WHEREAS, The State of Wisconsin requires all Towns to adopt a Comprehensive Land Use Plan under WSS 66.1001; and

WHEREAS, adoption of County zoning is a fiscally responsible decision for Towns as it places all costs related to ordinance administration and enforcement on the county; and

WHEREAS, Senate Bill 309 & Assembly Bill 399 both call for an amendment to WSS 30.27(3) and to create WSS 30.27 (2)(d) relating to zoning ordinances in the Lower St. Croix Riverway; and

WHEREAS, Adoption of County zoning is consistent with the Town of St. Joseph's Comprehensive Land Use Plan and the Town of St. Joseph has been under County Zoning for many years; and

WHEREAS, the local government officials who live and reside in the counties and communities are best suited to make determinations as to what zoning is best for their community; and

WHEREAS, Senate Bill 309 & Assembly Bill 399 both call for an amendment to WSS 30.27(3) and to create WSS 30.27 (2)(d) relating to zoning ordinances in the Lower St. Croix Riverway; and

WHEREAS, Senate Bill 309 & Assembly Bill 399 both prohibit a county and subsequently towns relying on county zoning from implementing its own zoning code; and

WHEREAS, Senate Bill 309 & Assembly Bill 399 will negatively impact the Town of St. Joseph's rural character and impact the quality of life in the lower St. Croix Riverway by taking zoning control out of the local control; and

WHEREAS, Senate Bill 309 and Assembly Bill 399 were introduced into the Legislature without any knowledge or advisement by local officials in the towns or counties in whom this property lies and in whom may be affected by the amendment of WSS 30.27 (3) and creation of WSS 30.27(2)(d); and

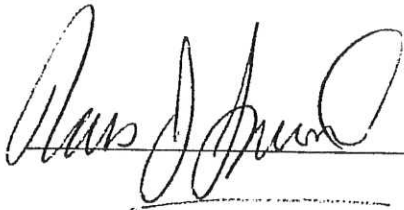
THEREFORE BE IT RESOLVED, it is deemed advisable, useful, beneficial, and in the best interest of the people and the beauty, protection and economic impacts of the Lower St. Croix Scenic Riverway that the Town Board of the Town of St. Joseph strongly oppose Senate Bill 309 and Assembly Bill 399; and

BE IT FURTHER RESOLVED, the Town Board of the Town of St. Joseph is requesting the Legislature reject the notion that the State begin engaging in rezoning of property and instead allow the County to enforce their own zoning ordinances; and

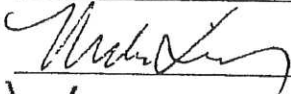
BE IT FURTHER RESOLVED, the Town Board of the Town of St. Joseph is requesting that it is imperative that the state leaders continue their commitment to the Wild and Scenic Rivers Program and the aesthetic and consequent impacts related to tourism; and

BE IT FURTHER RESOLVED, the Town Board of the Town of St. Joseph is strongly opposed to a non-fiscal bill being incorporated into the Budget Bill.

BE IT FURTHER RESOLVED, the Town Board of the Town of St. Joseph directs the Clerk to send a copy of this resolution to the Wisconsin Towns Association, our State Legislators and to Governor Scott Walker.



Thomas J. Spaniol, Town Chair, Town of St. Joseph



Steve Bohl, Supervisor #1, Town of St. Joseph



Mike Long, Supervisor #2, Town of St. Joseph



Laurie DeRosier, Supervisor #3, Town of St. Joseph



Joy Packard, Supervisor #4, Town of St. Joseph

I hereby certify that this is a true and correct copy of Resolution 2017-11 passed and adopted by the Town Board of the Town of St. Joseph this 14th day of July, 2017 by a vote of 4 to 0.



TOWN OF RIVER FALLS

Resolution 2017-02

Opposition to Senate Bill 309 & Assembly Bill 399

WHEREAS, The State of Wisconsin requires all Towns to adopt a Comprehensive Land Use Plan under WSS 66.1001; and

WHEREAS, Senate Bill 309 & Assembly Bill 399 both call for an amendment to WSS 30.27(3) and to create WSS 30.27 (2)(d) relating to zoning ordinances in the Lower St. Croix Riverway and surrounding areas; and

WHEREAS, The Town of River Falls adopted Town Zoning in 1998 and the Town Zoning is consistent with the Town of River Falls' Comprehensive Land Use Plan; and

WHEREAS, the local government officials who live and reside in the counties and communities are best suited to make determinations as to what zoning is best for their community; and

WHEREAS, Senate Bill 309 & Assembly Bill 399 both call for an amendment to WSS 30.27(3) and to create WSS 30.27 (2)(d) relating to zoning ordinances in the Lower St. Croix Riverway and surrounding areas; and

WHEREAS, Senate Bill 309 & Assembly Bill 399 both prohibit counties and towns that administer their own zoning from implementing their own zoning codes; and

WHEREAS, Senate Bill 309 and Assembly Bill 399 are the antithesis of the design our founding fathers who drafted the laws of the state to benefit the state as a whole and who saw it crucial most authority should be at the local level, and

WHEREAS, Senate Bill 309 & Assembly Bill 399 will negatively impact the Town of River Falls' rural character and impact the quality of life in the lower St. Croix Riverway and surrounding areas by taking zoning control out of the local control; and

WHEREAS, Senate Bill 309 and Assembly Bill 399 were introduced into the Legislature without any knowledge or advisement by local officials in the towns or counties in whom this property lies and in whom may be affected by the amendment of WSS 30.27 (3) and creation of WSS 30.27(2)(d).

NOW THEREFORE BE IT RESOLVED, it is deemed advisable, useful, beneficial, and in the best interest of the people and the beauty, protection and economic impacts of the Lower St. Croix Scenic Riverway and surrounding areas that the Town Board of the Town of River Falls strongly oppose Senate Bill 309 and Assembly Bill 399; and

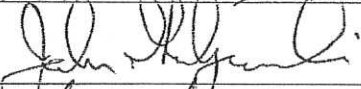
BE IT FURTHER RESOLVED, the Town Board of the Town of River Falls is requesting the Legislature reject the notion that the State begin engaging in rezoning of property and instead allow counties and towns to enforce their own zoning ordinances; and

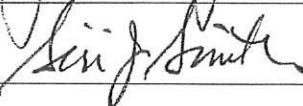
BE IT FURTHER RESOLVED, the Town Board of the Town of River Falls is requesting it is imperative that the state leaders continue their commitment to the Wild and Scenic Rivers Program and the aesthetic and consequent impacts related to tourism; and

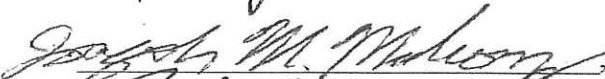
BE IT FURTHER RESOLVED, the Town Board of the Town of River Falls is strongly opposed to a non-fiscal bill being incorporated into the Budget Bill.

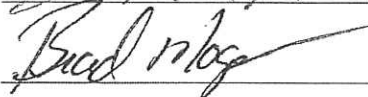
BE IT FURTHER RESOLVED, the Town Board of the Town of River Falls directs the Clerk to send a copy of this resolution to the Wisconsin Towns Association, our State Legislators and to Governor Scott Walker.

, Diana G. Smith, Town Chair, Town of River Falls

, John Galgowski, Town Supervisor, Town of River Falls

, Siri Smith, Town Supervisor, Town of River Falls

, Joe Mahoney, Town Supervisor, Town of River Falls

, Brad Mogen, Town Supervisor, Town of River Falls

ADOPTED: River Falls Town Board Meeting, July 17, 2017

ATTEST: 
Ruth Stern, River Falls Town Clerk

July 17, 2017

Dearest Legislators,

My wife and I are strongly opposed to Senate Bill 309 and Assembly Bill 399. We are very familiar with the Lodge on the Croix and the property it is located on. We own the adjacent property to the North along the scenic St. Croix River. I also know the owners of the Lodge on the Croix, the Hansen's, through their dealings with the Town of Somerset, which I am a Town Supervisor. The two Senate Bills will enable the Hansen's to promote and operate a commercial business in an area which is not zoned commercial and does not have the public infrastructure to support a commercial business. The Hansen's were fully aware that they would not be able to rezone the property to Commercial when they purchased it. It was stated on the property Deed. They were fully aware of the scenic easements and rules that apply to them. Yet they continued to proceed without any of the proper building permits from the Town of Somerset or from St. Croix County. They even clear cut virgin timber on the bluff line for a deck which is clearly within the National River way scenic easement zone. They have pleaded a hardship case with the County saying the rules were vague and confusing. There is nothing vague or confusing about the laws and rules. They just fully ignored them.

The Hansen's obviously, have no regard for Town, County, DNR or National Park Service laws, which is why I find it so hard to understand why our Legislators would support a bill which is clearly for the benefit of the Lodge on the Croix. We hope you can see that passing these bills would not be good for the Town of Somerset, St. Croix County or the Scenic Wild River way.

Sincerely,



Douglas R. Plourde

Town of Somerset, WI, Supervisor



Constance M. Plourde

Comments about Assembly Bill 399
July 17, 2017

To Somerset Town Chair Ed Schachtner for presentation to the committee hearing Assembly Bill 399:

I wish to comment on the proposed Assembly Bill 399. I feel this bill is a violation of our rights to determine local zoning.

This bill being approved would result in a violation of the Town of Somerset Comprehensive Plan that provides designated areas for commercial uses and which was agreed to by a majority of the Town residents. Imposing a commercial event facility in the middle of a zoned residential area as well as within a National Scenic Riverway easement would be a serious violation of our approved zoning codes. The resulting spot rezoning in our town would be in contrast to the wishes of the residents as described in the Comprehensive plan written as required by state law.

The owners of this property have demonstrated a disregard for local ordinances having built structures without a building permit and built them in the scenic easement for the St. Croix National Scenic Riverway. They have already had several commercial events in violation of local codes. The use seen so far is far more disruptive than the Baptist church camp which was on this site many years ago.

I would like to ask if approval of this bill would allow the facility to be operated as a full scale event center. It appears it would, as this is an approved use for a parcel zoned as commercial. In that case, they could expand it to be a major concert site, having concerts with over 20,000 people and as many times a year as they wished. Given the owner's history, there is nothing to stop them from expanding it to a major event center in the future.

The Somerset area already has a major event center, the Somerset Amphitheater. The residents of Somerset are well aware of the problems caused by 20,000 to 40,000 people attending events, the traffic congestion, law enforcement, impact on the road infra structure and extreme noise impact on the surrounding rural residents.

I have lived in the Somerset area since 1950 and personally been the recipient of and have suffered from the results of having a major event site near our house. The number of trespassers, blocked roads, drunks in the ditches, people threatening us because we would not let them trespass on our land, and thefts have been major problems. The existing Somerset Amphitheater owners have worked to make theirs a much cleaner, well run event center but there is nothing to stop another event center facility from descending into the drug laden, unlawful actions we experienced in the past.

I urge you to vote against this bill as it could result in great harm to the local residents and it totally violates our comprehensive plan. The local citizens view the comprehensive plan as the manner in which they expect the Town of Somerset to develop and allowing this bill would destroy that vision.

William Lawson
1917 County Road I, Somerset, Wisconsin.



2238 - 50th Street
Somerset, WI 54025-7344
Tel. (715) 247-5492
msandwch@somtel.net

Town of Somerset
Board of Supervisors
Ed Schachtner, Chair
748 Highway 35
Somerset, WI 54025

Dear Supervisors:

Margaret and I, residents of Somerset Township, are writing to urge you to oppose the passage of Assembly Bill 399 and its companion bill in the Wisconsin State Senate.

If passed into law, this bill would allow a retroactive exception to the zoning included in the Town's comprehensive plan. The owners of the former Baptist Camp have constructed buildings on the site without a building permit and are carrying on a commercial business in an area zoned Agricultural/Residential without a variance. The owners are also violating a federal easement along the banks of the St. Croix River that is part of the Wild and Scenic Rivers Act.

We oppose AB 399 for the following reasons:

1. It would be an unwarranted raw exercise of state power. True, the State of Wisconsin has the power to grant retroactively the building permit and variance that the owners failed to obtain. Making exceptions to local laws and ordinances makes sense for major projects like the Stillwater Bridge, but it doesn't make sense for the State to override ordinary building and zoning ordinances against the wishes of our Town, our County, and the federal government.
2. It would violate the character of our rural residential community. The commercial venture envisioned would involve unwanted noise because of large gatherings and loud music. Also, large delivery trucks and hundreds more automobiles would significantly increase the traffic on narrow and hilly country roads.
3. It would set an undesirable precedent. Other parties who ignore building codes and zoning ordinances would be encouraged to go around the established local governments to find relief from the State rather than seek permits and variances from local authorities.

For these and other reasons we respectfully urge you to oppose AB 399.

Sincerely,



William C. Hunt



Margaret S. Hunt

July 18, 2017

To: Assembly Committee on Natural Resources and Sporting Heritage
Re: AB399 & SB309- Opposition

I'm staunchly opposed to Assembly Bill 399. As a resident of the Town of Somerset for the past 30 years, Town Clerk/Treasurer for the past 20 years, as well as Secretary/member of the Plan Commission, I have experience in dealing with many Town residents and their concerns, I can assure you that the majority of the Town's residents would not be in favor to a wedding and event center being "slipped into" the community without any local or county public hearings, rezoning or conditional use permits and within a recorded scenic easement. I am disappointed that our legislators are not adhering to our Town Comprehensive Land Use Plan. A lot of thought, time, and expense was put into the Comp. Plan with total disregard by the legislators who introduced these bills without any discussion with Town, County, or National Park Service staff who have been battling with these property owners who feign "they didn't know". They knew full well when they purchased the property that it had restrictions. They also run Family First Construction and The Adjustment Firm. They knew they needed building permits prior to building and not after the fact permits. They have violated our spring road restrictions. They have held non-family weddings without a liquor license on the property that is not zoned commercial. They lost a lawsuit with St. Croix County. They agreed to terms in the settlement. I question whether those terms have been satisfied. Is this lawlessness what our founding fathers intended? Is this good government? Where is the transparency and due process? Where is law and order? The property owners have never officially applied for anything from the Town or County. Yes, they've attended some Town meetings with vague requests to be on the agenda. They were given opportunities to officially apply to the Plan Commission but they chose not to do so.

What had existed before was a tax-exempt, non-profit church camp owned by the Trustees of the Fourth Baptist Church prior to the implementation of zoning. What is now being sought, is a for-profit, commercial event center to their financial benefit. The mantra of economic development and the creation of jobs are being used to disguise the truth. The clause "grandfathered in" should not apply. The Trustees of the Fourth Baptist Church sold their rights for business and commercial on the parcel the buildings sit LOSA Tract 09-166. The use of the church camp ceased for over 15 months when the property was listed for sale. There is nothing to "grandfather in" because it is not going to be a Baptist church camp anymore. How is the use the same? The property owners just purchased Potting's Bar around June 19, 2017 which is about 5 miles from 300-221st Ave./Lodge on Croix. Potting's Bar is now called County Line Bar/Hank's Bar. Josh Hansen is the agent on the liquor license. Hank's Bar sits on 11 acres of commercially zoned land off State Hwy. 35 and Polk/St. Croix County Line Road. It has a large parking lot. It is easily accessible for emergency personnel. If they want to have a wedding and events center, they should have it on that property. Does Lodge on Croix meet the commercial building code? Will the POWTS system be adequate for guests?

The Town of Somerset maintains 100 miles of town roads. Our budget is not keeping up with the road maintenance costs. By your approval of this establishment, you are placing an unfunded burden on our Town. We do not have the extra money in our budget to improve the roads to the Lodge on Croix. Does the Legislature intend to help the Town of Somerset rebuild or pave roadways in the areas leading to this venue by increasing our road aid substantially? The owners of this property do not have to go through any processes whereby agreements could be made with them to help improve the roadways leading to their establishment due to their business's increased traffic volume. Add alcohol to the gravel, tree lined, no shoulder, remotely accessed roadways and you have a safety issue. Fire and emergency services will have a 20-30 minute response time.

Abraham Lincoln said "Important principles may and must be inflexible." You cannot grant special laws to benefit one property. To do so, would go against our democratic process. Please do not consider adoption of AB399 and do not slip this non-fiscal item into the Budget Bill. Thank you.

Jeri Koester

Jeri Koester, 1865-37th Street, Somerset, WI 54025

July 14, 2017

To the Town of Somerset
Ed Schachtner, Chair
And all board members

AB 399 (-1053): Relating to zoning ordinances in the Lower St Croix riverway

As residents of the Town of Somerset, we wish to register our strong opposition to the passage of this proposed bill.

Local communities were given the directive by the State to create and follow a local Comprehensive Plan. Somerset complied and the Town's Comp Plan was approved by the State. In that comp Plan it is stated clearly that "spot zoning" is not allowed.

The creation of this bill would have the effect of allowing a COMMERCIAL venture to be created in an entirely RURAL RESIDENTIAL community and would result in creating an island of undesirable commercial activity which is "spot zoning." This is expressly NOT permitted according to our Comprehensive Plan. It is not right for the State to take away Local control and force this on it's citizens.

In addition, allowing for the creation of this commercial venue/event center will result in increased, unwanted noise because of things like gatherings of large numbers of people, fireworks, and loud music to name a few. People living in a rural community will find this opposite from the reasons they chose to live here in the first place.

We believe that this unwanted activity will have a negative effect on property values and quality of life.

The State should not impose these negative consequences on our community by taking away local control. The citizens of this community know what is best for its own community.

Do not allow this bill to pass.

Sincerely,



Paul and Sherrill Schottler

458 Rice Lake Road
Somerset WI

July 15, 2017

To the Town of Somerset
Ed Schachtner, Chair
And all board members

AB 399 (-1053): Relating to zoning ordinances in the Lower St Croix riverway

As residents of the Town of Somerset, we oppose the passage of this proposed bill.

This bill takes away local control of this rural area that I live in, and will have a direct impact in my family's way of life. I moved into this area because of the majestic setting of the St. Croix River and the commercialization that this bill would bring about will have a negative impact to the surrounding citizens.

This bill will allow a commercial entity to do business that does not fit into the zoning or comprehensive plan; consequently, the passing of this bill will create noise, traffic and unwanted congestion that will affect our way of life.

The passage of this bill may benefit some in the short term, but the negative experiences on the local area and its citizens will have a long lasting and historic impact for generations to come.

Sincerely, JJH

2260 40th St
Somerset WI

July 16, 2017

Somerset Town Board
St. Croix County
State of Wisconsin

Dear Sirs,

We are writing to urge you to oppose a bill that is being introduced that will negatively change our rural community and inhibit our local government's ability to govern.

I know that we join the voices of many residents who are speaking out in opposition to AB 399. I understand that on its face the bill's intention is to encourage growth in rural areas. To be sure, this is an important consideration, but in reality, this bill serves the interests of a few at the expense of the majority. Because the bill strips the county government's ability to regulate growth and development, individuals will pursue their personal interests without regard to the the impact on the local community. As a result, one business that supports a few people will have a significant impact on all the people and our rural community. Our narrow and hilly roads work well for rural living, but they cannot accommodate the heavy traffic that will result from the types of businesses looking to take advantage of this law. Our rural setting is treasured for its peace and quiet, and the majority of the residents are not interested in the significant noise and disruption that will occur with the types of businesses that will result. Large events will attract large numbers of people who do not live here or share our values; the inevitable impact will destroy our quality of life.

We have zoning rules in place to preserve our property values and our rural neighborhood. Although at times these rules prohibit the interests of one individual, they collectively support all of us. Like you, we want to strengthen our rural community, but we want to remain a rural community. AB 399 actually removes our local government's control and our community's ability to have a voice. Please support legislation that serves the interests of everyone and oppose AB 399.

Sincerely,

Susan Bull Mike J Bull

Susan and Mike Bull

2307 40th Street

Somerset, WI 54025

July 15, 2017

Somerset Town Board
St Croix County
State of Wisconsin

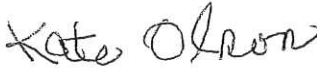
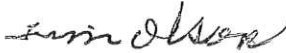
We are writing to oppose a bill that is being introduced that will negatively change our rural neighborhood.

AB 399 wants to change our area from a rural, farming community to one that will be changed by commercial business. The former Baptist camp wants to be allowed to host large events which will make it commercial-big business. We are a rural-residential area and a big business is out of place and not wanted in our neighborhood.

Besides too much noise too often this business will bring too much traffic. Our country roads are extremely narrow, hilly and curvy with no shoulders and there isn't safety striping. Our roads are built and maintained for neighborhood traffic, not big delivery trucks and hundreds more vehicles. This change is negative and we are concerned that it will have a bad effect on our property values.

When we bought out property in this area we knew it was zoned for neighborhoods, not businesses and our local governments should have control over what happens here because they/we know what's best for our area. Don't change the law now to take away our local control.

Thank you for doing the right thing; do not pass this bill.

Kate and Tim Olson
372 Rice Lake Road
Somerset WI 54025

July 12, 2017

Somerset Town Board

St Croix County

State of Wisconsin

This letter is being written to oppose a bill which is being introduced in our state government that would have a devastating effect on my rural neighborhood community.

AB 399 would allow a commercial business to operate in an area that is presently zoned as a farming neighborhood. Allowing a business at the former Baptist camp would greatly increase noise and traffic, changing the entire climate of our community. Our country roads are narrow with many hills and curves. There are no shoulders or safety striping on our roads. With the addition of business traffic such as big trucks for deliveries, as well as numerous vehicles, the condition of our roads would quickly deteriorate. I believe this would ultimately reduce our property values tremendously.

We chose this neighborhood to live in because we knew it was NOT zoned for commercial enterprises. We had faith that our local government was in control over what happens in our neighborhood. This control should not be taken away.

Please do not allow this bill to pass.



Idella Staab

370 Rice Lake Rd

Somerset WI 54025

July 17, 2017

To: Senator Sheila Harsdorf and Representative Adam Jarchow

From: Tim Witzmann
169 Andersen Scout Camp Road, Houlton WI

Re: [Senate Bill 309](#) and [Assembly Bill 399](#)

As a resident of Somerset Township and Saint Croix County and as avid outdoorsman who appreciates the quality of life in the Western Wisconsin area I want to share my opinions on [Senate Bill 309](#) and [Assembly Bill 399](#) you have introduced and are sponsoring.

First of all, these Bills in their application to the Saint Croix Event Center rewards individuals who purchased property at a value of and with the understanding of its restrictions and who violated local zoning control and federal regulations.

Secondly it has the potential in the future to adversely affect other scenic areas set aside for recreation in the area. There are two recreational camps I am aware of located on the scenic Saint Croix river bluffs that could be impacted by this legislation namely Fred C Andersen Scout Camp and the YMCA Camp Saint Croix Hudson.

This legislation is presented as a way to create a balance of our state's beautiful natural resources and further economic development. Local communities are fully aware of that need and both local governments and Saint Croix County have worked to create that balance and make these decisions locally. I am astounded that this legislation was presented without any discussion with local governments and residents of Saint Croix County you represent. Instead this bill was introduced at the request of a business entity that was not satisfied with the outcome of local controls or judicial agreements. I thought that I understood there was an inherent value in allowing local control of these types of zoning decisions.

I urge you to not support this legislation but to support local control, to represent and communicate with the voters who elected you and to keep in mind the current economic impact of Scenic Saint Croix Valley brings to the residents of Saint Croix County.



July 17, 2017

To: Whom it May Concern

From: Kim Ward, Homeowner at 301 221st Ave, Somerset, WI. 54025

Re: Economic Development on Rural Property on St. Croix River

To whom it may concern,

My husband David and I bought scenic riverfront property at 301 221st Ave, Somerset, WI in 2002. We moved here from the cities to this property specifically because it was a beautiful, quiet and protected piece of property on the St. Croix River. We reside on the river, and enjoy a boat at our house. It is a home we entertain family and friends almost every weekend. We especially enjoy sitting in our screened porch at night, listening to the fish jump, and at any time, hearing a deer, beaver, otter, bear, or some form of wild life swimming in the river. We have felt very blessed living so close to nature. We have been respectful of this privilege and have lived by the rules of the protected river way all of these years.

This bill is being brought to you because of one family and their desire to make a profit. They go by the business name Family First Construction aka Josh and Brad Hanson. Their family is first and they want to make a profit, plain and simple.

Just so you have a clear idea of where I live in proximity to the Hansen's, I live on the adjoining parcel to their house. We share the road access to our homes and we are about 100 yards away, give or take, door step to door step.

In 2011 the Hansen's purchased the residential property from a Baptist Church. Immediately, they informed me on their grand plan to create a large business where weddings and events could take place. I didn't think much of it at first because it was not legal. It wasn't zoned for commercial business and it was protected by the St. Croix National Scenic Riverway. They asked us if we would help them in getting permission from the town to move forward with their plan. We had been property owners for 10 years prior to them being there. We did not want to live in a commercial area. Once they knew we were not going to aide them in their plan, they became hostile towards us.

They forged ahead and built without permits, and proceeded to have weddings on the property, serving alcohol without permits and doing as they pleased without regard for anyone but themselves.

For each event there are two days prior for set up. There are trucks and semi trucks delivering tents, ice, toilets, outdoor amphitheater equipment, food, liquor, chairs, flowers and more. It then takes two days to take down the event. All in all there is 5 days including the event day causing a disruption in our residential area. All of us have kids, grandkids and pets that are endangered by the extra vehicles on the road. Not to mention, weddings are notorious for alcohol consumption. There are quite literally at least 100 or more cars with drunk drivers on our roads after any event.

Then, on the day of the event, typically a wedding, they have a band which includes large outdoor amphitheater speakers. Every home within a two mile radius can hear the excessive noise from fireworks shows and very loud music until after midnight. This includes a Boy Scout Camp and Camp Kiwanis, folks just trying to get away from the cities to experience peace and

nature. I have spoken to my neighbors as much as 1.5 miles away and they all feel slighted that they cannot enjoy a bonfire outside at night when an event is underway. All of should have the ability to be outdoors at night without hearing loud music since it is a residential neighborhood.

It's not uncommon to find alcohol containers, condoms, underwear and miscellaneous things left behind by patrons while I take a walk on our residential road after an illegal event. Humans make messes. Drunk humans make bigger messes. Those messes don't belong in a residential setting.

There would be the need for police coverage in the area, much like events at float rite park. There undoubtedly would be a large increase in crime associated with non residents being on our residential roads.

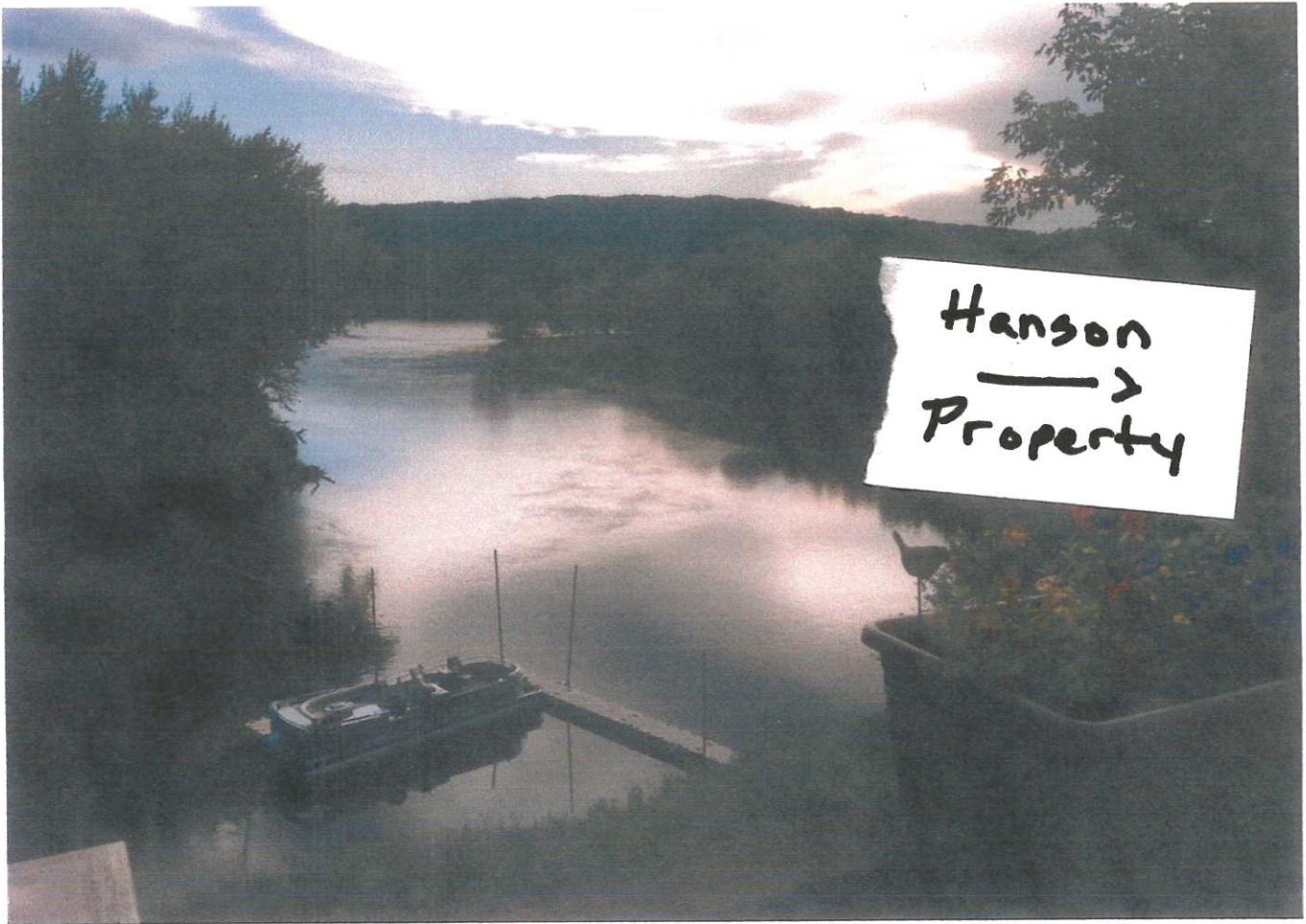
We live on a beautiful stretch of river, where the animals and birds live in a natural habitat. If a tree falls into the river, it becomes a sunning station for turtles, or a perch for a blue heron. Beavers collect sticks to make their huts. Deer bed in the grasses right by the water. Bears, turkey, eagles, turtles, just to name a few live at the river front and depend on fresh water and natural habitat to survive. The people that come to this stretch of river on the weekends come here to admire the river and it's natural beauty. They watch the eagles as they kayak or canoe. They fish for walleye and bass. It's a place where people come to decompress. They are folks that appreciate the protection of the river. It is not an amusement park. We are not Wisconsin Dells. We are not the Apple River, nor do we want the issues that coincide with it. If it was legal to have a business with direct access to the river, the habitat would be ruined.

Please disregard this bogus bill and see it for what it is. It's nothing more than a family trying to recapture their financial investment on a property that they sunk a ton of money into illegally and who's illegal business was shut down by the Supreme Court. Nobody else has had the audacity to show so little respect for this law. The Hanson's already own other commercial real estate in the area that would be suitable for their business. There is no reason to take this away from the people who have respected and abided by the rules for the past 50 years.

With Sincere Regards,

Kim Ward
Resident on the St. Croix Riverway

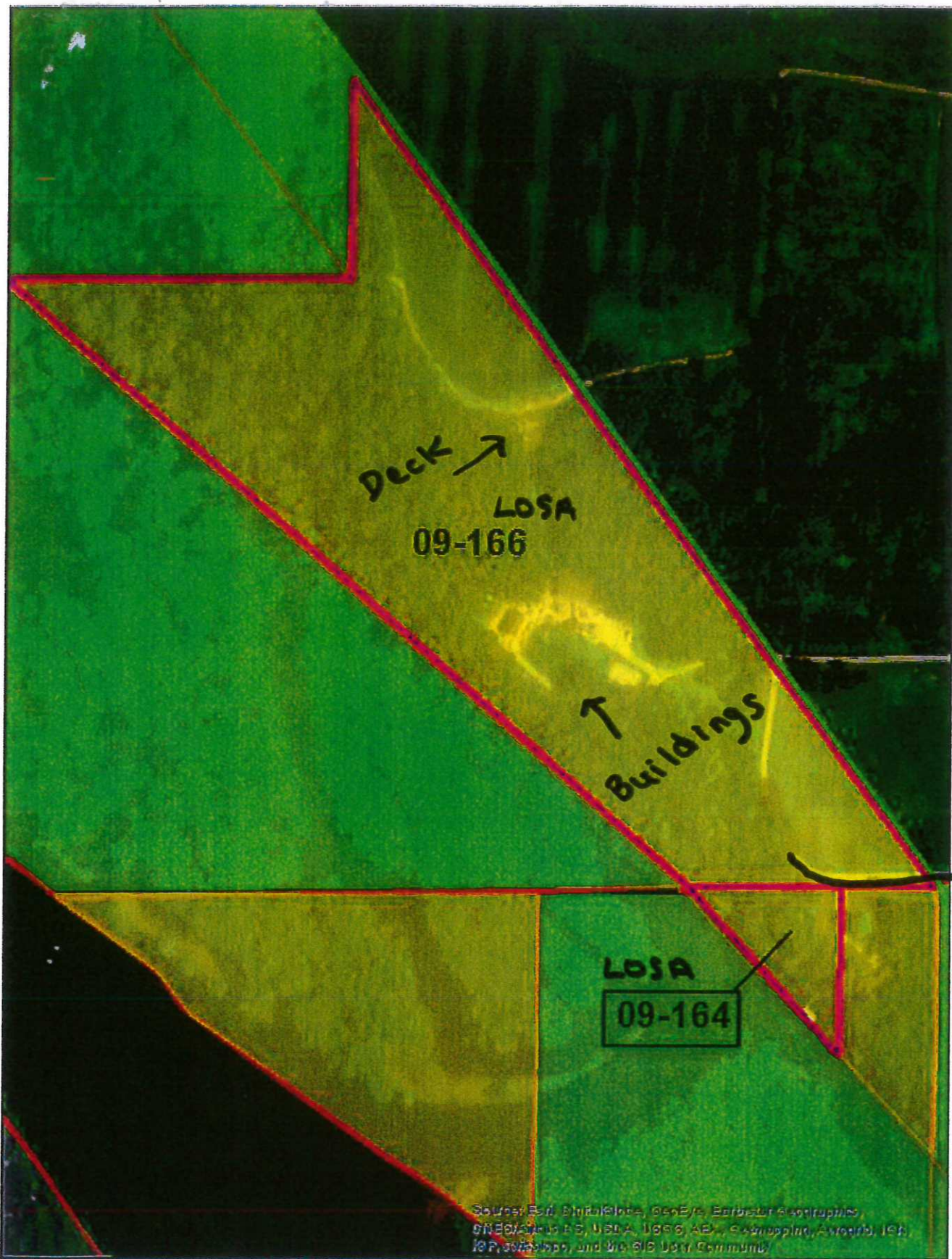




Hanson
—→
Property



Hanson
————>
Property



- Scenic Easement Property
- Federal Land
- NPS Boundary
- Tracts Boundary

Deck →

LOSA
09-166

↑
Buildings

300-
221st
AVE.

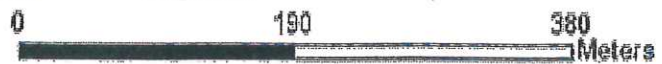
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09-164

Sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, Aero, Swirephoto, Aerials, IGN, IGN, swisstopo, and the GIS User Community



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Map produced by
National Park Service
GIS Staff
July 2015



100577

GRANT OF EASEMENT

THIS INDENTURE, made between the TRUSTEES OF THE FOURTH BAPTIST CHURCH OF MINNEAPOLIS, a Corporation duly organized and existing under the laws of the State of Minnesota, GRANTORS, and the UNITED STATES OF AMERICA, and its assigns, GRANTEE,

WITNESSETH, that the GRANTORS, for and in consideration of the sum of ONE HUNDRED SIXTY THOUSAND AND/NO 100 DOLLARS (\$ 160,000.00), to them in hand paid by the GRANTEE, the receipt of which is hereby acknowledged, by these presents Grant, Bargain, Sell, Warrant and Convey unto the GRANTEE and its assigns, forever, a permanent and assignable easement of the nature and character and to the extent and for the purpose set forth in EXHIBIT "B", attached hereto and made a part hereof, in, upon, over and across all those tracts or parcels land lying and being in the County of St. Croix, State of Wisconsin, described as follows:

See legal description for Tract 09-166 in attached EXHIBIT "A"

TO HAVE AND TO HOLD THE SAME together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the GRANTEE and its assigns forever. And the said GRANTORS, for themselves, their assigns, executors and administrators, do covenant with the GRANTEE and its assigns that they are well and lawfully seized in fee of the lands and premises aforesaid, and have good right to sell and convey the same in the manner and form aforesaid, and that the same are free from all encumbrances, except existing easements for public roads and highways, public utilities, railroads and pipelines.

GRANTORS will warrant and defend GRANTEE and its assigns in the quiet and peaceable possession of the above bargained and grante interest in the lands and premises herein described against all persons lawfully claiming or to claim the whole or any part thereof.

IN WITNESS WHEREOF, the GRANTORS have caused their corporate name and seal to be hereunto affixed by their authorized representatives this 10th day of SEPTEMBER, 1992.

Fourth Baptist Church of Minneapolis

REGISTER'S OFFICE

ST. CROIX CO., WI
Rec'd for Record
SEP 28 1992

at 8:15 AM

James O. Connell
Register of Deeds

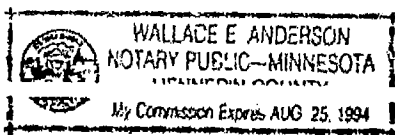
James K. Martin
BY: James Martin, Chairman of the Trustees

Lynn Reemtsma
ATTEST: Lynn Reemtsma, Secretary of the Trustees

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)

On this 10th day of SEPTEMBER, 1992, before me, a Notary Public, personally appeared James Martin, known to me to be the Chairman of the Trustees and Lynn Reemtsma, known to me to be the Secretary of the Trustees of the corporation described in and who executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

(SEAL)



Wallace E. Anderson
Notary Public
My Commission expires August 25, 1994

The interest in the lands described herein is being acquired by the Secretary of the Interior for administration by the National Park Service. This instrument was drafted by the National Park Service, St. Croix Falls, Wisconsin and is exempt from payment of State transfer tax pursuant to Section 77.25(12).

Owner: Trustees of the Fourth Baptist Church of Minneapolis Lower St. Croix National Scenic Riverway
 Area: 27.39 acres
 Revised: January 8, 1985
 Interest to be acquired: Scenic

Tract 09-166

A tract of land situate in Government Lot 1 and the East Half Southeast Quarter, Section 7, Township 31 North, Range 19 West, 4th Principal Meridian, St. Croix County, Wisconsin, described as follows:

Beginning at the southeast corner of said Section 7, thence, along the south line of said Section 7,

- South 89° 20' 34" West, 550 feet, thence
- North 50° 36' 26" West, 2050 feet, more or less, to a point on the north line of said Government Lot 1. Said point being 800 feet, more or less, West of the northeast corner of said Lot 1, thence
- East along said north line 800 feet to the northeast corner of said Lot 1, thence
- North along the east line of Government Lot 2, a distance of 440 feet, more or less, thence
- South 37° 31' 26" East, 2200 feet, more or less to the point of beginning.

Said tract contains 27.39 acres, more or less.

The above-described Tract 09-166 Lower St. Croix National Scenic Riverway, National Park Service, is part of that land acquired by Trustees of the Fourth Baptist Church of Minneapolis from Wilbur L. Peterson and Muriel K. Peterson, his wife, by deed dated January 11, 1963 and recorded March 19, 1963 in Volume 392 Page 639, Document Number 271854 of the St. Croix County, Wisconsin records.

SCENIC EASEMENT TERMS AND CONDITIONS

AS USED HEREIN, THE FOLLOWING DEFINITIONS SHALL APPLY

"THE LAND" means all the land covered by this easement, as described herein or in attachments hereto.

"RIVERWAY" means either the Upper or Lower St. Croix National Scenic Riverway projects or both.

"RIVER" means either the St. Croix or Namekagon Rivers or both, their islands, sloughs, backwaters and tributaries lying within the project boundaries.

"LINE OF SIGHT" means a determination of areas of the land inadequately screened from view from the river including, but not limited to, consideration of topography and the existence of permanent vegetation and trees during the summer months when they are fully leafed out.

"TREES" means all trees of every species measuring four (4) inches or more in diameter at a point four and one-half (4 1/2) feet above the ground.

THE RESTRICTIONS HEREBY IMPOSED ON THE LAND, THE ACTS WHICH THE GRANTOR PROMISES TO DO OR REFRAIN FROM DOING UPON THE LAND AND THE RIGHTS IN AND TO THE LAND GRANTED TO THE UNITED STATES OF AMERICA AND ITS ASSIGNS BY THE GRANTOR ARE AS FOLLOWS:

(1) This easement shall not be construed as affecting, without the grantor's consent, any regular, legal use of the land exercised prior to the acquisition of this easement; granting the public any right to enter or use the land for any purpose, or altering, circumventing, replacing or eliminating the need for the grantor's compliance with any state or local government zoning or land use regulations in force at any time.

(2) On land already improved with an existing dwelling, storage and/or use of an owner's personal travel trailer, motor home or recreational vehicles and equipment will be permitted on locations out of line of sight from the river; however, on locations within line of sight from the river, storage and/or use shall not exceed a maximum of fifteen (15) consecutive days unless prior written approval is received from the National Park Service. On all other lands, upon written application by the grantor, written permission will automatically be granted by the NPS for storage and/or use of travel trailers, motor homes or recreational vehicles and equipment on locations that meet all the following criteria: (a) have 250 feet of frontage on the side nearest and most parallel to the river (b) are one and one-half acres of land, and (c) are out of line of sight from the river.

(3) The construction of additional single family dwellings, buildings, structures or development of any kind, the replacement of existing structures and the construction of accessory buildings, the installation of utilities and the construction of access roads necessary to the reasonable use and enjoyment of a dwelling will require a written request from the grantor to the National Park Service and receipt by the grantor of written approval from the National Park Service. Upon receipt of an adequately documented request, such approval will be automatically granted by the National Park Service if (a) the replacement of or the addition to an existing structure which is within line of sight from the river neither increases the width or height of the original structure when viewed from the river, or (b) the location of a replacement structure or accessory building or the addition to an existing structure is out of line of sight from the river, or (c) the proposed installation of utilities or construction of access roads is located and accomplished in such a manner so as to do the least possible damage to the terrain, vegetation and trees, or (d) a proposed single family dwelling will be located on its own separate site in a location out of line of sight from the river, said site having minimums of 1 1/2 acres of land and 250 feet of frontage on the side, nearest and most parallel to the river.

(4) The grantor reserves the right to perform all regular and ordinary maintenance to all existing structures, buildings, grounds and access roads, to replace, for any reason, any existing structure with another of the same size and in the same locations, and to repair, or rebuild to no greater than the former size, any existing buildings or structures which are damaged by fire, storm or other casualty.

(5) Except for on-going uses and activities provided for in (1) above, the land shall not be used for any new or additional mining, quarrying, sand and gravel removal or industrial activity whatsoever, nor shall the grantor make or permit any change in the character or topography of the land, unless previously approved in writing by the National Park Service.

(6) No trees shall be cut or removed without the prior written permission of the National Park Service, except permission need not be obtained for removal of mature, diseased or injured trees when necessary for protection of persons or property. Permission for cutting and/or removal of trees for other purposes will be granted if necessary in development of an approved use or as set out in item 7(b) herein.

(7) Except for on-going uses and activities provided for in (1) above, the land shall not be used for any new or additional farm, business or commercial activity except the National Park Service, upon receipt of a written request, will issue written approval for the following: (a) farming and grazing livestock if done in conformity with good husbandry practices approved in writing by appropriate local county and state officials, (b) timber harvesting in accordance with a forest management plan if approved in writing by the appropriate local county and state officials, (c) other business or commercial activities or uses not in line of sight from the river and demonstrated to the satisfaction of the National Park Service to be compatible with and supportive of management of the Riverway.

(8) No accumulation or dumping of trash or unsightly materials shall be permitted on the land and no signs, billboards or advertisements shall be displayed or placed upon the land, except that a family name or ownership and address sign and one sign, not greater than 24 x 30 inches in size, advertising the sale of products raised thereon, services available on the premises, or sale or lease of the land, may be displayed on appropriate occasions in locations out of line of sight from the river.

(9) The National Park Service, its agents, employees and assigns, shall have the right upon reasonable notice, to enter upon and cross the land for the purpose of managing the Riverway or to determine compliance with the terms of this easement. Reasonable verbal or written notice of intent to enter the said lands shall be given by the National Park Service to the grantor and existing roads or other normally traveled routes shall be utilized wherever practicable except in instances of fire, police action, rescue action or other circumstances of an emergency or similar nature.

(10) The National Park Service shall have the right to erect and maintain signs on the land, except in the immediate vicinity of or directly in front of a dwelling. Such signs shall be limited to those deemed appropriate for the management of the Riverway or to delineate private areas from public areas and shall not exceed 24 x 30 inches in size. Advance written notice of size, content and location of each sign shall be given to the grantor by the National Park Service.

(11) The land shall not be used for additional public utility purposes other than as necessary in connection with a permitted use on this land as provided for in this easement.

(12) The National Park Service may take any legal action necessary to have removed from the land any unauthorized signs, personal property, or structures, or to require compliance with any of the terms of this easement. Written notice of intent to take such action or require such compliance shall be sent to the grantor 10 days in advance by the National Park Service. Title to items removed under such notice shall remain in the name of the grantor. The cost of such removal or required compliance shall be at the expense of the National Park Service, subject to the availability of funds regularly appropriated for such purposes.

(13) The National Park Service shall be solely responsible for determining areas within "line of sight" on the land. Such determination shall be in writing and a copy furnished to the grantor prior to the acquisition of this easement.

(14) The National Park Service agrees to furnish written determinations within a reasonable period of time whenever the grantor submits a written request for approval of some action proposed to be taken under the terms of this easement.

(15) The grantor agrees that any future transfer, sale, leasing or conveyance of any interest in the land or any agreement for use of the land, whether verbal or written, shall include a reference indicating that the transaction is subject to the terms of this easement.

(16) The terms and conditions of this easement shall run with the land, and bind the grantor and the United States of America, and assigns, in perpetuity.

406211

THIS INSTRUMENT, made this 15th day of October, 19 85 between the Trustees of the Fourth Baptist Church of Minneapolis, A Corporation duly organized and existing under the laws of the State of Minnesota, GRANTOR, and the UNITED STATES OF AMERICA and its assigns, GRANTEE,

WITNESSETH, that the GRANTOR, for and in consideration of the sum of ~~TWENTY-SIX THOUSAND THREE HUNDRED AND NO/100 (\$26,300.00)~~, to them in hand paid by the GRANTEE, the receipt of which is hereby acknowledged, do by these presents Grant, ~~Warrant and Convey~~ unto the GRANTEE and its assigns, forever, a permanent and assignable easement of the nature and character and to the extent and for the purpose set forth on pages two and three hereof, in, upon, over and across all those tracts or parcels of land lying and being the County of St. Croix, State of Wisconsin, described as follows:

All that part of Government Lot 1, Section 18, Township 31 North, Range 19 West which lies west of the line drawn parallel with and 200 feet easterly from the line reached by highwater in the sloughs so called, east of the channel of the St. Croix River, (so called Dead Man's Slough) except that part which lies in the east 200 feet of Government Lot 1.

The interest in the lands described herein is being acquired for administration by the Secretary of the Interior through the National Park Service.

TO HAVE AND TO HOLD THE SAME, together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the GRANTEE and its assigns, forever. And the said GRANTOR for themselves, their heirs, executors and administrators, do covenant with the GRANTEE and its assigns that they are well and lawfully seised in fee of the lands and premises aforesaid, and has good right to sell and convey the same in the manner and form aforesaid, and that the same are free from all encumbrances, except existing easements for public roads and highways, public utilities, railroads and pipelines.

GRANTOR will warrant and defend GRANTEE and its assigns in the quiet and peaceable possession of the above bargained and granted interest in the lands and premises herein described against all persons lawfully claiming or to claim the whole or any part thereof.

IN WITNESS WHEREOF, the GRANTOR has caused its corporate name and seal to be hereunto affixed by its duly authorized representatives the day and year above written.

REGISTRY OFFICE
ST. CROIX CO., WIS.

Recorded this 16th
day of Oct A.D. 19 85
2:30 P.M.
James O'Connell
Register of Deeds

Fourth Baptist Church - Minneapolis
Corporate Name

By: Charles Pratt
Charles Pratt, Chairman of the Trustees
Donald E. Ogilvie
Donald E. Ogilvie, Secretary of the Trustees

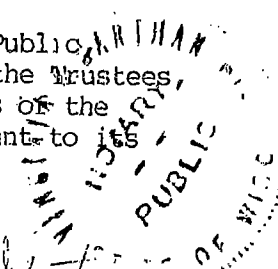
STATE OF Minnesota

COUNTY OF St. Croix

On this 15th day of October, 1985, before me, a Notary Public, personally appeared Charles Pratt, known to me to be the Chairman of the Trustees, and Donald E. Ogilvie, known to me to be the Secretary of the Trustees of the corporation described in and who executed the within instrument pursuant to laws or a resolution of its board of directors.

(SEAL)

Virginia R. Hartman
Notary Public
Commission Expires 2/14/88



This instrument was drafted by the National Park Service, St. Croix Falls, Wisconsin. This deed is exempt from payment of State deed stamps, pursuant to Wisconsin statutes, Section 77.25(2).

**RIVERFRONT EASEMENT TERMS AND CONDITIONS
AS USED HEREIN, THE FOLLOWING DEFINITIONS SHALL APPLY:**

"THE LAND" means all the land covered by this easement, as described herein or in attachments hereto.

"RIVERWAY" means either the Upper or Lower St. Croix National Scenic Riverway projects or both.

"RIVER" means either the St. Croix or Namakagon Rivers or both, their islands, sloughs, backwaters and tributaries lying within the project boundaries.

"LINE OF SIGHT" means a determination of areas of the land inadequately screened from view from the river including, but not limited to, consideration of topography and the existence of permanent vegetation and trees during the summer months when they are fully leafed out.

"TREES" means all trees of every species measuring four (4) inches or more in diameter at a point four and one-half (4 1/2) feet above the ground.

THE RESTRICTIONS HEREBY IMPOSED ON THE LAND, THE ACTS WHICH THE GRANTOR PROMISES TO DO OR REFRAIN FROM DOING UPON THE LAND AND THE RIGHTS IN AND TO THE LAND GRANTED TO THE UNITED STATES OF AMERICA AND ITS ASSIGNS BY THE GRANTOR ARE AS FOLLOWS:

- (1) Unless otherwise stated herein, this easement shall not affect, without the grantor's consent, any regular, legal use of the land exercised prior to the acquisition of this easement.
- (2) This easement shall not be construed as granting the public any right to enter or use the land for any purpose, except members of the public shall be allowed to have access from the river or from adjoining river front lands to use that portion of the land lying within 66 feet of the ordinary high water mark of the River for purposes of hiking, fishing, nature study and temporary beaching of water craft, not including camping or picnicking.
- (3) No travel trailers, motor homes or mobile homes may be permanently placed on or affixed to the land. On land already improved with an existing dwelling, storage and/or use of owner's personal travel trailer, motor home or recreational vehicles and equipment will be permitted on locations out of line of sight from the river. On all other lands, storage and/or use of travel trailers, motor homes or recreational vehicles and equipment will require the prior written permission of the National Park Service.
- (4) No additional construction of dwelling or structures containing living quarters will be permitted on the land. The construction of other additional buildings, structures or development of any kind, the construction of additions to existing, detached single family dwellings, or the construction of accessory buildings necessary to the reasonable use and enjoyment of such dwellings may be permitted only after the grantor has submitted a written request to the National Park Service and has received written approval. Such request must be granted by the National Park Service if a proposed addition to an existing single family dwelling neither increases the width or height of the structure when viewed from the river or if the location of a proposed accessory building is out of line of sight from the river.
- (5) The grantor reserves the right to perform all regular and ordinary maintenance to all existing structures, buildings, grounds and access roads; to replace, for any reason, any existing structure with another of the same size and in the same locations, and; to repair, or rebuild to no greater than the former size, any existing buildings or structures which are damaged by fire, storm or other casualty.
- * (6) Except for on-going uses and activities provided for in (1) above, the land shall not be used for any new or additional mining, quarrying, sand and gravel removal, industrial or commercial activity whatsoever, nor shall the grantor make or permit any change in the character or topography of the land, unless previously approved in writing by the National Park Service.
- (7) No accumulation or dumping of trash or unsightly materials shall be permitted on the land and no signs, billboards or advertisements shall be displayed or placed upon the land, except that one sign, not greater than 24 inches by 30 inches in size, advertising the sale of products raised thereon, services available on the premises, or sale or lease of the land, may be displayed on appropriate occasions in a location out of line of sight from the river.

(8) Cutting, trimming, destroying or removal of trees, grasses, brush, or shrubbery shall be permitted on the land in accordance with good husbandry practices only if such action is necessary to the cultivation or harvesting of crops on lands currently in use for farming or raising orchard fruit or nut trees; necessary for the maintenance of existing routes of ingress and egress to or from the land; necessary to the maintenance of the existing yard area of a residence; necessary for the protection and safety of existing dwellings and accessory buildings, or; necessary for the safety and well being of authorized persons using or occupying the land. Additional activities of this type shall require the prior written approval of the National Park Service.

(9) The National Park Service, its agents, employees and assigns, shall have the right, upon reasonable notice, to enter upon and cross the land for the purpose of managing the Riverway or to determine compliance with the terms of this easement. Reasonable verbal or written notice of intent to enter said lands shall be given by the National Park Service to the grantor and existing roads or other normally travelled routes shall be utilized wherever practicable except in instances of fire, police action, rescue action or other circumstances of an emergent and similar nature.

(10) The National Park Service shall have the right to erect and maintain signs on the land, except in the immediate vicinity of or directly in front of a dwelling. Such signs shall be limited to those deemed appropriate for the management of the Riverway or to delineate private areas from public areas and shall not exceed 24 inches by 30 inches in size. Advance written notice of size, content and location of each sign shall be given to grantor by the National Park Service.

(11) The land shall not be used for public utility purposes other than as necessary in connection with a nonprohibited use of this land as provided for herein.

(12) The National Park Service may take any legal action necessary to have removed from the land any unauthorized signs, personal property, or structures, or to require compliance with any of the terms of this easement. Written notice of intent to take such action or require such compliance shall be sent to the grantor 10 days in advance by the National Park Service. Removal of items or required compliance with the terms of this easement under such notice shall be at the expense of the National Park Service, subject to the availability of funds regularly appropriated for such purposes.

(13) The National Park Service shall be solely responsible for determining areas within "line-of-sight" on the land. Such determination shall be in writing and a copy furnished to the grantor prior to the acquisition of this easement.

(14) The National Park Service agrees to furnish written determinations within a reasonable period of time whenever the grantor submits a written request for approval of some action proposed to be taken under the terms of this easement.

(15) Other than the rights of the public, if any, provided for in Paragraph (2) herein, use of the river frontage or beach areas of the property for boat launchings, beachings or dockage, and access to the river across this property by the grantor, his heirs, agents, lessees, licensees or assigns for such purposes, shall be limited to that legal level and type of use and access practiced and enjoyed by the said grantor at the time of acquisition of this easement by the United States of America, or to the maximum such usage allowed for a single family residential type ownership by the local, state or federal government agency having control over such usage, whichever is greater. The granting or conveyance by the grantor of additional rights of use and/or access is prohibited. This prohibition shall apply to any sale of all or part of the property which provides for such additional rights of use and/or access. However, this prohibition is not intended to limit, prevent or preclude personal, pedestrian use and enjoyment of the property, including the river frontage or beach areas.

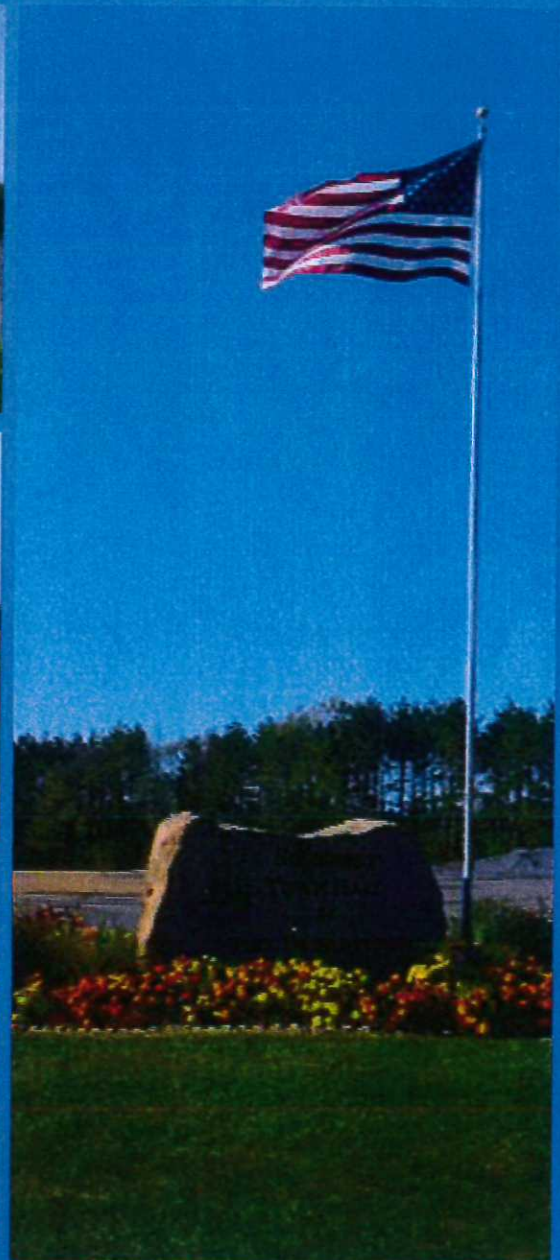
(16) The grantor agrees that any future transfer, sale, leasing or conveyance of any interest in the land or any agreement for use of the land, whether verbal or written, shall include a reference indicating that the transaction is subject to the terms of this easement.

(17) The terms and conditions of this easement shall run with the land, and bind the grantor and the United States of America, and assigns, in perpetuity.

TOWN OF SOMERSET 2015-2035 COMPREHENSIVE PLAN

ST. CROIX COUNTY, WISCONSIN

adopted March 30, 2015



9. Land Use

The use of land is a critical factor in guiding the future growth and decision-making of any community. This plan element identifies a land use goal, objectives, and strategies for the Town of Somerset, based on current and projected land use trends as well as local land use issues and conflicts.

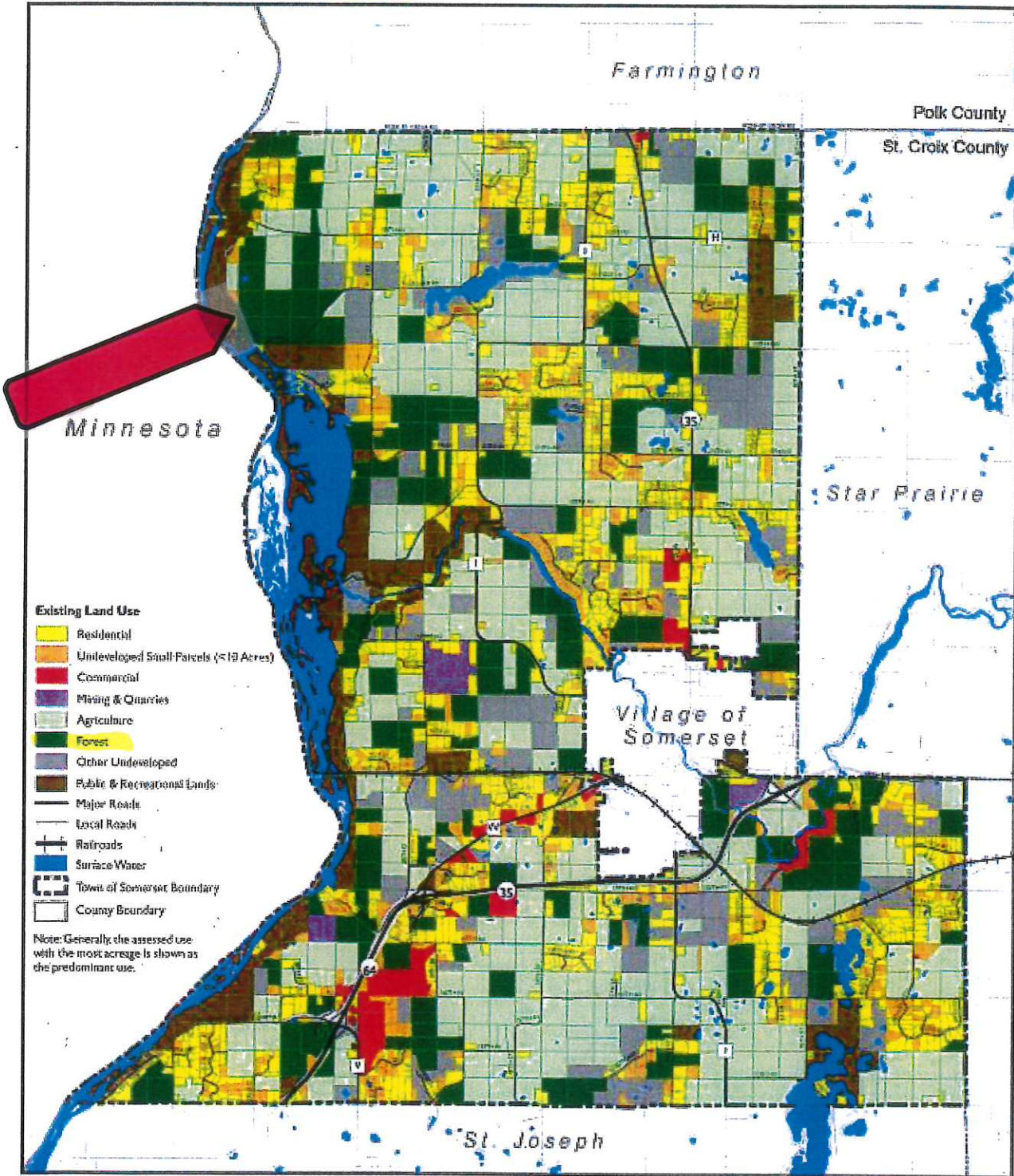
The Town of Somerset comprehensive planning public opinion survey conducted in the spring of 2014 provided the following land use-related insights:

- 58% of respondents identified “small town atmosphere & rural character” as one of their three most important reasons why they choose to live in Somerset. This was the highest ranking response. The next highest response was “natural features”, closely followed by “cost of home/land.”
- 43% of respondents identified “protect environmental/cultural resources” as one of their top three most important functions for the Town of Somerset, ranking number three overall. Not far behind were “regulate land use” at 34% and “protect agricultural resources” at 31%.
- It is not clear how residents feel about the Town using tax dollars to purchase development rights to preserve prime farmland or open space, since 27% of respondents did not know enough on this topic to express an opinion.
- Based on pictures of example layouts, 61% of respondents preferred a more traditional subdivision design, yet 39% preferred an open space/cluster design, though a different survey question yielded strong support for subdivision designs that preserve open space (63%).
- A strong majority of respondents (67%) preferred a 3-5 acre minimum lot size.
- A strong majority of respondents believed that commercial and industrial buildings should be located near the Village of Somerset (79%), along major highways (72%), and only in designated commercial or industrial areas (82%).

The following questions ask your opinion about land use in the Town of Somerset.	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
The Town of Somerset should be involved in community planning to determine where and how development should occur.	38%	52%	6%	2%	2%
Landowners should be allowed to develop land any way they want.	7%	16%	50%	24%	3%
It is important to protect my quality of life and property values from impacts due to activities or development on neighboring properties.	44%	50%	3%	1%	3%
The visual impacts of development are an important consideration when evaluating proposed development.	40%	52%	5%	1%	3%
New development should be required to pay impact fees to help defray costs of roads, parks, and other public services associated with that development.	45%	41%	6%	3%	4%
More parks and public open space are needed in the Town of Somerset, such as Parnell Prairie.	19%	41%	20%	5%	15%
New residential development should be clustered or designed in a manner which preserves open space.	20%	43%	19%	6%	11%

Land Use

Map 9-1 Town of Somerset Existing Land Use



West Central Wisconsin
Regional Planning Commission

PREDOMINANT EXISTING LAND USE
(as of January 1, 2014)

TOWN OF SOMERSET
ST. CROIX COUNTY, WI



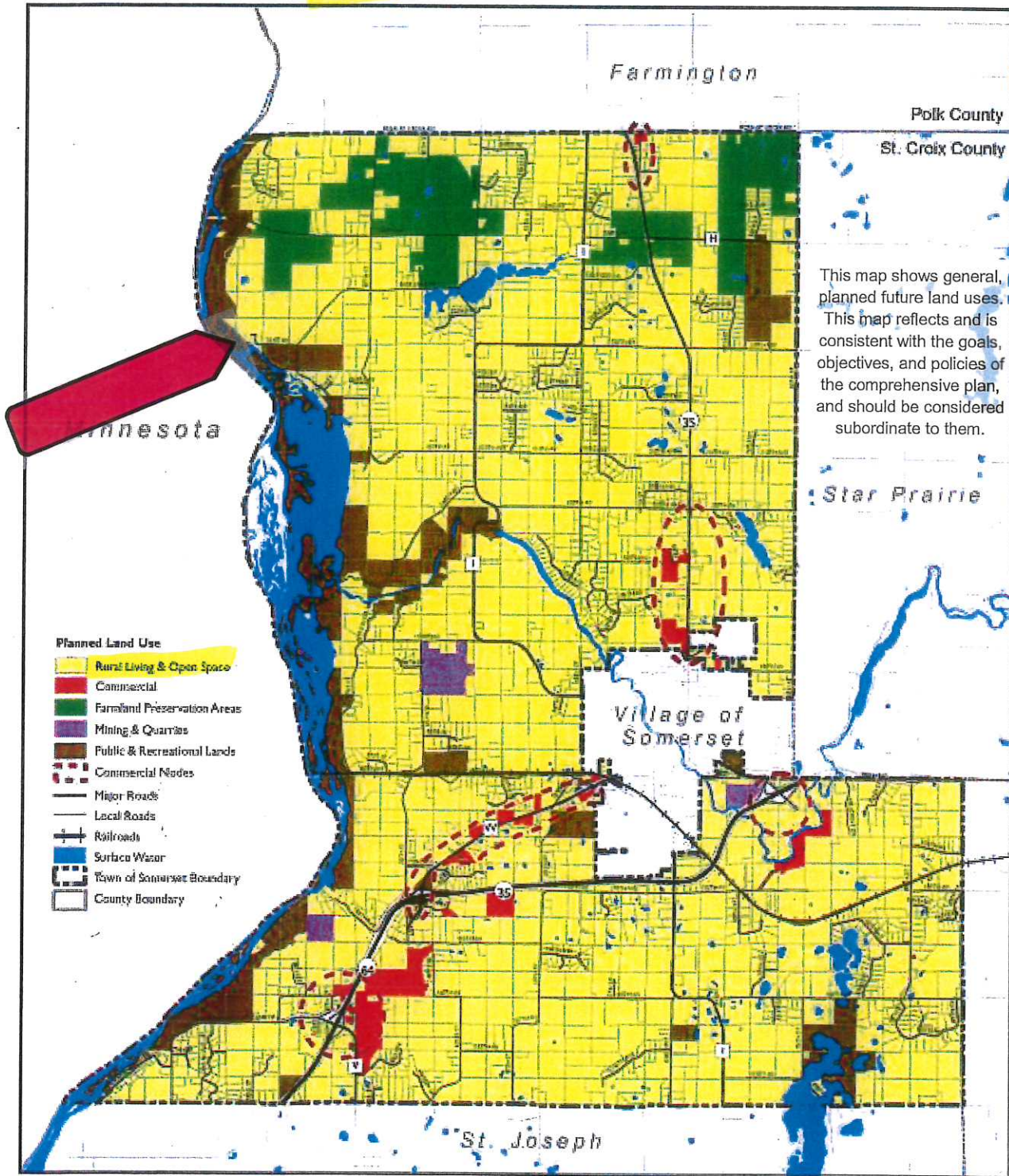
Data Source:
St. Croix County Land Information
Wisconsin Department of Natural Resources
<http://dnr.wisconsin.gov/geogis/Graphic>

November 14, 2014



Land Use

Map 9-2 Town of Somerset **Planned** Land Use



This map shows general, planned future land uses. This map reflects and is consistent with the goals, objectives, and policies of the comprehensive plan, and should be considered subordinate to them.



9.8 Land Use Goals and Objectives

Land Use Goal:

Provide for a compatible mix of land uses within the community in a manner that preserves and protects the natural environmental resources and rural character of the Town of Somerset while maintaining a high quality of life for residents.

Objectives

1. Preserve and protect surface waters, wetlands, groundwater, wildlife habitat, steep slopes, natural drainage systems, and other natural features.
2. Protect farmland preservation areas and productive farmland for agriculture.
3. Encourage the preservation of open spaces, the infill of residential areas, and the use of cluster development.
4. Require good design and a sustainable development pattern that is compatible with the rural character and agricultural heritage of the community, fosters a sense of community, and prevents incompatible land uses and negative impacts on natural and agricultural resources.
5. New commercial and light industrial development should be clustered and low impact, with a high-quality design compatible with the community's rural character.
6. Minimize the visual impact of development to maintain the rural, undeveloped character and feeling of the community.
7. Land development should support and enhance multi-modal linkages and connections.
8. Provide residents with access to quality parks, outdoor recreation areas, and natural amenities.
9. Encourage development that minimizes the cost and impacts on public facilities and services.
10. Manage and control the rate of development to maintain a distinctive rural community in the Town of Somerset.
11. Development should occur in a fair and orderly fashion with some controls, while maintaining flexibility and avoiding over regulation.

9.9 Land Use Policies

Policies — General Land Use (Decision-making Guidance)

1. The Town of Somerset will continue to participate in County zoning, to the extent that the County's zoning regulations are compatible with this plan and addresses the community's needs and this plan.
2. The Town of Somerset will require a preliminary site review and development planning checklist for all development within the community.
3. The Town of Somerset will encourage clustered residential development using conservation subdivision design in accordance with the Town conservation design standards, if the natural features of the site and ability to provide potable water and safe on-site wastewater treatment allow it. Open space held in common shall be required to be under a perpetual conservation easement and managed by a homeowners association per specification in the deed of each lot of the development, or by a land trust organization, which if dissolved the conservation easement reverts to the homeowners association.

4. The Town of Somerset will continue to enforce its land division ordinance.
 - a. Each lot, parcel, or tract created for the purpose of erecting a residential building or structure shall be required to have a minimum of one-half acre of contiguous buildable area, except for conservation designed subdivisions which can be demonstrated not to adversely impact the land and water when using a smaller buildable area.
 - b. Continue to require a Certified Survey Map for all land divisions that create a lot, parcel or tract of land 35 acres in area or less, except where the newly created parcel is entirely within a recorded subdivision or where such parcel is entirely within a previously recorded Certified Survey Map. All such land divisions will be reviewable by the Town of Somerset.
 - c. Continue to encourage the use conservation subdivision design for proposed subdivisions.
 - d. Continue to enforce standards for construction site erosion control and stormwater management for all subdivisions.

5. The Town of Somerset will require appropriate fees for all development to cover the costs related to its density or intensity and its environmental impact, and the additional administration, services, and infrastructure that it will impose upon the Town and its residents.

6. Utilize the existing road network to accommodate most future development and require multi-modal connectivity of new roadways and between land uses whenever possible and appropriate. Development plans and site plans shall be evaluated with regard to accommodating the safe and efficient travel of pedestrians and bicycle users and providing linkages to existing and planned trail systems as discussed in the Transportation element and the *Town of Somerset Parks and Recreation Comprehensive Plan*.




7. During land use permitting and zoning decisions, ensure that the quality of the public outdoor recreational lands in the Town are used in a manner that is compatible with and does not unduly detract from the character of these natural areas and the overall experience of users. If needed, engage St. Croix County, Wisconsin DNR, the National Park Service, and nearby communities in a discussion of design, regulatory, and management options to protect sensitive features, prohibit over-commercialization, and prevent over-use.
8. Work with developers to ensure that residents of proposed subdivisions will have convenient, safe access to outdoor recreational opportunities. If no public amenities are available, the Town may require the development to provide and maintain such amenities at their cost.
9. The Town will encourage a mix of setbacks and screening to help minimize visual and noise impacts in a manner that reinforces the community's rural character, such as:
 - a. Protect the visual quality of rural roadways through site planning, driveway location, landscaping, signage control, and other standards, such as placing driveways along property lines, fence rows, or existing vegetation, wherever possible and safe.
 - b. Encourage tree preservation and tree planting to screen new structures from neighboring properties and public roadways in residential areas and require such screening for

- commercial and industrial development.
- c. Use landscaping, such as plants, trees, or decorative fencing, to reduce the visual impact of parking lots, garbage storage, and other unsightly storage areas as seen from streets, trails, and public rights-of-way.
10. Property should be used and maintained in a manner that does not pose health or safety hazards, create use conflicts, decrease nearby property values, or otherwise become a health, safety, visual, auditory, or other similar nuisance.
 11. The Planned Land Use Map (Map 9-2) should be used as a guide for land use decision-making, but it does not take precedence over the goals, objectives, and policies of this plan.
 - a. The descriptions of the planned land use classifications in the Section 9.7 should be generally followed when making land use decisions.
 - b. Farmland preservation areas as shown on the Planned Land Use Map should not be used for non-eligible uses as described under Wisconsin's farmland preservation Laws unless the Planned Land Use Map is first amended.
 - c. To the extent reasonably possibly, agricultural, forestry, wildlife habitat and open spaces should be preserved or not fragmented within the Rural Living and Open Space area of the Planned Land Use Map.
 - d. Proposed commercial and light industrial development that is not home-based businesses or agricultural-related should be directed to the Commercial Nodes shown on the Planned Land Use Map.
 - e. Senior housing, group homes, and special care facilities should be directed to the Commercial Nodes shown on the Planned Land Use Map or to nearby incorporated communities.
 - f. The Planned Land Use Map is a vision, but it is not a zoning map, nor is it an assurance that certain land uses or development will be allowed or approved. The Town may use site analysis, impact reports, zoning, and other tools to determine the feasibility of specific development proposals, guide development to preferred or better suited locations, and manage the phasing of growth. For instance, the Rural Living & Open Space area may use multiple zoning districts to encourage home development on subdivided small parcels prior to rezoning larger agricultural parcels for residential use.
 12. When possible, the Town of Somerset will encourage the infill of those existing, previously subdivided smaller lots (<10 acres) available for sale prior to approving new residential subdivisions.
 13. Land use decisions should be consistent with and not contradict the goals, objectives, and policies of this element, as well as the goals, objectives, and policies of the other plan elements.

Policies – Natural Resources and Conservation (Decision-making Guidance)

14. Any development near or within certain Town Resources must be carefully planned and executed. Town Resources are natural features, environmentally sensitive areas, and culturally or aesthetically significant areas that are important for preserving the rural character and quality of life in the Town of Somerset. These Town Resources include, but are not limited to:
 - a. Lakes, ponds, rivers, streams, floodplains, and shorelands
 - b. Bluffs, steep slopes, bedrock outcrops
 - c. Springs, prairie potholes, wetlands, marshes

- d. Crop and pasture land
 - e. Existing sand, gravel, and non-metallic mining operations
 - f. Woodlands, hedgerows, prairie, savannas, grasslands
 - g. Rare or endangered plant and animal communities and their habitats
 - h. River valleys, drainage ravines
 - i. Scenic areas and parks
 - j. Rustic roads, archeological, cultural or historical structures and sites
 - k. Closed depressions, kettles, sink holes
15. The Town of Somerset will review all proposed development adjacent to or within Town Resources in order to ensure the protection or proper use of these valued features.
16. Town Resources shall be a major factor in determining approvals for land divisions, plat plans, development proposals, rezonings and other planning and development decisions made by the Town of Somerset Plan Commission and Board of Supervisors. Natural drainage patterns shall not be altered. Wooded sites being developed shall only be cleared to the extent necessary to allow safe access and to adequately open the canopy for sunlight exposure and ventilation, and care should be taken to protect all remaining trees from disturbance and subsequent exposure to disease.
17. For the purposes of the *Town of Somerset Comprehensive Plan* the term "Open Space" is used to describe a combination of Town Resources on public or private land within the Town, that when observed by Town residents and visitors are recognized as contributing to the rural character and aesthetic qualities of the Town. Open Space is usually undeveloped, but can have an active use such as agriculture or can be developed for passive use such as a park with predominant natural areas.
- 
18. When reviewing development proposals, the Town of Somerset will encourage the preservation and/or creation of open spaces that are grouped and combined into connecting, undeveloped units called environmental corridors. Areas of low-density development may serve as connecting corridors between open space corridors where undeveloped units are not available to serve this function. The scenic, open space and habitat function of corridors will be maintained to the greatest extent which is practical.
19. The Town of Somerset will request that agencies and bodies--governmental and/or private--responsible for the location of improvements such as roads, highways, pipelines, power lines, towers, rail lines, airports, billboards, etc. recognize and do not violate the intent of the Town's goals and policies for open spaces.

Policies — Commercial and Industrial Uses (Decision-making Guidance)

20. The spot zoning of commercial and industrial land or activity will be prohibited in the Town of Somerset
21. All existing and proposed commercial and light industrial uses within the Town of Somerset should be planned, sited, designed, and maintained in a high-quality manner that is compatible with the rural character of the community. Proposed commercial or light industrial uses deemed incompatible may be required to modify their plans or may be directed to nearby incorporated areas.
22. Proposed commercial and light industrial development that are higher impact and not appropriate for the Rural Living and Open Space areas identified on the Planned Land Use Map should be guided to the Commercial Nodes as discussed previously within the definitions of the land use classifications.
23. Heavy industries, new mining-related operations, and large commercial ventures should be guided to communities with municipal water or sewer, or to other less populated areas of St. Croix County.
24. In those areas deemed suitable for commercial and light industrial use, discourage commercial and light industrial development designs, site plans, and land use practices that have one or more of the following characteristics:
 - a. A corridor of automobile-oriented business development generally in a linear arrangement, yet people cannot park in a single location and safely visit several places of business;
 - b. Development along a corridor with numerous road access points and a lack of shared vehicle access;
 - c. Development along a corridor, when viewed separately or as a whole, creates a cluttered appearance from an abundance of signs, lights, etc.; and,
 - d. New business development with a lack of a shared design standard, common aesthetic, or identity.
25. Encourage commercial and light industrial development designs, site plans, and land use practices that include the following characteristics:
 - a. New commercial and industrial development is designed and concentrated in a manner that shares common highway access and promotes internal connectivity;
 - b. Maximize the infill of existing commercial- and industrial-zoned areas, before zoning new lands for commercial or industrial use;
 - c. Low-traffic generating commercial development should be sited behind existing commercial development;
 - d. A unified streetscape in commercial and industrial areas with quality landscaping and plantings, shared design characteristics, and internal wayfinding and circulation systems, when possible;
 - e. Avoid large parking lots between the commercial buildings and the primary street if possible, with parking preferably behind buildings and the use;
 - f. Use landscaping, vegetative swales, rain gardens, and permeable pavement in parking areas; and,
 - g. Diligent site plan review with a focus on desired outcomes and allows flexibility to achieve these outcomes.

Recommendations (Action-Oriented Strategies)

26. Following adoption of the updated *Town of Somerset Comprehensive Plan*, the Town Plan Commission shall:
 - a. Review the current Town ordinances to determine if modification is needed for consistency with the plan. (short-term)
 - b. Consider the adoption of a development impact fee ordinance or other special assessment policies for new development and infrastructure improvements. (short-term to long-term)
 - c. Work with St. Croix County to explore potential County regulatory changes suggested within this Plan, such as greater flexibility to allow compatible agri-tourism activities within farmland preservation areas and greater design standards for rural commercial development nodes. (short-term to long-term)
27. The Town of Somerset will consider establishment of purchase and transfer of development rights programs to preserve the remaining agricultural lands and highly valued open space land in the Town and to guide development to existing undeveloped (or underdeveloped) subdivided lots or areas immediately adjacent to existing residential subdivisions. Any such effort should include or be preceded by an educational component to increase awareness of such tools among community members.
 - a. The Town of Somerset Plan Commission will study funding mechanisms for a purchase of development rights (PDR) program for agricultural land and highly valued open space land, and make a recommendation to the Town Board. (short-term to long-term)
 - b. The Town of Somerset will investigate a transfer of development rights (TDR) program with development rights "sending" areas of agricultural land and highly valued open space land and development rights "receiving" areas well suited for development within two years of plan certification. (short-term)
 - c. The Town will engage in discussions with St. Croix County on potential participation in a county-level TDR or PDR, but with caution. Participation in such a program must be consistent with the goals, objectives, and policies of this comprehensive plan and the long-term best interests of the Town. (short-term to long-term)
28. Encourage the National Park Service and Wisconsin Department of Natural Resources to consider acquisition of key undeveloped or underdeveloped properties along the St. Croix and Apple Rivers that would strengthen and permanently preserve environmental corridors, while offering more public recreational opportunities and potential trail linkages. (ongoing)

Planned Land Use Map Policies

The Planned Land Use Plan map is intended to be a graphic and pictorial description of the desired pattern of land use showing the general location, character, and intensity of land uses for the foreseeable future. The general land use categories depicted represent the predominant land use as described previously. It is recognized that there may be other land uses within these areas as provided for in comprehensive plan policy. The map itself, Map 9-2, is not intended to be a rigid end-product document, but a necessary and useful planning tool in helping the community clarify and better evaluate its position on development issues and thereby formulate policies which will best achieve local objectives in an effective but flexible manner. The map also helps to illustrate the implications of related goals, objectives, and policies, but is subordinate to them. The form, character, and impacts of a proposed development are typically more important than the Town's planned land use map.

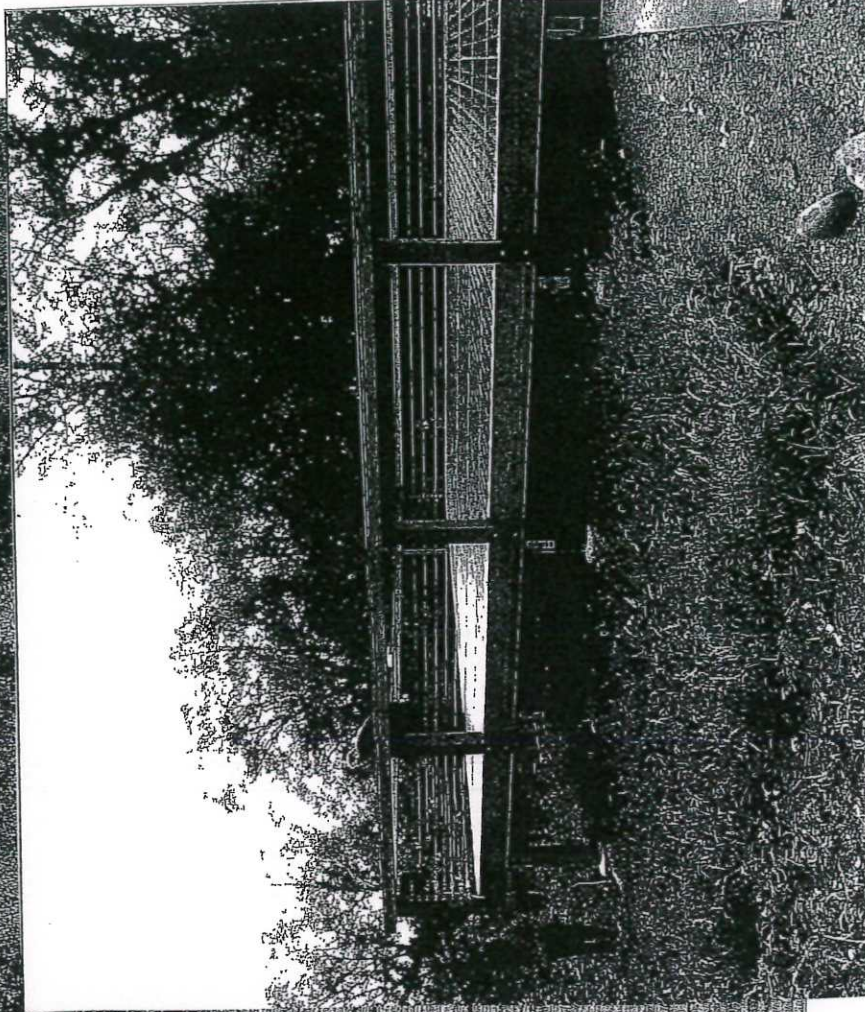
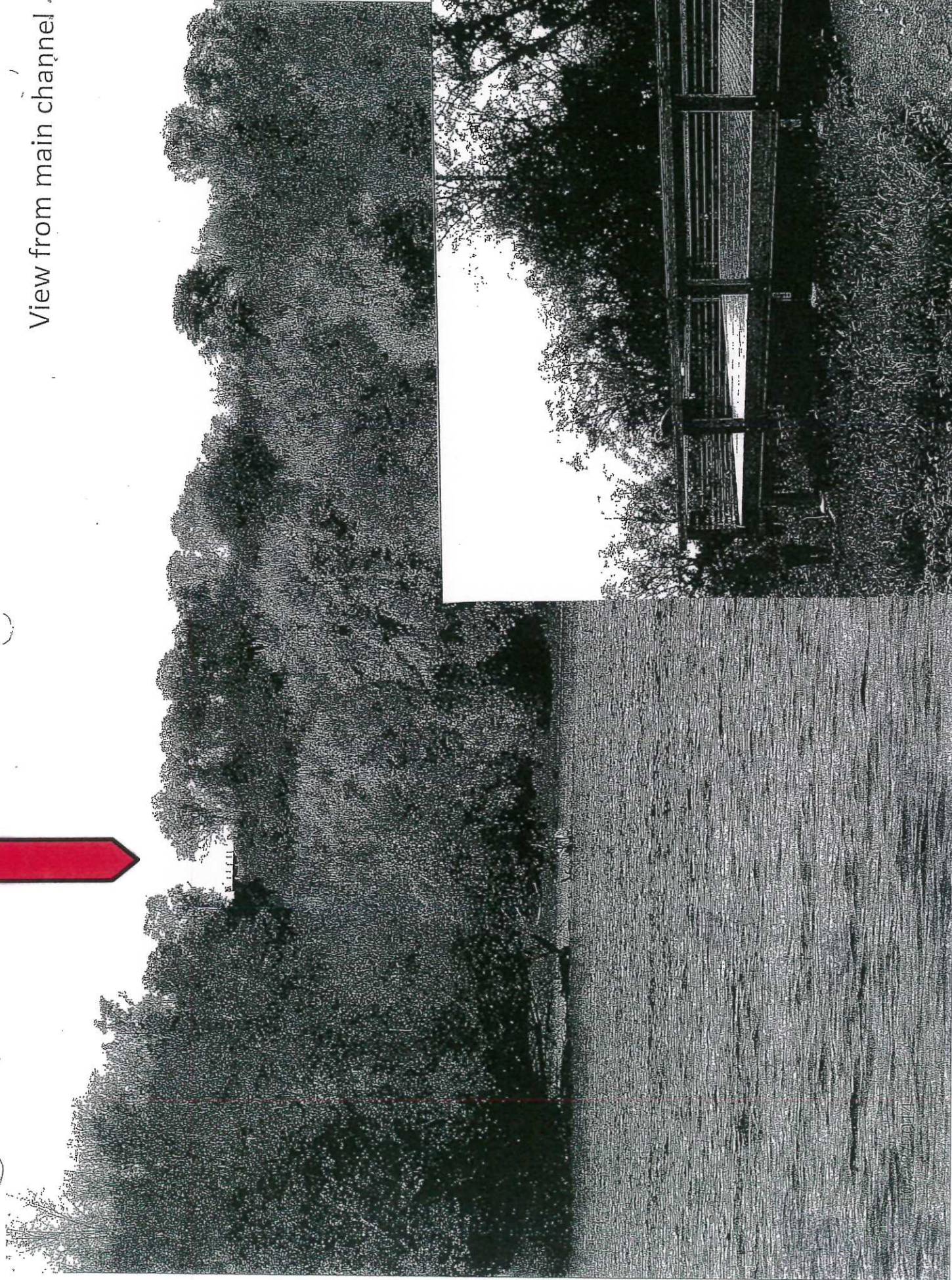
Land Use

The Town of Somerset Plan Commission shall use the following general guidelines and considerations in delineating preferred development areas, as well as when reviewing potential amendments to the Town's Planned Use Map and zoning map amendment requests:

1. Impacts to existing development and roads, as well as the ability to enhance road, pedestrian, and bicycling connectivity.
2. Terrain and site conditions that are suitable for development, considering slopes, wetlands, depth to water table, soils, geology, closed depressions, archeological and historical features, and other physical limitations.
3. Appropriateness of development adjacent to or in proximity to rivers, wetlands, lakes, floodplains, and conservancy areas.
5. Protection of farmland preservation areas and carefully consider applications for the rezoning of other high-quality agricultural lands without justification for non-agricultural uses on such land.
6. Consistency with and supportive of the rural character of the community, including the preservation of open spaces, scenic vistas, and environmental corridors and mitigating impacts to wildlife habitat.
7. Preventing or minimizing potential use conflicts and negative impacts to nearby properties, including but not limited to: noise, light, odors, traffic, health and safety risks, or loss of property values.
8. Availability or provision of convenient access for emergency vehicles.
9. Ability to provide public facilities and services will not place an unreasonable burden on the Town and other governmental units.
10. The public need for the proposed use or change in the planned land use map. Are other areas of the Town better suited for the proposed use?
11. Consistency with the vision, goals, objectives, and policies found within this Comprehensive Plan.

The above are considerations and not absolute requirements. Additional factors may be considered. When development is proposed, it shall be the responsibility of the petitioner to provide the information necessary to demonstrate consistency with the above general guidelines and their approach to prevent or mitigate any potential negative impacts. Further, the Town of Somerset may require the petitioner to provide independent traffic, environmental, fiscal, or other impact studies.

View from main channel .



10-28-2014

Deck



SPRING 2015



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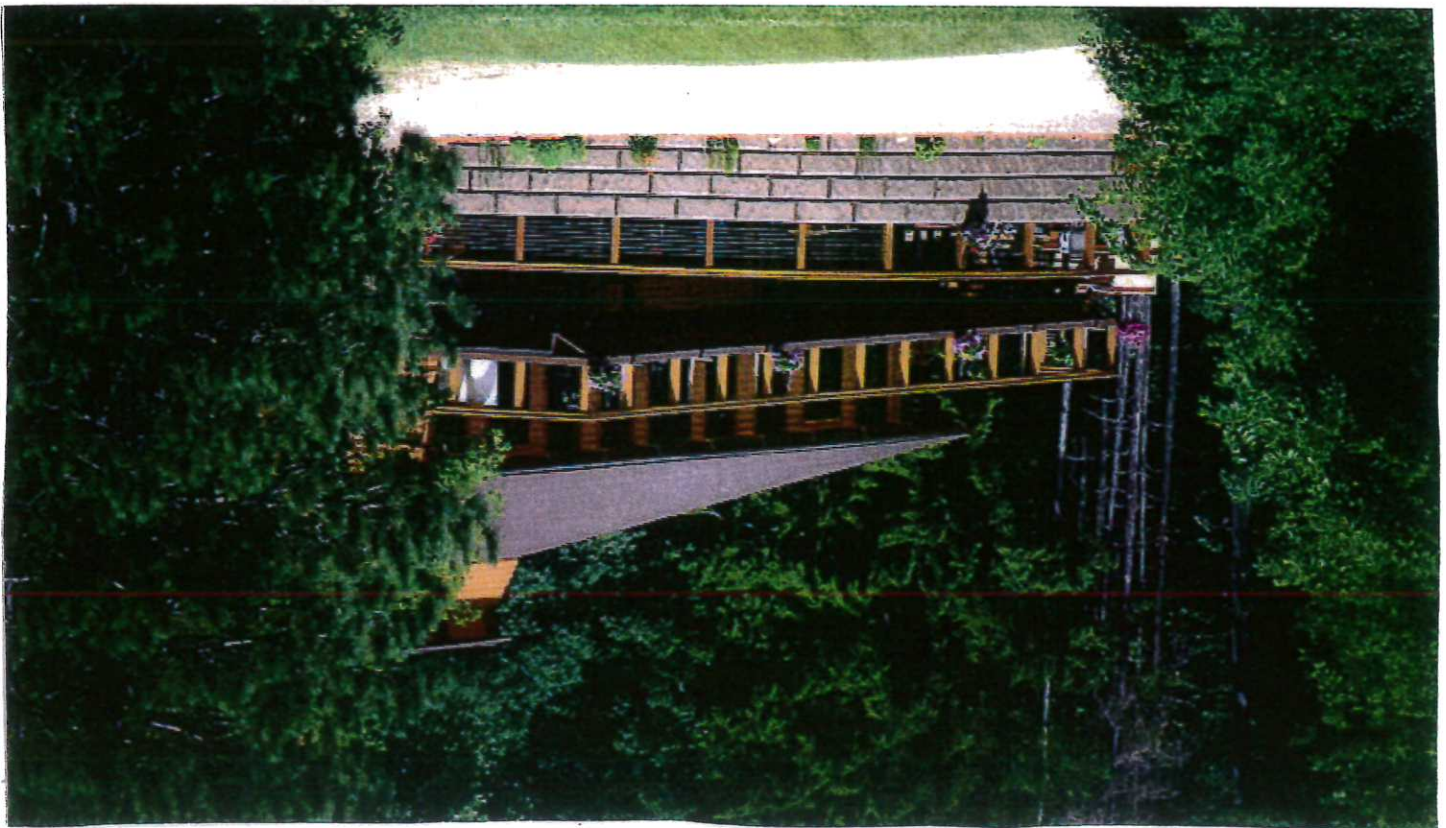
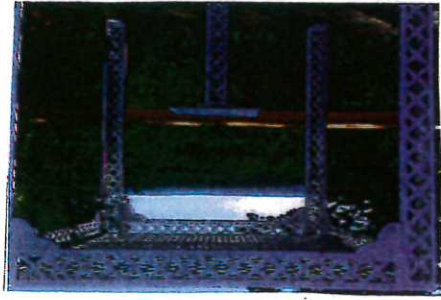




AM 10:05 JUN 12 2015









OFFICE OF CORPORATION COUNSEL

St. Croix County Government Center
1101 Carmichael Road
Hudson, WI 54016
Phone: (715) 381-4315 Fax (715) 381-4301
website: <http://www.co.saint-croix.wi.us>

DEC 27 2016
ST. CROIX COUNTY
COMMUNITY DEVELOPMENT

December 27, 2016

Honorable Scott R. Needham
St. Croix County Government Center
1101 Carmichael Road
Hudson, WI 54016

RE: **St. Croix County v. Family First Farms, LLC et al.**
Case No. 15CX08A, 15CX08B, 15CX08C, and 15CX08D

Dear Judge Needham:

Enclosed please find the original and three copies of the Stipulation and Order for Judgment in the above-referenced matter. If this Stipulation meets with your approval, I would ask that you please sign and date on page 4. I request that the original be docketed with the Clerk of Courts and the copies be conformed. I will then send copies to all parties.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Heather M. Wolske".

Heather M. Wolske
Assistant Corporation Counsel
St. Croix County, Wisconsin

Enclosure

cc: Attorney Edward Beckmann, Attorney for Defendants
✓ Sarah Droher, Community Development Department

STATE OF WISCONSIN

CIRCUIT COURT

ST. CROIX COUNTY

Case No. 15CX08A, 15CX08B
15CX08C, and 15CX08D

ST. CROIX COUNTY,
A Municipal Corporation,

Plaintiff,

Complex Forfeiture: 30109

-vs-

FAMILY FIRST FARMS, LLC (15CX08A)

and

FAMILY FIRST FARMS, LLC (15CX08B)

and

JEREMY HANSEN (15CX08C)

and

JOSH HANSEN, (15CX08D)

Defendants.

STIPULATION AND ORDER FOR JUDGMENT

STIPULATION

WHEREAS, the Plaintiff, St. Croix County, filed a Summons and Complaint in the above-captioned matter on November 12, 2015, alleging violations of the St. Croix County Code of Ordinances occurring on property located at 300 221st Avenue, Somerset, Wisconsin 54025; and

WHEREAS, the Defendants filed an Answer to the Complaint on December 17, 2015; and

WHEREAS, this matter was scheduled for mediation on November 28, 2016 with Proctor ADR, LLC; and

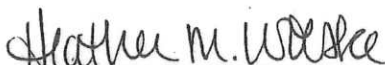
WHEREAS, the parties wish to resolve the issues set forth in the Complaint without the need for mediation and/or a trial.

THEREFORE, upon approval of the Court, it is hereby stipulated and agreed upon by the Plaintiff St. Croix County by Assistant Corporation Counsel Heather M. Wolske and the Defendants Family First Farms, LLC, Jeremy Hansen, and Josh Hansen and their attorney, Edward Beckmann, that this case shall be settled on the merits, with prejudice, on the following terms and conditions:

1. Permanent Injunction. A permanent injunction is entered against the Defendants prohibiting the Defendants from using the property for any use that is not allowed, permitted, or a conditional use pursuant to Section 17.36 F. of the St. Croix County Code of Ordinances, including as a wedding venue, wedding reception site, and/or gala event center. In the future, Defendants shall obtain any necessary permits for any proposed permitted or conditional use as set forth in Section 17.36 F. of the St. Croix County Code of Ordinances.
2. Removal of Deck and Patio. The Defendants shall remove the accessory structure, specifically the observation deck and patio, located on the property as follows:
 - a. The observation deck shall be removed no later than May 1, 2017.
 - b. The patio/concrete slab shall be removed no later than June 1, 2017.
 - c. An erosion control and vegetation plan is required to ensure that the slope preservation zone is protected until vegetation can be established. This plan shall be submitted by April 1, 2017. The erosion control and revegetation of the property shall be completed no later than June 1, 2017. The Defendants shall submit the required plans on the form set forth in Exhibit A, or a substantially comparable format.
 - d. If the observation deck and concrete slab is not removed by June 1, 2017, the Defendants shall pay additional forfeitures of \$100.00 per day for each day after June 1, 2017 that the accessory structure remains on the property.
3. Forfeiture. Family First Farms, LLC, Jeremy Hansen, and Josh Hansen agree to pay a forfeiture in the amount of \$6,000.00 plus court costs of \$1,734.50 for a total amount of \$7,734.50. The Defendants shall be jointly and severally liable for the total amount due. For ease of administrative purposes, the forfeiture shall be assessed in St. Croix County Case No. 15CX08B.
4. Release of Liability. Entry and satisfaction of the judgment based on this stipulation, including all requirements of the stipulation agreed to by Defendants, both monetary and otherwise, shall fully release Family First Farms, LLC, and its officers, directors, employees, and agents, and Jeremy Hansen and Josh Hansen, and their heirs, next-of-kin, spouses, assigns, and agents, and all of them for the violations alleged in the complaint.
5. Denial of Liability. Except as between the parties hereto, the terms and conditions of this Stipulation do not constitute admissions by Family First Farms, LLC, and its officers, directors, employees, and agents, and Jeremy Hansen and Josh Hansen, and their heirs, next-of-kin, spouses, assigns, and agents in this action or any other proceeding or action, civil or criminal.

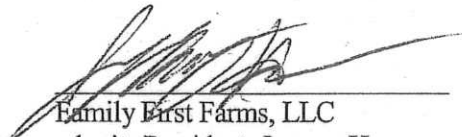
6. Contempt. If the Defendants fail to comply with the conditions of this Stipulation, St. Croix County may file a contempt of court action against the Defendants and seek sanctions as provided for in Wisconsin Statute Chapter 785.
7. Access to Property. The St. Croix County Community Development Department shall be allowed access to the property for purposes of confirming compliance with this Stipulation. Access shall be granted upon forty-eight (48) hours advance notice to the Defendants.
8. Pre-trial Conference. The pre-trial conference scheduled for January 30, 2017 at 9:30 a.m. shall be removed from the court's calendar.
9. Choice of Law. This Stipulation is entered into in the State of Wisconsin and shall be construed in accordance with the laws of the State of Wisconsin.
10. Signatories. The undersigned hereby personally represents that he is authorized to bind the corporate entity he is signing for.
11. Binding Agreement. This Stipulation shall be binding upon and inure to the benefit of, and be enforceable by Plaintiff and Defendants and their respective successors, administrators, trustees, executors, assigns, and insurers.
12. Advice of Counsel. Each party to this Stipulation represents and warrants that each has had the opportunity for the advice of counsel of his or its own choosing in the preparation of this Stipulation, that each has fully discussed the terms of this Stipulation with counsel of their or its own choosing, that each has read this Stipulation, that each has had this Stipulation fully explained by counsel of their or its own choosing, that each has had necessary disclosure of relevant facts and issues concerning the execution of this Stipulation, that the signatory for each is competent and authorized to sign this Stipulation, and that each is fully aware of the contents and legal effect of this Stipulation and the execution of this Stipulation by each party.
13. Waiver of Right. Family First Farms, LLC, Jeremy Hansen, and Josh Hansen waive their right to attend a trial on this matter and agree that the court may enter an order and judgment based on this Stipulation without further notice to any of the parties. The parties hereby waive their right to appeal the Final Order in this case.

PLAINTIFF


Heather M. Wolske
Attorney for Plaintiff
Bar No. #1057229

12/27/16
Date

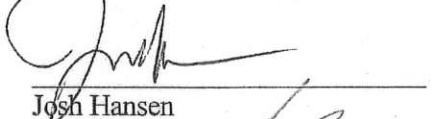
DEFENDANTS


Family First Farms, LLC
by its President, Jeremy Hansen

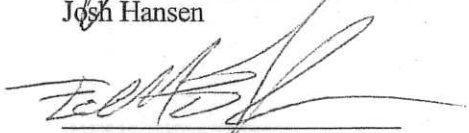
12-14-16
Date


Jeremy Hansen

12-14-16
Date


Josh Hansen

12/14/2016
Date


Edward Beckmann
Attorney for the Defendants
Bar No. #1030835

12/21/2016
Date

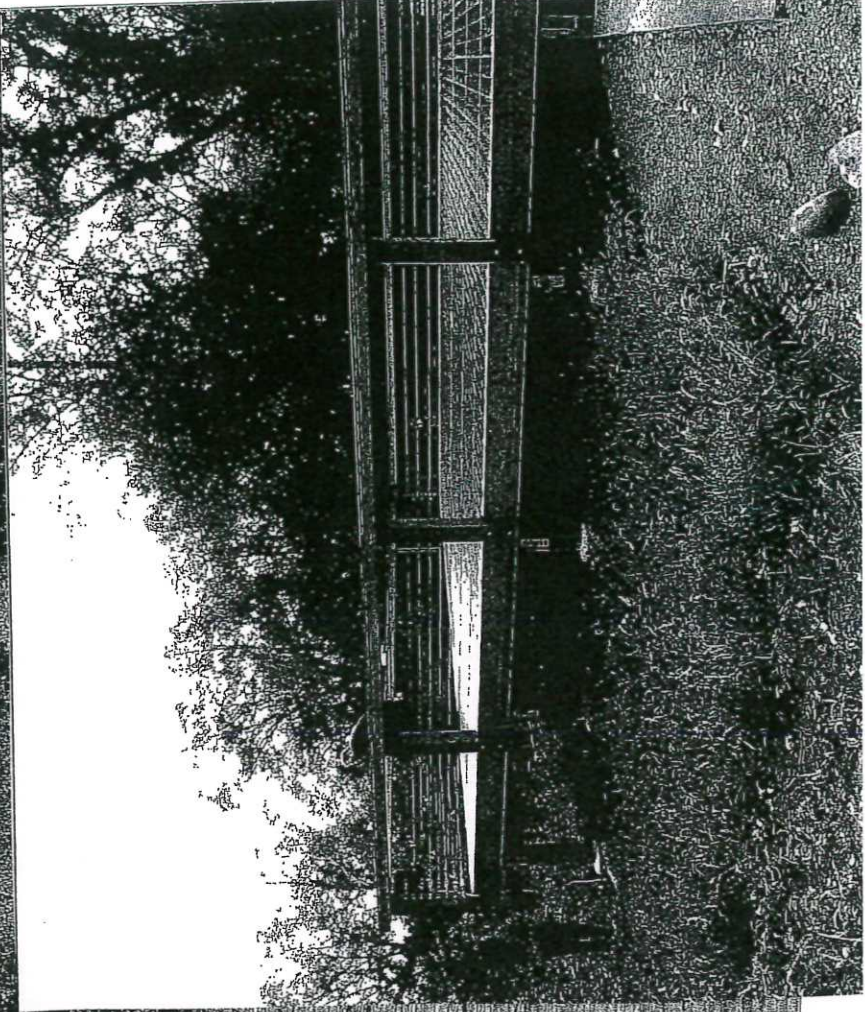
ORDER FOR JUDGMENT

1. The Stipulation of the parties in *St. Croix County vs. Family First Farms, LLC et al*, is hereby approved.
2. The Defendants shall pay \$6,000.00 plus court costs of \$1,734.50 for a total of \$7,734.50 to the St. Croix County Clerk of Court's Office as a forfeiture pursuant to Section 17.71(5) of the St. Croix County Code of Ordinances. The forfeiture shall be assessed in St. Croix County Case No. 15CX08B.
3. The pre-trial scheduled for January 30, 2017 at 9:30 a.m. is hereby removed from the Court's calendar.
4. The Court directs the Clerk of Court to enter and docket the judgment. This is a Final Order for purposes of appeal under Wis. Stat. § 808.03(1).

Dated this _____ day of December, 2016.

Honorable Scott R. Needham
Circuit Court, Branch III
St. Croix County, Wisconsin

View from main channel.



10-28-2014

Wisconsin Towns Association

MIKE KOLES, EXECUTIVE DIRECTOR

Carol Nawrocki, Assistant Director

Rick Manthe, Legal Counsel/Lobbyist

W7686 County Road MMM, Shawano, Wisconsin 54166-6086

Ph: 715-526-3157

Fax: 715-524-3917

wtowns@wisctowns.com

WTA Written Testimony Concerning AB 399

Zoning has traditionally been a function of local government in Wisconsin. The Wisconsin Towns Association (WTA) appreciates AB 399 removing DNR veto authority over variances and zoning ordinance modifications in the Lower St. Croix riverway. This change will grant local leaders more flexibility with zoning decisions. The WTA, however, has challenges with Section 1 of the bill because the state is effectively performing a rezone.

Ours is a principled argument based in federalism; zoning authority should remain a function of local governments. Towns, counties, cities, and villages are in the most advantageous position to make these decisions. Local governments spend countless time and money to develop zoning ordinances and comprehensive plans. They involve community members in the process by holding public hearings and considering those suggestions. Local governments are best able to use their zoning ordinances and comprehensive plans, created in conjunction with input from the public, to implement local community interests.

The state conducting a rezone undermines the zoning process because it does not take into consideration the careful planning and collaborative process that went into designing the zoning ordinance or the comprehensive plan. If the state goes down this road, it is telling local communities it knows what is best for them, instead of the communities making those decisions for themselves.

Further, this could set a precedent that contravenes the purpose of zoning. Once the state does a rezone for one party, people upset by a local zoning decision will ask for more special exceptions. Special exceptions create inconsistent uses and uneven development. It potentially disrupts the carefully thought out plans developed by local governments and the integrity of zoning ordinances.

The WTA supports giving local leaders more discretion with zoning in the Lower St. Croix riverway. Section 2 of the bill accomplishes this by removing DNR authority. At the same time we have concerns with the state conducting a rezone of property. The ability to make these decisions should rest where it belongs, at the local level.

2017 ASSEMBLY BILL 399

I want to thank Chair Kleefisch and the Committee for allowing me the opportunity to speak regarding Assembly Bill 399.

- I speak for the Community Development Department (CDD) of St. Croix County. Our department is in opposition to AB399/SB309.
 - I cannot speak for St. Croix County as a whole, since the County Board of Supervisors has not yet taken a position on AB399/SB309.
 - Our department has heard from two County Board Supervisors, each of whom represent towns that are located within the St. Croix Riverway Overlay District, and both of the Towns have adopted resolutions in opposition to this proposed legislation AB399/SB309. (The Lower St. Croix National Scenic Riverway)
 - These two Supervisors have requested that a resolution to opposition to this legislation be drafted for discussion and possible action at the July 26, 2017 Community Development Committee (CDC) meeting, and August County Board of Supervisors meeting.
- **This legislation in WI affects one county, and a portion of another county, to include a total of 5 towns, 4 in St. Croix County, 1 in Pierce County, and also includes one city. Before you make any action, we ask that you wait for local input from those towns and counties.**
- In our opinion, the property owners for the wedding and event center (“event facility and lodging establishment” – as per AB399/SB309) were aware of the St. Croix Riverway District regulations preventing commercial activity when they purchased the property.
 - After three years of trying to work out an amiable solution, St. Croix County was forced to bring this to court. The County won the lawsuit on Summary Judgment. The Judge indicated that this was a clear violation and the regulations were not ambiguous.
- ***The State has taken away local control of nonmetallic mining, animal waste siting, Wireless Communication, and Shoreland regulation. Based on this trend, it is very hard for us to accept the claims that this legislation would increase our local control. In fact, the proposed legislation requires the County to accept what is currently prohibited, as a permitted use without local control.***
 - We have been told that this legislation does not apply to a single property owner; however based on years of working with properties in the St. Croix Riverway District, we can say this is the only former campground that would be eligible to be turned into a wedding and event center and lodging establishment. In review of properties in SCC, at most, there are two additional properties in St. Croix County that might someday fit this criteria.

- Campgrounds are a nonconforming use in the Riverway District. This legislation (AB399/SB309) is contrary to State law that does not allow the expansion of nonconforming uses; it is also contrary to State law that does not allow the continuation of nonconforming uses that have been discontinued for a significant timeframe.

Nonconforming use law – Wis. Stat. 59.69

- **(10) NONCONFORMING USES.**
- **(ab)** In this subsection “nonconforming use” means a use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with the use restrictions in the current ordinance.
- **(am)** An ordinance enacted under this section may not prohibit the continuance of the lawful use of any building, premises, structure, or fixture for any trade or industry for which such building, premises, structure, or fixture is used at the time that the ordinances take effect, but the alteration of, or addition to, or repair in excess of 50 percent of its assessed value of any existing building, premises, structure, or fixture for the purpose of carrying on any prohibited trade or new industry within the district where such buildings, premises, structures, or fixtures are located, may be prohibited. The continuance of the nonconforming use of a temporary structure may be prohibited. **If the nonconforming use is discontinued for a period of 12 months, any future use of the building, premises, structure, or fixture shall conform to the ordinance.**

This is also a National/Federal issue

- The rules for NR 118 and St. Croix County Riverway District are based on:
 - The **National Wild and Scenic Rivers** System was created by Congress in 1968 (Public Law 90-542; 16 U.S.C. 1271 et seq.) to preserve certain **rivers** with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations.
 - – **President Lyndon Johnson stated the following on signing the Wild & Scenic Rivers Act, October 2, 1968:**
 - *“In the past 50 years, we have learned—all too slowly, I think—to prize and protect God’s precious gifts. Because we have, our own children and grandchildren will come to know and come to love the great forests and the wild rivers that we have protected and left to them . . . An unspoiled river is a very rare thing in this Nation today. Their flow and vitality have been harnessed by dams and too often they have been turned into open sewers by communities and by industries. It makes us all very fearful that all rivers will go this way unless somebody acts now to try to balance our river development.”*
 - *“It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and*

enjoyment of present and future generations. The Congress declares that the established national policy of dams and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.” (Wild & Scenic Rivers Act, October 2, 1968)

St. Croix River:

- **Managing Agency:**
- National Park Service, St. Croix National Scenic Riverway
Minnesota Department of Natural Resources
Wisconsin Department of Natural Resources
-
- **Designated Reach:**
- October 2, 1968: The segment between the dam near Taylor Falls, Minnesota, and the dam near Gordon, Wisconsin. The Namekagon River from Lake Namekagon downstream to its confluence with the St. Croix River. October 25, 1972: The segment from the dam near Taylors Falls, Minnesota, downstream 27 miles. June 17, 1976: The segment from the confluence with the Mississippi River upstream 25 miles.
-
- **Classification/Mileage:**
- October 2, 1968: Scenic — 181.0 miles; Recreational — 19.0; Total — 200.0 miles. October 25, 1972: Scenic — 12.0 miles; Recreational — 15.0; Total — 27.0 miles. June 17, 1976: Recreational — 25.0; Total — 25.0 miles. Aggregate Totals: Scenic — 193.0 miles; Recreational — 59.0 miles; Total — 252.0 miles.
- Out of the Wild and Scenic Rivers Act, stem regulations to further the purpose and intent of the Act.
 - Under State and County regulations there are: **permitted uses, conditional uses and prohibited uses**
 - **In State law for the Lower St. Croix Riverway, NR 118.05(3) states: “All uses and structures not listed as permitted or conditional shall be prohibited.”**

Federal Scenic Easements (National Wild and Scenic River System)

Wild & Scenic River Questions & Answers (From the USA Wild and Scenic Rivers webpage)

Q: What is a scenic easement and what is its purpose?

A: Section 16(c) of the Wild and Scenic Rivers Act defines a scenic easement as follows: "Scenic easement' means the right to control the use of land (including the air space above such land) within the authorized boundaries of a component of the wild and scenic river system, for the purpose of protecting the natural qualities of a designated wild, scenic, or recreational river area, but such control shall not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement. While the Act uses the term "scenic easement," this definition makes it clear that such less-than-fee acquisition can be used to help protect other wild and scenic river values, including other outstandingly remarkable values, water quality and riparian areas.

Conclusion:

Zoning is the only tool to protect the St. Croix River.

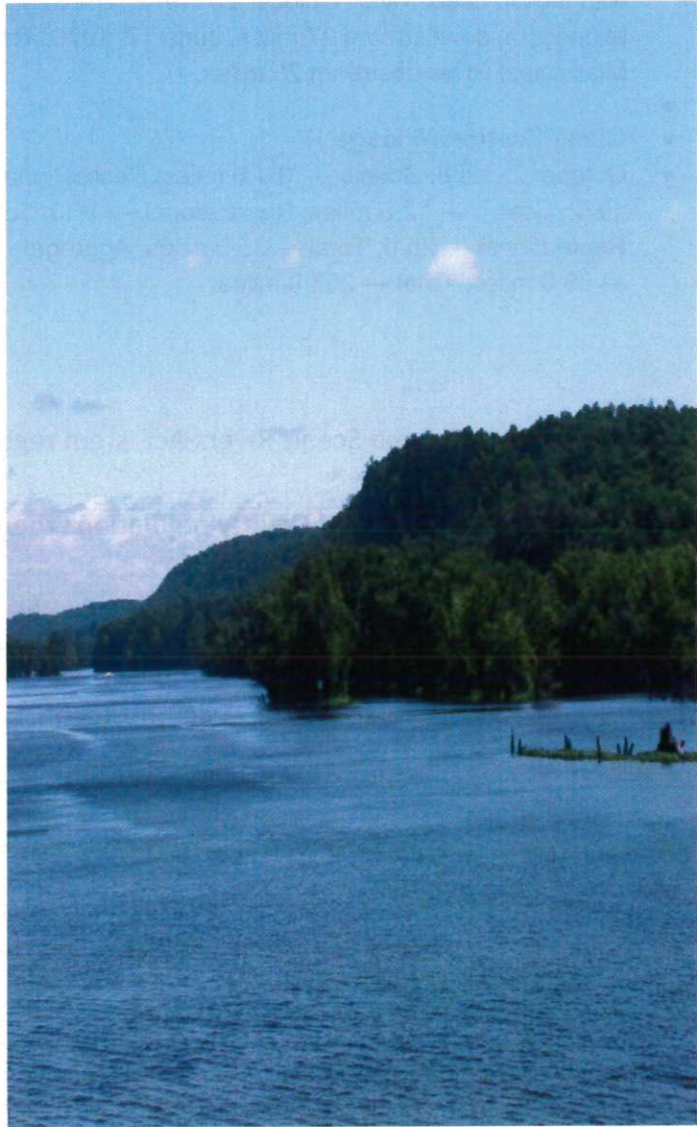
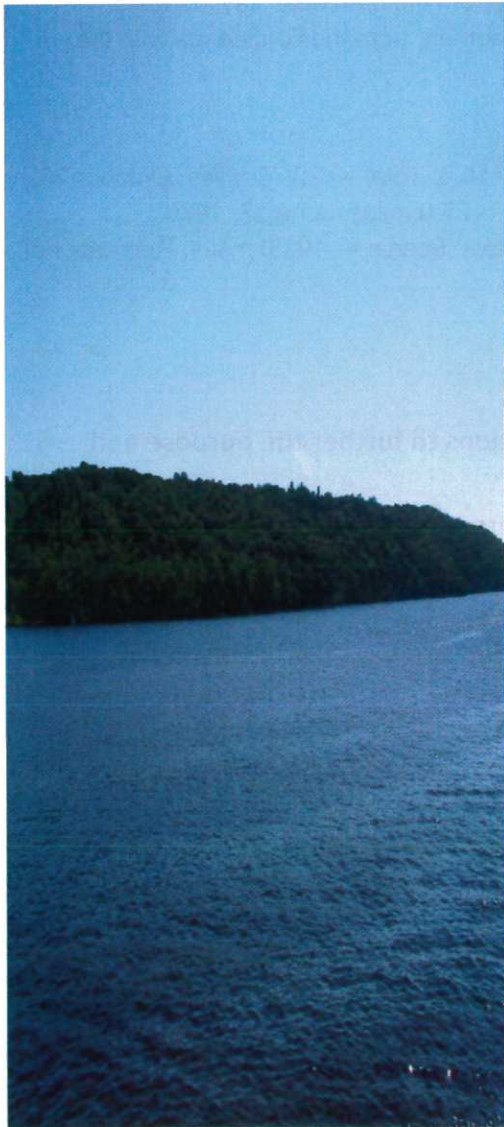
- In 2018, the Wild and Scenic Rivers Act turns 50.
- Less than 1/4 of 1% of our rivers in the United States are protected under the National Wild & Scenic Rivers System.

Walter Mondale, former US Vice President, who co-authored the U.S. Wild and Scenic Rivers act in 1968 that protects the St. Croix River, stated on May 21, 2015:

“It’s a blessed gift to all of us. I hope we do everything we can to make certain that we handle this river with wisdom, with justice, with courage.” (Minneapolis Star Tribune, May 30, 2015)

St. Croix County - Community Development Department

July 19, 2017



July 19, 2017

Re: AB399 Comments

Fresh, clean water. Abundant fish. Breathtaking scenery. The St. Croix River offers unparalleled natural resources close to a thriving metropolitan area. This stunning river system also powers a strong economy in the St. Croix valley and attracts public and business investment in the broader region.

The St. Croix River Association is a nonprofit organization with a mission to protect, restore and celebrate the St. Croix River and its watershed. Founded in 1911 by community leaders who recognized the river's special qualities, the Association has a long-term commitment to protecting the vibrant ecological, cultural and recreational value of our great river. The St. Croix River Association leads programs with public and private partners to ensure that:

- The river's clean waters remain unpolluted and polluted areas are improved.
- Parks, forests, and open spaces that make the St. Croix so vibrant are protected for future generations.
- People of all ages and abilities have opportunities to learn about and enjoy the St. Croix.
- Our abundant wildlife and habitat are protected from potentially damaging invasive plant and animal species.

The official "friends" group of the St. Croix National Scenic Riverway, a unit of the National Park Service, the St. Croix River Association is the leading public voice for the river. Since our founding we have helped ensure the good health of the river. We also recognize that we must engage a new generation of river stewards, bringing kids and others to appreciate the health and inspiration that comes from time spent on the river.

The St. Croix National Scenic Riverway (Riverway) was established by the Wild and Scenic Rivers Act in 1968, and the first to receive National Park status under federal protection §3(a)(6), 82Stat. 908, 16 U. S. C. §1274(a)(6) (designating Upper St. Croix River); Lower Saint Croix River Act of 1972, §2, 86Stat. 1174, 16 U. S. C. §1274(a)(9) (adding Lower St. Croix River). The law required the States of Wisconsin and Minnesota to develop "a management and development program" for the river area. 41 Fed. Reg. 26237 (1976). In compliance, Wisconsin authorized the State Department of Natural Resources to promulgate rules limiting development in order to "guarantee the protection of the wild, scenic and recreational qualities of the river for present and future generations." Wis. Stat. §30.27(1) (1973). The management plan was last updated in 2001. AB399 is intended to exempt a property owner from current zoning laws, will undermine the St. Croix River Overlay District in St. Croix County, and will affect scenic protections along the Riverway.

Business, community and environmental leaders worked together to create this National Park. Northern States Power officially donated 25,000 acres to Minnesota, Wisconsin and the federal government — creating most of the parks and riverfront lands we enjoy in the St. Croix corridor today.

After the land donation Northern States Power Board Chair Earl Ewald wrote, "*By all means, the time to take bold action to preserve the St. Croix and its tributary the Namekagon has now arrived. We are privileged to transfer this wilderness to the people of this nation. It will be theirs to guard as jealously and to use as wisely as those that preserved it for them.*"

This bill runs counter to everything that the Wild and Scenic River federal designation represents, and violates Wisconsin's commitment to protect this Riverway, for the good of ALL people, for all time. AB399 will:

- Undermine the St. Croix River Overlay District, especially the wild and scenic protections, which in conjunction with the state rules, have had untold positive effects on water quality, fisheries, and protects all the plants and animals that live here.
- Be contrary to the Wild and Scenic designation and the Acts primary goal to protect and enhance the values that caused it to be designated.
- Undermine local authorities' ability to protect the health, welfare, and safety of their citizens, for whom zoning laws are designed to protect.
- Attempt to give one land owner preferential treatment, and ignores the fact that land—including the lodge—has a scenic easement. An event facility within the easement is not considered a compatible use.
- Take away the authority of the state and the county to uphold the laws and standards designed to protect this Riverway, which may lead to a lawsuit for not fulfilling its obligations under the Wild and Scenic Rivers Act.
- Ignore the rights of the neighbors who abide by the terms of their easement and zoning laws, and the millions of visitors to the St. Croix Valley, and potentially harm established businesses that have been using the Riverway for decades.

Wisconsin has approximately 56,884 miles of river, of which 276 miles are designated as wild & scenic—approximately 1/2 of 1% of the state's river miles. The St. Croix National Scenic Riverway is a special place. People from around the world have recreated along this river for well over a hundred years. Families' fish, boat, swim and enjoy the peace and solitude found along the banks of this Riverway. They come here to get away from their busy lives, to slow down, to reconnect with nature and refresh. Artist, birders, and hunters, all enjoy the rich natural resources so abundant here. People live here because they can enjoy a wilderness-like experience daily, and still be close to all the amenities that urban centers offer.

Please uphold your promise to the citizens of this state and country, and the millions of visitors to this Riverway by voting no to AB399.

Respectfully submitted,



Deb Ryun, Executive Director

About the WSR Act

Safeguarding the Character of Our Nation's Unique Rivers

The National Wild and Scenic Rivers System was created by Congress in 1968 (Public Law 90-542; 16 U.S.C. 1271 et seq.) to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. The Act is notable for safeguarding the special character of these rivers, while also recognizing the potential for their appropriate use and development. It encourages river management that crosses political boundaries and promotes public participation in developing goals for river protection.

It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dams and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes. (Wild & Scenic Rivers Act, October 2, 1968)

Rivers may be designated by Congress or, if certain requirements are met, the Secretary of the Interior. Each river is administered by either a federal or state agency. Designated segments need not include the entire river and may include tributaries. For federally administered rivers, the designated boundaries generally average one-quarter mile on either bank in the lower 48 states and one-half mile on rivers outside national parks in Alaska in order to protect river-related values.

River Classification

Rivers are classified as *wild*, *scenic*, or *recreational*.

Wild River Areas – Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

Scenic River Areas – Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

Recreational River Areas – Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

Regardless of classification, each river in the National System is administered with the goal of protecting and enhancing the values that caused it to be designated. Designation neither prohibits development nor gives the federal government control over private property. Recreation, agricultural practices, residential development, and other uses may continue. Protection of the river is provided through voluntary stewardship by landowners and river users and through regulation and programs of federal, state, local, or tribal governments. In most cases not all land within boundaries is, or will be, publicly owned, and the Act limits how much land the federal government is allowed to acquire from willing sellers. Visitors to these rivers are cautioned to be aware of and respect private property rights.

The Act purposefully strives to balance dam and other construction at appropriate sections of rivers with permanent protection for some of the country's most outstanding free-flowing rivers. To accomplish this, it prohibits federal support for actions such as the construction of dams or other instream activities that would harm the river's free-flowing condition, water quality, or outstanding resource values. However, designation does not affect existing water rights or the existing jurisdiction of states and the federal government over waters as determined by established principles of law.

As of December 2014, the National System protects 12,734 miles of 208 rivers in 40 states and the Commonwealth of Puerto Rico; this is less than one-quarter of one percent of the nation's rivers. By comparison, more than 75,000 large dams across the country have modified at least 600,000 miles, or about 17%, of American rivers.

Designated Reach:

October 2, 1968: The segment between the dam near Taylor Falls, Minnesota, and the dam near Gordon, Wisconsin. The Namekagon River from Lake Namekagon downstream to its confluence with the St. Croix River. October 25, 1972: The segment from the dam near Taylors Falls, Minnesota, downstream 27 miles. June 17, 1976: The segment from the confluence with the Mississippi River upstream 25 miles.

Classification/Mileage:

October 2, 1968: Scenic — 181.0 miles; Recreational — 19.0; Total — 200.0 miles. October 25, 1972: Scenic — 12.0 miles; Recreational — 15.0; Total — 27.0 miles. June 17, 1976: Recreational — 25.0; Total — 25.0 miles. Aggregate Totals: Scenic — 193.0 miles; Recreational — 59.0 miles; Total — 252.0 miles.

St. Croix River

In 1968, 200 miles of the St. Croix National Scenic Riverway, which includes its major tributary the Namekagon, was established as one of the original eight rivers under the Wild and Scenic Rivers Act. In 1972, an additional 27 miles of the Lower St. Croix River was the first riverway segment added to the National Wild and Scenic Rivers System by Congress since its inception in 1968. This segment flows along the border of Minnesota and Wisconsin, from Taylor's Falls Dam downstream for 27 miles. This legislation also directed the Secretary of the Interior to add the next 25 miles down to the confluence with the Mississippi River as a state-administered river following application by the Governors of Minnesota and Wisconsin (under Section 2(a)(ii) of the Wild and Scenic Rivers Act). This approval was given on June 17, 1976.

The St. Croix and Namekagon Rivers offer clean water gliding or rushing past a lush green landscape, with glimpses of a human presence. Choose to canoe and camp amid the northwoods, or boat and fish surrounded by wooded bluffs and historic towns. This river corridor provides bountiful scenic views and a haven for wildlife near a major metropolitan area.

The St. Croix River offers outdoor enthusiasts a chance to enjoy a wilderness-like experience and a variety of outdoor recreation opportunities within easy reach of a major metropolitan area. On the upper portion of the St. Croix and Namekagon Rivers, Class I-II rapids challenge the canoeist. The Lower St. Croix is popular for recreational enthusiasts, who enjoy canoeing, boating, fishing, rock climbing and hiking along its scenic shores. At the very lowest end, where the river widens as Lake St. Croix, power and sail boating are popular. Anglers, campers, picnickers, swimmers and birdwatchers enjoy its variety of scenes throughout.

ST. CROIX COUNTY,

Plaintiff,
vs.**MEMORANDUM DECISION
AND ORDER**FAMILY FIRST FARMS, LLC,
FAMILY FIRST FARMS, LLC
JEREMY HANSEN,
JOSH HANSEN,Case No. 15 CX 08A
15 CX 08B
15 CX 08C
15 CX 08DDefendants.

BACKGROUND

Plaintiff St. Croix County commenced this action against Defendants Family First Farms, LLC, Jeremy Hansen and Josh Hansen on November 12, 2015. The Complaint alleges that Defendants are in violation of sec. 17.15 and 17.36 of the St. Croix County Code of Ordinances.

In March 2013, Defendants purchased property located at 300 221st Avenue in Somerset, Wisconsin, from Fourth Baptist Church on a land contract. On November 6, 2013, Defendants appeared before the Town of Somerset to present a business plan for the property. The business plan, entitled "The Lodge on Croix," stated that the property would be used as a "premier wedding destination" with an observation deck and patio which had been installed on top of the hill directly behind the lodge. The previous use of the property was by the Fourth Baptist Church for a recreational campground called "Camp Clear-Waters."

According to St. Croix County, the deck and patio constructed by Defendants violate the St. Croix County Code of Ordinances. Furthermore, that Defendants failed to

obtain a land use permit or a variance prior to building the deck and patio and did not obtain the necessary approvals prior to building the structures. St. Croix County also claims that Defendants have conducted activities on the property, including weddings, wedding receptions, gala events and banquet activities that are not allowed uses and violate county ordinances. Finally, that these activities are not pre-existing nonconforming uses of the property.

St. Croix County claims that Defendants are in violation of sec. 17.15 and 17.36 of the St. Croix County Code of Ordinances. The Complaint requests forfeitures of not less than \$100.00 nor more than \$500.00 for each day the violations have existed since August 29, 2013. The Complaint also seeks an order requiring Defendants to remove the patio and observation deck; for an Order requiring Defendants to cease operating a wedding/reception business on the property; and for a permanent injunction prohibiting Defendants from operating a wedding/reception business on the property.

Defendants denied liability in their answer and filed a motion for summary judgment on March 23, 2016. Defendants conceded that they “would like to operate a wedding business” on the property. However, they argue that such use would be “consistent with prior use of the land.” Defendants also assert that “[p]rior use of the land predates enactment of the subject St. Croix County Zoning Code.” As such, Defendants claim that the existing uses are “grandfathered” in and that their intended use of the property as a “premier wedding destination” is permissible pursuant to Wis. Stat. § 59.69(10)(am); St. Croix County Ordinance 17.05(3).

St. Croix County opposes the Defendants’ summary judgment motion and asks the Court to grant summary judgment in its favor pursuant to Wis. Stat. § 802.08(6).

SUMMARY JUDGMENT METHODOLOGY

Wis. Stat. § 802.08(2), sets out the standards governing motions for summary judgment. *Grams v. Boss*, 97 Wis.2d 332, 338-9, 294 N.W.2d 473 (1980). Summary judgment is appropriate when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. *Id.*

When interpreting an ordinance, the rules of statutory construction apply. *Schroeder v. Dane County Board of Adjustment*, 228 Wis.2d 324, 333, 596 N.W.2d 472. The purpose of statutory construction is to discern legislative intent. *Id.* The court begins with the language of the ordinance and determines if it is plain on its face; if so, the court applies the language to the facts without looking beyond the statute to ascertain meaning. *Id.* The plain language of a statute should not be construed in a manner that results in absurd or unreasonable consequences. *State v. Yellow Freight Sys., Inc.*, 101 Wis.2d 142, 153, 303 N.W.2d 834 (1981). On the other hand, if the language is ambiguous, meaning there is more than one reasonable interpretation, the court looks at “the scope, history, context, subject matter and object of the ordinance.” *Schroeder*, 228 Wis.2d at 333, 596 N.W.2d 472. Determining whether an ordinance is ambiguous is a question of law. *Id.*

DEFENDANTS’ ARGUMENTS

In support of their motion for summary judgment, Defendants argue that: (1) Wis. Stat. § 59.69(10)(am) prohibits application of the St. Croix County Zoning Code to pre-existing uses; (2) that St. Croix County did not empower itself to prohibit a nonconforming use; (3) that St. Croix County’s failure to provide notice of a nonconforming use is fatal; (4) that any ambiguity must be resolved against St. Croix

County; (5) that St. Croix County is estopped from enforcing violations of any ordinance that includes definitions of a “bluffline” and a “slope preservation zone;” and (6) that the deck faces an “adjoining watershed channel” no longer covered by the zoning code.

ST. CROIX COUNTY ARGUMENTS

St. Croix County, in turn, argues that there is no continuous pre-existing nonconforming use of the property and that Wis. Stat. § 59.69(10) is applicable in this case. St. Croix County asks that the Defendants motion be denied and that the Court grant summary judgment in its favor pursuant to Wis. Stat. § 802.08(6).

Based on the sworn statements contained in the affidavits of Laurie Diaby-Gassama, Daniel Sitz, Kevin Grabau, Sarah Droher and Jeri Koester, St. Croix County claims that it has “proven” that the use of the property as a wedding business and/or wedding venue is not a pre-existing non-conforming use of the property.

In response to Defendant’s arguments, St. Croix County claims that: (1) it has empowered itself to govern nonconforming uses; (2) that it did not fail to provide notice to the Defendants regarding the non-conforming use; (3) that the Defendants have conducted activities on the property that are not an allowed, permitted or conditional use; (4) that there is no ambiguity in the Zoning Code; (5) that the deck and patio required a land use permit and/or variance prior to construction; and (6) that the definitions of “bluffline” and “slope preservation zone” are not ambiguous.

ST. CROIX COUNTY ZONE OF ORDINANCES

Wis. Stat. § 30.27(1), consistent with federal code provisions identified therein, recognizes the Lower St. Croix River as part of the national wild and scenic rivers system. Wis Stat. § 30.27(2) required the DNR to “adopt, by rule, guidelines and specific

standards for local zoning ordinances which apply to the banks, bluffs and bluff tops of the Lower St. Croix River.” Wis. Stat. § 30.27(3), in turn, required all affected municipalities to adopt ordinances at least as restrictive as those adopted by the DNR.

St. Croix County subsequently adopted an ordinance essentially mirroring Wis. Admin. Code § NR 118. Wis. Admin. Code § NR 118.05(3) states that “All uses and structures not listed as permitted or conditional uses shall be prohibited.

Section 17.36 of the St. Croix County Zone of Ordinances, entitled “Lower St. Croix Riverway Overlay District” was adopted by the St. Croix County Board of Supervisors. Section 17.36 F.1.a. lists the followed allowed uses and structures that are allowed in the Riverway District without a permit:

- 1) Nonstructural conservancy and open space uses associated with maintaining the value of certain lands for natural areas, scenic preservation, recreation, wildlife management, water and soil conservation and other such purposes.
- 2) Nonstructural agricultural and forestry uses, including silviculture in compliance with Wisconsin Administrative Code Chapter NR 118.06(6).
- 3) Routine pruning of trees and shrubs to improve their health and vigor, provide a filtered view of the Lower St. Croix River, herein after referred to as “the river,” prevent property damage, and removing trees that pose an imminent safety hazard to persons or structures.
- 4) Docks, piers, and wharves subject to Wisconsin Department of Natural Resources (WDNR) administrative rule standards and Army Corps of Engineers permit requirements.

Section 17.36 F.2.a of the St. Croix County Code of Ordinances lists the following as permitted uses and structures which are allowed in the Lower St. Croix Riverway Overlay District without a permit:

- 1) Single-family residence and accessory uses and structures.
- 2) Filling and grading less than 10,000 square feet outside of the slope preservation zone and greater than 40 feet from the slope preservation zone.
- 3) Signs per § 17.36 H.2.
- 4) Structural erosion control measures constructed outside of slope preservation zones.
- 5) Rock riprap and other shoreland protection measures per § 17.36 H.6.

- 6) Vegetation removal per § 17.36 H.8.
- 7) Public parks, areas devoted to natural resource management and interpretation, waysides, rest areas, information areas, and scenic overlooks.
- 8) Governmental structures used as information centers or for resource management to improve the fish and wildlife habitat, provided that they meet all other provisions of this subchapter.
- 9) Accessory structures.

Section 17.36 F.3.a of the St. Croix County Code of Ordinances lists the following as conditional uses and structures:

- 1) Land divisions.
- 2) Wireless communication service and other transmission facilities.
- 3) Stairways and lifts.
- 4) Filling and grading less than 10,000 square feet in slope preservation zones that do not directly face the river and do not drain directly to the river.
- 5) Filling and grading within 40 feet of a slope preservation zone.
- 6) Filling and grading 10,000 square feet or more outside of the slope preservation zone.
- 7) Structural erosion control measures in slope preservation zones.
- 8) Public and private roads serving two or more properties or single-family residences.
- 9) Bed and breakfast operations.
- 10) Private, non-profit, nature-oriented educational facilities.
- 11) Minor home occupations per § 17.155(5) of this ordinance.

Section 17.36 F.4.a of the St. Croix County Code of Ordinances addresses prohibited uses and states:

- a. Within the Riverway District, all uses or structures not listed as allowed, permitted, or conditional uses are prohibited.

ANALYSIS

Fourth Baptist Church utilized the property as Camp Clear-Waters, a recreational educational campground. Its use of the property, which was purchased on December 6, 1962, commenced prior to the adoption of the St. Croix County Code of Ordinances on January 1, 1968. The use of the property as a recreational educational campground was a nonconforming use of the property and was consistent with a "nature-oriented

educational, non-profit facility” as articulated in Wis. Admin. Code § NR 118.05 and 17.36 of the St. Croix County Code of Ordinances.

While Camp Clear-Waters’ non-conforming use of the property was permitted by the application of Wisconsin law, Defendants’ proposed expansion of that use is not. After a careful consideration of the arguments presented, the Court finds that, for purposes of summary judgment, there was no continuous pre-existing nonconforming use of the property. Defendants’ proposed use of the facility as a “premier wedding destination” is not a “nature-oriented educational, non-profit” use. Such use of the property as a wedding business, wedding venue, or banquet facility is not a pre-existing nonconforming use, and The Court adopts the arguments made by St. Croix County on pages 8-13 of its brief as its own. *See Trieschmann v. Trieschmann*, 178 Wis.2d 538, 544, 504 N.W.2d 433 (Ct. App. 1993). For reasons cited in that brief and in this decision, the motion for summary judgment is denied.

The Court also finds that St. Croix County’s motion for summary judgment is properly granted under Wis. Stat. § 802.08(6). Based on the sworn statements contained in the affidavits of Laurie Diaby-Gassama, Daniel Sitz, Kevin Grabau, Sarah Droher and Jeri Koester, the Court finds that St. Croix County has conclusively established that the use of the property as a wedding business and/or wedding venue is not a pre-existing non-conforming use of the property.

St. Croix County empowered itself to govern nonconforming uses and Defendant’s proposed use of the property is not “grandfathered” in. St. Croix County complied with Wis. Stat. § 59.69(10) and the record plainly demonstrates that Defendants have conducted activities on the property that are not an allowed, permitted or conditional

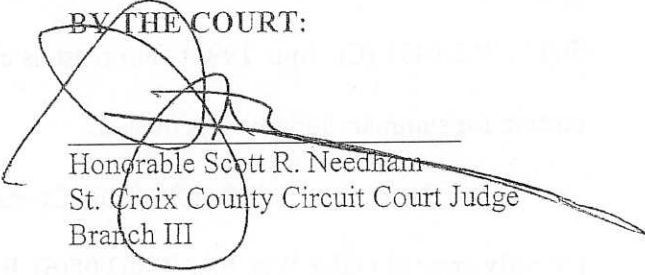
use. There is no ambiguity in the zoning code and the deck and patio required a land use permit and/or variance prior to construction. The definitions of “bluffline” and “slope preservation zone” are not ambiguous. Defendants were well aware of the requirements of the zoning code but chose to disregard them. St. Croix County’s motion for summary judgment is granted.

DECISION

Based upon the foregoing, **IT IS HEREBY ORDERED** that Defendants’ motion for summary judgment is denied. St. Croix County’s motion for summary judgment is granted.

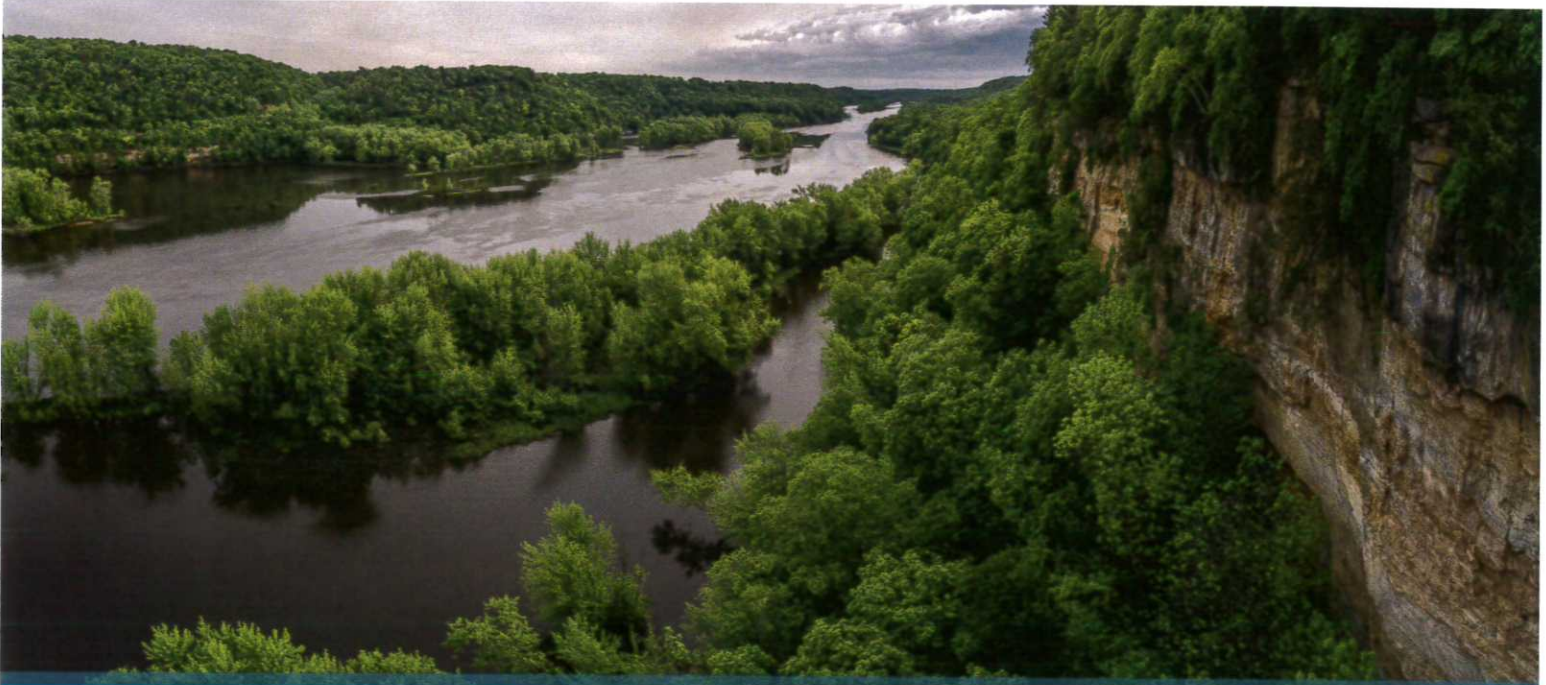
BY THE COURT:

Dated this 15th day of
August 2016.



Honorable Scott R. Needham
St. Croix County Circuit Court Judge
Branch III

St. Croix River ASSOCIATION



OUR VISION: A THRIVING WATERSHED, FOREVER ACCESSIBLE, SCENIC, AND WILD
OUR MISSION: TO PROTECT, RESTORE, AND CELEBRATE THE ST. CROIX RIVER AND ITS WATERSHED

Photo © Craig Blacklock

WHAT WE DO

Water Quality

Keeping the St. Croix River clean

- Improve water quality through **phosphorus reduction activities** that help prevent the growth of algae along the Riverway.
- Work on water quality issues with **over 50 partners** including private organizations, cities, and federal, state and county agencies.

Invasive Species

Identifying invasive species threats and minimizing their impact

- Monitor over **132 miles of river** for invasive species threats.
- Provide **outreach at fairs, festivals, and community events**, and visit bait shops, fly fishing stores, marinas, and other river-focused businesses to help prevent the spread of invasive species.

River Connections

Delivering watershed-wide inspiration and education

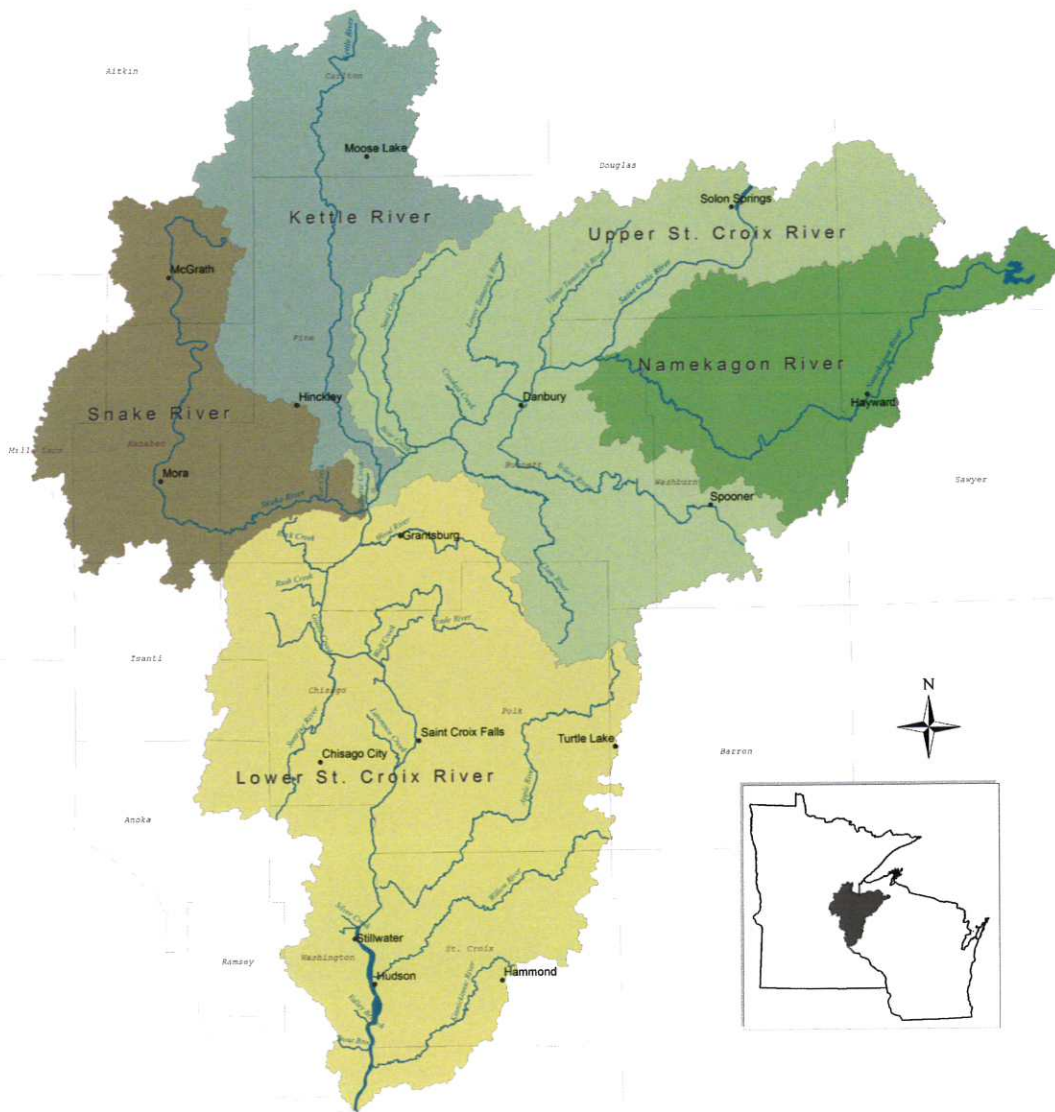
- Reach over **36,000 people annually** through education and outreach programs.
- Provide **over 4,200 hours** of interpretation, resource management, lands programming, and invasive species mitigation through the Summer Intern Program.

Land Conservation

Protecting and restoring important natural and scenic areas

- Cultivate greater awareness of Riverway regulations, reaching **over 200 realtors, 2,000 landowners, and 10 local governments**.
- Work with the National Park Service to **restore 165 acres of parkland** to native oak savannah at Arcola Bluff.

WATERSHEDS OF THE ST. CROIX RIVER



wa • ter • shed

noun \wā-ter-,shed\
the region draining into a river, river system, or other body of water

The St. Croix and Namekagon rivers were among the original eight wild and scenic rivers designated by Congress in 1968.

The St. Croix River watershed covers 7,800 square miles in Minnesota and Wisconsin — roughly the size of New Jersey!

The Riverway is a sanctuary containing the best-preserved, least human-impacted remnant of pre-settlement natural and aquatic communities in the Upper Mississippi basin.

DID YOU KNOW?

The Riverway is home to:

- Rare geological features, such as the potholes found at MN and WI Interstate Parks.
- 40 species of mussels, the same as were here 300 years ago, five of which are federally endangered: Higgins eye, Sheepnose, Snuffbox, Spectaclecase, and Winged mapleleaf.
- The rare St. Croix snaketail dragonfly, which was first discovered on the St. Croix River.
- The Karner blue butterfly, an endangered butterfly whose life cycle is tied to the Riverway's native Lupine plants growing in oak savannas and pine barrens.

ST. CROIX RIVER ASSOCIATION

Advocating for conservation throughout the watershed.

To join us, donate, or learn more, visit stcroixriverassociation.org or call us at 715.483.3300.

LOWER ST. CROIX RIVERWAY

BEST PRACTICES FOR ZONING APPLICATIONS

A clear and orderly process to increase consistency and transparency of land-use applications and decisions in the Lower St. Croix Riverway District.

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DRAFT

PRE-APPLICATION PROCESS

It is important to have a pre-application meeting for all projects in the Riverway to discuss ideas, impact of projects, and alternatives if necessary. The Lower St. Croix River is protected through building restrictions in local ordinances. It is important that all projects align with the intent of these protections to preserve and improve the Riverway for landowners and visitors alike. Please reference the Landowner's Guide to the Lower St. Croix Riverway and your local ordinances to learn more about Riverway regulations.

CONTACT ZONING ADMINISTRATOR

Before investing in plans for their projects, landowners and/or their representatives should contact the zoning administrator to share ideas and learn about any restrictions on the property.

PRE-APPLICATION MEETING AND SITE VISIT

Development projects should go through a clear and orderly process, starting with a pre-application meeting and site visit to better understand the project idea and to discuss alternatives if necessary. It is important for the applicant to provide a design sketch at a pre-application meeting *before* a formal site plan is created. All involved parties will communicate concerns and suggestions at this time. See the stakeholder triggers list on page 4 of this resource for more information on who might be involved with a project.

BEGIN APPLICATIONS

Zoning applications require approval from the local government. It is important to invest in quality information to save the applicant and the local government time and money on revisions. An incomplete application will not be accepted.



PRE-APPLICATION WORKSHEET

Fill out this document to the best of your ability before your pre-application meeting. Work with your zoning administrator and other agencies to fill out the questions you cannot answer. The purpose of this worksheet is to document information and suggestions from stakeholders before investing plans for your property. Be flexible with your ideas, they may need to change to fit the intent of the Riverway rules and local ordinances.

Name _____

- Status
 - Owner
 - Prospective buyer
 - Agent
 - Other: _____

Who is the owner of the property?

- Name: _____
- Address of property in consideration:

- Parcel ID Number _____
- Phone: _____
- Email: _____

Visit the county website's public property search or contact the county records department to learn more about the property.

In accordance with St. Croix Riverway regulations, the property is zoned:

- Rural
- Urban
- Urban with public sewer and water
- Other overlay zoning rules that may apply:
 - _____
 - _____
 - _____

Look at your local zoning map (if not available online, ask your zoning administrator for a copy) to learn how your property is zoned. Take into account local zoning and overlay zoning (shoreland, Riverway, historic, etc.). Ask your zoning administrator how your local zoning corresponds with Riverway zoning.

How many acres is your property?

Are there any easements on your property ?

- Yes
- No

If yes, explain:

An easement is a part of your property that is managed by another entity. For example, the city might have a public utility easement on your land for power, water, and sewer lines, or, the National Park Service might have a scenic easement on your property to preserve habitat along the river corridor. Ask your zoning administrator and collaborating agencies about easements on your property.

What is your remodel/rebuild idea?

- A new structure on the property
 - Principal structure
 - Accessory structure
- Updating within the current footprint
- Extending the current footprint
- Adding another story to the existing structure
- Floodproofing or elevating on fill
- Other _____
- Other _____

Explain what you would like to do on your property:

Do you have a recent survey of your property with elevations?

- Yes
- No

Visit your city or county to find the most recent survey of your property. You will most likely need to survey your property before making changes to your land.

Do you have a substandard lot?

- Yes
- No

If yes, explain:

Substandard lots are parcels that do not adhere to current zoning ordinances. In many cases, substandard lots or substandard structures were grandfathered in when new rules took place. This makes it more difficult to make changes to your property. Work closely with your zoning administrator to learn about your options!

Are there any substandard structures on your property? If you do not know, please ask your local zoning administrator.

- Yes
- No

If yes, explain:

Have you started working with a builder or architect yet on the concept design?

- Yes
 - Name _____
 - Company _____
 - Phone _____
 - Email _____
- No

If you live in the St. Croix Riverway, share information about the Riverway regulations with your architect or builder. Understanding the building restrictions along the river will save you time and money when making plans for your property. Visit www.stcroixriverassociation.org for more information about the Riverway and who to contact in your area.

Please see the next page for information on other groups that may be involved in a pre-application meeting to discuss this project idea. Remember to wait until *after* your pre-application meeting and site visit to invest in plans for your property to save time and money!

WHO MIGHT BE INVOLVED WITH YOUR PROJECT?

Fill out this worksheet to document who is at your pre-application meeting, how to contact them, and what they suggest to meet the intent of the Riverway standards.

City/County Staff

- | | | |
|---|------------|---------------|
| <input type="checkbox"/> Zoning Administrator | Name _____ | Contact _____ |
| <input type="checkbox"/> Planner | Name _____ | Contact _____ |
| <input type="checkbox"/> Engineer | Name _____ | Contact _____ |
| <input type="checkbox"/> Building Inspector | Name _____ | Contact _____ |
| <input type="checkbox"/> Tree Consultant | Name _____ | Contact _____ |
| <input type="checkbox"/> _____ | Name _____ | Contact _____ |

Comments on the project idea:

Watershed Districts or Watershed Management Organizations

Name _____ Contact _____

- Any project undertaking grading, filling, or other land alteration activities that involve the movement of 100 cubic yards of earth or removal of vegetation on greater than 10,000 square feet of land.
 - All projects that create or fully reconstructs 6,000 square feet or more impervious surface.
 - All major subdivisions or minor subdivisions that are part of a common plan of development.
 - Any project grading with wetland impacts, within public waters, or within buffers.
 - Any project with grading within 40-feet of the bluff line.
 - Any project in the St. Croix Riverway that requires a building permit and adds 500 square feet or greater of additional impervious surface.
 - Any project requiring a variance from local impervious surface zoning requirements.
- Development projects that impact 2 or more member communities.

Comments on the project idea:

The Department of Natural Resources

Name _____ Contact _____

- | | |
|----------------------------------|--|
| <input type="radio"/> Shoreland | <input type="radio"/> Riverway in state managed zone |
| <input type="radio"/> Wetland | <input type="radio"/> Bluff |
| <input type="radio"/> Floodplain | <input type="radio"/> Vegetation |

Comments on the project idea:

The National Park Service

Name _____ Contact _____

- Scenic easements (from Stillwater Township North)
- Riverway in federally managed zone
- Vegetative/timber cutting in federally managed zone
- Subdivisions in federally managed zone

Comments on the project idea:

The Army Corps of Engineers

Name _____ Contact _____

- Docks and levees
- Wetlands

Comments on the project idea:

Other:

Name _____ Contact _____

Comments on the project idea:

Overall summary of pre-application meeting:

What do you need to change about your plans? What applications may you need to apply for?

APPLICATIONS THAT REQUIRE APPROVAL

OTHER APPLICATIONS MAY BE REQUIRED

TYPE	DESCRIPTION	AUTHORITY
GRADING PERMIT	Needed when making changes to the earth's topography.	Local Government
<div style="border-left: 1px solid black; border-bottom: 1px solid black; padding-left: 5px; margin-bottom: 5px;">EROSION CONTROL PLAN</div>	Included in grading permit. Shows how the project will prevent or control wind or water erosion during construction.	Local Government
WATERSHED REVIEW	Fill out separately through the watershed management organization (WMO). The WMO will review the project plans and provide recommendations.	Local Watershed Management Organization (WMO)
NATIONAL PARK SERVICE SCENIC EASEMENT REVIEW	Verify separately through the National Park Service (NPS). The NPS will review project plans, provide recommendations, and approve or deny a project.	National Park Service (NPS)
WELL OR BORING LICENSE	For drilling, constructing, and repair of wells; sealing of wells; installing of well pumps and pumping equipment; excavating, drilling, repairing, and sealing of elevator borings; construction, repair, and sealing of environmental bore holes; construction, repair, and sealing of bored geothermal heat exchangers.	State Department of Health
SEPTIC PERMIT	For installing new septic tanks and/or soil treatment areas (drain fields, at-grades and mounds). All repair or modification of existing systems and components. Changes in the facility served by the system may trigger a permit.	County Government

APPLICATIONS THAT REQUIRE APPROVAL, CONT.

OTHER APPLICATIONS MAY BE REQUIRED

TYPE	DESCRIPTION	AUTHORITY
ZONING APPLICATION	For construction projects in the floodplain, in the St. Croix Riverway, Conditional Use Permits	Local Government
FLOODPLAIN VARIANCE OR CUP	For construction projects in the floodplain or floodway, and floodproofing.	Local Government
VARIANCE APPLICATION	If there is a practical difficulty or hardship on the property the landowner may apply for a variance to a city ordinance.	Local Government
RIVERWAY VARIANCE	There are unique building restrictions in the Riverway boundary along the St. Croix River.	Local Government
CONDITIONAL USE PERMIT (CUP)	A conditional use permit grants a use when the standards have been met by the applicant. The use is allowed by permit only if special concerns are addressed as set forth in the zoning ordinance.	Local Government
CERTIFICATE OF COMPLIANCE	For projects that meet all zoning requirements.	Local Government
OTHER _____	_____	_____
_____	_____	_____
OTHER _____	_____	_____
_____	_____	_____

APPLICATION PROCESS

SUBMIT APPLICATION

Applicant submits zoning application(s) to local unit of government.

Application completeness: Incomplete applications or submittals that do not meet application standards will be returned.

Pay fees and escrow payment: This money will be used for engineers, planners, legal review, and other work during the application review process. Money in escrow is held until all appropriate review requirements are met. Applicants are responsible for all expenses that exceed the escrow amount.

APPLICATION REVIEW PROCESS

The review process may vary based on local government and type of application. Once all necessary reviews are complete, the application will go to the planning commission approval and/or city council for final approval.

Public Hearing: City officials will review land-use applications at a public hearing. Applicants and other interested parties may argue their case at this time.

Application Approval or Denial: If approved, the project may have some required conditions and/or mitigations. If denied, the landowner cannot implement the project or may choose to appeal the decision.

APPLY FOR DEVELOPMENT-RELATED PERMITS

If approved, applicants will need to apply for permits to implement the project. If expenses have exceeded escrow amount those fees must be paid before continuing the building process.

PLANNING AND ZONING APPLICATIONS TIMELINE

If city staff determines that a planning and zoning application is required, the application form, fee, and supplemental application materials shall be submitted to City Hall. Typically, the duration to complete the application review and approval process is approximately three months. Please keep in mind that additional information may be required for larger scale projects or for properties located in the floodplain or adjacent to the St. Croix River.

Before the public hearing

- Applicant submits abstractor's certificate showing names and addresses of all property owners within 500 ft. of the affected property.
- The local Zoning Administrator sends notice and copies of the applicant's information to all involved agencies/organizations.
- Notice of the purpose, time, and place of the public hearing is
 - mailed to all property owners listed in division.
 - is published in the official newspaper of the city.

After the public hearing

- Applicants can appeal the decision.
- Local government sends application and decision to
 - The Minnesota Department of Natural Resources
 - The National Park Service (for scenic easements)
 - Record against property at the County

RIVERWAY APPLICATION REQUIREMENTS

Zoning application requirements may vary based on your project and local government.

- Location of floodway and floodplain
- Adjoining water-oriented uses
- Information regarding septic system including type, size, and location
- Provide description of property use
- Surveyed plat including:
 - Ordinary High Water Mark
 - Blufflines
 - Property location
 - Boundaries
 - Existing and proposed structures with elevations
 - Setbacks
 - Dimensions
 - Elevations
 - Utility and Roadway Corridors
 - Summary of existing vs. proposed impervious surface
- Drawing showing building elevations
- Location of existing and proposed alterations of vegetation and topography
- Most recent aerial view of property with property lines
- Location of & information for water supply system
- Pictures of the property as viewed from the river
- Any vegetation alterations
- National Park Service Approval
- Watershed Approval
- Additional materials requested by the local government:
 - _____
 - _____
 - _____
 - _____
 - _____

DEVELOPMENT PERMITS

TYPE	DESCRIPTION	AUTHORITY
BUILDING PERMIT	Allows new construction, or adding onto pre-existing structures, and in some cases for major renovations.	Local Government
MECHANICAL PERMIT/HVAC	Allows the installation or replacement of a furnace, air conditioner, fireplace, wood stove, HRV unit, alteration or repair of gas piping between the meter and an appliance or other equipment, including all liquefied petroleum gas piping.	Local Government
ELECTRICAL PERMIT	Allows the installation or alteration any permanent wiring or electrical device. Allows additional wiring and installation of an electrical outlet, light fixture, a receptacle for a garage-door opener, or conversion from fuse box to circuit breakers.	State: MN State Electrical
PLUMBING	Allows the replacement of water heaters and underground piping, alterations of piping inside a wall or ceiling, or beneath a floor. and for plumbing in all new	MN State Department of Labor and Industry
DEMOLITION PERMIT	Allows a building to be raised or removed in its entirety from a lot.	Local Government
VEGETATIVE CUTTING PERMIT	Cutting down trees larger than 4 inches in width in the Riverway district.	Local Government
UTILITY/RIGHT OF WAY PERMIT	Allows construction or excavation in the City right of way. Some of the activities permitted are driveways, curbs, sidewalks, pipe installation, ditch excavation, cable installation, or any construction in the right of way.	Depends on who owns the right of way

BUILDING PROCESS

START PROJECT

The landowner can begin construction once zoning applications are approved and necessary building permits are acquired.

DEVELOPMENT INSPECTIONS

The building inspector will check in on the project during construction to ensure all requirements and conditions are being met.

FINISH PROJECT

Submit As-built Survey and Pictures: Applicants submit as-built surveys and pictures to document the completed project with the local government.

Post-project inspection: The building official will inspect the project when construction is complete.

Certificate of Occupancy: Certifies a building's compliance with applicable building codes and other laws, and indicating it to be in a condition suitable for occupancy.

Project documentation requirements vary by project.

